

<b>Agenda Item</b> A13	<b>Committee Date</b> 29 June 2009	<b>Application Number</b> 09/00330/DPA
<b>Application Site</b> Land For Proposed Bailrigg Business Park Bailrigg Lane Lancaster Lancashire	<b>Proposal</b> Outline application for a Science Park (approx 34,000 sq m of B1 use floorspace) and full application for a new access off the A6, construction of an internal spine road and provision of landscaping	
<b>Name of Applicant</b> Lancaster City Council	<b>Name of Agent</b> Mrs Kathryn Donnelly	
<b>Decision Target Date</b> 20 July 2009	<b>Reason For Delay</b> N/A	
<b>Case Officer</b>	Mr Andrew Drummond	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval subject to conditions	

## **1.0 The Site and its Surroundings**

- 1.1 The application site is located between the southern periphery of the city and the northern boundaries of Lancaster University just to the south of Bailrigg Lane.

There is one existing building in the north-west corner of the site (though outside the application site), which is a small electricity sub-station which will be retained. The land continues to be farmed and comprises 11.4 hectares of Grade 3a and Grade 3b agricultural land. It has no public access.

The A6 and Bailrigg Lane form the west and north boundaries respectively. These roadside boundaries are formed of a mix of hedgerows, trees, a stone wall, and a post and wire fence. Whilst the eastern boundary is not defined at present as it is proposed to divide an existing agricultural field into two parts, the southern boundary benefits from established woodland which separates this site from the university land to the south.

- 1.2 Bailrigg Lane, a relatively narrow semi-rural road, bounds the site to the north and connects the residential village of Bailrigg to the A6 to the west. The southern boundary of the site consists of a mature landscaping belt which forms an effective visual screen to the University's sporting pitches. Further agricultural land lies to the east of the site.

The land is best described as gently undulating, sloping upwards towards the south-east. There are two low ridges running north-to-south which terminate at the valley of a small stream known locally as Ou Beck. The eastern edge of the site is most visible from Bailrigg village. The site is not visually prominent from distant views along the A6, because of the orientation of the road and the successful existing planting. However, the site is considerably visible at immediate quarters and the rising nature of the landscape emphasises its prominence.

The A6 is a recognised bus corridor and has services linking the University with the city's bus and rail stations. Services also operate at least once an hour to Galgate, Garstang, Preston and Blackpool. The West Coast Main Line runs adjacent to the A6 but there is no immediate rail access to the site. Bailrigg Lane forms part of the district's cycle network.

- 1.3 The Lancaster District Local Plan identifies this land as one of four greenfield locations for inward investment and high-quality economic development. It was formerly allocated as the 'Bailrigg Business Park', although it has since been acknowledged that this site would be developed as a Science Park. The allocation protects the site for B1 (Business) use only. A narrow parcel of land on the eastern edge of the application site falls within the Countryside Area and the Key Urban Landscape and Urban Greenspace.

The adjacent A6 highway is part of the district's Primary Bus Corridor whilst the Strategic Cycle Network runs along Bailrigg Lane to the north. The part of the university land immediately to the south is allocated as Key Urban Landscape and Urban Greenspace.

There are also 2 Tree Preservation Orders (TPO Nos 291 and 385) on the site protecting trees and hedgerow along Bailrigg Lane and 3 trees on the site (1 on the northern boundary and 2 towards the southern boundary) respectively.

The site does not benefit from any statutory nature conservation or heritage status, nor is it crossed by public footpaths.

## **2.0 The Proposal**

- 2.1 The application seeks outline planning permission for 34,570 sq m of B1(b) employment space and full planning permission for the creation of a new access off the A6, construction of an internal spine road and associated landscaping. As the site is currently undeveloped, no demolition is required.
- 2.2 The design, layout, scale, form and materials proposed for the science park as shown in the application are illustrative only. Should the science park be granted outline planning permission, these matters will be detailed in the Reserved Matters application.

However, as this application seeks full planning permission for the construction of the spine road and access arrangements, this will provide a framework for the future layout of the science park. Furthermore, it is proposed to leave the Ou Beck in situ (rather than divert the watercourse) and provide a landscaped buffer zone around the line of the beck. These two factors along with the proposed landscaping (see 2.4 below) will start to define the development zones of the science park.

The proposed spine road and the existing Ou Beck effectively split the site into 3 parts. The area south of the Ou Beck will form a structural landscaping zone. The first development zone, which could accommodate 14,672 sq m of employment space, is sandwiched between the Ou Beck and the spine road, with the second development zone (which could deliver a further 19,898 sq m of floorspace) taking up the remainder of the site north of the spine road.

- 2.3 The application has looked at the transport issues in a significant amount of depth, which are discussed later in section 7. In summary, the proposal anticipates that this development would provide employment for c1,100 employees, so it seeks to provide the necessary infrastructure to accommodate these workers. At a site level, it is proposed to provide vehicular access to the development directly off the A6 by way of a new traffic light controlled junction. The proposed junction is similar in layout to the existing vehicular junction at Lancaster University. It will have traffic signals and a turning lane into the site from both the north and the south. This junction will also be served by pedestrian crossings to allow safe routes to/from the proposed bus stops on the A6. The access arrangements and traffic lights will provide facilities for cyclists moving in and out of the site as well as those passing through the junction along the A6. Furthermore, it is proposed to create a new section of cycleway through the site connecting into the Strategic Cycle Network to the north and to the proposed cyclepaths by Lake Carter and the approved university sports centre to the south. An additional bus stop may be provided within the site if agreement can be reached with Stagecoach to divert particular services into the science park. The spine road will be served by a four-armed roundabout that will be centrally located within the science park. Its north and south limbs do not form part of the full application.

In addition, a number of highway works are proposed at the A6 Galgate junction, including the provision of a bus lay-by north of the junction on the western side of the road, the creation of parking bays north of the junction on the eastern side of the road and the installation of MOVA technology to the traffic lights.

2.4 As stated in 1.2 above, the site already benefits from a mature woodland to the south, which screens it from the university playing fields and those approaching the site on the A6 from the south. However, the site is open to the west and east. For these 2 areas landscaping is proposed to continue the university's boundary treatment along the A6 and to screen the science park from Bailrigg village in the east.

### **3.0 Site History**

3.1 The site was adopted as one of 25 Strategic Regional Investment Sites by the NWDA in December 2001. These sites intend to provide business growth opportunities and expand the North West's 'knowledge assets', which include universities and knowledge-based industries. They are critical to the implementation of the Regional Economic Strategy. This Strategy indicates that the sites in question should be brought forward as Regional Investment Sites via the planning process.

3.2 An application relating to this site has previously been received by the Local Planning Authority (05/01114/OUT). This 2005 application was held in abeyance during late 2005 and virtually all of 2006 at the request of the applicant (North West Development Agency). The reasons for this were largely unconnected to the planning process. Amended proposals were submitted on 2 February 2007, and subsequently revised on 22 February and 22 August of the same year. However, due to the scheme's potential adverse traffic implications on the M6, the Highway Agency placed a Holding Direction on the application preventing it from being determined until highway issues were resolved to their satisfaction. Though further work was undertaken in this regard allowing the Holding Notice to be removed, subject to certain conditions which may have restricted the amount of development that could be brought forward, the applicant determined to withdraw the application until greater certainty for delivering the whole scheme could be achieved. The application was withdrawn in late 2007.

Application Number	Proposal	Decision
05/01114/OUT	Outline application for erection of science park and restaurant/cafe with car parking, servicing, roads, footpaths and cycleways, public transport facilities, landscaping and public open space	Withdrawn

### **4.0 Consultation Responses**

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

Consultee	Response
Highway Agency	Further to 12 months of pre-application discussions, the Agency has checked the submitted planning application details against the information provided at pre-application stage and can confirm that the Agency is now in a position to condition the necessary highway works that will enable the development to come forward without material impact on the strategic highway network. The Agency requests the use of conditions to require agreed improvements at the A6 Galgate Junction, which will allow up to 23,000 sq m of development to come forward. Beyond this level, the conditions require the development to achieve set trip rate threshold levels to enable further floor area to be developed. These trip rate levels are based on those put forward by the applicant and have been discounted to take account of successful travel planning initiatives. The trip rates will be monitored by a Steering Group that will include representatives of the planning authority, the 2 highway authorities and the developer. Should it become apparent that the trip rates are not being achieved, the Steering Group will be able to consider and apply appropriate mechanisms to drive down trip generation levels and, in so doing, secure the delivery of future development phases.
County Highways	Comments not received at the time of compiling this report - comments will be reported verbally.

