

<b>Agenda Item</b> A5	<b>Committee Date</b> 14 November 2016	<b>Application Number</b> 16/01056/FUL
<b>Application Site</b> Former Broadway Hotel Marine Road East Morecambe Lancashire		<b>Proposal</b> Erection of 50 residential apartments with associated access, car parking and landscaping
<b>Name of Applicant</b> Mr Michael Stainton		<b>Name of Agent</b> Mr David Hall
<b>Decision Target Date</b> 2 December 2016		<b>Reason For Delay</b> None
<b>Case Officer</b>		Mrs Jennifer Rehman
<b>Departure</b>		None
<b>Summary of Recommendation</b>		Subject to further consultation on revised ecology report and Habitat Regulations Assessment, planning permission can be approved.

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

- 1.1 The application site comprises a 0.28ha 'L' shaped parcel of land that previously occupied the Broadway Hotel - an iconic five storey brick-built building estimated to have been developed in the 1930s. The hotel was demolished in December 2014 following approval of planning permission for a replacement residential apartment block for McCarthy and Stone. It is understood that for commercial reasons McCarthy and Stone were unable to implement their consent and subsequently sold the site to the applicant. The site has been cleared with two metre painted timber hoardings erected enclosing the site. There is some excavated earth retained towards the front of the site.
- 1.2 The application site occupies a prominent seafront position on the Broadway and Marine Road East junction, approximately 0.7 miles east of Morecambe town centre and 0.5km west of Bare's local centre (Princess Crescent). There are two existing access points serving the site located off Dallam Avenue; one close to the junction with Broadway and the service access adjacent to the back lane which serves the rear of properties on Marine Road East. This is located next to 1 Dallam Avenue. The former hotel had a further access point off Marine Road East but this is now closed off by the site hoardings.
- 1.3 In this location there are very good pedestrian and cycle connections available, in particular the promenade which forms part of the Strategic Cycle Network (Route 69). Broadway, Dallam Avenue and Marine Road East all have the benefit of standard footways in both directions. Access to public transport is good in this location too with bus stops located immediately outside the application site on Marine Road East (in both directions). Bus services serving these stops run regularly between Morecambe and Lancaster University (Bus Nos: 3, 4 and 4A), Carnforth and Overton (Bus No.5) and the Morecambe Bare Circular (Bus No. 33). Less regular services operating from these bus stops include the Number 755 service which runs between Heysham and Kendal/Bowness. Morecambe's train station is approximately 1.7km west of the site with Bare station circa 1.2km southeast of the site.

- 1.4 Surrounding land uses are a mix of residential and leisure uses. Immediately west and adjacent to the proposed site is the Strathmore Hotel, which commands a seafront location and adjoins another hotel, a music shop and a residential care home to form a strong terrace of development. The scale of the properties along Marine Road East are typically 4 storeys high built in a similar manner and style of the former Broadway Hotel. With the exception of Morecambe High School which is also accessed off Dallam Avenue, remaining land uses surrounding the application site consist of two-storey detached and semi-detached residential houses. The site and its surroundings are generally flat (around 6m AOD) although there is a slight fall north-south across the site (between 5.99mAOD at Dallam Avenue and 7.24mAOD towards Marine Road East).
- 1.5 The site is undesignated in the Local Plan. It is identified within flood zone 2 and protected by existing sea wall defences. The site is not within a conservation area nor does it affect the setting of a Listed building. It is also outside the Morecambe Area Action Plan area. The site is close to Morecambe Bay's Special Protection Area (SPA), Special Area of Conservation (SAC), RAMSAR and Site of Special Scientific Interest (SSSI) but is separated by the promenade and Marine Road East. The site falls within the SSSI Impact Risk Zone.

## **2.0 The Proposal**

- 2.1 The applicant seeks full planning permission for the redevelopment of the site comprising the erection of 50 residential apartments incrementally rising from four storeys (excluding lower ground level) on Broadway and five storeys on Marine Road East up to eight storeys at the junction of 2 aforementioned roads. Along the Dallam Avenue frontage the development drops to three storeys close to the site access. The scheme incorporates a lower ground level which provides 50 car parking spaces (100% parking provision) with a further 10 tandem spaces provided to serve the large units. Storage for 10 cycles is provided in a lockable store. This lower ground floor level does not appear "subterranean" at the rear of the development as the site levels fall north-south across the site.
- 2.2 The accommodation consists of 40 two bedroom apartments, 8 three bedroom apartments and 2 one bedroom units. The accommodation is broken down as follows:

Lower Ground Floor	60 internal car parking spaces, plant room, refuse store and cycle store and 5 external (visitor) car parking spaces with external landscaping.
Ground Floor	1 one bedroom apartment, 7 two bedroom apartments and 1 two/three (study) bedroom apartment
First Floor	1 one bedroom apartment, 7 two bedroom apartments and 1 two/three (study) bedroom apartment
Second Floor	7 two bedroom apartments and 1 two/three (study) bedroom apartment
Third Floor	7 two bedroom apartments and 1 two/three (study) bedroom apartment
Fourth Floor	6 two bedroom apartments (one unit with small roof terrace) and 1 two/three (study) bedroom apartment
Fifth Floor	4 two bedroom apartments and 1 two/three (study) bedroom apartment with roof terraces to the two end units
Sixth Floor	2 two bedroom apartments and 1 two/three (study) bedroom apartment with roof terraces to the two end units
Seventh Floor	1 three bedroom apartment with roof terraces

The accommodation is served by two staircases and a lift. Materials comprise a grey brick plinth, extensive glazing, anthracite coloured frames, white render and metal clad panelling.

