

Committee Report**Date: 02.06.2021**

Item Number	01
Application Number	20/01221/FULMAJ
Proposal	Construction of a coastal defence revetment system and improvements to seawall, and creation of site compound at Jubilee Gardens Public Park in association with the construction works
Location	Cleveleys Promenade Thornton-Cleveleys Lancashire
Applicant	Wyre Council
Correspondence Address	c/o Wyre Council FAO Carl Green Civic Centre Breck Road Poulton-Le-Fylde Lancashire FY6 7PU
Recommendation	Permit

REPORT OF THE HEAD OF PLANNING SERVICES**CASE OFFICER - Miss Lucy Embery****1.0 INTRODUCTION**

Site Notice Date: 04/02/2021

Press Notice Date: 24/02/2021

1.1 This application is being presented to the Planning Committee for consideration following a call-in request from Councillor Fail. A site visit is recommended to enable Members to understand the proposal beyond the plans submitted and the photos taken by the Case Officer.

2.0 SITE DESCRIPTION AND LOCATION

2.1 The application site relates to a 783m length of sea wall and also an 883m length of beach immediately below the sea wall off the Promenade in Cleveleys, between Café Cove and Rossall School. This stretch runs immediately alongside the Public Right of Way 2234, which is part of the Lancashire Coastal Way, and National Cycle Route Number 62. The site also relates to a portion of Jubilee Gardens, including Jubilee Gardens car park, located to the south east of this stretch of the Promenade.

3.0 THE PROPOSAL

3.1 This application is made by Wyre Borough Council and seeks full planning permission for the construction of a coastal defence revetment system (a sloping

defence structure) and improvements to seawall, and the creation of a site compound at Jubilee Gardens in association with and for the duration of the construction works.

3.2 The works form Phase 1 of the Wyre Beach Management Scheme, a programme of planned coastal civil engineering works on the Fylde Coast, to provide a high level of protection and to extend the serviceable life of, the existing sea defences and prevent them progressively failing structurally. The scheme will maintain 0.5% annual probability event (overtopping) along the frontage over the next 50 years. Phase 1 (this application) comprises of toe protection works to an 883 metre length of existing sea defences between Cleveleys and Rossall School. Phase 2, Beach management works and additional toe protection works between the boundary with Blackpool and Fleetwood, will be subject to a separate planning application to be submitted in due course.

3.3 The proposal would involve the demolition of 783m of the existing recurve crest wall (which is currently 200mm higher than the level of the public footpath/ promenade) to footpath level, and the installation of a new taller crest wall, up to 1100mm high, of a contemporary concrete design. Overall the existing front seawall would be raised by approximately 400mm, making it 600mm above the existing public footpath level when on the promenade.

3.4 The Toe Protection Works also involve excavating below existing beach level in front of the existing sea defences and placing new 3-7 tonne graded rock armour (boulders piled up together) in a two-layer arrangement to provide scour protection, to reduce the risk of flooding due to undermining and any subsequent breach of the existing defences.

4.0 RELEVANT PLANNING HISTORY

4.1 There is no planning history relevant to this proposal.

5.0 PLANNING POLICY

5.1 ADOPTED WYRE BOROUGH LOCAL PLAN

5.1.1 The Wyre Local Plan 2011-2031 (WLP31) was adopted on 28 February 2019 and forms the development plan for Wyre. To the extent that development plan policies are material to the application, and in accordance with the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise.

5.1.2 The following policies contained within the WLP 2031 are of most relevance:

- Policy SP1 - Development Strategy
- Policy SP2 - Sustainable Development
- Policy SP7 - Infrastructure Provision and Developer Contributions
- Policy SP8 – Health and Wellbeing
- Policy CDMP1 - Environmental Protection
- Policy CDMP2 - Flood Risk and Surface Water Management
- Policy CDMP3 - Design
- Policy CDMP4 - Environmental Assets
- Policy CDMP5 - Historic Environment
- Policy CDMP6 - Accessibility and Transport

5.2 NATIONAL PLANNING POLICY FRAMEWORK 2019

5.2.1 The revised National Planning Policy Framework (NPPF) was published by the Government on the 19th February 2019. It sets out the planning policies for England and how these should be applied in the determination of planning applications and the preparation of development plans. At the heart of the NPPF is a presumption in favour of sustainable development (paragraph 11). The policies in the 2019 NPPF are material considerations which should also be taken into account for the purposes of decision taking.

5.2.2 The following sections / policies set out within the NPPF are of most relevance:

- Section 2: Achieving sustainable development and The Presumption in favour of Sustainable Development
- Section 3: Plan - Making, paragraph 20
- Section 4: Decision-making, paragraphs 47-50, and 54-55
- Section 8: Promote healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 12: Achieving well-designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment

OTHER MATERIAL CONSIDERATIONS

5.3 WYRE SUPPLEMENTARY PLANNING GUIDANCE NOTES (SPG's)

5.3.1 None relevant

5.4 NATIONAL PLANNING PRACTICE GUIDANCE (NPPG):

5.4.1 The NPPG provides advice on the application of Government policy. Within the NPPG, the following sections are of most relevance:

- Air Quality
- Climate Change
- Design
- Flood risk and coastal change
- Healthy and Safe Communities
- Natural environment
- Noise
- Travel plans, transport assessments and statements
- Use of planning conditions
- Waste
- Water supply, wastewater and water quality

5.5 THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS AMENDMENT) (EU Exit) 2019

5.6 THE WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

6.0 CONSULTATION RESPONSES

6.1 LANCASHIRE COUNTY COUNCIL as LOCAL HIGHWAY AUTHORITY (LCC HIGHWAYS):

6.1.1 No objections subject to conditions and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. Requests that the routing of the loads to the site is signed and placed on appropriate street furniture to reduce the impact of the wagon movements on the highway network.

