

| Agenda Item | Committee Date | Application Number |
|---|--|---------------------------|
| A12 | 31 May 2017 | 17/00304/FUL |
| Application Site Land Adjacent Marine Road Central, Marine Road West And Sandylands Promenade Morecambe Lancashire | Proposal Demolition and reconstruction of the Wave Reflection Wall, incorporating creation of new occasional-use vehicular accesses onto the Morecambe Promenade from the Marine Road West, Marine Road Centre and Central Drive roundabouts and at the Marine Road West/Regent Road Junction, creation of new keynote 'up and over' access points opposite the Frontierland Development Site and opposite Regent Road, demolition of an existing toilet block and shelter, upgrading the existing stepped access at West End Gardens and associated works | |
| Name of Applicant Lancaster City Council | Name of Agent Mr Spencer | |
| Decision Target Date 19 June 2017 | Reason For Delay | |
| Case Officer | Ms Charlotte Seward | |
| Departure | No | |
| Summary of Recommendation | Approval | |

1.0 The Site and its Surroundings

- 1.1 The proposal site forms the area of land which lies between the coastal boundary and the A589 Marine Road West and Sandylands Road running north and south for a distance of approximately 2 km from the Stone Jetty (in front of the Midland Hotel) and Oakley Road.
- 1.2 The area includes the existing wave wall, the promenade and the area of public realm between the A589 Marine Road West/Sandylands Promenade. The promenade is busy with use from pedestrians and cyclists alike, and is an important part of the public realm for businesses, residents and visitors. The Phase 2 section is separated from the businesses opposite by the busy A589. Phase 3, which is beyond The Battery, is more closely related to the neighbouring residential properties which front onto Sandylands Road.
- 1.3 Due to proximity to the sea the site falls within a Flood Zones 2 and 3 at varying extents. The site partly falls within, and lies adjacent to, a number of ecological designations including the Morecambe Bay Special Area of Conservation (SAC), Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and RAMSAR, in addition to forming part of the Morecambe Bay and Duddon Estuary pSPA, which went to formal consultation on the 21 April 2017.
- 1.4 Part of the site falls within the Morecambe Conservation Area and there are a number of important historical designations close to the site, including the Grade II* Listed Midland Hotel, the Morecambe West End Conservation Area and the Grade II Listed Trinity Methodist Church.

2.0 The Proposal

- 2.1 This proposal forms Phases 2 and 3 of Lancaster City Council's Capital Maintenance Scheme to maintain the existing wave wall along the Morecambe seafront which protects 13,000 properties from flood events. £10 million funding from the Environment Agency has been secured to deliver this project. Significant lengths of the existing wall have been irrevocably damaged by alkali silica reaction (ASR) and freeze thaw processes are likely to damage the wall further.
- 2.2 Work is being undertaken in 3 phases over a period of 6 years. Phase 1 extends to the north of the Midland Hotel. Granted permission in 2015 (15/00119/FUL), Phase 1 which is under construction, is due to be completed later this year. Phase 2 is 1.1km long from the Midland Hotel to the northern extent of Battery Car Park. Phase 3 extends from the Battery Car Park to just north of Oakley Road.
- 2.2 The scheme comprises the following:
- Demolition and replacement, including some realignment, of approximately 750m of the wave wall between the Midland Hotel and Regent Road and the repair of 1.4km of the wave wall from Regent Road to Oakley Road (though it should be noted that a section in front of the Midland Hotel has been omitted from this scheme as the design of this element has not yet been finalised)
 - Phase 2 includes the following specific works:
 - Closure of one existing vehicular access just south of the Midland Hotel, and the creation of two new vehicular accesses including one new access at the roundabout of Marine Road West and Central Drive, and one close to Regent Road;
 - Improvement of the existing pedestrian accesses "up and over" the wave wall at 4 locations, including opposite Aldi, near Highfield Crescent and the West End Gardens;
 - Creation of a new "up and over" pedestrian access opposite Frontierland, including the demolition of the existing shelter;
 - Improvement and alteration to the existing flush access at Regent Road, including the demolition of the existing toilet block; and
 - Other works include resurfacing and public realm improvements - LED down lighting, new seating, bins, bollards, guard rails, landscaping including planting and signage, and demountable stop logs for the ramped accesses.
 - Phase 3 includes the refurbishment of the stepped accesses just south of Craig Street and south of Grosvenor Road, and works at the 4 ramped accesses of Rydal Road, Cumberland View, south of Stanley Road and south of Sefton Road. This would include some limited additions including some new seating, handrails and demountable stop logs for the ramped accesses

