

<b>Agenda Item</b> A6	<b>Committee Date</b> 7 March 2016	<b>Application Number</b> 16/00117/VCN
<b>Application Site</b> Land For Proposed Bailrigg Business Park Bailrigg Lane Lancaster Lancashire	<b>Proposal</b> 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)	
<b>Name of Applicant</b> Lancaster University	<b>Name of Agent</b> Mr Chris Argent	
<b>Decision Target Date</b> 28 April 2016	<b>Reason For Delay</b> N/A	
<b>Case Officer</b>	Mr Andrew Drummond	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Approval	

## **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 & wire fence. 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 The site is accepted as being part of the Southern Gateway into Lancaster. Bailrigg Lane, a relatively narrow semi-rural road, bounds the site to the north and connects the village of Bailrigg to the A6 to the west. The southern site boundary 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 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 existing mature planting. However, the site is clearly visible at close quarters and the rising nature of the landscape emphasises its prominence in short views. The A6 is a well-served bus corridor and has regular 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 identified this land for inward investment and high-quality economic development. It was formerly allocated as the 'Bailrigg Business Park', although it has since been acknowledged by the Council, the County and the former North West Development Agency (NWDA) that this site would be developed as a Science Park. This is reiterated in Policy ER1 of the Lancaster District Core Strategy. The allocation protects the site for B1 (Business) use only.
- 1.4 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 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 A hybrid application was approved in 2009. It was hybrid in nature as part of the proposal was applied for in full and the other part in outline. The outline consent was granted for a science park (approximately 34,000 sq.m of B1 use floorspace) and full planning permission was granted for a new access off the A6, construction of an internal spine road and provision of landscaping. This application relates to the latter - the full planning consent element of the hybrid consent. Funding is now in place to allow the new access off the A6 to be constructed, so the applicant is revisiting the planning conditions on the full planning permission to allow for a phased implementation of the consented works. This will allow the secured funding to be spent prior to the consent expiring, and allow for detailed design work on the outline elements (the science park) to be progressed which could have implications on the precise location and alignment of the internal spine road and landscaping. To achieve this phased approach the applicant seeks to vary or remove 19 planning conditions. Where appropriate the requirements of a number of conditions will be condensed into one; where requirements are duplicated only one should remain; and where the requirements of the conditions can be suitably staggered they should be varied to allow for such phasing of works.

## **3.0 Site History**

- 3.1 Further to a withdrawn outline application (05/01114/OUT) in 2007, a hybrid application for the Science Park (in outline) and the new access, internal spine road and landscaping scheme (in full) was approved in 2009, and subsequently renewed in 2012:

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
<b>09/00330/DPA</b>	Outline application for a Science Park (approximately 34,000 sqm 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
<b>12/00626/RENU</b>	Renewal of application 09/00330/DPA for the outline application for a science park (approximately 34,000 sqm 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

## **4.0 Consultation Responses**

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

<b>Consultee</b>	<b>Response</b>
<b>Highways England (previously known as Highways Agency)</b>	At the time of writing no comments have been received.

<b>Highway Authority (County Highways)</b>	At the time of writing no comments have been received.
<b>Environment Agency</b>	At the time of writing no comments have been received.
<b>Local Lead Flood Authority</b>	At the time of writing no comments have been received.
<b>United Utilities</b>	At the time of writing no comments have been received.
<b>GMEU</b>	At the time of writing no comments have been received.
<b>Environmental Health</b>	At the time of writing no comments have been received.
<b>Ellel Parish Council</b>	At the time of writing no comments have been received.
<b>Scotforth Parish Council</b>	At the time of writing no comments have been received.

## **5.0 Neighbour Representations**

5.1 At the time of writing no comments have been received.

## **6.0 Principal National and Development Plan Policies**

### **6.1 National Planning Policy Framework**

The National Planning Policy Framework indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development (**paragraph 14**). The following paragraphs of the NPPF are relevant to the determination of this proposal:

Paragraph **17** - 12 core land-use planning principles

Paragraphs **19** and **20** – economy

Paragraph **173** – ensuring deliverability

Paragraph **206** – planning conditions

### **6.2 Development Management DPD**

Policy **DM15** (Employment Premises)

Policy **DM20** (Enhancing Accessibility)

Policy **DM21** (Cycling and Walking)

Policy **DM27** (Biodiversity)

Policy **DM28** (Landscape Impact)