Conditions suggested requiring road surveys prior to and on completion of the works, and requiring a Traffic Management Plan.

6.2 HISTORIC ENGLAND:

6.2.1 Confirm do not need to notification or consultation on this application under the relevant statutory provisions.

6.3 LANCASHIRE ARCHAEOLOGICAL ADVISORY SERVICE (LAAS):

6.3.1 Concur with the conclusion of the submitted Heritage Statement (Jacobs UK Ltd, 11 November 2020) that no physical impacts would occur to known heritage assets by the proposed works. As such no archaeological mitigation works are required as part of the scheme.

6.4 MARINE MANAGEMENT ORGANISATION (MMO):

6.4.1 Comments received that any works within the Marine area require a licence from the Marine Management Organisation, and similarly for any works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009. Applicants should be directed to the MMO's online portal to register for an application for marine licence (link and information provided for the applicant).

6.5 NATURAL ENGLAND:

6.5.1 First response: Email request for clarification on rock armour details.

6.5.2 Second response: No objection and considers that the proposed development will not have significant adverse impacts on designated sites (Liverpool Bay Special Protection Area (SPA), Morecambe Bay & Duddon Estuary SPA, Morecambe Bay Special Area of Conservation (SAC) and Ramsar site).

6.5.3 Notes that the Authority, as competent authority under the provisions of the Habitats Regulations, has screened out from further stages of Environment Impact Assessment because significant effects are unlikely to occur, either alone or in combination.

6.6 GREATER MANCHESTER ECOLOGY UNIT (GMEU):

6.6.1 No objections to the proposal on nature conservation grounds, and accept that the proposals will not affect any designated sites, important habitats or notable species. Further, the scheme is in the wider public interest.

6.7 ENVIRONMENT AGENCY (EA):

6.7.1 First response: The site lies within Flood Zone 3 and Flood Zone 2 on the Environment Agency's mapping service, and that the Wyre Beach and Dune Management Outline Business Case (Wyre Council, Jan 2020) has been approved by the Environment Agency Large Project Review Group and this project (Phase 1) forms part of this larger proposal. No objection to the development in terms of Flood Risk as the submitted 'Rossall South Toe Protection Works -Coastal Processes, Geomorphology and Flood Risk Assessment' and is satisfactory. Whilst not objecting, have some concerns that the buried toe protection, in the long-term (and with sea level rise) could be more frequently exposed and/or permanently exposed and as such this would constitute loss of natural shingle beach. It is not clear from the details submitted if this been considered, quantified and accounted for as part of the scheme.

Pollution prevention and Environmental Permit advice provided for the applicants information.

6.7.2 Second response: Have considered comments from the applicant in relation to previous EA response. Given the next phase for the new groynes are designed to improve shingle retention and beach recharge on top of this would manage any losses in material, and that the EA's Large Project Review Group has approved the scheme (including modelling and monitoring), the EA have no further comments to make in this regard.

6.8 WBC HEAD OF ENGINEERING SERVICES (DRAINAGE):

6.8.1 First response: Refuse as additional information is required. Site offices and welfare facilities will need to be connected to mains foul and surface water drainage networks. Details of connections to be submitted for approval. An Emergency evacuation plan is required for the site offices and welfare facilities.

6.8.2 Second response: No objection in principle. No drainage proposals have been included with the application. Site offices and welfare facilities will need to be connected to mains foul and surface water drainage networks. Condition needed requiring proposed drainage details to be submitted for approval.

6.9 UNITED UTILITIES (UU):

6.9.1 Requests additional information prior to determination of the application as a water main crosses the site and unrestricted access is needed for operating and maintaining it. Also a large diameter combined sewer crosses the site (2850mm combined sewer Fylde Coast Tunnel) which is located within the area of the proposed coastal defence works and must not be compromised. Standard guidance on working adjacent to pipelines provided for the applicants information. Require further information with regards to drainage proposals for the proposed site compound, offices, welfare and parking area.

6.10 WBC HEAD OF ENVIRONMENTAL HEALTH AND COMMUNITY SAFETY (AMENITY):

6.10.1 First response: Objects to the application until further information is provided with regard to noise, dust and light. The applicant needs to provide further clarity regarding the mitigation of noise from the development. Standards of noise levels needing to be met at the nearest residential properties provided. The applicant also

needs to clarify the working hours for the site. The Environmental Action Plan needs to be revised to ensure that the applicant outlines their responsibilities and how they will be responsible for monitoring, recording and addressing issues at the development. Condition suggested in relation to artificial lighting to prevent light intrusion into nearby sensitive premises.