County Travel Plan Co-ordinator	The submitted Travel Plan is acceptable as a Framework Travel Plan but there should be a condition that a Final Travel Plan will be developed and agreed within 12 months of the first occupation of the site, and to implement all measures outlined in sections 8 & 9 of this Framework Travel Plan.
County Planning	The proposal conforms with Policy W2 of the Regional Spatial Strategy (RSS) and Action 19 of the Regional Economic Strategy (RES).
County s106 Officer	No contributions sought with the exception of transport measures.
County Archaeology	The Service would recommend that the applicants be required to undertake a programme of archaeological work along the lines outlined in their desk-based assessment. It would therefore recommend that an appropriately worded condition should be attached to any planning permission which may be granted to require this work to be undertaken.
County Ecology	<p>Planning conditions are required to address the full implementation of bat, water vole and badger mitigation proposals, the submission and implementation of a Construction Environment Management Plan (especially the protection of Ou Beck), the avoidance of vegetation removal/tree felling during bird breeding season, the prevention of no net loss of hedgerow resource and the submission and implementation of a Habitat Creation and Management Plan.</p> <p>From a biodiversity perspective, the number of crossings of the Ou Beck should be restricted to one, with the beck itself to be as disturbed as little as possible. The use and management of the area south of the beck will need to be carefully and sensitively planned to successfully integrate recreation with biodiversity enhancement. The use of artificial lighting in this area should be restricted. It is also proposed to use Ou Beck as part of the site's drainage. To ensure the water entering the beck is adequately filtered a condition should be attached to any permission.</p> <p>Survey assessment to establish the presence or otherwise of bats (a protected species) and the extent that they may be affected by the proposed development needs to be undertaken prior to planning permission being granted.</p> <p>The use of conifers as suggested in the landscaping scheme should be omitted from the planting proposals.</p>
Natural England	Natural England is not aware of any nationally designated landscapes or statutorily designated areas of nature conservation importance that would be significantly affected by the proposal. They are also satisfied that the proposal does not significantly impact on their other interests, such as National Trails and Access Land. The application should not be determined prior to the bat survey being completed. Any works that affect a protected species will require a licence from Natural England.
CPRE	Oppose the application due to the development of a greenfield site, resulting in urban sprawl to the south of the city's urban area. The proposal is contrary to RSS Policies W3 and DP7. The site is located 3 miles from the transport hub of the city (bus and train stations) and therefore is deemed unsustainable in transport terms. The A6 is already heavily congested, and the proposal will exacerbate this problem further. A science park should be located in the city or on the Lune Industrial Estate. The development would not enhance the image of the area as suggested by the application. A science park is an unsuitable use of this rural site, adversely affecting its openness and increasing traffic problems. It would have a detrimental effect on character, habitats and ecology.
CPRE North West	Object to the proposal. There is no clearly demonstrated justification for locating the science park in this unsustainable location. If proximity is required, development such as InfoLab21 is more appropriate creating the dynamic interaction hoped for. This would also allow users to share facilities like buses, parking, restaurants etc with students and staff at the university. Technology does

	<p>not require the science park to be located near the university - associations can be delivered by successful marketing rather than developing an unsustainable site. An independent survey ranked this 22<sup>nd</sup> out of 25 regional sites, scoring less than 45% of sustainability and compliance with regional policy. Using existing sites within the urban area would avoid the risk of blight and oversupply of employment land. Furthermore the development of this site would put pressure on more infill development in the area.</p> <p>The development will generate a significant amount of additional traffic, especially by private car.</p> <p>The site heavily conflicts with regional planning policy. More sustainable sites should be considered for high-value knowledge-based industry in the District.</p>
Environment Agency	<p>No objection to the proposal, and support the use of sustainable drainage systems (SUDS). However, the Agency requests that a few conditions are attached to the approval should planning permission be granted. These conditions relate to the surface water drainage strategy (to restrict surface discharges to 10 litres per second per hectare) and land contamination (as the land contamination assessment submitted with the application suggests that further sampling work is required).</p> <p>Foul drainage from the development of this site must be drained to the foul sewer. Surface water from any areas likely to be contaminated should be connected to the foul sewer for which the formal consent of United Utilities Limited is required. Prior to being discharged into any watercourse or surface water sewer, all surface water drainage from parking areas in excess of 100 spaces and hardstandings shall be passed through an oil interceptor.</p> <p>Any planting within 8 metres of Ou Beck should be of locally native species only, with no storage of materials within this area or artificial light directed into this protected corridor.</p>
United Utilities	<p>No objection to the proposal provided the site is drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the SUDS and watercourse as stated in the application.</p> <p>There is a public sewer that runs along the western boundary of the site and we will not permit building over it and will require 24 hour access for maintenance and repair. Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.</p> <p>Two large diameter water mains are within the site boundary and as we need access for operating and maintaining it, we will not permit development in close proximity to the mains. The easement width of the water mains is 10 metres, 5 metres either side of the main for maintenance and repair. This should be taken into account in the final site layout.</p>
NWRA	<p>Comments not received at the time of compiling this report - comments will be reported verbally.</p>
Police	<p>The physical security standards within this development should be in compliance with Secured by Design requirements. 'Secured by Design' principles should apply to the design of the overall site, not just the buildings. In addition to natural surveillance the use of CCTV should be considered. Planting should not impede the opportunity for natural surveillance especially along foot/cycle paths and to the car park areas. The use of different road materials and colours can help define public, semi-private and private areas.</p>
Lancaster University	<p>Strongly supportive of the science park. It is important in terms of stimulating and supporting commercial co-research activities and graduate retention in this area as well as promoting general employment in high skilled jobs.</p>
Lancaster District Chamber of Commerce	<p>Comments not received at the time of compiling this report - comments will be reported verbally.</p>
Lancaster Civic Society	<p>Comments not received at the time of compiling this report - comments will be</p>

	reported verbally.
Scotforth Parish Council	<p>A number of concerns have been raised, including:</p> <ul style="list-style-type: none"> <li>▪ The effectiveness of the submitted Travel Plan</li> <li>▪ Traffic implications of the development</li> <li>▪ Increased flood risk to Bailrigg village as a result of the development</li> <li>▪ Oppose any work on site until firm proposals and contracts are in place from 'high-tech' companies wanting employment space. Totally oppose speculative installation of roads and other works to this greenfield site, especially in light of the lack of interest in the business park on Caton Road</li> <li>▪ Proximity of the end of the spine road to Bailrigg village resulting in lack of space for adequate planting/screening/bunding</li> <li>▪ A wish to view cross-sections so to evaluate the affect of the proposal on the residential properties in Bailrigg, especially in relation to proposed building heights</li> <li>▪ Proposed elevational treatments are inappropriate to its setting</li> </ul>
Ellel Parish Council	<p>Strongly object for the following reasons:</p> <ul style="list-style-type: none"> <li>▪ increased flood risk to surrounding residential areas</li> <li>▪ adverse environmental affects of increased traffic levels through a residential area</li> <li>▪ inadequate access routes to this development will not be able to support the expected increase in traffic</li> <li>▪ adverse impact on the area's character</li> <li>▪ erosion of the delineation between Galgate and Lancaster</li> </ul>
Environmental Health	No objections. Conditions relating to dust control, land contamination and air quality have been requested.
Tree Officer	<p>The information submitted regarding trees is generally satisfactory. Essentially trees will be retained along the boundaries of the site providing greening and screening and maintaining existing wildlife habitats. Additional planting is intended to enhance and bolster existing hedgerow and boundary trees. The removal of 11 trees (6 to accommodate the development, 5 due to poor condition) is acceptable subject to the agreement of a detailed landscaping scheme, and protected habitat assessments. The landscape scheme must include a maintenance programme for the initial 10-year period post planting, weed control, watering regime, support &amp; protection systems, formative pruning and replacement scheme for any trees that fail to establish, becomes damaged or dies. Any trees removed must be replaced at a minimum replacement ratio of 3:1 (3 new trees for each tree removed).</p> <p>Barrier fencing must be erected prior to any site clearance or construction works and remain in place until completion of the development. Arrangements must be made with the local authority Tree Protection Officer to inspect the location, signage ('Tree Protection Area - Keep Out') and construction of the fencing prior to the commencement of site activity. A detailed Method Statement must be submitted and agreed in writing with the Tree Protection Officer for all works in proximity to trees.</p> <p>There must be no cement washout areas within 20m of any trees or vegetation or fires on site.</p>

## **5.0 Neighbour Representations**

5.1 8 pieces of correspondence of objection have been received. The reasons for opposition include the following:

- Flooding to Bailrigg and Galgate villages
- Designs show a lack of concern for the surrounding countryside
- Erosion of the green gap between Scotforth and the university
- Traffic generated by the scheme on an existing, saturated road network
- The university would lose its campus status, becoming part of Lancaster's wider urban area.

Its current countryside setting retains skilled students at, and attracts new students to, the university

- No justification for developing a greenfield site for a science park when employment space is lying empty on Caton Road (Lancaster Business Park) and in the town centre
- Length and location of spine road (its impact on Bailrigg residents) and the need to provide it in advance of securing tenants for floorspace at the science park (could lead to a large scar on the landscape with little or no associated development, which would also result in a security risk - used for fly-tipping, by travelling gypsies etc)
- The science park should be developed on a brownfield site in a town centre, or edge of centre, location

## **6.0 Principal Development Plan Policies**

### **6.1 National Planning Policy Statements (PPS) and Guidance notes (PPG)**

PPS1 (Delivering Sustainable Development) - underpins the planning system and states that planning should facilitate and promote sustainable and inclusive patterns of urban development by making suitable land available for development in line with economic, social and environmental objectives to improve people's quality of life; to protect the character of the countryside and existing communities; and to ensure that development has good and inclusive design using efficient resources. In terms of economic development, Local Planning Authorities are advised to promote economies by providing a positive planning framework for sustainable economic growth, in support of the Regional Economic Strategy.

PPG4 (Industrial, Commercial Development and Small Firms) - is a more dated document but its guidance is still relevant. It seeks to encourage development in accessible locations where more efficient modes of transport can be used, and states that "this is particularly important in the case of ... campus style developments such as science parks". It says that development should be discouraged where it would be likely to add unacceptably to congestion and should avoid trunk roads where these roads are designed for longer-distance movement. Draft PPS4 (Planning for Prosperous Economies), which will replace PPG4 when its final version is published, reinforces the need to adopt a positive and constructive approach towards proposals for economic development, stating that where development is in accordance with adopted policies it should normally be approved. Long terms benefits, such as job creation, should be taken into consideration.

