

<b>Agenda Item</b>	A8
<b>Application Number</b>	21/00987/FUL
<b>Proposal</b>	Erection of a food store (Class E) with land regrading, access, cycle route, landscaping and swales and the provision of associated infrastructure, including car and cycle parking facilities, vehicle charging spaces, pedestrian access routes and servicing.
<b>Application site</b>	Land At Lawsons Bridge Scotforth Road Lancaster Lancashire
<b>Applicant</b>	Aldi Stores Limited
<b>Agent</b>	Mrs Emily Davies
<b>Case Officer</b>	Mr Robert Clarke
<b>Departure</b>	No
<b>Summary of Recommendation</b>	Approval subject to conditions and completion of Section 106 Agreement. Delegate back to Chief Planning Officer to finalise legal agreement.

## 1.0 Application Site and Setting

- 1.1 The application site equates to around 1.75 hectares of field divided into two parcels by a hedgerow. The site topography falls from the northeast (circa 44 metres – 45 metres Above Ordnance Datum (AOD)) to southwest (circa 34 metres AOD) by approximately 10-11 metres with the steepest gradient adjacent to the West Coast Main Line. The site is undeveloped except for a new access point which has been created onto Scotforth Road in the southeast corner of the site.
- 1.2 The site is located within the Lancaster South Broad Location for Growth designation. It lies just outside of the existing designated urban boundary for Lancaster, which lies immediately to the south of the properties along Rays Drive and is formed by the A6 corridor to the east. An area of woodland forms the northern boundary to the site, a permissive footpath passes through this woodland and connects Scotforth Road to Uggle Lane and Cinder Lane to the west. A public right of way links both Uggle Lane and Cinder Lane over a railway bridge. The A6 forms the eastern site boundary, the southern boundary is formed by the Breacla residential development which is currently under construction. The West Coast Mainline forms the western boundary to the site.
- 1.3 The site is within a mineral safeguarding area and in an area likely to require basic radon protection. The site lies within flood zone 1, however, the south western corner of the site is identified as being at fluvial flood risk in the future by the Environment Agency (EA). The EA also identifies areas of high and medium risk of surface water flooding, the extent of which also increases when incorporating climate change allowances. Finally, the Councils Strategic Flood Risk Assessment (SFRA) identifies areas of medium and high risk groundwater flooding within the central area of the site.

- 1.4 The site is not within a Conservation Area or affected by/within the setting of other designated or non-designated heritage assets. The closest listed building is on Ashford Road over 300 metres from the site and separated by intervening development. The site is not protected for any specific nature conservation interest. There is a single Sycamore tree on the northern boundary subject to tree preservation order no: 228/T3. The site is located approximately 2 kilometres to the east of the important designations (SSSI, SPA, SAC, RAMSAR) associated with Morecambe Bay and the Lune Estuary.
- 1.5 Lancaster city centre is approximately 2.5km north of the site and the University campus just over 1km south of the site. The site is located on the A6 transport corridor along which strategic bus routes provide regular bus services running to the south and the city centre to the north. The closest northbound and southbound bus stops are situated approximately 110 metres north, close to Whinell Drive. There are no formal cycle routes on Scotforth Road in the vicinity of the site. The closest cycle routes lie to the southeast providing routes around existing residential areas, through Bailrigg and towards the University. A strategic aspirational cycle route is identified between Ashford Road, via Cinder Lane, and Scotforth Road/A6 corridor.