- 2.3 The development is elevated above existing neighbouring ground levels, including the highway to Marine Road East and Broadway and therefore positioned behind a low brick wall with landscaping and then a further higher wall with ventilation gaps serving the lower-ground car park. To the rear the levels are not significantly lower than existing levels due to the fall across the site.
- 2.4 In addition to the above, the proposal involves alterations to the existing access arrangements, namely the closing off the vehicular access from Marine Road East and the easternmost access off Dallam Avenue. These existing access points will be reinstated as footways with full kerbs. All vehicular traffic associated with the proposed development shall be via the slightly modified westernmost access which runs alongside No.1 Dallam Avenue but separated by a back lane which

runs between the rear of properties on Dallam Avenue and the rear of the properties on Marine Road East. The proposal also incorporates minor junction improvements to Marine Road East and Broadway junction comprising kerb realignment on the eastern side of Broadway to assist pedestrians crossing the Broadway junction by reducing the road width and reducing vehicles exist speeds.

### **3.0 Site History**

3.1 The site has a long established history as a hotel, but in more recent years (almost a decade) there have been a number of applications submitted for the demolition of the hotel and the redevelopment of the site for residential purposes. The most relevant planning history is noted in the table below:

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
<b>07/01236/FUL</b>	Demolition of hotel and the erection of 47 one, two and three bed apartments with on site parking	Approved
<b>10/00519/RENU</b>	Application for extension of time on application 07/01236/FUL for demolition of hotel and erection of 47 one, two and three bed apartments	Approved
<b>13/00499/RENU</b>	Renewal of planning permission 10/00519/RENU for demolition of hotel and erection of 47 one, two and three bed apartments	Approved
<b>13/01271/FUL</b>	Demolition of hotel and erection of 51 Category 2 type Retirement Apartments with communal facilities and associated landscaping and car parking	Approved

### **4.0 Consultation Responses**

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

<b>Consultee</b>	<b>Response</b>
<b>County Highways</b>	<b>No objections</b> subject to the following conditions: <ul style="list-style-type: none"> <li>• Off-site highway works</li> <li>• Precise details of access off Dallam Avenue</li> <li>• Car/cycle parking and turning provision</li> <li>• Protection of visibility from new access</li> <li>• Construction method statement</li> </ul>
<b>Environment Agency</b>	<b>No objection</b> provided the development is carried out in accordance with the submitted FRA and mitigation contained therein.
<b>Lead Local Flood Authority</b>	No comments received in the statutory consultation period.
<b>United Utilities</b>	<b>No objection</b> subject to the following conditions: <ul style="list-style-type: none"> <li>• Separate systems on site.</li> <li>• Foul drainage scheme condition (no foul to be connected to public surface water drains)</li> <li>• Surface water drainage scheme to be agreed</li> <li>• Management and Maintenance of SuDS</li> </ul>
<b>Lancaster City Engineers</b>	No formal comments have been received although they have informed the Case Officer of an existing foul drainage problem in the area around the Broadway which United Utilities and Environmental Health are dealing with under separate regulatory powers.
<b>Natural England</b>	<b>No objection</b> provided the development is carried out in accordance with the applicant's Habitat Regulations Assessment Report. NE has advised that the Council should as the competent authority undertake a Habitats Regulations Assessment.
<b>Environmental Health Service</b>	<b>No objection</b> – comments as per 13/01271/FUL. The following conditions are recommended: <ul style="list-style-type: none"> <li>• Hours of construction</li> <li>• Asbestos Survey [<i>NB: demolition already taken place so this is not necessary</i>]</li> <li>• Construction noise – pile driving condition</li> </ul>

	Further comments from EHS have been received raising issues over the lack of assessment regarding the proximity of the development to extraction systems to the rear of the adjacent hotel. <i>NB: this was not an issue raised by EHS on any of the previous consents.</i> EHS also recommend that whilst the site does not lie in an air quality management area, traffic associated with the development will impact on traffic emissions within the Lancaster District generally including the three AQMA and therefore measures to minimise traffic movements and reduce emissions should be sought.
<b>Strategic Housing Officer</b>	No comments received in the statutory consultation period.
<b>County Education Authority</b>	<b>No objection</b> subject to an Education contribution to the sum of £53,898.12 towards 4 primary school places.
<b>Lancashire Constabulary</b>	<b>No objection</b> in principle. However, due to a large number of reported crimes and incidents in the area, it is recommended that the apartments are built to Secured By Design security standards. A number of security measures are suggested.
<b>Lancashire Fire Service</b>	<b>No objection</b> – The Fire Service advise the development should comply with Part 5 Building Regulations.