3.0 Site History

- 3.1 A request for a screening opinion under the Town and County Planning (EIA) Regulations 2011 (as amended) reference 16/01569/EIR was submitted in December 2016. It was determined that the proposed scheme is not considered to result in significant environmental effects and as such no Environmental Statement is required.
- 3.2 This proposal constitutes Phases 2 and 3 of a three phase development. A planning application (15/00119/FUL) for an adjacent site was granted permission in May 2015 for approximately 1.8km length of wave wall along the Morecambe seafront between Lord Street to the west and Happy Mount Park to the east (Phase 1).

4.0 Consultation Responses

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

| Consultee | Response |
|-----------------|---|
| County Highways | No objection subject to conditions in relation to traffic regulation orders for the demolition and construction activities, construction traffic management method statement, and quality of footways reinstatement works. |

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|--------------------------------|---|
| Environment Agency (EA) | No objection. The EA welcomes the proposed mitigation measures to protect over-wintering birds, as specified in the Ecological Impact Assessment v1 (Atkins, March 2017). |
| Natural England | No objection subject to mitigation. Natural England has advised that due to the proposed mitigation they have no concerns about a significant impact on the designated site features, but have request an updated phasing plan to clarify timings of works. Natural England also advises that the local planning Authority is advised to record a decision that a likely significant effect can be ruled out and that the mitigation outlined in the Habitats Regulations Assessment may provide suitable justification for that decision. |
| Conservation Officer | Comments provided: Clarification requested in relation to the treatment of the wave wall which is to be replaced and is contiguous with the part of Phase 2 which has been omitted (around the Midland Hotel) from this scheme. |
| Environmental Health | Comments provided: Proposed mitigation for noise, dust and hours of construction should be implemented to ensure impacts are reduced to an acceptable level. |

5.0 Neighbour Representations

- 5.1 No neighbour representations have been received in response to the site notices and advertisement of the application.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

Para 14 – Presumption in favour of sustainable development
 Para 61, 63 and 64 – Requiring Good Design
 Para 94 – Mitigation and adaption to climate change
 Para 103 – Flood Risk
 Para 118 – Conserve and enhance biodiversity
 Para 132 – Heritage Assets

6.2 Local Planning Policy Overview – Current Position

At the 14 December 2016 meeting of its Full Council, the local authority resolved to undertake public consultation on:

- (i) The Strategic Policies and Land Allocations Development Plan Document (DPD); and,
- (ii) A Review of the Development Management DPD.

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. Public consultation took place from 27 January 2017 to 24 March 2017. Whilst the consultation responses are currently being fully considered, the local authority remains in a position to make swift progress in moving towards the latter stages of: reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in 2018.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-

making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above

6.3 Lancaster Core Strategy

ER2 – Regeneration Priority Areas

6.4 Development Management DPD Policies

DM3 - Public Realm and Civic Space

DM20 – Enhancing Accessibility and Transport Linkages

DM21 – Walking and Cycling

DM26 – Open Space, Sports and Recreational Facilities

DM27 – The Protection and Enhancement of Biodiversity

DM31 – Development affecting Conservation Areas

DM32 – The Setting of Designated Heritage Assets

DM35 – Key Design Principles

DM38 – Development and Flood Risk

6.5 Morecambe Area Action Plan (to 2012)

SP1 – Key Pedestrian Routes and Spaces

SP3 – Morecambe Main Seafront and Promenade

AS6 – Western Seafront and Beach

7.0 Comment and Analysis

7.1 The key material considerations arising from this proposal are:

- Principle of development;
- Flood risk and surface water drainage;
- Impacts on designated ecological interests;
- Design;
- Impact on heritage assets;
- Highways safety;
- Residential amenity; and
- Areas of planting

