

<b>Agenda Item</b> A5	<b>Committee Date</b> 4 February 2013	<b>Application Number</b> 07/01810/OUT
<b>Application Site</b> Central Promenade Redevelopment Site Marine Road Central Morecambe Lancashire		<b>Proposal</b> Outline application for the redevelopment of Morecambe Central Promenade including retail, leisure, restaurants, cafes, commercial and crèche use (A1, A2, A3, A4, A5, B1, D1, D2) at ground floor level with residential and hotel accommodation (C1, C3) above. Extensive public realm works include a new setting for the Midland Hotel, seaside square, a boardwalk and market square
<b>Name of Applicant</b> Urban Splash		<b>Name of Agent</b> Flacq Architects Ltd
<b>Decision Target Date</b> 12 September 2008		<b>Reason For Delay</b> Economic downturn, various amendments to the scheme, additional study/assessment work and the timescale for input from statutory consultees
<b>Case Officer</b>		Mr Mark Cassidy
<b>Departure</b>		No
<b>Summary of Recommendation</b>		Refusal

## **1.0 The Site and its Surroundings**

- 1.1 This is an outline application for the comprehensive redevelopment of the Central Promenade site. The matters applied for seek to agree the scale of development, the landscaping associated with the proposal and the access arrangements. Other matters such as layout and appearance are reserved for future consideration, should this outline application be approved.
- 1.2 The 7.5 hectare site lies immediately adjacent to the Midland Hotel, a Grade II\* listed building, which was brought back into use by the applicant in partnership with the City Council, the North West Regional Development Agency and English Heritage. The land previously contained a number of other uses and buildings including The Dome and the Bubbles Leisure Centre site. Other notable features across the site include the Promenade Gardens and the War Memorial. The Bay Arena Car Park, accessed via Marine Road, is located at the eastern end of the site. The Royal National Lifeboat Institution Station lies adjacent to the north-west of the application site close to the Stone Jetty.
- 1.3 The site abuts Morecambe Bay which is a Natura 2000 site – otherwise referred to as a network of protected areas consisting of Special Protections Areas (SPA) under the Birds Directive; and Special Areas of Conservation (SAC) under the Habitats Directive. In addition the Bay is also a designated Ramsar Site (a Site of Wetlands Importance).
- 1.4 Despite the depth of the site and its position on the seaward side of Marine Road, the site still enjoys a physical relationship with the buildings on the opposite side of the highway, most particularly the imposing Winter Gardens, which was built as the Victoria Pavilion in 1897 and is a Grade II\* listed building.

1.5 The site lies within the Morecambe Conservation Area and is highly accessible. A number of other saved Lancaster District Local Plan (LDLP) designations affect this site, and these are described in detail at Section 6.0 of this report.

## **2.0 Evolution of the Scheme and the Current Proposal**

2.1 The Central Promenade site was the subject of a design competition which was launched in late-2005 by Urban Splash in conjunction with the Royal Institute of British Architects and the City Council. 101 entries were received, and a shortlist of six entries was chosen. After deliberation the scheme submitted by FLACQ Architects/Grant Associates was announced as the winning entry in 2006. It was this successful entry which then informed the design of the outline planning application.

2.2 This outline application was first submitted to the local planning authority in late-2007. It proposed the demolition of the Dome (now removed from site) and redevelopment of the land to provide a number of new buildings, the most prominent of which were seven 'finger blocks' positioned in a splayed arrangement commencing close to the Midland Hotel and continuing towards the easternmost part of the site, opposite the Winter Gardens. The scheme also proposed extensive public realm works to create new public squares and thoroughfares through the site towards the Stone Jetty. The War Memorial was to remain in situ.

2.3 Despite its submission in late-2007, the outline application was found to be invalid upon receipt due to the omission of several key supporting documents. Most of these documents were submitted in Summer 2008, and it was at this time that the local planning authority commenced its first public consultation (the outcome of which is referred to in Sections 4 and 5 of this report).

2.4 Once the consultation period had ended, Officers evaluated the scheme before them and then formally wrote to the applicants in November 2008. This letter was critical of the scheme that had been submitted despite the fact that the principle of development was supported. In particular the letter listed thirteen points which required either significant amendment; re-evaluation or clarification, relating predominantly (but not exclusively) to issues of scale and layout.

2.5 By 2008/2009 the global economic climate had of course changed markedly. As a consequence the applicants were understandably not in a position to formally submit amendments, although a series of meetings took place with statutory consultees and revisions were discussed and drafted. In November 2009 they did write to update the local planning authority with the progress that they were making on various issues, and they indicated that as the "various studies" were completed they would seek to formally "lodge the updated drawings and information".

2.6 This information was not forthcoming and so the outline application was presented to the February 2010 Planning and Highways Regulatory Committee, with a recommendation of refusal. The reasons for refusal were as follows:

- (i) *The proposed buildings would be excessive in scale and depth, and as such they would have a dominating and overbearing impact upon the openness of the site, the character and appearance of the Morecambe Conservation Area and the setting of the two nearby listed buildings (The Midland Hotel and The Winter Gardens). Consequently they would be contrary to National PPG 15 – 'Planning and the Historic Environment', National PPS 1 – "Delivering Sustainable Development", Regional Spatial Strategy Policies DP1 and DP2, and Lancaster District Core Strategy Policies SC1 and SC5.*
- (ii) *The proposed layout of the site, even at this indicative stage, delivers a mass of impermeable block that would sever connectivity and pedestrian access between Marine Road and the Promenade. As a consequence the development would fail to maximise opportunities for improving functionality, inclusivity and community cohesion. The absence of appropriate linkage would therefore be contrary to National PPS1 – 'Delivering Sustainable Development', Regional Spatial Strategy Policies DP1 and DP2, and Lancaster District Core Strategy Policies SC1 and SC5.*
- (iii) *The application contains an excess of residential parking spaces that could be reduced given the site's geographically-sustainable location. Reducing the amount of car parking spaces would also be consistent with Morecambe's designation as a Cycling Demonstration Town, and opportunities to increase cycle parking spaces could also be*

*delivered as part of the proposals. Therefore the proposal would be contrary to National PPG 13 – ‘Transport’ and Regional Spatial Strategy policies DP1 and DP5.*

At that meeting, Members decided to defer the application by a vote of 16 in favour and 3 against, “to enable the receipt, public consultation and consideration of amended plans, when available”.

2.7 In March 2010 the applicant provided updated proposals. This confirmed that the outline application was being treated as a parameters-based application. The local planning authority then re-consulted statutory bodies and local residents on the amended plans.

2.8 In April 2010 Officers received confirmation that determination of the outline application was to be held in abeyance pending an evaluation of a potential marina at the Central Promenade site. Both parties agreed that this feasibility evaluation was to run separately to the outstanding outline application. The final feasibility report was received by the City Council in January 2011 and the report concluded that there was not a sufficiently strong market for a marina on the north-west coast and that even if there were such a market, then alternative locations (i.e. away from Morecambe) would be able to supply a solution for demand as it would potentially have a lesser impact on the high level nature conservation constraints in Morecambe Bay. Specifically, the final paragraph of the Executive Summary of the Feasibility Report stated the following:

*“It is concluded that the ability of a marina in this location to sustain itself operationally is ‘high risk’ and may rely on income streams other than berth fees. The business can, at best, only support a very small fraction (3%) of the capital cost of the scheme with the balance of the money needed being gifted in some way to the scheme. Given the financial problems and high risk of achieving the environmental consents needed, the commercial sector would deem the development of a marina at this location to be “very high risk” and would be unlikely to pursue it. With this in mind, the Council may wish to consider alternative opportunities that achieve in full or part, an enhancement of the Morecambe waterfront”.*

2.9 Following the discounting of the marina option, matters turned once again to the outline application and a meeting took place in January 2011. At this meeting Urban Splash reiterated their commitment to developing the site for a mix of uses. This meeting also sought to agree a timescale for assessment of the scheme by Lancashire County Council’s Highways Department and the provision of updated parking data, the drafting of amended statements regarding retailing and heritage matters (to take into account revised national guidance), and revisions to the Design and Access Statement. Unfortunately the applicant was unable to adhere to the suggested timescale and in June 2011 the local planning authority enquired as to progress. For the remainder of the year and into 2012 the applicant was engaged in commissioning the new retail and heritage studies and they kept the local planning authority updated on progress.

2.10 In mid-2012 the applicant was able to submit the revised documents and plans, which allowed the local planning authority to reconsult on the amended proposals. A separate Listed Building Consent application (Ref: 12/00581/LB) was also submitted for the partial demolition and alteration to the Midland Hotel’s curtilage wall.

2.11 The proposals have evolved since the application was first validated in 2008. The general concept remains the same; a comprehensive development which would include retailing, leisure uses, restaurants and other commercial uses, with a considerable element being residential (predominantly upper floors) and hotel/serviced accommodation. The proposals also envisage a series of public squares or areas, which have remained largely unaltered by the revisions. These include:

- **Midland Circus** – A ‘table-top plaza’ area incorporating new surface treatments on Marine Road, designed to improve accessibility between the seaward and landward side of the highway and with potential for public events, and planted (on the seaward side) to frame and respect the Midland Hotel;
- **Seaside Square** – A predominantly rectangular area of public open space to the north of the Midland Hotel and adjacent to the first proposed ‘finger block’. It is anticipated that this Square would provide outdoor seating, play spaces, water jets and a staging area for outdoor

events;

- **The Pleasure Gardens** – A landscaped area separating Marine Road from the proposed new buildings, including potentially a new events pavilion and seating;
- **The Boardwalk** – A partially-covered pedestrian and cyclepath providing west-east connectivity through the site, running in front of the new buildings and providing access to the ground floor uses contained therein. The Boardwalk also provides access to the Midland Hotel and to Seaside Square (and the Stone Jetty);
- **The War Memorial Square and Gardens** – An area of enhanced planting around the existing War Memorial;
- **The Market Place/Square** – A flexible area to the east of the site, broadly on the existing area of the Bay Arena Car Park, accessed via the promenade access road providing visitor car parking and a potential venue for festivals and outdoor markets;
- **Summer Gardens** – Technically one of the ‘finger-blocks’, but the Summer Gardens was envisaged as a lightweight structure accommodating visitor attraction(s);
- **Midland Place** – A smaller area of paved public open space immediately to the east of the Midland Hotel, capable of accommodating turning space for vehicles using the Midland Hotel, and an opportunity for high-quality public art;
- **Coastal Courtyards** – Semi-private courtyard spaces at first floor level in between the main finger-blocks. The courtyards are accessible to all residential occupiers of the upper levels (the Courtyards are constructed over the proposed car, motorcycle and cycle parking) and would be complemented by native coastal planting and green/brown roof systems;
- **Midland Point** – A new opportunity on the landward side of Marine Road for commercial development, but as yet, not defined in form or layout. It is anticipated that this would have some open space connecting it to the network of spaces proposed above.
- **The Promenade** – The existing promenade walk remains accessible to all, but is fronted by the new buildings and a series of ‘Beach Houses’ in between. The Promenade will carry the vehicular and service access to the new buildings.

2.12 The quantum of uses and scale of the proposals have changed since 2008; being formally revised in 2010 and then again in 2012. For the avoidance of doubt, it is the latter amendments which are now being proposed and are considered at this Committee. However, to demonstrate how the scheme has evolved, attention is drawn to the parameters previously submitted. The table below (and on the continuing pages) illustrates these parameters.

2.13 To put the table into some context, a layout drawing will be presented to Members at the Committee identifying each building. For the purposes of this table, the Blocks referred to as A1-A6 and also Block 7 are the main blocks laid out in a radial arrangement around the main part of the site. Blocks B1, B2, B3 and B5 (B4 has been deleted) are the smaller infill blocks in-between the larger structures facing towards Marine Road Central. Blocks C1, C2, C3 and C5 (C4 has been deleted) are the smaller units in between the larger structures facing the opposite direction, i.e. towards the Bay. There are also two other separate blocks, referred to as the Pleasure Gardens Block (Block 3) which sits directly opposite Blocks A3 and A4; and Midland Point (Block 8) which is located on the opposite side of Marine Road Central.

*(Table shown overleaf)*

	Validation - 2008	March 2010	CURRENT PLANS – 2012
<b>Height of Block A1</b> <i>(the westernmost block, closest to the Midland Hotel)</i>	Maximum of 19.2m (6 storeys)	13.4m rising to 19.2m <i>Plans and Statement Differ -</i> <i>Massing Study – 4.5 storeys rising to 6 storeys from Marine Road to the Bay</i> <i>Elevations – 3 storeys rising to 6 storeys</i>	4 storeys fronting Marine Road rising to a maximum of 6 storeys fronting the Bay (Max. approx. 19.2m)
<b>Height of Block A2</b>	Maximum of 20m (6 storeys)	13.4m rising to 20m <i>Plans and Statement Differ -</i> <i>Massing Study - 4 storeys rising to 6 storeys</i> <i>Elevations – 3 storeys rising to 6 storeys</i>	4 storeys rising to maximum of 6 storeys (Max. approx. 20m)
<b>Height of Block A3</b>	Maximum of 21.6m (6 storeys)	13.4m rising to 21.6m or 21.9m (see below) <i>Plans and Statement Differ -</i> <i>Massing Study – 3.5 storeys rising to 5 storeys</i> <i>East Elevation – 3 storeys to 6 storeys (21.9m)</i> <i>West, North and South Elevation – 3 storeys to 6 storeys (21.6m)</i> <i>Accommodation Schedule indicates 6 storeys</i>	4 storeys rising to maximum of 6 storeys (Max. approx. 21.9m)
<b>Height of Block A4</b>	Maximum of 23.1m (7 storeys)	12.5m rising to 21.9m, 21.4m or 20.7m (see below) <i>Plans and Statement Differ -</i> <i>Massing Study – 3 storeys rising to 5 storeys</i> <i>West Elevation - maximum height 6 storeys at 20.7m</i> <i>East Elevation – maximum height 6 storeys at 21.4m</i> <i>North/South Elevations – maximum height 6 storeys at 21.9m</i> <i>Accommodation Schedule indicates 6 storeys</i>	4 storeys rising to maximum of 6 storeys (Max. approx. 21.9m)
<b>Height of Block A5</b>	Plans indicated 23.9m, later clarified in writing as 25.5m (8 storeys)	11.3m rising to 19.3m <i>Plans and Statement Differ -</i> <i>Massing Study – 2.5 storeys rising to 4 storeys</i> <i>West Elevation - maximum height of 5 storeys at 19.3m</i> <i>East, North and South Elevations – maximum height of 6 storeys at 19.3m</i> <i>Accommodation Schedule</i>	3 storeys rising to a maximum of 6 storeys (Max. approx 19.3m)

		<i>indicates 6 storeys</i>	
<b>Height of Block A6</b>	Plans indicated 23.9m, later clarified in writing as 28.6m (8 storeys)	10.1m rising to 18m <i>Plans and Statement Differ - Massing Study – 2 storeys rising to 4 storeys East and West Elevations – maximum height of 5 storeys at 18m North and South Elevations – maximum height of 5.5 storeys at 18m Accommodation Schedule indicates 6 storeys</i>	3 storeys rising to a maximum of 5 storeys (Max. approx. 18m)
<b>Height of Block 7</b> ( <i>the easternmost block, opposite the Winter Gardens</i> )	Maximum of 22.7m (4 storeys)	10.2m maximum height  <i>1 storey rising to 3 storeys as per Massing Study and all Plans</i>	1 storey rising to a maximum of 3 storeys (Max. approx. 10.2m)
<b>Height of Pleasure Gardens Block</b> ( <i>referred to as a separate Block 3, in front of Blocks A3 and A4</i> )	Single storey – height not defined but it is intended to be terraced	Single storey – as 2008	Single storey – as 2008
<b>Height of Midland Point</b> ( <i>referred to as Block 8 on the opposite side of Marine Road Central</i> )	Maximum 4 storeys – Height estimated at 12m	Maximum 4 storeys – Height estimated at 12m	Maximum 4 storeys – Height estimated at 12m
<b>Heights of Unit B1, B2, B3 and B5</b>	Single storey with mezzanine (double height)	As 2008	As 2008
<b>Heights of Unit B4</b>	Single storey with mezzanine	Unit deleted from scheme	Unit deleted from scheme
<b>Heights of Units C1, C2, C3 and C5</b>	Double height to achieve two levels	Accommodation Schedule defines these as single storey only, but Design and Access Statement refers to “first floors”	As 2010
<b>Height of Unit C4</b>	Single storey only	Unit deleted from scheme	Unit deleted from scheme
<b>Use of Block A1</b>	Use Classes A1, A2, A3, A4, A5, B1 and D1 at ground floor, and C3 residential on all floors	Use Classes A1, A2, A3, A4, A5, B1, and D1 at the ground floor; either C3 Hotel with 80 beds or 59 apartments above	Use Classes A1, A2, A3, A4, A5, B1, and D1 at the ground floor; either C1 Hotel with 80 beds or 60 apartments above
<b>Use of Block A2</b>	Use Classes A1, A2, A3, A4, A5, B1 and D1 at ground floor, and C3 residential on all floors	Use Classes A1, A2, A3, A4, A5, B1, and D1 at the ground floor; with 61 apartments above	Use Classes A1, A2, A3, A4, A5, B1, and D1 at the ground floor; with 62 apartments above
<b>Use of Block A3</b>	Use Classes A1, A2, A3, A4, A5, B1 and D1 at ground floor, and C3 residential on all floors	Use Classes A1, A2, A3, A4, A5, B1, and D1 at the ground floor; with 66 apartments above	Use Classes A1, A2, A3, A4, A5, B1, and D1 at the ground floor; with 79 apartments above
<b>Use of Block A4</b>	Use Classes A1, A2, A3, A4, A5, B1 and D1 at ground floor, and C3 residential on all floors	Option A: Use Classes A1, A2, A3, A4, A5, B1, and D1 at the ground floor; Option B: including residential units within the mix of uses at the ground floor. Floors above to accommodate 74 apartments.	Option A: Use Classes A1, A2, A3, A4, A5, B1, and D1 at the ground floor; Option B: including residential units within the mix of uses at the ground floor. Floors above to accommodate 85 apartments
<b>Use of Block A5</b>	Use Classes A1, A2, A3, A4, A5, B1 and D1 at ground floor, and C3	Option A: Use Classes A1, A2, A3, A4, A5, B1, and D1 at the ground	Option A: Use Classes A1, A2, A3, A4, A5, B1, and D1 at the ground floor; Option B: including residential

	residential on all floors	floor; Option B: including residential units within the mix of uses at the ground floor. Accommodation Schedule erroneously stated 765 apartments but this meant to be 65 apartments on the floors above	units within the mix of uses at the ground floor. Floors above to accommodate 79 apartments
<b>Use of Block A6</b>	Use Classes A1, A2, A3, A4, A5, B1 and D1 at ground floor, and C1 Hotel on all floors	Use Classes A1, A2, A3, A4, A5, B1, and D1 at the ground floor; either Hotel with 100 beds (Option A) above or (Option B) 60 apartments	Use Classes A1, A2, A3, A4, A5, B1, and D1 at the ground floor; either Hotel with 100 beds or 60 apartments on the floors above
<b>Use of Block 7</b>	Use Classes A1, A2, A3, A4, A5, B1, D1 and D2 on ground and first floors with D1 and D2 above	Use Classes A1, A2, A3, A4, A5, B1, D1	Use Classes A1, A2, A3, A4, A5, B1, D1 ( <i>D2 is later confirmed in applicant's November 2012 letter</i> )
<b>Use of Pleasure Gardens Block – Block 3</b>	Use Classes A1, A2, A3, A4, A5, B1, D1	Use Classes A1, A2, A3, A4, A5, B1, D1	Use Classes A1, A2, A3, A4, A5, B1, D1
<b>Use of Midland Point – Block 8</b>	Use Classes A1, A2, A3, A4, A5, B1, D1 with A1 and A2 only on second and third floors	Use Classes A1, A2, A3, A4, A5, B1, D1	Use Classes A1, A2, A3, A4, A5, B1, D1
<b>Use of Units B1, B2, B3 and B5 (B4 deleted)</b>	Use Classes A1, A2, A3, A4, A5, B1, D1 on ground floors with D1 excluded from mezzanine	Use Classes A1, A2, A3, A4, A5, B1, D1	Use Classes A1, A2, A3, A4, A5, B1, D1
<b>Use of Units C1, C2, C3 and C5 (C4 deleted)</b>	Use Classes A1, A2, A3, A4 and A5 or C3 Residential	Option A – 17 Beach Houses (Use Class C3 Residential) Option B - Use Classes A1, A2, A3, A4, A5, B1, D1	Option A – 17 Beach Houses (Use Class C3 Residential) Option B - Use Classes A1, A2, A3, A4, A5, B1, D1
<b>Proposed Residential Units (including Beach Houses)</b>	403 (44 studio, 246 1-bed, 91 2-bed, 22 beach houses)	402 (53 studio, 258 1-bed, 91 2-bed)	402 (53 studio, 258 1-bed, 91 2-bed)
<b>Proposed Hotel Rooms or Serviced Apartments (Total)</b>	130	Potential for 180 (80 in Block A1 and 100 in Block A6)	Potential for 180 (80 in Block A1 and 100 in Block A6)
<b>Proposed Car Parking Spaces</b>	616 (493 within the new buildings; 76 in the new Midland Circus public area; 47 in the new Market Square public area).	602 (442 within the private parking areas – to be on an unallocated basis, and 160 surface public parking spaces)	602 (442 within the private parking areas – to be on an unallocated basis, and 160 surface public parking spaces)
<b>Proposed Cycle and Motorcycle Spaces</b>	40 cycle; 20 motorcycle	208 cycle – (96 private and 112 public); 26 motorcycle (16 private and 10 public)	208 cycle – (96 private and 112 public); 26 motorcycle (16 private and 10 public)

**Note:** In respect of 2008, the figures are extracted from the applicant's plans and the clarifications document of August 2008. In respect of the current 2012 proposals, the applicant has written to confirm the maximum heights and has indicated that the Massing Study in the Revisions Document is accurate.