Policy **DM29** (Trees and Hedgerows)

Policy **DM35** (Design)

Policy **DM39** (Surface Water Run-off)

### **6.3 Core Strategy**

Policy **ER1** (Higher and Further Education)

### **6.4 Local Plan (saved policies)**

Policy **EC1** (Bailrigg Business Park)

Policy **E4** (Countryside Area)

Policy **E29** (Green Spaces)

Policy **E31** (Key Urban Landscape)

### **6.5 Other Material Considerations**

Supplementary Planning Guidance 5 - Lancaster University / Bailrigg Business Park Development Brief (**SPG5**)

## **7.0 Comment and Analysis**

7.1 As part of the National Planning Policy Framework's presumption in favour of sustainable development, central Government requires Local Planning Authorities to ensure that development is deliverable and planning conditions meet 6 tests – necessary, relevant to planning, relevant to the development being permitted, enforceable, precise, and reasonable in all other respects. This application follows these principles and therefore is acceptable in principle, though each condition

subject to this application is considered separately in light of national planning policy.

- 7.2 Firstly there are a number of conditions that all relate to effectively the same issue, namely a construction environmental management plan. Therefore the requirements of conditions 11 (cement washout areas), 15 (site clearance and demolition plan), 16 (construction management plan), 17 (construction noise and vibration controls), 18 (dust control), 22 (bundling of tanks containing fuel, oil and/or chemicals) and 23 (wheel cleaning facilities) can all be incorporated into condition 5, which required this plan but does not define within the condition what should be included. By varying condition 5 in this way it provides clarity whilst not diluting the overall requirements of the consent. Furthermore this condition should allow for the details to be phased. In other words, instead of having to provide all the details upfront for the whole site (which may be difficult given some of the works are yet to be fully designed), it allows for details to be provided on a phase by phase basis.
- 7.3 There are other conditions that will also require this form of phasing. The landscaping scheme (condition no.3), habitat management and creation plan (no.4), tree and hedgerow protection (no.7), arboricultural method statement and a tree works schedule (no.8), surface water drainage strategy (no.12), land contamination measures (no.19), prevention of contamination from site activities (no.21), and programme of archaeological works (no.24). Wording such as “in any particular phase as defined by the phasing programme in conditions 25 and 26” should be added to these conditions to maintain the requirement of the condition whilst allowing the development to be phased. In this way the conditions remain relevant to the development, but also become more reasonable. Conditions 25 and 26 already include a provision for the “phasing programme” to be agreed with the Local Planning Authority.
- 7.4 It should, however, be noted that due to concerns of Officers and local residents of Bailrigg village, the original 2009 was approved on the basis of the western and eastern sections of the site being planted up at the earliest stage so the vegetation is more established before the buildings are constructed. Therefore any phasing plan must include these areas in first phase.
- 7.5 One condition needs to be varied because circumstances outside of this application have overtaken the requirements of the condition. Condition 27 relates to the installation of MOVA technology at Hala and Galgate traffic lights. Confirmation from the Highway Authority that MOVA has already been installed and is operational at Galgate crossroads is awaited. If confirmed this condition can be re-phrased to remove the reference to Galgate.
- 7.6 The conditions relating to landscaping, trees and hedgerows could also benefit from be varied in another way. Again the overall requirements are not diluted, but their wording could be improved so they are more precise. For example there were references to tree retention in the landscaping scheme condition (no.3) that were more suited to the tree/hedgerow protection measures (no.7) so the wording should be transferred accordingly.
- 7.7 Condition 6 relates to protected species mitigation measures. Survey work was undertaken in 2009 and 2012 to support the previous 2 applications for this site. Whilst no badger or water vole activity was captured (Ou Beck not being of suitable dimensions to support the latter), but the north boundary hedgerow and trees were noted for their foraging features and some trees (identified for retention) were considered as having potential to support bat roosts. Further pre-construction surveys were recommended as part of the mitigation measures, and these were secured by way of condition 6. However, given that up to 4 years has passed since the last survey it is deemed appropriate to re-survey the site despite the site not changing in terms of its use (it is still grazed intermittently by sheep) and natural or built features. This survey work is currently being reviewed by the Greater Manchester Ecology Unit (GMEU) who act on behalf of the Local Planning Authority in considering the ecological impacts on planning applications. A verbal update will be provided at the Committee meeting.