## **5.0 Neighbour Representations**

- 5.1 4 letters of objection have been received. A summary of the reasons for opposition are as follows:
- Increased traffic on Dallam Avenue and congestion on Broadway
  - Use of Back Dallam Avenue by construction vehicles
  - Highway safety concerns in relation to the proposed site access and its proximity to existing driveway to 1 Dallam Avenue and the back lane to rear of Marine Road East.
  - Light/shadow problems due to the buildings 8-storey scale
  - Unacceptable overlooking of property on Dallam Avenue
  - Aesthetically the developer claims the development to be Art Deco in style – this is considered fanciful – it's too busy.
  - Concerns over noise and vibration during construction
  - Concerns over viewing information in relation to the application
- 5.2 A separate letter on behalf of residents of Farringford Court and local residents has been submitted advising that they are running a petition demanding the Highway Authority constructs a roundabout at the end of Broadway in the interests of highway safety. The letter indicates that the proposal would increase traffic by another 50+ vehicles to Dallam Avenue only 30m from the Broadway junction. The latter highlights Dallam Avenue is used as a rat run and is particularly busy and dangerous at the beginning of the day and at the end of the school day.
- 5.3 A letter from the adjacent hotel (Strathmore Hotel) has been submitted which states there is no objection in principle to the development subject to reassurances that during construction the development will not impact detrimentally on the operation of the hotel. The following concerns are raised:
- The established rear access and egress to the hotel is not impeded by during construction or post completion by McCarthy and Stone resident car parking [NB: McCarthy and Stone are not the developer].
  - Development works should not impact hotel operations – noise/vibrations/dust
  - Party Wall agreement needed.

## **6.0 Principal National and Development Plan Policies**

- 6.1 **National Planning Policy Framework**  
 Paragraphs 7, 12 and 14 – Achieving Sustainable Development  
 Paragraph 17 – Core Principles  
 Paragraphs 32, 34, 35, 36, 39 and 41 – Promoting Sustainable Transport  
 Paragraphs 49 and 50 - Delivering High Quality Homes  
 Paragraphs 56, 57, 58, 60, 61, 62, 64, 65 and 66 – Requiring Good Design  
 Paragraphs 100 to 104 – Flood Risk  
 Paragraph 109, 111 and 118 – Conserving the Natural Environment  
 Paragraph 120 to 125 – Land contamination, noise and light pollution and air quality considerations

Paragraph **173** – Ensuring viability and deliverability  
Paragraphs **187** – Decision Taking  
Paragraphs **188** to **190** – Pre-application Engagement  
Paragraphs **196** and **197** – Determining Applications  
Paragraphs **203** and **206** – Planning Conditions and Obligations

## 6.2 **Lancaster District Core Strategy (2008)**

**SC1** Sustainable Development  
**SC5** Achieving Quality in Design  
**SC4** Meeting the Districts Housing Requirements  
**SC6** Crime and Community Safety  
**E1** Environmental Capital  
**E2** Transportation Measures

## 6.3 **Development Management Plan DPD (2014)**

**DM20** Enhancing Accessibility and Transport Linkages  
**DM21** Walking & Cycling  
**DM22** Vehicle Parking Provision  
**DM23** Transport Efficiency and Travel Plans  
**DM26** Open Space  
**DM27** Protection and Enhancement of Biodiversity  
**DM35** Key Design Principles  
**DM38** Development and Flood Risk  
**DM39** Surface Water & Sustainable Drainage  
**DM41** New Residential Dwellings  
**DM48** Community Infrastructure  
Appendix **B** (Car Parking Standards)  
Appendix **E** (Flat Conversations)

## 6.4 **Other Material Considerations**

Meeting Housing Needs Supplementary Planning Document (February 2013)  
Housing Land Supply Statement (September 2015)  
National Planning Policy Guidance (NPPG)  
Conservation of Habitats and Species Regulations 2010  
Wildlife and Countryside Act 1981 as amended by the Countryside and Rights of Way Act 2000

## **7.0 Comment and Analysis**

7.1 The main issues in the consideration of this application are as follows:

- Principle of development
- Contribution towards Affordable Housing
- Design, Scale and Layout
- Residential Amenity
- Highway Implications
- Biodiversity
- Flood risk and drainage

## 7.2 **Principle of Development**

The site currently stands vacant and has done so for almost 2 years. The present condition of the site is not desirable for those living adjacent to it, nor is it attractive to the wider public particularly those visiting the town. The site is regarded a gateway location and so its redevelopment is important in the interests of amenity of the locality and the wider regeneration objectives for Central Morecambe as set out in Core Strategy policy ER2 and the MAAP.

7.3 The proposal submitted seeks to redevelop the site for residential purposes. The principle of residential development on the site is a land use previously accepted under earlier planning consents. In addition, the provision of 50 residential dwellings will positively contribute to the District's undersupply of housing. It is accepted that this Council cannot demonstrate a 5 year housing land supply and that paragraph 49 is engaged in the consideration of this application.

Paragraph 49 makes it clear that adopted policies dealing with housing supply matters (SC4 of the Core Strategy) are not considered up-to-date in these circumstances and so the presumption in favour of sustainable development applies (paragraph 14, NPPF).

7.4 The presumption in favour of sustainable development for decision-making means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

#### 7.5 **Contribution towards Affordable Housing**

Policy DM41 of the DM DPD requires new residential development to contribute towards the provision of affordable housing in the District. This policy requires schemes for 15 dwellings or more on non-greenfield sites to provide 30% affordable housing on site. Paragraph 50 of the NPPF also requires the Council to meet the need for affordable homes from new market housing development, preferably on site, unless off site provision or a financial contribution (a commuted sum) of broadly equivalent value can be robustly justified. The Council's SPD on Meeting Housing Needs provides further guidance on affordable housing needs including tenure mix. It also takes account of viability and accepts that a negotiated approach to affordable housing provision will be adopted where appropriate. The SPD also recognises that in some circumstances on-site affordable housing provision may not be appropriate and that a financial contribution in lieu of on-site provision may be accepted with appropriate justification.