## **2.0 Proposal**

- 2.1 The application seeks full planning consent for the erection of a food store (use class E), construction of new access, servicing and parking areas, footways, cycle lanes, level alterations, retaining features and associated landscaping. The proposed development features the building at the front of the site, adjacent to the eastern boundary. The proposal includes level alterations throughout the site to facilitate the development, including the creation of level parking on the central plateau with landscaping throughout. New pedestrian and cycle connections are proposed to allow for a linkage through the site to the northern boundary up to Lawson's Bridge. The latest amendments to the scheme incorporate a 3-metre-wide cycle lane on the southern side of the access and internal road. This will also provide opportunities for pedestrian and cycle connections into the adjacent Breacra residential development site and beyond.
- 2.2 The food store comprises a typical warehouse type building with a roughly rectangular form, measuring approximately 58 metres x 36 metres, with a gross internal area of 1837sqm. The building is around 5.7 metres high and consists of a flat roof. It includes a taller feature entrance and amenity block to the southwestern corner measuring approximately 7.6 metres in height. The service area and dock leveller access into the building is located to the northern side of the building, where a plant enclosure is also situated. The plant is enclosed by 2 metre high fencing. The buildings shall be constructed and finished in a combination of grey coloured composite cladding, stonework, projecting timber cladding, green walls and feature curtain glazing to the store frontage. The taller section of the building shall feature a 'blue roof' providing rainwater harvesting for the green wall irrigation with photovoltaic panels proposed to the main roof.
- 2.3 Access to the site consists of a new signalised junction off the A6 incorporating shared pedestrian/cycle ways to either side of the carriageway, toucan crossings and a half layby and new bus stop along the site frontage with the A6. A pedestrian and cycle link runs through the site connecting to the path at Lawson's Bridge, as well as enabling connections to the approved residential development to the south. Car parking is situated to the west of the food store building and comprises a total of 136 spaces including 8 accessible spaces, 9 parent and child spaces, 6 motorcycle spaces, 6 electric vehicle charging spaces, and parking for 16 cycles.
- 2.4 The site will require some alterations to the existing land levels to provide suitable development platforms. This results in the removal the central hedgerow and peripheral elements of the woodland located to the east of the building. To mitigate the losses and to provide net gains in biodiversity, landscaping is proposed in the western parcel of the site with tree/scrub and hedgerow planting interspersed through the car park and to the south side of the building. Throughout the site sustainable drainage features are proposed. External lighting will feature from the site access leading into the car park.

### 3.0 Site History

- 3.1 The most relevant planning history relates to planning permission 10/00251/FUL and the later revisions to this parent planning permission under subsequent planning permission 14/00633/VCN. These consents permitted the construction of a new food store with associated infrastructure. A material start pursuant to this permission has been made, meaning there is an extant planning permission for a food store on this application site. In terms of the surrounding area, outline planning permission (19/00332/OUT) on land to the south was granted for up to 95 dwellings with associated access on the 30 April 2021. This was later varied under application 22/00423/VCN with the reserved matters (23/00802/REM) secured for 70 dwellings on the 18 December 2023. The details of both the site history and surrounding area are set out in the table below:

Application Number	Proposal	Decision
23/00802/REM	Reserved matters application for the erection of 70 dwellings	Permitted
22/00423/VCN	Outline application for the erection of up to 95 residential dwellings with associated access (pursuant to the variation of conditions 2, 6 and 10 on planning permission 19/00332/OUT for changes to the approved site access arrangements, the proposed great crested newt mitigation strategy and the provision to allow the flexibility for an updated AIA to be prepared and submitted at the time of a reserved matters application).	Permitted
20/01182/PRETWO	Erection of a Class A1 foodstore with associated works	Closed
19/00332/OUT	Outline application for the erection of up to 95 residential dwellings with associated access	Permitted
18/00505/PRETWO	Erection of A1 foodstore, 2 retail units and drive-through	Closed
14/00755/RCN	Construction of a new access point (pursuant to the removal of conditions 3 and 5 and the variation of conditions 6 and 8 on planning permission 13/01294/FUL)	Permitted
14/00633/VCN	Erection of a new supermarket, construction of new access, servicing and parking areas, footways, cycle facilities and landscaping (pursuant to the variation of conditions 3, 4, 5, 6, 7, 9, 10, 14, 15, 16, 18, 19, 21, 22, 23, 29, 30, 36, 37, 38, 40, 41 and 42 and the removal of conditions 26, 27 and 28 on planning permission 10/00251/FUL to allow the development to be phased and to remove duplicated or unnecessary requirements)	Permitted
13/01294/FUL	Construction of a new access point.	Permitted
10/00251/FUL	Erection of a new supermarket, construction of new access, servicing and parking areas, footways, cycle facilities and landscaping.	Permitted

### 4.0 Consultation Responses

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

Consultee	Response
County Highways	<p><b>No objection</b> subject to the following conditions and the obligations being met in full by the applicant. Advice is provided regarding parking and landscaping layouts.</p> <p><u>Conditions:</u></p> <ol style="list-style-type: none"> <li>1. Highway Condition Survey</li> <li>2. Construction Management Plan</li> </ol>