- 2.13 Aside from the reductions in height when compared to 2008, the plans also indicate reductions in the depth of some of the units, and these changes will be displayed for Members at Committee.
- 2.14 Despite the changes to the scale, layout and uses within the individual blocks, the principle of the current proposal as presented remains as a mixed-use development, with commercial uses including a leisure use (no end user defined) and a significant quantum of hotel floorspace and/or residential units.

### **3.0 Site History**

- 3.1 The site has a long and colourful history. In the 1840's Morecambe Harbour was constructed by the Little North Western Railway Company. This included the existing stone jetty and several railway lines and sidings. The building at the end of the Stone Jetty was the railway terminus station built in 1853, with the adjacent lighthouse added shortly afterwards.
- 3.2 The original Midland Hotel was built in 1847, known as the North Western Hotel and designed by Edmund Sharpe and EG Paley of Lancaster. Following construction of the Heysham Harbour, which opened in 1904, Morecambe Harbour closed and all railway infrastructure with the exception of one rail siding was removed from the site. The land was then leased by the Midland Railway to the Wards of Sheffield as a ship-breaking yard, and the site witnessed the dismantling of transatlantic liners. This lease ran until 1931. Ten years earlier the War Memorial Gardens had been officially opened on the site.
- 3.3 A scheme to '*Brighten the Promenade*' was commenced in 1931 and the new Midland Hotel and the Harbour Band Arena was opened two years later. The 'Super Swimming Stadium' followed in 1935 and operated for 40 years until its closure in 1975.
- 3.4 The decline of the British seaside resort, predominantly due to the increased availability and popularity of package holidays elsewhere in Europe contributed to a decline in fortunes for Morecambe, and the length of the Promenade in particular. Attempts to maintain vitality in the resort and a continued focus on tourism and leisure uses included the outdoor swimming pool, the 'Bubbles' Complex and the Superdome. None of those uses exist today.
- 3.5 The coastal protection works were completed in 1995 and enabled the Stone Jetty to open again. The Bubbles site was cleared in 2001 and two years later Urban Splash acquired the Midland Hotel, which was successfully renovated to a high standard and was opened to much acclaim in 2008. Previous applications approved by the Planning Committee also ensured the removal of derelict structures, including the Harbour Band Arena.
- 3.6 A second planning application - a full application for Phase One of the buildings (Ref: 07/01811/FUL) - remains undetermined and its outcome will be affected by the decision that Members reach today.
- 3.7 The third application, for Listed Building Consent for the selective demolition and alterations to the perimeter wall surrounding the Midland Hotel (Ref: 12/00581/LB), was submitted by the applicants in July 2012.

### **4.0 Consultation Responses**

- 4.1 Because of the length of time that this proposal has been in abeyance, or been subject to different amendments, there is a need to report all of the statutory consultation comments from 2008, 2010 and the latest comments from 2012.

<b>Statutory Consultee</b>	<b>Response</b>
<b>County Planning</b>	<p>2008 – Considered that the application was in general conformity with the (then) Joint Lancashire Structure Plan subject to compliance with car parking standards, and provided that the City Council is satisfied that there is no sequentially preferable site to accommodate the retail elements. Advised that the proposal was likely to bring investment into Morecambe and will improve investment confidence.</p> <p>2010 – Reassessed against the RSS, they commented that the proposal still conformed to the RSS on the proviso that there were no sequentially preferable sites within the town centre or on edge-of-centre; and providing that the proposal was adequately assessed against the (then) PPS 4 Planning for Town Centres.</p> <p><b>2012</b> – They are supportive of the revisions made and have no further comments to add. They welcome the sensitive redevelopment of Morecambe Promenade and recognise that investment and scope for growth and employment opportunities, as well as an enhanced public realm, will bring great benefits to the area.</p>



<p><b>County Highways</b></p>	<p>2008 and 2010 – No formal response received but they had been involved in detailed discussions with the applicant. A holding letter was sent in 2010.</p> <p><b>2012</b> – No formal observations received. County Highways did send an email on 6 September 2012 stating that the original Transport Assessment in 2007 was out of date and needed revision (revisions needed to consider whether there were any changes to traffic levels, and any changes to the day of first opening of the scheme or changes to the scale of development). County Highways indicated that they would discuss this directly with the consultant/developer before providing their formal views. However no further response from County Highways has been received.</p>
<p><b>County Landscape</b></p>	<p>2008 – Objected on the grounds that the landscape and visual impacts were unacceptable. There will be a moderate impact upon landscape character and a major impact upon landscape value. Despite some excellent site planning, the proposals would (primarily through the creation of buildings that are inappropriate for the site) significantly affect the site's open character and the setting of important buildings. They would also sever visual and physical connectivity between the coast and the town and result in the loss of potentially significant historic landscape.</p> <p>2010 and <b>2012</b> – No formal observations received.</p>
<p><b>County Ecology</b></p>	<p>2008 – The application could be supported providing that there are no issues with bats/bat roosts and that any outstanding bird surveys and necessary mitigation/compensation proposals are submitted, and that Natural England are happy with the proposals. Other conditions should include a Habitat Creation and Management Plan and a requirement to undertake vegetation clearance outside bird breeding season.</p> <p>2010 and <b>2012</b> – No formal observations received.</p>
<p><b>County Archaeology</b></p>	<p>2008 - No further archaeological recording of the site is necessary. The site does not, or is very unlikely to contain evidence of former drowned prehistoric landscapes.</p> <p>2010 – No formal observations.</p> <p><b>2012</b> – There are no archaeological implications.</p>
<p><b>CABE Design Council (Commission for Architecture and Built Environment)</b></p>	<p>2008 - Commended the applicant and the City Council for undertaking a rigorous design competition, and they were pleased to see the spirit of the winning design now brought forward. The project could change the public perception of Morecambe. However whilst the ambition and the broad principles are acceptable, the execution of the scheme creates a wall of development that divides the town from the foreshore. The resulting areas of concern relate to permeability through the “dominating mega-block” and the lack of differentiation in the treatment of the ground plan and architecture.</p> <p>2010 – Repeated their views regarding public perception of Morecambe. Whilst they were mostly supportive of many of the masterplan principles, they advised that the local planning authority should be satisfied regarding CABE's other concerns – notably ensuring that the promenade does not turn into a private domain, that the current palette of materials falls short of the quality imbued by the Midland Hotel, that the entrance sequence to the residential units was foreboding and lengthy, that the environmental strategy is not being thought of as an integral part of the design, and that the design of the development “holds together as a set piece” and “relies heavily” on all phases being built. They were concerned that “...in the current economic climate an incomplete development is possible”. If this occurred they opined that this would have a negative impact on the town and could outweigh any benefit of ‘parts’ being developed.</p> <p><b>2012</b> – No formal observations received.</p>
<p><b>English Heritage</b></p>	<p>2008 - The scheme should not be approved as it stands. They believe that this part of Morecambe will benefit from careful redevelopment, but cannot yet be supported. Further</p>

	<p>visualisations/montages need to be formally submitted, further consideration of the public access area on the seaward side of the development, further consideration of the regrettable loss of the Midland Hotel boundary wall and further clarification of the vehicular impacts of the scheme.</p> <p>2010 – They supported the changes to the masterplan and how it could act as an anchor for the Area Action Plan. They welcomed the reductions in height and massing and revisions to the layout and design. The lack of information regarding the public realm, streetscape and landscaping “is one of the weakest aspects” although the concepts and principles in these areas were noted. They raised the issue of ensuring that the development is seen through to completion. They stressed the importance of ensuring that the war memorial was not left isolated in its surroundings (and English Heritage opened a direct dialogue with the applicant at this point). Alterations to the boundary wall designs were welcomed. A decision needs to be taken as to whether the overriding benefits of a development outweigh any inherent disbenefits – is there sufficient confidence and quality on the overall vision? They believe that a conditional permission could be granted, subject to the issues set out being resolved – if necessary through conditions.</p> <p><b>2012</b> – The amendments have gone further to address the issues in 2010 and they sustain their general support, subject to the clarification of a number of significant planning issues.</p> <p>The 2012 advice continues by saying that the amended scheme would “lead to less than substantial harm to the significance of designated heritage assets so it will be necessary to weigh any harm against the proposed public benefits, including securing the asset’s optimum viable use. The heritage assets were defined as the Morecambe Conservation Area, the Midland Hotel and the Winter Gardens. They still think it would have been desirable for the applicant to use real photo-montaging rather than the line sketches.</p> <p>They understand that the Area Action Plan proposes a less-intensive use of the site and potentially a higher proportion of leisure uses. They recognise that the property market (in addition to planning policy and retail capacity) may have changed considerably in recent years and these changes and the Area Action Plan process needs to be reflected in decision-making.</p> <p>Further details for car parking and phasing are provided in 2012, but if only part of the site was to be developed, will this provide sufficient public benefits to balance against the harm or loss caused to the heritage assets setting (e.g. would the character of the Conservation Area be preserved or enhanced). They are comforted that the public realm and streetscape improvements are to be included in the first phase of development but they say it is unclear as to how this would be financed and implemented prior to sales receipts.</p> <p>They were disappointed with increase to the block heights (<i>although this view is in part due to the existence of conflicting data in the 2010 amendments rather than the current proposals</i>), but efforts to improve the sightlines from the Winter Gardens are to be welcomed. They comment that the car parking seems to now be provided at grade rather than being buried underground. Clearer site sections would assist. They recalled that the building adjacent to the Midland Hotel was previously shown sub-ground but now appears to “have emerged more prominently as a significant urban block within the setting of the hotel”.</p>
<p><b>Natural England</b></p>	<p>2008 - If their recommendations are undertaken, Natural England will have no objection to the proposed development as it is their view that, either alone or in combination with other plans or projects, it would not be likely to have a significant effect on the protected and designated features of Morecambe Bay. The recommendations include mitigation/protective measures in respect of lighting and light-spillage, signage during the construction phase relating to bird species, runoff during construction, vegetation removal, further detailed results from the bats, bird and migrant wader studies, habitat replacement and habitat enhancement.</p> <p>2010 – All aspects of landscape, including landscape character, quality and townscape need to be taken into account, including seascape character. Proposals must take account separate coastal access legislation. Advice was also provided regarding sustainable design and high-quality green infrastructure.</p>

	<p><b>2012</b> – If protected species are affected then survey information should be requested. There are opportunities to incorporate features into the design which are beneficial to wildlife, and opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment. Landscape and townscape characterisation are useful tools for assessment.</p>
<b>Environment Agency</b>	<p>2008 - No objections in principle; the Flood Risk Assessment is accepted. A condition is recommended regarding land contamination and several advice notes.</p> <p>2010 – No formal observations.</p> <p><b>2012</b> - No further comments to add.</p>
<b>Lancashire Constabulary</b>	<p>2008 - No objections subject to advice notes regarding ‘Secured by Design’ and generic security issues.</p> <p>2010 – Repeated similar advice from 2008.</p> <p><b>2012</b> – No formal observations.</p>
<b>Morecambe Town Council</b>	<p>2008 – The Town Council did not exist in their current form. Comments from the (then) Neighbourhood Council were appended to the Chamber of Trade’s 2008 response, where they concluded that the application should be subject to Public Inquiry.</p> <p>2010 – The Town Council submitted minutes of their meeting, where the following proposal was carried:</p> <p><i>“Morecambe Town Council objects to the current proposal by Urban Splash on the grounds that there are substantial contravention of the local and national planning and development strategies and conservation area. The provision of 800 dwellings, some which may ‘second homes’ will not have a significant improvement on the local economy, whilst at the same time, severely restricting the footprint for a leisure area. We would welcome consultation with Urban Splash within the terms of the Morecambe Bay Development Framework and with reference to DP1 of the regional planning guidance”. A separate note, arising from an Extraordinary Meeting of the Town Council on 27 April 2010, described the amendments as insignificant, opposing the proposal on policy grounds and criticising a perceived “lack of consultation”.</i></p> <p><b>2012</b> – The Town Council undertook a separate consultation event of their own, finding 434 people against the application; 162 in favour and 29 who didn’t know. Taking this into account, MTC opposed the development for five reasons:</p> <ul style="list-style-type: none"> <li>(i) <i>That the City Council be informed that Morecambe Town Council notes the amendments to the original planning application from Urban Splash for the Central Promenade development and considers them insignificant;</i></li> <li>(ii) <i>The Details submitted were not appropriate to this area of Morecambe as the proposed buildings were too high and the overall development plan did not respect the nature of the existing Conservation Area;</i></li> <li>(iii) <i>The proposed housing and retail uses represent a contradiction to the Morecambe Area Action Plan and would therefore represent inappropriate functionality of use and too great an impact on the character of the existing Conservation Area;</i></li> <li>(iv) <i>The proposed development would severely reduce the footprint for leisure activity and the number of dwellings provided would bring no measurable improvement to the local economy; and,</i></li> <li>(v) <i>The development would be contrary to the National Planning Policy Framework in that the proposals for housing and retail do not demonstrate the required level of sustainability.</i></li> </ul>
<b>Morecambe &amp; District</b>	<p>2008 – Objected on the grounds that the proposals contravene national retail planning policy, the regional Spatial Strategy and the Development Brief (Supplementary Planning Guidance</p>

<p><b>Chamber of Trade and Commerce</b></p>	<p>Note 17) for the site. Specific retail and tourism impacts caused by the proposal are considerable, but there was also opposition to the design, scale, layout and massing of the proposal.</p> <p>2010 – No further observations to report.</p> <p><b>2012</b> – Objection – the only viable option for regenerating industry is tourism and the proposal will not serve tourism in any way; the application is substantially for residential development and as such the proposed development breaches the Development Brief and policies contained within the RSS, to the detriment of Morecambe’s economy.</p>
<p><b>Morecambe Hotel and Tourism Association</b></p>	<p>2008 – The Chairman commented that the investment is welcomed and is likely to stimulate further private sector investment. They also feel that it will not compromise views of the Bay and that they would like to see a Morecambe Bay Visitor Centre and provision for the seasonal fair. Their only concern is that the buildings should not overshadow the Midland Hotel.</p> <p>2010 and <b>2012</b> – No further observations.</p>
<p><b>United Utilities</b></p>	<p><b>2008</b> - No objection in principle subject to the site being drained on a separate system with only foul drainage connected into the foul sewer. A series of advice notes regarding drainage and utility provision is provided. A public sewer, a water main and electricity cables cross the site.</p> <p>2010 and <b>2012</b> – No further observations.</p>
<p><b>RSPB</b></p>	<p>2008 – Not minded to object to the proposal at this stage; they commented that the development did not appear to extend into the protected site designations and that therefore there would be no net loss of land designated for nature conservation. They would not want to see any increase in disturbance along the edge of the breakwater. They are pleased to note mitigation measures for house sparrows and song thrushes, and would strongly encourage mitigation measures relating to light pollution into the protected areas.</p> <p>2010 and <b>2012</b> – No further observations.</p>
<p><b>The Ramblers’ Association</b></p>	<p>2008 – Objected on the grounds that the proposal would impact upon the promenade which is a good walking route. It is large, overbearing and too close to the promenade. In particular the 'fingers' extend too close to the walkway to give a restricted width for the walker and the overhangs will be unpleasant. They object to the proximity of the beach houses to the promenade also. The introduction of cars is opposed and is potentially dangerous.</p> <p>2010 – Objected - it is inappropriate to build high buildings between the road and the shore. It obscures the view which is the main asset that Morecambe has. The height of the buildings at the seaward end is too high and too close to the promenade. Concerns that traffic will be brought along the promenade and even with good physical separation there will be conflict and loss of ambience for those recreating along the Promenade. The boardwalk should not be the main route, which is along the sea front.</p> <p><b>2012</b> – Objection – the changes to the scheme are minor compared with the major effects on the visual impact on users of the seafront and promenade. Grounds for objection including the effect on public rights of way; detriment to the character of the area; inappropriate land use/development; inappropriate site; and loss of amenity.</p>
<p><b>The Twentieth Century Society</b></p>	<p>2008 – The Society did not comment on the outline application but made representations on 07/01811/FUL which proposed the full elements of the first phases of development.</p> <p>2010 – Objected on the grounds of the detrimental impacts upon the setting of the Midland Hotel and the listed wall and entrance piers. They also refer to the impacts upon the Winter Gardens and the Conservation Area. They mistakenly refer to the refusal of the scheme in February 2010 (the application was deferred) and they say further improvements are required before permission could be granted.</p>

	<p><b>2012</b> – Objection – detrimental impacts upon the Grade II* Midland Hotel’s setting by virtue of the excessive scale and massing and its domination. Also the impacts upon the listed wall and entrance piers. They are complementary about Urban Splash’s restoration of the Hotel, but they are “tremendously concerned” that this would now be undermined.</p> <p>They make the point that the associated Listed Building Consent application should not be considered before the development proposals reach full planning permission stage and sufficient funding has been secured for the realisation of the scheme.</p>
<p><b>Lancaster Civic Society</b></p>	<p>2008 – The Civic Society is generally supportive of this major redevelopment scheme for Morecambe seafront, with some reservations. The permeability of the site would be lost in views of the scheme from Marine Road east of the Midland Circus. The 8-storey block would be monolithic and would be close to the road. It would be taller than any other development in Morecambe. Other concerns include the complete shadowing of some of the proposed balconies; queries regarding the material palette and its appropriateness in such an exposed climate; and the need for control of the retail frontages facing the Boardwalk.</p> <p>2010 and <b>2012</b> – No further observations.</p>
<p><b>City Council – Policy (Regeneration/ Area Action Plan team)</b></p>	<p><b>2012</b> – They set the proposals against the complex Development Plan position. Many aspects of the proposal have merit, but in certain aspects the proposal is inconsistent with (and even contrary to) the policy framework. In this context the balance must focus upon regeneration risk factors, both positive and negative. If the proposal is provided in full this may prove positive but there are very many shortcomings, uncertainties and risks. These, taken with the risk that the scheme cannot be delivered in full or anything equating to ‘full’ give rise to significant concern that the proposal may prejudice the regeneration of Central Morecambe, contrary to the Core Strategy.</p>
<p><b>City Council - Conservation</b></p>	<p>2010 – Does not agree with the view put forward by some that no new development is acceptable; high-quality development could underpin the viability of the Midland Hotel and significant environmental improvements. The local planning authority should weigh any harm arising against the wider benefits of the application. The greater the negative impact on the significance of the heritage asset, the greater the benefits that will be needed to justify approval.</p> <p>The proposed development will affect the setting of the Midland Hotel, but their opinion is that it does not adversely affect the setting. Advice was given regarding the works to the Grade II listed boundary walls. Similarly the impact upon the Winter Gardens was not regarded as unacceptable; nor was the impact upon the Stone Jetty building. It was acknowledged that the treatment to the War Memorial would need careful consideration.</p> <p>Landscape, external finishes and public realm were also discussed but no objections on these grounds were formed.</p> <p><b>2012</b> – Confirmed that there has been continued support for the principle of development of the headland site to underpin the continued viability of the Midland Hotel. The Senior Conservation Officer refers to the parameters-based application for the Canal Corridor scheme, and explains his preference for full applications as opposed to outline submissions where the development affects Conservation Areas. He queries whether the actual first phase will be different to the outline proposals.</p> <p>Paragraph 136 of the National Planning Policy Framework states that local authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred. The failure to complete the development could have an adverse impact on the Conservation Area and the setting of designated heritage assets.</p> <p>With regard to the boundary walls (a separate Listed Building Consent application but also proposed via this outline submission), their opinion is that the partial loss of the walls and the loss of a pair of ramped, spiral gateposts needs to be considered against the benefits</p>

	<p>associated with the public realm works. The deliverability of the public realm works is therefore a concern as the North West Development Agency (who were to assist with funding) no longer exist, and there is a doubt over funding.</p> <p>If consent is granted then no works of demolition or alteration should take place until a detailed scheme including materials has been agreed and a contract is in place for the public realm works to be carried out. If this condition cannot be imposed then permission should be refused. Other conditions are also suggested in relation to the boundary wall.</p>
<b>City Council – Policy (Urban Design)</b>	<p><b>2012</b> – A considered design process has taken place and this ensures the fundamental qualities of successful place-shaping. The Midland Hotel influences the layout which seeks to incorporate the site into the fabric of the town. Issues arise when looking at the proposed scale and massing, and it is these that affect the views from the wider town back to the Midland Hotel. The design of the buildings should provide an opportunity (at Reserved Matters stage) to mitigate some of the massing issues. It would be short-sighted to not support a development due to the long development phases in the current development market.</p>
<b>City Council – Environmental Health</b>	<p>2008 - The potential risks posed by radon gas have been well explored. The applicant is advised to obtain a Radon Protective Measures report and to hold discussions with the Council's Building Control Department in order to determine the radon protective measures required to be installed at the development. The report notes the likely presence of made ground across much of the site but fails to address the possibility of ground gases (other than Radon) being present. Subject to these details being agreed and the imposition of standard land contamination conditions, there are no objections.</p> <p>2010 – No further land contamination comments; a series of conditions recommended for construction noise, odour control, hours of work and dust control.</p> <p><b>2012</b> – No further comments to add to the previous 2008 and 2010 responses.</p>
<b>City Council – Regeneration and Planning Project Engineers</b>	<p><b>2012</b> – Concludes that the impacts during construction, and the longer-term use of the development as proposed is anticipated to create an unacceptable risk to pedestrians and cyclists on the Promenade, particularly in the vicinity of the Promenade/Northumberland Street junction. Further transport studies may be able to provide information to address this issue, but they recommend refusal.</p> <p>An informative is provided in relation to the operation of a pumping station within the site; assuming that this is removed careful consideration needs to be given to the management of groundwater - the detailed design stages during Reserved Matters will elicit further information.</p>
<b>City Council – Parking and Administration</b>	<p><b>2012</b> – They assessed the proposal in relation to the management of on and off-street car parking within the locality. In relation to the Transport Assessment, there is nothing to indicate the assumptions applied to the loss of the 66 (approximate) on-street spaces on Marine Road Central. The Parking Assessment assumes that 123 new parking spaces will be actually accessed by customers using the proposed new facilities. If this assumption is correct then this will impact upon the compensatory provision for the loss of the Bay Arena Car Park and any on-street reduced parking areas. In view of the conflicting information it is difficult to comment on the conclusion of the applicant that there is sufficient space capacity on the remaining car parks.</p> <p>The development will have a major impact upon Morecambe's parking requirements. It is acknowledged that there is spare capacity outside the development site on the vast majority of days, but some concern is expressed about the various reduction factors that have been applied. From a parking management perspective the development must provide sufficient residential parking spaces. Any shortfall in this provision could impact upon the on-street (visitor) parking spaces.</p> <p>Other matters that require consideration include appropriate and adequate parking signage to all groups (commercial, visitor and residential), and improved point-of-entry signage when</p>

	approaching Morecambe (e.g. real time on-street directional parking signage) should be considered.
<b>City Council – Land Drainage</b>	<p>2008 - No objection in principle – the site is affected by an existing culverted watercourse and the developer will need to ensure it is protected.</p> <p>2010 – No further observations.</p> <p><b>2012</b> - Any surface water discharge from any increase in impermeable area above existing should be attenuated to discharge as 'greenfield site' in order to protect the existing infrastructure.</p>

## **5.0 Other Third-Party Responses and Neighbour Representations**

5.1 When the application was presented to Committee in February 2010 (on the basis of the 2008 plans), there had been 252 written objections to the proposal, and 10 letters of support.

