

<b>Agenda Item</b>	A6
<b>Application Number</b>	25/01118/VCN
<b>Proposal</b>	Demolition of existing buildings and proposed construction of major mixed leisure development in association with Eden Project (including use classes E, F1 and F2), outdoor arena (including live music performances), public realm, landscaping works, cycle parking, detached shelter and energy pods, and associated infrastructure and engineering operations (pursuant to the variation of condition 2 on planning permission 21/01113/FUL to amend the design and layout of the approved development)
<b>Application site</b>	Central Promenade Regeneration Site Marine Road Central Morecambe Lancashire
<b>Applicant</b>	Eden Project Morecambe Limited
<b>Agent</b>	Mr Daniel Jackson
<b>Case Officer</b>	Mr Andrew Clement
<b>Departure</b>	No
<b>Summary of Recommendation</b>	Approve, subject to conditions and completion of Section 106 Agreement. Delegate back to Chief Officer – Planning and Climate Change to finalise legal agreement.

(i) **Procedural Matters**

The submitted development proposals have been the subject of two years of pre-application engagement with the local planning authority, including a Councillor Engagement Forum (14 July 2021). On the advice of the Planning & Place Service, the applicant has also undertaken pre-application engagement with statutory consultees particularly in relation to ecology, cultural heritage, and transportation matters. A committee site visit is scheduled for the 9 February 2026.

**1.0 Application Site and Setting**

1.1 The application site covers approximately 4.6 hectares of predominately previously developed land on the central promenade site in Morecambe, situated to the north and west of Morecambe Town Centre. It is located around 300 metres from Morecambe Railway Station, and slightly closer to the bus station, both on Central Drive. The site itself comprises the former Bubbles Leisure Complex and Super Dome attraction site, and the adjoining and southern sections of existing promenade. The site also includes the Promenade Gardens (excluding the War Memorial Garden), the access route between the site and the Midland Hotel (to the west), open space in the north-western part of the site (location of the former bandstand) and the Bay Arena car park to the east. The open space study as part of the emerging local plan review identifies the entire site (including carpark) as amenity green space, however this site is clearly allocated for leisure investment opportunity allocation of the

Morecambe Area Action Plan (MAAP) many years prior to this.

- 1.2 The main development is bound to the north, east, and north-west by the foreshore of Morecambe Bay and its existing flood defences. The site includes the promenade itself but not the outer wall/boundary of the promenade. The Midland Hotel is located beyond the southwestern boundary, with Marine Road Central located along the southern boundary of the site. The RNLI station lies immediately north of the site adjoining the promenade. The Stone Jetty extends out from the promenade to the northwest of the site. There are no formal Public Rights of Way within or around the development site. The promenade is, however, a well-pedestrianised and traffic-free corridor, extending from Hest Bank to Heysham. At the eastern end of the site, the promenade splits into two sections as it diverges around the former Bubbles site, resulting in a northern and southern promenade around and through the development site. These two sections of promenade support existing cycle routes - Sustrans Route 69 (Way of the Roses) to the south, and route 700 to the north.
- 1.3 The site is situated immediately north and northwest of Morecambe Town Centre, separated only by Marine Road Central. The site is located within Morecambe's Conservation Area, with several significant designated heritage assets surrounding the site. These include the Grade II\* listed Midland Hotel to the west (and its separately listed Grade II walls/pillars), the Grade II\* Winter Gardens, and multiple Grade II listed buildings including the War Memorial immediately south of the site, The Platform to the south-west, and the Stone Jetty building to the north-west. Surrounding uses include retail and leisure uses, entertainment venues such as the Winter Gardens and The Platform, visitor accommodation (Midland Hotel), the Festival Market, public realm and car parks serving the wider town.
- 1.4 The natural environment in and around Morecambe Bay is internationally significant, and the views across Morecambe Bay are amongst the finest in the country. The adjacent Morecambe Bay is a designated Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Ramsar designations, forming part of a series of coastal estuaries of outstanding importance. The Bay supports numerous species of wader, wildfowl and seabird species, in particular over-wintering birds. The Special Area of Conservation (SAC) is designated for a range of intertidal habitats, as well as its great crested newt population. While there are other designated sites nearby, these are the principal sites relevant to assessing impacts on ecology against the project. The site itself is not designated for any nature conservation interest.

## **2.0 Proposal**

- 2.1 Eden Project Morecambe Limited, the applicant, is a wholly-owned subsidiary of the Eden Trust, a UK-registered charity. It is an educational charity and social enterprise with a global mission to create and build relationships between people and the natural world, to demonstrate the power of working together for the benefit of all living things. The Eden Project was founded over twenty years ago when Eden Project (Cornwall) was realised. Its success, together with a global mission to raise awareness of the natural world, has educated and empowered communities to explore the interconnectedness of all living things, and to demonstrate the power of what people can do when they come together to protect the planet. Amid a global climate crisis, their mission and projects provide huge opportunities to deliver transformational behavioural change, to promote the value and importance of regenerative sustainability. Several projects are now developing nationally and internationally, including that originally granted planning permission at this site through permission 21/01113/FUL.
- 2.2 This variation of condition (Section 73 of the Town & Country Planning Act) application seeks a revised design to reflect changes to the visitor experience concept and ensures that the project can be delivered within the confirmed budget and timeframe. The proposal continues to comprise a major new mixed-use attraction in Morecambe. It will combine a range of indoor and outdoor experiences, all based on connecting people with Morecambe Bay. The first phase of development is the 1.5 acre (0.6ha) Bring Me Sunshine community space, inspired by the landscapes and culture of Morecambe Bay, which will be permanently relocated to the site following exhibition at this year's RHS Flower Shows. This first phase (between the War Memorial and Midland Hotel) will form the Community Garden aspect of the proposal for public realm improvements, delivered within the next planting season. This will be followed by later phases (public realm beyond, and ticketed aspects of

the development) in later phases to be controlled through planning condition, with an anticipated opening year for the ticketed attraction in 2028. In accordance with the original permission, commencement of development must take place before 19<sup>th</sup> May 2027, through the original consent or any variation of this permission.

- 2.3 There are a number of changes proposed to the scheme following a strategic recalibration of the project, to ensure it remains ambitious, deliverable, and aligned with the current economic landscape. This will still deliver a landmark, once in a generation attraction for Morecambe. The proposal will continue to combine a range of indoor and outdoor experiences, all based on connecting people with Morecambe Bay. The vision remains focussed on natural rhythms, such as tidal rhythms and lunar rhythms, and how they underpin the health and wellbeing of people and the natural environment. Whilst the original permission included four shell pavilions (Bay Hall, Rhythm Machine, Natural Observatory and Bay Glade), the proposal rationalises these spaces into the 'Realm of the Sun' and the 'Realm of the Moon', linked by a metronome entrance. This variation will provide greater areas of external landscaping (Rhythm Gardens), both within and beyond ticketed areas, with an unchanged outdoor events space and approach to active travel omitting on-site parking. This varied proposal has evolved to improve flood resilience, through inclusion of a wrap-around landscaped sea defence bund and connecting flood walls. The ticketed attraction would have more focussed opening hours (9:30am to 6:30pm), but continues to seek up to eight late evening events (6pm to midnight) in summer months (April to September inclusive).
- 2.4 Eden Project North (EPN) will be a ticketed visitor attraction, including a mix of entertainment and educational facilities provided within two buildings, the Realm of the Sun and the Realm of the Moon, linked by a Metronome for arrivals and ticketing, under a coastal green roof. The Realm of the Sun is the largest element, constructed in a column free gridshell. This bespoke design creates an efficient long span and transparent enclosure to maximise daylight to the horticultural experiences housed within. This external material (ETFE cladding) and appearance is unchanged from the original permission. The Realm of the Moon creates a 'black-box' experience under an integrated Solar PV roof, containing a tidal theatre and ancillary retail and restaurant areas. This element is inspired by local mussel shells, offering contrast in shape, colour and scale to the 'Realm of the Sun', whilst continuing the 'colony of shells' theme of the original permission. The proposal seeks enhanced areas of high-quality open space and landscaping, both within the ticketed site and the open accessible space beyond. The development will include exhibits, performance space, learning, play and immersive experiences within the development, alongside a café/restaurant, a visitor centre and ancillary retail.
- 2.5 Within these venues, there will be a range of uses that fall within a combination of Use Class E (commercial, business and service use), Class F1 (learning and on-residential institutions) and Class F2 (local community uses). The outdoor arena does not fall within any specific use class of its own (in the Town and Country Planning (Use Classes) Order 1987 (as amended)). Collectively, the planning unit as a whole, would constitute a mixed-use scheme (therefore Sui-Generis). The uses proposed as part of this variation application remain the same as the original planning permission.
- 2.6 The maximum number of visitors that the proposal could accommodate remains one million per annum, although the estimated average annual visitors and hourly peak number of visitors are approximately two-thirds of the original scheme (at 525,000/annum and 480/hr peak visitors respectively). The public opening hours to the ticketed attraction have been reduced to 9:30am to 6:30pm and continues to seek up to eight late evening events (6pm to midnight) each summer within the 6000-person capacity outdoor arena within the Rhythm Gardens area. Whilst the projected levels of direct employment is reduced through this varied proposal, it would remain a significant employer of circa 150 full-time employment (FTE) jobs, to facilitate the operation of a major leisure attraction of circa 8,500sq.m internal floor area and substantial external areas.
- 2.7 This Section 73 application is accompanied by an Environmental Statement Addendum as the development is considered EIA development. This assessment of the varied scheme has been carried out through screening opinion 25/00682/EIO under the Town and Country Planning (EIA) Regulations 2011 (as amended). This has been assessed within the Environmental Statement (ES) Addendum, and the cumulative scheme (including 26/00023/FUL) is considered EIA development. The ES Addendum reports that there are no material changes through the variations sought. This ES Addendum is aligned to the 2021 ES, finding that the scheme will have overall positive impacts on health and wellbeing, including new employment, education, public realm improvements, and

support for active travel. Temporary adverse impacts during construction can be mitigated through a Construction Traffic Management Plan (TMP) and Construction Environmental Management Plan (CEMP), retaining these planning condition from the original planning permission.

### 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*' commenced in 1931 and the new Midland Hotel and the Harbour Band Arena opened two years later. The 'Super Swimming Stadium' followed in 1935 and operated for 40 years until its closure in 1975. 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 developing the outdoor swimming pool, the 'Bubbles' Complex and the Superdome. This complex was cleared in 2001.
- 3.4 Around 2004, Urban Splash acquired the Midland Hotel, which was successfully renovated to a high standard, and opened in 2008. In 2007, Urban Splash had further ambitious proposals and submitted an outline planning application for comprehensive redevelopment of the Central Promenade site, along with a full application for phase 1. Whilst the proposals as a whole were welcomed, and would have provided wider rejuvenation of the town, the viability of the scheme demonstrated the whole scheme was not deliverable. This was largely a consequence of the economic downturn at the time. Delivering the proposals over phases, or part delivery, would not have delivered the wider public benefits to justify harm against the designated heritage assets affected. A second reason for refusal related to the insufficient evidence to demonstrate the proposal would avoid unacceptable highway impacts, notably traffic congestion/queue lengths on Marine Road Central. Consequently, the outline application was refused and the full application withdrawn.
- 3.5 The applicant commenced discussions with the local planning authority in 2019. Since then, there has been extensive pre-planning application discussions with officers, consultees and the wider local community. This has included a Councillor Engagement Forum, as well as formal Scoping Opinions pursuant to the EIA Regulations. Pre-application engagement has continued with the LPA and other consultees since the original permission, which has informed the amendments to the development proposed as part of this Section 73 application. The table below provides a summary of the key planning applications relevant to this site, including development for a flood defence wall sought concurrently to mitigate the flood risk to this development.

