

## Planning Committee 04 October 2007

ITEM                    OUT/2007/6508    WARD    New Brighton

**Location:**        Land North of Kings Parade New Brighton Wirral CH45 2HZ

**Proposal:**        Mixed use regeneration scheme incorporating commercial, tourism and leisure facilities; C1 hotel, A1 retail store, A3/4 units; upgrading of public realm and marine lake; ancillary features and associated infrastructure

<b>Applicant:</b>	Mr Rob Mason Neptune Developments Ltd 2 Queen Square Liverpool Merseyside L1 1RH	Agent: Mr Russell Adams NJL Consulting Ltd Adamson House Towers Business Park Wilmslow Road Manchester M20 2YY
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### **Development Plan allocations and policies:**

NATIONAL POLICIES

Planning Policy Statements:

- 1 Delivering Sustainable Development
- 6 Planning for Town Centres
- 13 Transport
- 15 Planning and the Historic Environment
- 17 Planning for Open Space, Sport and Recreation
- 20 Coastal Planning
- 3 Planning and Pollution Control.
- 25 Development and Flood Risks

Development Plan:

The application site encompasses a range of allocations: -

Regional Spatial Strategy (RPG13)

Policy SD1 – North West Metropolitan Area

### WIRRAL UNITARY DEVELOPMENT PLAN POLICIES

Proposal TL4 – Land for Tourism Development in New Brighton  
Proposal TL4/1 – Site of the former open air swimming pool and the Marine Lake, Marine Promenade

Policy CH18 – Wellington Road Conservation Area

Proposal TR10 – Cycle Routes  
Proposal TR10/1 – The Wirral Coastal Route (Seacombe to Parkgate)

Policy CO1 – The Developed Coastal Zone

The western end of the site, which includes the existing model boating lake is “white land” in the UDP, although falling within the Developed Coastal Zone.

Supplementary Planning Documents:

SPD3 Hot Food Takeaways, Restaurants, Cafes and Drinking Establishments

## SPD4 Parking Standards

Various policies including RPG13 and Unitary Development Plan policies are specifically addressed in section 4 of this report.

**Planning History:** APP/2004/7606 - Erection of 143 flats, a new marine lake and model boating lake, outdoor lido, mixed leisure developments, extension to theatre, restaurant/wine bar quarter, recreation areas, food superstore, petrol filling station, car parking – This application was called in by the Secretary of State and was refused

APP/2006/6724 – Mixed-use application including refurbishment and extension of Floral Pavilion commercial development and erection of 37 apartments – Approved

**Representations:** 6 site notices were displayed around the application site and the application has been advertised in the press. A total of 120 letters of notification have been sent to properties in the area. At the time of writing this report 298 individual objections have been received and two petitions from 193 and 34 households. Objections can be summarised as the following issues:

- Error in tide calculations and increased risk of flooding exacerbated by climate change
- Loss of world class vistas
- No need for a supermarket and hotel
- Proposals do not include family recreation
- Full details of buildings needed
- Retail justification not proven
- Will result in major traffic problems
- Boating lake should be retained
- Insufficient parking for model boat club
- Detrimental impact on conservation area and listed buildings
- Lido should dominate scheme not be an afterthought
- Development lacks inspiration
- Buildings are too high and dominant
- Building will block wind to marine lake affecting sailing
- New boating lake to be in place before old one lost
- Position of new boating lake is closer to road and more dangerous to children
- Shop and fitness centre are not tourist facilities
- Contrary to SH9 will undermine shops on Victoria Road
- Contrary to CO1, does not require a coastal location
- Approach to flooding does not follow risk based approach in PPS25
- New Brighton's "sense of place" will be damaged by inappropriate uses
- Application site affects a site of Biological importance
- Development is not sustainable
- Fails to provide high quality tourism
- Damages biodiversity and habitat
- Land is not previously developed
- Will lead to an increase in anti social behaviour
- Contrary to CH18, detrimental impact on conservation area

In addition 98 letters of support have been received and a petition of support from 228 addresses.

Letter from Councillor Tony Pritchard commenting that proposals are generally more acceptable than the previous proposals but he has

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concerns about the impact of the scheme on traffic flow and the level of information submitted.

The following representations have also been received expressing the following views:

### WIRRAL WILDLIFE

Wildlife has been established on vacant land adjacent to the former baths. New development needs to ensure no nett loss of biodiversity by:

- Replanting an equivalent area as a wildflower meadow ideally with a pond
- Green roofs to new buildings
- Consult prior to lake being dredged to ensure least harm to biodiversity

### WALLASEY YACHT CLUB

Happy that the Marine Lake is being retained but concerned that the adjacent buildings may affect wind to lake.

### NEW BRIGHTON HERITAGE ACTION GROUP

Welcome retention and refurbishment of lake, but are concerned that development will take place on land prone to flooding. Question the size and acceptability of the supermarket. Design and scale of development is excessive.

Tourism and leisure elements should be completed first and secured by a condition.

### MERSEYSIDE CYCLING CAMPAIGN

Development is satisfactory subject to condition relating to cycle parking

### CABE

Welcome many of the key principles and support the retention of the lake and massing of buildings around the lake.

Concern that there may be some conflict between pedestrian routes and traffic.

Note that final car park and building design is important.

WALLASEY CIVIC SOCIETY – Planning & Advisory Sub Committee object on the following grounds:

- Proposal has not addressed the concerns of the Secretary of State
- It is a poor quality proposal
- Supermarket is too big
- Bulk of buildings is excessive

These objections do not represent the Wallasey Civic Society as an amenity group and only reflect the views of the Planning & Advisory Sub Committee.

## Consultations:

**Director of Regeneration – Housing & Environmental Protection Division:**

Object to use of outdoor performance area unless, acoustic screening is provided, this will be addressed through conditions. Request conditions relating to noise from air conditioning and ventilation units and condition relating to fume extraction to any food uses.

**Director of Technical Services – Traffic Management Division:**

The proposed development has significant highway and traffic implications.

As part of the application submitted in 2004, the applicant submitted a series of assessments in line with DfT standards and in support of the application, which were scrutinised and deemed acceptable.

A further Transport Assessment has been submitted to assess the implications of the latest proposals.

These assessments deal in detail with: -

1. The existing traffic and highway conditions
2. Trip generation, distribution and assignment
3. Impact on local highway network
4. Car parking
5. Accessibility of site by means other than the car
6. Travel plan

A separate additional assessment was submitted at the request of the Traffic Management Division, which dealt with local highway concerns within the Bayswater Road area.

The overall development which incorporates a number of uses is located in an area which is currently served by Kings Parade, Rowson Street and Marine Promenade.

To accommodate the development, it is proposed to make a number of changes to Kings Parade and Marine Promenade as well as the highway links between these roads and the sea wall.

The proposed changes are:-

*Kings Parade (main carriageway)*

Access to the main car parking area will be via a new arm on the northern side of the Kings Parade/Atherton Street junction, which is proposed to be signalised as part of the development proposals and will include pedestrian facilities.

A secondary access will be created to the west of the main access which will cater for all service vehicles as well as car parking traffic associated with the health club and hotel. This access point carries an internal road link which heads north and then runs east in-between the coast and the northern boundary of the main car park.

A third access will also be provided opposite Portland Street, with this junction providing a separate access to the boating lake and the small parking area associated with this. This junction will also provide access for the RNLI to the slipway near the western end of the site.

There are a number of adopted areas of highway between the main carriageway and the sea wall that fall within the development site and will require de-adoption/closure.

#### *Marine Promenade*

This continues to be the main access point to Fort Perch Rock and the Tower Promenade area. It will service the eastern end of the development, including the Floral Pavilion, the existing Marine Lake and car park.

#### *Public Transport*

The proposals have been shared with Merseytravel and include layover and bus stops within the development site. At the time of compiling this report the exact location and dimensions of the bus layover point were still being finalised in conjunction with Merseytravel and will be included within the reserved matters issues.

#### *Trip Generation / Junction Capacity*

Following the Public Inquiry, the developer's consultant agreed to undertake a new set of traffic surveys. These were carried out during March and April 2007 and included weekdays and weekend surveys during a normal period during a school term time and during a holiday period.

The applicant's consultants have undertaken an assessment of the existing traffic movements in the area and those predicted to result from the development.

Besides the immediate site, they have also undertaken assessments of the junctions of Kings Parade with Harrison Drive, as well as the Victoria Road/Rowson Street junction. All these junctions and roads will operate within capacity after the development.

#### *Servicing*

The proposal includes servicing for the various elements. In the case of the supermarket, this is via the new traffic signal controlled junction on Kings Parade and the access road around the car park to a dedicated service area.

Servicing of the hotel and leisure units will require some limited vehicular access to an informal shared surface area between the hotel and Rowson Street roundabout. In light of the potential conflict between pedestrians and service vehicles, it is recommended that servicing times for this element other than for essential maintenance, is restricted to between 2am and 11am on any day.

#### *Car Parking*

The majority of the 750 parking spaces will be located within the main car park, which includes the health club parking with the remainder being

allocated for residents of the hotel and for some limited staff parking within service areas.

The total number of parking spaces is considerably lower than the maximum figures allowed by the Council's Supplementary Planning Document SPD4, which is in accordance with National Policy on parking at new developments. SPD4 also highlights the criteria for highly accessible areas for which lower levels of parking may be encouraged and this development site meets these requirements.

### *Accessibility*

The proposed development would be highly accessible by non-car travel modes of walking, cycling and by bus in accordance with the advice in PPG13, PPS6 and PPG17. The proposed redevelopment would facilitate linked trips in line with the advice in PPS6, and hence lead to reduced overall travel and car use, which is an aim of PPG13. The redevelopment is located adjacent to New Brighton town centre, thereby also providing the potential for linked trips with the centre.

As part of the development proposals, the accessibility of the Waterfront by non-car modes is to be enhanced with implementation of improved bus facilities as part of the redevelopment, upgrading of pedestrian facilities and the linkage of site to the Millennium cycle route.

From the traffic assessment, the proposed redevelopment would have a minimal impact within the local highway network with capacity assessments showing that the majority of the observed junctions would operate with spare capacity.

### *Pedestrians*

The development includes for improved pedestrian facilities, including the provision of a new puffin crossing. At the time of compiling this report, the exact location of the facility had not been finalised, as it is also dependent on the exact location and dimensions of the bus layover point.

Various junctions within the area to the south of Kings Parade have the benefit of dropped crossing points. It is proposed to modify a number of these to current standards to improve pedestrian routes in the area, particularly strengthening the route to and from the railway station in Atherton Street. Pedestrian routes are provided around and through the development as well as adjacent to the sea wall.

### *Cycling*

The Millennium Cycle Route (Route 56) has been incorporated into the scheme behind the sea wall and reduces the length currently using carriageway.

Cycle stands are provided at various points throughout the development.