When the March 2010 revisions were formally submitted by the applicant, all parties were reconsulted. At the time other interest groups were undertaking their own, separate consultation events, and this seemed to have some correlation with the fact that more written representations were formally received. There were 532 written objections to the proposal, and 17 items of support.

In relation to the **2012** revisions that are now presented to Members, and taking into account signatories to petitions, there were 126 items/signatories of support and 531 objections/signatories. These figures do not include Morecambe Town Council's own, separate consultation exercise, which is referred to in the consultation table above.

The predominant objections to the scheme were as follows:

- Principle of developing the land, particularly residential development;
- Loss of Bay views;
- Loss of connectivity with the remainder of the town:
- Overbearing scale and massing of the development – development should not exceed the height of the Midland;
- Unacceptable density of development;
- Inappropriate materials and designs;
- Impact upon the Midland Hotel and the boundary wall;
- Impact upon the Winter Gardens;
- Impact upon the War Memorial;
- Loss of open space and recreation areas;
- Impact upon the Morecambe Conservation Area, and views into, out from and across the Area;
- Impact upon highways, access and car parking, especially conflict with the existing pedestrian use of the Promenade;
- Impacts upon retailing elsewhere in Morecambe, most particularly the Arndale Centre and its environs;
- Absence of a Green Travel Plan;
- Potential amenity impacts, including noise and lighting;
- Potential impacts associated with flooding;
- Potential impacts upon protected designated sites of international importance and species within those sites;
- No housing need defined within the documentation for the level of residential being proposed;
- No integration of tourism objectives within the scheme;
- Inadequate community consultation;
- Failure to comply with national, regional and local planning policy, including the NPPF and the Development Brief for the site; and,
- The build time will be excessive and tourists may be looking at a building site for years to come.

The predominant reasons for supporting the scheme were as follows:

- It will generate jobs, shops, new quality homes and tourism opportunities and make Morecambe a destination;
- The 'perfect development' will never happen and the amended plans are a good compromise and will breathe new life into the resort;
- Opportunities for leisure (ides such as a Bay Heritage Visitor Centre) would be a major attraction;
- Turning down Urban Splash would send out the wrong signals to investors; and,
- The debate is dominated by parties who want to protect the status quo rather than change the direction for Morecambe.

5.2 A number of third-party organisations, businesses or groups have also commented on the application. Their comments (with the date of their comments in brackets), can be summarised as follows:

**English Lakes Hotels** submitted a repeat of a separate letter (September 2011) that commented on the Morecambe Area Action Plan, but this was under the cover of a new letter dated July 2012, which confirmed that the points they raised in September 2011 remained unchanged and they asked that they are taken into account when reviewing the proposals. That letter included the following observations:

- (i) The current hotel is at the margins of what is viable, operating in the mid/top-end market of a 4\* hotel market. Ideally an additional 20-30 rooms and a spa facility in a new standalone building, connected perhaps by a covered walkway, would be preferable. The new building could be at either end of the existing hotel; and,
- (ii) That notwithstanding their desire for additional space and amenities, the current Central Promenade scheme is out-of-proportion to the Midland; it will create a wall of development and a disconnecting effect with the sea; it will become a new destination instead of integrating with the existing town, which will be adversely affected by the new scheme; the timescale for delivery will be likely to take "many years" causing disruption; the site should be re-landscaped and priority given to open space, or a significantly smaller scheme.

The **Friends of the Midland Hotel** do not appear to have submitted comments during 2012. They objected in August 2008 and May 2010, on the grounds of (2008) - density (floorspace), the departure from the original Development Brief, the previous structure across the site were smaller in scale and in public use, and the impact upon both listed buildings, including the economic impact upon the Winter Gardens; and on the grounds of (2010) – impact upon the boundary wall and piers, and the impact upon the Midland, predominantly due to the scale, mass and position of the proposed buildings adjacent to the hotel, which were contrary to the Development Brief.

**Leith Planning (on behalf of the Morecambe Winter Gardens Preservation Trust)** (updated July 2012) objects on the grounds that the relationship between the Bay and Marine Road will be destroyed, impacting upon the heritage assets; that the retail statement fails to address the importance of the Winter Gardens and undermine the existing retail centre; and that there is significant opposition from the local community and in the interests of the Localism Agenda, this position should be upheld. They also oppose the scheme on the grounds of the risk to the future viability of the Winter Gardens; that the grant of consent would be premature in advance of the adoption of the Morecambe Area Action Plan and could prejudice redevelopment of Morecambe. They also comment that there is an overwhelming amount of documentation and the supporting documents are considerably out of date. They advocate withdrawal of the application and resubmission after the adoption of the Area Action plan.

Leith Planning also commented in April 2010, opposing the scheme on a number of grounds including the failure of the amendments to address the impact upon the Winter Gardens; procedural matters pertaining to the Development Brief; highways and car parking; queries regarding phasing and end users; procedural matters regarding the applicant's application form and further information being required; incompatibility with a range of national, regional and local policies (including the SPG) at the time; impacts upon other heritage assets and reference to previous case law. An earlier



response (July 2008) contained similar objections including appendices illustrating historic mapping and photographs.

**Johnny's Entertainments (Tyneside) Ltd** (August 2012) objects to the proposal on the grounds of impact upon views across the Bay, affecting Pleasureland and the former Hitchin's building. They query the ability to obtain funding, and believe there is no market for the quantum of apartments.

**Pleasureland** (Director of Pleasureland – April 2010) objected due to the loss of open space, question marks over the viability of flats and commercial viability generally, and the length of time of works/phasing.

**Council for European Urbanism** – objected in 2008, but no further correspondence was received in 2010 or 2012. The objections in 2008 included the simplistic layout; monolithic scale; impact upon the Midland Hotel and the relationship of the resort with the sea; the large number of existing vacant retail units in Morecambe; and queries regarding the market for residential one-bedroomed flats.

## **6.0 Principal Development Plan Policies and National Planning Policy Framework**

### **6.1 National Planning Policy Framework**

The National Planning Policy Framework (NPPF) became effective on 27 March 2012, at which time it formally replace the previous suite of National Planning Policy Statements and Planning Policy Guidance Notes, and a series of Planning Circulars. It sets out the Government's planning policies for England and how these are expected to be applied. It reminds decision-takers that applications must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

Annex 1 of the NPPF contains guidance regarding implementation, most notably regarding the amount of weight that can be given to Council's Development Plan policies since the publication of the NPPF. That advice is repeated at the start of paragraphs within this section of the report.

The NPPF guidance most relevant to this outline application is as follows:

#### **Paragraphs 6-10 – Achieving Sustainable Development**

Recognises that there are three dimensions to sustainable development; economic, social and environmental. These roles are mutually dependent and economic, social and environmental gains should be sought jointly. This includes improving access to jobs, pursuing good design, improving the conditions in which people live, work, travel and take leisure, widening the choice of homes, and achieving net gains for nature.

#### **Paragraphs 11-16 – The Presumption in Favour of Sustainable Development**

This presumption is described by Government as the "golden thread" running through decision-taking. This means that development proposals should be approved without delay where they accord with the Development Plan, or where the Development Plan is absent, silent or relevant policies are out-of-date, permission should be granted unless specific policies in the NPPF indicate otherwise; or any adverse impacts would significantly and demonstrably outweigh the benefits.

#### **Paragraph 17 – Core Planning Principles**

This lists 12 principles that underpin decision-taking, which are summarised as:

- Planning should be genuinely plan-led;
- Planning should be a creative exercise and not just about scrutiny;
- Planning should proactively drive and support sustainable economic development;
- Planning should always seek to secure high-quality design and good standards of amenity;
- Planning should recognise the different roles of differing areas, promoting vitality where appropriate and protecting areas where necessary;
- Planning should support the transition to a low-carbon future;
- Planning should conserve and enhance the natural environment;
- Planning should encourage the effective use of land by reusing brownfield land;
- Planning should promote mixed-use developments and encourage multiple benefits;
- Planning should conserve heritage assets in a manner appropriate to their significance;
- Planning should actively manage patterns of growth in terms of sustainable transportation;

- Planning should support local strategies to improve health, social and cultural wellbeing for all and deliver community and cultural facilities and services to meet local needs.

### **Paragraphs 18-22 – Building a Strong, Competitive Economy**

Significant weight is placed upon the need to support economic growth through the planning system. Priority areas (e.g. Morecambe) should be recognised as areas for economic regeneration, infrastructure provision and environmental enhancement.

### **Paragraphs 23-27 – Ensuring the Vitality of Town Centres**

Importance is placed upon promoting competitive town centres and primary shopping areas, based upon clear definitions of primary and secondary frontages. The individuality of town centres and the retention of markets are encouraged. Sites should be allocated for retail, leisure, office and other main town centre uses and these needs should not be compromised by limited site availability. Edge-of-centre sites (that are well-connected) for main town centre uses should be allocated if suitable and viable town centre sites are not available. If sufficient edge-of-centre sites cannot be identified, other accessible locations well-connected to the town centre should be considered.

A Sequential Test should be applied to applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date plan. Sequentially these uses should be located in town centres first, then edge-of-centre locations, then (if suitable sites are not available) out-of-centre can be considered. Accessibility and issues such as flexibility (format and scale of the uses) are relevant issues. Where applications fail the Sequential Test or are judged to have an adverse impact upon vitality and viability, including adverse impacts on local consumer choice and trade in the town centre and wider area, then applications should be refused.

Where developments for retail, leisure and office development lie outside town centres, and these applications are not in accordance with an up-to-date local plan, an Impact Assessment is required if the proposal exceeds any locally-set thresholds on floorspace, and if there are no local thresholds the default threshold is 2,500 sq.m.

### **Paragraphs 29-41 – Promoting Sustainable Transport**

All development that generate significant amounts of movement should be supported by a Transport Statement, assessing sustainable transport modes and the need for major transport infrastructure, safe access and the potential for network improvements that are cost-effective in limiting the significant impacts of the development. Development should only be refused on transport grounds where the residual, cumulative impacts of development are severe. Travel Planning is a key tool for proposals which generate significant movement.

### **Paragraphs 47-55 – Delivering a Wide Choice of High-Quality Homes**

Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the authority cannot demonstrate a five-year supply of deliverable housing sites. Wider opportunities for home ownership and the creation of sustainable, inclusive and mixed communities should be pursued. Where affordable housing is needed, the need should be met on site (unless off-site provision or a financial contribution can be robustly justified).

### **Paragraphs 56-68 – Requiring Good Design**

Great importance is attached to design, which is described as a key aspect of sustainable development and indivisible from good planning. Developments should function well and add to the overall quality of the area; establish a strong sense of place to create attractive and comfortable places to live, work and visit; optimise the site's potential and sustain an appropriate mix of uses; respond to local character and history; create safe and accessible environments; and be visually attractive as a result of good architecture and appropriate landscaping. Innovation and originality should not be stifled but local distinctiveness remains important. Permission should be refused for poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

### **Paragraphs 69-78 – Promoting Healthy Communities**

In delivering social, recreational and cultural facilities, local planning authorities should ensure that such facilities (including shops) are able to develop and modernise in a sustainable way, and there should be an integrated approach to considering the locations of housing, economic uses and community facilities and services. Public rights of way and access should be protected and

enhanced and access to high-quality open spaces can make an important contribution to the health and wellbeing of communities.

### **Paragraphs 93-108 – Meeting the Needs of Climate Change, Flooding and Coastal Change**

In determining applications, new development should comply with adopted Local plan policies on local requirements for decentralised energy unless it can be demonstrated by the applicant that it is not feasible and viable. It should also take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Local planning authorities will take account of Flood Risk Assessments and, where necessary consider Sequential Tests and the Exception Test referred to in the Technical Guidance.

Local planning authorities should reduce the risk from coastal change by avoiding inappropriate development in vulnerable areas or adding to the impacts of physical changes to the coast.

### **Paragraphs 109-125 – Conserving and Enhancing the Natural Environment**

The planning system should minimise the impacts on biodiversity and provide net gains where possible, it should ensure new development does not contribute or is at unacceptable risk of pollution or land instability, it should encourage re-use of brownfield land, and if significant biodiversity harm resulting from a development cannot be avoided, adequately mitigated or as a last resort compensated for, then permission should be refused.

The presumption in favour of sustainable development shall not apply where development requiring Appropriate Assessment is being considered, planned, or is determined. Ramsar, SPA and SAC sites are given the same protection as European Sites.

Planning decisions should also ensure that – after remediation – the site should not be capable of being determined as contaminated land under the Environmental Protection Act. Noise, air pollution and light pollution are also material considerations and no significant adverse impacts should arise from new development.

### **Paragraphs 126-141 – Conserving and Enhancing the Historic Environment**

When determining applications, applicants will be required to describe the significance of any heritage asset affected, including any contribution made by their setting. The positive contribution a heritage asset can make to sustainable communities, including their economic vitality and local character, should be taken into account.

When considering impacts of a development upon the significance of a designated heritage asset, great weight should be given to the asset's conservation. Substantial harm to or loss of those assets of highest significance (including Grade I and Grade II\* Listed Buildings) should be wholly exceptional. Less significant harm should be weighed against the public benefits of the proposal.

The effect upon non-designated heritage assets (directly or indirectly) is a consideration and a judgement will be required having regard to the scale of harm or loss and the significance of the asset. Archaeological interests are a similar consideration.

Proposals that preserve those elements of the setting of Conservation Areas that make a positive contribution to, or better reveal the significance of the asset should be treated favourably.

### **Paragraphs 186-207 – Decision-Taking**

The NPPF emphasises that local planning authorities should look for solutions rather than problems, should try to engage during pre-application with the developer and relevant parties, should only pursue planning obligations where they meet the three tests (necessity to make the development acceptable; directly-related to the development; and fairly and reasonably related in scale and kind to the development). Planning conditions should only be imposed where they meet the five tests (necessity; relevant to planning and the development to be permitted; enforceable; precise and reasonable in all other respects).

In July 2010 the Government announced a revocation of all Regional Spatial Strategies (RSS) and intended to legislate to do this via the Localism Act. However following legal challenge the announcement was ruled to be unlawful. A Ministerial Statement (25 July 2012) advised upon the timescale for revocation of all RSS, “subject to due process and consideration”. At the current time formal revocation is still delayed and the RSS for the North West still forms part of the Development Plan. As such the principal policies affecting the Central Promenade proposal include the following:

**Policy DP1 – Spatial Principles** – The policy underpins the RSS by promoting sustainable communities and economic development; seeking to make the best use of existing resources and infrastructure; managing travel demand; marrying opportunity and need; promoting environmental quality; mainstreaming rural issues and reducing emissions to adapt to climate change.

**Policy DP2 – Promote Sustainable Communities** – Identifies the features that are necessary to deliver sustainable communities in line with (the then) PPS 1.

**Policy DP3 – Promote Sustainable Economic Development** – Seeks to reduce the economic gap between the North West and other areas of the country.

**Policy DP4 – Making the Best Use of Existing Resources & Infrastructure** – takes a sequential approach to proposals, first considering previously developed land, then suitable infill opportunities, then other land which is well-located to services, infrastructure and jobs.

**Policy DP5 – Managing Travel Demand** – reiterates the national transport objectives set by (the then) PPG13.

**Policy DP6 – Marrying Opportunity & Need** – looks to deliver, where possible, development and investment in areas which need it most.

**Policy DP7 – Promoting Environmental Quality** – seeks to protect and enhance all landscapes including air, coastal and inland waters.

**Policy DP9 – Reduce Emissions and Adapt to Climate Change** – suggests general urgent measures that may be implemented in reducing emissions;

**Policy RDF1 – Spatial Priorities** – The commentary to the policy highlights Morecambe as an area of housing market restructuring.

**Policy RDF3 – The Coast** – states how plans and strategies should consider enhancement of the coast and coastal communities.

**Policy W1 – Strengthening the Regional Economy** – plans and strategies should promote opportunities for economic development which strengthens the North West economy.

**Policy W2 – Locations for Regionally Significant Economic Development** – seeks to direct significant proposals in appropriate and sustainable locations in the region.

**Policy W5 – Retail Development** – will be encouraged in centres such as Morecambe to maintain its vitality and viability, including investment to underpin wider regeneration initiatives. Retail proposals supporting entrepreneurship should be supported.

**Policy W6 – Tourism and the Visitor Economy** – the regeneration of coastal resorts is a priority for major tourism development.

**Policy W7 – Principles for Tourism Development** – establishes criteria for improving and diversifying the tourism offer, alongside economic and environmental objectives.

**Policy L4 – Regional Housing Provision** – reaffirms the need for local authorities to plan, monitor and manage the availability of housing to achieve appropriate housing provision. In Morecambe, general market housing should be focused in support of regeneration priorities and meeting

community priorities.

**Policy L5 – Affordable Housing** – advises local authorities that plans and strategies should identify the requirements for affordable housing.

**Policy RT2 – Managing Travel Demand** – highlights the need to discourage car use and promote public transport, cycling and walking (Appendix RT also provides a regional framework of public transport, routes of importance, and advice for developing parking strategies and setting parking standards).

**Policy RT9 – Walking and Cycling** – advises that local authorities should develop integrated networks of continuous, attractive and safe pedestrian and cycle routes.

**Policy EM1 – Integrated Enhancement and Protection of the Region’s Environmental Assets** – emphasises the need for an integrated approach to protecting all natural and historic assets.

**Policy EM2 – Remediating Contaminated Land** – encourages the adoption of sustainable remediation technologies.

**Policy EM3 – Green Infrastructure** – seeks to conserve and enhance green assets in terms of functionality, quality, connectivity and accessibility.

**Policy EM4 – Regional Parks** – includes Morecambe Bay as a potential Regional Park project.

**Policy EM5 – Integrated Water Management** – seeks to protect the quantity and quality of all waters, including coastal waters.

**Policy EM6 – Managing the North West’s Coastline** – advises local authorities to manage their coastlines and plan for climate change, coastal erosion, flooding etc. It also advises that losses of coastal habitat or impacts upon coastal sites of international nature conservation importance should be minimised.

**Policy EM11 – Waste Management Principles** – advises that every type of development should, amongst other criteria, seek to minimise waste and maximise re-use/recycling.

**Policy EM16 – Energy Conservation and Efficiency** – approaches to energy should be based on minimising consumption and demand and promoting maximum efficiency.

**Policy EM17 – Renewable Energy** – opportunities should be sought to identify proposals and schemes for renewable energy. 10% of energy supplied should be from renewable energy sources.

**Policy CNL4 – Spatial Policy for North Lancashire** – seeks to secure the regeneration of Morecambe through the development of tourism and the restructuring of the housing market, and develop safe and effective management of traffic in both Lancaster and Morecambe to enhance the public realm and support their leisure and tourism roles.

### 6.3 Lancaster District Core Strategy

The District Core Strategy was formally adopted in 2008. Paragraph 211 of the NPPF advises that development Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Paragraph 214 confirms that decision-takers can continue to give full weight (up until 27 March 2013) to policies adopted since 2004 even if there is a degree of conflict with the NPPF.