7.2 Principle of Development

7.2.1 The condition of the wave wall is such that at present there is a risk of flooding from the sea to residents and businesses of Morecambe. The works to replace or repair the existing wave wall will better ensure the protection from the risk of flooding from the sea and as such can be considered to meet the requirements of paragraph 94 of the NPPF and Development Management DPD policy DM38. This proposal will deliver improved vehicular and pedestrian access to the promenade and will secure public realm improvements through the provision of new street furniture including benches, lighting and bins in accordance with the aims of policy DM26.

7.3 Flood Risk and Surface Water Drainage

7.3.1 The development site lies within Flood Risk Zone 2 and 3. The extent of the zoning varies along the length of the development site. As required a Flood Risk Report (FRR) has been submitted within this application. The proposed works are classed as water compatible as it is flood control infrastructure. The focus of this proposal is to minimise flood risk to the businesses and residents of Morecambe by protecting them against flood risk from the sea. The current condition of the wall is putting businesses and residents at risk from flooding.

7.3.2 The Flood Risk Report concludes that the proposed replacement and repair works to the wave wall will reduce flood risk to Morecambe from the sea and will not increase flood risk from the sea in any other locations, whilst having negligible impacts on the sea levels within the estuary. There will be a residual risk to properties in the event that a flood event overtops the wall, but flood warnings and

public awareness campaigns would be provided in such an event. The scheme has been designed to accommodate future raising if required to deal with climate change.

- 7.3.3 The Environment Agency has no objections to the proposed development. It is considered that, subject to the imposition of a condition for a design of a surface water drainage scheme, the proposal would result in greater protection for the Morecambe from flood risk. The proposed development is described within the FRR to make limited change to the degree of impermeable areas within the site. The existing site is designed to have 'flow paths' to allow water flow back to the estuary and this should be replicated in the proposed design. This can be secured by condition.

7.4 Impacts on Designated Ecological Interests

- 7.4.1 This site lies partly within and adjacent to the Morecambe Bay SAC, SPA, RAMSAR and SSSI and the Morecambe Bay and Duddon Estuary pSPA. With the exception of the car park area, the development site lies adjacent to, rather than directly within, the identified designations. The proposal has a potential to impact on habitats and flora and fauna through the development proposal and its construction (runoff, noise, vibration, dust/oil and light).
- 7.4.2 Natural England initially raised an objection to the proposed development and requested further information in relation to the Morecambe Bay and Duddon Estuary potential Special Protection Area and an update of the Habitats Regulations Assessment for Phase 1.
- 7.4.3 An Ecological Impact Assessment dated March 2017 (EcIA) has been submitted with this application in addition to an Update Memo received on 5 May 2017. Together the EcIA and Update Memo conclude that although there would be no land take works or habitat loss within the designated sites there is a potential for impacts from the construction in relation to pollution or the disturbance of birds and disturbance of breeding birds, and potential for marginal operational impacts from increased use of the promenade (although this is not expected to increase disturbance due to the 'little to no' nesting or feeding habitat within the site). Mitigation is proposed for pollution prevention, construction works and vegetation clearance, with additional control methods for construction works. It is considered that the implementation of this mitigation would result in no predicted residual effects on the integrity of the designated sites. The implementation of these mitigation measures would be secured by condition.
- 7.4.4 A Habitats Regulations Assessment Screening Form for determination of likely significant effect has been submitted for Phases 2 and 3. Within the assessment of likely significant effect for the Morecambe Bay and Duddon Estuary pSPA, the Morecambe Bay SAC and RAMSAR, it is concluded that there is no likely significant effect on any of the features of the designations. Whilst there is the potential of the proposed works and the operation of the development to affect birds through noise and visual disturbance, it is considered that the scale and type of works together with the proposed mitigation, including timing (season/times within a day/temperature), acoustic screens, machinery silencers, type of lighting, construction methods and pollution prevention and control measures will result in no likely significant effects on the features of the designations. It is considered that the potential scale or magnitude of the effect, alone or in combination with other plans or projects, is not likely to be significant.
- 7.4.5 In response to the updated Ecological Impact Assessment and Habitats Regulations Assessment (HRA) Natural England has advised that due to the proposed mitigation they have no concerns about a significant impact on the designated site features, but have request an updated phasing plan to clarify timings. Natural England also advises that the local planning authority records a decision that a likely significant effect can be ruled out and that the mitigation outlined in the HRA may provide suitable justification for that decision. In order to have full regard to the Council's requirements as the competent authority under the Habitats Regulations, Greater Manchester Ecological Unit (our ecological consultations) have been consulted to provide the Council's response, on the local planning authority's behalf, in relation to likely significant effects. The results of this will be verbally updated to Committee and will also be provided to Natural England for comment. On the basis of the information submitted by the applicant and the response provided from Natural England to date, it is considered that this issue can be satisfactorily dealt with within the timescales of the application with a recommendation to delegate the final decision to the Chief Officer.

