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| <b>Agenda Item</b>               | A6  |
| <b>Application Number</b>        | 19/01137/FUL  |
| <b>Proposal</b>                  | Construction of an access link road between Bailrigg Lane and the Health Innovation Campus Road |
| <b>Application site</b>          | Land North East Of Bailrigg Lane<br>Lancaster<br>Lancashire                                     |
| <b>Applicant</b>                 | Gladman Developments Ltd  |
| <b>Agent</b>                     | Mr Adam Key   |
| <b>Case Officer</b>              | Richard J Byrne   |
| <b>Departure</b>                 | No  |
| <b>Summary of Recommendation</b> | Refuse  |

(i) **Procedural Matters**

This application is intrinsically linked with 19/01135/OUT and is expedient to present this case to planning committee in the public interest.

**1.0 Application Site and Setting**

1.1 The application site is located on the south side of Bailrigg Lane opposite the property, Low Hill. The site trapezoid in shape is adjacent to Bailrigg Lane's edge currently planted with a hedge comprising a mix of sycamore, common beech, elder, common hawthorn with flat grass to its rear.

**2.0 Proposal**

2.1 Planning permission is sought for the creation of a new access link road onto the southern side of Bailrigg Lane which would facilitate a road connection between the HIC access road and the proposed access to serve the application site for outline consent for up to 644 dwellings to the north.

2.2 A 30 metre section of the hedge along Bailrigg Lane is proposed for removal to facilitate the proposed access.

2.3 The proposed works creates a new point of access/egress onto Bailrigg Lane from the existing HIC spine road. It is intrinsically linked with the application for outline planning permission (with means of access to be considered) for residential development to the north, If this application and the outline consent is approved it would result in a continuous means of travel on the spine road linking the A6, the HIC and Bailrigg Lane. It is shown indicatively in the outline application that the internal main road would link with the spine road to the south. It is envisaged that should the reserved matters then be approved for the residential development the spine road from the A6 would lead through the residential development to eventually link to Hala Hill at its most northerly tip.

2.4 The following works fall outside of the remit of this application but are noted as they are intrinsically linked:

- The southern and northern approach to the proposed junction would be road marked with red bars and slow lettering to inform drivers to reduce speed. The junction would be hatched painted with an alternative road surface applied on the approach from the east i.e. from Bailrigg Village.
- Bailrigg Lane would be restricted to vehicular traffic (except for access purposes) with removable bollards installed across the carriageway near to the A6 junction and adjacent to the proposed junction. The western side of Bailrigg Lane will still remain as a highway but for non-motorised means of transport e.g. pedestrians, cyclist and horses.

2.5 Subsequent travel to and from Bailrigg Village from the eastern side of Bailrigg Lane would be taken from the southern HIC road or the proposed spine road to the north.

### 3.0 Site History

3.1 The relevant application(s) relating to this site have previously been received by the Local Planning Authority include:

| Application Number  | Proposal  | Decision  |
|---|---|-----------|
| <b>To the north of the application site</b>                                 |   |           |
| 19/01135/OUT  | Outline planning application for the demolition of Low Hill House and the erection of up to 644 dwellings (Use Class C3), a local centre (Use Class E) of no more than 280sq m internal floorspace, a community hall (Use Class F2) of no more than 150sq m internal floorspace, public open spaces including equipped children's play areas, land re-grading, recreational routes, landscaping and sustainable urban drainage systems and creation of vehicular access from Bailrigg Lane and Hala Hill to the North | Pending   |
| <b>To the south of the application site (Health Innovation Campus Site)</b> |   |           |
| 19/01238/NMA  | Nonmaterial amendment to planning permission 16/01308/REM to amend width and surface of shared pedestrian/cycle route, amend tree species to eastern boundary, relocation of cycle shelter, amend seating specifications, reduction of car parking capacity in order to accommodate services route and revised tree layout to accommodate underground services routes.  | Permitted |
| 19/00942/FUL  | Partially retrospective application for the re-grading and re-profiling of land to facilitate the retention of spoil within the site excavated in association with the Health Innovation Park.  | Permitted |
| 18/01066/NMA  | Non material amendment to planning permission 16/01308/REM to accommodate revised site level.   | Permitted |
| 16/01308/REM  | Reserved Matters application for the erection of a 5 storey research and development building (B1) with ancillary facilities, new internal road, car parking and landscaping.   | Permitted |
| 16/00117/VCN  | Renewal of application 09/00330/DPA for the 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 (pursuant to the variation and removal of conditions 3, 4, 5, 6, 7, 8, 9, 11, 12, 15, 16, 17, 18, 19, 21, 22, 23, 24 and 27 on the full planning permission 12/00626/RENU to enable phased implementation and remove duplicated requirements)                      | Permitted |
| 12/00626/RENU   | Renewal of application 09/00330/DPA for the outline   | Permitted |