	<p>3. Full design details for the site access and off-site highways works (within the adopted highway). Off-site highway works to include:</p> <ul style="list-style-type: none"> <li>• Site access to A6 Scotforth Road, including cycle/pedestrian provision and signal servicing/maintenance bay</li> <li>• Provision of the pedestrian and cyclist routes/pathways to access the development from all directions including links to strategic cycle routes and crossing facilities on the A6</li> <li>• Provision of two new quality DDA compliant bus stops with shelters on A6 in northern direction</li> <li>• Improvements to the Hala Road / Scotforth Road signalised junction including minor highway improvements, sustainable improvements and the installation of MOVA technology and replacement of signals where appropriate to match with MOVA technology; and <b>(not required if contribution secured by s106 agreement)</b></li> <li>• Installation of MOVA technology and replacement of signals where appropriate to match with MOVA technology at the Main Road / Stoney Lane junction in Galgate (this burden may be delivered by other development, it is one of timing on who delivers) <b>(not required if contribution secured by s106 agreement).</b></li> </ul> <p>4. Implementation of highway works required by Condition 3.</p> <p>5. Travel Plan implementation</p> <p>6. Car Parking Management Strategy</p> <p><u>Planning obligation:</u></p> <p>7. £100,000 towards improvements to the Hala Road / Scotforth Road signalised junction including minor highway improvements and the installation of MOVA technology and replacement of signals where appropriate to match with MOVA technology;</p> <p>8. £100,000 towards installation of MOVA technology and replacement of signals where appropriate to match with MOVA technology at the Main Road / Stoney Lane junction in Galgate (this burden may be delivered by other development, it is one of timing on who delivers).</p> <p>9. £60,000 to support the Red Route from Galgate to the City Centre</p> <p>10. £6,000 Travel Plan Support</p>
Planning Policy Team	<p>Site is within the 'Broad Location for Growth' as outlined by Policy SG1 and the site has extant permission for a larger retail store. A food store in this location is acceptable in principle. Whilst the City Council are seeking to advance the preparation of an Area Action Plan for the South Lancaster area and will include the consideration of new convenience retailing, work on the Area Action Plan is not at a sufficiently advanced stage to be given weight as part of this planning application. The consideration of pedestrian and cycle movements within the site is welcomed as is connectivity to the immediate PROW network at Lawsons Bridge and Collingham Park. However, the site needs to be seen within the context of the development proposals in the Lancaster South area of growth. The City Council is working with the County Council on identifying a pedestrian and cycle network for Lancaster South in preparation of the Lancaster South Area Action Plan. Lawsons Bridge is very significant as it potentially provides a link north/south and also provides an east/west link between the A6 and the Ashton Road access to the Canal towpath (which also leads into the city centre). Ultimately it could provide an alternative route between the University and the city centre and could therefore see high volumes of cyclists as well as pedestrians making more local trips. Making sure that appropriate pedestrian and cycle links are provided through and around this application site is therefore particularly important.</p>

United Utilities	<b>No objection</b> - Proposals acceptable in principle subject to further information relating to finish floor levels, ground levels and precise drainage details. UU advise the applicant to engage with their Developer Services to protect infrastructure and assets in the vicinity of the site. Conditions requested.
Lead Local Flood Authority (LLFA)	<p><b>No objection</b> - In November 2023, the LLFA removed their previous objection and recommended the following conditions:</p> <ul style="list-style-type: none"> <li>• Development to be carried out in accordance with the submitted Flood Risk Assessment Rev A, September 2023.</li> <li>• Final surface water drainage scheme</li> <li>• Construction surface water management plan</li> <li>• Sustainable drainage system operation and maintenance manual</li> <li>• Verification of constructed sustainable drainage scheme.</li> </ul> <p>The LLFA have no further comments arising from the subsequent plan amendments (red edge change to incorporate the cycle lane).</p>
Environment Agency (EA)	Does not wish to provide bespoke advice, EA standing advice should be used.
Lancaster Civic Vision	<b>Comments</b> – Lancaster Civic Vision objected to the original proposal. In response to the amendments to the design of the building, they acknowledge the design represents an improvement on the original proposals but it remains a utilitarian building on a key landmark site. They note the amended plans have resolved earlier criticism relating to the appearance and use materials to the east and south elevations. They support the use of green walls and timber cladding in place of the grey cladding. They comment on the additional traffic being a problem on the already congested A6 and regret there is no mention of ground source heat pumps as part of the building design.
Public Realm	<b>Comments</b> - There is a footpath on city council land south of Rays Drive from Scotforth Road (A6) to Lawson's Bridge and Uggle Lane. This route is in need of improvement and could be upgraded to use as a cycle / walking route.
Scotforth Parish Council	<b>Objection</b> – whilst the Parish Council are supportive of the amendments to incorporate the Council's one metre strip of land for a cycle way, overall, the Parish Council maintain their objection. Their objection contends that the proposals fail to meet a number of SG1 criteria and is premature in advance of the associated Area Action Plan and that they would prefer a wider cycle way to create the 'cycle superhighway' through South Lancaster. Concerns are also expressed regarding the loss of biodiversity value and the use of BNG off-site credits, energy/sustainability credentials of the scheme and transport impacts.
Lancaster City Council Property Service	<b>No objection</b> – Highlights that the City Council owned a 1 metre wide strip of land along the southern boundary of the site, parts of which are required to facilitate the development.
Network Rail	<p><b>No objection</b> - Based on the amended drainage strategy, Network Rail's previous holding objection has been withdrawn. Network Rail recommend the following conditions:</p> <ul style="list-style-type: none"> <li>• A method statement and risk assessment to ensure the proposals can be carried out without adversely affecting the safety, operation and integrity of the railway, including details of any vibro-impact works, lighting, scaffolding works.</li> <li>• Provision of a trespass proof palisade fence 1.8m high adjacent to the railway line.</li> <li>• Details of the disposal of foul and surface water which shall be directed away from the railway line.</li> <li>• Full details of ground levels, earthworks and excavations to be carried out near the railway boundary.</li> </ul>