6.10.2 Second response: The information provided does not address concerns on how noise from the works will impact existing sensitive receptors as further information is still needed that is specific to this proposed development and how noise from the works will be controlled and mitigated. However provided all the following conditions are attached the objection can be withdrawn;

- Working hours for the site shall be restricted to 8.00am to 18.00pm Monday -Friday and 8.30 am to 13.30pm Saturdays with no work to take place on Sundays and Bank/Public Holidays.
- Deliveries to the site including waste collections shall not take place outside the hours 8.30am to 18.00 pm Monday to Fridays. 8.30am to 13:30pm Saturdays and no deliveries including the collection waste will occur on Sundays and Bank/Public Holidays.
- There shall be 65dB(A) noise limit for noise arising from construction operations. The level will be determined when measured 1 meter away from facade of the nearest noise sensitive property. The Sound level meter and microphone used will meet the requirements of BS 61672-1:2013.
- Submission of a Construction Environmental Management Plan to help mitigate dust pollution and nuisances.
- Various site compound locations (other than Jubilee Gardens) shall be agreed before any works commence
- The developer to install and maintain monitoring equipment for the purpose of measuring noise and vibration during construction works and when such construction works are determined to breach the noise limit for the site. Investigations will commence to address the breach to mitigate the noise and vibration
- A suitably qualified noise consultant shall be employed to assess the monitoring in order to ensure the noise limit for the site is not breached and to determine if other noise sources outside the developers control e.g. road traffic noise, sound from waves at the sea front, noise from meteorological sources etc. may have caused the noise limit for the development to be breached.
- All monitoring data and data analysis will be kept and made available upon request from the local authority or government agency.
- Before work commence a noise report will be produced that assess the sites ability to meet the construction noise limits of 65dB at noise sensitive receptors near the works and outline mitigation that will help the site achieve the construction noise limit. All mitigation outline in the noise assessment are to be implement full before work commences
- If work is required to take place outside of permitted hours both the Planning authority and Council's Environmental Health Team are to be notified in writing 24hrs before works are intended to take place so that new a temporary noise limit and mitigation can be agreed for the notifiable works. Works will not take place until agreement has been reached.

7.0 REPRESENTATIONS

7.1 31 letters of objection have been received to this application, from 30 individuals. The issues raised can be summarised as follows:

Use and location of compound:

- Object to the use of Jubilee Gardens which is a local green space of which there are few, is used as a play area for children, dog walkers, the elderly, and is well used.
- The scheme would have a detrimental and unacceptable destructive impact on Jubilee Gardens.
- The proposal will impact upon the Bowling Green.
- Concern about Jubilee Gardens being totally closed to the public, especially visitors, for up to 3 years as this is a popular tourist location and drive to location. Visitors will reduce.
- It is queried whether Jubilee Gardens could be opened in the summer months for parking if works take place in winter.
- Other locations for the compound should be considered such as the use of the car park at the Jubilee Leisure complex, Vue Cinema and Gym, the hard surface of the long stay car park, or land at or near Rossall School.
- The Council has refused to pay to store equipment at Rossall School.
- Justification should be provided to why this site (Jubilee Gardens) is being used.
- It is counterproductive and a waste of money to have refurbished and built a new park on the gardens if they are essentially put out of use for 3 years or destroyed.

Impact upon amenity:

- The compound is to the rear of existing houses and will ruin enjoyment of these properties and their gardens through noise, pollution, dust, danger, and visual impact.
- The loss of the gardens will have an adverse impact upon health and wellbeing for children and residents. The Council do not care.
- Noise will impact upon the nearby school and children's education
- There will be disruption to the promenade for walkers, wheelchairs, and cyclists, and the increase in noise and dust.
- There is no assessment of traffic pollution, noise, vibration on the two businesses in the middle of the works.

Impact upon businesses:

- Closure of Jubilee Gardens would have a knock-on effect on land at North Promenade which is used for customer parking for patrons of The Venue.
- Visitors would park on the Venue car park, and discourage or inhibit its own patrons using it, especially at peak wedding season. Would result in staffing of the car park at a cost to the business. Whilst it has been suggested by the Council the car park could be made pay and display there has been no confirmation from the Council.
- The compound location will cause unnecessary upheaval and disruption to The Venue, Café Cove, the Angling Club, and Friends of Jubilee Gardens. It will also financially impact the businesses on the back of Covid.

Highways concerns:

- Concern over increase in traffic and construction traffic.
- Concern how many trucks will pass existing businesses a day and at what times, as this could affect trade.

- Lorries will cause vibration to properties and impact on repaired roads.
- Queried what route lorries will take and whether they will be directed down Carr Gate. Considered Thornton Gate is more appropriate.
- The closure of the road is unacceptable for such a long period.
- Existing small roads will be used as cut-throughs (such as Palatine road)
- Roads are already in a state of disrepair.
- Increase in traffic will be a risk to children with a school located at the back of the park.
- Parking will be an issue. People will park on residents roads. Residents and visitors will be unable to park.
- There are no detailed plans included for the alterations to the ramp to the rear of Café Cove. This is referred to as minor widening work which is not the case.
- The plan provided for access to the compound is lazy and inaccurate.
- The Construction Phase Plan was written in 2020 and takes no account of different hazards and far greater numbers of the public
- No mention anywhere of environmental impact of lorry movements or traffic control measures.
- The planning application states no effect to rights of way. This is questioned.

Other matters:

Consultation:

- Consultation on the scheme was done assuming a Rossall base.

Competition:

- Concerned with the developments intention will add yet more competition to this over-competited area of the town. Development for green usage to benefit the town shouldn't take away from existing enterprise.

7.2 One letter of support has been received to this application. This states that:

- the disappointment local people feel at the loss of parkland amenity for up to 3 years is understandable, but the application is supported as all other options appear to have been exhausted.
- The rocks need to be stored somewhere before being put on the beach.
- As no privately owned place nearby has been found, and the nearby school is unwilling to accommodate the rocks, there isn't much else the Council can do.
- The long term protection of property along the coast is paramount and will outweigh the short term inconveniences.