The Core Strategy establishes the overall vision for the district as a whole. With regard to the current application, the following Core Strategy policies are applicable:

**Policy SC1 – Sustainable Development** – ensures that development proposals are as sustainable as possible, minimising emissions and adaptable to climate change.

**Policy SC2 – Urban Concentration** – seeks to focus development where it will support the vitality of existing settlements, regenerate areas of need and reduce the need to travel.

**Policy SC4 – Meeting the District’s Housing Requirements** – establishes principles which will ensure that housing needs are met via housing allocations and planning decisions.

**Policy SC5 – Achieving Quality in Design** – promotes a vision of top-quality urban design in the district, including Morecambe Town Centre, its Seafront and its approaches.

**Policy SC6 – Crime and Community Safety** – seeks to use spatial planning to reduce crime and the fear of crime.

**Policy SC7 – Development and the Risk of Flooding** – seeks to ensure that new homes, workplaces and public areas are not exposed to unacceptable levels of flood risk.

**Policy SC8 – Recreation and Open Space** – seeks to ensure that access to sport, recreation areas and green networks is retained and enhanced.

**Policy ER2 – Regeneration Priority Areas** – acknowledges that Central Morecambe is a regeneration priority area of sub-regional importance, which should be reinvented through tourism, housing renewal and heritage-led regeneration. It should also focus upon providing opportunities to develop an office/service centre role.

**Policy ER4 – Town Centres and Shopping** – establishes that Morecambe’s spatial role for retailing is for comparison and convenience shopping goods and for the district north of the River Lune and that it should retain its important role as a visitor destination.

**Policy ER5 – New Retail Development** – focuses retail need on regenerating existing centres, and establishes that Morecambe Town Centre will continue to develop as a local centre for comparison and convenience good retailing and also retaining its important visitor role.

**Policy ER6 – Developing Tourism** – seeks to maximise the potential of tourism to regenerate the local economy by supporting the restoration of the Midland Hotel and Victoria Pavilion (Winter Gardens) and the creation of a quality leisure offer in Central Morecambe.

**Policy ER7 – Renewable Energy** – seeks to maximise the proportion of energy generated from renewable sources.

**Policy E1 – Environmental Capital** – looks to safeguard and enhance the district’s environmental assets, habitats and species by applying national & regional planning policies. The commentary to the policy confirms that the adjoining Morecambe Bay is a Natura 2000 site.

**Policy E2 – Transportation Measures** – supports the district’s regeneration and improve quality of life by minimising the environmental impacts of traffic.

**Policy MR1 – Planning Obligations** – outlines the Council’s policy regarding obligations that may be deemed necessary.

#### 6.4 (Saved Policies) of the Lancaster District Local Plan

The Lancaster District Local Plan (LDLP) was adopted on 16 April 2004. However many of its policies were replaced once the District Core Strategy was adopted four years later.

In September 2007, The Secretary of State directed which LDLP policies were to be ‘saved’, which policies were partly superseded and which policies were wholly superseded.

Paragraph 215 of the NPPF advises that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.

The saved LDLP policies most relevant to this proposal are:

**Policy H10 – Affordable Housing** – establishes the Council’s approach to affordable housing (alongside Core Strategy Policy SC4).

**Policy H12 – Layout, Design and Materials** – requires proposals to exhibit a high standard of design, layout and landscaping.

**Policy H13 – Sustainable Living** – full regard must be taken of energy efficiency, recycling and of waste reduction.

**Policy EC6 – New Employment Development** – establishes criteria for new employment development in urban areas.

**Policy S1 – The District’s Retail Hierarchy** – a policy that is partially saved alongside Core Strategy Policy ER4 and requires proposals to be appropriate in terms of size and function.

**Policy S19 – Food and Drink Outside Town Centres** – advises that food and drink uses in such locations must be acceptable in terms of amenity and not cause traffic problems.

**Policy TO2 – Tourism Opportunities** – identifies Morecambe Centre (including this site) amongst other Tourism Opportunity Areas (although Policy TO1 relating to the Regeneration of Morecambe has been superseded by Core Strategy Policy ER6) and proposals that would prejudice the possibility of achieving new visitor attractions within such areas will not be permitted.

**Policy T9 – Providing for Buses** – development should be located close to existing or proposed bus services and pedestrian/cycle linkage to bus stops should be provided.

**Policy T17 – Green Travel Plans** – significant proposals likely to increase daily journeys must be accompanied by a Green Travel Plan.

**Policy T18 – Marine Road** – Between Lord Street and Central Drive, the City Council will remodel Marine Road to improve highway safety and pedestrian/cycle facilities. Development proposals will only be permitted where they make a positive contribution to any remodelling proposals.

**Policy T19 – Parking Requirements** – Within Morecambe Town Centre, the redevelopment of visitor/shopper car parks will not be permitted where there is a net loss of coach or car spaces.

**Policy T20 – Parking on Morecambe Seafront** – Proposals between Lord Street and Central Drive which result in the loss of on-street parking must provide compensatory off-street, short-stay visitor and coach dropping-off points.

**Policy T24 – The Cycling Strategy** - a partially-retained policy protecting and seeking to enhance the district’s cycling infrastructure.

**Policy T26 - New Development** – new development close to the Cycle Network should deliver improvements to the network, including cycle parking.

**Policy E5 – The Open Coastline** – sets criteria for development on the coastline, including the need to improve public access, recreation provision and protecting nature conservation.

**Policy E11 – Flood Plains** – this policy previously referred to Morecambe, but the area in question is now not an area identified at risk of flooding.

**Policy E12 – Nature Conservation** – seeks to protect wildlife habitats, protected species and geological features. (*Policy E15 relating to Nature Conservation Sites, including internationally-designated sites, was not saved*).

**Policy E16 – Nationally Protected Sites** – seeks to protect SSSI’s, or where development is necessary and outweighs the need to protect the site the policy advises that mitigation needs to be

provided.

**Policy E32 – Demolition (LB)** – confirms that the demolition of all or part of a Listed Building (the Midland Hotel piers are affected by this proposal) should only be permitted in exceptional circumstances, following (the then) PPG15 advice.

**Policy E35 – Conservation Areas and their Surroundings** – proposals that adversely affect important views across a Conservation Area or leads to an unacceptable erosion of its historic form, layout, open space and townscape setting will not be permitted.

**Policy E37 – Demolition (CA)** – sets criteria for demolition of unlisted buildings in Conservation Areas.

**Policy E38 – New Buildings in Conservation Areas** – requires new buildings to reflect the style and scale of surrounding buildings and use complementary materials.

**Policy E44, E45 and E46 – Protecting Archaeological Remains** - Follows (the then) PPG16 guidance regarding archaeology.

**Policy R11 – Open Space in Housing Developments** – developers will need to adhere to open space and playground standards contained in Appendix 1 of the LDLP.

**Policy R21 – Access for People with Disabilities** – provides the criteria for ensuring that access is available to all.

#### 6.5 Supplementary Planning Guidance (SPG) Note 17 – Central Promenade Development Brief (2005)

Following consultation in 2004, the brief was formally adopted in January 2005 and it remains a material consideration in determining planning applications affecting the site (although its weighting is discussed at the end of this section).

The SPG acknowledges the role that the site could play in regenerating the resort. It states that *"The Morecambe Central Promenade Area is fundamental to the regionally significant regeneration of the resort and the next logical step for Morecambe's regionally important renaissance following completion of the TERN project...It is also central to Morecambe's built heritage"*.

The brief identifies a series of development principles. Fundamentally, its vision is for comprehensive redevelopment to deliver *"a restored Midland Hotel, complemented by a vibrant mixture of new buildings and public spaces of a quality which respects Morecambe's built heritage, which forms the centrepiece of Morecambe's public realm and which symbolises Morecambe's renaissance as a place to live, work and visit"*.

To achieve this vision, development must be vibrant and attract people and vitality to the Hotel and its surroundings and have the highest possible public access. Any new central resort area should be attractive, lively through the day and evening (all year round), provide public open areas to maximise sun, shelter and Bay views, and produce high-quality landmark architecture to complement the Midland Hotel and the Morecambe Conservation Area. Proposals should develop linkages with the remainder of the town and produce high-quality public realm.

The SPG confirms that acceptable uses could include food and drink, leisure and recreation, arts and entertainment and additional hotel accommodation. Flatted residential development on upper floors will be acceptable where it can be shown that it is necessary as an integral part of a mixed use scheme. Phasing will be needed to ensure residential development does not occur before the more vibrant uses are in place. Office, education, health and employment uses may be acceptable as supporting development only. Retail development would have to meet the retail tests (then set out in PPG6, which was superseded by PPS4, which has since been superseded itself). The SPG acknowledges that there may be a role for small-scale ancillary retailing with a clear relationship to the visitor role of the site.

The SPG offered flexibility in that it did not define which areas were developable and which were not. The reason for this was to avoid stifling innovative approaches to development. However it did



state the building design should respect the setting of the Midland and the War Memorial; be generally subordinate in terms of height, bulk and massing to the hotel; use resilient materials given the exposed location; ensure long views along the promenade to the east are respected; create attractive public space; and ensure that the designs are secure to avoid potential criminal behaviour.

Specific advice is provided regarding traffic and access. Vehicle penetration should be kept to an absolute minimum and where access is needed (other than that associated with the Midland Hotel) it should use the existing Northumberland Street access. There is scope to remodel Marine Road by narrowing the carriageway, improving street lighting, crossings and surfaces, providing additional pedestrian and cycle spaces and utilising public transport. High pedestrian flows between the site and the Town Centre form a key element of the vision for any redevelopment.

The brief also supports all tier of policy in its advice on sustainable development, use of renewables, the need for a comprehensive lighting scheme, promotion of community safety, and the retention or sympathetic re-modelling of existing public spaces.

SPG 17 aimed to reinforce the site-specific provisions contained in SPG 11, The Morecambe Town Centre Strategy (see paragraph 6.6). It did however depart from some of the generic advice contained in SPG 11, notably with regard to flatted residential development. SPG 17 remains a material consideration in the determination of this proposal. However given the passage of time since its adoption; the superseding of some policies in the Lancaster District Local Plan; the subsequent adoption of the District Core Strategy; the publication of the NPPF and the ongoing development and emergence of new local plan documents (see paragraph 6.7), the weight of the SPG is becoming increasingly limited.

#### 6.6 Supplementary Planning Guidance (SPG) Note 11 – Morecambe Town Centre Strategy (2002, then formally adopted 2004)

SPG 11 was a key component of the Council's Corporate Strategy in 2002. The Strategy included the application site and proposed the marketing of the central area incorporating the former Bubbles site and the Midland Hotel. This was identified as a 'Central Attractions Area' where the phased, masterplanned development of the area (including a restored Midland Hotel and a cluster of new commercial attractions aimed at generating large numbers of visitors) would be pursued with low-key, sympathetic improvements to the Promenade Gardens.

SPG 11 envisaged that retail, residential and office development "would not be seen as appropriate" (Paragraph 4.28). The promenade itself was defined as an area where high-quality environmental improvements and public art are required. The Promenade Bay Arena Car Park was one of a number of Morecambe car parks that were identified for potential improvements.

The SPG remains a material consideration in the determination of this proposal. However given the passage of time since its adoption; the superseding of some policies in the Lancaster District Local Plan; the subsequent adoption of the District Core Strategy; the publication of the NPPF and the ongoing development and emergence of new local plan documents (see paragraph 6.7), the weight of the SPG in terms of a direction of travel for Morecambe Town Centre is increasingly limited.

#### 6.7 Emerging Local Plan Documents

At the time of compiling this report, there were three emerging Development Plan Documents (DPD) which aim to revise and update the planning policies that are used in determining planning applications, and seek to allocate areas within the district where development can be appropriately directed towards (and which land should be protected from development). The three DPDs are as follows:

- Draft Local Plan – Part A – Development Management (2003-2023/2024)
- Draft Local Plan – Part B – Land Allocations (2003-2023/2024); and,
- Draft Local Plan – Morecambe Area Action Plan (2021).

The City Council consulted on the 'preferred options' for each of these documents between 22 October and 14 December 2012. Following the closure of the consultation period, Officers are now tasked with investigating and assessing the options in the light of comments received. It is intended

that all three Local Plan documents will be revised and published in late-summer 2013 prior to submission to the Secretary of State for independent examination.

Paragraph 216 of the NPPF advises all decision-takers about the emergence of new plans and policies. It advises that from the day of publication, relevant policies in emerging plans may be given weight according to three criteria, namely:

- The stage of preparation of the emerging plan(s) (i.e. the more advanced the preparation, the greater the weight that is given);
- The extent to which there are unresolved objections to relevant policies (i.e. the less significant the unresolved objections, the greater the weight that may be given); and,
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (i.e. the closer the policies in the emerging plan to the NPPF, the greater the weight that can be attributed).

In respect of the criteria, the emerging documents have only proceeded through the initial public consultation and the options have not yet been refined following that process. Members are therefore advised that only limited weight can be afforded to the three DPDs. Weighting will increase as plan preparation advances. The emerging DPD policies that are most relevant are listed below.

6.7.1 The policies within the Draft **Development Management DPD** are generic and they supplement the **Land Allocations DPD**. Notwithstanding **Policy NPPF1**, which reiterates the presumption in favour of sustainable development, those policies that have some relevance to the current proposal are as follows:

**Policy EC1.1** – sets out the criteria for town centre and retail uses, including those not in town centre locations (appendix B provides details of the Sequential Approach to Town Centre Development).

**Policy EC1.3** – development proposals in urban areas are required to make a positive contribution to public realm and open spaces.

**Policy EC3.1** – establishes criteria for leisure facilities and attractions within brownfield locations in Morecambe on the basis that it could act as a catalyst for regeneration.

**Policy EC3.2** – hotel uses outside of town centres will have to demonstrate that no sequentially preferable site exists. Other visitor accommodation may be acceptable in brownfield locations or where there are specific land allocations, or where it might meet the needs of an existing visitor facility or attraction.

**Policy EC5.1** – commits the Council to a lower carbon future and sets environmental, economic, social, community and heritage criteria for renewable and low-energy carbon schemes.

**Policy EC6.1** – seeks to ensure that development proposals are located in areas where sustainable travel patterns can be achieved, notably with higher-density mixed-use development being located in accessible centres or in close proximity to main public transport routes. Policies **EC6.2** (Walking and Cycling) and **EC 6.4** (Transport Efficiency and Travel Plans) add further to the need to consider efficient and sustainable modes/use of transport.

**Policy EC6.3** – expects proposals to incorporate parking provision for cars and cycles to accord with Appendix C of the Development Management DPD.

**Policy EN2.1** – requires proposals to be accompanied by assessments of biodiversity, geology, habitats, protected species or designated sites (where appropriate). Proposals will not be permitted where there is an adverse impact upon these interests except where there is the need (and benefit) for a proposal that would significantly outweigh the adverse impacts.

**Policy EN2.2** – proposals in coastal locations should be considered against their impacts upon coastal landscapes.

**Policy EN3.1** – is a policy concerning development affecting Listed Buildings and discusses demolition, extensions, alterations and changes of use. The policy also says that outline applications for development within Conservation Areas will not be permitted (although this parameters-based approach has previously been accepted as an appropriate method by English Heritage during previous site-specific discussions).

**Policy EN3.2** – reiterates the point (in EN3.1 above) regarding outline applications in Conservation Areas. Aside from impacts arising from demolition and the impact upon heritage assets, development within Conservation Areas must respect the character of the surrounding built form (design, scale, siting, massing, height and materials); must not result in the loss or alteration of features which contribute to the special character of the building and area; and proposes uses which are appropriate and will not result in any detrimental impact on the visual amenity and wider setting of the Conservation Area.

**Policies EN3.3 and EN3.4** – set out similar criteria to that discussed in Policy EN3.2 (above) in relation to the setting of Designated Heritage Assets (Listed Buildings, Scheduled Ancient Monuments, Conservation Areas, Registered Parks and Gardens, etc) and Non-Designated Heritage Assets (e.g. buried archaeology, above-ground historic buildings outside of the national designations). **Policy EN3.5** then discusses archaeology in relation to NPPF Paragraph 139.

**Policy EN4.1** – considers sustainable construction techniques in relation to the Code for Sustainable Homes and Building Research Establishment's Environmental Assessment (BREEAM).

**Policy EN5.1** – development in areas of flood risk should take account of the NPPF Technical Guidance on sequential testing; the principle of no net increase of flooding to properties as a result of any development proposal; consideration of sustainable urban drainage systems; and no adverse impact upon the quality of water (**Policies EN5.2 and EN5.3** provide further guidance on the last two)

**Policy CSC1** – requires a high quality of design for new development, including promoting local distinctiveness; protection of residential amenity, safety, security and accessibility; promotion of diversity and the creation of buildings that can adapt to change. The use of green infrastructure and protection from other environmental impacts is explicitly referred to in the policy.

**Policy CSC3.1** – sets out the approach to developer contributions, and the infrastructure that these may be reasonably required to contribute to.

**Policy CSC4.1** – is supportive of proposals for new market housing development where – amongst other criteria - it involves brownfield land/buildings; has a minimum density of 30 dwellings per hectare; and is appropriately located and integrates well with its surroundings. **Policy CSC4.2** establishes affordable housing requirements and sets out the formula for contributions from market housing schemes.

6.7.2 Many of the site-specific policies affecting Central Promenade sit within the Draft Morecambe Area Action Plan (see paragraph 6.6.3 of this report). However there are a number of **Draft Land Allocation Policies** which are relevant, namely:

**Policy RES1** – identifies sites for housing development in the context of the current undersupply of housing within the district. Central Promenade is not one of the sites allocated through the Land Allocations DPD, although the current application includes residential units as part of the mix of development.

**Policy DES1** – seeks to protect the natural and historic environment. The site lies within the Morecambe Conservation Area and also lies adjacent to Morecambe Bay which is an internationally-designated site (Special Area of Conservation; Special Protection Area; and RAMSAR site).

**Policy GR3** – protects Green Space Networks (including the Morecambe and Heysham Promenade and Coastline) from inappropriate development.

**Policy RET1** – adds weight to the requirement for a sequential approach to be taken to retailing and other town centre uses outside defined town centre locations.

**Policy RPA1** – identifies Central Morecambe as a sub-regional regeneration priority area.

6.7.3 The City Council has already established that the regeneration and enhancement of Central Morecambe is a priority by virtue of its identification through Policy ER2 of the District Core Strategy. The **Draft Morecambe Area Action Plan (MAAP)** aims to establish an up-to-date strategy for future regeneration within Central Morecambe. The MAAP will be a Development Plan Document and will replace SPG 11 and 17, along with other SPG that is not directly relevant to the current outline planning application.

MAAP **Policy DO2** identifies the site as a strategic opportunity for leisure investment and development. In particular the policy advises that part of the site could be developed for leisure uses (including performance space); visitor accommodation additional and integral to the Midland Hotel; other hotel accommodation; and other “*visitor-focussed residential accommodation that is demonstrably ancillary to otherwise predominantly leisure uses*”. A list of criteria that requires any development to be well-related to both the Midland Hotel and the Winter Gardens; does not preclude the development of more visitor accommodation for the Midland Hotel (and is enabling of this as far as is reasonable); relates well to the seafront and promenade with active ground-floor frontages; includes retail/food and drink uses only where the proposal is for predominantly leisure uses; assist in the surrounding public realm; and provides appropriate vehicle access, parking and servicing which would not adversely affect public amenity and pedestrian circulation on the seafront and the promenade.

As part of the red-edged site includes land on the opposite side of Marine Road Central, MAAP **Policy DO5** is also relevant. This identifies land close to the Festival Market and surrounding land as a development site and encourages development to be well-related to existing heritage assets, residential and other frontages; to take advantage of opportunities to improve the legibility of routes to and from the train station; and to secure satisfactory access and servicing to the rear of all premises.

Other MAPP policies directly affect the site; **Policy SP1** sets out the criteria for protecting key pedestrian routes and spaces and improving the circulation of pedestrians with a view to strengthening the town centre with higher footfall and more activity. **Policy SP3** seeks to protect the seafront and promenade from development except where this will demonstrably enhance the open character, or where it is reasonably required to provide/improve opportunities for informal recreation and enjoyment which would not otherwise harm the open character. **Policy SP4** concerns the town centre and identifies a proposed Primary Shopping Area (predominantly the area around the Arndale Centre and land immediately surrounding it) and also a Town Centre Boundary (a larger swathe of land on the southern side of Marine Road Central stretching from Central Drive back to Clarence Street). Development proposals for retail and other town centre uses outside the Primary Shopping Area will only be approved if it meets retail sequential tests.

## **7.0** **Comment and Analysis**

### **7.1.1** **Principle of Developing the Site**

The principle of development on the Central Promenade site has been long-established by previous activity across the land in question (see paragraphs 3.1-3.3) and more recently by virtue of the provisions of the Development Brief for the site, SPG 17.

7.1.2 Those principles are recognised by some of the key statutory consultees, including County Planning, who recognise the potential for growth and investment alongside a sensitive redevelopment of the promenade; and English Heritage, who have expressed their general support, albeit caveated with questions regarding phasing, deliverability of all of the scheme and car parking provision.