PPS9 (Biodiversity and Geological Conservation) - Development should maintain and enhance, restore or add to biodiversity and geological conservation interests. Prevention of harm to biodiversity and geological conservation interests is paramount. When granting permissions, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought or else the development be refused.

PPG13 (Transport) - A national planning policy framework for transport matters. It encourages sustainable travel - ideally non-motorised forms of transport such as walking and cycling, but also other means like public transport. The use of the car should be minimised. This can be encouraged by the location, layout and design of new developments.

PPS22 (Renewable Energy) - states that increased use of renewable energy resources is vital to facilitating the delivery of the government's commitments on both climate change and renewable energy.

PPS23 (Planning and Pollution Control) - advises that a number of matters should be considered when determining planning applications, including reductions in the need to travel, improvements to transport infrastructure, restoration and enhancement of habitats, the economic and wider social need for development, any impacts upon Air Quality Management Areas, and the need to make suitable provision for the drainage of water.

PPS25 (Planning and Flood Risk) - This policy aims to ensure that flood risk is taken into account to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas at highest risk. Where new development is, exceptionally, necessary in such areas, the policy

aims to make it safe without increasing flood risk elsewhere and where possible, reducing flood risk overall.

## 6.2 Regional Spatial Strategy (RSS) - adopted September 2008

Policy DP2 (Promote Sustainable Communities) - proposals should take into account its economic, environmental, social and cultural implications, improve the built and natural environment, and promote community safety and security, including flood risk.

Policy DP3 (Promote Sustainable Economic Development) - sustainable economic growth should be supported and promoted in a drive to improve productivity.

Policy DP4 (Make the Best Use of Existing Resources and Infrastructure) - proposals should build upon existing concentrations of activities and existing infrastructure (i.e. not require major investment in new infrastructure, including transport, water supply and sewerage). Development should accord with the sequential approach - use of previously developed land, then infill sites in existing settlements and lastly other sites which are well connected to houses, jobs and other infrastructure and facilities.

Policy DP5 (Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility) - development should be located so as to reduce the need to travel, especially by car, and to enable people as far as possible to meet their needs locally. An integrated approach to managing travel demand should be encouraged, and road safety improved.

Policy DP7 (Promote Environmental Quality) - development should respect the character and distinctiveness of places and landscapes; incorporate good quality design, uses land resources efficiently, manages traffic growth and mitigates the impacts of road traffic on air quality, noise and health, maintains and enhances the tranquility of open countryside and rural areas and the quantity and quality of biodiversity and habitat.

Policy W1 (Strengthening the Regional Economy) - promote opportunities for economic development (including the provision of appropriate sites and premises, infrastructure, and clustering where appropriate) which will strengthen the economy of the North West by realising the opportunities for sustainable development to increase the prosperity of Lancaster.

Policy W2 (Locations for Regionally Significant Economic Development) - Sites should be identified that are deliverable, accessible on foot, cycle or by public transport, limit traffic generation and relate to neighbouring uses. Sites for regionally significant knowledge-based services may be clustered close to universities, major hospitals or other research establishments.

Policy CNL4 (Spatial Policy for North Lancashire) - support sustainable growth in Lancaster building on the strengths and opportunities offered by Lancaster University and the University of Cumbria.

Policy EM16 (Energy Conservation and Efficiency) - developers should minimise consumption, demand and waste whilst maximising efficiency.

Policy EM17 (Renewable Energy) - at least 10% of the development's energy demands should be provided by on-site renewable energy sources.

## 6.3 Lancaster District Local Plan - adopted April 2004 (saved policies)

Policy EC1 (Bailrigg Business Park) - identifies the site as a Business Park for B1 (Business) employment use.

Other relevant Local Plan policies include EC6, which sets out the criteria for new employment development; T9 which encourages the use of public transport and more sustainable modes of travel; T16 which expresses the County Council's maximum car parking and cycle standards; T17 which requires the submission of a Travel Plan for all major proposals; and T24 which includes the Lancaster-Bailrigg Lane-University cycle route as part of the wider Strategic Cycle Network.

The LDLP also contains environmental policies that are relevant to the proposal. E4 identifies



surrounding land and a small parcel of land within the application site at the north-eastern corner as 'Countryside Area'; Policy E7 sets out the criteria for development affecting watercourses such as Ou Beck at Bailrigg; Policy E12 seeks to safeguard existing habitats and encourage habitat creation; E13 is a generic policy aimed at protecting areas of woodland and significant trees; and E29 and E31 identify the university campus as an Area of Urban Greenspace and of Key Urban Landscape.

#### 6.4 Lancaster District Supplementary Planning Guidance note 5 - adopted April 2002 (saved policy)

This development brief for the site sets out the Council's vision for an ICT-based investment cluster in South Lancaster. In delivering this site the key principles include a high-quality campus-style development, reinforcement of perimeter planting and retention of hedgerows where possible, the use of Ou Beck as a possible pedestrian route and an area for habitat creation, and the provision of improved cycle linkage to the existing route off Bailrigg Lane and connectivity through to the university.

#### 6.5 Lancaster District Core Strategy - adopted July 2008

Policy SC1 (Sustainable Development) - Development should be located in an area where it is convenient to walk, cycle or travel by public transport between homes, workplaces, shops and other facilities, must not result in unacceptable flood risk or drainage problems, does not have a significant adverse impact on a site of nature conservation or archaeological importance, uses energy efficient design and construction practices, incorporates renewable energy technologies, creates publicly accessible open space, and is compatible with the character of the surrounding landscape.

Policy SC2 (Urban Concentration) - 95% of new employment floorspace to be provided in the urban areas of Lancaster, Morecambe, Heysham and Carnforth.

Policy SC5 (Achieving Quality in Design) - new development must reflect and enhance the positive characteristics of its surroundings, creating landmark buildings of genuine and lasting architectural merit.

Policy SC6 (Crime and Community Safety) - Developments should be pedestrian friendly, incorporate Secure by Design principles, avoid car dominated environments, , deliver safe high quality public realm and open spaces, and achieve greater use of pedestrian and cycle networks.

Policy SC7 (Development and the Risk of Flooding) - Development must not expose workplaces, homes and public areas to unacceptable levels of flooding.

Policy ER1 (Higher and Further Education) - Developing the science park as a high quality location for knowledge based industries and with functional and physical links between it and the Lancaster University.

Policy ER3 (Employment Land Allocations) - Due to the highly specialised nature and location of the science park, it forms no part of the employment land allocations set out in this policy.

Policy ER7 (Renewable Energy) - To maximise the proportion of energy generated in the District from renewable sources where compatible with other sustainability objectives, including the use of energy efficient design, materials and construction methods.

Policy E1 (Environmental Capital) - Development should protect and enhance nature conservation sites and greenspaces, minimise the use of land and non-renewable energy, properly manage environmental risks such as flooding, make places safer, protect habitats and the diversity of wildlife species, and conserve and enhance landscapes.

Policy E2 (Transportation Measures) - This policy seeks to reduce the need to travel by car whilst improving walking and cycling networks and providing better public transport services.

## **7.0 Comment and Analysis**

### 7.1 Location

7.1.1 During the preparation of the RSS, the North West Regional Assembly commissioned a

sustainability analysis of all 25 Strategic Regional Sites. This was undertaken by consultants in May 2002 and used environmental, economic and social criteria, in association with the Draft RSS policies at the time and the potential for deliverability of the sites. The benchmark figure was set at 40% and sites exceeding this figure were deemed to have passed the sustainability test.

