

Agenda Item	Committee Date	Application Number
A5	7 January 2020	19/00942/FUL

Application Site	Proposal
Land For Proposed Bailrigg Business Park Bailrigg Lane Lancaster Lancashire	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

Name of Applicant	Name of Agent
BAM Construction	Miss Hannah Baker

Decision Target Date	Reason For Delay
4 November 2019	Awaiting LLFA consultee response and further information from agent.

Case Officer	Mrs Petra Williams
Departure	No
Summary of Recommendation	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. The site is allocated under saved policy EC1 as the Bailrigg Business Park. Under the emerging Strategic policies and Land Allocations DPD the site is allocated as an employment site for the Lancaster University Health Innovation Campus.
- 1.2 The site (comprising 11.4 hectares) was originally agricultural land with one building on the site, an electricity sub-station. The site is bounded by the A6 to the west. To the north is Bailrigg Lane which is lined by mature trees protected by a Tree Preservation Order. The southern boundary of the site consists of mature areas of woodland, which are also protected by a Tree Preservation Order. This land forms part of the designated Key Urban Landscape. To the east the site is bounded by a post and wire fence. 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 site lies within the Lune Estuary SSSI impact risk zone.

2.0 The Proposal

- 2.1 This application seeks planning permission for the spoil being generated by the works to create the access, spine road and the first phase of the Innovation Park to be retained on site. The spoil material generated (21,000 cubic metres) would be deposited on the wider site within two core reception areas either side of the approved internal road. The topsoil will be stripped and then the excavated material will be spread over the land. The top soil will then be re-instated and re-seeded with grass. The depth of the proposed fill varies from 0m to 2.41m in depth and the proposed distribution of fill broadly relates to existing topography.

3.0 Site History

- 3.1 In 2009 (09/00330/DPA) outline planning permission was granted for a Science Park, and full planning permission granted for a new access onto the A6 and the construction of an internal spine road. In 2012 (12/00626/RENU) this application was renewed to allow for an increased time frame to allow for the

implementation of the permission. In 2016 this permission was varied (16/00117/VCN) to allow for the variation and removal of conditions to remove duplicate requirements and to allow the phased implementation of the permission. Works to implement the 2016 permission have substantially commenced, with the site currently having an appearance of an active construction site. The current scheme is a resubmission of application 18/00583/FUL for the re-grading and re-profiling of land to facilitate the retention of spoil within the excavated site. This application was withdrawn so that the applicant could address issues relating to drainage.

Application Number	Proposal	Decision
18/00583/FUL	Re-grading and re-profiling of land to facilitate the retention of spoil within the site excavated in association with the Health Innovation Park	Withdrawn
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 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
09/00330/DPA	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:

Consultee	Response
Lead Local Flood Authority (LLFA)	No objection subject to a condition to ensure development is carried out in accordance with the submitted drainage strategy.
Arboricultural Officer	No objection as the proposed earthworks will not impact on the retained trees
County Highways	No objection as there is no impact upon the previously agreed details for the access road to be built to adoptable standards.
Greater Manchester Ecology Unit	No objection. Most of the findings of the ecology survey can still be relied on. The exceptions are the need to update badger and water vole surveys. The requirement to carry out precautionary pre-start updated surveys for these species should be made a condition of any permission granted. Any risks to Great Crested Newts are very low and no further survey is needed. There is no requirement to update the bat survey results. Landscaping and Habitat Creation and Management Plans as part of the 2016 consent will need to be amended to take account of the new levels and landforms. Given the degree of separation between the site and the European designated sites, and the precautions in place to prevent any pollution of Ou Beck, it is considered that there are no risks to the nature conservation interest of the European sites and therefore an Habitats Regulations Assessment is not required.
Natural England	No comments to make on this application.
Parish Council	Objections due to concerns that the planning process has been deliberately disregarded as works have already been substantially completed before this application was submitted. Also asks confirmation that the proposed drainage solution will be adequate to capture all surface water running off the site towards