Application Number	Proposal	Decision
26/00023/FUL	Erection of flood defence wall, flood barrier and associated works	Pending consideration
25/00682/EIO	EIA Scoping Opinion request relating to proposed changes to the approved development which comprises the demolition of existing buildings and the proposed construction of major mixed leisure development in association with Eden Project, outdoor arena, public realm, landscaping works, cycle parking, detached shelter and	Completed

	energy pods, and associated infrastructure and engineering operations	
21/01113/FUL	Demolition of existing buildings and proposed construction of major mixed leisure development in association with Eden Project (including use classes E, F1 and F2), outdoor arena (including live music performances), public realm, landscaping works, cycle parking, detached shelter and energy pods, and associated infrastructure and engineering operations	Granted
07/01810/OUT	Outline application for the redevelopment of Morecambe central promenade including retail, leisure, restaurants, cafes, commercial and creche 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	Refused
07/01811/FUL	First phase of development for Morecambe Central Promenade including retail, leisure, restaurants, cafes, commercial and creche use (A1, A2, A3, A4, A5, B1, D1) at ground floor level with residential accommodation (C3) above. Landscaped courtyards over parking. Public realm works including seaside square and landscaping works to adjacent to the Midland Hotel	Withdrawn
19/00758/EIO	EIA Scoping request for the demolition of existing buildings/structures and proposed construction of major mixed use leisure development in association with Eden Project (including use classes A1, A3, A4, B1, D1, D2 and Sui Generis) including public realm, landscaping, car parking and associated engineering works	Completed
21/00988/EIO	Addendum Report - EIA Scoping Opinion request for the demolition of existing buildings/structures and proposed construction of major mixed use leisure development in association with Eden Project (including use classes E, F1, F2 and Sui-Generis) including public realm, landscaping, car parking and associated infrastructure and engineering works	Completed

#### 4.0 Consultation Responses

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

Consultee	Response
Morecambe Town Council	No observation received
Morecambe BID	<b>Support</b>
Lancaster Civic Vision	<b>Support.</b> As the overall design has been modified and scaled down, it has become better aligned to the practicalities of creating a large visitor attraction. We are strongly of the view that the economic impact of the proposals could have a transformational effect on Morecambe and the entire Bay area. It will be vital to ensure that transport infrastructure is delivered and that the scheme harmonises with plans for the regeneration of Morecambe.
Morecambe BID	<b>Support</b>
Lancaster BID	No observation received
Morecambe Bay Partnership	No observation received
Chamber Of Commerce Lancaster	No observation received
Wyre Borough	No adverse comment

Council	
Arnsdale Silverdale NL Unit	No observation received
Westmorland And Furness Council	No observation received
Winter Gardens	No observation received
Planning Policy - Climate Change	<b>Comments</b> - Overall, the development proposal demonstrates a positive approach to climate mitigation, climate adaptation and sustainable design. The proposed variation has excellent climate mitigation targets in terms of BREEAM and EPC standards. The use of ASHPs, MHVR, and solar PV are also well received and will help to minimise the development's carbon emissions. The predicted reduction in energy demand of 91% and reduction in carbon emissions of 81% are both impressive figures which go beyond statutory requirements, despite the lack of fabric first approach (inapplicable to Realm of Sun due to unique internal environment).
Public Realm Officers	No observation received
Property Services - Lancaster City	No observation received
Sustainable Growth	<b>Comments</b> - ESP required for development of this scale. The ESP can be addressed as a pre-commencement condition, subject to an outline commitment to delivering a suitably scaled ESP for the development prior to determination.
Lead Local Flood Authority	<b>No objection</b> to variation of condition 2 subject to the following matters being addressed by the applicant as part of their obligations to satisfy condition 8. Condition 8 must also be updated to reflect the revised drainage strategy. <ol style="list-style-type: none"> <li>1. Drainage strategy should include up-to-date climate change allowances</li> <li>2. New National Standards for SuDS should be incorporated</li> <li>3. Confirmation of run-off rates</li> <li>4. CCTV survey will be required as part of the final drainage strategy</li> <li>5. Drainage must account for tidal locking in the hydraulic modelling, required as part of the final drainage strategy</li> </ol>
Environment Agency	<b>No objection</b> , subject to planning conditions for hydraulic modelling and the detailed design resolution of the scheme with regard to tidal flood risks and mitigation, including sensitivity testing. This should be reflected in the updated hydraulic model that will be based on the final proposed Flood Risk Mitigation Strategy
Engineering Team	No observation received
Natural England	<b>No objection</b> , concur with the assessment conclusions within the shadow HRA, provided that all mitigation measures are appropriately secured, namely a CEMP, outdoor events April to Sept only, limits to light spill and bird collision risk monitoring for first 5yrs of operation.
Environmental Health	No observation received
Tree Officer	No formal comments received.
The National Trust	No observation received
Marine Management Organisation	No adverse comment, informative that works within the Marine area require a licence.
RSPB	No observation received
The Wildlife Trust Lancashire	No observation received
Historic England	<b>Support</b> on heritage grounds. The impact on the views to the Midland Hotel are affected, with the proposed 'Realm of the Sun' dome becoming the backdrop when seen from the seafront. The building would also lose some of its prominence as a relatively 'standalone' building. The impact on the Winter Gardens is considered less harmful, partly due to the lower height of the 'Realm of the Moon' structure. The proposed new structures will dominate the area in terms of their scale and massing; however, the materials and design will lessen this impact. Historic England is supportive of well-designed and integrated schemes that would assist in revitalising the town's economy and appreciation of its historic environment. The use of the site is wholly in-keeping with the history of this part of the promenade, and the proposed new structures could be considered to reflect the principle of a seaside winter garden.
National Amenity Societies	No observation received

Ancient Monuments Society	No observation received
Conservation Section	<p><b>No objection</b> in principle, the scheme has potential to enhance the character and appearance of the conservation area and result in wider public benefits to Morecambe's historic environment as a whole. In visual terms, the new development would still be a striking (albeit smaller) addition to the visual character of the area and consistent with the tradition of seaside recreation and would undoubtedly greatly enhance the local visual character.</p> <p>The development would result in minor harm to the setting of the Midland Hotel. More verified views of the development would confirm this impact. Detailed approval of materials and specifications would be required via planning conditions. Encourage improvement to hard surface treatments, entrance and terrace orientation. Mitigation required to screen back-of-house area from public view.</p>
County Archaeology	<b>Comments</b> - No archaeological work is considered necessary.
County Strategic Planning	No observation received
County Highways	<p><b>No objection</b>, the information presented demonstrates highway impacts and parking arrangements can be mitigated (as with original permission), as follows:</p> <ul style="list-style-type: none"> <li>• Marine Road Central provisions – Off-site mitigation along Marine Rd Central must be implemented as proposed</li> <li>• Accident avoidance – as above</li> <li>• Pedestrian/cycle crossing facilities – as above</li> <li>• Visitor numbers and large events – Travel plans for visitors, employees and large events/visitors must be agreed, implemented, details of funding and monitoring, including £10k contribution for travel plan development/monitoring</li> <li>• Ticketing – Time-controlled booking system must be detailed, agreed and implemented</li> <li>• Modal shift – Ticket pricing to incorporate sustainable travel costs. Detail and implement cycle parking (at least 138 for visitors and 50 for employees)</li> <li>• Parking provision – required legal agreements with car park operators, to secure sufficient spaces available and monitoring of parking requirements</li> <li>• Coaches – drop-off and pick-up area part of off-site mitigation along Marine Rd Central. Coaches to park at existing provision beyond the immediate area after drop-off.</li> <li>• Waymarking – Suitable routing signage around and to the site.</li> <li>• Construction – Comprehensive Construct Traffic Management Plan</li> <li>• Servicing – implementation of appropriate internal layout and swept paths</li> <li>• Off-site traffic mitigation – Implement mitigation scheme at Shrimp Roundabout and M6 j34 traffic light signal timings.</li> </ul>
National Highways (NH)	<p>Recommends planning permission is not granted under further information has been sought to justify revised visitor numbers, including impact of hours of operation, evening trips, levels of employment including their arrival/departure times and modes, parking occupancy and operation, mitigation of modelled impact upon J34 of the M6.</p> <p>A revised TA and additional supporting information has been provided as part of this application, which NH have been re-consulted upon. The applicant and LPA have held discussions with NH, which indicates the further information submitted is likely to be satisfactory. However, a formal response is still outstanding but anticipated ahead of the Planning Committee.</p> <p>A written consultation response will be reported as a written update prior to planning committee.</p>
Dynamo Cycling	<b>Comments</b> - Good cycle access from Railway Station to the site is needed
Sustrans	No observation received
Public Rights of Way Lancashire	<b>No objection</b>
Ramblers Association	No observation received

Network Rail	<b>Comments</b> - Require an interface with Network Rail due to the proximity of works to the existing operational railway boundary. Only Network Rail Asset Protection can accept or agree the proposal works. Agreement to the proposal works must be undertaken via a formal interface with Network Rail Asset Protection.
Cadent Gas	No observation received
Electricity NW	No observation received
United Utilities	<b>No adverse comment</b> , subject to planning conditions for sustainable surface water drainage (SuDS) exploring the hierarchy of drainage options, including management and maintenance of SuDS, and informative regarding UU assets and infrastructure.
Fire Safety Officer	<b>No adverse comment</b> , informative regarding water provision and emergency vehicle access.
Lancashire Constabulary	Comments that Secure by Design planning condition should remain, and counter terrorism planning condition attached. Advice provided that boundary treatments should clearly demark private and public realms, with secure boundaries to ticketed areas, with restricted vehicle accesses and clearly signed and limited pedestrian access points. Suitable secure cycle parking and public landscaping that promotes natural surveillance should be provided, with an external lighting scheme to support surveillance, in addition to CCTV, secure openings standards, preventing climbing aids. Positive improvements preventing roof access.
Office of Nuclear Regulation	<b>Does not advise against.</b> Application provides adequate assurance that the proposed development can be accommodated within their off-site emergency plan arrangements. The proposed development does not present a significant external hazard to the safety of the nuclear site.
Emergency Planning	No observation received
Marine Management	<b>No adverse comment</b> , any works within the Marine area require a licence from the Marine Management Organisation.
Waste and Recycling	No observation received

4.2 Two letters of support have been received from members of the public for the following reasons:

- Appreciate constructive engagement with applications representatives throughout
- Re-imagining of public realm and pedestrianisation would complement the overall scheme
- Development should celebrate and educate on the international importance of Morecambe Bay to unique tidal, bird and wildlife characteristics specific to this location

## 5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Principle of development
- Traffic, Transport, Parking and Accessibility
- Townscape effects and Open Space
- Cultural Heritage
- Natural Environment
- Flood Risk and Drainage
- Amenity and Pollution
- Climate Change
- Socio-economic and Health

5.2 **Principle of development** NPPF Section 2. (Achieving sustainable development) and Section 6. (Building a strong, competitive economy); Policy SP2 (Lancaster District Settlement Hierarchy), Policy SP3 (Development Strategy for Lancaster District), Policy EC5 (Regeneration Priority Area) of the SPLA DPD; Policy DM22 (Leisure Facilities and Attractions) of the DM DPD, and Policy SP3 (Morecambe Seafront and Promenade) and DO2 (Strategic Leisure – Seafront Headland and Central Promenade) of the Morecambe Area Action Plan (MAAP)

5.2.1 A Section 73 application seeks permission to carry out development without complying with planning conditions imposed on a previous planning permission, but to vary the details controlled through

planning conditions, and comply with such varied details and conditions. Permission granted under Section 73 takes effect as a new, independent permission to carry out the same development as previously permitted, subject to new or amended conditions, and a new or varied legal agreement where relevant. The new permission sits alongside the original planning permission, which remains intact and unamended. It is ultimately open to the applicant to decide whether to implement the new permission (if granted) or the one originally granted. Section 73 provides a mechanism to consider and assess material amendments to an earlier planning permission.