	<ul style="list-style-type: none"> <li>Details of vehicle safety protection measures adjacent to the railway line.</li> </ul> <p>Other advice has been provided by Network Rail including the requirements for the applicant to enter into a Basic Asset Protection Agreement (BAPA) with Network Rail.</p>
Arboricultural Officer	<p><b>A summary of the comments received include:</b></p> <ul style="list-style-type: none"> <li>Approximately 51 trees and one hedge will have to be removed. Additional tree losses outside of the development boundary are also mentioned within the AIA, specifically with regards to G6, although the full extent is unknown.</li> <li>The tree and hedgerow losses appear to be adequately compensated for within the landscape plan, although the loss of the 'important hedgerow' is detrimental to the character of the area and it is unfortunate it had not been incorporated into the design of the development.</li> </ul> <p>No comments to the changes to the red edge of the site.</p>
Environmental Health	<b>No objection</b> , subject to a condition restricting delivery hours between 07:00-22:00 Mon-Sat and 09:00-17:00 Sunday and Bank Holidays only.
Employment and Skills Plan Team (Lancaster City Council Economic Development)	<b>Comments</b> – the application meets the commercial floor area threshold and requires an Employment and Skills Plan (ESP). If agreement to a pre-commencement condition, the ESP can be prepared at a later date. If not agreeable, a full ESP must be submitted with the application setting out the details of how the 7 KPI would be met. The ESP team acknowledge Aldi successfully delivered an ESP for their development on Aldcliffe Road.
Dynamo Cycle Campaign	<b>Comments made</b> – Shared use path is a positive. Cycle path should be wide enough to prevent collisions at the bus shelter; Cinder Lane or Uggie Lane surface should be improved; cycle storage should be covered.
Cadent Gas	<b>No objection</b>
Natural England	<b>No objection</b> - NE considers the proposal to not have a likely significant effect on the identified designated sites.
Greater Manchester Ecology Unit (GMEU)	<p><b>No objection.</b> A summary of their comments is set out below:</p> <ul style="list-style-type: none"> <li>The survey effort and assessment of the development on protected species and priority habitat is acceptable and the mitigation set out in the Preliminary Ecological Appraisal should be conditioned.</li> <li>The scheme provides a measurable net gain in biodiversity (11.4%) and is satisfactory in the context of the NPPF. It is noted the scheme would not meet mandatory BNG requirements, however, this does not apply in this case.</li> </ul>
South Lancaster Flood Action Group	No response received.
Lancashire Constabulary	Recommends commercial development be built to Secure by Design 'Commercial 20023' Design Guide specifications. Several design and landscape recommendations have been made in relation to ensuring there is suitable natural surveillance around the building and paths/cycleways to reduce the risk of crime and fear of crime. The Constabulary do not specifically comment on the submitted layout as to whether it meets standards.
Waste and Recycling Team	No concerns regarding waste management.
Lancashire Fire and Rescue Service	Standing comments regarding Building Regulations 'access for facilities for the fire service'.
Engineering Team	No response received.

Mineral Safe Policy Group	No response received.
Climate Change Policy Team	No response received.
Biodiversity Officer	The Biodiversity Net Gain (BNG) Assessment gives a good representation of the baseline condition. Commentary provided as to the identified BNG implications.
Ramblers Association	No response received.