### *Travel Plan*

A Travel Plan framework has been submitted with this application, which outlines the commitments of the developer in terms of infrastructure to support travel by sustainable modes and suggests potential measures to be included within individual occupier travel plans to increase choice of travel options for visitors and staff.

Following occupation, full travel plans will need to be produced by each end user.

*Bayswater Road*

Although significantly outside the area of the development site, at the request of Council officers a separate assessment of Bayswater Road has been undertaken.

Whilst the report confirms that this road can accommodate the additional traffic associated with the development, it proposes a number of traffic management measures within the road to achieve traffic calming and address the current vehicle speeds that were observed.

The developer is willing to introduce these measures, which encompass lining, and vehicle actuated electronic message signing as well as improvements to the Bayswater Road/Harrison Drive junction.

*Highway Conclusions*

Traffic flows will increase as a result of the development, however, the Transport Assessment confirms that these can be accommodated within the highway network subject to certain highway works.

The proposal will result in a number of closures of existing highways.

The site is accessible by all modes of transport and the proposals include measures for public transport as well as improving facilities for pedestrians and cyclists.

The new car park arrangements, which will accommodate the various elements of the development, should be kept available for all users.

Subject to the introduction of the identified highway works within and adjacent to the development site and Bayswater Road, full travel plans for each occupier and a condition governing the times of servicing to the leisure area, there are no highway objections.

**English Heritage:**

Support the principle of regeneration in New Brighton. The scheme has been submitted in the light of long standing pre-application discussions, which English Heritage has been involved in.

The position of the buildings adjacent to the Marine Lake, is welcomed to preserve the setting of the listed Fort and Lighthouse.

The development will potentially impact on the Wellington Road Conservation area, therefore careful consideration of design and materials will be important at the detailed stage.

Car parking area should be broken up with landscaping.

**Environment Agency:**

The initial comments raised objection to the information submitted with the flood risk assessment and a number of the assumptions made within

it. This resulted in discussions with the Developer and further information provided to satisfy the concerns of the Environment Agency.

The Environment Agency is satisfied that the revised information is satisfactory and have removed their initial objection subject to specified conditions attached to any consent relating to flood risk, water discharge and contamination.

**Merseyside Environmental Advice Service:**

The application required the submission of an Environmental Impact Assessment, which has been assessed by Merseyside Environmental Advisory Service (MEAS) who provide technical advice on environmental matters to the Merseyside districts.

MEAS have confirmed that the EIA is satisfactory subject to the following:

- A Habitats Regulation screening
- Details of how dredged material from the Marine Lake will be de-watered.(this will require permission from the Environment Agency)
- Details of the lighting parameters
- A condition to be imposed on the planning permission regarding a bird survey
- A contamination assessment

**Merseytravel:**

Initially objected to the proposals due to deficiencies in the following;

- Concern over number of parking spaces
- Full travel plan required
- Lack of information on walking routes and access to public transport
- No crossing point from Kings Parade to the entrance of the development
- Conflict between bus lay-by and taxis

As this is an outline application, much of this information would not be provided now but at the detailed stage. Following further discussions, Merseytravel have withdrawn their objection subject to outstanding issues dealt with by condition and any subsequent detailed applications.

**Natural England:**

No objection, the development is not likely to have a significant effect on the interesting features of the special area of conservation or any of the features of special scientific interest of the North Wirral Foreshore SSSI.

Would like to see a scheme, which incorporates opportunities for appropriate planting and habitat creation. The use of green/brown roofs would be welcomed.

**Police- Crime Reduction:**

The development should be to Secured by Design standards.

**RNLI:**

Concern that increased traffic may impede launching of lifeboat.

**Wellington Road Conservation Area Advisory Group:**



Object to the proposal. Scale, mass, height and situation of the buildings are out of keeping with the Conservation area.

Proposal is contrary to CH01, and would prejudice these objectives

Scheme lacks enough detail to properly assess it and therefore the local authority cannot carry out its statutory duty in its assessment

Proposal breaches CH18 and PPG15.

Scheme has not taken into account the concerns of the Secretary of State in that the coastal aspect to the north of the Conservation Area is not retained and an open coastal aspect is not preserved.

Building on the site of the former pool would impede views into and out of the Conservation Area and usurp the position of the Villas as a recognisable landmark.

**Directors Comments:** Following on from the refusal of the previous application, the current application has been submitted in an attempt to provide a development, which addresses the reasons of the previous refusal.

This report will describe the current proposals and explain the differences from the earlier refusal, it will summarise the SOS decision, and assess the proposal against relevant planning policies. Issues raised by objectors and consultees will be dealt with as separate topics.

#### PROPOSAL

The application site consists of 14 hectares of land, which stretches from the listed Fort Perch Rock to the east of the site along the seafront to the roundabout with Kings Parade and Coastal Drive to the west. The current proposal is an outline application for the following:

- Erection of a food retail store on the site of the former outdoor pool
- A 60 bed hotel on the waterfront north of the proposed hotel
- Dredging and improvement to the existing Marine Lake
- Erection of restaurant, café and bar uses adjacent to the western side of the Marine Lake, together with a building to provide administrative and changing facilities for users of the lake
- Erection of a building adjacent to the supermarket to accommodate indoor leisure uses such as a cinema, bingo casino and nightclub
- Indoor and outdoor pool and leisure club on the site of the current model boating lake to the western end of the development
- Re-location of the model boating club at the westernmost end of the site.
- Provision of surface level car parking on the land to the west of the proposed supermarket which is currently open land and used as informal car parking.
- Erection of a 1m high wall set 15m from the sea wall as part of flood alleviation works.

The application is accompanied by a number of supporting documents, including a Summary Planning Statement, Environmental Impact Assessment, Retail and Leisure Planning Review, Sustainability Statement, Design and Access Statement, Conservation Area Statement, and Transport Assessment

The proposal is a complex one, with a variety of differing uses and end users. The applicant has chosen to submit an outline application, which provides details of where buildings will be sited and maximum heights of differing buildings, but considers that the detailed design is best dealt with by subsequent applications for reserved matters.

This approach enables a detailed and informed consideration of significant issues such as siting, height and massing of buildings and their impact on the surrounding area but still retains control of design for further consideration. In its Design and Access Statement, the developer advocates design which will respond to the marine urban context and coastal environment. It is envisaged that the Art Deco influences of the other coastal buildings and the pool, which formerly occupied this site, will be an appropriate context for new buildings.

The proposals establish maximum heights of buildings along the frontage.

Running from west to east, the first building is the Lido, this has a maximum stated height of 12m however it is intended that this will be mainly a two-storey building, which will have high elements such as a water flume.

To the east of this building is the car parking area, which will serve most of the development. This will be located on a lower level than the pedestrian

Promenade and the road. The access road to the car park runs north and then follows the northern boundary of the car park, to access the parking for the hotel and service areas for the retail and commercial uses.

Moving eastward, on the site of the former bathing pool, is the main group of buildings. The frontage of the Supermarket faces Kings Parade and at this point would have a maximum roof height of 8m. It is not anticipated that the shop will be more than single storey, but this height will allow for a more interesting roof profile on the main frontage. The height of the store rises to a maximum of 14m in the centre of this building group.

The buildings increase in height towards the sea front with the hotel at 15m forming the highest element. This is to be a three-storey building with parking and entrance at ground floor on the seaward side.

The proposed cinema building which is also on the seaward side of the development would be lower than both the hotel and shop with a maximum height of 12m.

East of the shop and hotel and adjacent to the Marine Lake are a series of Restaurant, bar and café uses. These take the form of a curved façade which defines the edge of the main development block and are mirrored in an opposite facing curved façade defining the edge of the Marine Lake. These are lower elements, which will be a maximum of two storeys ranging from 5.7m to the south west of the lake and 10m to the northwest. These buildings will also include a club building and changing facilities for users of the lake.

As part of the proposed flood alleviation, a 1m containment wall is proposed to run along the northern boundary of the site. This will be located 15m from the sea wall. Should flooding occur, the wall would

channel most flood water into the Marine Lake. There are two openings in the wall to allow physical access to the sea front, although due to the low height of the wall, views will still be maintained. Should flooding occur, these gaps will be closed. The exact details of the form of closure will be the subject of an appropriate condition on the planning permission.

An important part of the proposals will be the improvements to the Marine Lake. As identified in the Secretary of State's decision, this is an important feature, which contributes to the setting of the listed Fort and Lighthouse.

The lake will be dredged to allow water sports to continue. Dredged material will be used to raise land levels on the remainder of the site. It is proposed that pontoon structures will be placed in the lake to improve access to the lake and to assist in the establishment of marine habitats.

#### SECRETARY OF STATE'S DECISION

In July 2006 the Secretary of State refused a full application by Neptune Developments to redevelop land at Kings Parade and Marine Promenade ( APP/2004/7606/E).

In her decision, the Secretary Of State was fully supportive of the objective of development and regeneration in New Brighton and agreed that the site was suitable for primarily tourism-based development as confirmed by the Development Plan. The Secretary of State also accepted that the economic viability of the scheme was dependant on some retail and residential development.

Notwithstanding this support in principle, the Secretary of State determined that insufficient information was submitted to demonstrate need for the leisure aspects of the scheme and was concerned that the regeneration benefits were unclear.

The scheme also failed because of the impact of the scale, massing and design of the food store and apartments on the character of New Brighton. In particular the siting of the buildings on the infilled Marine Lake would be detrimental to the setting of the listed fort and lighthouse.

It was the Secretary of State's assessment that on balance the positive elements of the scheme did not outweigh the negative features and the scheme failed.

#### COMPARISON WITH PREVIOUS APPLICATION

The current application seeks to address these reasons for refusal and has resulted in a smaller development, which is supported by appropriate background information.

The proposals differ from the previous refusal in terms of both the site boundary and the uses, which are proposed.

The previous application was for a significantly larger site which included the Tower grounds and land at the end of Victoria Road, the Floral Pavilion and adjacent Victoria Gardens and to the west extended southwards to include existing recreation land. These areas no longer form part of the proposal. The re-development of the Floral

Pavilion and erection of adjacent apartments (known as phase I of the Neptune development at New Brighton) has already been granted planning consent as a separate development and work is due to commence.

The approval and implementation of phase I together with the use of a robust Development Agreement securing phasing of the proposed development enables the delivery of the regenerative elements before other development takes place. This addresses the concern of the Secretary of State that elements of regeneration must be secured for the remainder of the development to be justified.

The previous layout was significantly different, in that it included the filling in of the marine lake and the erection of the main retail, leisure and residential buildings on the site of the lake. The marine lake was to be relocated to the west of the site where car parking is currently proposed. The previous proposal for car parking was to take place on the site of the former open-air baths where buildings are now proposed.

The new layout proposes buildings, which are lower and better related to each other than the previous refusal. Retaining the Marine Lake means that views to the listed Fort and lighthouse are not compromised. This addresses a significant concern of the Secretary of State.