- 5.2.2 A Section 73 application does not provide an opportunity to re-examine the principal considerations associated with the approved development, which were considered to be acceptable at the Planning Regulatory Committee in 2022. This variation seeks to amend approved plans, which through the altered design, scale and submission of additional documentation for consideration, this does implicate the majority of material planning considerations of the original proposal. Furthermore, the phased nature of construction through this amended proposal implicates the triggers for conditions attached to the original permission, which would need to be altered to reflect the amended scheme and information submitted as part of this application, to ensure these are relevant to the varied proposal.
- 5.2.3 The acceptability of the principle of development has already been established through the original grant of planning permission, which remains unaltered by this proposed variation. The proposal cannot, and does not, seek to vary the use classes of the development described in paragraph 2.4 and that set out in the description of development. The refined proposal will continue to provide a regionally important tourist attraction comprising predominately leisure and education/exhibition-based uses, utilising previously developed land. This proposal will comprehensively redevelop the whole of the allocated site (DO2), delivering significant regeneration benefits in accordance with the leisure, education and tourism objectives set out in policy DO2.
- 5.2.4 This project remains a unique and truly exciting venture to provide a once in a generation opportunity for the revival of Morecambe as a seaside resort, to the benefit of its local community, the wider district, the Bay area and the North-West region. The proposal remains an ambitious opportunity to realise the planned regeneration of this site for leisure investment, seeking to improve the deliverability of a scheme that is an innovative and exemplar form of sustainable development. The proposed development and layout would prioritise the most compelling visitor experiences, and showcases the importance of climate change, regenerative sustainability, and our integration with (and protection of) the natural environment. Whilst the principle of the development is supported in land-use terms, there are a number of key material considerations that need to be assessed to ensure the development continues to constitute a sustainable form of development in its amended form. Whilst the varied design and built form of the development is smaller, it will continue to deliver significant economic and social benefits that weigh in favour of the scheme.
- 5.3 **Traffic, Transport, Parking and Accessibility** Strategic Policies and Land Allocations (SPLA) DPD policies SP10: Improving Transport Connectivity, T1 : Lancaster Park and Ride, T2: Cycling and Walking Network and T4: Public Transport Corridors; Development Management (DM) DPD policies DM29: Key Design Principles, DM60: Enhancing Accessibility and Transport Linkages, DM61: Walking and Cycling, DM62: Vehicle Parking Provision, DM63: Transport Efficiency and Travel Plans; DM64: Lancaster District Highways and Transport Masterplan and Morecambe Area Action Plan Policies SP1: Key Pedestrian Routes and Spaces, SP3: Morecambe Main Seafront and Promenade and DO2: Strategic Leisure – Seafront Headland and Central Promenade
- 5.3.1 Planning policy and decision making should strive to deliver sustainable development. The above policies seek to ensure major development is located in sustainable locations in the first instance. Policy expects priority to be given to sustainable transport modes, through the protection and enhancement of pedestrian and cycle infrastructure, to encourage uptake in sustainable travel. Development must be accessible to all modes in a safe and confident way, with any residual traffic impact capable of being accommodated without severe impacts on the safe and efficient operation of the highway network. In relation to the MAAP, it seeks to ensure key pedestrian routes around the site are protected, and the public realm enhanced, with improved connections across Marine Road Central towards the landward side of the town.
- 5.3.2 The site lies within one of the districts main urban areas. Consequently, access to and from the site can be provided by public transport, with both the bus network and the railway station within a short

and easy walking distance from the site. It is equally well-connected for pedestrians and cyclists via the promenade and cycle path to Lancaster and beyond, which forms part of the Lancashire Coastal Way and National Cycle Network Routes 6, 69 and 700.

5.3.3 The Bay Gateway now provides a more direct route to the town from the Strategic Road Network (SRN) for those travelling by car, and off-road cycle provision. The site is considered an accessible and sustainable location to support major development, as it provides opportunity to encourage more sustainable modes of travel. The location of the site conforms with the strategic transport policies in the Development Plan and the NPPF in terms of locational sustainability.

5.3.4 Active Travel and Sustainable Transport

Given the sites' central location, it is anticipated that employees and local visitors to the attraction will use sustainable modes of transport to access the development and will be incentivised through the ticketing to do so. This is already controlled through the original legal agreement, which requires a Visitor Access and Parking Strategy (VAPS) to be provided, approved and secured prior to the commencement of development. Frequent bus services already operate along Marine Road Central and Central Drive. There is no requirement of the development to contribute to additional services. Whilst the site is served by the promenade, which offers a safe and attractive route to the development for pedestrians and cyclists, many visitors will be arriving in the town centre and will need to cross Marine Road Central. Currently this is a barrier, and as such highway improvements are proposed to enhance crossing facilities, to create a safer and more legible pedestrian environment. As part of the original planning permission, a planning condition secured a highway improvement scheme, designed to enhance connectivity between the site and the town centre.

5.3.5 Since the grant of the original planning permission, the highway improvement scheme has evolved. In consultation with the highway authority and officers, this scheme is considered to satisfactorily address policy requirements to enhance the pedestrian environment, and in particular links across to the town centre. This scheme shall form the basis for an off-site highway proposal to be delivered and implemented before the main attraction of the development is operational. This will be a requirement of a planning condition, and is supported by council parking colleagues and the local highway authority, who return no objection subject to the conditional requirement to implement this mitigation. As well as delivering improved crossing facilities (2 No. Zebra crossing and 1 No. Toucan crossing), this scheme proposes changes to Marine Road Central, from the roundabout near the Platform to Northumberland Street. This stretch of road will be narrowed to single lane, with double yellow line parking restrictions, narrowing the Central Drive roundabout exits/entrance to single lane, with a raised table and reduce 20mph speed from the roundabout to Northumberland Street. At the Northumberland Street end of the road, the road will remain similar width to existing to provide dedicated lay-bys for buses. These alterations will effectively remove the unrestricted on-street parking that currently exists outside the site frontage. However, existing loading bays and on-street disabled parking along the southern edge of Marine Road will be retained.

5.3.6 In terms of cycle provision and the promotion of cycling, the site is situated between two recognised cycle routes, which shall be protected and retained as part of the development. Improved wayfinding will be delivered, with signage focusing on the promotion of sustainable modes of travel. In terms of direct improvements to the cycle network, it is accepted that the section of Route 69 between the promenade and Greenway is poor. The off-site highway works condition will ensure improvements are submitted and provided to enhance this section of the route. The applicant intends to deliver 188 (including 50 for employees) secured and sheltered cycle parking spaces. This is an increase in provision from the original approval, despite fewer employees and visitors anticipated through this varied scheme. The Active Travel Strategy (part of the parent consent, not altered through this submission) provides measures to support and encourage walking and cycling, including additional facilities on-site such as changing rooms, drying facilities, locker facilities and free e-bike battery charging. Full details and locations of such facilities and secure and covered cycle parking across the site can be controlled through planning condition.

5.3.7 The Travel Plan shall provide targets to increase cycle use and therefore provide increased parking facilities as and when demand requires this. In addition, an early Transport Vision provides an ambitious long-term plan. The objectives within the Transport Vision align with the ethos and sustainability aspirations of the project and applicant themselves. However, acknowledging a range of interventions are anticipated to be brought forward by external parties (such as the rail industry), a realistic Travel Plan and addendum Transport Assessments have been developed for the opening

year scenario, which supports this planning application and Environmental Statement.

5.3.8 The key principle of the Eden Transport Strategy is to encourage people to arrive by non-car modes, particularly for the last mile of the journey. Key aspects of the Transport Strategy include the utilisation of existing infrastructure to serve the needs of the development (particularly parking), together with a time-controlled and advanced dynamic booking system. The booking system will allocate visitors a specific time slot to arrive and enter the site, similar to that developed and refined for the Eden Cornwall site since 2019. This provides operational benefits and should also enhance the visitor experience, as well as controlling the number of generated trips and subsequent parking to the site/area. This will function in the same fashion as that previously approved, including ticketing incentivised to encourage active travel and sustainable travel options, tailored to the visitor's origin of trip and duration of stay. Each method of travel tickets will be accompanied by a sustainability accreditation, showcasing the environmental impact generation by the purchased method of travel. The successful implementation of the booking system is integral to the delivery of the Transport Strategy and the impacts on the local highway network and parking requirements, and controls on this from the original permission should remain (via the legal agreement).

#### 5.3.9 Trip Generation and Distribution

The application has been supported by a Transport Assessment (TA), Travel Plan and a TA Addendum that form appendices to the main Environmental Statement. The number of visits per day will be limited to 480 per hour, with a maximum of 3,326 visitors per day at 48 days of peak periods (namely school and bank holidays). It is projected that for two thirds of the year, the maximum number of visits will be less than a third of this peak (1,104 visitors/day) during medium and low seasons. Whilst the maximum visits per day at peak times is just over 400 fewer than previously projected, the other figures are roughly two thirds of those previously projected, which reflects the rationalisation of floorspace within the proposed variation. Due to this reduction, and similar average scenario of visitor trips anticipated by car (72%), the number of projected trips (346) by private car during peak period hour is over 100 fewer per hour than even the optimistic car proportion scenario (68%) for the original approved scheme.

5.3.10 It is anticipated that the development will directly create 150 full time employment (FTE) roles for the operation of the development itself in Morecambe. On a peak weekday, up to 99 employees will be on-site, reduced to 86 on peak Saturdays, and fewer still outside of peak season. The number of direct FTE posts (150 overall) is significantly fewer than the original scheme anticipated (389 FTE in Morecambe). The information presented in the submission indicates that the vast majority of employees will live in the local urban area, and therefore can travel by sustainable modes of transport. That said, based on work census data, it can be seen that the working populations with residence in the region usually commute to Morecambe by car (64%), 21% on foot, 9% by public transport, 4% by cycling and 1% by rail. The targets within the submission are very ambitious, and the Travel Plan will need to incentivise employees to travel sustainably to work in order to reach such aspirations for the development. Very detailed survey works of employee travel patterns, mode and parking locations will be essential to achieving the Travel Plan targets, but these measures can be controlled through legal mechanisms. A series of objectives and measures will be required within the Travel Plan over the coming years. The requirement for a Travel Plan, Travel Plan contribution (£10,000) and its ongoing implementation shall remain unchanged and will continue to be secured by legal agreement as part of this amended proposal.

#### 5.3.11 Parking

Similar to the original approval, this variation seeks to utilise parking at the junction 34 Park and Ride (P&R) site off the M6, as well as town centre parking in Morecambe. This strategy has been the subject of extensive pre-application discussion with the City Council and County Council (acting in their respective landowner capacities) as well as the LPA. The P&R site has a capacity for 633 vehicles. The scheme intends to utilise a maximum of 389 spaces at this site on Peak and High season days, with a further 100 parking spaces reserved on Peak Saturdays (when there is reduced existing demand from commuters). This will intercept a significant number of vehicles off the Strategic Road Network (SRN). The amount of available parking at the P&R and the capacity to accommodate the demand from this development has been sufficiently demonstrated to the satisfaction of the local highway authority.

5.3.12 A shuttle bus running to and from the proposed development and the P&R will facilitate and encourage its uptake. Frequency of this service is likely proportionate to anticipated trips from the

P&R, and potentially non-operational outside peak seasons/days. It is anticipated circa 4x shuttle buses per hour will be required for all inter peak and peak days with a potential fifth service during some evening hours of peak days. Given the links to the dynamic ticketing system, a private bus service will be provided to better understand and operate the services to meet real-time demands. This service will be supplemented by real time transport information screens to be provided on the visitor centre informing visitors of upcoming departure times. Other than the frequency of this service, this approach remains unchanged from the original scheme.

- 5.3.13 Within Morecambe, there are approximately 2,000 surface parking spaces distributed across council owned and private car parks, of which this development will directly remove 77 spaces from the current site provision at the Bay Arena Car Park. The TA indicates an average parking utilisation of 39% across the town (of peak), with the peak in the region of 70-80%. This evidence has been provided by the City Council at the pre-application stage. The surplus at peak times represents 450 parking spaces of the 1,800 parking spaces in the control of the City Council. The proposal would absorb some of this spare capacity to meet their parking demands. This is not necessarily disputed, although the capacity of some of the car parks may vary from the assumptions set out in the TA. The deviation from assumed spaces and spaces actually available will be relatively minor, and any residual is considered capable of being absorbed by parking provision elsewhere within the town. At peak-times, this may be at the cost of reducing parking available to visitors of other facilities/attractions/events in Morecambe.
- 5.3.14 The City Council are in separate discussions with the applicant regarding the precise arrangements for securing parking spaces across the Council's portfolio of sites, including ensuring additional disabled parking provision is available close to the site. The LPA have reassurance that such agreements are capable of being met. The LPA have similar reassurances that P&R parking spaces will be secured from the County Council. There is confidence that the parking demand can be adequately met off-site, as was the case when the original planning permission was granted. Subject to securing such agreements, the proposal would avoid any significant highway harm. It is clear that the project relies heavily on the implementation of their Transport Strategy, Travel Plan, and particularly the advanced booking ticketing system. The failure to secure this, together with the use of existing parking sites at both the P&R and the town (to meet the maximum demand parking spaces identified), could result in significant adverse highway impacts, which would diminish some of the wider benefits to the town (i.e. offset such benefit against adverse impacts of parking unavailability for local community and other facilities/attractions/events locally).
- 5.3.15 To remove uncertainty and to ensure the development meets its parking demands off site in accordance with the submitted Transport Strategy, the Visitor Access and Parking Strategy (VAPS) must continue to be secured by legal agreement. This must demonstrate legal agreements are in place with the respective landowners to use their car parks, as well as full details of the dynamic booking system, pricing for incentivising sustainable travel modes, details of the shuttle bus services, management and enforcement regimes, necessary infrastructure and ticketing, details of accessible parking provision and the provision of EV charging points. Such measures must be agreed in full before the development can open and operate and shall be operated as such for the lifetime of the development. There will be review mechanisms in place within the VAPS to accommodate potential changes in circumstances over time, including the progression/realisation of the Transport Vision aspirations. The local highway authority supports the requirement for a VAPS.
- 5.3.16 Given the high-profile nature of the attraction, it will also attract a number of coach trips, such as school visits. These visits will be catered for most likely in the inter-peak periods and would equate to on average around 10 coaches / private buses per day. Organised tours may be less frequent but will mainly travel by coach. A Coach Group Strategy will include routing, arrival/departure timing, use of the time-limited layby pick-up/drop-off point, layover location information during their passengers visits, and real-time transport information screens provided on the visitor centre. Subject to such provision being controlled as part of the permission, there is sufficient confidence the effects of coach visits would not impact the operation of the local highway.
- 5.3.17 Highway Impacts  
The projected peak-day and peak-hour traffic impacts of the development (11:00 to 16:00) fall outside the existing highway network's peak day and peak hours (for typical morning peak of 8:00, and 17.00-18.00). The submitted model demonstrates that the existing AM peak is not adversely affected by the development. For the PM peak, the model has demonstrated that the M6 southbound