4.2 The following responses have been received from members of the public (in response to the original and amended consultations):

**18 objections** have been received. A summary of the main reasons for opposition are:

Principal matters including:

- the development is unnecessary and not justified based on need.
- there is a Booths store and another Aldi store just over 1 mile of the site.
- the need and economic justification is questionable with the pause of the Garden Village the development is not needed as the economic justification.
- the scheme bears no relationship to the Area Action Plan.
- Loss of field that supports wildlife and area for pets to roam

Highway safety and amenity concerns including:

- Increase in traffic on already congested A6
- Cumulative traffic impacts with neighbouring housing development
- Existing queuing will be worsened increasing the risk of accident and raising a highway safety concern.
- Lack of mitigation and traffic calming.
- Traffic noise and reduction in air quality from increased traffic and standing traffic.
- Large size of junction in close proximity to five other junctions exacerbating air quality, noise and worsening queuing.
- Increased dust/grime deposited on property/vehicles.
- Excessive noise from operation of site, including refrigeration units and deliveries affecting residential amenity, the noise report showing 3dB impact on properties on Rays Drive.
- Prevention of egress from nearby roads
- Shoppers will use cars and not cycle/walk
- Increased rat running on residential streets to avoid A6 congestion.
- Cycle and pedestrian provision is poor and vague.
- Noise mitigation required for the plant area to protect residents
- The same operation and delivery hours should apply to that permitted by the Booth planning permission (08.00-22.00)

Design, landscape and ecology concerns including:

- Poor design and layout compared to the extant permission
- the design is bland and off the peg Aldi build with little consideration to its location and neighbours.
- Out of scale
- Blank elevation facing the A6 and affecting outlook from residential property opposite
- Loss of trees and hedgerows
- BNG is woefully inadequate
- Mature trees should be planted to off-site carbon and screening
- Loss of views and light pollution
- Amendment are improvement but not of the standard by Booths.

Flood risk and drainage concerns including:

- the details are inadequate with no details of sustainable drainage and assessment of flooding impact in the immediate vicinity.

Other matters including:

- potential risk of destruction to services including broadband during construction.
- This is a radon affected area
- Increase in anti-social behaviour to the area.

**1 support** letter stating the proposals will allow me to shop by foot and avoid road journeys.

**4 comments (neither objecting or supporting).** A summary of the comments received are:

- Trees along the north and east boundaries must be kept and additional screening provided
- A pedestrian crossing on the A6 is needed
- An upgraded cycle/footpath along the north boundary is needed (whilst protecting trees)
- Plans of cycleway/footpath on A6 need clarifying to show they are separate from the main carriageway
- Cycleway/footpath should have priority where the road crosses it
- Conditions needed to prevent light pollution and control hours
- Must be carbon neutral development
- Junction design should include pedestrian crossing phase, cameras, wider footpaths between existing residential areas and bus stops and new larger shelters erected at existing and proposed bus stops (comment specifically from the Lancaster Bus Users Group).

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## 5.0 Analysis

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

- Principle of development
- Transport and accessibility
- Design and landscape
- Flood risk and drainage
- Biodiversity and trees
- Sustainable design
- Residential Amenity and pollution

5.2 **Principle of development** NPPF Chapter 2 Achieving Sustainable Development, Chapter 4 Decision-Making, Chapter 7 Ensuring the Vitality of Town Centres, Chapter 15 Conserving and Enhancing the Natural Environment, Chapter 17 Facilitating the Sustainable use of Minerals; Joint Lancashire Minerals and Waste Local Plan Policy: M2 Safeguarding Minerals and Guidance Note (December 2014); Strategic Policies and Land Allocations (SPLA) DPD Policies: SP1 Presumption in Favour of Sustainable Development, SP2 Settlement Hierarchy, SP3 Development Strategy, SP4 Priorities for Sustainable Economic Growth, SG1 Lancashire Broad Location for Growth, SG3 Infrastructure for Growth in South Lancaster, TC1 The Retail Hierarchy for Lancaster District, TC3 Future Retail Growth, LPRM1 Local Plan Review Mechanism and Review of the Development Management (DM) DPD Policies: DM16 Town Centre Development and DM44 The Protection and Enhancement of Biodiversity.