7.1.3 The Development Plan remains the starting point for determining planning applications, unless material considerations indicate otherwise. The current Development Plan for the district incorporates the Core Strategy, the saved policies of the Lancaster District Local Plan and the Regional Spatial Strategy (until it is formally revoked by the Secretary of State). The latter identifies the importance of Morecambe within the district, and the Core Strategy reinforces this by identifying the resort as a Regeneration Priority Area that could be reinvented as a visitor destination by drawing on its natural and built heritage, and through housing renewal. Regenerating this predominantly brownfield site

remains, in principle, supported by the Development Plan, subject to all the other material considerations that are assessed in this report.

- 7.1.4 It is acknowledged that the emerging Morecambe Area Action Plan proposes a rather different direction for Central Promenade, based upon leisure investment, particularly hotel and visitor-focused uses. Additionally, MAAP Policy D02 requires that retail uses should only be considered where the proposal (as a whole) is for predominantly leisure uses. Other *“visitor-focused residential accommodation that is demonstrably ancillary to otherwise predominantly leisure uses”* is included in the preferred uses.
- 7.1.5 Notwithstanding the different policy direction, the MAAP is not, at the time of compiling this report, part of the Development Plan, and due to its current status (having only progressed through consultation of the Preferred Options), the provisions within it only carry limited weight in decision-making on the current proposal, although that weight will increase as the MAAP advances.
- 7.1.6 It has been argued that any grant of consent for Central Promenade would be premature in advance of the adoption of the MAAP. Whilst the National Planning Policy Framework (NPPF) is silent upon the subject of prematurity, it is established that prematurity can potentially be a reason (although not always justified as a sole reason) for resisting development that would prejudice an emerging plan that has yet to be adopted, by effectively predetermining decisions about the scale or location of development which may otherwise be addressed within that emerging plan.
- 7.1.7 It is likely to be a further 12 months before the MAAP can be adopted, and the future intentions for the Central Promenade may or may not be subject to change following the Preferred Options consultation. At a time when amendments to the scheme and revised documents have finally been secured, subjecting the site and Morecambe as a whole to further uncertainty by delaying a decision would not be favoured. The document *‘The Planning System: General Principles’ (2005)* has not been revoked by the NPPF and it carries the following advice:
- “Where a DPD is at the consultation stage, with no early prospect of submission for Examination, then refusal on prematurity grounds would seldom be justified because of the delay which this would impose in determining the future use of the land in question”.*
- 7.1.8 Since the publication of the NPPF, it is also considered that any prematurity argument is difficult to reconcile with the NPPF’s presumption in favour of sustainable development. If (for example) development plans were absent, silent or out-of-date, then permission for a development proposal should be granted subject to assessment against the policies in the NPPF taken as a whole.
- 7.1.9 Having accepted that the principle of the proposal continues to accord with the current Development Plan in principle, consideration turns to the NPPF. Paragraph 6.1 of this report highlights the most relevant sections of the NPPF that are applicable in this case. At the heart of the guidance is the presumption in favour of sustainable development, meaning that proposals that accord with the Development Plan should be approved, unless material considerations indicate otherwise.
- 7.1.10 The NPPF’s 12 core planning principles listed in paragraph 6.1 predominantly weigh in favour of the current proposal. There is explicit support for mixed-use developments and brownfield land regeneration; encouragement for proactively driving sustainable economic development to deliver homes and businesses, infrastructure and “thriving local places”. There is a recognition that patterns of growth should make the fullest possible use of public transport, walking and cycling – something that can be achieved in this sustainable urban location. And there is the potential within the scheme for the delivery of community and cultural facilities and services.
- 7.1.11 However the NPPF also requires the planning system to secure high-quality of design; to take account of the differing roles and character of areas; and to conserve heritage assets “in a manner appropriate to their significance”. These principles are more subjective in their nature, and in the context of this proposed scheme they are assessed later in this report.

## 7.2.1 Principle of the Proposed Mix of Uses – Residential (C3 Use Class)

Much has been said of the principle of permitting residential units on the seaward side of the Promenade. The current scheme comprises 402 residential units (53 studios, 258 1-bedroom units including 7 1-bedroom beach houses, and 91 2-bedroom units including 10 2-bedroom beach

houses). The Development Brief accepted the principle of flatted residential development as a means of delivering a viable, genuinely mixed-use scheme, particularly the hotel, small-scale retailing, the leisure use(s) and the significant public realm and new public spaces. The Brief did however recognise that family housing was not considered appropriate on the site, and accordingly the applicant's intention was to deliver a type of housing stock that would be high-quality in terms of contemporary fit-out and attractive in terms of external design and location.

7.2.2 Whilst the principle of high-quality residential is broadly compatible with the current Development Plan, the applicant's second option for the ground floors of Blocks A4 and A5 is for a mix of residential and commercial uses (if their first option of commercial uses on the ground floor is not delivered). With the exception of the beach houses, which deliver a fundamentally new residential product for Morecambe, ground floor residential apartments are not considered acceptable as part of the overall mix of uses and would set an unwelcome precedent for future residential conversion of other ground floor units within the scheme, which would be difficult to resist. If the application is approved, it will be necessary to impose a condition discounting the second option for both of these blocks.

7.2.3 In theory, the injection of population (and thus activity and vibrancy) into the centre of Morecambe during the day and evenings should be beneficial. However a balance does need to be struck to ensure that the quantum of residential apartments does not hinder the delivery of the more active commercial and leisure uses.

7.2.4 It has always been an objective of the Development Brief that any residential development shall not take place until more "*lively elements*" of the scheme are delivered, and any phasing condition must adhere to this principle of development. Subject to conditions controlling the use of the ground floors of the main units for non-residential units, and safeguards regarding phasing, residential use is accepted as a means of delivering the more active uses proposed across the site.

### 7.3.1 Principle of the Proposed Mix of Uses – Retail (A1 Use Class)

The Development Brief also accepted that there was a potential role for small-scale ancillary retailing which had a clear relationship to the visitor role of the site. The brief even suggested a limit on the floorspace of 50 sq.m per unit. During earlier discussion of the issue in late-2008, 'visitor retailing' was accepted as being fundamentally different to the type of retailing that exists in Morecambe's Primary Retail Area. Small-scale visitor retailing was also accepted as being essential to help create a critical mass of commercial and tourism activity to support the Midland Hotel and the wider regeneration of the resort. Officers have always been of the opinion (as evidenced in their November 2008 correspondence) that strict controls would need to be imposed via either a planning condition or legal agreement regarding the range of goods sold from any retail units.

7.3.2 However the changing economic context, and the changing national planning legislation, has resulted in an amended retailing assessment being submitted. This updated statement indicates a total of 15,547 sq.m of proposed retail, leisure, gallery and other commercial floorspace, but does not indicate the exact mix of uses at this outline stage or the maximum quantum of floorspace to be dedicated for the retail use. Separate correspondence with the applicant has however indicated that not more than 6,000 sq.m would be given over to any single use with the exception of the leisure use and hotel use.

7.3.3 The local planning authority has engaged its retained retail consultants, White Young Green, to assess the retail data put forward by the applicant. In their experience, retailers generally require upto 75% of the gross floorspace of such a development to be net retail sales floorspace, and their appraisal was founded on the basis that the retail sales area would not exceed 4,500 sq.m.

7.3.4 The applicant's statement also confirmed that approximately 20% of the net retail sales area could be used for the sale of convenience goods, equating to no more than 900 sq.m.

7.3.5 Given the distances to the edge of the Primary Retail Frontage (approximately 250m) and the distance to the Town Centre Boundary (approximately 30m), the site is defined as an 'edge-of-centre' location for the purposes of the sequential approach contained in the NPPF. Paragraph 24 of the NPPF advises local planning authorities to apply the sequential approach, which effectively directs development for main town centre uses (e.g. retail) to town centre locations; then in edge-of-centre locations; before then considering out-of-centre locations only if suitable sites are not available. When considering edge-of-centre locations such as Central Promenade, "preference should be given to accessible sites that are well-connected to the town centre".

7.3.6 The Practice Guidance to the former Planning Policy Statement 4 remains in force where it is consistent with the NPPF. That guidance accepts that some proposals will serve a “*purely localised need*” whereas others will serve “*a materially wider catchment area*”. With regard to the latter, consideration turns to whether the proposal is of an appropriate scale to the proposed location, or whether the need could be better met within an existing ‘higher order’ centre. It is also important to note Paragraph 6.26 of the guidance which states:

*“When considering location-specific needs, it is important to distinguish between cases where need arises because of a gap or deficiency in the range, quality or choice of existing facilities, and where the commercial objectives of a specific developer/occupier are their prime consideration”.*

It is accepted that the proposed mixed-use nature of the development is a consequence of Morecambe’s character as a seaside town and visitor destination. Accordingly, Morecambe alone is the focus of the sequential search.

7.3.7 If the proposals genuinely fit into the character of ‘speciality retail’, or ‘visitor retailing’, then the proposals may help underpin the viability of the scheme as a whole. However a consistent problem throughout the application process has been the definition of this term, ‘speciality retail’. The applicant has not proposed any condition which would restrict the range of comparison goods which could be sold, and so the retail floorspace could appeal to a wide range of retailers. They have however suggested that speciality retail could include outdoor clothing and ‘surfwear’ retailers like “*tourist towns in the nearby Lake District*”. Outdoor specialist that are named in the Retail Statement as potential operators who *may* be attracted to such a scheme include Cotswold Outdoor, Mountain Warehouse, Hawkshead and Tog 24. However given that the scheme could still be attractive to a range of other retailers, it is apparent that the retail element has the ability to be disaggregated from the remainder of the scheme and so the sequential test should assess whether there are any alternative sites which could accommodate the broad type of mixed-use development, or the retail elements alone.

7.3.8 The applicants considered six sites in their Updated Retail Assessment, namely:

- (i) The Winter Gardens Long-Stay Car Park;
- (ii) The Library Short-Stay Car Park;
- (iii) The Post Office Site on Market Street;
- (iv) The Edward Street Long-Stay Car Park;
- (v) The Seafront Long Stay Car Park (opposite the Midland Hotel); and,
- (vi) The Tunstall Street Short-Stay Car Park.

7.3.9 The applicant’s assessment did not consider the Frontierland site, which although it is a high-priority site in terms of regeneration, is not sequentially preferably located in terms of accommodating town centre uses.

7.3.10 In terms of the six sites considered, sites (ii) to (vi) were acknowledged to be less than 05 hectares in size and are not suitable to accommodate the development as a whole or the proposed retail elements, and they were quickly discounted.

7.3.11 The Winter Gardens Long Stay Car Park is larger at approximately 1.15 hectares. The applicant’s statement considered this site to be backland in nature, with limited visibility and connectivity to other shopping areas, which would deter operators attracted by the mixed use proposal offered by Urban Splash. They concluded that “*It is highly unlikely that such operators would be able to trade successfully from this location*”.

7.3.12 The Car Park’s current status in the Development Plan is as a Shopper and Visitor Car Park, protected from development by Saved LDLP Policy T19, although emerging policy does recognise the development potential of such sites where car parking can be retained (e.g. through multi-storey parking instead of at-grade parking).

7.3.13 White Young Green are in agreement with the applicant’s assertion that the Winter Gardens Car Park does not provide any substantial sequential advantage over the application site in retailing terms. Whilst this is accepted by Officers, it is noted that the Winter Gardens site does have an advantage in terms of it being better-related to the town’s railway station. Whilst the Winter Gardens site is

sequentially preferable for other (non-retail) town centre uses, the surrounding land uses and the relative lack of visibility behind a collection of buildings means that it is not well-suited to accommodate the mixed use development as a whole or any disaggregated retail elements of the scheme. Therefore White Young Green advises that the proposal accords with the requirements of the sequential test.

- 7.3.14 The NPPF also contains a twin Impact Test. This requires proposals for town centre uses which are not in accordance with an up-to-date local plan to assess impact if the development exceeds any locally-set floorspace threshold, or if a local threshold does not exist, then a default threshold of 2,500 sq.m. The Impact Assessment should firstly consider the impact upon the existing, committed and planned public and private investment in a centre or centres within the catchment area of the proposal; and secondly the impact upon town centre viability and vitality, including local consumer choice and trade within the centre and the wider area, upto 5 years from the time that the application is made. For major schemes where the full impact will not be realised in 5 years, the impact should also be assessed upto 10 years from the time the application is made.
- 7.3.15 Paragraph 27 of the NPPF indicates that proposals such as the current application may be refused permission where a significant adverse impact is likely to arise from development. In assessing whether an impact is significant, the Practice Guidance states that “...any new development involving town centre uses will lead to an impact on existing facilities, and as new development takes place in one centre this will enhance its competitive position relative to other centres. This is a consequence of providing for efficient retailing...and promoting choice, competition and innovation”.
- 7.3.16 Therefore whilst there will be impacts arising from all retail developments, guidance indicates that this will not always be adverse. So instead, the twin Impact Tests in the NPPF are a tool to help differentiate between developments that will have an impact; and developments that will fundamentally undermine the future vitality and viability of established centres (i.e. ‘significant adverse’ impact).
- 7.3.17 With regards to the impact upon public and private sector investment, White Young Green agrees that there are presently very few committed or planned developments in Morecambe that are being actively progressed. Intentions within the emerging MAAP are at an early stage and whilst this aims to secure redevelopment and regeneration of major key sites such as Frontierland, the Winter Gardens area and the Festival Market, and the Arndale Centre, the application proposal could not realistically be determined to have a clear prejudicial effect on such schemes coming forward. Nor would the scheme have any prejudicial impact upon schemes in Lancaster City Centre, such as Canal Corridor North. Accordingly, there is no in-centre investment which is directly prejudiced as a result of the proposed development.
- 7.3.18 Officers note that any further delay in determining this current application could lead to uncertainty regarding investment and development decisions in the centre of Morecambe.
- 7.3.19 With regards to the impact upon Morecambe Town Centre’s vitality and viability, White Young Green made different assumptions in terms of the net comparison goods sales area, its sales density and the retail floorspace given over to convenience goods. Notwithstanding this, the estimated turnover of the comparison goods element was not wholly dissimilar to that proposed by the applicant, (£18M instead of the applicant’s estimate of £19.2M).
- 7.3.20 White Young Green believe that the applicants have been cautious in terms of trade draw from outside the catchment area, assessing this to be 10%; and that instead it is reasonable to assume 25%. In this regard, they consider that the trade draw diversion from either Lancaster or Morecambe (assessed by the applicant to be 40% and 15% respectively, but likely to be lower than those figures based on White Young Green’s assessment) will not be at a level which will be “significantly adverse” to either centre.
- 7.3.21 This is not a view shared by the Town Council or the Chamber of Trade; the former being of the view that the leisure footprint is too small and that the proposals for retail do not demonstrate the required level of sustainability. The Chamber of Trade was of the view that regeneration will not assist tourism, which is a key component for Morecambe.
- 7.3.22 A converse argument put forward is that development could, as White Young Green advise, “result in notable spin-off benefits for Morecambe Town centre’s existing businesses”. The greater mass of



retailing activity may make other sites more attractive to developers and be a key attractor for visitors. The applicant has provided evidence of other case examples where speciality retailing has been a success, and in particular they cite the dockyards at Plymouth where restaurant space has been let to operators such as Waggamama and River Cottage Canteen, as well as a farmer's market and artist's studios.

7.3.23 White Young Green conclude by stating that it will be important to attach planning controls if approval is granted, and have suggested a 4,500 sq.m limit on net floorspace for retail uses; and not more than 20% (or 900 sq.m) of the overall retail sales area to be dedicated to the sale of convenience goods.

7.3.24 However if any development proposed a substantially greater quantum of retail floorspace and substantially lesser elements of other uses, then it is clear that this should be resisted unless there is additional evidence to justify such an approach. For their part, the applicant has confirmed that the City Council will retain a level of control over the letting of the spaces in its role as landowner and party to the Head Lease.

#### 7.4.1 Principle of the Proposed Mix of Uses – Hotel and Visitor Accommodation (C1 Use Class)

Since the adoption of the Development Brief, it has been anticipated that any development proposals for Central Promenade would include hotel accommodation. Working with the Council, Urban Splash delivered a high-quality restoration of the Midland Hotel and achieved one of the key aims of the Development Brief for the site. The Brief also talked about the possible extension of the Hotel (Paragraph 5.4 of SPG 17) and possible "*additional hotel accommodation*" (Paragraph 13.1 of SPG 17).

7.4.2 The applicants proposals have changed over time and Blocks A1 and A6 – at opposite ends of the site – are now shown as having potential options for a hotel with 80 bedrooms (Block A1) and a hotel with 100 bedrooms (Block A6). Alternatively, these blocks could deliver 60 apartments each.

7.4.3 When queried over the deliverability of the hotel elements in November 2012, the applicant advised that the provision of additional rooms and larger function suites "*could be commercially viable*". They also talk of the possibility of attracting new hotel operators to the site and that attracting an end user would be their "*initial target*".

7.4.4 It is notable that the current operator of the successful Midland Hotel, English Lakes Hotels, have submitted a letter which says that the hotel requires additional space to improve viability, and that this could amount to an additional 20-30 rooms with a new spa function, ideally in a stand-alone building with a covered walkway. (Notwithstanding their desire for additional hotel space, they oppose the proportions and impact of the current proposed development when compared to the existing proportions of the Midland). The Development Brief makes provision for this by stating that, "*If additional accommodation is required for the hotel in terms of annexes for additional bed spaces, there will be a need to ensure that additional blocks are well spaced from the hotel and that any linking canopies or covered walkways are light and insubstantial in appearance*".

7.4.5 Whilst further discussion of the deliverability and viability aspects, including that of hotel provision, are discussed later in this report, one of the overriding aims must be to ensure that the listed Midland Hotel has sufficient additional accommodation to ensure that it remains viable and that it is not prejudiced by inappropriate development or inappropriate uses in close proximity. The Brief allows for this and the commentary to Core Strategy Policy ER2 also supports the provision of a modern visitor offer. The emerging MAAP requires development proposals to "*not preclude the development of more visitor accommodation for the Midland Hotel*". Draft MAAP Policy DO2 supports proposals for additional accommodation for the Midland and "*other hotel accommodation*".

7.4.6 Therefore, the principle of the delivery of hotel accommodation is broadly supported by the current Development Plan and by emerging policy guidance.

#### 7.5.1 Principle of the Proposed Mix of Uses – Cafes, Restaurants, Drinking Establishments, Takeaways, Business, Non-Residential Institutions (A3, A4, A5, B1 and D1)

Given that the applicant's Retail Assessment has been accepted subject to conditions, attention turns to the wide-ranging other uses being proposed. The Development Brief anticipated food and drink uses across the site (Use Class A3), and given the demand for tourist facilities and services these are

clearly acceptable uses. Drinking establishments (Use Class A4) may be appropriate too subject to certain licensing controls. Similarly there would need to be strict controls regarding any A5 uses (Hot Food Takeaways) across the site, but the local planning authority cannot justify precluding them from this central, urban location as part of a mix of uses aimed at creating a tourism/visitor hub of activity.

7.5.2 The Brief also suggested that B1 offices may be appropriate but these should not detract from the overall vitality of the scheme and must be phased to ensure that the more critical and lively elements are delivered first. If permission is granted then a condition requiring control over the precise nature of any B1 use should be imposed. This is because the B1 class also includes provision for light industrial uses, which would be inappropriate in this location.

7.5.3 The non-residential institutions use class (D1) is wide-ranging. It includes museums, art galleries and libraries. It also includes crèches, places of worship and health centres. Whilst the latter group are appropriate urban uses of developable land, they are not considered to be uses that would necessarily support the tourist and visitor market that the site needs to attract. If permission is granted, a condition needs to be imposed specifying the types of development within the D1 use class that are accepted; and the uses which would be not be covered by the permission (i.e. withdrawal of certain permitted change of use rights within Class D1).

#### 7.6.1 Principle of the Proposed Mix of Uses - Assembly/Leisure (D2)

The D2 use class is defined as 'Assembly and Leisure' and it includes uses that would be highly-desirable across this central site, such as (for example) a skating rink or areas for indoor recreation and sport. Despite the heavy emphasis upon the need to attract uses that add vitality to Morecambe, the applicant's Accommodation Schedule within the Design and Access Statement does not include D2 uses at all. It was always envisaged that the easternmost unit (Unit 7) would deliver a leisure use, yet the Accommodation Schedule continues to propose a potentially wide range of other commercial uses for this block, including retail.

7.6.2 This is at odds with the amended application form, which specified D2 uses as part of the 'mix'. It is also contrary to the most recent correspondence from Urban Splash (their response dated 8 November 2012), which identifies Unit 7 as being for leisure use. This letter stated that:

*"Site 7 is highlighted for leisure use and we would be keen to market this once consent is in place. This will be a much more compelling offer to potential end users once it can be put in the context of a consented regeneration plan".*

Given this more recent correspondence, this is the reason why D2 uses are retained in the applicant's description of development.

7.6.3 Leisure uses are appropriate across the site and if they are of sufficient quality and 'draw', then they would enhance Morecambe's role as a visitor destination. With this to the fore, and notwithstanding the conflicting details within the suite of application documents, any permission granted should explicitly specify that Block 7 should be wholly designated for leisure uses.

#### 7.7.1 Scale, Siting and Massing of the Buildings

When this application was first brought to Planning Committee in February 2010, it was with a recommendation of refusal based upon (amongst other reasons) excessive scale and depth of the buildings and the overbearing and overdominant impact that this would have upon nearby Listed Buildings and the Morecambe Conservation Area. In particular the depths and heights of the easternmost blocks were significant (8 storeys high in some cases) and were visually damaging to views of the Midland Hotel and the outlook and setting of the Winter Gardens. These refusal reasons were supported by national policy in the guise of the former PPS1 and PPG 15. Both of these national documents have since been replaced by the NPPF.