7.6 The application has been supported by an affordable housing statement and a viability appraisal. In the first instance the affordable housing statement recognises that the development should be looking to provide 15 affordable housing units on site (equivalent to 30%). The applicant accepts that to deviate from this policy position would require compelling justification. In this case, the applicant has approached five active housing associations operating within Lancaster District who work with the City Council. Not surprisingly none of these registered providers have shown an interest in the site with a couple of them specifically stating that they will not take on units within blocks of flats. The City Council is aware of this situation and understand the main concerns relate to the maintenance and management of affordable units within mixed-ownership buildings. Subsequently, it is accepted that the principle of a financial contribution in lieu of affordable housing on this site is an appropriate starting position. This is also consistent with the approach adopted on the earlier McCarthy and Stone scheme where a financial contribution in-lieu of on-site provision was secured.

7.7 The applicant has also provided viability evidence to be considered in the context of affordable housing provision. The NPPF at paragraph 173 states that pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Consideration of development viability as a material consideration is also recognised in policy DM41. Following discussions with officers regarding some of the input figures, a revised appraisal has been provided. The applicant's viability appraisal includes an affordable housing contribution of £18,062. It also assumes a developer profit below market expectations (between 17.5-20%) though this is clearly something the developer is willing to accept and has confirmed as such in writing. Whilst some of the assumptions in the appraisal are not explicitly agreed it is clear that overall conclusion from this assessment is that a full financial contribution towards affordable housing is not possible.

7.8 Development viability on this site is not surprising and was an issue raised during consideration of the earlier scheme. Similarly, the fact the development stalled and the earlier developer walked away and sold their site is evidence in itself to understand the costs associated with developing this site are challenging. Despite this, the applicant has factored in a small contribution towards affordable housing and has sufficiently evidenced that a greater contribution could render the development unviable. The contribution shall be secured by a legal agreement (unilateral undertaking).

#### 7.9 **Design, Scale and Layout**

Achieving high quality design is a key priority of local and national planning policy (Policy SC5, DM35 and Section 6 of the NPPF) and is accepted to be a key aspect of achieving sustainable development. New development should respond to local distinctiveness, create a strong sense of place and be visually attractive. Policy DM35 recognises the importance of good design in key gateway locations. The Broadway junction is regarded an important entrance to the town and the

seafront and therefore commands a landmark building that makes a positive impression of the area. The design of the development takes account of the site and its surroundings - although it cannot be underestimated that the planning history has clearly played an important part in the design evolution of the development.

- 7.10 With regard to scale, like the previously approved residential schemes on this site the proposed development is taller and larger than the former hotel. Again, like the former hotel building and the approved schemes, the proposed development maintains its greatest presence and height at the corner of the site facing onto the Broadway/Marine Road East junction. When compared to the scale of the former hotel, the most notable increase in massing and height relates to the 5 storey element of the development immediately adjacent to the Strathmore Hotel (previously was a gap site when the hotel was standing) and the 8 storey (dropping to 4 storey) element of the scheme that was once only a single storey element fronting Broadway. The tallest part of the development is a storey higher than the McCarthy and Stone scheme but similar in height to the earlier approval (13/00499/RENU). The top floor is set back from the main front wall to help minimise the massing of the development at this height. The lowest part of the development along the Broadway frontage (at the Dallam Avenue junction) is approximately half a storey taller than the earlier consented schemes. Behind the main building element fronting Broadway, there is a much smaller building element proposed which is over three floors (including the lower ground) with its frontage towards Dallam Avenue. This element is larger in scale than previous schemes. Overall the varied roofline and gradual increase in scale towards the central part of the development follows the same design philosophy as earlier developments. The planning history is clearly a significant material consideration and therefore the approach to developing the site with the gradual staircasing in height is acceptable.
- 7.11 Regarding the design and appearance of the development, the prominent corner plot clearly provides a good opportunity to recreate a new iconic building in this location. Whilst the former hotel building is no longer present, it did represent a landmark that people recognised and connected with, therefore any replacement building on this site needs to appropriately respond to the site's prominent setting along Morecambe's seafront. In advancing the application, the developer has engaged with the local planning authority via its pre-application service where design principles were discussed in detail. The submission suggests the design of the development is a contemporary response to traditional seaside architecture with some Art-Deco influences. Despite some material references to Art-Deco style buildings and the curvature of elevations, overall the building design is too fussy in its fenestration to be considered an Art-deco style building. The earlier McCarthy and Stone scheme was perhaps more responsive to Morecambe's Art-Deco heritage than this scheme. However, in accordance with paragraph 60 of the NPPF, planning should not impose particular architectural styles or stifle innovation and originality, just seek to promote and reinforce local distinctiveness.
- 7.12 It is contended that the contrast of the smooth white walls with the extensive glazing and dark cladding/anthracite frames appropriately articulates the fenestration. The window arrangements reinforce the horizontal plane while the slightly projecting rendered walls and the central glazed element focus on the verticality of the building at its tallest points. The impact of the height of the building is mitigated and softened by the introduction of the top floor's recess (in most cases) and the use of a grey cladding system to the roof/top floors. The subtle full height projections to the main walls to both Broadway and Marine Road East provide some depth to the building in order to avoid an overly flat and uninteresting elevation. The design and appearance of the principal elevations are considered acceptable and appropriate for this gateway location and do not conflict with local and national design related policy.
- 7.13 Turning to the rear elevations, the scheme has been revised to improve its visual appearance through the removal of the vertical louvres. The fenestration now emphasises the horizontal plane through the introduction of cladding infill panels between the openings on each floor. The fenestration to the rear is simple and understated and is considered to respond appropriately to the relationship to neighbouring property. Consideration of residential amenity is noted below, but ultimately a careful balance has to be made to ensure that the building does not lead to significant overlooking (or a perception of overlooking) but equally does not result in large expanses of blank elevations. The applicant has provided an acceptable design that offers a suitable solution to address both residential and visual amenity constraints in this location.
- 7.14 In terms of layout, this is also very similar to the previously approved scheme and involves an 'L' shaped building practically following the road alignment at the junction of Broadway and Marine