- 7.1.2 The Bailrigg site scored just 40% on sustainability, 43% on compliance with regional policies and 57% in terms of availability and deliverability. This amounted to an overall average score of 47%, thereby exceeding the benchmark figure. This is not a high score and placed Bailrigg in 22<sup>nd</sup> place out of the 25 sites assessed. The sustainability score of 40% was significantly below the 63% average figure due to the loss of a greenfield site (though the brownfield site of the Old Filter House was included in the assessment), the impact upon agriculture and the lack of a significant local workforce (which could result in attracting commuters from outside the district). This low sustainability score (which would be lower if assessing the application site only i.e. not including the Old Filter House) and an average score of below 50% shows the extent to which the development of this site must include strong mitigation and compensation measures to improve its current status.
- 7.1.3 National, regional and local planning policies are broadly similar in encouraging the use of previously developed (brownfield) land before the use of greenfield sites. Regional planning policies are especially important when considering a site with regional economic importance such as this and Policy DP4 advocates the use of a similar sequential analysis to site selection. Policy DP7 also advises that major developments in the countryside should be avoided unless the need for development cannot be accommodated elsewhere. Whilst the Bailrigg site is not designated as 'open countryside' in the Local Plan, it has a rural appearance and is probably best described as rural fringe land between the city boundary and the university, providing a strategic and locally important green gap between the urban fringe and the university campus.
- 7.1.4 Lancaster District benefits from a number of large employment areas: White Lund, Luneside, Heysham/Middleton and Caton Road. Taking these areas in order, the White Land estate is situated north of the River Lune, and though located on the cycle and public transport (bus) network, it would fail to benefit from the close linkage to the university campus that the Bailrigg site offers, and this is one of the locational preferences reiterated throughout regional and development plan guidance.
- 7.1.5 There are sites that could potentially accommodate a science park on the Lune Industrial Estate and/or on the Luneside West and Luneside East sites, but these have their own problems due to poor highway access, the existence of current general industrial uses which would be contrary to encouraging a much higher environmental standard of design and layout, and the consequential traffic impacts upon the Air Quality Management Area declared around the gyratory network in the city centre.
- 7.1.6 Whilst the Heysham/Middleton area has better access to the port, it does not have the same level of bus service or convenient connectivity to the cycle network that Bailrigg offers. It is also significantly detached from the university. These existing employment areas also contain more general industrial uses that would conflict with the physical and visual aspirations of the science park.
- 7.1.7 Lastly Lancaster Business Park on Caton Road would be contrary to PPG4 because of its closer proximity to the M6 Trunk Road, and the potential for queues developing on this motorway.
- 7.1.8 The science park would offer accommodation to retain knowledge-based industries around the centre of learning. Its location will help facilitate company formations arising from the research undertaken at the university, including InfoLab 21, that cannot be accommodated within the confines of the campus. Whilst there is an opposing view that modern-day businesses can communicate via electronic technologies and that location adjacent to the campus is not essential, all regional and local planning guidance confirms that a close geographical relationship is preferable.
- 7.1.9 The locational argument therefore rests upon whether there is an exceptional justification for siting a science park in this location as opposed to previously developed buildings and/or land elsewhere. Individual development plans are not, by themselves, a basis for an exceptional approach, even though the site is allocated through the plan-making system. Though the proposal would erode the openness of the countryside in this area and remove a strategic green gap between Scotforth and the university (effectively joining the campus to the periphery of the city's urban area), the potential for stimulating economic growth and diversifying the district's employment sector is, in the view of the Local Planning Authority, likely to be greater due to its close location to the campus. There are no

other suitable sites within or south of Lancaster that would be able to deliver this benefit without having other detrimental impacts.

## 7.2 Transport (including highways, Travel Plan and cyclepaths)

7.2.1 A submitted Transport Assessment was compiled further to 12 months of discussions with the Highway Agency and County Highways in an attempt to alleviate the concerns arising from the previous application. It analyses existing traffic conditions, the addition of new traffic and the enhancement of other modes of transportation.

7.2.2 Vehicular access will be taken from a new junction on the A6. The signalised junction has turning lanes akin to those at the existing University junction, with separate lanes for through traffic. There would also be separate northbound and southbound lanes out of the site.

7.2.3 The situation during the morning and evening peak along the A6 is problematic at present. Traffic tails back to the Junction 33 sliproad during the morning, and similar queues occur in the opposite direction between Galgate and Lancaster University during the evening. The single lane width of the Galgate crossroads and lesser so parts of the Hala crossroads are obstacles to free-flowing traffic along this stretch of highway. It is anticipated that the addition of MOVA technology at both Galgate and Hala traffic lights would allow signal timings to respond to changing traffic conditions such as those experienced during peak-time traffic. Whilst new MOVA technology to these signals may assist, the improvement, or otherwise, to the through-flow of traffic at Galgate (as the flow of traffic at this junction impacts on the M6) will be monitored to ascertain the amount of additional floorspace that can be released by introducing this measure. This is discussed in greater detail later in this section.

7.2.4 The impact upon the M6 is a concern of the Highways Agency, who had previously placed a Holding Direction on the previous application to ensure that the impacts on the functioning and safety of the M6 carriageway were fully addressed prior to determination of the application. However, with the current application the applicant has satisfied the Highways Agency that the additional traffic can be accommodated on the road network without cars queuing back onto the M6 carriageway, subject to certain works being undertaken and specific targets being met. Therefore the Highway Agency has requested that should planning permission be granted that a series of conditions be attached to the approval. These conditions would allow 23,000 sq m of the development to be delivered, subject to the provision of highway improvements to the Galgate junction to facilitate a better flow of traffic through the crossroads (the first 11,000 sq m of floorspace can come forward without these measures, in effect filling the existing spare capacity on the highway network in Galgate). These works include the installation of MOVA technology to the traffic lights, the provision of a bus lay-by on the western side of the A6 just north of the junction, and the provision of parking bays on the eastern side of the A6 again north of the crossroads. The Transport Assessment anticipates that MOVA will achieve up to 7% improvement to the flows of traffic along the A6, but due to the junction's design a specific percentage improvement cannot be agreed by the Highway Agency and County Highways. As such, it has been agreed that the MOVA technology should be installed and then monitored. If the technology delivers an improvement, it will secure the delivery of additional employment floorspace proportional to that improvement. However, if MOVA either does not provide any improvement or an improvement great enough to deliver the residual amount of development then the remainder of the science park can only come forward if the targets (in relation to number and direction of trips generated by this development) in the Travel Plan are met (see below).

7.2.5 The additional traffic is, in the view of the Local Planning Authority, the most contentious issue associated with the scheme. Traffic levels will continue to rise on this stretch of road regardless of whether the science park is constructed or not, although the proposal will clearly exacerbate those volumes. County Highways have clearly stated that should the science park be permitted that any further major development at the University, or other significant proposals in the South Lancaster locality, would need to prove they would have a positive or neutral impact on the level of traffic to be supported by Highways.

7.2.6 There is reference to 860 car parking spaces in the submission, 10% of which will be allocated as mobility spaces. However, to bring this in line with the Travel Plan targets (discussed later in this section) this figure would need to be significantly reduced to c600 (53% of 1,100 employees, plus some spaces to be utilised by visitors). By limiting the number of spaces this would discourage the science park's occupiers from using a car to access the site. In addition, motorcycle and bicycle

parking will be provided to provide incentives for other means of transport. Shower and changing facilities should be provided in each of the buildings to encourage riders further. Relevant car and cycle parking conditions can be attached to an approval should planning permission be granted.

- 7.2.7 The Framework Travel Plan seeks to encourage more sustainable modes of transport to and from the site. In setting the Travel Plan's aims and objectives the applicant has reviewed the current public transport, cycle and pedestrian facilities, and Travel Plans of 5 other science parks (16 parks in total were investigated, but 11 currently have no Travel Plan in place).
- 7.2.8 A number of bus services use the A6 serving Heysham, Morecambe and Lancaster. The site is also served more infrequently by buses travelling to and from Galgate, Garstang, Preston and Blackpool. New quality bus stops will be provided by the site access on both the northbound and southbound sides of the A6. It should be noted that all buses would be subject to the same level of congestion as cars along the A6.
- 7.2.9 There is of course no rail link to the university, although the concept of a rail station at Bailrigg was included in the previous Lancaster Local Plan. This is no longer allocated in the current Local Plan. A bus service (X1) currently connects Lancaster railway station to Lancaster University via the University of Cumbria and the entrance of the science park.
- 7.2.10 Pedestrian and cycle access to the site remains limited but would be improved by the continuation of the cycle network from its current termination point at Bailrigg Lane, through the application site and into the university grounds to the south. The Masterplan shows the cyclepath linking into the proposed cycleway at Lake Carter and the university's new sports facility. It is essential that it continues south through the university grounds to Green Lane and links into the university campus and the cycle network further south in order to promote cycling for employees that live to the south of the site, an area that is not as well served by public transport. Access to the A6 would also be provided by a cyclepath adjacent to the spine road. These cyclepaths will also have pedestrian sections attached to them.
- 7.2.11 The Framework Travel Plan contains generic targets based upon the proposed use, the linkage to the university and the public transport connections that already exist. The mode share targets for the science park are 63% car-borne journeys (of which 10% are car share - i.e. car passengers), 10% cycling, 5% walking, 20% public transport and 2% motorbike.
- 7.2.12 In order to achieve those figures, a series of measures have been listed in the submitted Travel Plan. These measures include linkages into the existing cycle network, car park charges, discounted public transport tickets, advocating car sharing, and the provision of cycle parking, changing facilities and showers, and a re-directed bus into the site that serves the rail station and the university at an appropriate time in the development's phasing. It would then be incumbent on the local planning authority to impose a condition requiring the Travel Plan targets in relation to the number and direction of car trips to be met for the preceding phase prior to commencement of any future phase beyond 23,000 sq m (subject to the success of the MOVA technology at Galgate traffic lights) to ensure that the amount of traffic generated by the development is not exceeded.
- 7.2.13 A Travel Plan Co-ordinator must be employed to promote other forms of transport other than the car and to monitor the Plan's effects to ensure the proposed initiatives are being effective resulting in the above targets being met. The Co-ordinator will be appointed prior to the first occupation on site and will be responsible for the travel aspects of the development. Their salary will be covered by way of a service charge levied on the science park's tenants (which will also help to cover some of the costs of the Travel Plan's initiatives. Each business (unless very small in which they have to adopt the site Travel Plan) will need to produce a Travel Plan that will need to be approved by the Local Planning Authority. The Co-ordinator will set up a Travel Plan Steering Group which must also be attended by a member of senior management from each business to oversee the development and operation of the Travel Plan.
- 7.2.14 Despite the applicant's best endeavours they were not successful in gaining the university's approval to integrate the Travel Plan with the university's own travel plans. This is disappointing but the university made it clear that they felt that the 2 different uses did not lend themselves to be joined in this way as one could hamper the other in realising future development plans if targets were not met. However, the university were still committed to push forward with their measures to achieve their targets. Nevertheless, the submitted Framework Travel Plan does include the provision for the Co-

ordinator to liaise with the university so measures can be appropriately co-ordinated.

