

Agenda Item A11	Committee Date 5 February 2018	Application Number 17/01495/FUL
Application Site Land Adjacent Marine Road Central Morecambe Lancashire	Proposal Demolition and reconstruction of the Wave Reflection Wall incorporating closure of the existing pedestrian access and creation of new pedestrian and vehicular accesses onto Morecambe Promenade from Marine Road Central, installation of seating and associated landscaping	
Name of Applicant Lancaster City Council	Name of Agent Mr Russell Spencer	
Decision Target Date 26 January 2018	Reason For Delay Committee cycle	
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 just south of the curtilage of the Midland Hotel which forms part of the promenade and the footway along Marine Road West. The area includes the existing wave wall and areas of public realm.
- 1.2 A small section of the site falls within a Flood Risk Zones 2 and 3. The site 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. The site lies just beyond the extent of the curtilage of the Grade II* Listed Midland Hotel, and part of the site falls within the Morecambe Conservation Area.

2.0 The Proposal

- 2.1 This proposal forms a small section of Phases 2 and 3 of Lancaster City Council's Capital Maintenance Scheme to maintain the existing wave wall along the Morecambe. This scheme was omitted from the plan permitted under 17/00304/FUL granted in June 2017 due to the need to fully consider the proposal in relation to the designated heritage assets of the Midland Hotel and Morecambe Conservation Area. Works to implement this consent are well progressed.
- 2.2 The application seeks permission for the demolition of a section of the existing wave wall and removal of existing landscaping to allow for the wave wall be to be rebuilt along a revised line. The new section will fall short of connecting to the curtilage walls of the Midland Hotel with the gap sealed by a rubber gasket which is connected to an adhesive on the new flood defence wall. The new wall will have patterned embellishments either side of the apertures. Three new sections of landscaping are proposed with areas of seating. The existing surface will be replaced with a new buff coloured asphalt with a varied coloured patterned design around the aperture to reflect the patterned wall.

3.0 Site History

3.1 This proposal constitutes a small final section of Phases 2 and 3 of the three phase development of the works to maintain the existing Morecambe Wave Wall. Phases 2 and 3 were permitted in June 2017 under application 17/00304/FUL and is currently in construction phase. Phase 1 was permitted under 15/00119/FUL and has been completed.

3.2 Concurrent to this application, a non-material amendment application has been submitted to the scheme (17/01588/NMA) and an application for discharge of conditions (17/00207/DIS).

4.0 Consultation Responses

4.1 The following responses have been received from statutory and non-statutory consultees though the expiration date for responses is 31 January 2018:

Consultee	Response
County Highway	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. Comments have been made in relation to the use of coloured asphalt, but it has been confirmed that this is due to maintenance issues rather than matters concerning highway safety.
Environment Agency	No objection
Conservation Officer	No objection. The proposal will not have a direct impact on the listed Midland Hotel as it will not tie into the historic fabric, and the proposal will enhance its setting.
Environmental Health	No objection. Requests conditions to control hours of construction and require implementation of the noise mitigation measures.
Natural England	No response has been received at time of writing the report.
Morecambe Town Council	No response has been received at time of writing the report.
RSPB	No response has been received at time of writing the report.
Chamber of Commerce	No response has been received at time of writing the report.
Ramblers Association	No response has been received at time of writing the report.

5.0 Neighbour Representations

5.1 No neighbour representations have been received to date though the expiration of the site notice is on 2 February, and the expiration of the press advertisement is 9 February.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework

Para 14 – Presumption in favour of sustainable development
Para 17 – Core planning principles
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 20 December 2017 meeting of its Full Council, the local authority resolved to publish the following 2 Development Plan Documents (DPD) for submission to the Planning Inspectorate:

(i) The Strategic Policies and Land Allocations DPD; and,

(ii) A Review of the Development Management DPD.

This enables progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs will be published in February, after which there will be a 6 week period for representations prior to the submission of the documents to the Planning Inspectorate for independent Examination. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in late 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 2017, 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;
- Impact on heritage assets;
- Flood risk and surface water drainage;
- Impacts on designated ecological interests;
- Design;
- Highways safety; and
- Amenity.

7.2 Principle of Development

7.2.1 The principle of development has already been established through the permissions granted for the previous phases of development. This section of the scheme was only omitted from the application submitted in 2017 based on a need to fully consider its impact on the designated heritage assets.

The agent has consulted with both the owner of Midland Hotel and the Conservation Officer in advance of the submission of this application.