7.7.2 The scheme has changed markedly since validation in 2008. The applicant has revised heights, massing, depth and layout, including the buildings immediately adjacent to the Midland Hotel and the blocks opposite the Winter Gardens, in an attempt to protect the setting of these heritage assets.

7.7.3 It is usual for a scheme of such magnitude to include photo-montaging as part of its submission. Viewpoints were agreed with English Heritage and the local planning authority, but instead of

montaging the applicant has persisted with wireframe drawings. To quote English Heritage (August 2012); "...it would have been desirable for the applicant to have provided more compelling photo real images to assess setting impacts, rather than the simple line sketches provided".

- 7.7.4 The main building blocks A1 to A6 follow a similar arrangement to that previously submitted, arranged in a radial form to reflect the angle and setting of the Midland Hotel and to work alongside a new circular highway arrangement around the Midland Hotel and Marine Road Central. The buildings originally increased in height and length as they progressed eastwards; but this is no longer the case as heights now decrease from the central portion of the site to the east. The buildings also begin to 'rotate', so that Block A6 is turned almost through 90-degrees. Blocks A5 and A6 have been reduced in depth so that they do not dominate the vista from Marine Road Central. The improvement to heritage asset sightlines was welcomed by English Heritage in their consultation response in August 2012. Block 7, previously 4 storeys in height, is reduced to a maximum of 3 storeys, and just 1 storey fronting Marine Road Central, in an attempt to alleviate concerns regarding the clutter of buildings and the loss of views. As welcome as the reductions in scale at this end of the site are, Blocks A6 and 7 will still impinge on some views of the Midland Hotel from eastward points along the Promenade.
- 7.7.5 For many it is not the scale of the easternmost blocks that is the critical issue, but the westernmost blocks adjacent to the Midland Hotel. Block A1 is located almost at right-angles to the Midland Hotel and would obscure the north-eastern outlook from the Hotel's Rotunda towards part of the Lakes. It has historically been accepted that the justification for this building being so close to the Midland is the potential for it to deliver additional hotel accommodation and provide a new public square. Whilst Block A1 is set back behind the line of the existing hotel, its overall height of 6 storeys will exceed the Midland, even though the height of 4 storeys at the Marine Road end of the building will ensure that at its closest relationship to the Midland, the heights are broadly compatible.
- 7.7.6 From the Promenade the mass of buildings will obscure views of the Midland Hotel. The dominance of the 6-storey 'ends' fronting the Bay means that the quality of the design and subsequent build has to be of the highest order to create a new relationship between the buildings, to ensure that the setting of the Midland is not adversely compromised.
- 7.7.7 The design concept always proposed infill development between the main blocks, and the current scheme is no exception. These were envisaged as single-storey commercial blocks with a mezzanine floor, fronting onto the newly created 'boardwalk' running through the site. Whilst they add to the massing of the structure as a whole, and reduce inter-visibility of the Bay, they are not by themselves of significant scale and much will depend upon the treatment of these units. Similarly, the units annotated as the potential beach houses add to the massing of development when viewed from the Promenade, but at single-storey height, they are not significant in terms of scale.
- 7.7.8 One of the main amendments secured in 2010 and repeated as part of the 2012 revisions was the removal of the infill Blocks B4 and C4. This allowed the massing of the structure to be broken up and to permit a key view towards the Lakeland Hills. It also allowed greater permeability through the site, as this report discusses later.
- 7.7.9 The proposed building at Midland Point (Unit 8) is potentially four storeys in scale. As this is located across Marine Road Central and within the existing building line, it is considered that a building of this scale and in this position will be appropriate to the locality and will have no detriment upon visual or heritage impacts.
- 7.7.10 The Pleasure Gardens building (Unit 3) is shown with a grassed roof and only single-storey in scale. It would be positioned in a similar splayed arrangement to the Midland Hotel, but crucially would sit in front of Blocks A3 and A4 adjacent to the Hotel. This positioning has the potential to weaken the design approach taken across the site, by intervening in the view of the new development. Treatment of this unit would be critical despite its lesser scale and mass, and the quality of the treatment would determine whether the setting of the Midland Hotel (and indeed the Conservation Area) when viewed from the proposed Pleasure Gardens area and Marine Road Central is preserved, enhanced or is detrimentally affected. The scheme cannot be said to preserve the setting because of the quantum of development and its location in respect of the heritage assets. It has the potential to enhance the provided as part of full delivery of the scheme.
- 7.7.11 The reductions in scale are welcome. The proposed buildings will rise to their maximum heights at the northern end of each building, and this alleviates the concerns previously expressed. In terms of

mass, the development can be best described as five differing blocks – the main structure which incorporates A1-A4, B1-B3 and C1-C3 as a homogenous building, relieved somewhat by the lesser scale of the infill units; a second element which incorporates Blocks A5, B5, C5 and A6; Unit 7 which sits alone to the east at a lesser scale; Unit 3 which sits adjacent to the Midland Hotel and Unit 8 which sits across Marine Road Central. Units 7 and 8 could be developed at their proposed scale without detriment to the locality or the heritage assets, subject to appropriate design. The success of the other blocks would depend much upon their treatment and materials, which are not matters currently being applied for as part of this outline application, and the full delivery of the scheme as a design solution for this sensitive site.

7.7.12 Finally, the mass of the structures is alleviated somewhat by the cutting-out of terraces within part of the roof structure. The mass of the larger blocks would be broken up by balconies and decked areas (projecting decks on the seaward side and linear balconies overlooking the courtyard space).

#### 7.8.1 Site Layout and Permeability

Despite the fact that the site has previously accommodated buildings of some scale and significance, the site has usually maintained a feeling of openness. Current views of the Bay are however surprisingly limited from many points within the site itself. It is accepted that the development would have a greater impact upon any existing views of the Bay from within the site. However the same would be said for most other comprehensive development of Central Promenade. What the development must not do is create a complete wall of development, effectively separating the visual connection between the Promenade and Marine Road Central. The 2008 plans (inadvertently or not) sought to create such a separation. The revisions to those plans, which have included a wide pedestrian thoroughfare from within the site to the Promenade, negated that concern and potentially creates a strong axis leading across the proposed Midland Circus towards the existing Poem Path.

7.8.2 What must be recognised is that Central Promenade is a very different place now than back in the mid-2000s. Much of this is attributable to Urban Splash for their successful regeneration of the Midland. But other smaller gains such as the removal of derelict buildings and the provision of the temporary grassed area have created a space which people are now keen to use during good weather. The challenge for the applicants (and indeed the local authority) is to create a space and a collection of uses or attractions in this most central of locations that are not wholly dependent on weather conditions, and that caters for tourists/visitors and the new residents of the apartments alike, without compromising either of those groups of people.

7.8.3 Whilst some of the uses remain undefined and site layout is not a matter being applied for, the applicant has still developed ideas regarding the layout and spaces created. Notwithstanding the criticisms of the current scheme from some quarters, the scheme at least tries to achieve vibrancy by bringing a critical mass of people into the site through the creation of residential units, and a series of commercial, visitor accommodation and leisure space.

7.8.4 The revised proposals would seek to focus activity in a series of open spaces. Seaside Square adjacent to the Midland Hotel and Block A1 would be open to the elements but would be partially sheltered from the wind by Block A1. The creation of a durable open space with intermittent shelter opportunities (as indicated on the indicative layout) is an appropriate use of land adjacent to the stone jetty.

7.8.5 The proposed Market Place/Square at the eastern end of the site is a less 'deliberate' space due to the applicant's desire to create a flexible area of land, capable of hosting speciality markets or events. It is also capable of providing parking spaces on days when it is not in use, and the applicant shows part of the perimeter of this space as being landscaped to hide those cars. Given that this part of the site currently accommodates parking, the provision of a similar use is difficult to oppose.

7.8.6 Although there are other areas within the site that will have their own definitive character (see paragraph 2.11 of the report), the site is effectively held together by the new axis between Blocks A4 and A5, and the routes which that axis connects, namely the Promenade and the proposed new 'Boardwalk'. The applicants have responded positively to our request to ensure that the surface treatment along the section of the Promenade is continual and doesn't seek to explicitly define 'public' and 'private' spaces.

7.8.7 The Boardwalk is a critical element and would be a hard surface that curves on a west-east axis

through the site. It is the applicant's intention to raise this Boardwalk by approximately 500mm and to provide new lighting and seating opportunities along its length. Part of the Boardwalk would have a steel canopy, supported by columns between the buildings and hanging from the underside of the proposed balconies. It would run approximately from Block A1 to Block A6, to provide shelter and would be solid beneath the residential elements and partially transparent adjacent to the retail infill units. It is the opinion of Officers that the Boardwalk would be a positive feature of this redevelopment.

7.8.8 But the setting of the Boardwalk would also be defined by what occurs to the south. The impact of development upon the War Memorial is discussed separately later in the report, but the public realm to the Pleasure Gardens and the treatment of the revised Midland Hotel car park are critical. The promise of public artworks, high-quality materials, contemporary lighting and public realm is tantalising, yet has to be put into the context of the global economic downturn. The great risk remains that only part of the scheme is built-out, or built-out in the form shown. This would be detrimental to the design philosophy stated throughout the supporting literature. Delivery of the public realm is therefore also discussed later in the report. However in pure layout terms, the solution indicatively proposed by the applicants clearly respects the radial design of the buildings and is legible and potentially of high quality.

7.8.9 The intention to change Marine Road Central in favour of the proposed Midland Circus – a raised (highway table-top) arrangement – is important in terms of connecting this site to the south side of Marine Road Central. Such highway interventions often have the effect of slowing traffic down, and subject to there being no highway objections and the safe delineation of pedestrian and highway routes, this space could serve as an 'arrival space' for the development and be bounded by innovative and colourful (yet robust) coastal planting.

7.8.10 Subject to all other matters being acceptable, including impact upon heritage assets and the delivery of the full scheme including the public realm and key leisure attraction(s) to the site; the layout proposed has the potential to create an exciting and modern area that could provide greater shelter to the elements yet provide public spaces of real value and functionality, establishing a strong sense of place for those who will live, work and visit the site.

#### 7.9.1 Building Design and Materials

Whilst appearance is not a matter being applied for, the applicant has sought to provide some detail regarding the external finishes and appearance that may be used on the proposed buildings. The full application (07/01811/FUL – held in abeyance by the applicant); assists in this regard as it complements the outline Design and Access Statement, and it means that Members will have some degree of certainty regarding the palette of materials and appearance of the first two units. This has to be caveated by saying that the design approach could still be subject to change.

7.9.2 Whilst the Development Plan position remains broadly the same regarding design matters, national guidance in the form of the NPPF has evolved into a more rigorous set of principles. The "*great importance*" that the NPPF attaches to design matters means that it is indivisible from good planning. Proposals need to be visually attractive as a result of good architecture and respond to local character, reflecting the identity of local surroundings and materials but not preventing appropriate innovation. NPPF Paragraph 60 is quite clear in stating that decision-making "*should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness*".

7.9.3 The applicant's track record is first class. Whether it is delivering regeneration of the neo-classical Royal William Yard in Plymouth, with the challenge of having the highest collection of Grade I Listed military buildings in Europe; or whether it is transforming the brutalist concrete landmark of Park Hill in Sheffield into apartments faced with confident, colourful aluminium panels, Urban Splash have delivered exciting and innovative architecture that has, in the main, left the towns and cities that they have worked in in a better position than before they arrived.

7.9.4 The main blocks A1-A6 are ambitious in terms of the design approach taken. During the 2008 consultation, the former Commission for the Built Environment (CABE) commented that the "*spirit of the design*" reflected the proposals that were developed for the initial Design Competition. From the local planning authority's perspective, it is the loss of the Design Competition's curvature to the

structures – replaced instead by more angular details instead – that is found to be regrettable. The applicant has justified this change on the basis that the fully-worked up internal plans show that the degree of curvature is not feasible. However the angular details can still work to create a visually-pleasing, high-quality building subject to the precise finishes and materials and the architectural expression of the façade, projections and roofscape.

- 7.9.5 Some have claimed that the designs should reflect and imitate the Midland Hotel. This is not accepted by Officers - doing so would, in our opinion, weaken the unique quality of the Hotel and would represent a poor pastiche. A contemporary approach which respectfully responds to the Hotel is likely to be more successful. The reduction of building heights referred to earlier in this report helps to ameliorate the differences in style and the inter-relationship between the two.
- 7.9.6 It is noted in the Design and Access Statement that there are a number of options for the main cladding panels, including precast, corten, finished steel and cockle-shell render. Corten was dismissed earlier in the process, but the remaining cladding options are appropriate and would be visually distinctive, but not overpowering to the adjacent Midland Hotel.
- 7.9.7 Both the applicant and the local planning authority are agreed that care needs to be taken regarding the colour(s) of the pivoting ventilation panels. Officers are not averse to the introduction of colour in these features (and the aforementioned Park Hill in Sheffield makes fantastic use of coloured panelling), but it would be more successful at this sensitive site if each unit contained different shades of one base colour, as the visual image within the Phase 1 planning application indicates.
- 7.9.8 The protrusions on each unit, either in the form of steel balconies or framed windows, could be quite striking and providing that the detail submitted on the full application does not change, this could be supported. However the ‘glazed conservatory’ elements on the upper floors would require express control via planning condition.
- 7.9.9 The retailing units on the ground floor would be finished in full-height glazing with a horizontal louvre at a high level. Similar louvres to the plant and refuse areas would be finished in aluminium. The roofs to the infill retail blocks (Blocks B1-B5) will be grassed.
- 7.9.10 The beach houses to the Promenade will be finished in a close-boarded and dark stained treated timber. Again there would be a grassed roof with a series of glazed rooflights. These grassed roofs connect back towards the infill retail block to create a communal courtyard roof deck, which are described as being “semi-private open spaces” providing amenity space for residents of the apartments.
- 7.9.11 Some have described the designs as daring and bold; others have described them as monstrous and intrusive. On the issue of design, the Development Brief required materials to tolerate a high level of exposure to the marine environment and which will withstand weathering without detracting from their appearance. It did not specify a particular design approach to take.
- 7.9.12 If controlled by condition and subsequently built to the highest workmanship, the design approach being taken would be dramatic and an architectural feature within its own right. With a palette of materials that complemented the Midland (and with heights at the Marine Road Central end of the site not exceeding 4 storeys), the development could, in the opinion of Officers, be accommodated so that it added positively to the Conservation Area and the locality in general, on the proviso that it was built out as shown in full.

#### 7.10.1 Impact upon Heritage Assets

The NPPF requires applicants to describe the significance of any heritage assets affected by the development. Although the applicant’s Heritage Statement does not refer to all of the relevant national guidance, they have identified the heritage assets affected and discussed these as part of their revisions document. The heritage assets include the Midland Hotel (Grade II\*), the curtilage walls to the Midland Hotel (Grade II), the former Railway Station (Grade II), the Stone Jetty Building (Grade II), the Winter Gardens (Grade II\*), the War Memorial (Grade II), 217-221 Marine Road Central (Grade II) and the Morecambe Conservation Area.

- 7.10.2 When determining applications, local planning authorities are required to assess the significance of the impacts upon the heritage assets, including the positive contribution that conservation of the asset

can make to sustainable communities including their economic vitality; the desirability of sustaining and enhancing the significance of the asset; and the desirability of new development making a positive contribution to local character and distinctiveness.

- 7.10.3 The NPPF advises that great weight should be given to the asset's conservation; the more important the asset, the greater weight afforded. Substantial harm or loss of a Grade II building should be avoided, whilst substantial harm or loss to a Grade II\* building should be "*wholly exceptional*". Where substantial harm is likely arising from the proposals, then permission should be refused (unless substantial public benefits outweigh the harm/loss). Where the proposal leads to "*less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing the assets optimum viable use*".
- 7.10.4 English Heritage are of the view that the proposal will lead to "less than substantial" harm and so it follows that – if the local planning authority share this view - any harm then needs to be assessed against the public benefits. One matter that English Heritage maintains reservations about concerns the public benefits, particularly in terms of how the benefits deriving from the development can be ensured with any phased approach to developing the site. In other words, if only part of the site were to be developed, will this provide sufficient public benefit to balance against the harm/loss caused?
- 7.10.5 Taking each asset in turn, the Midland Hotel is judged to be of "*more than special interest*". This is confirmed by its status as a Grade II\* listed building. Only 5.5% of listed buildings in the country are Grade II\* (2.5% are Grade I, 92% are Grade II). The applicant believes that the proposal respects the scale, setting and integrity of the building and will improve upon what they describe as a currently "*poor quality environment*" to deliver a critical mass of activity to improve the economic viability of the Hotel. The public realm works around the Midland Hotel will help achieve this ambition.
- 7.10.6 Whilst the curved hotel will still be visible in both directions from along Marine Road Central, some views (short and long-distance) will be obscured either partially or totally from the Promenade by the presence of the new buildings. The scale of the largest new buildings – at four-storey fronting Marine Road Central – will be broadly commensurate with the existing Hotel. The buildings do rise above the Hotel as they extend towards the Bay, and it is recognised that the exceedence of the height of the Hotel does not accord with the Development Brief which required the Hotel to retain its visual dominance. The new buildings are not subordinate in that respect, but the radial form of the structures can potentially provide a rhythmic 'sweep' of buildings that will frame the areas of public open space and create a genuinely pleasing environment that would benefit the Midland.
- 7.10.7 There will be loss of views from within the Hotel out towards parts of the Bay, although the Hotel will still enjoy expansive vistas in the opposite direction and the creation of a new public square abutting the Hotel will provide a greater focal point for activity and, hopefully, supporting services such as cafes and tourist-related retail units.
- 7.10.8 The concern remains that only certain parts of the site are built out, or built out in the form being proposed. For example, if Phase One was built out in isolation, or was left alone in situ for a lengthy period of time due to economic reasons, then the eastern elevation of Block A2 would be exposed. This would dramatically weaken the setting of the Midland Hotel by 'competing' with it, instead of the new building's impact being offset by the presence of the additional (later phased) blocks sweeping away from the Midland and reducing in height and mass.
- 7.10.9 In respect of the Midland Hotel therefore, whilst Officers are of the view that the public benefits arising from the proposal are significant and would potentially outweigh any harm to the building itself, the phased approach is a concern and if the development cannot be viably constructed in full, then the justification for approving the scheme is considerably lessened.
- 7.10.10 The Midland Hotel curtilage wall is Grade II listed. A separate Listed Building Consent application has been submitted by the applicant proposing alteration to these walls, and those alterations are also indicated on the current outline application. The applicant proposes to demolish and alter sections of the wall to help create the new Midland Circus layout, retaining the existing access and revising the parking layout. The current egress position will be relocated further east. This means that whilst Oliver Hill's ramped, spiral piers to the boundary wall access point will be retained, those piers to the current egress position will be demolished and part of the white rendered boundary wall will also be lost. A new pair of spiral piers will be constructed within the site close to the new Midland Place, and a new low, white-rendered wall will be built on a similar curve to the existing Hotel.

- 7.10.11 Therefore there is clear loss to the heritage asset arising from its selective demolition. The walls are architecturally significant in their own right and also form an important feature of the Hotel.
- 7.10.12 The applicant believes that the revised pedestrian and car parking layout will greatly enhance visitor experience to the Hotel and when accompanied by the public realm improvements, the overall impacts to the setting of the Hotel will be positive and are necessary to integrate the development with the town and the landward side of Marine Road Central. For their part, English Heritage is inclined to agree given the need to deliver the wider programme of redevelopment. They suggest that the new wall sections could be *“designed to be subtly different to the original, while blending with the old they would be readable as modern additions to the site. This might be underlined by the inclusion of a modest date stone. The ramped spiral gateposts should not be removed from site, which would result in the loss of their association with the Hotel”*.
- 7.10.13 English Heritage and the Twentieth Century Society make not dissimilar points regarding premature demolition or realignment of the walls. The former advise that no works should occur until the wider redevelopment is assured by the letting of a contract for the work, whilst the latter state that the Listed Building Consent application should *“not even be considered before the development proposals have reached full planning application stage and sufficient funding has been secured for the realisation of the scheme”*.
- 7.10.14 Officers are of the view that the alterations to the wall can be justified if the scheme is delivered in full, so that there is legibility to the position of the realigned wall and replica piers at the eastern side of the Hotel. A failure to achieve full redevelopment would result in the revised positions of the wall and access arrangements having little coherence and would adversely affect not just the walls and the Hotel, but also the Conservation Area in which they sit.
- 7.10.15 The former railway station is located on the southern side of Marine Road Central and now accommodates ‘The Platform’ entertainment venue amongst other uses. Whilst it has a clear relationship with the Midland Hotel and its walls, the mass of new buildings is sufficiently far away from the building to incur no direct impact. The only alteration that begins to impinge on the listed railway station is the creation of the Midland Circus arrangement. However this circular area will potentially bring an improved palette of footway materials, new landscaping and a more focused area of activity, aimed at bridging the gap between Central Promenade and the southern side of the highway. This is a significant positive and should enhance the setting of the former railway station.
- 7.10.16 The Stone Jetty café building is Grade II and occupies a more remote position due north of the application site. It is sufficiently detached to not be directly impacted by the new build. Whilst some limited views of the Jetty building will be lost from within the application site, the creation of the new Seaside Square will provide more linkage and greater opportunities for activity between the two sites. Officers conclude that the public benefits arising from the proposal outweigh any minor impacts upon the Jetty café building.
- 7.10.17 The Winter Gardens benefits from the same, higher status of listing as the Midland. Occupying a position on the opposite side of the highway, its dominance, terracotta external walling and symmetry all combine to create a visually-pleasing and impressive structure. It enjoys relatively uninterrupted views across the Bay from its upper floor in particular.
- 7.10.18 The originally-submitted plans had a detrimental impact upon the Winter Gardens. They proposed much lengthier buildings at the eastern end of the site, directly in front of the view from the Winter Gardens, and some of these new buildings had an upper parameter of 8 storeys, thus dwarfing the heights of the existing Grade II\* buildings. The applicant took note of Officers’ concerns in this regard, and reduced the scale of the new development accordingly. Block 7 now has a maximum height of just 3 storeys, whilst Block A6 (behind Block 7 when viewed from the Winter Gardens) is reduced to 6 storeys and has been remodelled to reduce the depth of the building, which was a key issue given the rotation of Block A6 almost through 90 degrees within the site. This reduction in depth in particular creates a much more favourable relationship with the Winter Gardens.
- 7.10.19 The Winter Gardens would also benefit from enhanced pedestrian crossings – the proposals include provision of a new ‘Winter Gardens Square’ crossing linking Block 7 to the southern side of Marine Road Central, and a further pedestrian crossing will exist further to the west. New planting and improved surfacing materials all have the potential to raise the quality of the immediate external



environment around the Winter Gardens. When accompanied by the reduced scale and massing of the proposals, Officers consider that the public benefits of the scheme as a whole would outweigh any impacts upon the setting of this particular heritage asset.

