

# Public Document Pack

# Blackpool Council

22 January 2018

To: Councillors Humphreys, Hutton, Jackson, O'Hara, Robertson BEM, D Scott and L Williams

## **PLANNING COMMITTEE**

### **Update Note and Public Speakers List**

Please find attached the Update Note and Public Speakers List for Tuesday, 23 January 2018 meeting of the Planning Committee.

[Update Note and Public Speakers List](#) (Pages 1 - 10)

Yours sincerely

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**Planning Committee:**

23 January 2018

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## Planning Application Reports – Update Notes

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Listed below are changes to the planning reports made as a result of additional information received since the publication of the agenda for this meeting.

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Case:	Address:	Update:
17/0466	LAND AT WARREN DRIVE	<p>United Utilities have confirmed that Anchorsholme Pumping Station was operational on 22 November 2017 when a 1 in 64 year rainfall event occurred and this event was preceded by a period of heavy rainfall. This rainfall event caused a number of roads in the Anchorsholme area to be flooded. United Utilities maintains its position on the application that the drainage scheme for the development is acceptable and will not put the proposed properties at risk of flooding and will not cause flooding to the surrounding area because there will be on site surface water attenuation to cater for a 1 in 100 year storm and additional capacity to cater for climate change. Discharge of surface water from the attenuation tanks would be at the rate of 5 litres per second which is equivalent to the run off rate from a greenfield site.</p> <p>It has also to be borne in mind that the new pumping station at Anchorsholme Park will be operational if and when the houses proposed would be built and occupied.</p>