- 7.2.15 That said, a car parking management policy will be critical to the success of any travel plan and should be consistent with the university's own scheme. Employees of the science park should incur a parking charge and strict rules should regulate the parking for visitors. Car sharers would be subject to a lower charge. This is proposed in the submitted Framework Travel Plan. The system would have to prevent employees and students at the university parking their vehicles at the science park and then walking from there to the university. There are no details at this stage as to how this would be controlled, but with a co-ordinated approach with the university these matters can be easily resolved. The spine road and Bailrigg Lane will be controlled to prevent them being used for overflow or free parking.
- 7.2.16 Whilst the submitted Travel Plan provides a useful framework, it will be the implementation of the individual Travel Plans that will be key to the success of this development. The role of a Travel Plan Co-ordinator is also extremely important in delivering and enforcing the ambitious targets set. Furthermore, it is the effectiveness of the Travel Plans that will ultimately dictate whether the last 11,570 sq m of floorspace at the science park is actually delivered (subject to the success of MOVA at Galgate traffic lights in allowing a greater movement of vehicles through the junction, especially at peak hours).
- 7.3 Ecology
- 7.3.1 The site does not have any statutory nature conservation or heritage status. A Screening Opinion was provided by the Local Planning Authority in March 2009 and advised that submission of an Environmental Statement (under the Environmental Impact Assessment Regulations) was not required.
- 7.3.2 The previous applicant undertook an Ecological Survey and Nature Conservation Assessment in January 2006. This was a requirement of SPG 5 and was conducted in consultation with Natural England (then English Nature), the Lancashire Badger Group and the Lancashire Wildlife Trust. The Survey concluded that there were no habitats or species of high ecological interest that would be affected. However, due to the seasonal constraints of the timing of the survey a further Water Vole and Bats Survey was undertaken in May 2006. No bats or water voles were recorded. Some of the trees contained crevices that bats could theoretically use as habitats. Similarly, the watercourse could support water voles even though it is very shallow and has been trampled by sheep. It was recommended that fencing be provide on either side of the beck to help regenerate the banks and encourage habitat creation, although this would have to be undertaken in consultation with the Environment Agency and the County Ecologist. Due to the time that had lapsed between the initial submission of the previous application and its revisions, the applicant was requested by the Council to undertake a further ecological and bat survey. Though the findings showed little in the way of ecological interest, the former stated that ponds in the adjacent site had not been checked for great crested newts and the latter stated the limitations of the survey (the consultant had not been able to access the site, and had only managed to make observations from the A6 and Bailrigg Lane on one occasion) and recommended further surveys.
- 7.3.3 Despite the lack of habitats and wildlife previously discovered, a Biodiversity Report was submitted with the current application. The report reviews existing ecological survey information for the site and considers its value for habitats, amphibians, birds, bats and other mammals. No ecological features of greater than local value were identified on site, with the exception of potential use of the site by bats. Though the development has been designed to minimise its impact on bats, a series of bat surveys are underway (they have been delayed by the weather) to ascertain the nature of bat activity on site (roosting, foraging and/or commuting). The result of these surveys will be provided as a verbal update at Committee. The Biodiversity Report recommends a number of mitigation measures. The implementation of these measures will ensure that the scheme does not affect the favourable conservation status of bats in the local area.
- 7.3.4 The trees and hedgerow covered by the 2 Tree Preservation Orders (nos. 291 and 385 protecting the north boundary hedgerow and 3 mature trees; one Lime tree on the north boundary of the site and a Horse Chestnut and an Oak on the southern side of Ou Beck) are retained. These features will require protection during development. 11 trees and 2 lengths of hedgerow (one along the western boundary and the other in the east of the site) will be lost to development. A policy of 'no net loss' of hedgerow is to be maintained and any tree that is removed must be replaced by 3 new

trees. The development would have to adhere to these principles. It is proposed to use conifers in areas of planting for all year-round screening purposes, but County Ecology does not wish to see the use of any non-native species. More ornamental planting will be provided to serve as accent or focal points in key locations, but a more natural landscaping approach is proposed in the most visual and sensitive areas of the site (see landscaping section below).

7.3.5 The provision of the balancing ponds (see section below on flooding and drainage) will contribute to the enhancement of aquatic habitats, whilst it is envisaged that new native planting around the perimeters and along Ou Beck will improve biodiversity within the application site. Detailed aftercare will be imperative and will comprise of replacement of any defective planting, maintenance of irrigation and wetlands and weed/growth control.

7.3.6 Many of the above measures would be most appropriately controlled by requiring the submission of a habitat management and creation plan. This is a justifiable planning condition.

#### 7.4 Flooding/Drainage

7.4.1 One of the most recurrent objections from local residents both on the previous application and this current submission (including during pre-submission public consultation) has concerned the potential for flooding from Ou Beck. Many of the objections refer to flooding in previous years due to capacity problems related to the beck, both upstream in Bailrigg and downstream in Galgate. This is acknowledged in Paragraph 5.1 of SPG 5 where explicit reference is made to "existing capacity and flooding problems of Ou Beck upstream and downstream of the site affecting both property and land".

7.4.2 SPG 5 continues by stating that if surface water discharges are proposed to Ou Beck, developers would be required to carry out a catchment study to demonstrate the effect of the proposed discharge. It does not state that this has to be undertaken prior to the grant of outline permission, but clearly the details and the precise drainage solution would need to be in place (with written confirmation from both the Environment Agency and United Utilities) prior to the granting of any reserved matters consent.

7.4.3 The site lies in Flood Zone 1 on the Environment Agency's Flood map, meaning it is at low risk of flooding. However, as the site involves operational development over 1 hectare in size, a Flood Risk Assessment (FRA) is required. A FRA has therefore been submitted as part of this application. In terms of flood risk, the initial report findings identified that the site is at low risk from all sources of flooding although consideration is needed in the vicinity of the Ou Beck to accommodate some level of flood storage. Further to receiving comments concerning over potential flooding issues from local residents, a hydraulic model of Ou Beck was constructed and the findings were incorporated into the FRA (the model also takes into account the potential impacts of climate change). It predicts that during 1 in 100 year flood events, the flood levels would overtop the Ou Beck channel banks causing flooding to low lying land mainly to the north side of Ou Beck. The areas affected by these 1 in 100 year events (Flood Zone 3a) and 1 in 20 year events (Flood Zone 3b) are included in the indicative masterplan as either landscaped areas or car parking which are considered acceptable uses in such an area by PPS25. No buildings are affected. It is proposed that surface water will pass through silt traps prior to discharging into the beck. The Environment Agency (EA) has specifically requested that surface water from car parking areas is filtered through oil interceptors.

7.4.4 The modelling also found that Bailrigg village is sufficiently far upstream of the development site and the development proposals are adequately set back from Ou Beck, that the development will not impact on flood risk at Bailrigg. It is understood that the primary cause of the flooding in the village is due to the inadequate capacity in the culverted sections of Ou Beck that run through the village and therefore the proposed development will not alter this existing flood risk.

7.4.5 Taking this analysis into account, the masterplan has been designed to limit the number of beck crossings to 1, possibly 2. The less number of crossings/culverts will help to reduce the risk of flooding upstream. By minimising the number of alterations to the beck (which includes the addition of crossing points) will also be beneficial in biodiversity terms.

7.4.6 SPG 5 indicated that the site should be drained on a separate system using a sustainable urban drainage system (SUDS). This is taken forward in the submitted Drainage Strategy, which confirms that approval has been received in principle for the discharge of throughflows from the proposed

development into an adoptable drainage network beneath the main spine road. Storm volumes produced during storm events up to the 1 in 100 year plus climate change event will be stored within landscaped pond areas incorporated into the scheme, or alternatively within oversized pipes or underground tanks. The indicative masterplan identifies 5 landscaped attenuation ponds located throughout the site. The use of SUDS will prevent the discharge of stormwater into the watercourse creating a flood risk up or downstream. The Environment Agency has also approved in principle that the surface water run-off to be discharged into Ou Beck can be attenuated to greenfield run-off rates (not to exceed 10 litres per second per hectare) which will ensure that Local Plan Policy E7, which requires that development should cause no adverse effects on watercourses, is satisfied.

7.4.7 The Drainage Strategy also confirms that approval in principle has been gained from United Utilities for the adoption of a foul drainage network that will take normal foul flows from the development and connect to the existing combined sewer. Responsibility for the maintenance of all open water features would rest with the applicant.

## 7.5 Landscaping

7.5.1 The masterplan is notable for the inclusion of structural landscaping zones, which will be free from development and will provide opportunities for landscape screening. The western (adjacent to the A6) and eastern (facing Bailrigg village) boundaries are specifically identified as areas for additional planting to create natural screening. Unfortunately the choice of plant species will be limited in some areas on the western side of the site as service easements restrict the planting of deep rooting species. It is proposed to plant up both the western and eastern sections at the earliest stage so the vegetation is more established before the buildings are constructed. They will vary in width (between 5m and 25m) using mainly local, native species, but also some conifers to provide year round screening.

7.5.2 The area south of Ou Beck will be the most intensively landscaped with the introduction of mown grassed terraces. A much smaller building exclusion zone is shown on the northern boundary and it is envisaged that the hedgerow and tree-lined boundary will be retained and reinforced with supplementary planting.