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|              | 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                   |           |
| 09/00330/DPA | 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 Permitted | Permitted |

## 4.0 Consultation Responses

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

| Consultee                              | Response  |
|--|---|
| Arboricultural Officer                 | <p><b>No objection in principle</b></p> <ul style="list-style-type: none"> <li>Recommendation subject to confirmation of levels, their impact on retained trees/hedgerows and revised landscaping proposals.</li> <li>To develop the proposals, approximately 500 metres of mature hedgerow is to be removed. Whilst the hedgerows limited in terms of species, they are important due to their history and scale. Every effort should be made to retain and improve the existing hedgerows. If removal is justified, translocation should be explored and compensation hedge planting in excess of 500 metres delivered on site. The greatest impact on trees appears to be due to the construction of the proposed new road and cycle network. However, tree losses appear to be limited, with the majority retained. The AIA identifies three individual trees (T5 and T7-8) as requiring removal along with a small proportion of groups G1, G11 and G19.</li> <li>The level of compensation planting within the site, illustrated on the masterplan appears to be extensive and will in part compensate for the loss of habitat across the site. The plan appears to show existing trees and hedgerows buffered to prevent conflict both during and post development, this is in line with the AIA.</li> </ul> |
| Bailrigg Village Residents Association | <p><b>OBJECTION</b></p> <ul style="list-style-type: none"> <li>Bailrigg Village Residents Association fully support the detailed Objection agreed with and submitted by Scotforth Parish Council.</li> <li>This Planning Application should only proceed if there is a condition that a Traffic Regulation Order is imposed that re-configures the use of the section of Bailrigg Lane between the A6 and the entry of the HIC spine road to ensure the safety of all road users, and the retention of the distinctive rural heritage approach to Bailrigg Village.</li> </ul>  |
| Highway Authority                      | <p><b>NO OBJECTION</b></p> <ul style="list-style-type: none"> <li>The access, have remained unchanged, and therefore are covered by the previous LCC Highways statutory response (below).</li> <li>The proposed primary access, extending from the existing HIC spine road and crossing Bailrigg Lane, is shown on drawing 2446-F03 (Rev H).</li> <li>Although falling outside of the remit of this application the proposed alterations to Bailrigg Lane in connection with the wider development are shown on drawings 2446-F03 (Rev H) and 2446-F07 (Rev -). These indicate the proposed changes to the western section of Bailrigg Lane from the A6.</li> <li>The drawings propose to change the priority at Bailrigg Lane and downgrade the western section of Bailrigg Lane to better support sustainable users. It is likely</li> <li>that the western section of Bailrigg Lane will still support some vehicular movements, and therefore, adequate visibility splays are still required.</li> <li>The access plans for the existing Bailrigg Lane are acceptable in principle, subject to detailed design and safety audit. There has been extended</li> </ul>   |