The previous scheme proposed residential development, which is no longer part of the proposals. The petrol filling station has also been omitted from the new proposals and the amount of space for retail trading in the supermarket has been reduced from 7804 sq m to 5946sq m.

## PRINCIPLE OF DEVELOPMENT

The principle of whether the development is acceptable is to a great extent governed by national and local planning policy. However the Secretary of State's recent interpretation of this policy in the form of the decision to refuse a previous scheme will be particularly material to consideration of this proposal.

## SITE AND SURROUNDINGS

The application site occupies a stretch of low-lying coastal land, which extends from the roundabout at Kings parade to the Forth Perch Rock in the east.

Running from west to east the site currently consists of promenade until the model boating lake. East of this are two large neglected areas of scrubland, which are partly available for car parking. The eastern area was previously occupied by the former open-air baths until their demolition following storm damage in 1990 and the western area formed a sunken car and coach park. The marine lake occupies the part of the site between Rowson Street to the fort.

Passing from west to east the southern edge of the site adjoins successively: dwellings and gardens of Wellington Road (including two tower blocks of apartments), Marine Park, commercial buildings and sites along Marine Promenade (including the former Grand and Queens Royal Hotels), a new bowling centre building, the New Palace

Amusement Park. The properties along Wellington Road are elevated above the application site.

Buildings closest to the site are generally two or three storey in height. The tallest buildings close to the site are the 13 and 17 storey apartment blocks in the extreme west.

## POLICY CONTEXT

### The Development Plan

The Development Plan comprises the Initial Regional Spatial Strategy (RPG13, March 2003) and the Unitary Development Plan for Wirral (adopted February 2000).

RPG13 is currently subject to review – The Report of the Panel was published in March 2007. The Secretary of State's proposed changes are not due to be published until later in the year. As the Panel Report carries minimal weight in planning terms, because the Secretary of State's likely response is still unknown, it is not considered further.

### *Regional Spatial Strategy for the North West (issued as Regional Planning Guidance for the North West - RPG13, March 2003)*

This section considers compliance with the policies of the initial Regional Spatial Strategy for the area, issued by the Secretary of State in March 2003.

### RPG13 Key Objectives

The proposals would contribute to five of the seven key objectives of RPG13, in terms of economic competitiveness and social progress; urban renaissance; the revival of coastal resort towns and other coastal settlements; the active management of environmental and cultural assets; and the overall image of the Region. While the proposals would not in themselves create an accessible Region, the development would be in a location that is highly accessible by a choice of means of transport.

### RPG13 Policy DP1 – Economy in the Use of Land and Buildings

The application site is previously developed land, along the coastal frontage to New Brighton. The proposal will, therefore, make an effective use of urban land. Proximity to New Brighton railway station, the bus service terminus and the Wirral Coastal Cycle Route will support the efficient use of transport facilities.

As I conclude that the proposal will promote an appropriate mix of uses in the context of the regeneration of the existing coastal resort, the proposal would meet the requirements of Policy DP1.

### RPG13 Policy DP2 – Enhancing the Quality of Life

The regeneration of the existing resort, as represented by the current proposals would serve to enhance the economic, social and environmental "capital" of the area. The applicants have submitted the necessary assessments and the conclusions are satisfactory. As the development will be programmed to ensure that the appropriate

package of benefits will be secured, I conclude that the proposals will meet the requirements of Policy DP2.

#### RPG13 Policy DP3 – Quality in New Development

Although the Council has not prepared a local design strategy for New Brighton, the proposals have been subject to pre-application community participation and public consultation.

#### RPG13 Policy DP4 – Promoting Sustainable Economic Growth and Competitiveness and Social Inclusion

The proposals are intended to promote urban regeneration and economic growth. Located within an established regeneration priority area, with easy access by public transport, the proposals will maximise the opportunity for social inclusion.

#### RPG13 Policy SD1 – The North West Metropolitan Area – Regional Poles and Surrounding Areas

The application site lies within the North West Metropolitan Area, a Regional Priority Area for regeneration, where the emphasis is to be on encouraging new development and redevelopment to create a more dynamic, attractive and competitive Metropolitan Area.

#### RPG13 Policy SD7 – The North West Coast

The proposals will provide a strategic tourism-related development in a coastal environment and will help serve to reshape the resort. The impact on Wellington Road Conservation Area and Fort Perch Rock and Lighthouse, on local tourist resources, and on flood risk are considered below. As the proposals will not have any impact on the changing physical nature of the coastline, the proposals are considered to be in general accordance with Policy SD7.

#### RPG13 Policy EC8 – Town Centres – Retail, Leisure and Office Development

As I conclude that a need has been established for the mix of development proposed, that no suitable, alternative, more central sites are available and that the development proposed would not harm the vitality and viability of an existing centre and would be accessible by public transport, I consider that the requirements of Policy EC8 have been met.

#### RPG13 Policy EC9 – Tourism and Recreation

Tourism is a key sectoral priority for coastal resorts in the North West. The proposal is within a defined Regeneration Priority Area, in a location with existing tourism and leisure attractions, conveniently accessible by public transport. It will provide better quality facilities, support economic growth, urban renaissance, and growth in employment opportunities and investment in tourism. As visitor impact can also be accommodated and existing amenities for local residents and business will not be harmed, the proposals would meet the requirements of Policy EC9.

#### RPG13 Policy UR1 – Urban Renaissance

Sustainable regeneration is a regional priority. The proposals will contribute towards reviving the local economy.

**RPG13 Policy UR2 - An Inclusive Social Infrastructure**

The proposals will ensure that social and community facilities are provided in a location that will optimise the contribution to social inclusion and sustainable development.

**RPG13 Policy UR3 – Promoting Social Inclusion through Urban Accessibility and Mobility**

The proposals reflect the high priority on the provision of accessible infrastructure and services, maximising mobility for people who may not have access to a car and will accommodate people with special mobility needs

**RPG13 Policy UR4 – Setting Targets for the Recycling of Urban Land and Buildings**

The proposals will contribute towards the redevelopment of vacant, previously developed land in a sustainable location.

**RPG13 Policy UR10 – Greenery, Urban Greenspace and the Public Realm**

The proposals have been designed to enhance the public realm.

**RPG13 Policy CZ2A – Coastal Development**

The proposals will serve to enhance the economic importance of the coast.

**RPG13 Policy CZ2B – Coastal Defence**

The proposals are considered to be compatible with the sustainable planning and management of coastal defences and will not prejudice existing coastal defences. A flood risk assessment has been submitted and is considered below. The application site is not known to be subject to coastal erosion or land instability.

**RPG13 Policy CZ3 – Coastal Communities and Economic Development**

The proposals are intended to develop the tourism role for an existing coastal community and will promote regeneration.

*Wirral Unitary Development Plan*

This section considers compliance with the policies of the Unitary Development Plan for Wirral adopted by the Council in February 2000. It considers the issues raised in the order they appear in the UDP.

**Urban Greenspace Issues**

Issues related to urban greenspace for the revised proposals relate only to the provision for landscaping:

**UDP Policy GR5 – Landscaping and New Development**

As the application has been submitted in outline form, full details of landscaping have not been submitted as part of this proposal. The developer has indicated that landscaping will occur throughout the development and will be planting of appropriate coastal species. There are opportunities for landscaping throughout the development, particularly to soften the impact of the car park and views across the site which will be secured by conditions attached to this application and assessed in relation to Policy GR5.

#### Sport and Recreation Issues

The application includes proposals for improvements to the marine lake including changing facilities, new pontoons and access arrangements, a replacement model boating lake; a new indoor all-year leisure facility including outdoor water-based activities and a series of new mixed leisure units that could be used to accommodate additional recreational facilities.

While the application is intended to be tourism-led, the proposals will, therefore, also have a very strong recreational theme. As the UDP acknowledges the difficulty in defining tourism, the proposals have also been assessed against the criteria for sport and recreation.

#### UDP Policy REC1 – Principles for Sport and Recreation

The recreation-based elements of the proposal would comply with Policy REC1, as the application site is located within the urban area, in an area easily accessible by public transport by both bus and rail. The marine lake, a facility of confirmed importance following the earlier public inquiry, will be retained and refurbished alongside a new sailing school. The model boating lake will also be improved and re-located, in line with national policy in PPG17 (2002).

While the types of use to be provided are not identified in the list of the Borough's needs for additional recreation facilities (UDP paragraph 9.5 refers), the need to continue the regeneration of the resort is clearly set out in the tourism section of the UDP.

Similarly, while the site is not specifically allocated for urban recreation facilities under Proposals RE2, RE3 or RE4, the application site has been identified as suitable for a major recreational and entertainment complex in the tourism section of the Plan (UDP paragraph 10.23). The proposals will also replace, albeit in a different format, a recreational facility lost since the demolition of the bathing pool.

#### UDP Policy RE1 – Criteria for Urban Sports Facilities

The proposals would comply with the criteria for urban recreation facilities set out in UDP Policy RE1:

##### Siting, scale and visual impact

It is considered that the sports facilities are satisfactory. The new boating pool will be situated adjacent to the current location and will be opposite to the new lido/health club. A building in this insular but prominent position, offers opportunities for a design, which would act as a gateway for the remainder of the development. The height of the building is set as a maximum of 12m however, it is intended that this



will be a two-storey building which as a feature building, may have high elements.

#### Noise and disturbance

There would be no existing residents close enough to be affected significantly by noise from the waterfront sports developments. The new model boating lake is in a similar location to the existing lake and is not considered to have any greater impact

#### Car Parking, Access and Services

Car parking is to be provided immediately adjacent to the new boating lake and the Lido, which is considered sufficient to meet the needs of these uses. The site is currently accessible by bus and a new lay-by facility for buses is proposed. In addition the site is adjacent to a cycle route. New Brighton Station is also within walking distance offering a range of access choices.

#### Tourism & Leisure Issues

The revised project, with lido, hotel, commercial leisure, refurbished marine lake, sailing school, model boating lake and public realm improvements, is predominantly tourism-led. The only exception is the retail store, which is also intended to underpin an increase in visitor numbers to the resort, to contribute to creating a destination that people will regularly visit, with the additional prospect of linked trips.

The applicant asserts that the retail store is also necessary to make the tourism proposals a commercially viable proposition. The Secretary of State, in response to the earlier public inquiry, accepted that some retail development may be acceptable to ensure the economic viability of an appropriate proposal (SoS letter, paragraphs 22 and 58).

#### UDP Policy TLR1 – Principles for Tourism Development

New Brighton is identified as a strategic priority for new tourist attractions and visitor facilities under Policy TLR1, following on from the wider corporate aspiration to restore the resort as a major day-trip destination. The Tourism Strategy for Wirral, adopted by the Council in 2004, continues to identify New Brighton as an appropriate location for a mixed-use development with strong destination elements under the brand name "Brand New Brighton".

Following the recent public inquiry, the Secretary of State confirmed her support for the objective of the development and regeneration of New Brighton and endorsed the need for leisure facilities to be enhanced and extended (SoS letter, paragraphs 23 and 58).