Road East. The building itself does not project beyond the established building lines of neighbouring development, although the elevated landscaped areas to the frontages do. From street level the development is positioned above the ground levels of the adjacent footway and defined by a low wall and landscaping strip with a higher wall behind providing a boundary between the public and private space. The ground floor properties here benefit from external decked areas fronting the highway. Despite the elevated landscaped/private amenity space extending beyond the building lines with Marine Road East and Broadway, it does not lead to any undue harm in terms of the visual amenity and appearance of the respective streetscenes. The extent of this elevated landscaping and boundary detailing is considered proportionate in scale to the proposed building and therefore in design terms, a reasonable response to addressing finished flood levels (as required by the Flood Risk Assessment), parking provision and the appearance of the development on this prominent corner site.

7.15 The rear of the site accommodates the internal road via the access off Dallam Avenue to the lower-ground parking area, visitor parking spaces and a hard landscaped area to the east of the internal road between the building entrance and the small 3-storey element serving the 1-bedroom units and the bicycle and bin storage areas. One weakness to the overall layout and design is perhaps the lack of a pedestrian entrance to the development along its frontage with Marine Road East or Broadway. This was an issue raised by County Highways but in relation to proximity to the bus stops. Having regard to the layout presented and the position of internal corridors, staircases and lifts this would be difficult to achieve without significant alterations to the ground floor units. It is felt that the design along the frontage works successfully aesthetically and that whilst rear entrances are not usually encouraged, in this case the layout and the landscaping to the rear will ensure that the main entrance to the scheme is safe and secure. The rear of the development is predominately functional, however, with some soft landscaping and the change in surfacing material at the building entrance it is considered acceptable in design terms.

7.16 **Residential Amenity Considerations**

The residents most affected by the development are those located to the rear of the site on Dallam Avenue (Nos.1 and 3) and the last property on Broadway before the junction with Dallam Avenue (No.9 Broadway). The properties closest to the site on Dallam Avenue currently look out onto the vacant site and the site hoardings but previously their outlook was towards the rear of the hotel and the open car park between the Broadway and Strathmore hotels. Nos 1 and 3 Dallam Avenue are separated from the site by the rear access serving the rear of the properties on Marine Road East but are clearly bound to their north and eastern sides by the application site. The proposed development will result in different outlook for these residents. Currently they benefit from a relatively open outlook especially at first floor level due to the fact the site has been cleared with only site hoardings around its boundary. The proposed development will result in a different outlook when compared to the relationship between these properties and the former hotel when it was in situ. For no. 3 in particular when the hotel was in place, they did benefit from a gap between the existing Broadway hotel and the Strathmore. Clearly at present there are no buildings on the land in question and therefore for a short period of time they have enjoyed a more open outlook in the direction of the application site. This will be lost by the development and will be replaced by a five storey building, rising to eight storeys. The separation distance between the development and this property is approximately 30m. It is also acknowledged that this development is a storey higher up against the existing Strathmore hotel when compared to the former McCarthy and Stone scheme. However, it still exceeds the Council's interface distances stipulated in policy DM35, and with the exception of the four apartment blocks in the furthest western element along the Marine Road East frontage, all the windows facing these neighbouring properties are landing windows. Whilst these residents have enjoyed no building on the site for approximately 22 months, the fact that there are recent planning approvals for a tall building on the site, which would affect neighbouring outlook, is a significant material consideration. The loss of a view towards Morecambe Bay is unfortunate but the loss of a view is not a material planning consideration.

7.17 The impact on No.1 Dallam Avenue is more significant. The development will have an overbearing impact by virtue of the sheer scale and height of the development. When compared to the former hotel on site, this increase in scale is more pronounced along Broadway where previously the hotel only had a single storey extension. The development results in a significant increase in built form to the north and east sides of 1 Dallam Avenue. In order to mitigate this impact the development has been designed to limit the number of window openings on the south and west elevations; the scale of the development has been designed to step down towards Dallam Avenue and the building has been positioned within the plot to achieve interface distances over the required 12m. The distances



between the three storey element of the development and the side elevation of this property is approximately 13m and approximately 20m to the nearest five storey element. There are no habitable windows on the development directly facing this property and no principal habitable windows on the side elevation of this neighbouring property. The windows to the development provide natural light into the circulation corridors that run along the rear of each floor of the development. Despite meeting the Council's interface distance set out in SPG12, Officers acknowledge that there will be an impact on neighbouring residential amenity and that this impact is principally one of a sense of overbearingness and a perception of overlooking. In addition, it is likely that these neighbours will experience a greater level of activity given the position of the proposed vehicular access point, although an access point to the hotel has always been in this position, albeit used less by private cars because the hotel's main business was coach parties which did not access the site at this point. This impact should be considered in the context of the wider planning balance of the proposal, although it should be noted that the impact is not significantly worse than what was proposed under the earlier approved residential schemes.