7.5.3 A small strip of land to the north of Ou Beck is highlighted on the masterplan. This indicates 'non-developable buffer zone' which is necessary for beck's maintenance. To help maintain the biodiversity along the beck it will be sensitively planted and its banks re-profiled (subject to Environment Agency's approval). A similar approach will be adopted for the land immediately to the south of the beck. It is envisaged that parts of this 'corridor' will be used as wetland habitat whilst others retained for seasonal ponding.

7.5.4 A new entrance layout provides an opportunity to create an important focal point along the A6. This gateway feature will incorporate more formal landscaping areas in contrast to the informal wooded arrangements that characterise most of the existing and proposed boundary treatments. Stone, lighting and sensitive siting of signage and public art may accompany this formal planting. This will give way to an avenue of semi mature trees set in regularly mown grass verges along the spine road. The roundabout likewise lends itself to be appropriately planted and covered in tuft. Away from the roads and built up parts of the site it is proposed to sow grass seed with wildflowers to create distinctive tree covered meadows.

7.5.5 The use of paving, fencing, street furniture, foot/cycle bridges and lighting will all be incorporated into the final landscape scheme (including a maintenance plan). Lighting will be designed to minimise its impact on the wildlife and local residents.

## 7.6 Design

7.6.1 It should be noted that the science park (in essence the buildings and associated car and cycle parking) part of this hybrid application is in outline only. Therefore most of the design aspects are not detailed and are illustrative only. That said, the submission conforms to national guidance relating to the submission of outline planning applications.

7.6.2 As stated in the Proposal Section above, the scheme's layout is set by fixed parameters, such the application site's boundaries, the Ou Beck and the site's spine road. In effect this splits the site into 3 parts. It is proposed to leave the area south of the Ou Beck (the south east corner) undeveloped

to allow for the provision of SUDS and landscaping.

- 7.6.3 The other 2 areas will be developed, with the section south of the spine road forming the first phase of development. This is the part of the site that is closest to the university and therefore it makes sense to create that link early in the science park's existence. It is also envisaged that the first building to be constructed (south of the site access to create a gateway building) will be the innovation centre, an incubator unit for ideas and research. This will be used by small organisations wanting to investigate new technologies and the like. If an idea or business takes off, then further space can come forward to accommodate the organisation's specific space requirements. This is in line with SPG 5 that stipulates the City Council's preference for a mixture of plot and unit sizes for small, medium and large firms. However, Paragraph 3.5 does indicate that should a suitable single occupier be found which met the requirements of the allocation, then this would be considered sympathetically.
- 7.6.4 As the site has been split in this way to allow for adequate drainage and improvements to the landscape and site's biodiversity, plus other site restrictions such as service easements, the scheme has been reduced in size from 38,910 sq m (as initially proposed in the 2005 application) to 34,570 sq m. To deliver this quantum of floorspace, a mix of 2 and 3 storey buildings will be required. Subject to the visual impact of the buildings, this is quite appropriate. The use of natural screening (landscaping) and the site's topography can assist in reducing the impact of taller buildings. Their siting, however, will be critical to minimising their impact on the neighbouring countryside and residents. The maximum ridge height of the proposed buildings would be 14.0m for the 2 storey buildings and 18.2m for the 3 storey buildings, but it is proposed to 'cut and fill' the site to create new levels for drainage purposes. The building's impact will need to take into consideration the new site levels as well as the building heights and landscaping proposals.
- 7.6.5 Some concern has been voiced about the elevational treatments described and illustrated in the submission. These details will be provided at the Reserved Matters stage (should outline planning permission be granted), so this matter is not discussed at length in this report. However, it should be noted that science parks are generally more attractive in visual and environmental terms than industrial and business parks. They often include innovative building designs, renewable and energy efficient technologies and responsibly sourced materials wherever possible. Though innovative approaches should be encouraged, the buildings must also be appropriate to their setting. Likewise, good lighting and signage will be important, but these features should not be intrusive.
- 7.6.6 A significant concern has been raised by a number of Bailrigg residents though in terms of the spine road alignment. The road's specification and location is a requirement of the existing landowners, and the land acquisition is dependent on the road's delivery in accordance with these details. Nevertheless, that is an estate issue, not a planning matter. As stated numerous times above, the proposed landscaping of this scheme is critical to ensure that the science park is adequately screened to reduce its visual impact on the adjacent countryside area and especially from the neighbouring residential dwellings in Bailrigg. The end of the spine road comes to within 10m of Bailrigg Lane and 15m of the eastern boundary. Scotforth Parish Council has requested that the spine road is pulled back to allow for significant bunding and planting to be provided in this location. However, as shown on the illustrative plans, the car parking area associated to the buildings in the north east corner can only be accessed from this end of the spine road without pushing the buildings closer to the dwellings at the western end of Bailrigg, which would have a detrimental impact on these residents. It should also be noted that the hammerhead (turning head) is required both by emergency services and waste refuse collectors. In other words the road's design helps to deliver other planning requirements, whilst still providing natural screening and habitat connectivity for biodiversity purposes. The road's location is appropriate subject to the 10 and 15 metre spaces being fully utilised for the creation of a strong, visually impermeable natural barrier to Bailrigg village as required by SPG5.
- 7.6.7 Though the application does not define a phasing plan for the science park, the conditions sought by the Highways Agency splits the development into 3 phases (post construction of the spine road and access) - up to 11,000 sq m of floorspace, up to 23,000 sq m and the residual to 34,570 sq m. These amounts are defined by the A6's capacity at key junctions (Galgate and Scotforth) and associated improvement works at these crossroads (discussed further within the Transport section). A phasing plan should be provided as part of any Reserved Matters application.
- 7.7 Environmental Issues (Air Quality, Noise, Contaminated Land)



- 7.7.1 Assuming the Transport Assessment is accurate, 60% of the car borne traffic generated by the development will access/egress the site from/to the north, and therefore it is reasonable to assume that the majority of this traffic will be working its way round the city centre's gyratory system. This falls with the Lancaster City Air Quality Management Area (AQMA). The other 40% will be travelling south through Galgate, another AQMA. Environmental impacts upon designated AQMAs are material considerations to the planning process. The previous application provided no information on the development's impact in this regard. However, this application has rectified this previous omission and the air quality assessment was submitted as one of the supporting documents. The assessment defined the baseline air quality conditions before identifying the potential impacts and found that providing good practice methods were followed during both construction and operation, potential impacts were limited. The applicant is committed to taking forward the mitigation and enhancement measures proposed in the assessment relating to dust emissions, exhaust emissions, release of VOCs from stored fuels and chemicals.
- 7.7.2 In terms of noise, the development will generate more noise than the existing agricultural use, but the proximities between the developable part of the application site and existing dwellings appear to be acceptable and have not prompted environmental objections. With the exception of construction work, the main source of noise from this development is more likely to be traffic (vehicles entering, exiting and circulating around the site) rather than the buildings themselves. However, as the access point and the majority of the car parking areas are away from Bailrigg village this nominal noise will not have an adverse impact on the amenities of the village's residents.
- 7.7.3 The Land Contamination Assessment finds that risks to current site users, development workers, future landscaping, potable water supplies, buildings and adjacent properties from on site sources of contamination are low. The risks to future commercial site users and Ou Beck are low to moderate. The risks to future site users and future buildings from off site sources are considered to be low. The risks to Ou Beck and perched groundwater underlying the site are considered low to moderate. The assessment concludes by identifying additional sampling works that should be undertaken, but it would be appropriate to condition this additional work as part of any planning consent. This position is reiterated by the Environment Agency.
- 7.8 Demand for 'knowledge-based' employment space/Employment benefits
- 7.8.1 Lancaster Science Park seeks to attract technology, research and development uses and develop integration with uses already at, or arising from, the University campus. Uses referred to in the supporting statement include ICT, Business and Management, and Environmental Sciences. The success of the park would therefore largely be determined by the promotion of the university linkage and effective marketing. Although the B1 Use Class allocation theoretically includes light industrial uses, it is envisaged that only high-quality B1 uses would be accommodated and that any light industrial activities would be ancillary to the high-technology uses. More general industrial activities or call-centre type office uses would undermine the regional significance of the site and weaken the reasons for its allocation.
- 7.8.2 The Regional Economic Strategy (RES) provides the economic overview for the region. It recognises the diversification of business markets and the development of skills, infrastructure and employment opportunities as strategic objectives.
- 7.8.3 RES Action 80 is one of a number of actions that are seen as fundamental priorities for delivering the RES vision. Action 80 specifically refers to the delivery of the designated strategic regional sites as regional investment sites, knowledge nuclei or inter-modal freight terminals. By virtue of its close proximity to the university, Bailrigg is deemed to be an appropriate location for this 'knowledge nuclei' role.
- 7.8.4 The site represents the fulfilment of a long-term ambition to secure a site adjacent to the university capable of attracting knowledge-based businesses. The Lancaster & Morecambe Vision identifies the science park as the centrepiece of the district's knowledge economy and will enhance business creation, growth and inward investment by improving choice and availability of business space within the district.
- 7.8.5 In addition the NWDA's Demand Study concluded that Lancaster has a need to create employment with a "high value-added content". Moreover, the number of skilled people living in and around

Lancaster is not commensurate with the number of high value-added jobs in the sub-region, strengthening the case for a specific knowledge-based initiative.