#### UDP Policy TL1 – The Protection of Urban Tourist Resources

The continued attractiveness of the coastal resort of New Brighton, with its coastal views and scenery and facilities for coastal recreation and water-sports, is listed for protection as an urban tourist resource under UDP Policy TL1. This Policy is intended to ensure that other land-uses are distributed in such a way that respects the qualities that underpin the tourist industry (UDP paragraph 10.11) retaining and enhancing distinctive characteristics and ensuring that the potential for

tourism is fully recognised and, wherever possible, retained and maximised (UDP paragraph 10.12).

One of the Secretary of State's main concerns, when refusing to grant planning permission for the earlier scheme was the impact on the quality and character of the resort and on the open aspect of the waterfront (SoS letter, paragraphs 24 and 60).

The revised scheme is smaller in scale, height and massing, retains and improves the marine lake and relocates the majority of the new buildings to the west of Rowson Street, away from the open setting of Fort Perch Rock and Lighthouse. As the proposal would redevelop a previously developed frontage site and will retain, renew and extend the tourism offer of the resort, the revised proposals are not considered to be harmful to the distinctive characteristics of the resort.

#### UDP Policy TL2 – Criteria for Urban Tourism

The proposals would comply with the criteria for urban tourism set out in UDP Policy TL2:

##### Siting, scale and visual impact

With the exception of the Lido, the siting of the buildings is predominantly on the site of the former outdoor pool adjacent to the marine lake. This relates well to the commercial frontage of New Brighton, which begins diagonally opposite to the supermarket, hotel and leisure uses and is appropriate in this location.

##### Noise and Disturbance

The nearest residential properties are at an elevated level on Wellington Road. In general it is considered that noise and disturbance from the proposed retail and commercial uses will be comparable to existing commercial uses opposite to the Marine Lake. The Director of Regeneration has expressed concern over noise from use of the outdoor performance area. It is considered that conditions can be used to mitigate noise more specifically at the detailed stage.

##### Parking, Access and Services

In addition to existing car parking provision in New Brighton, the development provides 750 new car parking spaces. The site is accessible from public transport both by bus and rail.

The proposed leisure uses and restaurant/bar uses will be close to and enhance the use of existing leisure and tourism facilities in New Brighton.

It is considered that the application site would be suitable to accommodate the nature and scale of the use proposed in terms of both its operational requirements and its impact upon the surrounding area (UDP paragraph 10.14), that the local infrastructure would be capable of coping with the number of visitors expected and that visitor numbers and related traffic can be accommodated without harm to the character of the surrounding area (UDP paragraph 10.15).

#### UDP Proposal TL4 – Land for Tourism Development at New Brighton

The majority of the application site is specifically allocated for a mixed-use, tourism-related development under Proposal TL4/1 - Site of the former open air swimming pool and the Marine Lake, Marine Promenade, subject to Policy TL2 – Criteria for Urban Tourism, and Policy CO1 - Development within the Developed Coastal Zone.

The boundary to the allocation includes the site of the sunken car park to west of the swimming pool site. This allocation was included because of the need to attract major tourist development to secure the future of the resort (UDP paragraph 10.22) and was listed as suitable for a major recreational and entertainment complex (UDP paragraph 10.23). Following the earlier public inquiry, the Secretary of State accepted that the Development Plan confirmed that this site was suitable for development, primarily for tourism-based activities (SoS letter, paragraph 58).

The site of the lido/spa/health and fitness club (Building 4) and the re-located model boating lake falls outside this allocation, in an area of land not specifically identified for any particular use. This is not, however, considered to conflict with the general intention to promote new tourism development in the waterfront area between Portland Street and Belmont Road.

Retail development is not specifically provided for by Proposal TL4 and no part of the application site is allocated for this purpose in any other section of the adopted UDP. The application has, therefore, been treated as a departure for the purposes of the Town & Country Planning (Development Plans and Consultations) (Departures) Direction 1999.

#### Policy TL7 - Criteria for Hotels and Guest Houses

The proposal includes a new 60-bed hotel.

UDP Policy TL7 allows hotels without facilities for non-residents within Primarily Residential Areas and directs hotels with conference, restaurant, nightclub and other related sports or leisure facilities, to urban commercial locations, which this scheme, if approved, would represent. A hotel in this location would also be consistent with the allocation of the application site under Proposal TL4/1.

#### Heritage and Conservation Issues

The application site lies outside but adjacent to the Wellington Road Conservation Area. The relevant policies to consider are:

#### UDP Policy CHO1 - The Protection of Heritage

Following the Secretary of State's decision on the original application the outline application has been submitted in order to address the points raised in her letter. The development is smaller in scale and situated on the New Brighton waterfront away from the Grade II\* listed Fort Perch Rock Fort and Lighthouse. In this proposal the Marine Lake is retained with leisure development bordering its western edge. The listed shelters which lie to the south of the Marine Lake are retained in their current position. The bulk of the development is located in front of Marine Park on the site of the demolished Outdoor Bathing Pool. Surface car parking is located on part of the site of the scheme refused by the Secretary of State but is, in essence, moved

westward following the relocation of the bulk of development from over the Marine Lake west of the line of Rowson Street extended towards the seafront. A separate Lido with associated facilities forms a separate development and is close to a proposed replacement model boating pool.

#### UDP Policy CH1 – Development affecting listed buildings and structures

By pulling the development away from the Marine Lake, views to the Fort and Lighthouse have been opened up from across the Lake and the impact on the setting of the two buildings has been considerably reduced. In essence the relationship of the Fort and Lighthouse to New Brighton has been retained and preserved. The three listed shelters are also retained in the overall of the Marine Lake.

#### UDP Policy CH2 – Development affecting Conservation Areas UDP Policy CH18 – Wellington Road ( New Brighton) Conservation Area

The principal impacts on the Wellington Road Conservation Area relate to views from Marine Park, and views from the listed villas on the northern side of Wellington Road. The proposal is designed to retain the oblique views of the Fort and Lighthouse from Marine Park particularly from the vantage point of the steps leading up to Wellington Road. This is an advantage over the scheme refused by the Secretary of State.

The supermarket and other facilities forming the bulk of the development are located in front of Marine Park on the site of the demolished Bathing Pool. The front part of the proposed building envelope comprises the single story supermarket. Parts of the multi-use complex are proposed to increase in height and in the number of storeys as they near the seafront. This is designed to reduce the apparent impact of the development from the Park and for the eye to concentrate on the leading edge of the supermarket roof. Site Sections (105) show the impact.

The listed villas on Wellington Road face on to the car park area and the lido. Views to the sea over the car park will still be obtained. However, the openness of the view will be somewhat constricted and careful landscaping will be required at the detail stage to screen the cars from elevated viewpoints. Shrubbed areas may be insufficient to provide adequate screening and the use of trees capable of enduring maritime conditions and reinforcing the line of the King's Parade may be required. This area has been used for car and coach parking, in conjunction with the former bathing pool and for general parking in New Brighton for many years.

The Lido will impinge on but not obscure views to the sea from the villas. It will occupy a gateway location for visitors from the west, act as a foreground for observers of the villas from the Promenade, and act as a counterpoise to the main development at the bottom of Rowson Street. Seen from all round in a key location its architectural design will have to be of special quality.

The existing state of the land of the application site is bare and unprepossessing. Though open its derelict appearance adversely affects the setting of the Conservation Area. Whilst development will

restrict some openness of view of the sea, the main block is located on the site of the former Bathing Pool, which was in existence when the Conservation Area was designated and the villas were listed. On balance, the slight loss of openness should be counteracted by the improvements in the character of the land and lead to an enhancement to the setting of the Conservation Area.

#### UDP Policy CH25 – Development Affecting Non-Scheduled Remains

The impact on archaeology has been assessed as part of the Environmental Statement submitted alongside the planning application. Adverse impacts are not expected as the majority of the application site has been subject to previous land reclamation activity but a watching brief is recommended during construction and will need to be the subject of a suitable condition

#### Transport Issues

Following the earlier public inquiry, the Secretary of State accepted that the application site was accessibly located for travel by non-car modes (SoS letter, paragraph 43). The current application provides for bus access, with layover and passenger facilities, a taxi rank, 750 additional parking spaces, public realm improvements and pedestrian linkages, and will incorporate cycle parking and the Wirral Coastal Cycle Route

#### UDP Policy TRT1 – Provision for Public Transport

Policy TRT1 emphasises the need for development to make best use of existing transport facilities, to make adequate physical provision for public transport services and facilities within new developments and to provide for the development of such services and facilities.

The application site is 200 metres from New Brighton Railway Station with services to Birkenhead and Liverpool, linked from Birkenhead to services to West Kirby, Wrexham and Chester. New Brighton waterfront also serves as a terminus for bus services to Birkenhead, Liverpool and Chester, including Bromborough, Leasowe, Liscard, Moreton, Seacombe and Wallasey Village

The Transport Assessment indicates that there are 19 bus routes within 400m of the site many with frequencies of 30 minutes or better during both weekdays and weekends. The application site is therefore highly accessible by public transport.

The proposals make specific provision for direct access by bus to the marine lake, and superstore by means of a bus layby on Kings Parade. A bus layover facility will also be retained on Kings Parade. Merseytravel supports the provision of public transport facilities subject to control through conditions.

As a taxi rank will also be provided opposite Marine Park along the frontage to Kings Parade which will be subject to control through condition and details with subsequent applications for reserved matters. Facilities necessary to satisfy the requirements of Policy TRT1 will, therefore, be secured as part of the application proposals.

#### UDP Policy TR9 – Requirements for Off-Street Parking

Policy TR9 sets out criteria against which proposals for off-street parking provision will be assessed. A total of 750 parking spaces are shown as being provided. The total number of parking spaces is considerably lower than the maximum figures allowed by the Council's Supplementary Planning Document SPD4, which is in accordance with National Policy on parking at new developments. SPD4 also highlights the criteria for highly accessible areas for which lower levels of parking may be encouraged and this development site meets these requirements.

#### UDP Proposal TR10 – Cycle Routes

The application sites lies on the Wirral Coastal Cycle Route (Seacombe to Parkgate), part of the National Millennium Cycle Route (Route 56). Proposal TR10 requires new development to include measures to maintain the integrity of a continuous cycle route. The proposals will include the retention and incorporation of the Route 56 within the scheme proposals including an element of shared use. The Millennium Cycle Route has been incorporated into the scheme behind the sea wall and reduces the length currently using carriageway.

#### UDP Policy TR12 – Requirements for Cycle Parking

The development will be required to provide cycle parking in accordance with Policy TR12. As this application is being considered in outline form, this matter will be dealt with by condition.

#### UDP Policy TR13 – Requirements for Disabled Access

It is the Developers stated intention that the development will provide accessibility for all. At this outline stage details are not fully available . However, any new buildings will need to comply with the requirements of Policy TR13 and SPD4.