- 7.18 In terms of other properties most likely to be affected by the development, the properties on the other side of Broadway are significantly further away (circa 54m) not to experience a loss of privacy, overlooking or an adverse outlook as a consequence of the redevelopment of the site. No.9 Broadway has its side elevation facing the development with an interface distance here of circa 24m. Despite the height of the development being considerably taller than the height this neighbouring property (and others), it is accepted that the relationship between the development on No 9 Broadway would not lead to an unacceptable harm.
- 7.19 **Highway Considerations**  
Marine Road East (A5105) is a wide two-way road running in an east-west direction as it passes the site. It has footways on both sides of the carriageway with on-street parking permissible on both sides of the carriageway. There is an existing signalised crossing approximately 170m from the site frontage. Marine Road East is lit and subject to a 30mph speed limit. It is also a main bus route with bus stops located on Marine Road East adjacent to the western boundary of the site. Broadway (A589) is a wide two-way road that runs in a north-south direction as it passes the site. It has wide verges and footways on both sides of the carriageway. The road is lit and also subject to a 30mph speed limit. Dallam Avenue running east-west to the south of the site, is limited to 20mph.
- 7.20 The site previously had 3 access points; two on Dallam Avenue and one of Marine Road East. The proposal seeks to utilise the western most access on Dallam Avenue. The other access points shall be permanently closed with the kerbs reinstated. Objections have been received in respect of highway safety with particular concerns over the access location and the increase in traffic anticipated to be generated from the development. The proposed access location is no different to the consented schemes. The access is gated and set back from the highway with appropriate visibility splays at the junction to Dallam Avenue. County Highways has no objections to the location of the proposed access.
- 7.21 Issues over construction traffic and traffic generated from the development blocking the driveways to neighbouring property and the back servicing lane should not be an issue as there are already parking restrictions imposed on the highway from the junction with Broadway to beyond the school (double yellow-lines).
- 7.22 In terms of traffic generation, the Local Planning Authority in consultation with the Highway Authority has previously accepted anticipated trip rates for residential schemes involving 47 apartments and a 51 retirement apartment block. The previously submitted supporting information indicated that the residential trips associated with the 47 apartments equated to 52 arrivals and 54 departures (daily) with 3 arrivals and 12 departures at the AM peak hour and 10 arrivals and 5 departures at the PM peak hours. At the time these figures were below the traffic figures for the fallback position (the hotel use). The trip rates associated with the retirement scheme were lower than the existing hotel and approved residential scheme, particularly at the peak hours.
- 7.23 The application has been supported by a supplementary Highway Note which indicates that using the same methodology for the trip generation for the 47 apartment scheme, the proposed development would generate a single additional departure at the AM peak and a single additional arrival at the AM peak hour only. This is a negligible increase from what has previously been accepted. Furthermore, these anticipated trip rates do not take account of the site's high level

accessibility. There are no objections from County Highways in relation to traffic generation and the impact on the local highway network.