off slip road is not affected by additional traffic from the development. The other arms of the junction demonstrate minor impacts, with only the M6 northbound off slip currently operating above capacity. The traffic impacts of the proposed varied development are minor compared to the existing baseline traffic projections in the short and medium term. The planning condition to review and optimise the signal timings of the junction should remain as part of any varied consent, to ensure the performance of the junction is not severely impacted by this development in the future. Unfortunately, there has not been sufficient time for National Highways to return a formal consultation response to further information recently provided on this matter. However, this will be reported as a written update prior to planning committee, and ongoing discussions with National Highways have been positive. Given the reduction in traffic movements of the proposal through this variation, it is anticipated that the retention of the condition to optimise signal timing will continue to offer suitable mitigation for motorway traffic. County Highways have confirmed that optimisation can be incorporate into these reasonably recently installed traffic lights as deliverable mitigation.

5.3.18 In terms of local highway junctions, the mitigation scheme for Shrimp Roundabout remains a commitment of this proposal, to improve traffic navigation, which in turn would marginally improve queue lengths. This planning condition requirement should remain. Subject to this, and other measures detailed above, it is considered that the traffic impacts of the proposal from the M6 to the site would avoid residual severe impacts on the safe and efficient operation of the strategic and local highway networks. This is largely a consequence of the traffic demands being spread throughout the day, avoiding the existing highway peak times, and due to the utilisation of spare capacity within existing car parks, combined with the sustainable travel objectives and targets of the Travel Plan.

5.3.19 Servicing

The main service yard is to the northeast of the building, though some will be required to the front of the development. All routes for servicing will be via the promenade, with sufficient space and swept paths demonstrated on-site for access/egress in a forward gear. This will be undertaken in a controlled manner (with automated bollard restricting general traffic to protect this pedestrianised route). The traffic impacts from servicing are not significant given the baseline of the existing car park that will be lost as part of the scheme. The project retains and provides enhanced routes for emergency vehicles and those associated with the RNLI, with improvements to the existing route between the site and the Midland Hotel.

5.3.20 Eden Outdoor Events

The applicant includes provision for a maximum of eight large music/concert type events each year, limited to the summer period only, which is identical to that within the original approval. These events could attract circa 6,000 visitors at any one time. This is substantially less than events such as the Morecambe Vintage Festival, which in comparison attracts around 55,000 people. It is proposed that an Event Management Plan remains controlled through planning condition, capturing measures to manage and control traffic, parking and other considerations such as noise.

5.3.21 Construction Period

The proposed development anticipates a 2+year construction period, with the commencement of the 'Bring Me Sunshine Garden' this year, with substantive building developments to follow. Construction traffic will fluctuate over the build period, starting with few trips for the phase 1 garden works, followed by an indicative average number of daily vehicles in the region of 30 vehicles, dropping to approximately 12 vehicles movements towards the end of the build programme. There will be an inevitable impact locally on the network while construction takes place. However, this can be mitigated to minimise the level of impact. It is proposed that a Construction Traffic Management Plan (CEMP) be prepared, setting out a traffic strategy, construction vehicle routing, temporary footways and highway closures/diversions, access retention for surrounding operation, plus air and noise quality control. This is typical for most major development, and is controlled by planning condition.

5.3.22 The submitted Environmental Statement has considered the residual effects (having considered mitigation) arising from the transportation considerations of this project. During the operational phase, there are anticipated insignificant effects, namely due to the use of existing underutilised carparks, traffic, servicing movements in place of existing on-site parking movements, and changes to the existing pedestrian and cycle links as part of the development. During site preparation and construction, there are potentially significant impacts through increased construction traffic, and reduction in road safety from such construction vehicles. The overall construction strategy will be

similar to that as part of the original approval, including temporary alterations to the local pedestrian network (Northern and Southern Promenade), and retention of access at all times to the RNLI facility.

- 5.3.23 Despite the reduction in number of anticipated trips to this proposed varied development, and continuation of mitigation measures approved through the original consent, the residual effects reported within the Environmental Statement Addendum remain identical to that in 2021. Positive significant for public transport, pedestrians and cyclists is reported through the measures proposed, with minor/moderate negative significance on Road Safety and moderate/major negative significance on traffic, due to the high sensitivity of vulnerable road/path users. The outcome here highlights the importance of environmental effects as planning material considerations in the decision-making process. In accordance with the submitted ES, the effects of traffic with a residual effect of moderate – major negative significance is regarded significant in EIA terms. This is reflected in the extent of assessment, review and consideration that this has been given by the applicant, consultees and our recommendation.
- 5.3.24 In conclusion, whilst the development will result in an increase in traffic locally, the applicant has adequately demonstrated that the development will be safely accessible for all modes and should avoid severe residual impacts on the strategic or local highway network through the mitigation measures agreed (subject to final input from National Highways). There is existing capacity and scope to accommodate the parking demands utilising existing infrastructure (with separate agreements), which must be supported by the advanced-dynamic booking system, and associated control to manage visitor flows. It is essential that this system promotes sustainable transport methods and control times of arrival, to meet demands without adverse impacts to the transport network.
- 5.3.25 The Travel Plan and its implementation will be essential to ensure modal shift for visitors and employees, which should gradually improve above the baseline proposals. Measures to improve and enhance the public realm and walking/cycling environment are provided as part of the extensive landscaping proposals, as well as off-site highway improvement works along Marine Road Central and Shrimp Roundabout. Overall, the proposed development is considered to conform with relevant local and national policies. Subject to the imposition of conditions and a legal agreement to deliver the mitigation described above, the local highway authority offer no objection to the scheme.
- 5.4 **Townscape effects and Open Space** NPPF: Section 12 (Achieving well-design places), Section 15 (Conserving and Enhancing the Natural Environment); Strategic Policies and Land Allocations (SPLA) DPD policies SP7 (Maintaining Lancaster’s Unique Heritage), EN2 (Areas of Outstanding Natural Beauty), EN5 (Local Landscape Designations), SP8 (Protecting the Natural Environment) and EC5 (Regeneration Priority Area); Development Management (DM) DPD policies DM26 (Public Realm and Civic Space, DM27 (Open Space, Sports and Recreational facilities), DM29 (Key Design Principles), Policy DM38 (Development Affecting Conservation Areas), DM39 (The Setting of Designated Heritage Assets), DM45 (Protection of Trees, Hedgerows and Woodland), DM46 (Development and Landscape Impact) and DM57 (Health and Well-Being). and MAAP policies SP1 (Key Pedestrian Routes and Spaces) and DO2 (Strategic Leisure – Seafront Headland and Central Promenade). County Level: A Landscape Strategy for Lancashire, Landscape Character Assessment (2000) Seascape Character Assessment for the North West Inshore and Offshore Marine Plan Areas; Arnsdale and Silverdale AONB Landscape and Seascape Character Assessment
- 5.4.1 The above policies seek to promote high-quality designed development which conserves and enhances the locality, striking a balance between complementing the quality of the immediate townscape/landscape features; and the dominant setting of Morecambe Bay. The site enjoys a remarkable, prime location, which will be a significant advantage to a project of this scale and importance. It is necessary to ensure the impacts of the development on the townscape, seascape and visual environment are fully understood, including the impacts upon the Bay and on Morecambe Conservation Area.
- 5.4.2 The varied development is reduced in scale from the original approval, seeking circa 8,500sq.m floorspace with a maximum height of 33.2m Above Ordnance Datum (AOD). This is 3.7m lower than originally approved, but the development remains substantial in size and massing, which would substantially alter the townscape character in a setting currently characterised by the Midland Hotel (22.8m AOD) and the Winter Gardens (27.5m AOD). The greatest change is to the Realm of the

Moon element of the proposal, which is now a longer, but lower profile (20.05m AOD) inspired by local mussel shells. This previously developed site has historically accommodated substantial leisure attractions, namely the Super Swimming Stadium (the largest outdoor pool in Europe when it opened in 1936) prior to the Bubbles and The Dome development. More recently, the site has regularly been used for festivals, and seasonal fairgrounds and amusements.

- 5.4.3 The amended proposal has been accompanied by an extensive Design and Access Statement, describing the evolution of the design approach to the built development and the landscaping (amongst other considerations), as well as a Townscape, Seascape and Visual Impact Assessment (TSVIA). There are no landscape designations across the site itself, although the site contributes towards national and local character areas, with intervisibility to distant National Landscapes (Arnside and Silverdale, and Forest of Bowland) and local Key Urban Landscapes (Heysham Head, Torrisholme Barrow and Williamson Park). The existing public realm across the site, including surfacing treatments, is fragmented and not of high-quality. However, it is a space enjoyed by the community and visitors alike, and it retains an important social value, notwithstanding the panoramic views along and across Morecambe Bay and Lake District beyond.
- 5.4.4 The regeneration and development of the site will result in a marked change from the current condition of the site. It will inevitably have some effects on the character of the townscape, landscape and seascape. Where any adverse effects are anticipated, mitigation should be encouraged through good design. The potential effects on the visual impacts and character of the townscape, seascape and landscape can be neatly split into the construction/early phases, and the fully operational phases.
- 5.4.5 The construction phases would result in alterations to the townscape, not least by site clearance, vegetation removal, earthworks, formation of construction compounds, ancillary structure, lighting and noise. These are almost identical to that previously approved, but the additional detail of phasing offers expedited mitigation through timely implementation of mitigation for vegetation removal through delivering the Bring Me Sunshine Garden (Phase 1) promptly. This will frontload delivery of well-designed planting and landscaping publicly accessible along the Marine Road frontage to the site, in close proximity to the Midland Hotel and Winter Gardens. The landscaped area will form a new dynamic, creative and active space for visitors of the attraction and the wider public. This is a significant enhancement from the existing landscaping and public realm, with the greater quality more than offsetting the reduced quantity of public realm. During the comparatively short-lived construction, control of decorative/informative security hoardings around the site can be controlled through a CEMP condition, as attached to the original approved scheme. This would partially mitigate the temporary unavoidable visual harm associated with construction, albeit amplified in this case due to the prominent location and heritage sensitivities in this location.
- 5.4.6 The effects during full operation relate principally to the new built development and the proposed new landscaping areas, together with increased use of this underused part of Central Morecambe. The submitted verified photomontages help illustrate the development sitting within its surrounding context. Similar to the original approval, the proposed buildings are substantial in size and massing and will result in comprehensive alteration of the townscape character. However, the development replaces an area of previously developed land of limited townscape value, comprising unused buildings/structures and poor-quality public realm. Views and vistas from the promenade over the Bay will be retained through the development, around a high-quality unique and contemporary form and design that takes influence from the Bay. This setting will be enhanced with comprehensive, high-quality, innovative and creative landscaped areas. The development would introduce a new and distinctive landmark into views from the site and its surroundings, which could have a positive impact on such views. It will be essential to ensure external materials and landscaping follow through the high-quality form and design within this submission, which should be controlled through details/samples planning conditions. These conditions remain unaltered from the original planning permission.
- 5.4.7 A critical component of the project is its landscaping. It is considered that the proposed landscaping helps break the massing and scale of the new buildings, anchoring them to the ground and providing a graduated interface between the development and the existing public realm. Due to the innovative nature of the scheme and its integral landscaping/public realm proposals, it is considered to have a 'moderate positive' impact overall, even from more sensitive viewpoints such as from the Stone Jetty. The conclusions drawn in the ES, that the of effect arising from the development on the

character of the townscape, seascape and landscape would range between major beneficial (the site and immediate townscape), moderate beneficial (western part of Conservation Area) to minor beneficial (national character area/type) and negligible effects on wider heritage and landscape designations. These are considered to all be reasonable conclusions that officers concur with, although full details of landscaping and boundary/retaining features should continue to be controlled through planning condition to ensure a high standard of development achieves the impacts of the ES outlined above.