#### Retail Issues

The retail proposals now being put forward consist of a main food superstore of 5,946 sqm (64,000 sq ft gross). The applicant indicates that this is 76% of the size of the floorspace of the previous proposal and would have a turnover of 69% of the original scheme. It is proposed that the foodstore would be operated by the same retailer as with the previous application (Morrisons). The applicant's Retail and Leisure Planning Review (RLPR) covers the retail elements of the proposal.

#### UDP Policy SHO1 – Principles for New Retail Development

Policy SHO1 states the objective to sustain and enhance the vitality and viability of existing centres and to ensure easy access to shopping facilities by a choice of means of transport.

#### UDP Policy SH9 – Criteria for Out-of-Centre and Edge-of-Centre Retail Development

Policy SH9 indicates that applications for out-of-centre and edge-of-centre development will only be permitted where the benefits of the proposal outweigh the disadvantages when assessed against a list of criteria and where the proposal satisfies the additional criteria in Policy

SH10. Policy SH9 includes the consideration of retail impact, alternative sites, and accessibility and travel demand.

UDP Policy SH10 – Design and Location of Out-of-Centre and Edge-of-Centre Retail Development

Policy SH10 seeks to ensure that the Green Belt and the housing and employment land supply are protected and includes criteria for traffic generation, scale, design, and amenity considerations. Policy SH10 also provides for planning conditions to be applied to prevent future changes in out-of-centre or edge-of-centre developments to continue to safeguard existing centres.

Although many of these requirements are still relevant, these UDP policies have now been overtaken by national policy in PPS6 (2005), which is considered in a separate section below.

Coastal Zone Issues

UDP Policy CO1 – Development Within the Developed Coastal Zone

Policy CO1 requires that development should require a coastal location, unless the applicant can demonstrate that there are no alternative sites capable of accommodating the proposed development outside the coastal zone and that the proposal will safeguard coast and marine nature conservation, coast protection/sea defence, and public access.

The uses proposed in the application are not in themselves coast-dependent. They are however, integral to the regeneration and long-term future of New Brighton as a coastal resort, for a site specifically allocated as suitable for a mixed-use, tourism-related development in the adopted UDP. The Development Plan has not, therefore, identified the application site as needing to be specifically retained for coast dependent uses.

There are no other sites elsewhere within New Brighton but outside the coastal zone, which would be capable of accommodating the proposed development and the potential regeneration benefits for New Brighton could not be obtained were the proposal to be located elsewhere inland. The sequential assessment carried out for the food retail element of the proposal confirms that there are no alternative sites elsewhere that would be capable of accommodating the proposals.

The environmental considerations associated with a coastal location have been addressed as part of the applicant's Environmental Statement. As existing access to the coast will be retained, the development would not in my view undermine the purpose or intent of Policy CO1.

UDP Policy CO8 – Development in the Coastal Zone Requiring Environmental Assessment

Policy CO8 provides guidance on the scope of environmental statements accompanying development proposals within the coastal zone. I am satisfied that those issues highlighted in the policy, which are relevant to the application site, have been included in the Environmental Statement and/or the flood risk assessment. It is noted

that a number of the mitigation measures identified in the ES will need to be secured through the imposition of planning conditions.

#### Habitats Regulations Assessment

The 2004 application was subject of a “test of significance” – the initial stage of a Habitats Regulations Assessment - due to the proximity of the site to the proposed European designated sites on the North Wirral Foreshore and Mersey Narrows, which are also SSSIs. This assessment concluded that there would be no significant effect on the interest features or conservation objectives of the sites in question. The Environmental Statement includes a detailed ecological impact assessment (both in the main report and in Appendix G), which considers a detailed assessment of potential impacts on the national and internationally designated sites. The Council is satisfied on the basis of this assessment that there is not likely to be a significant effect on the interest features or conservation objectives of the sites in question

As summarised in the Consultation section, on the basis of the EIA submitted with this application, Natural England and MEAS have raised no objection to the proposals subject to use of appropriate conditions. In line with best practice the Council’s decision in relation to Appropriate Assessment will be formally recorded.

#### Flood Risk Assessment

The Environment Agency has identified the application site as being at risk of tidal flooding. A flood risk assessment has been prepared in accordance with national policy in PPS25 , and in consultation with the Environment Agency. The design principles used to deal with flooding have been agreed with the Environment Agency.

One impact of the flood mitigation strategy will be a potential increase in flood risk to land in the Council’s ownership to the southwest of the Coastal Drive/Kings Parade roundabout, outside of the application site boundary. The site in question is currently designated as Urban Greenspace in the Wirral Unitary Development Plan, is subject to Policy GR1 and is shown on the Proposals Map as GR2/114.

In response to a request from the Environment Agency (via the applicant), the Council has provided written assurances to the applicant that:

- It has no intention of disposing of the site for any purpose which would compromise its flood storage role over the lifetime of the proposed development,
- That because of the Greenspace designation it is extremely unlikely that any development would be permitted which would reduce the ability of the site to function as tidal floodwater storage during the lifetime of the application proposals. As an additional safeguard, the Council would have no objection in principle to re-designating the site as one for tidal flood water storage in a future Development Plan Document, although it is likely to be some years before such a document could be formally adopted; and
- The site is already subject to risk of flooding as a result of tidal overtopping, but this is a largely theoretical risk and in practice it has not, to the best of officers’ knowledge, posed any threat or danger to use of the site by the public, either for informal recreation or during the occasional formal events such as the Wirral Show which take



place on the site. There are no housing or other fixed assets on the site, which would be affected by the increase in flood risk. As such, the conclusions of the flood risk assessment in relation to this site do not give the Council as landowner, cause for concern.

#### National Policy for Town Centre Uses

This section considers the status of the proposal in terms of national policy in PPS6 - Planning for Town Centres (March 2005).

PPS6 promotes sustainable and inclusive patterns of development, including the creation of vital and viable town centres (PPS6, paragraph 1.1). In pursuit of this objective, special policies are applied to town centre uses, which are defined as retail; leisure, entertainment facilities and the more intensive sport and recreation uses, including cinemas, restaurants, bars and pubs, night clubs, casinos, health and fitness centres and bingo halls; and art, culture and tourism, including hotels (PPS6, paragraph 1.8).

Proposals for these uses that will be located outside an existing centre must be required to demonstrate that:

- there is the need for the development;
- the development is of an appropriate scale;
- there are no more central sites for the development;
- there are no unacceptable impacts on existing centres; and that
- the location is accessible (PPS6, paragraph 3.4).

PPG17 (2002) also states that planning permission for intensive uses of land attracting a large number of visits, with significant elements of entertainment, retail or leisure uses, should only be granted in highly accessible locations in or adjacent to town centres.

Following the earlier public inquiry, the Secretary of State confirmed that she considered the application site to be out-of-centre (SoS letter, paragraph 36). She also confirmed that there is a need for the leisure proposals to satisfy the policy tests in PPS6 (SoS letter, paragraph 25), irrespective of the designation of the site under UDP Proposal TL4/1. This requirement will now also apply to the hotel proposal, which is also listed as a town centre use in PPS6.

Compliance with each of the PPS6 policy tests is considered for each of the uses proposed, below:

#### 1. Demonstration of Need

##### Retail Uses

PPS6 confirms that 'need' comprises both qualitative and quantitative elements.

##### Quantitative Need

Paragraph 2.34 of PPS6 indicates that quantitative need for additional retail floor space should be based on an assessment of

- existing and forecast population levels;

- forecast expenditure for specific classes of goods to be sold, within the broad categories of comparison and convenience goods and the main leisure sectors; and
- forecast improvements in productivity in the use of floor space.

The assessment which was submitted to the public inquiry has been included as an appendix to the RLPR together with a commentary in the main text, which deals with the changes to the proposal and changes in other assumptions and factors since the public inquiry. The RLPR notes that the proposed new Morrisons store will comprise 5,946 sq.m gross floorspace, with a net sales area of 2,880 sq.m and a net convenience sales area of 2,137 sq.m. The store which formed part of the 2004 application had a gross floor space of 7,804 sq.m, net sales area of 3,716 sqm and a convenience sales floorspace of 2,824 sq.m. This amounts to a reduction in gross floorspace of 1,858 sqm (23%) and a reduction in convenience sales floorspace of 687 sq.m (24%).

The RLPR rolls forward the design year of the proposal by twelve months to 2012. The applicant suggests that new projections for convenience expenditure growth rates confirm the robustness of the annual growth rate of 0.8% per annum. There is a limited level of additional expenditure growth between 2003 to 2012 (as opposed to 2011 for the 2004 application) – up from £4.8m to £6.2m. The applicant suggests that there has been little change to the base position in terms of existing floor space. The only significant change has been the opening of the Lidl Store in Leasowe: the applicants suggest that 50% of the Lidl store turnover would originate from the catchment of the Neptune proposal – around £2.1M. The opening of Lidl has to some extent been counterbalanced by the recent closure of two Kwik Save stores in Seacombe and the Somerfield in Liscard. As with the 2004 application, the assessment suggests that there is considerable overtrading in the catchment area – in the region of £44.1m, based on an assumption that existing businesses trade at company averages.

The RLPR suggests that the convenience floor space of 2,137 sqm and an assumed turnover of £11,000 per sqm for convenience goods would, give a total convenience turnover for the store of around £23m compared to a turnover of the store in the 2004 application of £36.49m. It is suggested in the RPLR that this is a robust approach, as current Morrisons company average turnover is in the region of £9,557 per sq m, which if applied to this proposal would give a convenience turnover of £20.4m.

In it's evidence to the public inquiry for the 2004 application, the Council argued that half the overtrading of existing businesses (plus expenditure growth) could be regarded as quantitative need to support new floorspace, having regard to the advice in PPS6 and a decision by the Court of Appeal (FSS & another v Sainsburys Supermarkets Ltd 2005) which did not rule out the possibility that overtrading may indicate a quantitative as well as a qualitative need. This approach was accepted by the Inquiry Inspector. Applying this approach to the current proposal suggests that there would be quantitative need at 2012 of £28.2m, before taking into account existing commitments. There is only one new commitment to take into consideration, which is an outline permission for an unspecified amount of retail and office development on a very small 0.14HA site in Wallasey Village. Given the site size and the mixed nature of the development, any claim on

expenditure is unlikely to exceed £1m. In addition, the former Dale Inn site (which includes a food store of 360 sqm gross) has now been developed out, but remains vacant. Assuming that the latter when occupied could have a sales floorspace in the region of 230 sqm a claim of £1.1m (based on a turnover estimate of £5,000 per sq m) on the available capacity is reasonable.

