

Agenda Item A9	Committee Date 3 May 2016	Application Number 16/00159/VCN
Application Site Former Frontierland Site Marine Road West Morecambe Lancashire		Proposal Redevelopment of former amusement park to form retail units, restaurants, family pub/restaurant, hotel, associated car parking, landscaping and public art and new access (pursuant to the variations of condition 2, 3 and 4 on planning permission 14/00388/FUL to amend the approved plans, allow A1 use in zones 3, 4 and 7 and to allow the sale of ancillary convenience goods across the site)
Name of Applicant Opus Land North		Name of Agent Mr Gareth Glennon
Decision Target Date 16 May 2016		Reason For Delay N/A
Case Officer		Mr Mark Potts
Departure		Yes
Summary of Recommendation		Approval (Subject to no objection from County Highways)

1.0 The Site and its Surroundings

- 1.1 The application site relates to the former Frontierland amusement park previously operated by Blackpool Pleasure Beach Company. The site relates to an irregular shaped parcel of previously developed land extending approximately 3.1ha in area located off Marine Road West, approximately 650m south west of the Primary Shopping Area in Morecambe. With the exception of the Polo Tower, the 'ranch styled' public house, remnants of the former log flume and electricity sub-station the site is devoid of buildings with the former hardstanding areas now predominately covered with grass/scrub. The site is enclosed by painted blue wooden hoardings along Marine Road West, a retaining planted embankment with stone walls above along the southern boundary (with Cedar Street and Grove Street) and security/palisade fencing along its boundaries with the adjoining retail park and Aldi store. The topography within the site is generally flat, although the land levels rise sharply towards the south eastern corner of the site, gradually lowering towards the seafront. The front portion of the site occupies an elevated position above Marine Road West with Highfield Crescent occupying a position approximately 3-4m higher than the main part of the site.
- 1.2 The site is predominantly surrounded by two different land uses: retail to the north and east comprising the Morrison's retail park and Aldi supermarket; and residential to the south (the West End). The site is located relatively close to other retail/leisure uses including the cinema, super bowl and the Market Hall on Central Drive. The rear elevations of Aldi, Morrison's and DW Sports (which also includes a health and fitness facility) face onto the site. The service yard to the adjacent retail park abuts the site along its eastern boundary. Some of the residential properties on the south boundary directly face into the site (the frontages of the properties on Highfield Crescent) whilst the side elevations of the end terraces on Cedar Street and Grove Street flank the site at an elevated position.

- 1.3 The site has an approximately 192m frontage to Marine Road West, which forms the western boundary. This road is a wide carriageway enjoying a 30mph speed limit and separates the site from the promenade. An existing vehicular access to the site is provided off this adopted highway positioned approximately circa 25m south of the Aldi junction. The former amusement park was, however, previously accessed via Highfield Crescent. Marine Road West (and the promenade) forms part of the strategic cycle network, which connects to the route along Central Drive then connects to the off-road route which runs along the railway line back towards Lancaster and beyond. This road is also a strategic bus route providing the main through-route between Carnforth and Heysham. The bus station and railway station are both located on Central Drive approximately 500m (as the crow flies) from the application site (site frontage).
- 1.4 To the south the application site abuts part of the West End Conservation Area. The residential properties fronting the site on Highfield Crescent form the northern boundary of this designation. The site's frontage also forms a backdrop (when viewed from the promenade) for the iconic Grade II* listed Midland Hotel located to the north of the site situated on the seafront. Other nearby listed buildings include the Platform (grade II c.200m due north east) and the Winter Gardens (grade II* c440m due north east). There are also two groups of trees established along the southern boundary of the site that are subject to Tree Preservation Order no.070 (1981).
- 1.5 The site falls within a Tourism Opportunity Area outside of the defined Town Centre of Morecambe (saved Local Plan). It is also located within the area covered by the Morecambe Area Action Plan (MAAP), which provides a spatial plan (different to that of the saved Local Plan) for Central Morecambe in order to provide opportunities and facilitate its regeneration.
- 1.6 Other important off-site designations includes the promenade which forms part of a wider Informal Recreation Area, and Morecambe Bay which enjoys a number of different nature conservation designations (SPA – Special Protected Area, SAC – Special Area of Conservation, RAMSAR – Wetlands Convention, and SSSI – Site of Special Scientific Interest) are protected by European legislation.