5.4.8 Officers are satisfied and concur with the conclusions drawn in the submitted TSVIA and ES regarding the effects of the development on the character and visual amenity of the townscape, seascape and landscaping during construction and once operational. The development has reduced in scale from the original approval but retains the design ethos and focus on high-quality and innovative design surrounded by comprehensive landscaping to match. The two Realms either side of the green roofed Metronome will offer synergy of local shell inspired form, but contrast in materials differentiating the Sun and Moon, which is expressed externally and breaks the visual impact of the reduced massing. The greatest change is to the Realm of the Moon, closest to the Winter Gardens, which improves views to and from this national heritage asset through the variations proposed. On this basis, and subject to the implementation of a comprehensive lighting strategy to ensure appropriate night-time character and ecological impacts, the proposals are considered to conform with policies DM29 and DM46 of the DM DPD.

5.5 **Cultural Heritage** NPPF: Section 12 (Achieving well-design places), Section 16 (Conserving and enhancing the historic environment); Strategic Policies and Land Allocations (SPLA) DPD policies SP7 (Maintaining Lancaster's Unique Heritage), EC5 (Regeneration Priority Area); Development Management (DM) DPD policies DM38 (Development Affecting Conservation Areas), DM39 (The Setting of Designated Heritage Assets) and DMCC2: (Micro-Renewables in The Setting of Heritage Assets); MAAP policy DO2 (Strategic Leisure – Seafront Headland and Central Promenade); Morecambe Conservation Area Appraisal and the Listed Buildings and Conservation Areas Act 1990

5.5.1 Due to the scale of development and potential impacts of the proposal, the effects of the development on the surrounding historic environment is scoped into the ES. Within the study area (500m) there are a number of designated national heritage assets. The application site lies within the Morecambe Conservation Area, and there are several Listed Buildings surrounding the site, which include:

- Grade II\* Winter Gardens
- Grade II\* Midland Hotel
- Grade II Wall and 2 pairs of entrance piers enclosing south-east side of car park of Midland Hotel
- Grade II War Memorial
- Grade II Stone Jetty Former Station Building and Lighthouse
- Grade II The Clock Tower
- Grade II Morecambe Railway Station Main Building; and
- Grade II 217, 219 and 221 Marine Road Central

5.5.2 The local planning authority, in exercising its planning function, should have regard to s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which states "In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area.

5.5.3 The site is in a prominent and sensitive location on the promenade, visible in many views within the local area. Views to and from Morecambe's frontage, especially from the popular promenade, are important to the town's townscape and setting. Historically, once traditional fishing and industrial activities ceased, the Morecambe frontage developed as a seaside resort, from beach and bathing to piers and promenading. The town has an extraordinarily long and almost continuous frontage, with many buildings of historic interest. The form of the town is influenced by the stunning views of sea, mountains and sunsets, and these remain part of Morecambe's enduring appeal.

5.5.4 While this amended proposal is at a smaller scale than originally granted, in visual terms the new

development would still be a striking addition to the visual character of the area, and consistent with the tradition of seaside recreation. The site has historically been distinct in character from the largely Victorian town frontage and would remain so through this proposal. The simplified design retains this inspiration and echoes the profile of distant mountains across the Bay.

- 5.5.5 The siting of the Midland Hotel, standing alone as a startling and brash statement of 1930's modernity, is one of the most striking and memorable aspects of the frontage, with its bright white render and curved design. The Hotel is a landmark that can be seen in countless views along the promenade. The Midland Hotel and nearby Winter Gardens are both recognised for their outstanding architectural character and significance by their listing at Grade II\*. The current prominence and visibility of the Midland Hotel in particular, means there would inevitably be an impact on setting and townscape from the development of this site. The proposal would add a new contemporary dimension to the character and appearance of the area, much like the Midland Hotel did in 1933. The lower height of the Realm of the Moon building would partly mitigate loss of prominence of the hotel from the east. From the south, the proposed development would be less prominent, forming a more distant backdrop to the hotel. Views from the hotel would be affected, but not adversely, given the degree of separation and views to the north would be largely maintained. However, there are other views and aspects of the Midland Hotel that would be adversely impacted, and the overall impact of the development would result in less than substantial, minor harm to the setting of the Midland Hotel, which must be attributed great weight.
- 5.5.6 Paragraph 215 of the NPPF states '*where a development proposal will lead 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...*'. This is a matter to be weighed in the planning balance; however, the public benefits will include heritage benefits of significantly enhancing the quality of the site within the Conservation Area and the setting of other designated heritage assets. Furthermore, there are significant economic and social benefits that weigh in favour of the scheme, and as such there is no conflict with heritage policies, as the identified harm is outweighed by public benefit.
- 5.5.7 The proposed development avoids the immediate setting of the Winter Gardens, but is within the wider setting of this national heritage asset. The larger developments avoid the immediate straight-line of the Winter Gardens, with the Rhythm Gardens proposed in this area, which provides the outdoor arena, which reinforces the theatrical and historical associations with the Winter Gardens. The amended proposal and reduced height in the Realm of the Moon reduces this further through this amended proposal, improving the field of vision from the Winter Gardens balcony across the Bay. On balance, it is considered that the development would cause no harm to the setting of the Grade II\* Winter Gardens, through an amended proposal that is more sympathetic to the setting of this national heritage asset.
- 5.5.8 The impact on the setting of the Grade II listed War Memorial would be greater, given the very close proximity of proposed buildings and new areas of landscaping. However, the impact would not be harmful given the Memorial already sits within a busy thoroughfare overlooked by buildings, and bearing in mind the current poor condition of the site. There would also be no harm to the setting of the Grade II former Railway Station, 221 Marine Road, or any other Listed Buildings or non-designated heritage assets on the opposite side of Marine Road. Views to the Grade II former Station and Lighthouse on the Stone Jetty would be affected, but not adversely.
- 5.5.9 The Conservation Area derives its character and significance from the narrative of the town, its historical associations with leading lights of music and theatre, together with its relationship with the Bay. The site is prominently located within the Conservation Area. However, the current condition of the site fails to make a positive contribution to this heritage area and is clearly in need of enhancement. The re-development of the site is a welcome opportunity to revitalise this area and add further distinctive character to the Conservation Area. The proposals will undoubtedly have an impact on the character and appearance of the Conservation Area, through the introduction of two substantially large buildings and their connecting structures and associated landscaping, together with the increased use/activity of the site. Whilst some views from within and adjacent to the application site would be interrupted by the development, overall, it is considered that the proposed development will make a positive contribution to the Conservation Area. The proposed development will add drama and interest back into what is currently a poor and uninviting part of the town.
- 5.5.10 The proposed development will reinforce and reinvigorate the town as a seaside resort for the 21st

century, linking to its historic associations and having a good appreciation of the historic environment. The proposal therefore complies with Section 16 of the NPPF, policy DM38 of the DM DPD and policy DO2 of the MAAP. Similar to the original scheme, it is considered that this varied proposal would result in less than substantial harm through impact upon the setting and significance of the Grade II\* Midland Hotel, though the public benefits are considered to outweigh this harm. As such, the proposal is considered to be acceptable and policy compliant from a heritage perspective, as the heritage, and wider public, benefits of the proposal are considered to outweigh the harm identified to the setting of the Midland Hotel. Whilst Historic England have provided no comment to this varied proposal, with no objection from the Conservation Team, who encourage measures regarding public realm improvement, concealing back of house facilities from public views, and maximisation of the metronome entrance and views from the terrace to minimise heritage harm even further. Due to the varied design and reduced heights/scale of the buildings, officers consider that the heritage harm of this varied proposal is reduced from that of the original permission.

5.6 **Natural Environment NPPF: Section 15 (Conserving and enhancing the natural environment); Strategic Policies and Land Allocations (SPLA) DPD policies SP8 (Protecting the Natural Environment) and EN7 (Environmentally Important Areas); Development Management (DM) DPD policies DM44 (Protection and Enhancement of Biodiversity), DM45 (Protection of Trees, Hedgerows and Woodland) and DO2 of the Morecambe Area Action Plan (MAAP)**

5.6.1 The application site extends to approximately 4.6 hectares, predominately made up of hardstanding (2.41ha) with remaining land comprising areas of amenity grassland and shrub scrub. There are 12 individual trees and 7 groups of trees within the site. There are existing buildings on the site proposed for demolition. The small pockets of habitat and ecological features across the site are fragmented and unmanaged. At the time of updated surveys of the buildings, no bat roosts were identified, and the buildings present had no suitability for roosting bats, whilst a night-time activity survey encountered no bat activity despite ideal conditions. No bats have been identified using or roosting in the trees and as such the effect of the proposal on protected bats is limited. Apart from shrub habitat near the Midland Hotel and a small number of trees, the site has little potential to support breeding birds. On the whole, the site itself is considered to be of low ecological value and would not constrain the development of the site.

5.6.2 The impact upon trees and shrubs is reduced through this proposal, now seeking to retain and incorporate the linear trees and vegetation immediately northeast of the Midland Hotel (along the RNLI access road) into the proposed development and landscaping. It is anticipated that tree and vegetation sought for removal will occur shortly, with mitigation in the form of the Bring Me Sunshine Garden being realised on site in the 2026 planting season, following exhibition at RHS Flower Shows. As such, the impacts and losses will be very short term, mitigated and enhanced at the earliest opportunity. The significantly improved quality of landscaping more than offsets the reduced area of vegetation. The proposed landscaping will achieve greater than 10% biodiversity net gain, despite not being mandatory for such development, beyond the enhancement to ecology required through local planning policies.

5.6.3 Turning to the effects of the proposal on the adjacent designated sites, this is a significant material consideration which was carefully examined during the assessment of the original planning application. It also forms an important part of the ES. This section of the ES has been updated as part of the ES Addendum and this Section 73 application. Due to the scale of this leisure development so close to the Bay, an updated shadow Habitat Regulations Assessment (HRA) accompanies the application. The submitted shadow HRA has been updated and amended during the application in response to consultation with Natural England. Although the site itself does not provide habitat for birds associated with the SPA and Ramsar site, significant aggregations of SPA and Ramsar birds were recorded in the surrounding area during winter bird surveys, backed up by desk-based records. Significant numbers of Turnstone occasionally roost on the Bubbles Breakwater directly northeast of the site. Due to the scale of the development, its proximity to the designated sites associated with Morecambe Bay, and the anticipated number of visitors the project will attract, several potential impacts (having regard to embedded mitigation) have been screened into the HRA. The main impacts are pollution during construction, visual lighting and noise disturbance, recreational disturbance and bird strike.

5.6.4 The impact, and mitigation, are largely the same as those within the original permission. A comprehensive CEMP will ensure dust and water runoff avoid and mitigate risk of pollution, with

lighting, noise and crane arm radii areas controlled during construction. During operational phase, surface and foul water arrangements would prevent pollution through appropriate attenuation and outflow, again controlled through planning conditions. A full lighting strategy will ensure a dark corridor is maintained on the coastal edge, with limits to outdoor events and a comprehensive outreach and education strategy (secured by legal agreement) to mitigate recreational and noise disturbance. Bird strike monitoring will be undertaken in the first 5 years, to provide data, and remediation in the unlikely scenario of significant collision mortality. Air quality impacts during the operation of the development would not adversely affect the integrity of the designated sites, with the development setting ambitious targets for sustainable travel to minimise air quality impacts from private car trips.

5.6.5 The sHRA includes a robust in-combination assessment, which concludes no in-combination impacts. Overall, the LPA as the competent authority have adopted the applicant's amended sHRA and concur with its conclusions, as do Natural England with no objection to this proposal. Subject to the mitigation set out above continuing to be secured, there will be no significant adverse effect on the integrity of any European sites from the proposed development alone or in-combination with other projects of plans, and no change in position from that previously approved. On this basis, the proposed development equally conforms to the NPPF, SP8 of the SPLA DPD, DM44 of the DM DPD and DO2 of the MAAP.