In evidence to the public inquiry the Council considered that there is no need to make any allowance for future gains in floor space efficiency up to 2011, given that only half of the identified over-trading was proposed to supporting new floor space. Similarly, the Council argued that there is no case for making an allowance for growth in e-tailing in the convenience sector, because food store operators supply products for their internet sales from the shelves in their stores, rather than from warehouses, so growth in e-tail sales does not have implications for convenience goods floor space. These assumptions remain valid. Thus allowing for the convenience commitments listed above, my estimate is that there would be in the region of £26.1m quantitative capacity to support new floor space.

In evidence to the public inquiry, the Council estimated that 85 per cent of the convenience goods turnover of the Morrisons Store would originate from residents of the Liscard/Wallasey catchment. In terms of the applicants "worst case" turnover scenario the store turnover from the catchment would amount to £19.55m (£23m x 0.85). For the Morrisons company average turnover scenario, the store turnover drawn from the catchment would be £17.34m (£20.4m x 0.85). The applicant in the RLPR refers to their assumption at the public inquiry that 78% of the store turnover would be drawn from the catchment area, so the Council's 85% assumption is robust and "worst case."

As such the convenience quantitative need of approx £26.1m would support 100% of the convenience floorspace proposed in this application with a residual surplus capacity following development of the store of between £6.55 and £8.76m.

In relation to the comparison element of the foodstore, this was an issue of agreement by the Secretary of State and Inspector that there was clear quantitative need for this element of the proposal and as such, the applicant has not considered that there is a need to revisit the matter further in the RLPR. Given the limited changes in comparison retailing in the catchment since the issue was considered at the public inquiry, I am satisfied that there are no issues in accepting the applicant's assessment on this point.

Overall, I am satisfied that the test of quantitative need has been met.

#### Qualitative need

Paragraph 2.35 of PPS 6 indicates that a key consideration will be to provide for consumer choice by ensuring that:

- an appropriate distribution of locations is achieved, subject to the key objective of promoting the vitality and viability of town centres and the application of the sequential approach to improve accessibility for the whole community; and that
- provision is made for a range of sites for shopping, leisure and local services, which allow genuine choice to meet the needs of the whole community, particularly the needs of those living in deprived areas.

Other considerations, such as the degree to which shops may be over-trading, may also be taken into account (PPS6, paragraph 2.36). Additional benefits in terms of regeneration and employment do not constitute indicators of need, but may be material considerations in the site selection process.

In their submission with the original application, the applicant asserted that retail provision in Wallasey is extremely imbalanced and that there is a significant under provision of convenience food store floorspace to serve the population, evidenced by their suggested significant level of quantitative over-trading at the Asda store on Seaview Road. The applicant also noted that remaining food retail operators in Wallasey tend to be smaller scale discounters or local shopping provision and considers that the introduction of a new operator would provide the local population with a greater choice and competition in food retailing.

In relation to the current application, in a supplementary letter to the Retail and Leisure Planning Review, the applicant notes that the recent closure of the two Kwik Save stores in Seacombe and the Somerfield store in Liscard will increase the need for food retailing. The opening of the B&M store (which sells some food and drink items) in the former Littlewoods unit in Liscard will only partially redress the balance. The closures are likely to have served to increase the dominance of Asda in the catchment, which they emphasise is already at a high level (53%) in 2003. The applicant notes that promoting competition in the large food retailer sector would comply with the aims of PPS6.

In its evidence to the public inquiry, the Council considered that a second superstore is needed in the New Brighton area in order to:

- redress the imbalance which exists between convenience goods expenditure and existing convenience goods provision (the over-trading issue); and to
- introduce much needed competition to the Asda store, so as to enhance consumer choice and encourage more efficient and innovative retailing in this part of the Borough.

The Council also noted that a New Brighton location would be ideal for serving the residents of the northern part of Wallasey and would ensure that the whole community of the Liscard/Wallasey area had access to superstore facilities. These conclusions remain valid for the current application.

The location of the superstore in New Brighton would also have advantages in helping to improve the range of shopping, leisure and service facilities for those living in deprived areas. Paragraph 7.4.3 of the applicants Environmental Statement notes that New Brighton suffers from particular pockets of deprivation and is also adjacent to some of the neediest areas in the country.

As such the Council is satisfied that there is also a qualitative retail need for the proposal.

#### Leisure

While the model boating lake is required to replace an existing facility and the need to refurbish the marine lake is evident from its current

condition and limited capacity for use, the need for the other facilities is principally linked to the identified need to reinvigorate the resort and to increase the number of visitors to New Brighton.

The Secretary of State was critical of the applicant's approach to assessing the need for the leisure-based proposals at the earlier public inquiry (SoS letter, paragraph 26). As a result, the applicants have sought to strengthen their analysis. A baseline report prepared by Inner City Solutions, which was not available at the time of the public inquiry, has now been considered and an Economic Impact Report prepared by Manchester Economics (July 2007) has been submitted. A quantitative and qualitative assessment of leisure need has also been provided based on data from Experian.

The quantitative assessment suggests a growth in leisure expenditure from Wirral as a whole of £44.4m by 2012, compared with an estimated turnover of £19.8 million at the facilities proposed, some of which would come from people visiting the area from outside Wirral. This would leave over £24.6 million of expenditure growth for other new and existing operators, outside the application site. The assessment also suggests a significant leakage of expenditure from both New Brighton and Wirral as a whole. The applicant, therefore, concludes that there is a substantive need for the type of new leisure facilities proposed.

This is supported by the previous loss of local cinema and bingo facilities from Wallasey and New Brighton to larger new-build facilities in more distant locations, and by an assessment of the existing pattern of provision across the Borough, based on the Council's own up-to-date survey of existing leisure provision.

#### Hotel

PPS6 does not provide advice on assessing the need for hotels (PPS6, paragraph 3.9) and the need for an hotel in New Brighton has not been specifically addressed by the applicants. The applicant has, however, indicated that the hotel proposal has been tailored to meet demand from a number of national operators including Premier Travel Inn, Travelodge, Tulip and Holiday Inn Express. Travelodge have expressed a strong interest in taking the hotel now.

The latest hotel demand study for Wirral, Hotel Futures, completed in 2004, only addressed the need for hotels indirectly, in terms of the feasibility of delivering the Council's wider aspiration to extend the range and quality of provision. From a review of the market at that time, it was assumed that there would only be a capacity for up to 70 standard rooms and that a small-scale budget facility was only likely to be brought forward in Birkenhead. Detailed proposals have, however, since come forward and been approved at Thornton Hough (37 rooms, not started) and Heswall (26 rooms, completed).

The desire to attract additional visitor accommodation to the resort was initially expressed in the allocation of land at Derby Pool under UDP Proposal TL8, which was eventually developed for a public house/restaurant with indoor children's play facility because of lack of market demand at that location. As the long-term trend in New Brighton, up to this point, has been for the loss of visitor accommodation to residential conversions and re-development, the inclusion of a hotel in this scheme is a considerable step forward.

## 2. Demonstration of Appropriate Scale

### Retail

PPS6 identifies scale as a particular issue for development in established centres, noting that local centres – such as New Brighton (Victoria Road) – will generally be inappropriate locations for large-scale new development, even when a flexible approach is adopted to matters such as format and floor space. As indicated above, as with the 2004 application, it is accepted that the current proposal should be treated as out of centre. In this context the reduction in size of the food store from 7,804 sqm gross to 5,946 sqm gross (a reduction of 1,858 sq m or approximately 25%) is welcome.

The amount of bar/restaurant floorspace to be provided has been reduced from 4645 sq m to 2750 sq m in the revised proposal.

### Leisure

The total amount of leisure floor space is broadly similar to the previous scheme and now accounts for a larger proportion of the total floor space to be provided. The size of the individual leisure units (potential cinema – 2323 sq m, potential bingo – 2787 sq m, potential casino – 2787 sq m, lido/spa - 2323 sq m) is typical for a modern commercial leisure scheme and would not be out of scale with other leisure units within the resort (Riverside Bowl - 3364 sq m and Wilkie's New Palace Amusements - 2158 sq m)

### Hotel

The hotel is a new element, replacing an 11,644 sq m residential block with a 3066 sq m, 60-bed budget hotel. A budget hotel of this scale would not be out of character with the rest of the resort or as part of a wider leisure scheme.

## 3. Availability of More Centrally Located Sites

The sequential assessment submitted by the applicants relates mainly to the provision of the retail store and is the same as that submitted to the public inquiry in February 2006.

### Retail

Both the Secretary of State and the Public Inquiry Inspector agreed that it was reasonable to seek a site of sufficient size to accommodate a superstore with a minimum floor space of 2,500 sq m net. The Secretary of State agreed with the Inspector that there were no more suitably located sites in a town centre or edge of centre location that were viable and suitable and likely to come forward within a reasonable period of time. Given these conclusions the applicant has not revisited this issue in detail in the RLPR. It is worth noting, however, that one of the largest vacant premises in the catchment, the former Littlewoods store in Liscard, has recently been taken up by B&M and is no longer available. No other further opportunities have been identified since consideration of the previous application and therefore it remains the case that there are no sites or premises in a town centre or edge of centre location that are suitable, viable and likely to

come forward within a reasonable period of time, which would be capable of accommodating the proposed foodstore.

Concerns raised by the Secretary of State and Inspector that flexibility had not been demonstrated over the scale and format of the retail element of the proposal have been addressed in this revised application. There are significant reductions in the amount of floorspace of the proposed Morrisons superstore, when compared with the 2004 application, as described in the section on retail need. As such, the applicant has shown flexibility in terms of the scale and format of the superstore element of the proposal, with consequential benefits in terms of need and retail impact.

As such I am satisfied that the requirements of the sequential approach have been met.

#### Leisure

Following the earlier public inquiry, the Secretary of State agreed that there were no alternative more suitably located sites sufficient to house the proposed leisure buildings in a town centre or edge of centre location that are viable and suitable and likely to become available within a reasonable period of time (SoS letter paragraph 27). Circumstances have not changed and the Council is not aware that any other more suitable town or edge of centre site has emerged in the intervening period.

The Secretary of State also agreed, given the particular circumstances of this case, that it would not be appropriate to disaggregate separate elements of the proposed scheme in order to fit onto more central sites, even though there were vacant properties within centres in the Wallasey area (SoS letter paragraph 27). There is no evidence to suggest that this new proposal should be considered differently.

#### 4. Impact on Vitality and Viability of Existing Centres

##### Retail

The Secretary of State agreed with the Inspector that the location of the 2004 proposal would present opportunities for linked trips. The amendments to the layout in the current application, which see the superstore located on the opposite side of the roundabout at the bottom of Rowson Street should have minimal impact on the ability of people to undertake linked trips to the Victoria Road Traditional Suburban centre.