- 7.8.6 The planning application indicates a broad figure of c1,100 new jobs. It goes without saying that this would be a substantial employment boost and will help retain graduates in the district by offering high-quality opportunities for 'start-up' and 'grow-on' businesses in innovative and wide-ranging fields.
- 7.8.7 SPG 5 confirmed the important role played by Lancaster University and the University of Cumbria (referred to as St Martin's College in the policy document) which, when combined, could "form the basis of a regional ICT-based investment cluster". The creation of the Business Enterprise Centre at Lancaster University will develop the interface between small and medium businesses and the university itself. However, the potential for growth could be lost unless the conditions are right to accommodate that growth in Lancaster.
- 7.8.8 The university has a strong reputation for its research capabilities, based on research quality, teaching excellence, technology transfer and business services. It has a strong track record in partnerships at local, regional, national and international levels. Moreover, Lancaster is the most successful university in the country for securing government and European funding to work with small and medium sized enterprises (SMEs). Its management school is one of two in the UK with a six star research rating as a centre of world class research. Furthermore, a number of departments within the university presently possess strong business links with private companies in the region, in particular in the field of environmental sciences.
- 7.8.9 In terms of demand, a demand assessment for the science park was undertaken by a firm of consultants, SQW (Lancaster Science Park: Demand Assessment – Final Report) in December 2006. This established that there is a need for high quality space in the area and nearly half of those interviewed (40 potential tenants currently engaged in knowledge-based industries were interviewed) would consider taking space at the science park once it is developed. Given the importance placed on ensuring that activities at the park are closely aligned to those at the Lancaster University, the fact that the survey also found that linkages to the University are one of the main advantages of Lancaster as a location to do business is significant.
- 7.8.10 The working environment of the science park is also likely to influence demand for space. SQW's demand assessment found that broadband internet access, good public transport links, good access to the motorway network, high quality well-designed buildings, attractive surroundings (buildings and open space) and good transport links to the town centre are the key environmental features which businesses would base their decision on in favour of moving to the park.
- 7.8.11 In terms of recent take-up for similar space, InfoLab21 provides more than 10,000 sq. ft of employment space within the campus of the university and incorporates space aimed at technology and ICT companies. Demand at InfoLab21 has remained strong (85% occupancy rate) with space being let to 15 companies in the ICT field (11 of which came from the sub-region). City Lab is situated in the city centre. It was opened in September 2006 and within 3 months occupancy rates reached 10%. This has risen to 87% in December 2008. The third phase of Lancaster Environment Centre opened in May 2007 and is dedicated to companies working in the environmental sector. The Centre does not operate on the same commercial basis as City Lab and InfoLab 21, with the majority of businesses being linked to research partnerships with the university. Despite this restriction the Centre has still managed to achieve 50% occupancy since its opening and 20 companies are currently based at the Centre.
- 7.8.12 Though the Regional Spatial Strategy and the RES both state that job creation should target disadvantaged communities and locations (and South Lancaster does not fall within this category) the primary focus of a science park is to tap into the potential at the university and retain the qualified/skilled workforce in the District. It is the synergy created by the 2 aspects together that will generate the thousand or so jobs that this proposal projects. This is recognised in RSS Policy W2 which states that it is appropriate to cluster regionally significant knowledge-based services close to universities. This is to exploit the opportunity to link university led research activities with commercial enterprise.
- 7.8.13 Overall the development is expected to make a significant contribution to the economy of the wider area. Opportunities for employment will exist both during construction of the development and the

long term employment use within the science park. The science park will also contribute to the viability of existing services within Lancaster, including public transport links, hotel accommodation and retail uses. In this wider economic context, the development will potentially attract investment and confidence in the Lancaster City area.

## 7.9 Energy Efficiency/Renewable Energy

7.9.1 SPG 5 indicates that the science park should be "energy efficient, maximising passive solar gain, avoiding hillcrests and making maximum use of south-facing slopes". Again the outline nature of the application prevents detailed building designs, and therefore it is not possible to undertake a BREEAM assessment. However, the submitted sustainability statement states that the development is committed to comply with the NWDA Sustainable Building Policy, including:

- Incorporation of best practice sustainable design and construction principles to achieve a BREEAM 'Excellent' rating
- Use of energy efficient design to achieve a carbon reduction of 18% better than Building Regulations
- Incorporation of low carbon/renewable technologies to achieve the target of a minimum of 10% renewable energy generation on site
- Incorporation of sustainable waste management techniques to achieve the target of 40% net waste
- Incorporation of waste efficient design to achieve the target of 85% net water

7.9.2 It is proposed to use a range of measures including the orientation buildings to minimise excessive solar gain, green roofs and walls where appropriate, natural ventilation, sun pipes, heat recovery systems, occupant/daylight controlled switching, high performance glazing, local materials, recycling facilities and modern construction methods. Furthermore, the following technologies will be investigated to help meet the necessary targets: combined heat and power (gas and biofuel), photovoltaics, solar collectors (water and air), biomass and community/centralised systems. Grey water recycling and rainwater harvesting will also be analysed for suitability.

7.9.3 To aid the above objectives, the Local Planning Authority considers that a condition imposing a Renewable Energy Strategy document for the whole site should be imposed, if the application successfully gains planning approval.

## **8.0 Conclusions**

8.1.1 The principle of the proposed development has previously been established through the plan making system. Bailrigg is an identified Regional Investment Site. As such it should act as flagship developments for the North West, accommodating the needs of inward investment and indigenous businesses. Standards of layout design, building design, energy conservation, landscaping and quality of construction should ensure that the science park contributes positively to environmental quality. There should be a presumption in favour of innovative and quality architectural design solutions.

8.1.2 These high standards should also apply to ecological issues. The requirement for a surface water restriction by the Environment Agency should satisfy any concern regarding flooding to Ou Beck, whilst the provision of an 8m wide buffer zone around the beck will allow the habitat to recover from damage caused by livestock. The planting of dry and wet native species in this protected strip will help to enhance the biodiversity of the site. The imposition of Tree Preservation Orders on the site illustrates the Council's desire to retain key features of ecological importance within the site, and these Orders have been taken into consideration in the landscape proposal. Planning conditions requiring a full Landscape Scheme and a Habitat Management and Creation Plan will be an important condition of any planning permission as these will also contribute towards a net gain in the site's biodiversity.

8.1.3 The landscaping scheme is also crucial in delivering some key components of the development brief for this site (SPG5). The scheme's design as proposed provides an opportunity to create a strong, visually impermeable natural barrier to Bailrigg village at the end of the spine road. The space between the north and east boundaries and the spine road's termination point must be fully utilised for the planting of this natural screen.

- 8.1.4 The issue of location is one that has been the source of objection, but when other previously developed options are considered, no other site provides the cumulative advantages of Bailrigg. These include being in close proximity to higher education providers (especially the university); enjoying current bus service linkage on a Primary Bus Corridor; providing an excellent opportunity to extend the adjacent Strategic Cycle Network and thus also the potential to create a viable cycle/pedestrian linkage to the university and residential areas in Lancaster and to the south; and of its location away from areas of general industrial activity which could adversely affect the high-quality environment required for knowledge-nuclei sites. The site is allocated specifically in the Local Plan. Despite its low sustainability score, it conformed to the Regional Investment Site Analysis demonstrating that the site is sustainably acceptable.
- 8.1.5 The most considerable concern relates to highway and traffic impact. The Transport Assessment indicates that volumes of traffic will rise in the locality as a result of the development. The Highway Agency has not placed a Holding Direction on this application confirming that they are satisfied that the development will not have an adverse impact on the M6. This is subject to the measures previously discussed in this report.
- 8.1.6 This leaves County Highways' views (only conveyed verbally at this stage). They are concerned about the impacts upon the effective functioning of the A6 and its traffic light junctions, especially in Galgate and Scotforth. Due to the configuration of these crossroads and the buildings around them, there are only a few measures that can be implemented to try and alleviate some of the congestion. County Highways has been working with the applicant to ensure that the development's traffic would not be detrimental to the operation of the A6. However, they have categorically stated that should this application be granted, the abovementioned crossroads would be over capacity with no measures left to make improvements to them, and hence future development proposals would need to prove that they have a neutral or positive impact on traffic levels to gain their support.
- 8.1.7 National planning guidance is useful in considering this issue. PPG4 encourages development in accessible locations where more efficient modes of transport can be used, and states that "this is particularly important in the case of...campus style developments such as science parks". It says that development should be discouraged where it would be likely to add unacceptably to congestion. PPG13 also provides specific B1-use advice by saying that local planning authorities should "adopt a positive, plan-led approach to identifying preferred areas and sites for B1 uses" and should, as far as possible, be highly accessible by public transport, walking and cycling. It also acknowledges the role that businesses should make by adopting travel plans to encourage car sharing and use of non-car modes of transport.
- 8.1.8 This raises the issue of the Framework Travel Plan. The emphasis will be upon the Travel Plan Co-Ordinator and the science park tenants to achieve the stringent targets that are set out in the Travel Plan. Without meeting the Travel Plan targets future development beyond 23,000 sq m (or a different floorspace figure depending on the success of MOVA technology at Galgate traffic lights) would be jeopardised. It is possible to make the grant of planning consent conditional on the meeting of these Travel Plan targets as set out earlier in this report.
- 8.1.9 It is worth mentioning that the phased nature of the science park will not suddenly mean a dramatic increase in traffic levels. The development will occur over a long, possibly 20-year period with the timescale being in line with anticipated demand. This phased approach provides a realistic opportunity for influencing travel behaviour at the earliest possible stage. Given that the site is in an area served by an appropriate level of public transport, and cycle and pedestrian linkages will be provided in the first phase of development, the local planning authority conclude that this is an acceptable site for a science park proposal, providing that a robust and exhaustive Travel Plan is required by planning condition and subsequently implemented.
- 8.1.10 There will need to be a wide range of highway improvements, most of which will be delivered under Section 278 of the Highways Act.
- 8.1.11 Lastly, it is important to note that this is not a business park, but a science park that seeks to build upon the research and development and innovation generated at the adjacent university. It is therefore critical to the scheme's aspirations to restrict the type of business that can take up space at the science park. A planning condition should be imposed to limit the use of the site to the B1 use class and require an entry criteria, which could be potentially linked to ICT, research or other similar

high-quality business collaborations with higher education providers.