2.0 The Proposal

- 2.1 The proposed development involves modifications to the approved conditions associated with the approved redevelopment of the Frontierland site. In summary, the proposed development seeks to make amendments to the elevations of the approved drawings, amending the wording of specific conditions and the provision of ancillary convenience goods sales across the site.
- 2.2 The applicant seeks to make changes to the floor plans within Zones 1 and 2 to remove the notional mezzanine line indicated on the approved plans. With regard to Zone 1 the plans also seek to amend the approved elevations to take account of the proposed tenant's requirements, with the height of the building increasing by 700 mm to 1700mm. The height increase is due to the height of the parapets in order to ensure that the roof remains hidden. In Zone 2 a similar amendment is proposed to the elevations with the parapet height increases from between 1200mm to 1600mm and this is such to ensure the roof remains hidden.
- 2.3 In Zones 3, 4 and 7 these relate to changes to window fenestration and in zone 5 relates to the removal of windows on the north eastern elevation. With respect to Zone 6 this relates to minor alterations to the external appearance due to the placement of areas of cladding, the introduction of fire escape doors and the removal of areas of coloured render and glazing. There is a slight reduction in parking numbers with 328 proposed from 336 originally proposed.
- 2.4 Amendments are sought to condition number 3 of the extant permission to allow for cafes and restaurants that trade under an A1 use class to operate from the site. The applicant seeks for a limited amount of ancillary convenience goods to be sold across the site (currently not permitted under condition 4 of the permission) and have requested that this be 10% of the total permitted floorspace, which equates to 1,111 sq. m (the convenience retail would be ancillary to each unit and would not, under the current proposal, be a standalone retail unit).

3.0 Site History

3.1 There has been a number of applications across the site the most recent relates to the approval for the redevelopment of the site to form retail units, restaurants, family pub/restaurant, hotel, landscaping and new access (14/00388/FUL).

Application Number	Proposal	Decision
00/00967/FUL	Erection of a factory outlet centre with food court, parking, landscaping and servicing	Granted (following a Call-in Inquiry)
04/00947/FUL	Erection of two non-food retail units and combined leisure/retail unit and parking	Withdrawn
05/00928/OUT	Outline application for a mixed use development including residential, hotel, leisure and retail with associated parking and servicing	Permitted (The SoS did not call-in this proposal and accepted it broadly accorded with national planning policy)
05/00929/FUL	Erection of two non-food retail units and a combined leisure/retail unit	Permitted
07/01166/VCN	Variation of condition 6B on application 05/00929/FUL to increase area of garden centre	Permitted
07/01591/VCN	Proposed variation of Condition No.33 of permission 05/00929/FUL to vary implementation of the s278 works and to allow occupation of the development before the s278 works were completed	Permitted
09/00644/OUT	Renewal of Phase 2 element of application 05/00928/OUT for Outline application for mixed use development including residential, hotel and leisure with associated parking and servicing	Permitted
14/00389/EIR	Screening Opinion for comprehensive redevelopment of former amusement park to form retail units, restaurants, family pub/restaurant, hotel, car parking, landscaping, public art and access	EIA not required
14/00997/PAD	Prior Approval for the demolition of the Polo Tower	Prior Approval Required
14/00388/FUL	Redevelopment of former amusement park to form retail units, restaurants, family pub/restaurant, hotel, associated car parking, landscaping and public art and new access	Permitted

4.0 Consultation Responses

4.1 The following responses have been received from statutory and non-statutory consultees:

Consultee	Response
Morecambe Town Council	No observations received
Lancaster Chamber of Commerce	No observations received
County Highways	Raise concerns regarding the developments impact on the sites point of access with Marine Road West, parking provision and also impact on the local highway network.
Natural England	No objection
Lead Local Flood Authority	No objection
County Ecologist	No observations received
Environmental Health	No comments to make on the application
Conservation Officer	No objection.
Drainage Engineer	No observations received

Environment Agency	No comments to make on the planning application
Fire Safety Officer	No objection
Lancaster Civic Society	No objection to the convenience retailing aspect however raise concerns regarding building materials especially for the Brewers Fayre element of the scheme.
City Council Planning Policy	No objection to the amendment to allow convenience retailing, however this should be 10% of each unit and not 10% of the overall floorspace of the total development.
Tree Protection Officer	No objection.
United Utilities	No observations received
Historic England	No requirement to consult.

5.0 Neighbour Representations

5.1 To date there has been two letters of representation received raising concern with the development and raises issues with the following;

- Conditions imposed on the consent relating to the construction method statement, location of vents and flues, CCTV, trees, Noise and Impact the development will have on residents of Highfield Crescent, and the loss of view towards the bay.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 12, 14 and 17 – Sustainable Development and Core Principles
Section 1 – Delivering Sustainable Development
Section 2 – Ensuring the Vitality of Town Centres
Section 4 – Promoting Sustainable Transport
Paragraphs 56, 57, 58, 60, 61 and 64 – Design
Paragraph 69 – Promoting Healthy Communities (place making)
Paragraphs 109, 117 – 119 – Conserving the Natural Environment
Paragraphs 128, 131 – 136 – Conserving and Enhancing the Historic Environment
Paragraphs 186, 187, 196, 197, 203 – 204 – Decision-taking