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|                          | discussions with the applicant in regard to the current proposals and the necessary treatment of Bailrigg Lane to ensure the character of the lane and impact to Bailrigg village is minimised.  |
| Scotforth Parish Council | <p><b>OBJECTION</b></p> <p>The Parish Council would support this application if certain conditions outlined below are met, irrespective of the outcome of the planning application (19/01135/OUT) for housing that this is essential to facilitate. The conditions are a Traffic Regulation Order must be enacted that ensures:</p> <ul style="list-style-type: none"> <li>• Bailrigg Lane becomes a one-way road from the A6 to the new spine road crossing/junction in the Bailrigg Village direction with no right or left turn permitted at the junction.</li> <li>• A contraflow cycle lane is provided for cyclists from the spine road crossing to the cycle path towards Collingham Park Road.</li> <li>• The speed limit is designated as 20mph for the entire length of Bailrigg Lane.</li> <li>• In addition, the Parish Council recommend that the cycle path at the adjacent hammerhead be straightened and consideration be given to road crossing traffic lights for the junction of Bailrigg Lane and the new spine road to aid cyclists and pedestrians and that the footpath on the east side of the spine road be 3m wide to accommodate cyclists.</li> </ul> |
| United Utilities         | <p><b>COMMENTS</b></p> <ul style="list-style-type: none"> <li>• Requests the attachment of a surface water drainage scheme;</li> <li>• United Utilities' Property, Assets and Infrastructure - Pressurized water mains are situated within Bailrigg Lane. As we need unrestricted access for operating and maintaining them, we will not permit development over or in close proximity to the mains. We require an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines', which has been attached to the comments;</li> <li>• According to our records there is an easement crossing adjacent to the proposed development site which is in addition to our statutory rights for inspection, maintenance and repair. The easement dated 26/04/1979 UU Ref: N699 has restrictive covenants that must be adhered to.</li> </ul>   |

4.2 **Six** representations have been received objecting to the scheme and raise the following comments:

- Agreement with the points made by Bailrigg Village resident's Association and Scotforth Parish Council
- planning application should only proceed if there is a condition that a Traffic Regulation Order is imposed that re-configures the use of the section of Bailrigg Lane between the A6 and the entry of the Health Innovation Campus spine road to ensure the safety of all road users, and the retention of the distinctive rural heritage approach to Bailrigg Village.
- Lack of detailed consultation with residents affected by surface water flooding or the presentation of suitable plans to mitigate any increased risk of flash flooding due to the massive increase in impermeable surfaces directing water flow towards the properties in lower Bailrigg Lane in conjunction with data readily available from the Environment Agency is fundamentally flawed
- observations concerns arise around, health need requirements ie Doctors surgery, traffic congestion from a large housing site and Schools. All of these do not appear to have been addressed within the proposal. The support infrastructure for such a large development is clearly lacking.