- 7.24 Regarding parking provision, the maximum car parking standards set out in the DM DPD would require 98 parking spaces based on the number of bedrooms. Policy is driven to discourage car use and promote alternative transport modes, particularly in sustainable and accessible locations. A reduction of 35% from the maximum is proposed here and is regarded as an appropriate level of parking to serve the development given the site's sustainable location. A cycle store is proposed as part of the scheme. The submission indicates a provision of 10 cycle spaces, which is not sufficient. The size of the store could with careful design accommodate more bicycles than the 10 suggested so it is accepted that this can be controlled by condition. County Highways raises no objections to the level of car parking proposed.
- 7.25 Turning to the proposed off-site highway works. The applicant proposes minor improvements to the Marine Road East and Broadway junction comprising kerb realignment on the eastern side of Broadway to assist pedestrians crossing the Broadway junction by reducing the road width and reducing vehicles' existing speeds. Whilst previous schemes have included the provision of a refuge island on Marine Road East, on further investigation during the pre-application stages (by the Highway Authority in conjunction with the developer), it transpired that a range of additional works/measures would be required within the highway to make that scheme acceptable. County Highways contends that such work would result in an unreasonable cost and the scale of works to be undertaken would not be proportionate to the development. In accordance with paragraphs 203-206 of the NPPF, the imposition of conditions to force the provision of a refuge island would not therefore meet the tests, in particular being fairly and reasonably related in scale and kind to the development. Subsequently, despite the small-scale nature of the works now proposed, the purpose clearly seeks to aid pedestrian crossing over the main junction. An objection has been received advising that the community are wanting County Highways to consider a roundabout in this location. For the same reasons noted above, this development would not be expected to deliver such a significant change to the highway network in this location.
- 7.26 Matters concerning construction traffic and obstructions on the highway are principally matters for the Highway Authority and Police. However, a Site Management Plan has been provided upfront setting out measures to minimise disturbance to the local highway network and neighbouring residential amenity. County Highways is satisfied with its content and advises it should be conditioned if minded to approve the development. Despite objections to the contrary, overall, the development is considered acceptable in highway safety and accessibility terms and has adequately demonstrated sufficient parking is available to serve the development. The scheme complies with policies E2 of the Core Strategy, policies DM20 to DM22 of the DM DPD and paragraphs 17 and 32 of the NPPF in respect of highway considerations.
- 7.27 **Biodiversity**  
The application site is a vacant brownfield site with little biodiversity value on site. The site does, however, lie within close proximity to designated conservation sites, in particular Morecambe Bay SPA/RAMSAR. The applicant has submitted their own Habitat Regulations Assessment (HRA) report to provide information to the authority to inform a formal HRA. The HRA is an assessment of likely significant effects on the SPA/RAMSAR. It is accepted that the principle potential effects arising from the development include the following:
- Disturbance through construction operations;
  - Pollution through construction operations; and,
  - Disturbance through increased recreational activity along the foreshore.
- The applicant's report concludes that there would be no likely significant effect (LSE) provided mitigation is undertaken. The mitigation includes pollution prevention measures and a financial contribution to offset impacts by increased visitor pressure. Natural England (NE) has raised no objections to the proposal provided the development is carried out in accordance with the suggested mitigation. Officers concur with the recommended mitigation, although slight amendments are sought with regards the implementation of the suggested mitigation which will inform a final HRA which shall be completed before Planning Committee. The principle issue currently being negotiated is in relation to the suggested financial contribution to ensure this is compliant with the tests for such obligations. An alternative to a financial contribution would be the delivery of a signage scheme to be agreed in consultation with the local planning authority and NE (perhaps via Morecambe Bay Partnerships) to be installed along the seafront (either on the promenade or the foreshore where land is in the Council's control). The purpose is to educate visitors and residents about the nature

conservation importance of Morecambe Bay and to manage recreation pressure. Given that the recreational pressures of the development will not be significant (given the site's former use as a hotel), any such signage scheme would need to be proportionate. Officers are in the process of negotiating the details and the mechanisms to deliver this form of mitigation, but are satisfied overall based on the advice from the statutory consultee, that the impact of the development on Morecambe Bay considered alone or in combination with other projects would not lead to LSE provided proportionate mitigation is secured. Such mitigation would be secured through the imposition of a condition. A verbal update will be provided on this matter.

7.28 **Flood risk considerations**

The site lies within Flood Zone 2 which represents a medium flood risk originating from the Irish Sea (Morecambe Estuary) some 25m north of the application site. The area is defended by an existing wave reflection wall currently is set at 7.96mAOD though the wall is to be raised by 300mm as part of the ongoing flood defence works. The application has been accompanied with a Flood Risk Assessment (FRA) which has been considered and accepted by the Environment Agency. The FRA proposes a series of mitigation measures:

- That the living accommodation for the development is set at a level of 9.10mAOD – 0.9m above the 1:200 year flood level with allowance for climate change.
- Internal egress and refuge are provided in the building
- A flood warning and evacuation plan to be implemented post development

A condition is recommended to ensure the development is carried out in accordance with the submitted FRA and the mitigation measures contained therein.

7.29 The submitted FRA has sufficiently evidenced that the development would be safe from flood risk and would not increase the risk elsewhere. It has also acknowledged the development in context with the Sequential and Exception Test insofar as concluding the site post development will remain “more vulnerable” and therefore acceptable in Flood Zone 2. The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding (Flood Zone 1). The applicant has failed to appropriately apply with Sequential Test, as it is clear that the flood risk vulnerability classification table provided in the National Planning Practice Guidance (NPPG) clearly states that the table does not show the application of the Sequential Test.

7.30 The NPPG states that where there are no reasonably available sites in Flood Zone 1, local planning authorities in their decision making should take into account the flood risk vulnerability of land uses and consider reasonably available sites in Flood Zone 2 and applying the Exception Test if required. Whilst there could be alternative sites for residential development elsewhere in the District, Officers have had regard to the characteristics, public value and planning history of the site in question: The site is currently vacant and unsightly; it is previously developed land in a gateway location where its redevelopment is considered significantly important; and; has a recent planning history for residential development and currently benefits from an extant consent for the erection of a residential apartment block. These are significant materials considerations and are weighted in favour of the proposal. Furthermore, the scheme put forward has been designed with no living accommodation below the 1:200 year plus climate change allowance flood level, meaning that its flood risk vulnerability classification would be considered ‘More Vulnerable’. Table 3 at paragraph 067 of the NPPG indicates that ‘More Vulnerable’ uses would be considered appropriate development in Flood Zone 2. With this in mind, it is accepted that the site's redevelopment is important to the wider public amenity of the area, it is also clear that the development has been designed to be safe from flood risk and will not increase flood risk elsewhere. The statutory consultees have raised no objection therefore on balance, there are no sustainable grounds for refusal on flood risk matters.