- 7.10.20 Thomas Mawson's War Memorial is located in a prominent position close to the highway but partially enclosed by hedging. It is a central focal point framed by the two formal areas of garden on either side. Any development of the wider site will have an impact upon the setting of the War Memorial. The applicants have always stated that their plans include retention of the structure and that they originally hoped to deliver appropriate landscaping and 'reflection space' around it. They currently *"don't intend to propose any fixed ideas for re-landscaping the setting of the War Memorial"* but they suggest that *"as part of the detailed planning application there is an opportunity to improve its setting within the wider masterplan"*. Urban Splash are keen to work with interested parties to investigate this further. One of those parties would be the War Memorials Trust, who have provided separate comment on the Listed Building Consent application. They are encouraged that the Memorial is being considered as part of the wider plan and that further consultation will occur.
- 7.10.21 Despite the applicant's intention quoted above, the proposals for the War Memorial are not consistent. English Heritage raises the point that some documents indicate that the Memorial will be unchanged, whilst the plans indicate a new walkway cutting across it. The illustrative plans continue to show a new pedestrian crossing nearby and the removal of the formal gardens on either side, to be replaced by new landscaping. There is the potential for the Memorial to be left unaltered in situ, but its proximity to the new buildings will, in our view, lessen its prominence. There is also the question of the final appearance (and use) of the flexible 'Market Place' designation. This area would have at least a dual purpose as a venue of specialist market activity and a hedged car park, and its proximity to the Memorial means that the treatment of this space will be critical.
- 7.10.22 There is still the potential for securing high-quality landscaping improvements that would mean that there would be a broadly neutral impact upon the setting of the structure; but at this present stage it is unclear whether this will occur and whether the Market Place will enhance the setting of the Memorial. The County Landscape Officer suggested that some consideration of Thomas Mawson's work within the wider public realm may help this part of the site retain the dignity and seclusion it deserves.
- 7.10.23 The properties known as 217-221 Marine Road Central are located on the corner of Northumberland Street and occupy a position further to the east of the Winter Gardens. As such, the impact of the new buildings across the highway has an even lesser impact upon their setting than the Winter Gardens, and the proximity of the new, enhanced pedestrian crossing should deliver public benefit in terms of appearance and accessibility.
- 7.10.24 Finally, the site sits within the Morecambe Conservation Area. This is a geographically-expansive designation and unlike many smaller, tighter Conservation Areas, it is not defined by one or two specific elements. There are indeed many buildings within it which do not, at the present time, contribute positively to the setting or the appearance of the Conservation Area. The position and height of many of the landward promenade buildings ensure that the Central Promenade site can only be seen from wider areas to the east and west. However these are quite expansive views, especially from the east.
- 7.10.25 With the obvious exception of the Hotel, its curtilage wall and the War Memorial, previous (recent) buildings across the site did not contribute positively to the Conservation Area. Many have argued that the loss of a Bay view will harm the Conservation Area, but as English Heritage have recognised, *"sea views from Marine Road are currently surprisingly limited"*.
- 7.10.26 The local planning authority's position has always been that if the buildings can deliver landmark, high-quality, contemporary architecture that does not overwhelm the existing individual heritage assets, and the permeability through the site is enhanced alongside the full delivery of stunning public realm works, then the scheme will positively enhance the Conservation Area, even allowing for some loss of views of the Midland and the higher roof heights facing towards the Bay.
- 7.10.27 The previous report to Members in 2010 concluded that there was an adverse impact upon heritage assets. The applicant's amendments have considerably lessened these impacts to such a degree that, notwithstanding the ambiguity concerning the setting of the War Memorial, the public benefits arising from the proposal as a whole are considerable and would outweigh the impacts on heritage assets. The difficulty arises if the scheme cannot be delivered in full, or if there are lengthy gaps

between phases. It is equally the local planning authority's view that there would be harm caused to the heritage assets; especially the appearance and setting of the Conservation Area and views into and out from the site; because of the phased approach. If there are high levels of certainty that the scheme will be delivered, then the temporary negative impacts will be outweighed by the eventual positives. This report discusses the likelihood of scheme delivery later.

- 7.10.28 NPPF guidance (Paragraph 136) states that there should be no loss of the whole or part of a heritage asset without *"taking all reasonable steps to ensure that the new development will proceed after the loss has occurred"*. The local planning authority can condition phasing and it can secure conditions or legal agreement to ensure that no works commence until a contract for the delivery of the scheme has been secured; but it ultimately has no control over the economic conditions that will clearly dictate whether this scheme is built out in full, or at all. It may be argued that the local planning authority would have taken *"all reasonable steps"*, but compliance with this national requirement will be of little consolation unless the scheme is constructed in its entirety and the benefits are delivered.
- 7.10.29 As an aside, English Heritage have requested that if the scheme is recommended for approval in their current form (2012), they would require a copy of the report and the date of the Committee to which the application would be presented. In requesting this information, they are clearly reserving the right to make further representations.
- 7.10.30 Finally, on a procedural matter, the application for Listed Building Consent will only be determined after a decision has been taken on this outline application.

#### 7.11.1 Highway and Transport Matters

The Development Brief envisaged *'vehicle penetration'* into the site being limited to an absolute minimum, and where access is needed it should be via the existing Northumberland Street access. This scheme does use that access point, but also includes a remodelled Midland Hotel car park so that turning space is accommodated due east of the Hotel (to be known as Midland Place).

- 7.11.2 The applicant proposes to provide car parking in a number of zones – either privately within the buildings being constructed (part-basement, part ground floor) to provide 442 parking spaces; or within the public car parking areas in and around the site, accounting for 160 surface-level parking spaces.
- 7.11.3 The applicant also proposes the remodelling of Marine Road Central, and this has been predominantly supported by the local planning authority and County Council Highway Officers in previous meetings. This remodelling would entail parking on both sides of the road, with the removal of the current 'central reservation' and the provision of single lanes in either direction (west and east). Coupled with additional and enhanced pedestrian crossing facilities, the proposal aims to improve the physical connections between the Winter Gardens and the application site, and also the area around the walkway to the market and the area close to the War Memorial.
- 7.11.4 The applicant's Parking Assessment concluded that the commercial, leisure and retail elements of the scheme required additional parking capacity to cater for the additional parking demand generated by those commercial elements. They conducted parking surveys during the season and out of the season, and the data collected showed considerable capacity to accommodate that need. During initial discussions between the applicant and County Highways, it is recalled that the parking provision (on site) was, if anything, deemed to be too high and required reduction.
- 7.11.5 Whilst the written observations of County Highways have unfortunately not been forthcoming, the local planning authority has consulted its own Regeneration Project Officers (who have previously been involved with transport-related initiatives across the district and along the Promenade) to advise on the transportation impacts. It has also sought comment from the City Council's Parking and Administration Manager.
- 7.11.6 For the first phase, vehicular access would be taken along the Promenade, in the same manner that cars use this part of the Promenade to access the Bay Arena Car Park (which would eventually be lost to the development – current capacity 77 spaces), or for priority parking and emergency access towards the Stone Jetty. Part of this vehicular access would be controlled to ensure that the parking was managed appropriately, but there would still be an increase in vehicular traffic accessing the Promenade, up until Block A2 where the vehicular access rights would end.

- 7.11.7 In pure policy terms, the loss of the afore-mentioned Bay Arena Car Park, which is short-stay, would be contrary to Saved LDLP Policy T19, were it not for the fact that replacement car parking is being proposed. This car park is well used by dog-walkers and 'promenaders'. Some compensatory, replacement public parking can be accommodated within the site at the western and eastern ends (Midland Circus and the new Market Square area), but part of that 160 figure also includes on-street parking along Marine Road Central. Whilst the precise numbers are not defined, and some of the documentation provides conflicting data, it is likely that any net loss of parking spaces within the site would be minimal and so whilst there may be a technical failure to comply with T19, the numbers involved means that refusal of permission on this basis would be unlikely to be sustainable alone.
- 7.11.8 There has been suggestion that the redevelopment of Unit 8, across Marine Road Central (Midland Point) would also remove part of the (long-stay) Marine Road Goods Yard Car Park (66 spaces), but whilst development will occur in this location, Saved Policy T19 does not cover the northernmost area of this particular car park, and no policy-related objection can be sustained.
- 7.11.9 From a parking management perspective the rise in residential use across the site (or for that matter, increased hotel bed-space) has the potential to create significant demands for parking spaces. The proposal will clearly have a major impact upon Morecambe's parking requirements. The applicant is correct in stating that there is spare capacity on the vast majority of days during the year, but the consultees are concerned that the Parking Assessment in particular makes assumptions that do not account for those days when parking is at a premium in the resort.
- 7.11.10 The works being proposed align with the aspirations within local planning policy, but only where the ambitions for a successful parking/access layout and shared space are realised in full. There are concerns regarding the phased delivery in terms of ensuring that there is adequate car parking and that the pedestrian links across the site as a whole are built out (regardless of the phasing arrangements).
- 7.11.11 They also recognise the difficulties associated with construction traffic and refuse vehicles; the latter would be expected to perform a turning manoeuvre close to the Jetty. The refuse areas for all units are predominantly accommodated within the northern sections of the A-Blocks, facing the Promenade. There are concerns regarding the regular use of the Promenade for heavier vehicles. The existing footway is designed for "*normal footway traffic*" with "*occasional light vehicle use*" and it is their opinion that it would need to be reconstructed to accommodate the longer term usage by frequent residential vehicles and the refuse/servicing vehicles. This reconstruction would be expected to be borne by the applicant under a legal agreement or appropriate planning condition.
- 7.11.12 The applicant was mindful of the local planning authority's advice regarding cycle parking, and increased the opportunities for public and private cycle parking across the site. 208 cycle spaces (96 private; 112 surface/public spaces) would be provided. The private spaces are secured within the centre of the A Blocks, whilst the public spaces are distributed adjacent to the main public squares and also at the end of each A block. Cycling parking will also be provided adjacent to the Midland Hotel and in four different locations around the Boardwalk and Midland Point.
- 7.11.13 Cycling is an important consideration at this site. Cycle flows have reflected almost a 10% year-on-year growth since Lancaster and Morecambe was designated a Cycling Demonstration Town. There is also the increasing popularity of the Coast-to-Coast route (Morecambe to Bridlington) which starts/ends adjacent to the Midland Hotel. The increase in cycling parking opportunities and visitor attractions is welcomed, on the proviso that cycling and cycling routes are not compromised by the increase in activity directly arising from the development.
- 7.11.14 Ultimately, without any justifiable policy objection relating to car parking, and with the site being an accessible one open to all forms of transport, consideration of the highways impact rests upon whether the development makes satisfactory arrangements for the safe, efficient and appropriate movement of traffic and pedestrians without conflicting with each other and not detracting from the quality of the promenade. In assessing this, Officers are mindful of the advice within Paragraph 32 of the NPPF, which stipulates that "*development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe*". This Paragraph also requires each planning decision to consider whether "*safe and suitable access to the site can be achieved for all people*".

7.11.15 The concerns expressed by consultees culminate in the potential for traffic queuing in both directions on the Promenade. This view is based upon comparison with the existing, controlled access arrangements, where 32 passholder cards were issued in 2012 permitting vehicular access beyond the controlled, rising bollard for access to the Jetty, the Slipway and the RNLI Hovercraft Station. If similar controls are to be proposed as advocated by the applicant, the scenario is that there will be greater queue lengths given the increased traffic demand and that this will create *“an unacceptable risk to pedestrians and cyclists on the Promenade”*. Whilst the traffic impacts associated with additional movements will be considerable, it is not a certainty that they will amount to a *“severe”* impact as stated by the NPPF. What is more concerning are the potential impacts on tourism and likely pedestrian/cycle movements (i.e. the desire to walk or cycle along the Promenade if it becomes a much heavier car-orientated environment) arising from the increased queue lengths. The current application does not dispel those concerns.

#### 7.12.1 Impact upon Ecological Assets and Biodiversity

Morecambe Bay receives its protected status by virtue of its designation as a Natura 2000 site, Special Protections Area, Special Area of Conservation and Ramsar designation. As such it is internationally recognised for the quality of its birdlife/waterfowl and habitat.

7.12.2 Whilst legislation has changed during the lifespan of this scheme, the requirement to ensure protected species and habitats are protected and enhanced remains a key facet of the planning system. In this regard the local planning authority is mindful of the previous responses from the statutory consultees, most notably the RSPB given the waterfowl implications within the Bay. It is accepted that as the footprint of the scheme does not extend into the designated area, nor impinge upon the shoreline, there will be no net loss of land designated for its natural conservation value. Critically the RSPB confirmed that the grounds off Central Promenade are not used by roosting waders or gulls at high tide. Concern would be raised if there was an increase in disturbance along the edge of the breakwater (Shell Flat Bed), but the RSPB concluded that given the existing public access to the Promenade, this would be unlikely.

7.12.3 The site has been so urbanised in the past, and so exposed in the main, that there are only limited opportunities for natural habitat. Only the areas of dense scrubland were considered to be of value to wildlife – many of the areas are managed as formal gardens, comprising ornamental flower beds, close-mown lawns and neatly trimmed shrub belts and hedges. These were readily accessible and were in constant use by people. Given the Central Promenade’s urban location and coastal frontage, there was little or no opportunity for terrestrial flora and fauna to colonise the site, and not surprisingly there were no records of protected species.

7.12.4 As there is potential for disturbance of birds during construction, and potentially post-construction from clearance of scrub and then any additional lighting serving the development, then these matters are material considerations. Both the RSPB and Natural England have previously recommended the use of low-level lighting with directional shields to reduce light spillage into the protected bay. This is a recommendation that the local planning authority is happy to support. In fairness to the applicant, the detailed supporting statements already submitted indicate that the lighting to public areas is already being sensitively designed. This would be controlled via a planning condition, as would the hours of construction. As the supporting documentation acknowledges, the presence of people on the promenade does not affect birds roosting on the breakwater; nor does the presence of lighting along the promenade at present. Providing that the illumination for the construction works, and the lighting post-completion, does not direct light into the Bay or is considerably lit at night, then the development should not create a negative environment for birdlife.

7.12.5 The applicant records no bat roosting activity at the site. A common pipistrelle bat was witnessed across the site, but the Surveys submitted show that it was roosting off-site, perhaps in the two known colonies 2km away.

7.12.6 Aside from possible impacts concerning lighting and construction, development of the Central Promenade does offer opportunities to create new habitats by planting. Any consent would be conditional on a Habitat Creation and Management Plan. Compensatory habitat provision would be provided for House Sparrow and Song Thrush species in particular, and vegetation/scrub removal would not be permitted during the bird breeding season. As the Habitat Survey (Addendum) acknowledges there was no activity in the way of protected species across the site, and little or no

opportunity for terrestrial flora or fauna colonisation. The grassland on the raised areas (roof gardens) and similar grasses around the site (as witnessed elsewhere, in the West End Promenade Play Area planting scheme) will provide potential to attract wildlife, thus boosting the ecological value of the site.

- 7.12.7 Whilst the site does not possess a wealth of species or habitats, there are opportunities for enhancing biodiversity. The applicant is committed to the introduction of bat roosts and bird nesting boxes, and the introduction of far greater areas of differing landscape should ensure a positive contribution to ecological interests.
- 7.12.8 Detailed consideration has already gone into the landscaping of the site. An existing tree schedule has been produced, which considers the impacts on the few trees on site, which are primarily Scots Pines and Cabbage Palms. Only two trees, a Cabbage Palm and a 5-metre Ash, would be removed as part of the scheme.
- 7.12.9 The new planting character would vary depending upon the function of the space being created. Whilst Midland Circus is described as evoking a “cosmopolitan, formal approach” using textural coastal planting, the Pleasure Gardens are shown as a terraced grassed lawn area bordered by grasses and shrubs. The Coastal Courtyards would seek to use coastal wildflowers, whilst green and brown roof technology would be harnessed to maximise habitat and biodiversity gain. The landscaping strategy is accepted and would be subject to conditions, should permission be granted.
- 7.12.10 Landscaping of this scheme is a critical element given the sensitivity of surrounding buildings and other heritage designations. The success of these areas and their contextual relationships will depend upon the quality of the planting and hard landscaping. Much of this is therefore dependent upon finance to deliver the highest quality of planting and hard landscaping treatments.
- 7.13.1 Environmental Sustainability and Amenity

Although the scheme has evolved over time, the environmental principles associated with the development are unchanged. The applicant still intends to deliver a scheme underpinned by a clear Sustainability Strategy. Cutting-edged architecture and strong, responsible environmental credentials go hand-in-hand. The suite of documents initially submitted includes a Sustainability Statement and supporting documentation relating to coastal climate, air quality and flood risk.

- 7.13.2 The Sustainability Statement indicates that the developer was, at the time of submission, seeking Code Level 2 for Sustainable Homes. It will of course be necessary that the development complies with the Building Regulations Part L, which addresses the conservation of fuel and power in dwellings and is used to calculate carbon efficiency. The Regulations are due to be updated in 2013 and these amendments are expected to ensure that the energy performance requirements will be made equivalent to Code Level 4. So whilst the Code Level itself is not mandatory, the CO<sub>2</sub> emission requirements of each Code Level will effectively be mandatory through the Building Regulations.
- 7.13.3 The applicant still intends to introduce a centralised biomass system, motion-sensor lighting in all public areas of the buildings and has worked on passive solar design. Water consumption is identified as a major area where efficiencies can be made, using dual flush toilets, water meterage and rainwater harvesting. Recycling regimes would be adopted across the new residential community, whilst the applicants intend to explore all sustainable construction practices via the use of recycled materials, or materials from renewable sources. As there is the potential for a considerable element of timber, the applicant has confirmed that all timber would be Forest Stewardship Council-certified.
- 7.13.4 The Air Quality Assessment was drafted by RSK Environment Health and Safety Ltd. It recognises that there is the potential to impact upon local air quality, “*primarily through modifications to traffic flows once the development is fully operational*” and identifies Nitrogen Dioxide and Particulate Matter as the principal pollutants. Construction activity will also have the potential to create dust. The applicants have used the Council’s baseline data to assist. Mitigation measures (which would require control via a planning condition, akin to a Code of Practice) would alleviate impacts during the construction phases. The Assessment concludes, as expected, that there would be no long-term impacts associated with the construction phases.
- 7.13.5 Increase in traffic will result in increases in emissions. The Assessment measured both Nitrogen Dioxide and Particulate Matter at 2007 and at 2016 and assessed the scenarios both with and without

the development. Changes in terms of traffic flow and traffic composition were predicted. In all scenarios, the concentrations from these pollutants was assessed at being at a level which would clearly meet air quality objectives – i.e. development and the effects arising from it would have a negligible effect upon local air quality, well below the thresholds where air quality intervention is necessary. The subsequent amendments to the scheme reduce the number of parking spaces within the development, rather than increase them.