5.7 **Flood Risk and Drainage** NPPF: Section 14 (Meeting the challenge of climate change, flooding and coastal change), policy SP8 (Protecting the Natural Environment) and SP3 (Morecambe Main Seafront and Promenade) of the Strategic Policies and Land Allocations (SPLA) DPD; policies Development Management (DM) DPD policies DM30b (Sustainable Design and Construction – Water Efficiency), DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage), DM35 (Water Supply and Waste Water), DM36 (Protecting Water Resources and Infrastructure) and DM43 (Green and Blue Infrastructure); Surface Water Drainage, Flood Risk Management and Watercourse Planning Advisory Note 3 (October 2020) and the North West England and North Wales Shoreline Management Plan (February 2011) and Lancaster District Level 1 Strategic Flood Risk Assessment (SFRA) 2025

5.7.1 National and local planning policy requires development to be located in areas at least risk of flooding (subject to the developments flood risk vulnerability), to be safe from flooding and to not increase the risk of flooding elsewhere taking account of climate change. For major development, sites should be drained in a sustainable manner using sustainable drainage systems (SuDS) and development should not impact upon existing water resources and infrastructure, and should maintain water quality.

5.7.2 The majority of the site falls within Flood Zones 1 and 2. Flood Zone 3 is limited largely to the northern edges of the site along the promenade and extends into two areas of amenity greenspace to the northeast of the Midland Hotel. The site has an average level of approximately 7.5m above Ordnance Datum (AOD). The minimum existing ground level is 4.5m AOD and a maximum level of 10.4m AOD on the northern side adjacent to the promenade. There are pockets of medium and high surface water flood risk within the lower central areas of the site. There is a culverted watercourse flowing from the south to the north beneath Marine Road Central and through the centre of the site. It is assumed the existing site drains into two soakaways with outfalls into the rock armour out into Morecambe Bay, at an unrestricted rate. The shoreline management shows the site benefiting from the rock armour protection to the north, protecting the shoreline from coastal erosion and flooding. A secondary defence wall is set back from the primary defence structure and serves as a wave reflection wall.

5.7.3 The proposed development is classified as 'Less Vulnerable' (Table 3 of the Planning Practice Guidance (PPG) Flood Risk and Coastal Change) due to its leisure use. The site is allocated for leisure uses, which means there is no requirement for sequential testing in this instance, and the principle of development is acceptable. Development proposals should consider the risk of flooding of the development itself and elsewhere for the lifetime of the development, accounting for climate change. In this case surface water drainage proposals shall be designed to cater for the 1% (1 in 100) Annual Exceedance Probability (AEP) event, including climate change allowance, which is considered appropriate. Coastal and tidal flood risk is also expected to increase, with an expected increase in seas levels, offshore windspeed, and associated extreme wave heights.

- 5.7.4 Following extensive discussions with Environment Agency prior to submission and during the course of this application, this has culminated in a “wrap-around” measure, which includes embankments, raised walkways and gates to the west, north and east of the site, and a flood wall to the south. The scheme ties into existing Lancaster City Council flood defences to the west and east, the latter seeking consent through a concurrent proposal, due to being located beyond this application site boundary. These revisions significantly address previous concerns regarding complexity, operation, and reliance on third-party owned and maintained tidal defences, which may have involved low spots in the defence alignment and also gaps. The proposed flood mitigation measures are considered more suitable to serve to protect the development from the risk of flooding for its entire design life and will also serve to provide a reduction in flood risk to areas of Morecambe located south of the proposed development.
- 5.7.5 Acceptance of the suitability of the baseline and post-development models represents a milestone in the progression of the Eden Project Morecambe. Some additional details of full design, hydraulic modelling, additional post-development model runs, and sensitivity testing are required through planning conditions, to inform full design, defence slope angles and other design features. However, the information submitted to date is progress from the original permission and is considered appropriate subject to a planning condition to reflect the information received to date, and additional details sought. The proposal is to the satisfaction of the Environment Agency, that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented. As such, the application has adequately demonstrated that, with mitigation, the potential effects of flood risk would not be significant, and that the proposal conforms with the NPPF and policy DM33 of the DM DPD.
- 5.7.6 With regards to site drainage, the project will include a Sustainable Urban Drainage System (SuDS), which based on the submitted drainage strategy will include green roof systems, subterranean rainwater harvesting (RWH) tank to recycle/reuse rainwater, and above grounds SuDS attenuation within several pond areas across the site. Surface water shall either discharge to soakaways (subject to further ground investigation) at a controlled rate, and/or discharge to the existing culverted watercourse controlled to discharge rate through attenuation tanks provided within the site. This application does not seek to vary the conditioned controls of the surface water drainage scheme, which should remain as part of a variation, albeit updated to reflect the additional information provided, and phasing strategy to separate the landscaping of Phase 1.
- 5.7.7 Officers and statutory consultees are satisfied the site will be capable of being drained in a sustainable way, and that such arrangements are capable of being controlled by planning condition. Whilst ground investigation works are still to be undertaken to assess the suitability of soakaways, given the significant areas of landscaping around the main buildings, the omission at this stage does not prejudice layout, and therefore can be controlled through planning condition. The drainage system will also incorporate pollution controls to maintain and enhance water quality. Exceedance flows are largely out to sea or toward Marine Road Central (as existing).
- 5.7.8 Overall, the ES, the supporting FRA (and its addendums) and the Drainage Strategy, demonstrate the risks from surface water flooding and contamination of the water environment (pollution control) are not significant in EIA terms. This is provided that final sustainable drainage proposals and their maintenance plans are secured by planning condition (to mitigate potential impacts). On this basis, the proposal is considered compliant with the requirements of policies DM33, DM34 and DM26 of the DM DPD.
- 5.7.9 Policy DM35 requires new development to drain (foul water) in accordance with the drainage hierarchy, which requires connection to the public sewer in the first instance. This is proposed and capable of being achieved. The foul drainage strategy remains at a 5l/s flow rate previously agreed, however now requires a pumping station with an emergency storage tank sized to contain 24-hour inflow to allow for disruption in service, sized based on daily water in-take of the development. The full details can be controlled by reattaching an existing condition to any varied consent, for full details of foul drainage to be submitted and agreed.
- 5.7.10 The proposed development will inevitably increase demands on potable water supplies, though embedded mitigation will seek to minimise consumption (including through rainwater harvesting). Water efficiency measures will be incorporated to achieve BREEAM ‘Excellent’ standard. The development will result in a slight significant effect but not such that would render the proposal

unacceptable. United Utilities has not objected on the grounds of water supply considerations. Instead, they advise the applicant to engage with them at the earliest possible opportunity to ensure the water network can meet the demand, and should reinforcements be required, this can be considered and addressed early. This is a matter that shall be addressed outside the planning process.

5.7.11 During the construction period there is the potential for increases in surface water and pollution entering the water environment. These impacts are capable of being mitigated through appropriate construction management practices, which can be controlled via the CEMP condition and drainage conditions. With mitigation, the potential effects are temporary, short-term and overall, not significant. Subject to this and other flood risk and drainage planning conditions, the proposal is considered to be acceptable with these regards.

5.8 **Amenity and Pollution** NPPF: Section 8 (Promoting Healthy and Safe Communities), Section 12 (Achieving Well-Designed Places); Development Management (DM) DPD policies DM2 (Housing standards), DM29 (Key Design Principles), DM30 (Sustainable Design), DM31 (Air Quality Management and Pollution), DM32 (Contaminated Land) and DM57 (Health and Well-Being)

5.8.1 The fundamental aims and objectives of the above policies is to ensure new development is well designed, safe and secure for its users and the wider public, protects the amenity of existing and future occupants and promotes health and well-being, by ensuring the effects of pollution arising from development or the interaction between uses is adequately mitigated.

5.8.2 Noise Considerations

The Noise and Vibration chapter of the ES is supported by a Noise Impact Assessment. This assesses the effect of construction noise and vibration, in addition to operational noise and development generated road traffic noise of the proposed development upon nearby sensitive receptors. These include residential premises and hotel accommodation located primarily along Marine Road Central.

5.8.3 Given the proximity of the site to sensitive receptors, during construction temporary, short term minor adverse noise effects are predicted and moderate adverse effects from construction vibration impacts. These impacts are capable of being mitigated through an appropriate Construction Environmental Management Plan (CEMP). In particular, no impact-driven piling to be used (unless supported by further assessment and mitigation) and further details relating to rolling operations (and if necessary further mitigation) due to the potential for 'moderate' adverse impacts from this construction technique. The LPA is of the opinion that working hours on a Saturday could be permissible between the hours of 08:00-16:00, with a 18:00 end time on weekdays. These hours are considered appropriate given prevailing background noise levels, activity along the seafront at such times, and matching those of the original permission.

5.8.4 In terms of operational noise impacts, this will derive mainly from road traffic noise, servicing and deliveries, plant and outdoor events. In terms of traffic noise associated (from visitors) the level of cars anticipated to be travelled along Marine Road Central should be less than existing, due to the loss of the Bay Arena car park and dispersal of visitor traffic before arriving at the proposed venue. Most cars will be intercepted either at the P&R site or in town centre car parks to the south. As such, the noise impacts from visitor/employee traffic are considered negligible.

5.8.5 Noise from delivery vehicles varies between ambient good deliveries and chill good deliveries (assuming vehicles will have refrigeration units and therefore noisier). There are no adverse effects during the daytime, but adverse effects are anticipated during the night for both ambient and chilled good vehicles. The level of effect ranges from negligible/minor to moderate/major. The larger adverse effects are from the chilled vehicles likely to be serving the cafe/restaurant. The predicted noise from service/delivery vehicles remains unchanged from that reported in the original permission, and reattaching the existing condition controlling delivery vehicle hours and routing is considered appropriate.

5.8.6 Noise deriving from plant is not precisely known at this stage, as more detailed assessment is required as part of the next design stage. However, energy pod air handling units have been moved within the proposed buildings, which should reduce cumulative noise levels. The cumulative noise from air source heat pumps and other external plant and emergency generator can be controlled

through planning condition, for agreement once the precise facilities and noise figures are known.

#### 5.8.7 Events Noise

The proposal seeks permission to host a maximum of 8 outdoor large music events at the attraction. These events would all take place primarily in the summer months (due to the impacts of the adjacent designated site), with music ceasing by 23:00. The layout of the arena, which will support a temporary stage above the permeant stone stage in the Rhythm Gardens, is purposefully designed to direct noise away from sensitive receptors along Marine Road Central (facing out toward the sea). The event space has a maximum capacity of around 6,000. The location and capacity of the outdoor arena is no different from the original planning approval.

5.8.8 The baseline noise survey indicates an arithmetic background noise level of 46dB L<sub>A90,1900-2300</sub> at the monitoring located at the Winter Gardens, which is assumed to be applicable to noise sensitive receptors along this stretch of Marine Road Central. The modelling indicates moderate impacts at the closest locations to the south of the arena on Marine Road Central, dropping to negligible further away from the venue. The highest predicted noise level at the nearest non-residential sensitive receptor (Lakeland Rooms Hotel) located 150m southeast of the stage, is 73 dBA, approx. Properties such as this within 300m of the stage are anticipated to experience adverse noise impacts. The proposed mitigation to address these impacts includes:

- Temporary Acoustic Screening (c2.8m in height) along the southern boundary of the arena.
- Specialist PA to accurately model and optimise the speakers to achieve more focused sounds with reduced side loading.
- Noise Management Plan (for each event and required for licensing, which would include computer modelling of noise from the concert, noise limits to be agreed and set, event management for community engagement, noise monitoring)

5.8.9 With the comfort of planning conditions requiring implementation of the various mitigation and management measures and adherence to noise levels, this would adequately control noise impact and abatement. The applicant has indicated that if there was a breach of noise levels for a particular event, then further events could not take place until it was adequately resolved. With this safeguard in place through reattaching conditions as part of the original permission, the proposals present a proportionate and appropriate response to the issues raised. With the mitigation measures, the concert noise impacts are likely to be direct, temporary, local, adverse minor or moderate at worse. The effect is not significant. The adverse effects shall be considered in the overall planning balance. However, it is acknowledged that many of the sensitive receptors (hotels and guest houses) will be offering accommodation to those who are attending the events, thus reducing the overall impact.