7.3 A letter has been received from Friends of Jubilee Gardens (FOJG). The matters raised can be summarised as follows:

- Support the scheme's overall objective to reduce the risk of flooding, but have concerns with the current proposals that need addressing in order for them to support the proposals.
- The originally planned compound on Rossall School land would have had a far lesser impact on residents.
- Concern about impact on residents along the traffic route. The current plan has a much greater impact on residents along Victoria Road, Crescent East,

Anchorsholme Lane, South Promenade, North Promenade, Carr Gate, Thornton Gate, and Rossall Road.

- Residents should be consulted and have input in the planning conditions.
- The Group are deeply disappointed about the plans to place a compound on a public park as opposed to land owned by Rossall School.
- The detrimental impact on the town's main park should not be understated. Residents, visitors, and tourism will be badly affected for over three years.
- FOJG perceive the impact is: General damage to the existing park; Relocation of existing equipment and benches (some of which has only just been installed; loss of up to half the park for over 3 years (scarce public open space); and delay of implementing the existing improvements masterplan
- Asserts proposal is contrary to the NPPF section 8, and Wyre Local Plan Policies CDMP4 and SP7, and improvements are required due to these policies. Mitigation and compensation for loss of open space should be provided, but there is no intention to replace the lost open space with equivalent or better provision elsewhere.
- The impact on environmental assets is always going to be unacceptable unless compensation is provided in the way of a future upgrade.
- This plan also involves closure of current public rights of way and access for a sustained period.
- Consider there has to be a plan for improvement, not just restoration of the park on completion.
- Proposals for the restoration and upgrade of the park should be placed in the project management plan. It should then be for the Planning Officer and the public to determine if that is sufficient compensation.
- Upgrades should be planned for and documented in the planning process

7.4 A letter has been received from Councillor Fail raising concerns. The matters raised can be summarised as follows:

- Sure the scheme will be welcomed by local residents, and while happy with the scheme, is not happy with the plan as it stands.
- Residents are concerned about the plans and reservations need to be addressed.
- The compound was original on Rossall School, and is now on Jubilee Gardens.
- Deeply concerned that the school who will benefit from the scheme enormously have not recognised their civic responsibility, or chosen to disregard responsibility.
- If the compound had been at Rossall School much traffic issues would have gone away and there wouldn't have been impact on Jubilee Gardens.
- Residents on the proposed traffic route will face 3 years of traffic.
- There should be a summary put up of the traffic route to see if concerns can be overcome
- If concerns cannot be overcome another site should be used (for the compound) and consultation take place including traffic routes, safety measures and speed restrictions.
- The developer should put together a plan to repair/resurface roads, and carry out surveys before and after
- Kids of Thornton-Cleveleys won't be playing on Jubilee Gardens if the plans go ahead.
- Using Jubilee Gardens will delay the masterplan and vision for the future of the Gardens.

- Loss of green open space for 3 years is a big ask for residents. There must be guarantee of satisfactory compensation by way of an ungraded funded by the scheme.
- Using the Gardens as a compound must be used as an opportunity to advance the masterplan rather than delay it. This proposal is delaying it, so significant long-term benefit must be provided.
- Restoration of the park on its own after works should not be seen as acceptable. There must be long-term gain, as per the NPPF and the Council's Local Plan.
- Asserts that the proposal is contrary to Section 8 of the NPPF, Paragraph 5.8.2 of the Local Plan, and Policy CDMP4, as there are no compensatory proposals for restriction of pathways and access to the park, and loss of public open space, restoring the gardens to its current state, and with no mitigation for loss of green space for 3 years. Requests that the application documentation be amended.
- Asserts Policy SP7 requires infrastructure or a financial contribution and which the developer provides needs to be negotiated through residents, stakeholders, and Friends of Jubilee Gardens.

8.0 CONTACTS WITH APPLICANT/AGENT

8.1 Various, including updates on the progression of the application and requests for further drainage and noise information. Contact regarding agreement of pre-commencement conditions.

9.0 ISSUES

9.1 The main issues in this application are as follows:

- Principle of development (Including loss of green space)
- Visual Impact / Design / Impact on the street scene
- Impact on Highway Network/ Parking
- Impact on Residential Amenity and nearby premises
- Flood Risk and Drainage
- Impact on Ecology
- Impact on the Historic Environment

Principle of development (Including loss of green space)

9.2 Policy SP1 of the adopted Local Plan seeks to direct new development to within existing settlements. The application site, the existing sea wall and Jubilee Gardens, is located within and along the edge of the settlement of Cleveleys and therefore complies with this Policy. Policy SP2 states that all development in Wyre should be sustainable. This includes that policies and proposals should reduce and manage flood risk. Furthermore Policy SP2 requires development to demonstrate how it will respond to the challenge of climate change. The application proposal is itself a flood risk defence scheme to protect 28,500 properties in the flood plain of Wyre that are in Flood Zone 3, and is a direct response to the challenge of climate change. The proposal therefore complies with Policy SP2 as a form of sustainable development.

9.3 The location of the sea wall and revetment system is along the edge of a defined area of Green Infrastructure (GI) in the Local Plan (the existing beach and coastal area). Whilst the proposal would alter the site by providing rock armour to a width of 6m, it is considered that this section of the promenade does not primarily

serve as amenity space and the area would still remain as GI albeit with a function of flood defences. The proposal would not result in the loss of GI and it would still remain as part of the coast with a similar use and visual appearance as existing. Therefore no alternative provision of GI is required. There is no change to current access provision onto the beach on completion of the works, with impacts only to occur during construction. These works therefore satisfy policy CDMP4 of the Adopted Local Plan.