5.0 **Neighbour Representations**

5.1 No comments received.

6.0 **Principal National and Development Plan Policies**

6.1 **National Planning Policy Framework**

Paragraph 118 - Effective use of land

Paragraph 127 - Achieving well-designed places

Paragraph 155, 163, 165 - Planning and flood risk

Paragraph 170 - Contribute and enhance natural local environment

Para 175 - Habitats and biodiversity

Para 180 - Pollution

6.2 **Local Planning Policy Overview – Current Position**

On 15 May 2018, and in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), Lancaster City Council submitted the following documents to the Secretary of State (Planning Inspectorate) for examination:

- (i) The Strategic Policies and Land Allocations DPD; and,
- (ii) (A Review of) The Development Management DPD

The Examination Hearing Sessions took place between the 9 April 2019 and the 1 May 2019. The Council has published the proposed Main Modifications to the Local Plan. An eight-week consultation into the modifications expired on 7 October 2019.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making.

Given the current stage of both DPDs, it is considered that some weight can be attributed to the policies contained therein subject to the extent to which there are unresolved objections to the relevant policies and their consistency with the National Planning Policy Framework.

6.3 **Lancaster District Core Strategy (adopted July 2008)**

SC1 – Sustainable Development

SC5 – Quality in Design

6.4 **Lancaster District Local Plan (Saved Policies)**

EC1 – Bailrigg Business Park

6.5 **Development Management DPD**

DM27 – Protection and enhancement of biodiversity

DM28 – Development and landscape impact

DM29 – Protection of trees, hedgerows and woodland

DM35 – Key design principles

DM38 – Development and flood risk

DM39 – Surface water run-off and sustainable drainage

7.0 **Comment and Analysis**

7.1 The main issues are:

- Principle of the development;
- Surface water flood risk;
- Landscape impact and trees; and

- Biodiversity

7.2 Principle of the Development

- 7.2.1 This site is currently allocated under the saved policy of the Local Plan (EC1) as a site for employment development, specifically for Business and Light Industrial Use only. Under the emerging Strategic Policies and Land Allocations DPD (SG2) the site is allocated as an employment site for the Lancaster University Health Innovation Campus.
- 7.2.2 It is anticipated that works in association with development under application 16/00117/VCN (namely material generated by the A6 access and internal estate road works) will generate approximately 12,000 cubic metres of topsoil and sub-soil, which the current submission seeks to be redistributed within the site boundaries. In addition 9,000 cubic metres of material will be generated from the phase 1 development site (16/01308/REM). The proposal has been justified in the submission on the basis that it would be a cost effective way for the University to deal with the material that is produced as a result of the 2016 permitted scheme (cheaper than paying to dispose of the material elsewhere) and that it would remove the requirement for traffic movements to shift the material off site through Galgate and the associated air quality implications.
- 7.2.3 Essentially, there is no policy which restricts such large scale engineering operations. Other than a potential reduction in HGV movements through Galgate (that has already been considered to be acceptable in the original grant of the 2016 permission) there is no public benefit that would result from the scheme. In relation to the future development of the site it is common sense to identify that the scheme has the potential to result in material being placed on the land that may in the future need to be removed to accommodate the delivery of development on the site to meet its allocated purpose. Notwithstanding this, subject to the proposal being acceptable in relation to its impact on surface water drainage, trees, biodiversity and landscape, there would be no policy grounds for this application to be refused.