5.8.10 It should be noted that Morecambe already hosts multiple multivenue music festivals and other events, and the MAAP allocation seeks outdoor events space for this site. The existing attractions and events generally operate well and without undue effects locally. While the impacts overall are not considered significant in EIA terms, the mitigation (in the form of an Events Management Plan) will provide a set of mitigation measures to minimise these temporary impacts in the interest of these nearby residents.

#### 5.8.11 Air Quality

The application site lies outside any Air Quality Management Area (AQMA). Existing air quality around the site and nearby is considered to be good, with no indication of exceedance or close to exceedance levels identified. The application and ES is supported by a detailed Air Quality Assessment, which assesses the effects on air quality during construction and the operational phases of the project. The main source of air pollution deriving from the development will be from construction traffic, plant and activities and traffic emissions from vehicles trips on the local network and from the car parks. During construction, potential adverse effects are anticipated. However, appropriate construction management protocols, through a CEMP condition, and mitigation to reduce pollution impacts will ensure the level of impact is not significant.

5.8.12 For the operational phase, dispersion modelling has been undertaken in accordance with an agreed scope of works. Whilst the development will result in slight increases in concentration levels in pollutants, the increase is minor and would result in negligible impacts on air quality. The same occurs in the future year scenario (2039). No direct mitigation measures are therefore required to minimise development-generated through road traffic emissions, beyond the previously assessed and recommended measures for sustainable travel and transport provisions. Overall, the proposal

will not result in a negative impact on local air quality, and therefore accords with Development Management DPD DM31 and the NPPF.

5.8.13 Ground Conditions

The site occupies an area of previously developed land, with a diverse history ranging from a breakers yard associated with the railway line, and more recently a range of leisure uses. The majority of the land was originally reclaimed from the sea. As such, there is the potential for contamination. A Preliminary Risk Assessment has been undertaken to support the application providing a baseline of the expected ground conditions, potential sources of contamination, sensitive receptors and pollution pathways. The assessments submitted demonstrate that there will be no significant effects as a result of contamination during either construction or once the development is operational. The desk-based assessments undertaken to date indicate any risks will be capable of mitigation through remediation of the site once detailed ground investigations have been undertaken. A condition is recommended to require a full site investigation and remediation strategy, similar to that attached to the original permission for this site.

5.8.14 A geotechnical/structural assessment of the sea wall and the site itself will be required to inform the development construction design and its associated embedded mitigation. The structural assessments will need to demonstrate no adverse effect on the integrity and functional of the sea wall to proceed. The requirement of a stability assessment of the sea wall and details of any retaining structures sitting alongside the promenade/highways shall be a requirement of a planning condition. The original planning permission imposed a similar condition which shall be re-imposed.

5.8.15 Sunlight, daylight, overshadowing and wind effects

Given the scale of the development, the ES also considered the effects of the development on daylight, sunlight, overshadowing and wind (microclimate effects). This has been carried out using advanced computer software to assess the potential impacts of the development on both residential development and commercial/hospitality, such as the Midland Hotel, in accordance with best practice guidance.

5.8.16 Simulations show that all the neighbouring habitable rooms and public amenities will continue to receive adequate levels of daylight, sunlight, and solar access. No negative effects were found from the varied development, which has less mass and height than the original permission. In terms of wind, the assessment concludes that off-site the wind conditions (pedestrian comfort) will not deteriorate and therefore all off-site effects are negligible. Off-site regions of distress for frail pedestrians and cyclists are significantly reduced from wind shelter of the development, resulting in a minor beneficial impact. On-site generally evidences an improvement, with slightly milder conditions than existing, except within some of the most exposed areas of the site and within the landscaped areas. In these locations, mitigation (balustrades and planting) is suggested to reduce impacts and improve comfort levels around the site, which have already been incorporated into the proposed design. Overall, with mitigation the effects are considered negligible on the basis of the submitted report, and are less than those of the original permission due to the reduced massing sought through this proposal.

5.8.17 Security

The proposed development and its embedded mitigation will be delivered to achieve Secured by Design (SBD) security standards. For proposals where large numbers of people are expected to congregate, development should be informed by most up-to-date evidence from the police and other agencies and should include appropriate and proportionate steps to be taken to reduce vulnerability, increase resilience and ensure public safety and security isn't compromised. Such information has been used to inform the design of the development, particularly in public areas, with ongoing discussions for operational arrangements.

5.8.18 The building configuration and public realm areas provide highly legible spaces and routes around the buildings, with access areas and ticketed areas clearly defined. Landscaping proposals includes embedded security and resilience features, together with a combination of fixed and retractable bollards (for access). There will be a detailed lighting scheme, together with CCTV linked back to a central security control room, developed as part of the project. The design-related security measures are considered acceptable overall with lighting and CCTV matters capable of being secured by condition. Given the increased risk, and local progression in a coordinated approach to counter terrorism, a condition requiring a management strategy for this should be included in the sought

varied consent, albeit detailed submission would likely be confidentially assessed by officers in consultation with the constabulary. Subject to such measures, overall the proposal is considered to conform to policy DM29 of the DM DPD and the NPPF.

5.9 **Climate Change NPPF: Section 2. (Achieving sustainable development) and Section 14. (Meeting the challenge of climate change, flooding and coastal change), Policies DM29 (Key design principles), DM30a (Sustainable Design and Construction), DM30b (Sustainable Design and Construction – Water Efficiency), DM30c (Sustainable Design and Construction – Materials, Waste and Construction), DM31 (Air Quality management and pollution), DM35 (Water supply and waste water), DM53 (Renewable and low carbon energy generation) and DMCH2 (Micro-Renewables in The Setting of Heritage Assets) of the DM DPD and Strategic Policies and Land Allocations (SPLA) DPD policy CC1 (Responding To Climate Change and Creating Environmental Sustainability)**

5.9.1 In the context of the climate change emergency that was declared by Lancaster City Council in January 2019, the effects of climate change arising from new development in the District, and the possible associated mitigation measures, will be a significant consideration in the assessment of development proposals. The Council is committed to reducing its own carbon emissions to net zero by 2030, while supporting the district in reaching net zero within the same time frame. Buildings delivered today must not only contribute to mitigating emissions, but they must also be adaptable to the impacts of the climate crisis and support resilient communities. The Climate Emergency Review of the Local Plan (CERLP) was adopted in January 2025 and provided a partial review of the DM DPD and the SPLA DPD. This introduced policies DM30a, DM30b and DM30c which provide specific requirements in relation to sustainable design and construction and also made changes to some other policies.

5.9.2 The proposed solar array on the roof of the Realm of the Moon will be over 1,800sq.m. This is a significant array, even when considering the overall size of the building, and this will likely cover the majority of the usable roof space for the Realm of the Moon. The proposed development targets both EPC 'A' and BREEAM 'excellent', with a design that is gas-free (heated through ASHPs) and use of mechanical ventilation with heat recovery systems in all occupied spaces. This is a very welcomed addition, which demonstrates that a forward thinking and proactive approach to energy conservation is being taken across this development in terms of mitigation. BREEAM 'excellent' rating represents the high level of sustainability of the proposed development, which the current design is anticipated to achieve (potentially even scoring 'outstanding'). Making 'excellent' a conditional requirement for the development is policy compliant, with any exceedance weighed in favour.

5.9.3 Lancaster City Council is currently progressing work with the Heat Network Delivery Unit on further advancing the Strategic Heat Network Zones across the district, including in Morecambe. It is therefore vital that the development be designed as 'heat network ready' so as to allow a connection to a potential future heat network, should a connection be available in the future. It will be expected that major development brought forward within Strategic Heat Network Zones be 'heat network ready'. As such, it is recommended that the development should be 'heat network ready' as a matter of planning condition.

5.9.4 It is noteworthy that the 'top' of the Realm of the Sun dome is designed such that it prevents more of the sun's energy from entering the building (lower g-value), while the sides of the dome are designed to maximise solar gains (higher g-value). The overall intention of this passive system aims to reduce solar gains during the summer, when the incident angle of sunlight is higher (thereby reducing the risk of overheating), and to maximise solar gains in the winter when the incident angle of sunlight is lower (to make best use of the sun's energy when it's most needed). This is a very well-considered design choice, which supports both heating and cooling in a passive, yet adaptive capacity. This further demonstrates the proposal's commitment to energy and carbon reduction through design.

5.9.5 A greater incorporation of fabric first principles within the Realm of the Moon and Metronome would provide an opportunity for a net zero, or even energy positive development. The submitted planning statement suggests that this is an aspiration of the proposal, although the energy statement received to date relies to a greater degree on renewable energy generation on-site. The proposed solar array is anticipated to provide a 91% reduction in expected energy demand through this on-site clean energy generation. As such, whilst additional betterments, and associated planning benefits, could be achieved, the proposal still exceeds the requirements of planning policy, despite the room for improvement on fabric first elements. This is also a significantly greater reduction in energy demand

from the original approval, which projected 7% reductions. These provisions should be controlled through planning condition for baseline sustainable design provisions, and hopefully any improvements on this through more detailed building designs can bridge to the net zero aspirations that the developer maintains for this scheme.

- 5.9.6 The Realm of the Sun is a unique building, not only in form, but also in usage requirements. It is acknowledged that the Realm of the Sun should not be treated as a 'typical' building with regard to fabric efficiency, as the space must provide an adequate climate for the plants and trees that will be kept inside. As such, officers are satisfied that the Realm of the Sun's low fabric efficiency should not be treated as a negative in this instance. The overall energy requirement for the building has been reduced in other ways (including the use of ASHPs, MVHR, Solar gains, cross ventilation, and carefully selected G-values). The Realm of the Sun will, by its very nature, have a high energy demand.
- 5.9.7 The proposal will achieve the key sustainability and energy aspirations of the original approval, albeit with significant enhancement in on-site sustainable energy generation through the redesign of the Realm of the Moon. These measures are notwithstanding the mission of the attraction to demonstrate and inspire positive action for the planet, a message that can be taken by visitors to inspire immeasurable sustainable benefits. The scheme is considered to achieve, and in some areas exceed, policy requirements on climate change and sustainability. Whilst there will always remain room for improvements, this is a highly commendable aspect of the development, weighing as a benefit of the development.
- 5.9.8 The sustainability of the project extends much further than this, with the social and economic aspects of the project equally integral and vitally important to the objective of reinventing Morecambe for the 21<sup>st</sup> century. The proposed development will be at the heart of the town, and an additional new focal point for the community. The scheme provides significantly improved landscaping and open space for the wider community to enjoy (almost half the site). All existing community assets, such as the promenade, cycle route and the War Memorial, will remain in place, but with an enhanced setting through the proposals. The project has been designed for all users, with accessibility built into the external and internal components of the development. The development is designed to be highly inclusive and accessible, including the experiences envisaged as part of the attraction, which have already begun through community engagement to date.
- 5.9.9 In planning terms, the scheme is considered to fully conform and exceed policy requirements in relation to sustainable design and climate change mitigation. Planning conditions are recommended, including a requirement to meet BREEAM 'excellent' and a detailed scheme of the final proposals (air source heat pump, PV provision and others).
- 5.10 **Socio-economic and Health** NPPF: Section 2. (Achieving sustainable development) and Section 14. (Meeting the challenge of climate change, flooding and coastal change), Policies SP4 (Priorities for Sustainable Economic Growth) of the SPLA DPD, EC5 (Regeneration Priority Areas), TC4 (Central Morecambe), SC5 Recreation Opportunity Areas); policies DM22 (Leisure Facilities and Attractions), DM26 (Public Realm and Civic Space, DM28 (Employment and Skills Plan), DM29 (Key design principles), DM57 (health and Well-being)
- 5.10.1 The ES includes a chapter on socio-economic impacts of the proposed development. This is an extensive assessment and considers the effects on population and demographics, economic activity, education and skills, health and deprivation. As set out at the beginning of this report, the proposal seeks to reinvent Morecambe as a seaside resort for the 21<sup>st</sup> century, with a scale and ambition that is far more inclusive and transformational than most visitor attractions.
- 5.10.2 The proposed development will create employment during the temporary construction phase (circa 290 FTE jobs locally, and 155 more FTE regionally), which will be required to look locally for contractors through the submission of an Employment Skills Plan (ESP). The development will directly create circa 150 FTE (direct and indirect) jobs in Morecambe for operation of the development in the longer term. Once the attraction is open to the public, it will operate with established local supply chains, and will also create a significant enhancement to the local visitor economy. Additional footfall within the town should support local businesses and will equally raise investor confidence locally to attract further inward investment and cumulative regeneration. The off-site highway improvements required as part of the project support pedestrian and cycle linkages to

the town centre and beyond. This is in addition to a parking strategy, providing parking spaces for the whole day, creating opportunity for visitors to spend time either side of their visit to the attraction, making Morecambe the destination beyond the development itself.

