

<b>DECISION DATE</b> 16 March 2009	<b>APPLICATION NO.</b> 09/00036/CU A8	<b>PLANNING COMMITTEE:</b> 9 March 2009
<b>DEVELOPMENT PROPOSED</b>  CHANGE OF USE FROM SHOP TO COMMUNITY CENTRE		<b>SITE ADDRESS</b>  234 - 235 MARINE ROAD CENTRAL MORECAMBE LANCASHIRE LA4 4BQ
<b>APPLICANT:</b>  Mr A Edzi 98 Albert Road Morecambe LA4 4QT		<b>AGENT:</b>

#### REASON FOR DELAY

None.

#### PARISH NOTIFICATION

None.

#### LAND USE ALLOCATION/DEPARTURE

Lancaster District Local Plan - Within the Morecambe Conservation Area and Tourist Opportunity Area

#### STATUTORY CONSULTATIONS

**Environmental Health Officer** - No comments have been received in respect of the current proposal but concerns were raised over the earlier application over the potential for adverse impacts. Possible need for sound proofing and control of operational hours if the upper floors use is residential. Full comments will be reported verbally at the meeting.

**County Highways** - No observations.

#### OTHER OBSERVATIONS RECEIVED

**Morecambe Chamber of Trade** - No comments have been received in respect of the current proposal but concerns were originally raised that the use is inappropriate for a retail unit on the Central Promenade and promotion of a use for patrons of limited ethnicity may contravene the Race Relations Act. Full comments will be reported verbally at the meeting.

**Access Officer** - Insufficient detail to assess the proposal.

## **REPORT**

### **Site and its Surroundings**

The application site is located on Marine Road Central, close to the junction with Skipton Street. The property lies in a mid terrace position adjoining a ground floor retail unit to the east (known as 'This and That') and a public house ('Al's Bar') to the west. The retail unit has two independently occupied residential flats above; whilst the public bar contains only storage at the upper levels in connection with the ground floor use.

The property within which the application site is located comprises three floors. The ground floor is a recently vacated retail unit ('West End Fashions'), with first floor storage and an upper floor residential flat accessed from the rear of the property. The building is generally run down and in need of maintenance and upgrading. The ground floor unit has a large flat roof projecting canopy together with solid galvanised roller shutter across the main shop frontage.

### **Planning History**

Members will recall that this site was the subject of a recent applicant, (Ref: 08/01098/CU), which sought consent for a change of use of the property to a community centre. A copy of the original agenda item is attached to this report. The earlier application sought to open the centre from midday to 6am the following day, 7 days a week.

The application had raised no objections from the local constabulary and was not considered to conflict with tourism or conservation policy and was recommended for a cautious approval subject to significant controls over the use and location of the development (ground floor only), provision of mitigating soundproofing and control over forecourt parking/use.

Members had concerns over the relationship of the development to neighbouring residential flats and the potential impact from late night/early morning activities associated with the proposal. Following debate the application was subsequently refused due to its potential to adversely affect the amenities of residents. In addition, the proposal did not seek to improve the poor external elevation as part of the proposal.

### **The Proposal**

The current application is a resubmission which seeks to address the concerns of the Planning Committee. The application still seeks to develop a community centre/snooker and pool hall (ground floor only) with limited refreshments available (tea, coffee, biscuits and sandwiches). However, the hours of operation have been substantially reduced with the premises seeking to open until 2am on Friday and Saturday rather than 6am as originally proposed. On all other days the Centre would close at midnight. There are however still no proposals to redevelop or improve the frontage to the building; again the application seeks only to change the use of the building without external works.

The applicant had originally indicated that the centre would be open to the public and is anticipated to attract predominantly workers in the licensing, catering and other late night unsociable hours trades (the applicant has indicated Turkish, Asian and Polish workers but has said that the premises will also be open to all members of the public). The reduced opening hours will clearly restrict the nature of the use of the premises and a query has been raised with the applicant about how the centre is anticipated to operate within the reduced hours. To date no response has been received but will hopefully be available in time for the committee meeting.

## **Planning Policy**

The application site lies within the Morecambe Conservation Area and an area currently subject to a second Townscape Heritage Initiative (THI) bid - 'A View for Eric'. In addition the area is designated a Tourist Opportunity Area within the Lancaster District Local Plan.