7.3 Impact on Heritage Assets

7.3.1 The proposed sea defence wall will be partially within Morecambe Conservation Area, immediately adjacent to the Midland Hotel (Grade II*) and opposite The Platform (Grade II). The Midland Hotel has a high aesthetic value and is a significant landmark within Morecambe. The building was designed in 1930s Art Deco style and is evocative of Morecambe's history as a seaside resort. Morecambe's Conservation Area is an eclectic mix of Victorian, Edwardian and early-20th century Art Deco buildings.

7.3.2 The proposal has been designed to have no direct impact on the fabric of the Midland Hotel and to ensure that the setting of the designated heritage assets is protected. The proposed realigned wall will fall short of connecting to the curtilage walls of the Midland Hotel with the gap sealed by a rubber gasket which is connected to an adhesive on the new flood defence wall. The replacement wall together with the resurfacing works and new landscaping will all serve to enhance the setting of the Listed building by using more sympathetic materials and better reflecting the Art Deco style in the surfacing and wall pattern detailing. The Conservation Officer has no objections to the scheme.

7.4 Flood risk and surface water drainage

7.4.1 A small section of the development site lies within Flood Risk Zones 2 and 3. An updated version of the Flood Risk Briefing Note submitted under the previous 2017 application has been submitted. A review of this report states that the conclusions of this report still apply to this section of the proposed works. 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.

7.4.3 The Environment Agency has no objections to the proposed development. It is considered that, subject to the imposition of a condition to require the implementation of the mitigation for surface water flooding and flood warnings in the event of overtopping of the wall, the proposal would result in an improvement to the flood risk of this part of Morecambe.

7.5 Impacts on Designated Ecological Interests

7.5.1 The 2017 application was determined subject to agreed mitigation to not have a likely significant impact on the environmental designations. This application has been submitted with an updated Ecological Impact Assessment and Habitats Regulation Assessment. Initial assessment of these documents would suggest that subject to mitigation this scheme will also be considered not to have a likely significant impact on the environmental designations. However, at this stage we have not had responses from the relevant consultees, Natural England and Greater Manchester Ecological Unit. By the time of the Committee meeting responses should have been received and verbal updates will be provided. Given the previous approval of the much larger 2017 scheme and the scope of the previous documentation to include all phases of the works, it is considered that this issues can be satisfactorily dealt with as an update to Committee.

7.6 Design

7.6.1 The design of the scheme seeks to replicate that permitted under the 2017 scheme which was considered 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. Subject to conditions to ensure implementation of agreed materials, street furniture and planting species the proposal can be considered acceptable. We are awaiting final details on these matters but it is expected that this will be resolved in advance of the Committee meeting.

7.6.2 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 scheme's impact on planting can be considered acceptable.

7.7 Highways Safety

7.7.1 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. It should be noted that the comments in relation to the use of colour asphalt are in relation to highways maintenance costs and have been confirmed not to be in relation to highway safety issues.

7.7.2 Whilst this proposal would form part of the wider construction works that are ongoing on site, any permission would need to separately ensure highways safety. An advice notice will be applied in relation to the requirement for the applicant to 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 acceptably imposed on any permission granted.

7.8 Amenity

7.8.1 This proposal would form part of the wider construction works that are ongoing on site. Any permission would need to separately ensure amenity for homes and businesses is protected. 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. Environmental Health has requested conditions to control these matters. With mitigation, it is considered that any likely resulting impact would not adversely affect amenity of homes or businesses.

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 are a critical final stage of the works to replace and repair the wave wall and are critical to ensure the protection of property in Morecambe from risk of flooding from the sea. The proposals will enhance the setting of the designated heritage assets and will ensure that this section of the promenade sympathises with the wider scheme.

9.2 Subject to conditions the proposal will have no adverse impacts on flood risk, highway safety and efficiency, heritage assets, and residential and environmental amenity. At this stage we are unable to confirm a position in relation to the applications impact on environmental designations and consultation responses from Greater Manchester Ecological Unit and Natural England are required to have full regard to the Council's duties as the competent authority in relation to the Habitats Regulations. 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 conditions listed below, but the application be delegated back to the Chief Officer for Regeneration and Planning for outstanding matters in relation to ecology to be resolved and for the conclusion of the consultation period (unless valid material considerations are raised in correspondence received after Members' resolution that have not been considered by Members in reaching their decision):

1. Standard Time Condition
2. Development in accordance with approved plans

3. Agreement of Construction Management Plan (including dust control)
4. Implementation of Flood Risk mitigation
5. Implementation of agreed ecological mitigation measures
6. Implementation of agreed materials and planting
7. Implementation of Noise mitigation measures
8. Hours of work (Mon to Fri 0800-1800 and Sat 0800-1400)

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

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