7.5 Highway Safety

- 7.5.1 The promenade is well used by pedestrians and cyclists. The pavement and carriageway of Marine Road West are busy with pedestrians and cars. As such it is critical that the works are undertaken in a manner which protects the safety of all users and the efficiency of these routes. The existing promenade is covered by a Traffic Regulation Order for the Prohibition of Driving.
- 7.5.2 The proposal will make improvements to the promenade for the access of pedestrians and cyclists with improved access on to the promenade from the proposed up and overs, improved surfacing and railings and improved street furniture. Together this will improve the experience for pedestrians and cyclists. The proposal includes the closure of one existing access and the creation of two new vehicular accesses. The proposed access would be on to Marine Road West in two locations and would be protected from general use by dropped bollards.
- 7.5.3 County Highways has raised no objection to the proposed development subject to a number of conditions in relation to Traffic Regulation Orders for the demolition and construction activities, construction traffic management method statement, and quality of footways reinstatement works.
- 7.5.4 A condition is proposed which will adequately address Traffic Regulation Orders and any off site highways improvement works, which will include details of reinstatement or repair works for footways, kerbs and cycleway. A condition requiring the agreement of a construction traffic management method scheme for highway safety reasons alone would not normally meet the tests of being "necessary" (as required by the NPPF) as this is covered by separate Health and Safety Legislation. However, this is required as part of the ecological mitigation and as such can be acceptable imposed on any permission granted.

7.6 Design

- 7.6.1 The proposed design of the replacement wave wall and repair works to the existing wave wall seek to achieve functional improvements to the protection that the wall affords to Morecambe from flooding from the sea, in addition to aesthetic improvements to the wall and the promenade which is an important public open space for residents, businesses and visitors alike. Details of the proposed replacement/repared wall, provision of stepped/ramped and flush pedestrian and vehicular accesses, re-surfacing and street furniture have been provided in the proposed material palette document. Whilst the principle of the proposals can be considered to be acceptable, the documentation submitted notes that the precise details of these materials will need to be agreed. This will be secured by a condition. The construction of Phase 1 is not yet fully completed but shows the finished look of the wall, accesses and street furniture which is considered to have been successful, helping to enhance the functional and visual amenity of the promenade.

7.7 Impact on Heritage Assets

- 7.7.1 The northern extent of this proposal falls within the Morecambe Conservation Area, adjacent to the Grade II* Listed Midland Hotel and close to the Grade II Listed Platform building. The application site also runs opposite to the West End Conservation Area and the Grade II Listed Trinity Methodist Church.
- 7.7.2 The proposal omits a section which is proposed to be the subject of a future planning application. It is understood that this is in order to consider further the works, especially the design of the wall, in relation to the Midland Hotel.
- 7.7.3 The Conservation Officer provided comments to the application, seeking clarification in relation to the finishing of the wall immediately to the south-west of the section of the scheme which has been omitted, in addition to the section of repaired wall which runs north on the Stone Jetty. The applicant explained that this section of wall to the south-west of the omitted scheme is proposed to be buff render finish to match the rest of the wall. However, this has not yet been finalised in relation to the omitted section. The final finish of this section of wall can be satisfactorily secured by condition, and the applicant has advised that they are comfortable with this approach. The wall north from the Midland Hotel on the Stone Jetty is proposed to have a whiter textured render to match the Midland Hotel. In order to ensure that the wall will be tailored to be sympathetic to the character of the Listed Midland Hotel, the final details of this section of wall can be controlled by condition.