9.4 Concern has been raised about the temporary loss of Jubilee Gardens as a green space whilst it is used as a site compound to store rock, and that no compensation or mitigation is being provided during the timeframe it would be closed for public use. Whilst Policy CDMP4 of the local plan is concerned with the loss of GI, this relates more generally to permanent developments, rather than short-term loss during construction phases. There is therefore no policy basis to insist on temporary replacement facilities. Given the loss of this green space would be on a short-term basis, estimated to be six months for this phase of works, the wider public benefits arising from the sea defence works mean the development is considered to significantly outweigh this temporary loss of green space. The council is looking into long-term improvements to Jubilee Gardens after the site compound has ceased use, however this is not being proposed as part of this application, nor is restoration beyond the current situation a requirement to make the development acceptable, and so no weight should be afforded to this in determining this planning application.

9.5 Members are advised that they are required to consider the proposals applied for, and whether those proposals are acceptable. Therefore whilst many objections and letters received state that alternative sites would be more suitable for the compound, this is not a relevant material consideration.

Visual impact/design/impact on the street scene

9.6 The proposal would result in an increase in the existing wall for a length of 783m along the promenade by 400mm in height. Rock armour works are also proposed. The rock armour would be approximately 6 metres wide, 2.4 metres in depth, and sit at a level approximately 4.5 metres below the beach level for a length of 883 metres. It is proposed that following completion of the rock armour it will be buried under the beach. It is considered that the increase in the wall height when viewed along the promenade, road network, and existing properties opposite the promenade would be minimal in terms of visual impact in the locality given that the increase is less than half a metre in height. The rock armour would only be visible at times of severe storms and it is considered that given the low level of this rock armour the proposal would not result in unacceptable visual impact from public vantage points on shore. For these reasons whilst the proposal is along a sizeable length of the promenade, it is not considered to result in unacceptable visual harm to the area.

9.7 The application also proposes the use of Jubilee Gardens as a site compound during the works. The submitted plans detail that site offices, welfare and car parking facilities would be on the existing car parking area nearest the existing properties, and that the compound would extend south of the existing access into the Gardens, and east of an existing play area, to be used as the rock armour storage area. This would result in visual impact from the promenade opposite the gardens, within part of the Gardens itself, and from existing dwellings and properties adjacent during the course of the works. However the siting of the compound is not permanent in nature, and whilst it would cause visual harm to the locality during the course of the works, it is temporary and to be removed. It is also considered any temporary

visual impact would be outweighed by the benefits of the resultant flood defence scheme. A condition can be attached requiring the area of the site compound to be restored to its original state prior to the works.

Impact on the highway network/parking

9.8 The submitted Design and Access Statement states that there will be no impact or change to vehicular and transport links as a result of these works, including the National Cycle Route Number 62 which runs along the promenade between Blackpool and Fleetwood and will remain open, and inclusive access will not be affected. The proposal would include a rock armour haulage route between the compound storage area on Jubilee Gardens and the proposed works. This route will require strengthening works to facilitate the vehicles, and the existing beach access ramp (north of Café Cove) will require widening. A Traffic Routing Plan has been submitted which indicates a traffic route with vehicles coming via Victoria Road West, Crescent West and Kelso Avenue, Anchorsholme West, Princes Way, South Promenade and North Promenade to the site compound. A one way route out of the compound is also shown down Carr Gate eastwards along Thornton Gate and Rossall Road back to Victoria Road West.

9.9 Objectors have raised highway concerns including increase in traffic, impact of construction traffic and times, vibration from lorries, traffic routing, road closures, use of roads as cut-throughs, state of existing roads, risk to children, and parking concerns. Lancashire County Council (LCC) Highways have been consulted on the application and have no objections to either the permanent works or site compound, citing that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. They require the traffic routing to be secured, including use of signage. In addition they require a Traffic Management Plan (TMP) to be submitted including wheel washing details, times of deliveries, measures to ensure existing accesses to properties aren't impeded. These can both be secured by condition (with the TMP to form part of the CEMP condition).

9.10 LCC Highways have suggested a condition requiring joint surveys of the condition of the whole route to and from Amounderness Way so that any damage can be rectified. However this is not considered a reasonable condition to impose, as there it would not be possible to attribute any damage / road wear and tear specifically to this development, and the vehicles are, in any case, lawfully allowed to use the highway.

9.11 In terms of impact upon parking, whilst there would be a temporary loss of the Jubilee Gardens public pay and display car park, LCC Highways have not raised any concerns on this matter. The use of the compound is temporary, and therefore whilst there will be disruption in the area during the course of the works, it is not proposed to be in the long-term, and is also an impact that can be controlled with working times and deliveries to be agreed by condition.

Impact upon residential amenity and amenity of nearby premises

9.12 Existing residential properties are on the opposite side of The Promenade to the proposed sea wall works, at between 20-26m distance from the actual sea wall. Residential properties are also located around the north and east of Jubilee Gardens on Carr Gate and Jubilee Drive/The Links, adjacent to where the site compound is proposed. Those on Carr Gate have their rear elevations towards the compound, and those across Jubilee Drive, their front elevations. These properties have been

notified of this planning application by letter. The haulage route would pass properties in the wider area on Victoria Road West, Crescent West, Kelso Avenue, Anchorsholme West, Princes Way, South Promenade and North Promenade, and one way route on Carr Gate, Thornton Gate and Rossall Road.