## 5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Matters of Principle
- Highway safety
- Impact on hedgerow

- 5.2 **Consideration 1 – Matters of Principle - NPPF paragraphs: 7 – 12 (Achieving Sustainable Development); Strategic Policies and Land Allocations (SPLA) DPD policies SP1 (Presumption in Favour of Sustainable Development); SG1 (Lancaster South Broad Location for Growth).**
- 5.2.1 In terms of the principle of the development the site lies within a “Broad Location for Growth” (referred to as BLG) where Policy SG1 sets a broad location for growth in the South Lancaster area and a series of key growth principles for the future development. Policy SG1 does not set specific allocations of land for development or other purposes, nor does it provide a detailed planning framework through locally-specific planning policies. It does however set a commitment to prepare and deliver a new Area Action Plan DPD for growth in South Lancaster, including the delivery of Bailrigg Garden Village.
- 5.2.2 There are 15 Key Growth Principles set out in SG1. However, these should be read in a strategic context and it would be difficult applying them to this application, essentially as the works relate more to an engineering operation. However, taking into account the context and position of the application site it can be construed to be intrinsic to the link between the Health Innovation Campus development site and the residential development site to the north which fall within the BLG area where it is advocated to improve the connectivity in south Lancaster.
- 5.2.3 Evidence of the intention of a future link can be gleaned from the approved HIC plans and how the central spine road has been laid within the site (the spine road has been named Sir John Fisher Drive). From the north a planning application is currently before the Council and appearing on the same agenda for outline permission of residential development with full permission for the means of access. The proposed means of access is taken from Bailrigg Lane (involving the demolition of the property Low Hill) opposite the proposed link under considering of this application. The plans for the outline application have been considered concurrently by the Highway Authority and show the link with Sir John Fisher Drive by means of the facilitating link section proposed under this application.
- 5.2.4 However as can be read elsewhere on the agenda the application for the outline permission has been recommended for refusal. Although the reasons for refusal do not relate to the proposed access, if minded for refusal, this would effectively remove the justification and purpose for this application as the link road as it would no longer facilitate the desired connectivity between the HIC and the land to the north.
- 5.2.5 The implications for removal of the justification for the link road will be further discussed in the following sections to then establish the acceptability of the proposal and if it can be recommended for support.
- 5.3 **Consideration 2 – Highway Safety - NPPF Chapter 9 paragraphs 108-111: Promoting Sustainable Transport and Chapter 12 paragraph 127: Achieving well-design places. SPLA DPD Policy SG1 Lancaster South Broad Area of Growth T2: Cycling and Walking Network and T4: Public Transport Corridors. DM DPD Policy DM29: Key Design Principles, DM60: Enhancing Accessibility and Transport Linkages, DM61: Walking and Cycling.**
- 5.3.1 It is noted that the Highway Authority have considered the proposed link road in conjunction with the proposed highway works associated with the application for outline planning permission (19/01135/OUT) and not in isolation.
- 5.3.2 On the north and south approach to the revised junction with Bailrigg Lane a 3 metre and 2 metre footway straddles the carriageway providing safe movement for non-motorised traffic, which incorporates the link section for this application. The restriction to access only on the western side of Bailrigg Lane provides safe movement for pedestrians, cyclists and other non-motorised highway users from and to the A6 along Bailrigg Lane.
- 5.3.3 The application of road markings will draw driver attention to the oncoming junction and for vehicles exiting Bailrigg Village with north and south visibility splays. Road signage is proposed, however, this would fall under the regulatory control of the Highway Authority.
- 5.3.4 The proposed link section in conjunction with the proposed junction alteration would result in a continuation of the provision of the existing HIC road and provides pedestrian and cycle access from the A6 through the site to Hala Hill should the outline consent be minded for approval followed by subsequent approval of a future reserved matters application.

- 5.3.5 However, taking into account the circumstances this may well not be the case, if for example, the outline consent is refused as per Officer recommendation. The refusal of the outline consent would affect remove the spine road to the north leaving the link section to be considered in isolation under this application.
- 5.3.6 The link section taken in isolation would result in a convoluted means of access for Bailrigg village, if for example, the highway restriction is put into place on the western side of Bailrigg Lane connecting to the A6. Subsequently by introducing an access to be formed onto Bailrigg Lane from Sir John Fisher Drive it is considered this would significantly harm the level of highway safety.
- 5.3.7 Should no restriction be put into place on Bailrigg Lane (which would be at the discretion of the Highway Authority under separate regulatory control) the proposed link would create a means of access/egress into the HIC site from the north along the lane which connects to the A6. Although the HIC is served by a junction on the A6 to the south there is a high probability that the proposed link would create a higher flow of vehicular traffic using Bailrigg Lane, especially at peak times and as means of avoidance to using the existing junction with the A6. Given the limited width of the lane, the higher flow of traffic (that being cars, vans and lorries) would be in conflict with the available space on the highway with non-motorised traffic. As there are no footways on Bailrigg Lane, in conjunction with the uncertain maximum speed of the road with limited visibility this presents a significant highway safety concern for all users of Bailrigg Lane.
- 5.3.8 It is therefore considered that given the uncertainty of the outcome of the outline consent the highway improvement works cannot be relied upon and would be inappropriate to secure by planning condition to make the development acceptable. As such, the link in isolation would result in an unacceptable significant impact on highway safety. Therefore, the proposal would be contrary to A Local Plan for Lancaster District 2011-2031 Part Two: Review of the Development Management DPD Policy DM29: Key Design Principles.
- 5.4 **Consideration 3 - Hedgerow Impact - NPPF paragraphs: 131, 174 and 180; Strategic Policies and Land Allocations (SPLA) DPD policies: SP8 (Protecting the Natural Environment and SG1 (Lancaster South Broad Location for Growth); Development Management (DM) DPD policies, DM44 (Protection and Enhancement of Biodiversity) and DM45 (Protection of Trees, Hedgerows and Woodland).**
- 5.4.1 The effect to hedgerows within a development site is considered principally under DM DPD Policy 45. The policy is twofold whereas the Council will support the protection and incorporation of existing of trees and hedgerows and encourage appropriate opportunities to encourage new planting of new trees, hedgerows and woodlands. The protection of existing trees, woodland and hedgerows will be where they positively contribute either as individual specimens or as part of a wider group to the visual amenity, landscape character and / or environmental value of the location. It is stated that new development should positively incorporate existing trees and hedgerows which is further echoed throughout the SPLA and DM DPDs.
- 5.4.2 The applicant has submitted an Arborocultural Impact Assessment. Although the document covers the land to the north it includes the application site and has been tailored to assess the removal of the hedgerow to facilitate the proposed link road section. The AIA identifies that circa 30 metres of what is considered to be moderate quality hedgerow is to be removed to facilitate the proposed access road. It is acknowledged that it is not possible to mitigate the loss within the application site, however, it is advocated that the wider area i.e. the development site to the north, would deliver suitable mitigation planting.
- 5.4.3 It has been identified that this application is intrinsically linked with the application for outline consent. The view is further strengthened by the AIA in acknowledging that mitigation for the loss of the hedgerow would come from planting in the wider site, rather than from within the site.
- 5.4.4 It is accepted that the site would not provide opportunities for mitigation taking into account the area and that a significant proportion is required for works associated with the proposed highway. Furthermore, it is noted that any material considerations which can be used in the planning balance to outweigh a loss largely relies on the merits of the outline consent.
- 5.4.5 Given the application for outline consent is recommended for refusal any mitigation measures would not be forthcoming to support this application and the subsequent loss of the hedgerow. However,