- 7.13.6 This is of course a prominent coastal site, and the applicants commissioned early work in relation to climate; in particular the impacts of wind. The site is particularly exposed to salt-laden winds and there are very few places which presently protect from such impacts. The Wind Desk Study assessed the environmental wind conditions at pedestrian level.
- 7.13.7 It concluded that the strongest winds arose from the south-west, although during Autumn and Winter there are frequent winds from the south-east. The site has an “unusually high” exposure to wind, but this is still deemed to be suitable in this location for leisure-walking during the summer season. The first floor roof terraces between the blocks would have different orientations and therefore they have different exposures to wind, and so a shelter-belt of mitigation measures would be recommended, should consent be forthcoming. Block A1, nearest the Midland, is exposed to prevailing winds and mitigation measures would need to be provided here. However the shelter zones created by the new buildings will be helpful in mitigating the impacts throughout the development still further. Therefore the wind microclimate to the south is “expected to benefit from the development because of the shelter it will offer to winds”.
- 7.13.8 The applicant has also confirmed, via its Overshadowing and Daylight Assessment, that most windows in block one would not meet the recommended guidelines for sun availability. However this is predominantly due to the north-west orientation of the building, although the deep overhang of the building and the proximity of other buildings is also an issue. The top windows of Block A2 would not receive normal standards of sunlight either due to the overhang.
- 7.13.9 There have been no justifiable environmental objections to the Air Quality Assessment, the Contaminated Land Study (subject to the conditions detailed in the consultation response), the Overshadowing Assessment or the Wind Desk Study, and so the proposal is appropriate in these matters subject to the imposition of conditions.
- 7.13.10 There are few existing residential occupiers around the site, with the exception of limited residential upper floor accommodation along some sections of Marine Road Central. Whilst construction noise and construction vehicle movements arising from a project of this scale would be long-lasting (given the phasing suggested by the applicant), they are unlikely to be of a scale that would cause detriment to private amenity given the distances involved. The length of the construction within this prominent tourism location may instead give rise to detriment to public amenity, and whilst phasing conditions can be imposed the possibility of delayed deliverability would adversely affect the setting of this part of the seafront and wider regeneration aims in particular.
- 7.13.11 Consideration must be applied to the impact of construction noise and traffic on occupiers of the apartments/hotel units within the site. The long phasing arrangements will undoubtedly mean that there is some disturbance to these residents/visitors if the latter phases are delivered. Conditions will be imposed ensuring that noise levels do not exceed that recommended by Environmental Health, and protective conditions are required for dust control, odour control and hours of construction.

#### 7.14.1 Flood Risk

The applicants submitted a Flood Risk Assessment (FRA) to accompany the proposal. Although the Assessment date back to November 2006, the findings still remain relevant (a matter confirmed by the Environment Agency, who maintain their stance of not objecting to the scheme).

- 7.14.2 The FRA discusses the history of Morecambe’s coastal defences, noting that the first significant sea defences were in place in 1849. It also recalls extreme weather events in more recent years (1977 and 1983 in particular), and the sea defences that have been provided since that time.

- 7.14.3 The FRA includes data collated from the Environment Agency and from the City Council’s own Engineers. This predicted the 1 in 100 and 1 in 200 year flood levels. When assessing the data, the predicted flood levels would be 6.87m Above Ordnance Datum (AOD). When taking into account

extreme factors, this figure rises to a maximum of 7.67m AOD. Whilst the lowest ground level for the development is 7.29m AOD, the main sea defences provided by the sea wall are already at a level of 8.09 AOD; comfortably above the predicted flood levels and even the extreme levels predicted

7.14.4 The Environment Agency have accepted these findings, supported by the applicant's Environmental Statement, and as such the development is acceptable in terms of flood risk

7.15.1 Phasing, End Users and Deliverability

The outline application is accompanied by a Phasing Programme. This was revised in 2012 as follows:

Phase	Detail	Timescale for Commencement and Completion
<b>Phase One</b>	Commence Public Realm Works	Autumn 2014
	Commence Blocks 1 and 2 (defined as Blocks A1, A2, B1, B2, C1 and C2)	Autumn 2014
	Complete Public Realm Works	Autumn 2015
	Complete Blocks 1 and 2	Phasing Plan does not set a date for this.
<b>Phase Two</b>	Commence Blocks 3 and 4 (defined as Blocks A3, A4, B3, C3 and the separate Unit 3)	Autumn 2016
	Complete Blocks 3 and 4	Autumn 2018
<b>Phase Three</b>	Commence Blocks 5 and 6 (defined as Blocks A5, A6, B5 and C5)	Autumn 2018
	Complete Blocks 5 and 6	Autumn 2020
<b>Phase Four</b>	Commence Block (Unit) 7	Autumn 2020
	Complete Block 7	Autumn 2021
<b>Phase Five</b>	Commence Block (Unit) 8 – Midland Place	Autumn 2021
	Complete Block 8	Autumn 2022

Source: Revisions to Outline Planning Application, August 2012.

7.15.2 This definitive phasing programme details how development of the site would progress from west-to-east, over a period of 8 years. The applicant's assessment is an honest one, in that they caveat the phasing by saying:

*"The schedule...shows our preferred timetable for delivery but this will be subject to the market recovering and the availability of development finance from the banks" (March 2010 and August 2012);*

and on the subject of further phases beyond Phase 1;

*"These will be subject to the prevailing economic conditions and also the successful delivery of the previous phase". (November 2012).*

7.15.3 The applicants and the local planning authority have previously acknowledged that there is a need for flexibility in terms of end uses, given the scale of the project and the uncertainties of the financial markets. However this should not distract the parties from the overriding concept that any scheme for this site must deliver enhanced visitor attractions and public realm. Whilst there is agreement regarding the early delivery of the public realm works, including Seaside Square, and the potential delivery of some of the commercial and hotel space alongside the residential apartments in the first phase, there is no confirmed end date for the completion of the first phase. It is widely expected that this would be Autumn 2016, to coincide with the commencement of Phase Two. One of the major attractions of the scheme was to be the early delivery of the public realm improvements. Even during the pre-downturn years when the scheme was incepted, this would have involved substantial public investment. Access and availability to this funding is far more challenging in the present economic climate, and this is a concern.

7.15.4 Perhaps more worryingly for the leisure aspirations of the redevelopment, Unit 7 (the 'leisure' end use) would not be complete until 2021. The applicant has sought to allay some fears in this regard by virtue of their statement of November 2012 (see Paragraph 7.6.2 of this report), but of course they are

not in a position to guarantee this, given this period of global economic uncertainty, and neither is the local planning authority.

- 7.15.5 It is therefore accepted that this is a proposal that affords much potential opportunity, but also it is one that carries much potential risk. These risks may result in the positive outcomes associated with the development being less significant than might be anticipated, and this would limit the regeneration and tourism benefits achieved. This is critical to this application – and if it occurred then it would represent a lost opportunity in terms of regenerating this Priority Area and developing tourism in one of Morecambe’s few central, coastal locations.
- 7.15.6 It is of course a given that the economic landscape will strengthen and weaken at various points during a large-scale development project. Deliverability of Phase One would be underpinned by securing a hotel operator, which the applicants advise would make the phase fundable and allow the supporting development (including public realm) to be delivered. If a hotel operator cannot be secured, then the viability of the first phase of the scheme comes into question. There is also the issue of who the hotel operator will be. Whilst this may not appear to be a planning matter, it goes to the heart of this first phase of the development and the reason for producing a Development Brief almost a decade ago; namely to encourage the restoration of the Midland (complemented by new buildings and public spaces).
- 7.15.7 When Urban Splash owned the Midland Hotel, it effectively had control (along with the local authority) regarding the future expansion of the building. Once the Hotel had been sold, this control was effectively relinquished. As Urban Splash themselves have said, in hindsight it (The Midland Hotel) *“was a bad financial move...we finished it just as the recession kicked in, and our idea of setting up a hotel, and plans for a hotel chain, were either a bad idea, or a good idea at a bad time”*. In short, it was sheer bad luck that the banking crisis occurred at the time it did. And it is that economic crisis that has led to uncertainty over the timing or delivery of the first phase and the wider redevelopment of the site.
- 7.15.8 The Hotel is currently run by English Lakes Hotels on a ten-year operating lease, dating back to 2010. As they are the major, current land occupier, their observations are important. This committee report already states their view that the Midland Hotel is trading at the margins of viability, given the top-end market in which they operate. Additional facilities at either end of the hotel, to deliver 20-30 rooms and a spa facility, would be preferable. However despite the fact that Block A1 can potentially deliver additional hotel space, English Lakes Hotels believes that the development is out of proportion with their hotel and that the timescale for delivery would be likely to take many years, causing disruption.
- 7.15.9 If the development being proposed cannot provide assurance that the operational needs of the Midland Hotel – as indicated above – can be met, then the viability of the existing hotel operation cannot be assured in the longer term and that carries risk to the Grade II\* heritage asset. Whilst this current proposal is the only application which is proposing additional hotel accommodation which could potentially aid the Midland, it is in a form in which English Lake Hotels believe would weaken the setting of their building, which is a key attraction for their commercial operation.
- 7.15.10 There are other deliverability risks in the current economic conditions. There is of course a risk that this scheme would no longer be able to attract a sufficient market response to the number of other commercial units being proposed. Given that residential uses are not considered appropriate on the ground floors at this site, there is a concern regarding ground floor unit vacancy, which would not be conducive to attracting footfall.
- 7.15.11 Scheme viability is also affected by the expenditure in terms of high-quality urban design and public realm. Whilst the local planning authority remain assured that the applicant is as committed as ever to delivering a top-quality scheme, the risk remains that a proposal with such (necessary) exacting standards may not be deliverable in whole, or even in part.
- 7.15.12 In considering the viability issues the local planning authority has had regard to the Economic Study prepared by Keppie Massie for the City Council in 2011 and updated in 2012. The purpose of the study was to identify a number of development options on key strategic sites located within the Morecambe Area Action Plan area, and then assessing the economic viability of each option. Some of the analysis within the Economic Study relates to hypothetical proposals; however in relation to Central Promenade Keppie Massie were able to relate to the proposals put forward by Urban Splash.



- 7.15.13 The Economic Study concluded that the full development of the site in the manner proposed is not viable in the present market conditions and is questionable going forward. Proposals for Phase 1 of the project were also appraised and considered to be unviable. Keppie Massie envisaged that “*no further phases of development (would) take place prior to the full disposal of all Phase 1 accommodation*”. Whilst the applicants don’t quite refer to ‘full disposal’, their comments in Paragraph 7.15.2 of this report accept that future phases are dependent on the successful delivery of the previous phase.
- 7.15.14 If the Economic Study is correct in its assumptions, then there is doubt not just concerning the development as a whole, but the proposed mix and type of development including the public realm that is to be delivered in the initial phase. This places doubt over scheme deliverability. Even partial deliverability would be disadvantageous, as it would not achieve the anticipated urban layout and mix of uses so critical to complying with Core Strategy Policies ER2 and ER6.
- 7.15.15 There will be those who take a different view here; that the only way that Morecambe can grow economically and socially is by taking advantage of opportunities such as the one presented by this development, even if there are clear question marks regarding deliverability. But as NPPF Paragraph 173 advises, careful attention needs to be made to viability issues when making planning decisions. Scheme viability is a material consideration as it is inherently linked to delivery, and the NPPF states that “*plans must be deliverable*”.
- 7.15.16 In some circumstances, the local planning authority may choose to take a very flexible approach in an attempt to ensure viability of some form of mixed use development, and to allow the developer to adapt their plans to any changing market circumstances. Whilst this approach may be acceptable on most urban, brownfield sites, it cannot be considered as appropriate here given the close proximity of two Grade II\* Listed Buildings, the presence of the Conservation Area, and the overriding need for this site to accommodate visitor/tourism attractions. These influences mean that the local planning authority requires as much surety as possible at this stage in terms of urban form, site layout, the mix of uses, phasing and delivery. The speculative nature of the scheme – whilst acceptable at the height of the market when it was first envisaged – is now a weakness given the economic doubts, and any uncertainty associated with the deliverability of the scheme, even if it were granted outline permission, could prolong further doubt which would be likely to have an adverse impact on any other private sector investment elsewhere in Central Morecambe.
- 7.15.17 The local planning authority has to consider every scenario. Whilst the applicant is certain that the scheme is viable, they accept that the economic environment is currently “*malign*” and that the further phases are dependent upon the economic conditions and the successful delivery of Phase One. If, for example, Phase One is the only phase that can be delivered in the short-medium term, then the public benefits deriving from the development cannot be ensured, to the potential detriment of both Grade II\* heritage assets in particular and the Conservation Area in general. This would be contrary to NPPF Paragraph 136, which requires local planning authorities to “*not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred*”. That “*loss*” in the case of failure to deliver the whole scheme would be the setting of the Midland Hotel and the setting of the Conservation Area.
- 7.15.18 In summary, the development would be a giant leap of faith in the current climate. It has the potential to create the conditions for private investment that would assist with tackling the key structural problems that serve to constrain Morecambe’s regeneration. But the gaps between phases are lengthy and are still dependent upon the prevailing economic conditions at the time. The local planning authority is of the view that the scheme, in its current form, is unlikely to be delivered and without certainty over that form and phasing, there are concerns relating to the potential setting of the Midland Hotel and the Morecambe Conservation Area. This application is currently unable to alleviate those concerns.
- 7.16.1 Community Involvement
- The proposed development has been one of the most controversial to be considered by the local planning authority, and the wealth of public feeling (both for and against) was evident during the many consultation processes and the presentation of the application to the Committee in 2010.
- 7.16.2 Public consultation during the application – and the considerable number of objections to the current plans – has also influenced the local planning authority and the applicant in seeking agreement on a

range of amendments.

- 7.16.3 It is worth noting, for clarity, the stages of public consultation and involvement to date.
- 7.16.4 The drafting of the Development Brief for the site was the subject of public consultation. The Supplementary Planning Guidance subsequently formed the basis of the brief for the International Design Competition (run by the Royal Institute of British Architects). The applicants then carried out their own consultation exercise prior to the judging process. Initial judging involved a wide range of public and private sector bodies, the (then) local MP and Leader of the City Council and representatives from major public agencies. A Technical Group from the City Council also examined the technical and practical aspects of each proposal. Once shortlisted (amongst six remaining entries), the scheme was displayed at The Platform for further public consultation. 283 observations were submitted at the time and a summary of those responses has been submitted with the planning application.
- 7.16.5 The scheme was selected as the winner and the architects, FLACQ, drafted more detailed plans which were again subject to public consultation. Another exhibition was held at The Platform for two days and observations were again collated. Some residents of course were opposed to development on the site at all. Other supported regeneration in the manner being proposed.
- 7.16.6 Once the outline planning application was submitted, the application was advertised and public consultation took place. The consultation was repeated in 2010 and 2012. The fact that so many people have been able to provide the local planning authority with their opinion proves that this scheme has been subject to scrutiny by those residents and other groups who wish to make comment.
- 7.16.7 It is also worth recalling that the applicants have had some concern regarding the nature of some of the separate (i.e. not City Council) information/consultation gathering that has taken place. They recalled a visitor to a stand that was set up in Morecambe who had allegedly been informed that the Promenade would no longer be accessible in front of the development, which is incorrect. Whilst the local planning authority cannot verify this event, and is not affiliated to it, it is recorded because of the concerns of the applicant, who believes that this may have influenced some public opinion.

## **8.0 Planning Obligations**

- 8.1 If the application is approved there will be a requirement for the applicant to enter into a Legal Agreement to deliver some of the traffic and access infrastructure required. Regrettably without a formal observation from the County Council the exact nature of these works would have to be explicitly specified post-decision, but would be likely to include the reconstruction of the Promenade surfacing treatment to accommodate more frequent traffic; the works to the crossings and remodelling of Marine Road Central including Midland Circus, and any improvements necessary to the traffic light and barrier control regimes at the Northumberland Street/Promenade/Stone Jetty area. Some (but not all) of the works identified could be controlled via planning condition.
- 8.2 Because of the costs of developing this site, and the need for the highest quality of materials and public realm given the heritage assets that are affected in an area of the district which has always been challenging in terms of delivering a competitive return for developers, there has been no further requirement for planning contributions.
- 8.3 It is recognised that in the absence of formal comments from the County Council Highways Department, the Parking and Administration Manager for the City Council has assessed the scheme and has indicated a need for on-street directional (electronic) signage to help direct all users (commercial, visitor and residential) to the appropriate car parking areas. If this application is approved, this requirement seems to meet the statutory tests because of the step-change that this development would incur to parking demands in Central Morecambe.

## **9.0 Conclusions**

- 9.1 Morecambe will always be indebted to Urban Splash (and Union North Architects, alongside other development partners including the City Council) for their delivery of the Midland Hotel. It is, by virtue of the quality of the conversion and the contemporary approach taken, a symbol of renaissance for the resort. As everybody accepts, there is still a great deal of work to do, not just within the central areas of

Morecambe but across the town as a whole.

9.2 For their part the applicants have said that:

*“Urban Splash has worked for a decade in Morecambe, saving and reopening the Midland Hotel and has invested £12m. This has led to major improvements but there is still much to do. Our outline planning application sets out the framework for the regeneration of the remainder of Central Promenade which we hope will bring further investment into Morecambe. We’re hopeful that Morecambe does want to see the regeneration of this site and if consent is granted we would want an addition to the Midland Hotel to form the first phase. At this time we will develop and present the detail of the buildings and landscaping to the Council, local stakeholders and community. We can discuss in detail the appearance and materials to be used on the buildings, their detailed form, how they meet the ground and the relationship to the public realm and adjacent buildings. We can only get to this next stage with a positive outcome to the application”.*

- 9.3 This rather neatly sums up the dilemma that the local planning authority faces. Delivery of the proposed development in its entirety would, Officers are convinced, deliver more positives than negatives. But the risks associated with the failure to deliver the full scheme, or even the majority of the full scheme, are significant. Partial delivery cannot guarantee the public benefits that would ordinarily arise with full implementation of the scheme, and would create potentially adverse settings for the Midland Hotel and the Morecambe Conservation Area.
- 9.4 Scheme viability is a material consideration when making planning decisions and the NPPF expects plans to be deliverable. The local planning authority has had regard to the Economic Study prepared by Keppie Massie in 2011 and updated last year to inform preparation of the MAAP. That independent study concluded that the scheme is not presently viable and is questionable going forward.
- 9.5 If that conclusion is correct, then approving the outline proposals would not alleviate the uncertainty regarding the site, and could instead prejudice the regeneration of Central Morecambe. These risks have to be balanced against the positives mentioned throughout this report.
- 9.6 Whilst this scheme proposes a step-change for the site, the reality is that this scheme is far less deliverable than it was at its inception. It may be that the grant of outline permission would then allow the applicants to actively seek end users and funding, but given the significance of the heritage assets within and adjacent to the site, the local planning authority would be irresponsible to grant permission without further surety of the deliverability of the proposal as a whole. As this report states, if the scheme is only partially delivered, then the justification for the design approaches, scale and massing, and illustrative layout is weakened. If one was delivering a less intensive scheme, the design solutions would almost certainly not be those currently proposed. A less intensive scheme may, for example, take a wholly different approach to delivering an extension to the Midland Hotel.
- 9.7 If the local planning authority cannot assure and safeguard the public benefits, then the delivery of the early phases could (in isolation) detrimentally affect the setting of the Midland Hotel and the Conservation Area.
- 9.8 It is understandable why the applicants cannot provide this surety given the global economic conditions, but they have confirmed that the further phases will have to be subject to the prevailing economic conditions and are also dependent upon the successful delivery of the previous phase. The lack of certainty regarding the deliverability of such a large scheme is regrettably sufficient enough to conclude that the current application is unable to be approved.
- 9.9 There have been many other reasons for opposition that objectors have suggested in their response to the scheme. These have all been considered and many have been discussed in this report. Perhaps the one matter that has generated such uncertainty (aside from deliverability) has been the situation regarding car parking and the potential for conflict arising from traffic queue lengths along the Promenade. Whilst it is accepted that this is an outline application, access is one of the matters being applied for, and the absence of effective traffic management proposals is a cause for significant concern.
- 9.10 In most circumstances this may not be defined as being a severe traffic management issue as the NPPF advises. But the access to the site is directly on a busy crossroads, and then proceeds to give access to a remodelled car park which then joins onto a popular walking and cycling route, which has

increased in popularity as the resort's Cycling Demonstration Town status increased awareness and participation in cycling. The applicant has experience in providing and managing car parks for mixed use schemes, and there may be a solution to the issues raised by the consultees. But without further reassurance regarding parking and traffic management at the junction, there are sufficient grounds for concern.

- 9.11 In conclusion, the redevelopment of the Central Promenade site remains a priority in order to deliver further enhancements to the seafront and enable integration of the site within the wider town. This recommendation of refusal does not indicate that the local planning authority wishes to preserve the site as it currently stands, nor is it a reflection of rejection of the current applicants. Indeed the authority would be delighted for Urban Splash to be involved in future regeneration within the town and the district as a whole. Instead, this recommendation is an acknowledgement that the scheme as submitted and revised simply is not viable in the form proposed, and the risk of partial delivery would not achieve the public benefits desired, contrary to Core Strategy policies ER2 and ER6.

### **Recommendation**

That Outline Planning Permission **BE REFUSED** for the following reasons:

1. The local planning authority is of the opinion, as supported by its Economic Study (2011, revised 2012) that the outline scheme proposed is no longer viable and that it cannot guarantee deliverability of the scheme in full. In the case of this particular site, with the immediate presence of a Grade II\* listed building and its location within a Conservation Area, the development is also contrary to the provisions of National Planning Policy Framework Paragraphs 134 and 136, in that there is substantial doubt as to whether the public benefits arising from the proposal can be delivered to outweigh the adverse impacts to the Midland Hotel and the wider Conservation Area, caused by either the proposed phasing arrangements or the partial delivery of the scheme. As a consequence, the proposal is contrary to Lancaster District Core Strategy Policies ER2 and ER6.
2. The highway, traffic and car parking arrangements as defined in the applicant's supporting literature have not been able to satisfactorily reassure the local authority that car parking at the site – and potential queue lengths along the Promenade in particular given the restricted access arrangements currently in force and also proposed – can be managed so as not to cause a cumulatively severe highway impact upon the Promenade/Marine Road Central/Northumberland Street crossroads to the detriment of vehicular traffic, cyclists and pedestrians, and to the detriment of the tourism and visitor attraction aspirations of the local planning authority. In the absence of such reassurance, it is concluded that the proposal is contrary to National Planning Policy Framework Paragraph 32.

### **Human Rights Act**

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude 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.

### **Background Papers**

None