7.31 With regards drainage, the proposal intends to connect both surface water and foul water to the existing sewers. The use of a truly Sustainable Urban Drainage System (SuDS) in this location is not considered feasible by the developer for a number of reasons, although some aspects of SuDS are intended, such as underground storage and modest impermeable paving. As for foul drainage, Officers have been made aware that properties on this part of Marine Road East have historically connected their foul drainage to the surface water sewers, leading to contamination at the outfall in the Bay. This is a separate matter being investigated and dealt with by United Utilities and our Environmental Health Service. As the site is vacant, there should be no risk of this occurring in the

future as new drainage will be laid to serve the development. United Utilities has not objected to the proposal and recommend both foul and surface water drainage conditions.

### 7.32 **Other considerations**

Matters such as ground contamination have been adequately addressed in the application. With regards contamination, the Council's Contamination Land Officer has confirmed that only an unforeseen contamination condition would be required. In terms of disturbance during the construction phases, a Site Management Plan has been provided which sets out a number of measures the developer/contractor will take on board to minimise disturbance to residents/businesses and the highway network. This plan should offer some reassurances to residents. However, in most cases issues such as noise/pollution/highway obstructions are controlled under separate legislation. Such impacts are short-term in nature and would not lead to long term impacts on residential amenity. A condition is still recommended requiring pollution prevention measures to be adhered to but fundamentally in relation to the requirements set out in the biodiversity section of this report. This is most likely to be encompassed within the ecology related condition.

7.33 In terms of the comments from Environmental Health about the relationship of the development to hotel plant equipment, it is contended that given the distance of the plant from the site boundary and the orientation of windows proposed, that this would not lead to significant amenity issue for future residents to warrant rejection. The concerns now raised, have not been previously raised by the Environmental Health Service or considered during the assessment of earlier residential schemes. As to minimising traffic and reducing emissions, the applicant is willing to provide electric charging points within the development to support more sustainable travel for future occupants in compliance with relevant sustainability policy. It has been agreed that this can be secured by condition.

## **8.0 Planning Obligations**

8.1 As noted above, the application has been submitted with a viability appraisal which clearly indicates that the development of the site cannot be subject to significant obligations that would threaten viability of the scheme. The Education Authority have requested an education contribution to the sum of £53,898.12 towards 4 primary school places. Whilst it is completely reasonable to make such a request, Officers have not secured this contribution for viability reasons. The lack of an education contribution is a disbenefit to the scheme and should be accounted for in the planning balance. The developer has evidence through their viability appraisal that a small contribution towards affordable housing, totalling to £18,062, shall be provided. This shall be secured by legal agreement.

## **9.0 Conclusions**

9.1 At the heart of the NPPF is the presumption in favour of sustainable development (Paragraph 14). Overall the proposed development positively contributes to meeting the District's housing need by providing 50 open market residential units; it involves the redevelopment of a brownfield site in a prominent gateway location; it is a scheme which represents high quality design; it is sustainably located with good access to public transport and proposes modest highway improvements to enhance pedestrian accessibility and movements across a busy highway/junction; it satisfactorily addresses the risk of flooding; and will not adversely impact the special features of the SPA subject to mitigation. There will be social and economic benefits brought about through the redevelopment of this site both during construction and operational stages of the development.

9.2 The only drawbacks of the proposal relate to the impact on neighbouring residential amenity, the lack of an education contribution towards primary school places and the failure to secure a full affordable housing contribution. On balance, having regard to the benefits and drawbacks of the scheme, it is contended that the impact on neighbouring residential amenity and the lack of a full affordable housing contribution and an education contribution would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF and the Local Plan taken as a whole.

- 9.3 The proposed development is considered a sustainable form of development that accords with the Development Plan. Subject to a revised HRA to agree the mechanisms for mitigation, Members are recommended to support the application.

### **Recommendation**

Subject to a revised Habitat Regulations Assessment to agree the mechanisms for mitigation that Planning Permission **BE GRANTED** subject to the signing of a legal agreement to secure a financial contribution in lieu of on-site affordable housing and the following conditions (though if the legal agreement is not signed and completed on or prior to the determination date the application is to be refused):

1. Standard time Limit
2. Approved Plans List
3. Details of the vehicular access to be submitted pre-commencement
4. Scheme for the disposal of foul drainage to be submitted pre-commencement
5. Scheme for the disposal of surface water drainage to be submitted pre-commencement
6. Schedule of window/door/roof details (including rainwater goods) to be submitted pre-construction of the building
7. Schedule and samples of all external materials and finishes to elevations and details of surfacing treatments to be submitted pre-construction of the building
8. Landscaping scheme including external lighting to be submitted pre-construction of the building
9. Notwithstanding details submitted, cycle storage and provision to be agreed (pre-occupation)
10. Scheme for management and maintenance of surface water for the life time of the development to be submitted pre-occupation
11. Off-site highway improvements (closure of existing accesses and reinstatement to footways, realignment of Broadway junction) to be implemented prior to first occupation
12. Protection of visibility at site access
13. Development to be carried out in accordance with the mitigation measures set out in the FRA
14. Mitigation measures for Habitat Regulations Assessment (TBC) to be provided during construction (pollution prevention) and pre-occupation (recreational pressures) as per revised ecology report (TBC)
15. Site to be drained on separate systems
16. Development to be carried out in accordance with the approved Site Management Plan
17. Hours of construction
18. Car parking provision
19. Electric charging point to be provide and available for use
20. Unforeseen Contamination

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

In accordance with the above legislation, the City Council can confirm the following:

Officers have made this recommendation 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 recommendation 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.