should the application be minded for approval there are sufficient factors to warrant and outweigh the loss of the short section of hedgerow along Bailrigg Lane.

5.4.6 In the absence of a favourable decision in isolation there are no mitigation measures or reasons to warrant the removal of the hedgerow which would adversely affect visual amenity and remove a habitat for wildlife. The loss of the hedgerow cannot be supported and the application would be contrary to A Local Plan for Lancaster District 2011-2031 Part Two: Review of the Development Management DPD DM29: Key Design Principles and DM45: Protection of Trees, Hedgerows and Woodland.

## 6.0 Conclusion and Planning Balance

6.1 It can be gleaned from the application and the supporting plans and documents that it is intrinsically linked to the application for outline consent for residential development to the north of Bailrigg Lane.

6.2 Without prejudice to the outcome of the outline application the proposal for the link road would by reason of enabling access to the HIC site adversely affect the level of highway safety and would result in a loss of hedgerow without sufficient mitigation to outweigh the removal.

6.3 Should the outline application be determined before this application and is minded for approval the link road would be an enabling factor in a new junction with Bailrigg which has sufficient highway measures in place to mitigate safety concerns. Similarly, the loss of the hedgerow could be justified using the merits and compensatory planting on the residential site to the north.

6.4 However, this application must be determined in accordance with the Local Plan as intrusted by Planning Legislation and the NPPF against the plans and documents submitted. Therefore, in the absence of a favourable decision made on the application for outline consent this application is unacceptable for the reasons above and is recommended accordingly.

## 7.0 Recommendation

7.1 That Planning Permission BE REFUSED for the following reason:

| Refusal No. |   |
|-------------|---|
| 1           | This application is for enabling purposes to form a link between the existing Health Innovation Campus Road (Sir John Fisher Drive) and the proposed residential development to the north which would result in a continuous means of connectivity from the A6 to Hala Hill in the Broad Location for Growth designation supported by the strategic Local Plan Policy SG1. In the absence of a favourable decision for the proposed residential development north of Bailrigg Lane, the proposed link road in isolation, would result in a significant adverse impact on highway safety and no justification and mitigation measures to compensate for the loss of the Bailrigg Lane hedgerow. The development is therefore contrary to A Local Plan for Lancaster District 2011-2031 Part Two: Review of the Development Management DPD DM29: Key Design Principles and DM45: Protection of Trees, Hedgerows and Woodland. |

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

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

### **Background Papers**