9.13 There are also non-residential premises in the area including Café Cove which is situated immediately south of the proposed wall and revetment works, and almost directly opposite Jubilee Gardens. The Venue also sits on the corner of North Promenade and Carr Gate, immediately north west of Jubilee Gardens, and just south east of the stretch of promenade and sea wall relating to this application.

9.14 The council's Environmental Health team (amenity) have been consulted, and initially objected to the scheme on the basis of concerns regarding noise, dust and light. Following the submission of further information, the Environmental Health officer still considers the submitted information to be insufficient in terms of noise control and mitigation from the works. However his objection is withdrawn if the application is conditioned as listed in section 6 of this report. One condition includes the submission of a noise assessment to demonstrate the stipulated noise levels can be achieved, with mitigation proposed if necessary to achieve such levels. Ordinarily a noise assessment is a pre-decision requisite however in this instance some noise details have been included to give Environmental Health reasonable confidence these levels can be achieved. Furthermore it is also acknowledged the noise is in relation to construction rather than operational, and is therefore a temporary impact rather permanent. Therefore a condition in this instance is accepted, along with the other conditions they recommend, in order to ensure that the nearest residential and noise receptors are not unacceptably affected by noise.

9.15 It is inevitable that existing business and residential properties will experience disruption during the course of the works due to the size and nature of the development with the associated compound. This is acknowledged. However this disruption must be considered in the balance. The proposal is considered to be in the wider public benefit with the significant benefit of flood risk protection for thousands of homes and properties in the area for many future years, which in turn by flood prevention would be in the environmental, economic and social interest of Cleveleys and the surrounds. It is therefore considered that the significant public benefits of the proposal outweighs the temporary adverse impact upon existing properties and premises in the area, and that planning conditions can seek to control and mitigate temporary impacts as far as is reasonably possible.

Flood risk and drainage

9.16 As mentioned above in this report, the proposals are to provide flood risk defence measures. The relevant drainage bodies including the Environment Agency (EA), United Utilities (UU), and the Council's Drainage Engineer have been consulted on the proposals.

9.17 The EA has no objections and comment that the site lies within Flood Zone 3 and Flood Zone 2 on the Environment Agency's mapping service. They confirm that in terms of flood risk the 'Rossall South Toe Protection Works -Coastal Processes, Geomorphology and Flood Risk Assessment' is satisfactory. They also confirm that that the Wyre Beach and Dune Management Outline Business Case (Wyre Council, Jan 2020) has been approved by the Environment Agency Large Project Review Group and this project (Phase 1) forms part of this larger proposal. The EA originally asked for further information on the buried toe protection due to sedimentation, its possible future exposure, and potential loss of shingle beach. Following an email

from the applicant confirming the rock revetment is part of a wider scheme designed to stabilise and raise the beach levels of the upper beach through the use of rock groynes, the ongoing beach management strategy will seek to introduce additional sediment to counteract sea level rise, and that this approved by the EA as part of the business case, the EA have responded they have no further comments to make on this matter. Overall the permanent part of the proposals are considered to be acceptable in terms of flood risk.

9.18 In terms of drainage details United Utilities (UU) have responded that they require further information of a water main UU asset which crosses the site, and to which unrestricted access is needed for operating and maintaining it. Further information has been submitted however UU have provided the same response. Members are advised that protection of UU assets is a separate matter to the application process, and one the applicant is aware of through their own discussion with UU and will have to satisfy separately from the planning process.

9.19 The council's Drainage Engineer has been consulted. Having originally recommended refusal, following submission of further information, he has no objection in principle but states that the site offices and welfare facilities, which are proposed on the site compound, will need to be connected to mains foul and surface water drainage networks. He therefore recommends a condition requiring full drainage details are provided on this matter. UU have also requested further information on drainage proposals for welfare facilities. This condition is deemed necessary to ensure adequate drainage is provided to serve these facilities. Subject to this condition it is considered the proposal would be acceptable in terms of flood risk and drainage.

Impact upon ecology

9.20 The site is not located within any ecological designation. Liverpool Bay Special Protection Area (SPA), an International designated site, is located to the west 1.4km away. The northern extent of the permanent works are located adjacent to the Fleetwood Promenade - Coastal and Dune Grassland (Rossall School to Marine Gardens) Biological Heritage Site, and the Fleetwood Farm Fields Biological Heritage Site is just over 450m away to the east. A number of ecological related documents have been submitted with the application including a Habitat Regulations Assessment (HRA), a Preliminary Ecological Appraisal, a Roesel's Bush Cricket Survey, a Water Framework Directive Assessment, and a Jubilee Gardens Habitat Survey.

9.21 Natural England and GMEU have been consulted on the proposals. Natural England have no objections following the submission of further information on the proposed rock armour, and consider the proposal will not have any significant adverse impacts on nearby International designated sites. GMEU have no objections to the proposal on nature conservation grounds, and accept that the proposals will not affect any local designated sites, important habitats or notable species. They also consider the proposal is in the wider public interest. They recognise that the reinstatement of Jubilee Gardens presents an opportunity to create new habitat areas, which can be secured by condition.