- 5.10.3 In terms of economic benefits, the latest figures recently announced £648.3m tourism value in the district in 2024, of which Morecambe contributed £192.9m supporting 1,910 jobs. The calculations within the submitted ES anticipates a visitor spend of £152m per annum, with a Gross Added Value (GVA) of £10.5m regionally, of which £6.7m could be within the local (district) economy. The cumulative and direct impacts are projected for the operational phase, following a circa £39m build cost, of which £25.5m would be within the district from the construction phase. Whilst these figures are unavoidably lower than projected through the previous application, this amended scheme represents a deliverable project that will have substantial benefits to the local visitor economy. Whilst it is hoped that broader district visitor economy will continue to grow beyond the latest 2024 figures available, conservatively the proposed development could boost this by around 20%. The economic benefits of the sought variation development are significant. The proposed development, in its amended form, fully accords with, and exceeds, the policy aspirations for strategic leisure development on the Central Promenade site with the Development Plan.

## **6.0 Planning Obligation**

- 6.1 This proposal under Section 73 cannot, and does not, seek to vary the description of development or timescale, but only seeks to vary Condition 2 to the varied proposed plans. However, this has implications on a number of other planning condition and legal agreement, which would need to be reflected within redrafted planning conditions.
- 6.2 Moving to condition 3, this should be updated to reflect the phasing information submitted as part of this planning application. This will see the community garden delivered as part of Phase 1, through the relocating of the Bring Me Sunshine Garden to the site between the War Memorial and Midland Hotel following exhibition at RHS Flower Shows this summer. Several conditions will be updated to account for the phase 1 proposals. The proposed energy pods have moved within the proposed building as part of this varied scheme, which shall be reflected within condition 17. Given the changes to external infrastructure, this should be reflected in a noise limit/abatement scheme to be submitted and agreed, for further details to be provided as part of condition 31.
- 6.3 In terms of new requirements, given the progress recently made by multiple bodies and the local constabulary regarding counter terrorism, an addition planning condition is recommended for the production of a counter terrorism plan for this major leisure attraction. This has been discussed between the applicant, constabulary and local authority already with precise requirements to be submitted and agreed prior to first use or operation of the ticketed attraction. The flood mitigation measures include a short section of new flood defence wall beyond this site area, requiring separate planning permission. The provision of this flood mitigation wall will need to be captured through the varied s111 and amended 106 agreements required as part of any varied permission at this site.
- 6.4 The variation of the s111 and amended 106 agreements have been progressed on a non-prejudicial basis, to progress with draft legal documents to expedite this process following committee determination. For clarity, in addition to the ties to the new flood defence wall, this will include the obligations tied to the original permissions legal agreements, which are listed below:-
- Submission, approval and implement of Full Travel Plan.
  - Travel Plan Contribution to the sum of £10,000.
  - A Visitor Access and Parking Strategy, and
  - An Outreach and Education Plan

The full terms remain unaltered.

## **7.0 Conclusion and Planning Balance**

- 7.1 Coastal communities throughout the country have faced a unique set of challenges during the latter part of the 20th Century, exacerbated by the downturn of the domestic tourism market leading to significant economic decline. There have however been recent signals that Morecambe is well-positioned to take advantage of the opportunities for sustainable regeneration. The Central Promenade site is one that has a rich and vibrant history, geographically prominent within the town, and a critical element of the town's future offer.
- 7.2 The current planning application aims to remedy the under-utilisation of the site, and it will deliver an exciting and highly-innovative tourism and leisure destination that will be attractive to both locals and visitors alike, in accordance with a long standing policy aspiration through the MAAP. The environmentally-responsible nature of the attraction aligns neatly with the Council's declared Climate Emergency and the recently adopted Climate Change Review of the Local Plan. The proposal will deliver significant economic, social and environmental benefits, in addition to cumulative impacts of such a catalyst for transformation and investment confidence in the regeneration of the town. Whilst the scheme is smaller than originally proposed, its ambition to drive local and regional growth remains the same. The development will undoubtedly create a significant local employer in the heart of Morecambe, with far-reaching social and economic effects for the district and the region.
- 7.3 There continues to be genuine optimism that the positive impacts arising from the development will quickly become firmly embedded within the town, through this varied scheme of a deliverable leisure attraction. The benefits arising from this weather-proofed attraction will be experienced by local hoteliers, retailers, food and drink providers and other businesses within Morecambe and the wider north-west region. The development itself represents a new landmark building within the town, with its bold architecture and dynamic landscaping and an embedded appreciation for the natural environment. Its BREEAM 'Excellent' and net-zero ambitions are fully supported, and weigh in favour. The site is currently underused space, characterised by the remnants of previous development, but lacking clear function and focus. The proposed development in its varied form would create a contemporary and sympathetic focal points that local residents could be genuinely proud of within our town and district. This policy compliant regeneration of previously developed land is attributed substantial weight.
- 7.4 At a technical level, the ES and its supporting information, together with the further information submitted to address the transport, flood risk and nature conservation considerations, demonstrates that the environmental effects arising from the development are not significant (in EIA terms). Whilst the development would use existing parking facilities, both in town and at Junction 34 park and ride, the development has strong aspirations for sustainable travel, with a detailed parking strategy and mitigation measures secured through conditions and legal agreement, similar to the original permission. The effects on the adjacent designated nature conservation sites have been adequately addressed, with mitigation necessary to ascertain the development would not lead to likely significant effects, and the integrity of the sites would not be harmed. In terms of flood risk, the nature of the use is compatible with the sites flood risk classification. Identified mitigation is required to inform a suitable Flood Risk Mitigation and Management Plan to safeguard the development from flood risk and from flood elsewhere (following updated modelling). The proposed development is neutral with these regards, fully mitigating the impacts of the development.
- 7.5 The effects of the proposal on cultural heritage have been assessed in full, and there are beneficial impacts arising from the development on the Conservation Area and the setting of all listed buildings, except the Midland Hotel. The level of harm arising from the development and the impacts it has on the significance of the setting of this Grade II\* listed building is considered to be less than substantial, a minor degree of harm to the setting of this national heritage asset, which is amplified by the great weight attached to such irreplaceable heritage. This heritage harm is outweighed by public benefits, which is policy compliant from a heritage perspective. There would be unavoidable harm visually and upon heritage assets during construction of a prominent site. Potential noise arising from outdoor events (largely affecting a small area along Marine Road Central where there are residential receptors) may lead to some adverse effects upon local amenity during such events. These events are limited to a maximum of 8 events in any year, and these are an aspiration of the MAAP Development Opportunity allocation for events performance space as part of the regeneration of this site. An Events Management Plan continuing to be imposed by condition to prescribe appropriate community engagement, noise limits, mitigation, monitoring and review protocols should

be retained, as previously approved within the original permission. All other technical and environmental considerations have been addressed, raising no significant environmental issues subject to mitigation where identified.

7.6 For the reasons set out above, the proposed development would constitute sustainable development with far-reaching environmental, social and economic benefits. Whilst there is heritage and potential residential amenity harm to weigh in the balance, these impacts have been reduced through this amended proposal and are capable of being mitigated. The identified harm is considered to be significantly outweighed by the cumulative benefits of the proposal, which fully accords with the development plan and the NPPF. The proposal has been through extensive pre-application discussion, with Lancaster City Council and many other authorities/parties to culminate in this revised scheme. This is evident within the revised scheme, which demonstrates the evolution of the proposal at this site over many years, with a scheme that can be delivered to achieve the overwhelming benefits assessed above. The proposal retains overwhelming local support for the project in its revised form, including the support of officers, statutory and non-statutory consultees and other stakeholders.

## Recommendation

That Planning Permission **BE GRANTED** following the satisfactory completion of a Legal Agreement within 3 months of the date of this Committee meeting, and the conditions listed below. In the event that a satisfactory Section 106 Agreement is not concluded within the timescale above, or other agreed extension of time, delegate authority to the Chief Officer – Planning and Climate Change to refuse planning permission on the grounds that the obligations which make the development acceptable have not been legally secured and the following planning conditions:

The varied/amended legal agreements shall secure:

1. Submission, approval, implementation and monitoring of Full Travel Plan (for visitors, employees and large events/visitors), including details of funding for this.
2. Travel Plan Contribution to the sum of £10,000 (split over 5 years)
3. A Visitor Access and Parking Strategy comprising heads of terms unchanged from the original approval
4. An Outreach and Education Plan comprising heads of terms unchanged from the original approval
5. Delivery of the Flood Defence Wall through application 26/00023/FUL, implemented following commencement of building works within the ticketed areas, and full complete and operational prior to first use or operation of the major leisure attraction.

Condition no.	Description	Type
1	Time Limit (5 years from 19 May 2022)	Control
2	Approved Plans – varied proposed development	Control
3	Phasing Strategy (construction), control Phase 1	Pre-com
4	Employment Skills Plan	Pre-com (following Phase 1)
5	Construction Environment Management Plan (CEMP)	Pre-com (following Phase 1)
6	Traffic Management Plan (TMP) for construction	Pre-com (following Phase 1)
7	Site Investigation (Remediation Strategy), including Phase 1	Pre-com
8	Surface Water Drainage Scheme, including Phase 1	Pre-com
9	Demolition and Construction Phase Surface Water Management Plan	Pre-com (following Phase 1)
10	Foul Drainage Scheme	Pre-com (following Phase 1)
11	Flood Risk Mitigation Scheme	Pre-com (following Phase 1)
12	Geotechnical / structural assessment of the sea wall and details of any retaining structures adjacent to the highway.	Pre-com (following Phase 1)
13	Flood Management Plan	Pre-com (of building)
14	Precise scheme for on-site renewable technology and energy	Pre-com (of building)

	efficient measures.	
15	Details and samples (where relevant) of all external materials, including the construction pattern and cladding of the shell pavilions, window/door details and curtain glazing features and flood gates (pursuant to condition 11).	Pre-com (of building)
16	Details of retaining wall and vegetated embankment with seating to northern façade	Pre-com (of building)
17	Details and samples precise details of the Canopy structure, street furniture and boundary features and enclosures. Energy Pods within building	Before the construction of the structures set out in the condition.
18	Lighting scheme	Pre-com (of building)
19	Security scheme to be agreed with details of CCTV and development to meet Secure by Design standards	Pre-installation of security measures
20	Access and off-site highway scheme to be submitted and agreed including: <ul style="list-style-type: none"> <li>• Marine Road Central Improvement Scheme</li> <li>• Cycle provision improvements connection Marine Road Central to Greenway</li> <li>• M6 junction calibration</li> <li>• Shrimp roundabout improvements</li> <li>• Signage Strategy</li> </ul>	Pre-com (of building)
21	Detailed scheme for cycle provision (sheltered and secure)	Before the provision of the cycle parking is provided
22	Landscaping/public realm scheme to be implemented with planting schedule submitted for approval	Phase 1 in first planting season of removals, and prior to first use and before implementation of landscaping.
23	Landscape and habitat (BNG) Maintenance and Management Plan	Before first use/operation
24	Collision Monitoring programme and sHRA mitigation	Before first use/operation
25	Counter Terrorism plan	Before first use/operation
26	Operation, Maintenance and Verification Report of constructed Sustainable Drainage System.	Before first use/operation
27	Delivery, Collections and Service Strategy	Before first use/operation
28	Service access and turning facilities to be provided and retained at all times	Before first use/operation
29	Protocol to define and then restrict size and nature of large scale outdoor events to a maximum of 8 within the summer period only in accordance with the sHRA.	Before first use/operation
30	Events Management Plan providing require noise assessment and reciprocal noise management practices to mitigate impacts to include flexibility to review for specific events.	Before any event takes place
31	Noise Limit for plant/ASHP/generator and details of external appearance	Before installation of plant/ASHP/generator, and before first use/operation
32	Construction hours limited to 08:00-18:00 Mon-Fri, 08:00-16:00 on Sat and no working Sundays and bank holidays	Control
33	Goods/servicing delivery times restrictions	Control
34	BREEAM 'Excellent' standard, EPC A and heat network ready	Control
35	Removal and storage of existing public art	Before removal/demolition

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

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.

**Background Papers**

None