## **8.0 Planning Obligations**

- 8.1 There are no planning obligations to consider as part of this application.

## **9.0 Conclusions**

- 9.1 The principle of removing and varying conditions applied to planning permission 12/00626/RENU is acceptable where:

1. conditions can be combined, effectively varying one condition and removing the surplus ones to make the amended one more precise;
2. the requirements of the conditions can be appropriately varied to allow for phasing, thereby making the conditions more reasonable; and
3. circumstances outside of the proposal have overtaken the requirements of the condition so the condition can be varied to omit the superseded element to make it necessary.

At the time of writing the comments of some of the consultees are outstanding, so a caveat comes with the recommendation. Members will be provided with a verbal update at the Committee meeting with regards the outstanding comments and any other updates that may arise.

### **Recommendation**

Subject to no adverse comments arising from consultees that cannot be overcome, that 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 part of planning consent 12/00626/RENU **BE VARIED AND REMOVED** as follows:

3. No development or any site activity associated with the development, including site clearance and preparation, shall commence in any particular phase (as defined by the phased programme in conditions 25 and 26) until a landscaping scheme has been submitted to, and approved in writing by, the Local Planning Authority. Details shall also indicate the types and numbers of trees and shrubs, their distribution on site, those areas seeded, turfed, paved or hard landscaped, including details of any changes of level or landform and the types and details of all fencing and screening. The approved scheme shall be implemented in accordance with a phased programme to be submitted to, and agreed in writing by, the Local Planning Authority. The approved scheme shall be maintained by the applicant or their successors in title thereafter for a period of not less than 10 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, becomes seriously damaged, seriously diseased or dies, by the same species or different species, and shall be agreed in writing by the Local Planning Authority. The replacement tree or shrub must be of similar size to that originally planted.

Reason: In the interests of the amenity of the area.

4. No development or any site activity associated with the development, including site clearance and preparation, in any particular phase (as defined by the phased programme in conditions 25 and 26) shall commence until Habitat Management and Creation Plan has been submitted to, and agreed in writing by, the Local Planning Authority. The associated phase of development shall be constructed in full accordance with the approved details and thereafter maintained in accordance with the approved details.

Reason: In the interests of the amenity of the area.

5. No development or any site activity associated with the development, including site clearance and preparation, (collectively known as the "construction period") in any particular phase (as defined by the phased programme in conditions 25 and 26) shall commence until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding;
- details of wheel washing facilities;
- measures to control noise and vibration;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- vehicle routeing plan to and from the site, including hours of movement; and
- details of any proposed temporary closing of any roads or streets.

The Plan should also demonstrate that:

- No cement washout areas shall be created within 20m of any tree, hedgerow or watercourse (Ou Beck); and
- Any tanks containing fuel, oils and/or chemicals shall be situated within impervious bunds with special attention to the leak-proof and lockable design of any draw-off or drainage

facilities, in accordance with Environment Agency guidance. Each bunded area shall have a minimum capacity of at least 110% of the volume of the largest tank within that bund, and shall accommodate any spillages from fill or draw pipes. Details of this containment system shall be submitted to, and approved in writing by, the Local Planning Authority prior to any such tanks being brought onto the site.

Reason: To preserve highway safety and efficiency and in the interest of the amenity of the area.

6. No development or any site activity associated with the development, including site clearance and preparation, shall commence in any particular phase (as defined by the phased programme in conditions 25 and 26) until the mitigation measures indicated in the plans and supporting documents hereby approved have been fully implemented by a competent, professional person (as approved by the Wildlife Trust) to protect the habitat of bats, water voles and badgers. These measures shall be retained within the development at all times thereafter.

Reason: To ensure that adequate provision is made for these protected species.

7. No development or any site activity associated with the development, including site clearance and preparation, shall commence in any particular phase (as defined by the phased programme in conditions 25 and 26) until a scheme for the protection of all trees/hedges being retained as part of the approved Landscaping Scheme has been submitted to, and approved in writing by, the Local Planning Authority. Details submitted shall be compliant with 'BS 5837 (2012) Trees in relation to construction – recommendations' and shall include details of trees and hedges to be retained or removed, root protection zones, barrier fencing, and a method statement for all works in proximity to those trees or hedges to be retained during the development and construction period. No development or site activities shall commence in any particular phase until the approved scheme of protection has been fully implemented and inspected on site by the Tree Protection Officer. The protection measures shall be retained for the duration of the works, and only removed once the associated phase of development is complete and all machinery and works material removed.