### 5.2.1 SG1 - Broad Location for Growth

The application site is a greenfield site located on the edge of Lancaster within the Lancaster South Broad Location for Growth as defined by the adopted Local Plan (Policies SG1 and SG3). Policy SG1 sets out the Council's commitment to prepare the Lancaster South Area Action Plan (AAP) Development Plan Document (DPD). It is this particular document that would provide specific site allocations and detailed policies against future planning applications which lie within the designation would be assessed. Fundamentally, the designation was intended to support significant housing growth (in the form of the Bailrigg Garden Village) alongside employment and economic opportunities, the delivery of the Health Innovation Campus and University related expansion. To support such growth, significant infrastructure would be required, including new highways, public transport networks, education provision, open space provision and a new local centre.

5.2.2 Following adoption of the Local Plan, the Council commenced work on the preparation of the AAP. However, in September 2023, the Council resolved to cease work on the AAP and to commence a full review of the Local Plan in accordance with SPLA DPD policy LPRM1. The reasons for doing



so related to Lancashire County Council, which in June 2023 announced its decision to suspend further work on the proposed South Lancaster to M6 transport project and to return the Housing Infrastructure Funding (HIF) to central government due to rising costs.

5.2.3 Notwithstanding the fact the work has ceased on the Lancaster south AAP, Policy SG1 allows for development to come forward in advance of the APP provided that:

1. There would be no prejudice to the delivery of the wider Bailrigg Garden Village (including its infrastructure requirements) and would not undermine the integrated and co-ordinated approach to the wider Bailrigg Garden Village development; and
2. That the development would conform with and further the Key Growth Principles described in Policy SG1; and
3. That the opportunities for sustainable transport modes have been fully considered and that the residual impacts upon the transport network will not be severe.

5.2.4 In relation to criteria 1, the Council must acknowledge the fact that the AAP is no longer being advanced, and therefore the delivery of the Bailrigg Garden Village (BGV) no longer forms a commitment of the currently adopted Local Plan. With respect to this proposal, Officers are satisfied that the delivery of a food store and associated infrastructure within this site, which is located on a relatively small parcel of land on the very periphery of the Broad Location for Growth designation and enclosed by housing and the railway, will not prejudice the delivery of wider growth in this area. This is particularly the case as there is now currently no certainty on the delivery of wider growth. Compliance with the Key Growth Principles as set out within Policy SG1 and assessment of the impacts on the transport network and consideration of the opportunities for sustainable transport, shall be assessed throughout this report under the relevant key planning considerations.

5.2.5 Fundamentally, this site forms a very small part of the wider designation and is situated between exiting residential development to the north (Rays Drive) and east (Brantwood Drive and Scotforth Road) with the Brecklea residential development being constructed immediately south of the site. Accordingly, and notwithstanding the fact compliance with SG1 is a key material consideration, the development of this site is unlikely to impact strategic ambitions for future development in South Lancaster in the future. It is also contended that the weight to be afforded to policy SG1 is less than it was upon adoption of the Local Plan, due to the Council's decision to suspend work on the AAP and to commence a full Local Plan review.

5.2.6 Town centre and retail considerations

SPLA DPD policy TC1 sets out the district's retail hierarchy, which fundamentally aims to protect and maintain the viability and vitality of existing city, towns and local centres and to minimise the need to travel by car. This policy also identifies a need for new local centres where they are complementary to strategic housing allocations, including the Bailrigg Garden Village pursuant to policy SG1. Policy TC3 focus's more specifically on the districts retail needs and clearly sets out there is a qualitative need for convenience retailing to the south of the River Lune. The Local Plan intended to direct this future growth across central Lancaster (SG5 - Canal Quarter) and South Lancaster (SG1 – BGV).

5.2.7 Whilst the site is located within the Broad Location for Growth designation in South Lancaster, this development is not being brought forward comprehensively as part of the wider development of this location. Therefore, in determining town centre and retail matters, policy DM16 of the DM DPD is the most relevant policy in the assessment of this application.

5.2.8 Planning policy adopts a town centre first approach through the application of the sequential test. This approach requires main town centre uses such as that proposed (and as defined within the NPPF Glossary) to be located in town centres, then in edge of centre locations; and only if suitable sites are not available, or not expected to become available within a reasonable period, out of centre. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Local planning authorities are required to exercise a degree of pragmatism when assessing whether or not a proposal meets the requirements of the sequential test. For example, it is recognised that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations.