9.22 The Marine Management Organisation (MMO) have been consulted as the non-departmental public body responsible for the management of England's marine area. A response has been received advising that if the works taking place fall below the mean high water mark a licence may be required from them. It is for the applicant to ascertain whether the works fall below this mark. Overall it is considered the

proposals would not result in unacceptable ecological harm and would comply with Policy CDMP4 of the Local Plan and the provisions of the NPPF.

Impact upon the historic environment

9.23 A Heritage Statement has been submitted as part of the application. There are a number of heritage assets in the wider area of the proposals. These include a number of grade II listed buildings within the Rossall School complex and eight cottages on the junction of Rossall Road and Way Gate. There are also non-designated heritage assets include a line of 'tank traps' approximately 200m north of the site and a WWII firing range around 200m to the north east of the site.

9.24 The nearest listed buildings are around 500m from the application site, and are considered to be sufficient distance away so as to be preserved and unharmed by the development. The Council's Conservation Officer concurs with this. He also considers that the proposal would preserve the appearance and setting of the non-designated heritage assets in the area. Overall he considers the proposed development would be in conformity with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, section 16 of the NPPF, and policy CDMP5 of the Adopted Local Plan.

9.25 The Lancashire Archaeological Advisory Service (LAAS) have confirmed that they are in agreement with conclusions of the submitted Heritage Statement and that that no physical impacts would occur to known heritage assets by the proposed works. They confirm no archaeological mitigation works are required. The proposal is therefore considered acceptable in terms of impact upon archaeology and the historic environment.

Other matters

9.26 Contamination: It is considered there are no issues in relation to contamination. Members are advised that the site is not within or close to an area with any known contaminated sites, and the nature of the proposed works are not for buildings for the purposes of permanent human habitation.

9.27 Competition: One of the objections received raises concerns about the impact the development may have upon bringing competition to the area. Members are advised that the matter of competition between businesses is not a material planning consideration, and cannot be taken into account.

10.0 CONCLUSION

10.1 The proposal is Phase 1 of the Wyre Beach Management Scheme (a programme of planned coastal civil engineering works on the Fylde Coast) to provide sea defences against flooding, between Cleveleys and Rossall School. Permanent works are proposed to raise the sea wall 400mm and to provide rock armour (revetment system), and alongside this a temporary site compound at Jubilee Gardens. The proposal is acceptable in principle in terms of location and as a sustainable development to reduce and manage flood risk.

10.2 The proposal will undoubtedly cause temporary disruption and some loss of amenity to existing properties and businesses in the area, and through the use of the road network through the construction phase. However subject to conditions it is considered that impacts of noise, light, dust and traffic routing can be mitigated to prevent unacceptable impact. Furthermore the permanent works are considered to

be in the wider public benefit to prevent flooding in the area and to thousands of properties in the Wyre Catchment area, and once constructed the proposals will not result in any permanent disruption or harmful impact to existing residents and businesses.

10.3 The proposal would also be acceptable in terms of impact upon the wider highway network, ecology, heritage, and drainage, subject to appropriate conditions.

11.0 HUMAN RIGHTS ACT IMPLICATIONS

11.1 ARTICLE 8 - Right to respect the private and family life has been considered in coming to this recommendation.

11.2 ARTICLE 1 - of the First Protocol Protection of Property has been considered in coming to this recommendation.

12.0 RECOMMENDATION

12.1 Grant full planning permission subject to conditions.

Recommendation: Permit Conditions: -

1. The development must be begun before the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the Planning Application received by the Local Planning Authority on 25.11.2020 including the following plans/documents:

- Drawing No. WBMS/PL/02 Phase 1 Works and Site Compound Details (received 12th January 2021)
- Drawing No. WBMS/FEAS/02/OPT2 Existing Cross Sections Showing Proposed Toe Protection as the OBC with crest reduced by 1 rock (received 25th November 2020)
- Drawing No. WBMS/FEAS/01 Level Survey and Cross Section Location (received 25th November 2020)
- Drawing No. Wyre Beach ILP2 Revision P01.4 (received 6th May 2021)

The development shall be retained hereafter in accordance with this detail.

Reason: For the avoidance of doubt and so that the Local Planning Authority shall be satisfied as to the details.

3. Prior to the commencement of development, including any demolition works, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include and specify the provision to be made for the following:

- (a) dust and dirt mitigation measures during the construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team
- (b) control of noise and vibration emanating from the site during the construction period; complaint management and arrangements for liaison with the Council's Environmental Protection Team
- (c) measures to ensure that construction and delivery vehicles do not impede access to adjoining properties
- (d) contractors' compounds and other storage arrangements, including any storage / compound arrangements which may be required outside of the Jubilee Gardens site along the construction route
- (e) provision for all site operatives, visitors and construction loading, off-loading, parking and turning within the site during the construction period
- (f) arrangements during the construction period to minimise the deposit of mud and other similar debris on the adjacent highways (e.g. wheel washing facilities)
- (g) external lighting of the site during the construction period
- (h) erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (i) recycling / disposing of waste resulting from construction work
- (j) measures to protect watercourses against spillage incidents and pollution

The construction of the development including any demolition works shall be carried out in accordance with the approved CEMP.

Reason: Such details were not submitted with the application and need to be in place throughout the demolition / construction period in the interests of the amenities of surrounding residents, to maintain the operation and safety of the local highway network, to minimise the risk of pollution and to safeguard the character and appearance of the area in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

4. The traffic route for all construction vehicles, including vehicles carrying plant and materials to and from the site compound, shall take place in accordance with the traffic routes shown on Drawing No WBMS/PL/01, with one way traffic only along Carr Gate and Thornton Gate onto Rossall Road, at all times during the course of the works.