Reason: To prevent damage to trees/hedges during construction works.

8. No development or any site activity associated with the development, including site clearance and preparation, in any particular phase (as defined by the phased programme in conditions 25 and 26) shall commence until an Arboricultural Method Statement for works in proximity to trees and hedgerows and a Tree Works Schedule have been submitted to, and approved in writing by, the Local Planning Authority. The associated phase of development shall be implemented in full accordance with the approved details.

Reason: To prevent damage to trees/hedges during construction works.

9. No tree within the site, other than those identified for removal within the approved Landscaping Scheme, shall be cut-down, up-rooted, topped, lopped or destroyed, nor any hedge within the site cut-down or grubbed out, without the prior written approval of the Local Planning Authority.

Reason: In the interests of the amenity of the area.

11. Remove – merged into condition 5

12. No development or any site activity associated with the development, including site clearance and preparation, in any particular phase (as defined by the phased programme in conditions 25 and 26) shall commence until a Surface Water Drainage Strategy has been submitted to, and approved in writing by, the Local Planning Authority. The associated phase of development shall be implemented in full accordance with the approved details. Uncontrolled Surface Water discharges into watercourses will not be permitted and will be limited to the predevelopment / greenfield site. The Environment Agency has agreed that a predevelopment runoff for a 1 in 200 Year storm event in this catchment would discharge a maximum of 10 litres per second per hectare.

Reason: In order that the land drainage arrangements serving the site are of a satisfactory standard.

15. Remove – merged into condition 5

16. Remove – merged into condition 5

17. Remove – merged into condition 5

18. Remove – merged into condition 5

19. No development or any site activity associated with the development, including site clearance and preparation, in any particular phase (as defined by the phased programme in conditions 25 and 26) shall commence until the following measures have been implemented:
- (a) The application site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing by the Local Planning Authority (LPA).
  - (b) Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation Method Statement) have been submitted to and approved in writing by the LPA.
  - (c) The works specified in the Remediation Method Statement have been completed in accordance with the approved scheme.
  - (d) If during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then remediation proposals for this material shall be agreed in writing with the LPA.
  - (e) A Validation Report and Certificate, confirming achievement of the Remediation Method Statement's objectives has been submitted to and approved in writing by the LPA, including confirmation of any unforeseen contamination encountered during remediation.
- Reason: To ensure that risks from soil contamination to the future occupants of the development and neighbouring occupiers are minimised, together with those to controlled waters and ecological systems and to ensure that site workers are not exposed to the unacceptable risks from contamination during construction.
21. No occupation or use of the development shall occur in any particular phase (as defined by the phased programme in conditions 25 and 26) until an assessment relating to that phase has been submitted to, and approved in writing by, the Local Planning Authority to address the following measures:
- An assessment by a competent person having suitable knowledge and experience shall be made of the potential for any reasonably foreseeable activity on the site to cause contamination of land or water. The requirements of the local planning authority shall be fully established before the assessment is made, and the assessment shall conform to any such requirement.
  - All reasonable precautions shall be taken by way of design, operation, maintenance and security arrangements to ensure that any risk of contamination of land or water is effectively prevented or, where prevention is not practicable, minimised.
  - A written contingency scheme to effectively prevent, contain and/or remove any accidental spillage that may lead to contamination of land or water. The scheme shall be reviewed and updated where necessary at regular intervals by the applicant.
- Reason: To control pollution of land or water.
22. Remove – merged into condition 5
23. Remove – merged into condition 5
24. No development or any site activity associated with the development, including site clearance and preparation, in any particular phase (as defined by the phased programme in conditions 25 and 26) shall commence until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which shall be submitted to, and approved in writing by, the Local Planning Authority.
- Reason: The site is considered to be of archaeological significance.
27. No development or any site activity associated with the development, including site clearance and preparation, shall commence until the highway improvements at Hala signalised junction (the installation of MOVA technology) is complete and operational.
- Reason: In order to maintain flow of traffic on local roads during site preparation and construction and its operational benefits can be determined as required in releasing further phases.

All other conditions will remain and therefore will be repeated on the new decision, including those attached to the outline consent.

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

In accordance with the above legislation, the City Council can confirm the following:

Lancaster City Council has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the applicant to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been taken having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the 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.

### **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