- 5.2.9 The NPPF defines 'edge-of-centre' locations, for retail purposes, as a location that is well connected to, and up to 300 metres from, the primary shopping area. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances. The objective of the sequential test is to locate appropriate town centre uses within central locations which are accessible by a range of means of transport. As retail development is defined as a main town centre use, and the application site is located within an out of centre location, the proposal must be subject to the sequential test. Furthermore, the scale of this proposal exceeds the 500sqm threshold set out in policy DM16, therefore, a Retail Impact Assessment is also required. This application is supported by both a sequential assessment and impact assessment, however, it is the applicant's case that the site benefits from a lawful fall-back position in the form of the previous permission for a food store on this site.
- 5.2.10 Fallback position  
The applicant's submission in part relies on the argument that a lawful fallback position for similar development on this site exists, based on the previous planning consent for a larger retail food store (Booths). This previous consent permits a convenience retail store with a gross internal area (GIA) of 3,230 sqm of which 15 percent of the net sales area permitted for comparable retail goods. This permission was varied and later implemented through the construction and formation of the sites means of access to the A6. Through pre-application discussions with the applicant, the Local Planning Authority has confirmed that the previous planning permission for a retail food store has been implemented, remains extant and is capable of being implemented and that this could represent a lawful fall-back position for the development of this site.
- 5.2.11 In order for the fallback position to be given weight in the determination of this application, the basic principle of the fallback position is that there must be a real prospect that the fallback position could be implemented. 'Real prospect' is a matter that has been through the courts, which determined that a 'real prospect' does not need to be probable or likely: possibility will suffice.
- 5.2.12 The applicant contends that there is a greater than theoretical possibility of the fallback position being implemented on the basis that the retail unit approved would comfortably fit Aldi's required trading format, which requires a building with at least 1,315sqm net sales area, including around 200 sqm for comparison goods. Furthermore, the level of parking permitted by the extant consent (197 spaces) exceeds Aldi's requirement evidencing further that the approved scheme could meet Aldi's operational trading requirements. Finally, Aldi already own the site. Set against this argument is the fact that there are clear architectural differences between the extant permission and the scheme now being considered. When undertaking a comparison to establish a lawful fallback position, all matters including design and appearance, should be considered, notwithstanding the fact amendments could be sought.
- 5.2.13 Whether or not the scheme now being proposed can be considered comparable to the extant permission with respect to its architectural merits is open to interpretation. Moreover, the design of the extant permission, which includes a larger, mostly glazed structure with more complex roof structures would very likely result in a higher development cost to deliver. This too could put into question the likelihood of this scheme ever being implemented.
- 5.2.14 There is no dispute that the site does benefit from an extant planning permission, and this is a significant material consideration which must be afforded considerable weight in the decision-making process. Whether or not that extant permission represents a lawful fallback position could be questioned, however, the applicant itself has stated that a theoretical possibility of implementing this permission exists, and it hasn't been ruled out. On that basis, and despite the matters set out against the fallback argument relating to design and associated costs, this extant permission could represent a fallback position.
- 5.2.15 Retail Sequential Test  
The application is supported by a retail sequential test. This sets out that the scale and form of the development to be used to inform the test is a food store comprising 1,837 sqm (Gross Internal Area) with requisite customer car parking, access road, dedicated servicing area, and associated hard and soft landscaping. The overall site area required to accommodate the food store is approximately 1 hectare. The primary catchment for the store is intended to be the southern residential development of Lancaster. Aldi food stores within urban areas such as this tend to draw the majority of trade from within a 5-minute drive-time catchment area or at least 15,000 people.

Assessment of population data indicates that over 20,000 people live within a 5-minute drive-time of this application site. Moreover, there is an existing Aldi retail store situated just outside of the 5-minute drive-time catchment, on this basis, it would not be reasonable to include Lancaster City Centre within the search for sites, given this is already served by an existing establishment. In this case, the store would be very much focussed on the southern suburbs. Officers concur with the approach of using a 5-minute drive-time catchment area in undertaking the sequential assessment.