- 8.1.12 In summary subject to the measures set out above it is considered appropriate to delivering a high quality science park on this site. Therefore planning permission should be granted subject to the conditions below.

### **Recommendation**

That Outline Planning Permission for a Science Park **BE GRANTED** subject to the following conditions:

1. 5 years consent
2. Outline permission - Reserved Matters required (except access)
3. Illustrative drawings only
4. Limitation of Use Class B1 only, in association with the provisions of the entry criteria to be submitted to, and agreed in writing by, the Local Planning Authority
5. Phasing plan to be submitted to, and agreed in writing by, the Local Planning Authority. Phase 1 to be developed south of the spine road.
6. Submission and implementation of a Renewable Energy Strategy prior to approval of the reserved matters. Minimum of 10% of the development's predicted energy requirement sourced from on site renewable energy production
7. All buildings to achieve a BREEAM rating of excellent, or equivalent
8. Submission of a Car Parking Management Strategy
9. Car Parking - details required (including mobility spaces). The development shall not exceed the maximum parking levels permitted by RT2 of the Regional Spatial Strategy
10. Provision of motorcycle and bicycle storage to be agreed (bicycle parking provision to be provided at a ratio of 1 space per 10 employees). All buildings to be provided with showers and changing facilities.
11. Travel Plan condition. Prior to commencement of the development, any revisions to the submitted Framework Travel Plan shall be submitted to, and agreed in writing by, the Local Planning Authority, Highway Authority and the Secretary of State for Transport. Any revisions shall be implemented and monitored in accordance with the revised travel plan. As a minimum, the travel plan shall incorporate details of the development phasing and measures to reduce the reliance on single occupancy vehicle trips throughout each development phase. The development shall proceed wholly in accordance with the Framework Travel Plan
12. Off-site highway improvements to be provided by way of a s278 agreement include:
  - a) the provision of a bus lay-by on the northbound side of the A6 just north of Galgate junction);
  - b) the provision of parking bays along the southbound side of the A6 to the north of Galgate junction);
  - c) the installation of MOVA technology to Galgate traffic lights;
  - d) the provision of 2 Quality Bus stops (one on either side of the A6 in the vicinity of the site access);
  - e) the provision of cyclepaths along the A6 in either direction of the access junction, totalling up to 950m;
  - f) the provision of a foot/cycle path link from the site's southern boundary to the university's cycle infrastructure in the vicinity of Lake Carter; and
  - g) the provision of up to 2.65km of further off-site designated foot/cycle paths (locations to be agreed with the Local Planning Authority in conjunction with the Highways Authority)
13. Off-site highway improvements 'd', 'e' and 'f' listed in Condition 14 shall be constructed and available for use prior to the occupation of any building on site. No more than 11,000 sq m gross internal area (GIA) of development shall be occupied until up to 1.35km of off-site designated foot/cycle paths has been provided. Up to 1.3km further off-site designated foot/cycle paths shall be constructed prior to the occupation of more than 23,000 sq m (GIA) of development.
14. 2 internal cyclepaths (one running north-south across the site and the other attached to the south side of the spine road) shall be constructed and available for use prior to the occupation of any building on site
15. No development shall be commenced in excess of 11,000 sq m (GIA) until full design details of the required improvements to Galgate junction and the northbound bus lay-by have been submitted to, and agreed in writing by, the local planning authority, Highway Authority and the Secretary of State for Transport
16. No more than 11,000 sq m (GIA) of development shall be occupied until the agreed measures in Condition 15 have been fully implemented to the satisfaction of the Highway Authority in liaison with the Highway Agency

17. No development shall be occupied until full details of an automated system to monitor vehicle movements to and from the site have been submitted to, and agreed in writing by, the Local Planning Authority, Highway Authority and the Secretary of State for Transport. The agreed system to be full implemented and operational prior to occupation
18. No development shall be occupied until details of a Bailrigg Transportation Steering Group have been submitted to, and agreed in writing by, the Local Planning Authority, Highway Authority and the Secretary of State for Transport. The purpose of the Steering Group is to monitor data supplied pursuant of Condition 17 in association with the agreed Framework Travel Plan and consider overall travel behaviour at the site. It will be convened in accordance with the agreed details
19. No more than 23,000 sq m (GIA) of the development shall be occupied if monitoring in accordance with the requirements of Condition 17 shows that traffic entering the application site morning peak hour (defined as the 60 minute period between 07.00 and 10.00) exceeds 240 vehicles in total (40% maximum from the south) on five or more occasions within any three month period or until a scheme of traffic management measures and/or highway improvements that mitigates the excess have been submitted to, and approved in writing by, the Local Planning Authority, Highway Authority and the Secretary of State for Transport. Any approved scheme shall be implemented in full prior to any further development exceeding 23,000 sq m is occupied
20. No development exceeding 23,000 sq m (GIA) shall commence until a full detailed assessment of potential impacts from Phase 3 and its associated floorspace have been undertaken and approved in writing by the Local Planning Authority, Highway Authority and the Secretary of State for Transport
21. No development exceeding the allowable floorspace levels shall commence until any identified scheme of traffic management measures and/or highway improvements resulting from the assessment undertaken in Condition 20, have been submitted to, and approved in writing by, the Local Planning Authority, Highway Authority and the Secretary of State for Transport. Any approved scheme shall be implemented in full prior to any further development exceeding 23,000 sq m is occupied
22. If monitoring in accordance with the requirements of Condition 17 shows that traffic entering the application site in the morning peak hour (defined as the 60 minute period between 07.00 and 10.00) has exceeded the pro rata trip rates for the allowable floorspace in Condition 20 (40% maximum from the south) on five or more occasions within any three month period, no development exceeding allowable floorspace shall be occupied until the highway improvements specified in Condition 21 have been constructed and completed to satisfaction of the Local Planning Authority, Highway Authority and the Secretary of State for Transport
23. Prior to the construction of each phase of the overall development commencing, the applicant shall submit full details, including the cumulative gross floor area total, proposals to occupy all buildings and any associated car parking. The details submitted shall be sufficient for the Local Planning Authority (in consultation with the Highways Agency) to approve what stage the building(s) (or component parts of any buildings) is/are being brought into their intended use for the purposes of discharging Conditions 19 and 21
24. Submission of a Surface Water Drainage Strategy (including attenuation surface discharges from the development to existing 'greenfield rates' of 10 litres per second per hectare). The approved strategy to be fully implemented
25. Separate drainage system
26. Provision of inceptors - car parks
27. Refuse storage details
28. Provision of CCTV
29. Light pollution - external lighting details

That Planning Permission for a new access off the A6, construction of an internal spine road and provision of landscaping **BE GRANTED** subject to the following conditions:

1. Standard 3 year consent
2. Development as per approved plans
3. Submission and implementation of a detailed Landscaping Scheme (including an initial 10 year maintenance programme) prior to approval of reserved matters
4. Submission and implementation of a Habitat Management and Creation Plan, prior to approval of reserved matters (to include the provision of an 8 metre wide vegetated buffer zone to either side of Ou Beck)
5. Submission and implementation of a Construction Environmental Management Plan
6. Full implementation of bat, water vole and badger mitigation proposals
7. Scheme for the Protection of Trees (during building operations)
8. Retention of existing trees/hedgerow (unless agreed in writing in advance with Local Planning Authority)

9. A detailed Method Statement is submitted and agreed in writing for all works in proximity to trees
10. All tree works as detailed within Arboriculture Implications Assessment are undertaken in compliance with this document and BS3998(1989)Tree Work and undertaken by a trained and experienced arborist
11. No cement washout areas within 20 metres of any trees, vegetation or Ou Beck
12. Submission of a Surface Water Drainage Strategy (including attenuation surface discharges from the development to existing 'greenfield rates' of 10 litres per second per hectare). The approved strategy to be fully implemented
13. Separate drainage system
14. Construction hours (0800-1800 Mon to Fri, 0800-1400 Sat)
15. Construction noise and vibration
16. Scheme for dust control
17. Contaminated land condition
18. Contaminated land - importation of soil, materials and hardcore
19. Contaminated land - prevention of new contamination
20. Bunding of tanks
21. Wheel cleaning facilities - during construction
22. Archaeological survey
23. Adoptable highway details required
23. On-site highway works to be constructed and adopted by way of a s38 agreement include:
  - the site access;
  - the internal spine road; and
  - the provision of toucan crossing facilities at the access junctionEach relevant phase shall be accessible by adopted roads prior to occupation of any building within that phase

### **Human Rights Act**

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

### **Background Papers**

None.