

CABINET

Section 106 Agreement – Morecambe Sainsbury's 17th February 2015

Report of Chief Officer (Regeneration and Planning)

PURPOSE OF REPORT			
To obtain authority to utilise Section 106 contributions from the Morecambe Sainsbury's development to improve pedestrian/cycle links in the vicinity of the store and to update the Council's budget accordingly.			
Key Decision	<input checked="" type="checkbox"/>	Non-Key Decision	Referral from Cabinet Member
Date of notice of forthcoming key decision	20 th January 2015		
This report is public			

RECOMMENDATIONS OF COUNCILLOR JANICE HANSON

- (1) That authority be given to utilise the £55,000 Section 106 monies from Sainsbury's to improve pedestrian and cycle links in the area around the Morecambe store as detailed in the report.
- (2) That the General Fund Revenue Budget and Capital Programme be updated accordingly to reflect the additional expenditure and the contribution from the s106 reserve.

1.0 Introduction

- 1.1 In 2010, planning permission was granted for the redevelopment of Christie Park, former home of Morecambe Football Club, for a Sainsbury food store. Amongst the many conditions associated with the approval was a requirement to improve pedestrian and cycle links between the new store and the Lancaster to Morecambe "Greenway". A commuted sum of £55,000 was negotiated with Sainsbury's to pay for these works.
- 1.2 The original proposal was to construct a new route across the playing field of Lancaster Road Primary School. Unfortunately, it has not proved possible to obtain agreement to use this route which has meant that a revised proposal has had to be developed. This has delayed the project to the point where the money may have to be repaid if it is not spent by July 16th 2015.

2.0 Proposal Details

- 2.1 The planning requirement is to provide a direct foot/cycle path from the Lancaster – Morecambe cycle path (the “Greenway”) to the site. This is reflected in the Section 106 Agreement which requires the money to be spent on “the construction of a cycle path along a route to be determined by the Council between the Land (Sainsbury’s) and Greenway and then onto Bartholomew Road / Wingate Avenue”.
- 2.2 Improving the cycle/pedestrian network linking Morecambe’s residential areas and Sainsbury’s will encourage less use of the private car by shoppers and employees. Using the school playing field has not proved to be feasible due to the loss of outdoor playing space. Instead, it is proposed to improve the existing on-road cycle link between Lancaster Road and the “Greenway” via Christie Avenue which in turn opens up routes to the large residential area between the cycle route and Oxcliffe Road (see plan showing overall route).
- 2.3 This will involve improvements in the vicinity of the superstore, and a link between the cycle route and Bartholomew Road to facilitate access for cyclists, wheelchair users and pushchairs, through improvements to the existing footpath. Specifically, a new bridge will replace the existing wooden footbridge and a wider path will enable joint use between pedestrians and cyclists, with new and improved surfacing providing much safer access (see detailed plan).
- 2.4 As the proposal improves existing routes, there are no additional maintenance costs associated with the scheme. The new bridge will require less maintenance in the long term than the existing one as it will be constructed of more durable materials.

3.0 Details of Consultation

- 3.1 Extensive consultation took place during consideration of the planning application. Additional consultation will take place with ward members and any responses will be reported verbally.

4.0 Options and Options Analysis (including risk assessment)

	Option 1: Do not undertake the improvements	Option 2: Implement improvements as currently planned
Advantages	Existing staff resources can be utilised elsewhere	Achieves long held wish to improve links to Greenway. No additional cost to the Council other than existing staff time. <i>(see comment above re ongoing maintenance)</i>
Disadvantages	No improvements to greenway. Section 106 money repaid. Lost opportunity.	Some staff time involved.
Risks	Reputational risk with public and potential future funders. Would undermine future Section 106 negotiations.	Need to progress quickly to avoid “payback” scenario if scheme is not completed before July 16 th deadline. This is considered low risk given the nature of the works involved.

5.0 Officer Preferred Option (and comments)

5.1 Option 2 is the officer preferred option as it delivers highly desirable improvements to pedestrian and cycle network at no additional cost to the Council.

6.0 Conclusion

6.1 As detailed in paragraph 5.1 above.

RELATIONSHIP TO POLICY FRAMEWORK

The proposal will contribute to the Council's Clean, Green and Safe Places and Health and Wellbeing priorities.

CONCLUSION OF IMPACT ASSESSMENT

(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing)

None arising directly as a result of this report.

LEGAL IMPLICATIONS

The Section 106 Agreement is legally binding between the parties involved. The agreement requires the City Council to repay the money if it is not expended within 5 years of its receipt by the Council i.e. by 16th July 2015.

FINANCIAL IMPLICATIONS

There are no additional financial implications arising for the City Council as a result of the proposed improvements as the implementation costs will be 100% funded from external monies currently held in the s106 reserve for this purpose. It is expected that any ongoing revenue costs for maintenance and staff time will be contained within existing resources as the proposal covers the enhancement of an existing route, whilst using more durable materials.

It is re-iterated that any unspent monies will need to be returned to the Developer if the works are not commenced and completed by the deadline of July 16th 2015 and so there is a need to progress fairly quickly at this stage as the works (including appropriate planning and preparation time) are likely to take up to two months.

OTHER RESOURCE IMPLICATIONS

Human Resources:

The project will be managed by the Engineering Team in the Regeneration and Planning Service utilising existing staff resources. This is manageable within existing workloads.

Information Services:

None

Property:

The land required for the improvements is owned by the City Council.

Open Spaces:

None

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no comments.

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no comments.

BACKGROUND PAPERS

none

Contact Officer: David Lawson

Telephone: 01524 582331

E-mail: dlawson@lancaster.gov.uk