7.3 Surface Water Flood Risk

- 7.3.1 Policy requires that new development should seek to demonstrate that there is no increase in on-site or off-site surface water run-off rates upon completion and where possible reduce surface water run-off rates.
- 7.3.2 As highlighted above, application 18/00583/FUL for similar re-grading and re-profiling of land was submitted last year and Officers were minded to view the scheme favourably. However, prior to determination concerns were raised in relation to the impacts of the off-site flooding on Bailrigg Lane to the north of the site. It is understood that historically water had moved south from Bailrigg Lane onto this site and this was prevented due to the relocation of material on the site, which had effectively created a bund. The application was subsequently withdrawn to allow the applicant to address drainage issues. Prior to the current submission the applicant has engaged with the Lead Local Flood Authority (LLFA) in order to reach an acceptable solution in respect of drainage.
- 7.3.3 The submitted Flood Risk Assessment and accompanying Technical Note sets out that the site drainage strategy will maintain and manage run-off from the predevelopment drainage catchments. The Pre Development Catchments Areas, are split into 3 catchment areas – west, central and east. The central and east catchment areas drain to Ou Beck to the south. The development will retain catchment areas as close as possible to those of the pre-development site. However, the new access road separates the central and eastern catchment areas from their original outfall at Ou Beck. Although the applicant has explored the option of maintaining the outfall location for the central and east catchments, this would require a piped drainage connection to Ou Beck, which United Utilities would not accept. Consequently the proposed alternative option, which is to manage surface water run-off and land drainage from the north central and north east catchments is to use interception swales and discharge via infiltration to ground/evaporation, has been put forward and accepted by the LLFA as an acceptable solution.
- 7.3.4 The proposed interception drainage system will consist of nine swales, which are located to intercept run-off from the plateau and embankment slopes within the north central and east catchments. The swales have been sized to accommodate the 1 in 100 year event run-off for each swale catchment area. The re-profiling works will predominantly fill in a low lying area and create a larger plateau area. This will raise ground levels above that of existing ground levels adjacent to Bailrigg Lane. However, a margin of

land will be retained at existing levels along this boundary, which will also accommodate the root protection area (RPA) of the existing trees along Bailrigg Lane. The proposed ground levels will raise levels within an area that previously formed a shallow valley and effectively block flow paths south of Bailrigg Lane. To maintain the flow path from the north boundary of the site, land drainage will be provided for this location. The low point on the north boundary of the central catchment area will be provided with a 300mm diameter outfall pipe, which will outfall to the swale adjacent to the access road.

- 7.3.5 The new swale system will provide drainage for the north central and east catchment areas. It is anticipated that these swales will become obsolete when these locations are developed, and surface water management will be provided by other means. However, the retention of the swales directly adjacent to the access road could be retained subject to future proposals. The swale located in the east catchment south of the access road shall be retained permanently.
- 7.3.6 As highlighted within paragraph 7.3.3, this solution is a result of pre-application discussions between the applicant and the LLFA who have considered the proposed drainage strategy and is satisfied mitigation measures put forward will reduce the risk of flooding by ensuring acceptable storage and disposal of surface water from the site.
- 7.3.7 In their comments the Parish request that County Highways ensure that drains along Bailrigg Lane are unblocked. It is also understood that there is a natural depression in Bailrigg Lane which floods during storm events. While this is outside the parameters of this application, this point has been raised with County Highways who have confirmed that they are looking into resolving this issue.

7.4 Landscape and Trees

- 7.4.1 Policy requires that development is in scale and keeping with the landscape character of the area. The proposed development would result in a change to the topography of the site resulting in existing elevated areas becoming higher and steeper. No landscaping plan has been provided, though the intention is that once regraded the land would be seeded and would return to grassland. Ultimately, once the grass is established, the site will appear as an open field. As such, it is considered that following the short term visual impact of the construction works that the site in the medium to long term will have an appearance and character similar to the pre-development landscape, albeit in reality it is likely to be developed out in accordance with future planning consents.
- 7.4.2 There are a number of mature and protected trees within the site. An Arboriculture Report carried out for the 2016 permission, and updated in relation to the new proposals has been provided. The 2016 permission has allowed for the felling of a number of trees within the site, which have already been carried out. The retained trees within the site are required under the 2016 permission to be protected during construction. This report concludes that the proposed earthworks would not impact on the retained trees as the levels will be adjusted locally so there are no change of levels close to these protected trees. An updated tree protection plan has been provided to reflect this. In addition, contoured sections of three of the retained trees have been provided to show that the original ground levels will not be altered in relation to these trees. The Arboricultural Officer has considered the submitted Arboricultural Implications Assessment and raised no objections subject a condition for a scheme for planting to be submitted, agreed and implemented. It is considered that the proposed works would not affect the retained trees at the site, and therefore would not result in any visual change to contribution of the trees to the landscape character.
- 7.4.3 Subject to a conditions requiring the submission and agreement of a landscaping and planting scheme, and the protection of trees, the medium-long term impact on the appearance of the field can be considered acceptable.