7.7.4 In general the scheme will result in a visual improvement to the promenade and will facilitate improved pedestrian and cycle access, helping to improve the quality of the public realm within the Conservation Area, and the setting of the adjacent Listed buildings and Conservation Areas.

7.8 Residential amenity

7.8.1 The programme of construction works anticipates that the works will take 12 months to complete. The construction will result in some temporary disturbance in relation to traffic, noise and dust. Mitigation in relation to timing of works, noise and hours of construction have been proposed. It should be noted that the conditions which will be imposed in relation to the protection of the interests of the ecological designations will impose restriction on construction in terms of timing, methods and mitigation, which will also aid the protection of residential amenity. County Highways has also requested condition in relation to construction method statement.

7.8.2 A desk based noise impact assessment has been undertaken for the proposed construction works. Environmental Health has confirmed that an appropriate methodology has been used and the mitigations measures must be implemented to ensure the impacts are reduced to an acceptable level.

7.8.3 With mitigation, any likely impact resulting in the area of the Phase 2 works is unlikely to harm residential amenity, particularly due to the current busy nature of the intervening road and the businesses currently operating within this context. The impact of the proposals in the Phase 3 area are likely to be more discernible due to nature of Sandylands Road and the greater proportion of residential properties. However, the works in this area are of a more limited scale and with the proposed mitigation it is likely not to result in harm to residential amenity.

7.9 Areas of planting

7.9.1 There are no trees and hedgerows that would be affected by this proposal. Existing landscaping, including shrubs and plants will be affected by the proposed works, but there is an outline planting scheme within the material palette provided. Subject to these details being agreed by condition, the impact on the scheme on planting can be considered acceptable.

8.0 Planning Obligations

8.1 There are no planning obligations to consider as part of this application.

9.0 Conclusions

9.1 The proposed works to replace and repair the wave wall are critical to ensure the protection of property in Morecambe from risk of flooding from the sea. The proposal will improve access to the promenade which is a popular and well used public open space. The proposal is an opportunity to secure visual improvements to the wall, promenade and street furniture, improving the amenity of the public space for all users and the setting of the identified heritage assets. The required works have been assessed to the satisfaction of the relevant consultees to ensure that there are no adverse impacts on flood risk, highway safety and efficiency, heritage assets, and residential and environmental amenity. The information submitted by the applicant under the Habitats Regulations has been assessed by Natural England to enable a decision of no likely significant effect. However, finalisation of consultation with the Greater Manchester Ecological Unit and Natural England is required to have full regard to the Council's duties as the competent authority. On this basis it is recommended that if the Committee is minded to approve the application, that they do so in principle (subject to conditions), but delegate it back to the Chief Officer to allow the outstanding matters to be resolved (i.e. it can be demonstrated to the local planning authority's satisfaction that likely significant effect can be ruled out under the Habitats Regulations).

Recommendation

That Planning Permission **BE GRANTED** subject to the application being delegated back to the Chief Officer (Regeneration and Planning) for the outstanding matters to be resolved, and the following conditions:

1. Standard 3 year timescale
2. Development in accordance with approved plans

3. Materials, including wall and steps, balustrades, surface treatments, seating, lighting, signage, bins, bollards, design of patterned wall embellishments
4. Details of render to be agreed for the replacement wall and repaired section of wall adjacent to Midland Hotel and on the Stone Jetty
5. Scheme for planting
6. Ecological mitigation measures
7. Works to be undertaken in accordance with the submitted Flood Risk Report
8. Hours of work (Mon to Fri 0800-1800 and Sat 0800-1400)
9. Noise mitigation measures
10. Construction Management Plan (including dust control)
11. Off-site highway works, including traffic regulatory orders and any necessary repair works to footpaths/cycleway

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

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

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

Background Papers

None