6.2 Lancaster District Core Strategy (adopted July 2008)

E2 – Transportation Measures
ER2 – Regeneration Priority Areas
ER4 – Town Centres and Shopping
ER5 – New Retail Development
ER6 – Developing Tourism
SC1 – Sustainable Development
SC2 – Urban Concentration
SC5 – Achieving Quality in Design
SC7 – Development and the Risk of Flooding
E1 – Environmental Capital

6.3 Lancaster District Local Plan – adopted April 2004 (saved policies)

Policy TO2 (Tourism Opportunities)
Policy S1 (District's Retail Hierarchy) ***partially superseded by Core Strategy***
Policy S9 (Morecambe Town Centre – protected retail frontages)
Policy T9 (Providing for Buses in New Developments)
Policy T17 (Travel Plan)
Policy T26 and T27 (Footpaths and Cycleways)
Policy E35 (Conservation Areas and their Surroundings)

6.4 Development Management Development Plan Document

DM1 – Town Centre Development

DM3 – Public Realm and Civic Spaces
DM20-23– Transport, Accessibility and Connectivity
DM27 – Protection & enhancement of Biodiversity
DM32 – The Setting of Designated Heritage Assets
DM35 – Key Design Principles
DM38 – Development & Flood Risk
DM39 – Surface water Run-off and Sustainable Drainage
DM48 – Community Infrastructure

6.5 Morecambe Area Action Plan (MAAP)

SP1 – Key Pedestrian Routes and Spaces
SP4 – Town Centre
DO6 – Former Frontierland Site
DO5 – Festival Market and Area

7.0 Comment and Analysis

7.0.1 The main issues with the application relate to the following;

- Provision of 10% Convenience goods;
- Amendments to conditions to permit A1 restaurants/cafes;
- Proposed Design Amendments; and
- Other Material Considerations.

7.1 Provision of a limited amount of ancillary convenience sales in the approved retail units

7.1.1 The applicants are seeking to provide for 10% of the total floor area in each unit to be dedicated to convenience retail and therefore have sought to allow for a maximum of 1,111 square metres of convenience floorspace across the development. Whilst this is considerable, its impacts would be mitigated by its dispersal through the variety of retail units in the scheme. Whilst there is some general concern over further convenience retail growth within the district (in particular Morecambe, which already benefits from Morrison's and Aldi in close proximity to the site and Sainsbury's elsewhere within Morecambe) it is not considered that the proposal would lead to a significant over-capacity in floorspace. Providing an element of flexibility in the retail offer would seem a reasonable expectation and the maximum levels do seem reasonable. It is considered that these concerns do not outweigh the benefit and flexibility that should be offered to the redevelopment of this brownfield site. It should be stressed however that the 10% figure should be 10% of each unit, and not 10% of the overall floor space of the total development. The applicant is amenable to this.

7.1.2 The applicant has not submitted a Sequential Assessment to support the application which guides main town centre uses towards town centres first, then if no town centre locations are available, to the edge of centre locations and if neither town centre locations available, to out of centre locations. It should be noted that the original application passed the Sequential Test, and because the scheme is not proposing 10% of the overall floorspace to be given over to convenience foods, but rather 10% of each unit, then it is considered in the circumstances there is no need for a Sequential Test to accompany the application.

7.1.3 The applicants have not submitted an Impact Test in support of the application, as the proposal relates to a figure which is somewhat less than the 2,500 square metres threshold set out in the NPPF. Given that no locally set threshold exists then the proposed development does not need to be assessed under the Impact Test. Therefore the principle of a limited amount of ancillary convenience sales in the approved retail units can be found acceptable.

7.2 Amendments to Permitted Use Classes Across the site

7.2.1 The applicants seek to amend the current wording of condition 3 to provide for interested tenants to trade from the site. At present condition number 3 precludes cafes/restaurants that operate under the A1 (Retail) use class consent to trade from the site. The cafes/restaurants would sell a range of hot and cold foods for consumption on and off the premises and this would not fundamentally change the current planning approval, which permits restaurants and cafes under the A3 use class. Changes are also sought to Zone 4 (Unit 1) to change the permitted use (A4 drinking establishment) to the

more flexible A1/A3 use. There are concerns with the changes in so far as use class A1 could include shops, dry cleaners and hairdressers for example, which are uses that should be directed to the established Town Centre. However the A1 use also includes sandwich bars, coffee shops and internet bars which would be broadly encouraged in this central seafront location within the town. These changes are seen as acceptable. For clarity (and notwithstanding the proposed inclusion of the ancillary 10% convenience goods per unit), the table below indicates the uses of each zone as approved, and the proposed use should the current application be approved.