There are no retail protection policies along the promenade. Policies E35, E36 and E39 of the Lancaster District Local Plan are pertinent to the development and seek to protect and enhance Conservation Areas.

Policy E1 of the Lancaster Core Strategy also seeks to ensure appropriate development with the Conservation Areas and safeguarding of the District's environmental capital. Policy ER6 encourages the development of tourism to regenerate the local economy, supporting the restoration of the Midland Hotel and the creation of a quality leisure offer in Central Morecambe.

## **Comments**

The proposal should be considered in respect of two main issues; whether it is an appropriate use for the location and what impact the development have upon the character and setting of the Morecambe Conservation Area.

Turning to the impact with the Conservation Area, the application indicates that the proposal does not include any external alterations to the building and as a consequence the proposal will have little, if any variation upon its current aesthetics. The applicant had been approached during discussions over the earlier application in relation to the condition of the building and encouraged to re-assess the lack of intervention on over the external appearance of the building. Removal of the canopy had been suggested and possible improvements to the frontage, but again the application seeks only to change the use of the building with no external alterations.

Forecourt parking is a concern both from its visual impact and potential highway safety implications. Should the proposal be supported, control over parking would need to be introduced by the positioning of bollards. This approach is acceptable to the applicant and appropriate conditions in respect of location/numbered and design would need to be attached to any grant of approval.

The use of the site is one which raises a number of issues. Concerns have previously been raised by the Chamber of Trade over the loss of retail units on the promenade. However, no policies seek to protect retailing in this part of the District. However, policy does seek to ensure a 'quality offer' for tourism in this area.

The neighbouring building has two residential flats on its upper floors and the application building also has a flat to the top floor. The late night use of the building has a potential to cause disturbance to residential occupiers. However, given the presence of a public house immediately alongside the application site it would be unreasonable to further restrict the hours of operation of the proposed centre/club to those indicated in the application submission.

In an attempt to reduce any impact potential disturbance, the application has been restricted to the ground floor only and soundproofing conditions would be attached to further mitigate the potential for disturbance to the neighbouring residential occupiers should the development be supported. Furthermore, the precise nature of the use of the development would be restricted to that indicated by the applicant to prevent other less appropriate uses being developed at the site without the benefit of planning consent.

## Conclusion

The applicant has attempted to address some of the concerns of the committee by substantially reducing the hours of operation but the application is not seeking to improve the external elevations of the building which was a concern of members.

Given the important location of the premises within the Conservation Area, it is recommended that a condition be imposed requiring improvements to the shop front/entrance area. On balance, the proposal is one which could be developed without undue impact upon the Conservation Area, the tourism potential for the area and neighbouring uses and again approval is considered appropriate subject to significant controls over the use and the location of the development, provision of mitigating soundproofing and control over forecourt parking/use.

## HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to the provisions of the Human Rights Act, in particular Article 8 (privacy/family life) and Article 1 of the First Protocol (protection of property). Having regard to the principles of proportionality, it has been concluded that there are no issues arising from the proposal which appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

## RECOMMENDATIONS

That **PERMISSION BE GRANTED** subject to the following conditions: -

1. Standard 3 Year time Limit
2. Development to be built in accordance with the agreed details
3. The use of as a community centre/snooker hall shall be limited to the ground floor of the premises known as 234-235 Marine Road Central only
4. The use of the site shall be limited to a community centre/snooker and pool hall as described in the applicant's submission details and supporting letter.
5. The hours of use of the premises shall be limited to 8:00am to 2:00am (Friday and Saturday) and 8.00am to Midnight Sunday to Thursday.
6. Any external alterations to the building, including the installation of any flue/extraction systems shall be undertaken in accordance with details to be submitted to and be agreed in writing with the Local Planning Authority.
7. A scheme of soundproofing to the site shall be submitted to and be approved in writing by the local planning authority. The development shall be undertaken in accordance with the agreed scheme.
8. Prior to use of the development a scheme for the design, location and erection of bollards to the forecourt area shall be submitted to and be approved in writing by the local planning authority. The development shall be undertaken in accordance with the agreed scheme.
9. Before the site is brought into use a detailed scheme for improvement to the entrance/shop front should be agreed with the Local Planning Authority. The approved works should be implemented in accordance with a timetable to be agreed with the Local Planning Authority.