Reason: For the avoidance of doubt, to ensure that traffic associated with the construction of the development does not impede traffic flow in the area, and in order to ensure that the integrity of the local highway network is maintained in the interests of road safety in accordance with Policy CDMP6 of the Adopted Wyre Borough Local Plan (2011-31).

5. Prior to the commencement of development a drainage scheme, which shall detail measures for the attenuation and the disposal of foul and surface waters for the site offices and welfare facilities, and their connection to mains foul and surface

water drainage networks, shall be submitted to and approved in writing by the Local Planning Authority.

The site offices and welfare facilities shall not be brought into first use until the drainage works have been completed in accordance with the approved scheme. Thereafter the agreed scheme shall be retained, managed and maintained in accordance with the approved details for the duration of the site offices and welfare facilities being in use.

Reason: To promote sustainable development using appropriate drainage systems, ensure a safe form of development that poses no unacceptable risk of pollution to water resources or human health, and to prevent an undue increase in surface water run-off to reduce the risk of flooding in accordance with Policies CDMP2 and CDMP3 of the Wyre Local Plan (2011-31) and the National Planning Policy Framework. The condition is required to be approved prior to commencement of development to ensure that full details are provided, that have not been forthcoming with the application, to ensure a suitable form of drainage is provided in a timely manner.

6. The working hours for the construction of the development hereby approved shall be restricted to 8.00am to 18.00pm Monday - Friday and 8.30am to 13.30pm Saturdays, with no work to take place on Sundays and Bank/Public Holidays.

Should any works be required to take place outside of these permitted hours both the Local Planning Authority and the Council's Environmental Health Team are to be notified in writing 24 hours before works are intended to take place so that a temporary noise limit and mitigation can be agreed for the notifiable works. Works shall not take place under any circumstances outside of these permitted hours until agreement has been reached in writing, and the works shall then take place in accordance with the agreed details.

Reason: In the interests of the amenity of occupiers of neighbouring and nearby residential properties in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

7. There shall be no deliveries or collections of goods (including waste) to or from the site outside the hours 8.30am to 18.00 pm Monday to Fridays, and 8.30am to 13:30pm Saturdays. There shall be no deliveries including the collection waste on Sundays and Bank/Public Holidays.

Reason: In the interests of the amenity of occupiers of neighbouring and nearby residential properties in accordance with the provisions of Policy CDMP1 of the Wyre Local Plan (2011-31).

8. (a) The development hereby permitted shall be designed so that the level of noise emitted from the site during construction does not exceed 65dB (A) as assessed in accordance with British Standard 61672-1: 2013 and WHO guidelines (or any subsequent replacement national standards / guidance) when measured 1 metre away from the facade at nearby noise-sensitive premises.

(b) Prior to commencement of the development, a noise report shall be produced that assesses the site's ability to meet the aforementioned construction noise limit and outlines mitigation measures necessary to help the site achieve this noise limit. All mitigation outlined in the noise assessment shall be implemented in full prior to any development taking place.

(c) Prior to commencement of the development, monitoring equipment for the purpose of measuring noise and vibration during construction works shall be installed. If/when any construction works are deemed to breach the aforementioned noise limit, investigations shall commence immediately to address the breach (e.g. to determine if other noise sources outside the developers control (for example, road traffic noise, sound from waves at the sea front, noise from meteorological sources) may have caused the noise limit for the development to be breached) and a suitably qualified noise consultant shall be employed to investigate and present the findings to the Local Planning Authority along with any further additional mitigation measures which may be deemed necessary. Any additional mitigation shall be implemented thereafter.

Reason: In the interests of the amenity of occupiers of neighbouring and nearby residential properties in accordance with Policy CDMP1 of the Wyre Local Plan (2011-31).

9. The use of Jubilee Gardens as a site compound shall be for use in association with the sea wall and revetment system hereby approved, and within 2 months following completion of these permanent works, this compound shall be removed and the land restored to its former condition, unless an alternative timetable for restoring the site or an alternative landscape/habitat creation area is granted express planning permission by the Local Planning Authority.

Reason: For the avoidance of doubt, in the interests of the visual and residential amenity of the area in accordance with policy CDMP3 of the Wyre Local Plan.

Notes: -

1. Flood Risk guidance: The Environment Agency recommends the applicant should be fully aware of the latest climate change allowances for FRAs guidance on GOV.UK (<https://www.gov.uk/guidance/flood-riskassessments-climate-change-allowances>) - in particular the updated sea level rise allowances. The applicant should also be aware of the coastal design sea levels and coastal flood boundary extreme sea levels 2018 data.

Pollution prevention guidance: It is advised that the applicant refers to the following pollution prevention guidance which is available on the GOV.UK website at: <https://www.gov.uk/guidance/pollutionprevention-for-businesses>.

2. You are advised that you should have regard to the following document provided by United Utilities which is online under this planning application on the Council's website dated 4th March 2021:

- United Utilities Standard Conditions for Works Adjacent to Pipelines Document Ref. 90048 Issue 3.1 July 2015

3. Marine Licensing: Works activities taking place below the mean high water mark may require a marine licence in accordance with the Marine and Coastal Access Act (MCAA) 2009. Such activities include the construction, alteration or improvement of any works, dredging, or a deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence. Applicants should direct to the Marine Management Organisation (MMO's) online portal to register for an application for marine licence <https://www.gov.uk/guidance/make-a-marine-licence-application>