17/0640	MA KELLY'S, 44-46 QUEENS PROMENADE	<p><b>Elgin Hotel's latest comments:-</b> I write as a reminder of our concerns outlined on 19<sup>th</sup> December 2017 and have added further comments in bold italics.</p> <p><b>1.</b> There does not appear to be a rear exit from the Sports Bar that is 'fit for purpose' except between tables and chairs in the 'back room' or through the toilets. Add this to the comments made by their architect about 'the difficulty of staggered opening times', it appears from the plan that clients would have to come out of the front of the building if they wanted to smoke or indeed leave the bar after the 9pm restriction. <b><i>Surely this makes the application flawed from the start. Have any further plans been submitted? It is suggested that the new area is purely for 3 darts boards and one snooker table but it all seems very vague. One would expect a new plan to show where the bar is located (as existing or alternative location).</i></b></p> <p><b><i>The plan attached for the Planning Committee appears to be a plan of Uncle Tom's Cabin prior to Ma Kellys. For the purpose of clarity we feel it is important that the conditions are attached to the most up to date plan.</i></b></p> <p><b>2.</b> The entrance doors to the proposed bar are less than 2 m wide within a small ginnel (4 m x 6 m). This ginnel is a matter of only 2 m from a guest's bedroom window of the Elgin Hotel. Indeed within 10m there are 15 bedroom windows. With the best will in the world, and even with a complete smoking ban at the front of the property (which would be very hard to enforce), drinkers will congregate in this area. This may be to meet friends going into the bar or at the half time of a big football match just to get some fresh air. On a windy day this area will afford a certain amount of shelter from the wind – making it even more attractive. You only have to drive around town to see people standing outside pub and hotel entrances drinking and yes, often smoking. The noise from these people will be considerable and amplified in this small confined area, very much to the distraction of our long standing clientele. The negative impact on our business of this going ahead cannot be overemphasised. It very much goes against the Council's 'Core Strategy' of developments not adversely affecting neighbouring properties and businesses.</p> <p><b><i>On page 76 of the report – condition 3 – there seems to be a lack of details as to what the sound limits should be. Surely it needs to be made clear what level</i></b></p>
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		<p><i>of noise insulation has to be achieved. It is worth noting that the difference between what the report says by way of conditions (page 64') and what the proposed condition actual says (page 76 Condition 3).</i></p> <p><i>As in Hans Tucker's first report, we believe that any sound from within the Sports Bar should be 'effectively inaudible' from outside. I have attached a copy of Hans Tucker's latest report and they suggest that the noise impact assessment submitted by Ma Kelly's is incomplete in many ways. I am no technical expert but it appears that some of the workings are missing and others are inaccurate. The latest Environmental Protection Officer comments are consistent with Hans Tucker in suggesting that the noise assessment submitted by the applicant is incomplete and that further information is required.</i></p> <p><i>Environmental Protection make reference to the fact this room being a Sports Bar with Snooker and Darts (page 65) but from what I can see there is nothing preventing them having Live Music or Karaoke in this area. Maybe this should be put in as a Planning Condition? Looking at the summary of Hans Tucker, there seems to be 'insufficient evidence to demonstrate that there would be no impact to surrounding noise sensitive receptors'. Surely this detail needs to be sorted out before any planning permission is granted?</i></p> <p>3. The location of this entrance is wholly unacceptable – the existing main entrance is quite near enough to our property. With some internal alterations to the property it would be quite possible to have an internal division at the front and back doors to segregate the Sports Bar from the Cabaret area which would appear to be Mr Kelly's intention. <b><i>On the basis of Mr Kelly meeting the correct noise levels, this is surely the way ahead with exit of the building to rear after the 9pm time limit for the front door.</i></b></p> <p>I appreciate that you have to work for the development and prosperity of the Town as a whole but feel strongly that if Planning Permission is given (with current conditions) it would have a significant negative impact on our business.</p> <p><b>Up-dated Hann Tucker comments</b></p> <ul style="list-style-type: none"> <li>• The measured levels inside the bar seem to be</li> </ul>
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		<p>lower than we would typically expect for a sports bar.</p> <ul style="list-style-type: none"> <li>• The calculation of the required performance of the building structure does not appear to have been calculated according to any established calculation procedures for the breakout of noise. There appears to have simply been a subtraction of the <math>L_{90}</math> from the internal <math>L_{10}</math>.</li> <li>• The assessment has been carried out to levels measured on a Saturday night, we would recommend that an assessment is carried out to the Sunday night, which would typically be quieter and thus more sensitive.</li> </ul> <p><b>Further comments-</b> this is a review of the noise impact assessment report from Martin Environmental Solutions dated December 2017. The report concluded that the proposed extension can be constructed to prevent any significant adverse impact on the neighbouring property. We note that the report also recommends that a detailed assessment be undertaken and required through a condition prior to commencement of the works.</p> <p><b>Policy and Guidance</b> We consider the adoption of the Institute of Acoustics ‘<i>Good Practice Guide on the Control of Noise from Pubs and Clubs</i>’ (2003) to be appropriate.</p> <p><b>Environmental Noise Survey</b> The full results of the environmental noise survey (Appendix A) are missing, this would be useful when reviewing the summary of survey data which has been presented. The survey was carried out on a Saturday night, when background levels would typically be expected to be highest. If operation is proposed on Sundays, typically the quietest night-time period of the week, then an assessment which considers the impact on a Sunday night should be undertaken.</p> <p>Clarification should be provided on the conditions under which the internal noise measurements were conducted (e.g. during a sporting event, how busy the pub was, etc.). The internal noise levels (3.10) within the bar are lower than typically expected from a ‘sports bar’, particularly during a significant sporting event, and indicate that any background music was either very quiet or not present. Although a particular business model/operator may require a ‘relaxed’ or ‘quiet’ atmosphere, planning approval will remain in place as long as the development exists. Subsequent owners or tenants may provide louder entertainment in the future</p>
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		<p>that is considered to be more typical of the venue. For this reason, we would expect a robust assessment to refer to 'typical' noise levels from similar establishments.</p> <p><b>Proposed Limits</b> The broadband background sound level (LA90) used as a limiting criteria appears to be at the higher end of the measured range presented, the full measurement data for the duration of the survey would therefore be useful to review this. Nevertheless, the guidance adopted states that the LA90 should not be exceeded, implying that the min LA90 should be used.</p> <p>The octave band L90 values used to set limiting criteria have been averaged over a 4 hour measurement period although the justification for this is unclear. It should also be noted that it is not strictly correct to mean average statistical values (L90, L10) over time. Regardless, as stated above, the guidance which has been adopted advises that the L90 should not be exceeded, implying that the minimum L90 should be used to set limiting criteria. The full measurement data from the survey is not available to allow us to comment on the effect this would have on the limiting criteria.</p> <p>The guidance which has been adopted recommends that an assessment considers the 1/3 octave bands from 40-160 Hz, but only 1/1 octave band measurement data has been presented. The justification for this is a lack of 1/3 octave band data for most building materials. We agree that the lack of suitable data often necessitates an assessment to be conducted in 1/1 octave bands, however in this case, both the document which has been referenced later in the report (Tata Steel Technical Paper) and the predicted sound insulation performance data from Insul contain the 1/3 octave band data which would be required for a more detailed assessment. We would recommend that the measured 1/3 octave band data is presented to enable a more detailed analysis.</p> <p><b>Assessment of Entertainment Noise Breakout</b> The calculation of the required sound reduction performance of the building envelope does not appear to follow any recognised calculation procedures and simply subtracts the proposed limits from the measured internal noise levels, ignoring the effects of the surface area of the radiating element, the distance of the receiver from the radiating surface and any correction for the transfer from an internal diffuse field to an external free-field. Single figure weighted sound reduction indices appear to have</p>
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		<p>been presented to demonstrate suitability of construction types acoustically, however this single figure value does not reliably represent the performance of a structure at low frequencies (i.e. the pertinent 'bass' noise from music systems). We would therefore recommend that suitability of any wall/roof construction is assessed in greater detail at all frequencies, in line with the above.</p> <p><b>Summary</b> A review of the noise impact assessment report (ref. 1529-1) has highlighted several points which require further clarification.</p> <p>We recommend that a full and detailed assessment of noise breakout from the proposed development is undertaken which considers limits based on the lowest LA90 and L90 values in accordance with the adopted guidance. These levels should be measured during sensitive time periods (i.e. Sunday night). The measured internal noise levels within the bar are lower than we would typically expect for a sports bar. We recommend that the assessment makes reference to typical noise levels for a sports bar which may be expected during sporting events. The assessment does not appear to have followed any recognised calculation procedures for the transfer of noise from an internal diffuse field to an external free field and has instead simply subtracted the proposed limits from the internal noise levels to obtain the required sound reduction indices. We would recommend that the full calculations which have been used to predict the required sound insulation performance of the building envelope are requested/ presented. At this stage, we cannot agree that sufficient evidence has been provided to demonstrate that there would be no adverse impact to surrounding noise sensitive receptors.</p> <p><b>Environmental Protection- up-dated comments</b>  I have already recommended a condition that further calculations are done and submitted regarding the acoustic performance of the building envelope once final design and materials are known. I have also recommended that use of the front entrance is restricted to avoid noise. Ma Kellys ideally need to make it as easy as possible for their customers to get out to the rear for smoking etc. This will discourage use of frontage and reduce the burden on staff who will need to manage this aspect. Shelter from the elements is also likely to be better at the rear.</p>
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