Zones	Use Class As Approved	Use Class As Proposed
Zone 1 (Units 1-4)	A1 Comparison Retail	A1 Comparison Retail
Zone 2 (Units 5-10)	A1 Comparison Retail	A1 Comparison Retail
Zone 3 (Units 1 & 2)	A3 Restaurant/Cafe	A1/A3 selling hot and cold food and drink for consumption on and off the premises (<i>for clarity, this does not include Use Class A5 hot food takeaways</i>)
Zone 4 (Unit 1)	A4 Drinking Establishment	A1/A3 selling hot and cold food and drink for consumption on and off the premises (<i>for clarity, this does not include Use Class A5 hot food takeaways</i>)
Zone 4 (Unit 3)	A3 Restaurant/Café	A1/A3 selling hot and cold food and drink for consumption on and off the premises (<i>for clarity, this does not include Use Class A5 hot food takeaways</i>)
Zone 5	A3/A4 Public House/Restaurant Mixed Use	A3/A4 Public House/Restaurant Mixed Use
Zone 6	C1 Hotel	C1 Hotel
Zone 7	A3 Restaurant/Café Kiosk	A1/A3 selling hot and cold food and drink for consumption on and off the premises (<i>for clarity, this does not include Use Class A5 hot food takeaways</i>)

7.3 Proposed Design Amendments

- 7.3.1 The applicant has proposed some modest changes to the scheme. Principally they are looking to remove the notional mezzanine levels which are annotated on the approved floor plans of the retail units (Zones 1 and 2), together with other elevation changes to other units.
- 7.3.2 With respect to the loss of the mezzanine floor this provided an additional 50% of the ground floor space, however the applicants consider that this poses an issue in that should an occupier determine that a lower of greater amount of floorspace is required then an application would be required to be submitted to the LPA to amend the approved plans. Therefore the applicants wish to remove this and allow operators to install mezzanine levels that meet their own operational requirements. Condition 4 of the consent already controls the total amount of mezzanine floorspace and therefore the amendment would still be acceptable in relation to this.
- 7.3.3 Other changes concern the increase in parapet heights, minor changes to the shop front in respect of Zone 1, minor changes to the window fenestration in Zones 3, 4 and 7 (losing the circular windows for a more traditional rectangular one) minor changes to the placement of windows on Zones 5 and 6 and changing the materials here also (however this is governed by conditions which still have to be discharged).
- 7.3.4 The proposed changes still have the feel of the consented scheme and subject to agreeing the detail which are reserved by planning condition, the changes can be considered acceptable and would not be harmful to the character and appearance of the area.

7.4 Other Material Considerations

- 7.4.1 There has been two letters of concern received from residents on Highfield Crescent principally concerned with issues associated with the principle of development, in particular privacy issues, landscaping and requiring detail on planning condition submissions. Whilst it is accepted that the views would be changed for residents of Highfield Crescent the changes proposed by virtue of this planning application would not cause any impacts upon amenity over and above those that have

previously been considered when resolving to approve the original scheme. With this in mind the scheme is seen as acceptable.

7.4.2 The County Council as Highway Authority have concerns regarding the development on the basis of parking and impact on the highway network as a result of the changes in use classes proposed. In March 2016 the applicant's transport consultant provided additional information to the County Council and at the time of writing this report the observations of the County Council have not been received, and therefore this will be reported verbally to Members.

7.4.3 The application has been advertised as a departure from planning policy, which is consistent with similar advertisement of the original planning application. That process also involved referral of the decision to grant permission to the Secretary of State, to allow consideration of whether the application should be 'called-in'. In their written notification to the Council, dated 7 January 2015, the Secretary of State advised that the Government were committed to giving more power to councils and communities to make their own planning decisions. The letter continues by saying that following consideration the Secretary of State "*...is content that the application should be determined by the local planning authority*". On this basis, and because the amendments being proposed as part of the current application are considered appropriate, then it is considered that no further referral is necessary.

8.0 Planning Obligations

8.1 The obligations associated with the extant parent consent (14/00388/FUL) will remain in force with any approval of this Section 73 application and therefore no separate agreement will be required.

9.0 Conclusions

9.1 It is considered that the amendments proposed do not significantly detract from the vision of the approved scheme, the provision of ancillary convenience at 10% of each unit, amendments to provide for A1 use classes and design amendments have all be found to be acceptable in principle.

Recommendation

That providing there is no objection from County Highways, Conditions 2, 3 and 4 on the full planning permission element of planning consent 14/00388/FUL **BE VARIED** as follows:

2. Amended Plans List Approved
3. Amendment to use class condition (as defined in this report)
4. Retail Floor Area (as defined in this report)

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

In accordance with the above legislation, the City Council can confirm that it has made the decision in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The decision has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

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.