With regard to retail impact, the RLPR indicates that potential impact of their proposal on existing stores and centres will be reduced when compared with the 2004 application due to the reduced size of the superstore and commensurate with a forecast reduction in turnover in excess of 30%. Given the conclusions of both the Secretary of State and the Inspector in relation to the 2004 application that the impact on the vitality and viability of the traditional suburban centre at New Brighton would be positive and that even on a worst case scenario the existing Somerfield store would be unlikely to close, the current, smaller store should not give cause for concern in terms of impact on the vitality and viability of Victoria Road Traditional Suburban centre. Although reduced in size, the proposed Morrisons is still of a scale that it will function as a destination for main, bulk food shopping and as

such is unlikely to impact on the top-up shopping functions of other provision in the area. Similarly, the impact on Liscard Town centre should continue to be confined to the Asda store and should not affect it so adversely as to prompt its closure.

#### Leisure

In relation to the previous scheme, the Secretary of State was unable to conclude the scale of the impact on other centres. Although this was in part owing to the speculative nature of the earlier scheme, she concluded that such an assessment was still required to demonstrate compliance with PPS6 (SoS letter, paragraph 28).

The final uses and occupiers are still not identified in the revised application but reference has now been included to operators who have expressed an interest in response to initial marketing. For example, Mecca has expressed interest in a bingo opportunity, Rileys in taking a snooker hall and Apollo in taking the cinema element. Apollo has, however, indicated that only a complete package of other leisure elements, including the hotel and A3 uses, would enable them to compete effectively in the wider market.

The applicant has also submitted a schedule of existing leisure uses in Borough, based on up-dated survey information provided by the Council, and has concluded that there is a limited provision of commercial leisure in nearby centres.

New Brighton is already a major Wallasey destination for the leisure and evening economy and there is no cinema or bingo club in Liscard Town Centre. There is a small bingo club at Borough Road Seacombe and in Moreton District Centre further away but the nearest modern bingo and cinema facilities are in Birkenhead Town Centre, and at the South Wirral Leisure Park in Bromborough. The only casino in Wirral is in Birkenhead Town Centre. The nearest health and fitness facility in a designated centre is at Seaview Road in Liscard Town Centre, 2.5km away.

The applicant has also reviewed the current scale and pattern of leisure expenditure against the potential turnover for each of the types of uses being proposed, to demonstrate that any long-term impact is unlikely to be significant.

#### Hotel

There are no hotels in nearby centres, other than the 37-room Central Hotel in Birkenhead. While there have been ongoing discussions about attracting a high quality hotel to Birkenhead Town Centre, the outline consent for a 100-bed facility at Europa Boulevard has lapsed and no other proposals have yet reached the planning stage in a town centre location. It is not expected that a hotel proposal in New Brighton would hinder the development of a hotel in Birkenhead, given the different markets being aimed at.

#### 5. Accessibility

Issues related to accessibility are considered above in relation to the Transport Assessment submitted alongside the planning application.



The applicant contends that the proposed development would be highly accessible by non-car modes of walking, cycling, and by public transport, in accordance with the advice in PPG13, PPS6 and PPG17. There is also potential for linked trips to Victoria Road, New Brighton and to the other existing facilities along the waterfront.

#### Regeneration Benefits

While regeneration and employment benefits are not indicators of qualitative need, they are capable of being material considerations in terms of PPS6. UDP Policy SH9 also identifies the regeneration and environmental benefits of the proposal as a factor to be weighed in the balance. In this respect, the applicant's supporting statements identify a number of regeneration benefits that will derive from the proposal:

- The introduction of high quality leisure facilities and upgrading of the public realm will complement the existing character of New Brighton, widen the range of attractions, and improve the overall appearance of the waterfront area.
- The dredging of the existing Marine Lake and enhancement of the public realm will rejuvenate a currently underused resource, revitalising the waterfront area and helping to improve the resort's image overall.
- The increased footfall and expenditure resulting from the proposal will help sustain and enhance the quality and character of the resort, with an estimated 1,380,000 leisure visits generating up to £20 million gross expenditure per annum, including 537,000 visits from outside Wirral generating up to £8.9 million per annum, compared to a current baseline survey estimate of 144,000 visits.
- The net on site employment impact is estimated at 477 jobs (full time equivalent) with an additional 42 jobs off-site elsewhere in the local economy.

These regeneration benefits can be considered to lend additional support to the application proposals.

#### Policy Conclusions

The application site is an out-of-centre, previously developed site along the coastal frontage to New Brighton, within the North West Metropolitan Area, accessible by a choice of means of transport. The site is allocated for a mixed-use, tourism-related development in the Unitary Development Plan, which is also supported by local and regional strategies for tourism and regeneration. The only departure from the allocation in the Development Plan is a retail store, which the applicants assert is needed to underpin the financial viability of the wider scheme. The proposal is to be brought forward alongside the extension and refurbishment of the Floral Pavilion, which has already begun.

A larger scale proposal, with a similar mix of uses, in the same location was considered by the Secretary of State at a month long call-in inquiry held in February 2006. The Secretary of State refused planning permission for the larger scheme, primarily because of the impact on the character of the resort arising from the excessive massing of the buildings proposed for the site of the marine lake, the

scale and massing of the proposed foodstore and waterfront apartments and the loss of character along marine Promenade (SoS, paragraph 55).

The Secretary of State, nevertheless, indicated that a redesign of the proposal, which could result in reduced massing and a more appropriate scale, could create a more open aspect along the seafront, preserving some of its existing character. She took the view that a more permeable and better integrated layout, which related more positively to the surrounding built environment and opened up the waterfront, was achievable and would have a less dominating effect, that this would be more appropriate in this particular setting and would enhance the regenerative effect that any proposal could have (SoS letter, paragraph 55).

This application represents a revised proposal brought forward in response to the comments of the Secretary of State on the previous scheme. The new scheme is smaller in height, scale and massing and the main built elements have now been moved to the west of a retained and refurbished marine lake. The residential apartments have been deleted, to be replaced by a 60-bed hotel, the retail store has been reduced by over a fifth and the leisure elements now account for a larger proportion of the overall floorspace proposed. There is no proposal to move the listed shelters, the immediate setting of the Fort Perch Rock and Lighthouse has been preserved and the scheme no longer includes any proposals for land within the boundary of the Wellington Road Conservation Area.

The impact of the revised proposals has been revisited and officers are content that the requirements of national policy for town centres have been satisfied. Provision for parking would also be within the standards set out in national policy, RSS and the Council's own recently updated standards. The Environmental Statement and Economic Impact Report submitted alongside the application also confirm that there are unlikely to be any other significant negative impacts and that regeneration benefits will arise from the proposal.

#### HEALTH ISSUES

There are no health implications relating to this application.

#### APPEARANCE AND AMENITY ISSUES

Objections have been raised on a number of matters, response to these concerns is dealt with in detail in the appropriate sections of the report but can be summarised as follows:

- Concern over lack of detail – The application contains enough information to assess the scale and mass of the buildings (objections also are made on this basis) and conditions will ensure that maximum heights and position of buildings are agreed at this stage. Further applications will more appropriately consider the details and cohesion of design.
- Risk of flooding – The application has been submitted with a flood risk assessment. Works which will mitigate the impact of flooding include raising building floor levels to 7.7mAOD, providing a wave overtopping wall and ensuring that new buildings are a minimum of 25m from the sea wall. Subject to the use of planning conditions,

- the Environment Agency and the Council's own Drainage and Coastal Protection Engineers have no objection to the scheme.
- Loss of view – the relocation of buildings away from the marine lake site will retain important views of historic buildings. Residential properties which overlook the site do so from an elevated level and some distance. Whilst the proposed buildings will be visible, they are on a site, which was previously developed, and a significant amount of the coastal frontage remains the same.
  - No need demonstrated for the retail and hotel uses – supporting information has been submitted with this application, which takes on board the SOS decision and justifies a smaller store and hotel in line with local and national planning policies.
  - Lack of family recreation/loss of boating pool – the development includes a new boating lake, Lido and improved marine lake, as well as cinema, café's and restaurants.
  - Lack of parking for boating lake – Although parking spaces are indicated around the boating lake, this is an outline application and the final details can be resolved at reserved matters stage.
  - Detrimental impact on listed buildings and Conservation area. The views of the listed buildings are retained as are the majority of views into the conservation area. The application is located further away from the conservation area than the previous application, which abutted the boundary. There is a significant amount of land and difference in levels between the application site and the buildings in the conservation area.
  - Position of Lido is an afterthought – The position of the Lido is considered as a gateway feature to the development, which counterbalances the buildings to the east of the development.
  - Buildings are too high –The highest building is only three storeys, which compares with surrounding buildings. The buildings vary in height and height is expressed as a maximum. The variations will allow interesting roof design, which will reduce the overall mass of the buildings.
  - Development is not sustainable – The proposals include development of buildings on mainly brownfield land. The uses will promote tourism and recreation in New Brighton as well as providing employment opportunities. The site is well accessible by different means of public transport.

#### HIGHWAY/TRAFFIC IMPLICATIONS

These are detailed in the consultation section of this report

#### ENVIRONMENTAL/SUSTAINABILITY APPRAISAL

The application includes a sustainability statement, which deals with the key issues of:

- Social inclusion
- Economic Growth
- Environmental Protection
- Natural resources
- Quality of life

It is considered that the development will satisfy each of these criteria through employment creation, improved accessibility, new sport facilities, increased ecological value and regeneration.

#### CONCLUSION & SUMMARY OF DECISION

The proposed development represents a smaller, better-planned and more realistic scheme than the previous refusal. The applicant has demonstrated that there is a need for the proposed leisure/tourism facilities and that there are regenerative benefits which would accrue from this development.

Whilst the detailed design is not subject of this application, the scale and location of the buildings enables an assessment of their impact. It is considered that the position and height of the main group of buildings will compliment the existing seafront buildings of New Brighton. The proposals enable the retention and upgrading of existing leisure facilities of the Marine Lake and model boating lake whilst the position of the buildings does not detract from the character and settings of nearby listed buildings.