7.5 Biodiversity

- 7.5.1 Policy seeks to ensure that any proposed development demonstrates how the impacts on biodiversity have been minimised and net gains in biodiversity, where possible provided. Development which has the potential to directly or indirectly impact on internationally designated sites has to be adequately assessed under the Conservation of Habitats and Species Regulations.
- 7.5.2 The submission includes an Updated Extended Phase 1 Habitat Survey and Protected Species Survey that was carried out in August 2015 in relation to the 2016 permission and was also provided within the

2018 submission. The document had not been updated in relation to this proposal for the deposition of spoil on the wider site. Given the age of the surveys, concerns regarding their validity were forwarded to Greater Manchester Ecology Unit (GMEU). The agent's ecologist also provided a supplementary statement which provided justification as to why they consider the report remains valid, and provided additional mitigation in relation to bats. GMEU subsequently confirmed that they considered most of the findings of the ecology survey can be relied on but requested that precautionary pre-start surveys in relation to badger and water vole surveys should be made a condition of any permission granted. However, the application site has been under construction for about 2 years, so the risk of the proposal on these 2 species is considered to be too low to justify this requirement.

- 7.5.3 In relation to the European designation site, it was concluded that subject to the precaution identified in the Construction Environmental Management Plan (CEMP) there would be no impact on this beck and therefore any downstream designated site. In addition to this GMEU has advised that the Landscaping and Habitat Creation and Management Plans agreed as part of the 2016 would need to be updated as this proposal would conflict with the objectives of this plan.

7.6 Other Matters

- 7.6.1 Due to the inclusion of swales within the northern part of the site the Case Officer has raised concerns as to how this would impact on the deliverability of the approved outline element of the 2016 consent which seeks to provide approximately 34,000 sqm of B1 use floorspace. In liaison with the applicant's Drainage Consultant and Lancaster University, the agent has confirmed that as the north side of the site is developed the swales will be removed and replaced by the new development and its associated surface water drainage systems that will need to comply with planning requirements (attenuation, flow control etc.). All of the new swales within the reception areas could be removed, providing that the new development in this area provides appropriate surface water management and attenuation. Alternatively, some of the swales adjacent to the road could be retained for landscape / habitat if considered desirable.

- 7.6.2 As highlighted within paragraph 7.5.3, the proposed development has implications on other details that have been previously approved in relation to the 2016 permission including:

- Agreed Landscaping Plan 53001 P2 agreed under 16/00182/DIS
- Habitat Management and Creation Plan
- Construction Environmental Management Plan
- Remediation Strategy
- The contours will affect the approved cycle route (though it is acknowledged that the route may be adjusted anyway as part of future phases of development)

These implications will need to be resolved as part of a new discharge of conditions application relating to the 2016 permission.

8.0 Planning Obligations

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

9.0 Conclusions

- 9.1 The proposed development has some public benefit in relation to traffic and air quality. Furthermore, it is considered that the proposal does not have any adverse impact on surface water drainage on or off-site, on landscape character, trees or biodiversity. On this basis that the proposal is recommended for approval.

Recommendation

That Planning Permission **BE GRANTED** subject to the following conditions:

1. Development to accord with listed plans
2. Development is in accordance with the submitted Drainage strategy
3. Implementation of the Flood Risk Assessment and surface water mitigation
4. Submission and agreement of a Landscaping and Planting Scheme
5. Remediation Strategy
6. Construction Environmental Management Plan
7. Arboriculture Report including Tree Protection Plan

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.

Background Papers

None