**Recommendation:** Approve (subject to confirmation from Govt. Office For The North West)

**Condition(s):**

- 1 Application for the approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission
- 2 The development to which the decision relates must be started no later than Whichever is the later of the following dates:
  - i. the expiration of 5 years from the date of this decision, or
  - ii. the expiration of 2 years from the final approval of the matters reserved by this permission for subsequent approval.
- 3 The reserved matters application(s) shall be in accordance with the parameter plans hereby approved, namely:
  - Parameter Plan 1 - Site Boundary (Opt.25 (100));
  - Parameter Plan 2 - Zonal Land Use Plan (Opt. 25 (102));
  - Parameter Plan 3 - Finished Floor Levels (Opt. 25 (103));
  - Parameter Plan 4 - Maximum Building Extent and Height (Opt. 25 (104));
  - Parameter Plan 5 - Pedestrian and Cycle Routes (Opt. 25 (108));
  - Parameter Plan 6 - Vehicle Access Plan (Opt. 25 (109));
  - Parameter Plan 7 - Containment Wall and Dry Pedestrian Escape Routes (Opt. 25(110));
  - Parameter Plan 8 - Public Realm and Landscaping (PL880.M.100 REV A);Unless otherwise agreed in writing with the local planning authority
- 4 Notwithstanding the details shown on the approved parameter plans, detailed plans including the site layout, siting, scale, design and external appearance of the buildings, landscaping and boundary treatment, the means of access, parking and servicing arrangements for vehicles (called the reserved matters) shall be submitted to the Local Planning Authority for approval before the development of any of the buildings hereby approved in principle are commenced. The development shall be carried out in accordance with the approved details.
- 5 Development is not to exceed the following maximum gross floor areas in total:
  - 2,323 square metres (25,000 square feet) of lido/spa/health and fitness facility (Use Class D2);
  - 557 sqm (6,000 sqft) of facilities for users of Marine Lake (D2);
  - 3066 sqm (33,000 sqft) of hotel (C1);
  - 6968sqm (75,000 sqft) of commercial leisure (D2 and Sui Generis);
  - 4645 sqm (50,000sqft) of restaurants, cafe's and bars (A3/A4);
  - 5,946 sqm (64,000sqft) of food retail store (A1);
  - 56 sqm (600sqft) of public toilets

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- Unless otherwise agreed in writing with the Director of Planning.
- 6 Any subsequent reserved matters application(s) must adhere to the relevant mitigation measures set out in Table 14.1 of Volume 1 of the Environmental Statement unless otherwise agreed in writing with the Director of Planning.
  - 7 The developer shall not commence any works on the development of the superstructure of the supermarket (but may commence work on the hotel) until work on the leisure elements has been substantially completed. For the avoidance of doubt, the leisure elements shall include the new model boating lake and the lido/spa and health and fitness club.
  - 8 The supermarket shall not be permitted to open for trade until the Marine Lake has been dredged, the site has been levelled to allow for the overall Phase 2 Development, and the wave over-topping (additional flood defence containment) wall, the main car park and the public realm to the south of the main car park and supermarket have all been completed.
  - 9 The car park to be constructed as part of the development shall be available at all times when the supermarket and leisure facilities are open for business to the customers of these uses and the general public. A management plan for the car park shall be submitted to and agreed in writing with the local Planning Authority before work begins on its construction. The car park shall be managed in accordance with this agreement unless otherwise agreed in writing with the Local Planning Authority.
  - 10 Separate Full Travel Plans for the leisure, supermarket or other commercial elements of the development hereby approved shall be submitted to and be approved in writing by the Local Planning Authority within 6 months of occupation. The provisions of the Travel Plans shall be implemented and operated in accordance with the agreed programme and shall not be varied other than through agreement with the Local Planning Authority.

For the avoidance of doubt, such a plan shall include:

- Access to the site by staff
  - Information on existing transport services to the site and staff travel patterns;
  - Travel Plan principles including measures to promote and facilitate more sustainable transport;
  - Realistic targets for modal shift or split;
  - Identification of a Travel Plan co-ordinator and the establishment of a travel plan steering group;
  - Measures and resource allocation to promote the Travel Plan; and
  - Mechanisms for monitoring and reviewing the Travel Plan, including the submission of an annual review and action plan to the Local Planning Authority
- 11 Before any part of the development is first brought into use, the developer shall construct all internal highway works, including access roads, to a form and standard that would permit ease of access for Merseytravel Merseylink dial-a-ride vehicles to all relevant primary building entrances/exits within the site.
  - 12 None of the buildings subject of the planning permission shall be brought into use until:
    - a) a traffic signalled pedestrian junction and a puffin crossing has been provided across Marine Promenade opposite the proposed foot store entrance and
    - b) dropped kerbs in accordance with the local highway authority's standard detail are provided at the locations to be agreed in writing with the Local Planning Authority. Details of the dropped kerbs shall be submitted to and approved in writing by the Local Planning Authority in advance of construction.
  - 13 Prior to the commencement of any development hereby approved full details of the cycle parking stands, number of stands and location of stands shall be submitted to and be approved in writing by the Local Planning Authority. The cycle parking facilities shall be provided before the buildings to which they relate are brought into use.
  - 14 The proposed cycle route shall be formed in accordance with full details to be submitted to and be approved in writing by the Local Planning Authority and cycle

- route completed prior to any use hereby approved first commencing unless otherwise first agreed in writing by the Local Planning Authority.
- 15 Before development commences full details of surface water drainage for adopted highway areas shall be submitted to and agreed in writing by the local planning authority.
  - 16 Before development commences full details of the materials to be used on the existing and future adopted highway areas shall be submitted to and approved in writing by the local planning authority
  - 17 Before the commencement of construction work on the new model boating lake details for its drainage shall be submitted to and agreed in writing by the local planning authority
  - 18 The finished ground floor level of all new buildings shall be at least 7.7metres above ordnance datum
  - 19 Access to the sea wall shall be maintained to the local authority at all times for emergency purposes during the construction period.
  - 20 Full details of the proposed wave overtopping wall and its means of closure shall be submitted as part of the submission of reserved matters.
  - 21 No part of the development hereby approved shall be first brought into use until full details of all highway improvements/alterations within the application site have been submitted to and be approved in writing by the Local Planning Authority. Approved highway improvements/alterations shall be fully completed in accordance with the approved details in accordance with a timetable first agreed with by the Local Planning Authority.
  - 22 Landscaping ( C71E)
  - 23 Details of floor levels and surrounding ground levels to be submitted to and approved prior to commencement (C65C)
  - 24 The approved landscaping scheme shall be implemented in the first planting season following occupation of the completed development and shall be maintained by the applicant or their successors in title thereafter for a period of not less than five years. This maintenance shall include the replacement of trees or shrubs which are removed, or dies, or are seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.
  - 25 This planning permission does not confer approval to the layout of the development as shown on drawing No Opt 25(111) which has been submitted for illustrative purposes only. The layout of the development shall be included as part of the Reserved Matters to be submitted to and approved in writing by the Local Planning Authority before building works commence.
  - 26 At the reserved matters the design of the superstore shall incorporate a pedestrian access on the south east and south west corner
  - 27 There shall be no clearance of vegetation from the site during the bird breeding season, unless a bird breeding survey has been undertaken prior to works commencing and has established that there are no breeding birds using the site and such a survey has been submitted to and agreed in writing with the local planning authority.
  - 28 Prior to the pumping of aggregate from the dredger full details of this operation including a timetable shall be submitted to and be agreed in writing by the Local Planning Authority and the agreed scheme implemented thereafter.
  - 29 The development shall be designed and constructed in accordance with the Flood Risk Management measures listed and described in the Flood Risk Assessment (Version 5 – Final: Dated 31st August 200). These measures include provision of a flood containment wall, proposed finished floor levels, provision of pedestrian evacuation/escape routes, incorporation of building flood resilience measures and surface water drainage design. All measures as set out in the flood risk assessment shall be implemented in full, unless otherwise agreed in writing with the Local Planning Authority. Details of the design relating to the above measures shall be submitted at reserved matters stage for approval of the Local Planning Authority and Environment Agency.
  - 30 No development approved by this permission shall commence until temporary protective metal fencing is erected along the north and eastern boundary of the

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- development site for the duration of the construction works. The details of the type of fencing to be used shall be submitted to and approved by the Local Planning Authority prior to any development on site.
- 31 No development approved by this permission shall be commenced until a scheme for the disposal of foul and surface waters has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed in accordance with the approved plans.
  - 32 All materials used for landscaping/infilling shall be non-leachate forming.
  - 33 Prior to the commencement of development a scheme detailing the methods for dealing with any discharge into any watercourse, surface water sewer or soakaway system, of all surface water drainage from impermeable parking areas, roadways and hardstandings for vehicles. Such surface water drainage shall be passed through an oil interceptor designed and constructed to have a capacity and details compatible with, the site being drained. Roof water shall not pass through the interceptor. The scheme shall be submitted to and approved in writing with the local planning authority.
  - 34 Prior to the commencement of development, a schedule of works, including a timetable of works ,for the restoration and maintenance of the listed shelters adjacent to the Marine Lake, shall be submitted to and agreed in writing with the Local Planning Authority. The restoration shall be carried out in accordance with the agreed timetable.
  - 35 Subsequent applications for reserved matters for the proposed buildings, shall include a scheme for the inclusion of green and brown roofs within the overall development.
  - 36 As part of any subsequent reserved matters application, full details relating to bus facilities to be provided shall be included and such details as approved shall be implemented prior to the first use of the food store.

### Reason for Condition(s):

- 1 CR52
- 2 In order that the local planning authority should be satisfied as to the details and because the application was made for outline planning permission
- 3 To ensure development conforms to the outline planning permission
- 4 In order that the local planning authority should be satisfied as to the details and because the application was made for outline planning permission
- 5 To ensure development conforms to the outline planning permission and stays within the maximum assessed level of developments
- 6 To ensure environmental mitigation measures are implemented
- 7 In order to ensure a positive contribution to the sustainable regeneration of the resort and the local economy and so that the local planning authority are satisfied as to the details
- 8 In order to ensure a positive contribution to the sustainable regeneration of the resort and the local economy and so that the local planning authority are satisfied as to the details
- 9 To provide a satisfactory level of parking for members of the general public
- 10 In the interests of highway safety and to encourage more sustainable forms of transport.
- 11 To ensure that the development is accessible to all users.
- 12 To improve pedestrian access between the railway station and the development and to strengthen links between the proposed food store and New Brighton town centre
- 13 To facilitate the use of a sustainable and environmentally friendly means of transport
- 14 In the interests of highway safety.
- 15 To ensure proper drainage of the highways
- 16 In the interests of highway safety
- 17 To ensure proper means exist for the maintenance and cleaning of the lake
- 18 To minimise the risk to the development of flooding
- 19 In the interests of safety

- 20 To ensure adequate drainage and to minimise the risk of flooding
- 21 In the interests of highway safety
- 22 In the interests of the visual amenities of the area. Policy GR5 of the UDP (CR79)
- 23 To ensure satisfactory appearance and prevent overlooking
- 24 In the interests of the visual amenities of the area and to ensure a satisfactory standard of development
- 25 For the avoidance of doubt and so that the Local Planning Authority shall be satisfied as to the details
- 26 For the avoidance of doubt and so that the planning authority are satisfied as to the details
- 27 To protect birds during the breeding season
- 28 In the interests of wildlife and to minimise environmental disturbance
- 29 To reduce the risk of flooding to the site an acceptable level
- 30 To protect the North Wirral Foreshore 'Site of Special Scientific Interest' (SSSI) and prevent debris and construction material from encroaching into this nationally protected conservation area
- 31 To ensure a satisfactory means of drainage
- 32 To prevent water pollution.
- 33 To prevent pollution of the water environment.
- 34 To ensure the maintenance and improvement of these structures
- 35 To promote bio-diversity and an environmentally positive development
- 36 To encourage sustainable modes of transport and for the avoidance of doubt

**Last Comments By: 23 August 2007**

**56 Day Expires On: 09 November2007**

**Case Officer: Mrs S Day**