- 5.2.16 Lancaster's defined centres are set out within Policy TC1 (Retail Hierarchy) of the Local Plan. Within the five-minute drive-time catchment area of the site there are two existing urban local centres, these being Bowerham and Lancaster University. These are local centres that provide key services to surrounding residents. The BGV proposed local centre has also been considered within the submitted retail sequential test, however, as already identified within this report, the associated AAP is no longer being advanced, and therefore the delivery of the Bailrigg Garden Village (BGV) no longer forms a commitment of the currently adopted Local Plan, and so should now no longer be considered as part of this retail sequential test.
- 5.2.17 Having established the development parameters including scale and form, the appropriate catchment area and the local centres within this, the sequential site assessment had identified 2 sites in Bowerham, whilst no sites were identified within or on the edge of the Lancaster University Local Centre. Both sites within/on the edge of the Bowerham local centre were deemed not to be suitable for the scale and form of the development proposed. In summary, the sequential test has shown that no sequential preferable sites were available at the time the test was undertaken (December 2021). Whilst some time has passed since this test was undertaken, Officers are not aware of other sites that would result in a change to this outcome. Overall, it is considered that the submitted sequential test is sufficiently robust and demonstrates that there are no alternative sites either within or on the periphery of the identified local centres. Moreover, due regard must be paid to the extant planning permission for retail development which exists on this development site. Subsequently, the principle of the site being developed for convenience retail is considered acceptable and accords with the sequential approach to site selection as set out in the NPPF and Policy DM16.
- 5.2.18 Retail Impact Assessment  
Policy DM16 states that outside town and local centre boundaries the Council will require a Retail Impact Assessment (RIA) in accordance with Paragraph 94 of the NPPF for any proposals which will result in the creation of over 500sqm of gross floorspace. In this regard, it was agreed through pre-application discussions with the developer that the RIA should provide qualitative analysis of the proposed developments likely effects on the closest defined centres, these being Bowerham Local Centre and Lancaster University Local Centre.
- 5.2.19 With respect to Bowerham, during the assessment period, this local centre was deemed to be successfully fulfilling its role in providing a good range of day-to-day services, and is 'vital and viable'. This was also the conclusion of the Lancaster Local Centres Study (2017) which provided an audit of local centres. The RIA concludes that the introduction of a food store at this development site is considered highly unlikely to affect the centre's vitality and viability. Given the smaller scale nature of the commercial premises provided within this local centre, it very much performs a role of enabling small 'top-up' shops serving a relatively tight catchment focussed around the immediate residential area, in particular residences within walking distance. In contrast to this, the proposed development would enable and more likely be used for larger bulk shopping as opposed to smaller top-up shops. For this reason, residents are unlikely to use this food store in the same manner that they do the smaller convenience stores located within the local centre. As such, Officers concur with the conclusion that the vitality and viability of Bowerham as a local centre will not be unduly affected by the proposal.
- 5.2.20 The Lancaster University Local Centre primarily serves the students and staff of the University. Accordingly, the local centre is geared entirely towards meeting the day-to-day needs of the residents, staff and visitors, this includes generally small-scale units focussed on convenience goods, food and drink, and other amenities. Based on the fact that this local centre has a sizable customer base who are unlikely to travel elsewhere for their day-to-day requirements given the campus nature of the University, it is deemed that this local centre performs very well and is 'vital and viable'. This conclusion accords with that reached within the Lancaster Local Centres Study, which commented that the centre performs an important role in meeting the needs of the local

student population and is successful in doing so. The introduction of the proposed food store will not materially affect the vitality and viability of Lancaster University Local Centre, given its tailored role to serving the campus. As a larger 'bulk' shopping destination located some distance away from the campus, the proposed food store would not be utilised in the same way that those services located on campus are used. For this reason, it is considered that the function and health of the Lancaster University Local Centre would be unaffected by the proposal.

5.2.21 There are also some key facets of the applicants business model that must also be acknowledged. Firstly, the retailer predominantly stocks their 'own brand' versions of staple food products alongside a more limited non-food offer. This means that those seeking mainstream branded goods are likely to visit other mainstream food stores or convenience retailers for these items. Secondly, in contrast to many larger food stores, the proposed operator will not include facilities such as an in-store café, post-office, dispensing pharmacy, dry-cleaners, travel agent, opticians or photo processing. There will also not be facilities such as staffed butchery, fishmonger, delicatessen or greengrocery counters. Aldi also do not stock tobacco which is a key staple of many local convenience stores. For these services, shoppers will remain reliant upon existing traders in the likes of Bowerham local centre or the City Centre for the majority of their specialist food retail (i.e. butcher), non-food retail, retail service, and leisure needs. These respective centres will therefore retain a strong customer base for these goods and services. Finally, in terms of the stores non-food retail offer, this accounts for 20% or 263sqm of the store's overall 1315sqm sales area. The range of goods stocked is seasonal and is continuously rotated, with no single product range predominating. In light of this, the potential for impact with respect to non-food sales/services is more limited, with non-food goods which may cross over with a local trader on sale for limited periods, rather than all year, given the seasonal rotation of the items. A condition to secure the net sales area and net sales floorspace used for the display and sale of comparison goods is recommended.

5.2.22 Overall, it is concluded that the anticipated trade diversions arising from this development would almost entirely fall upon competing mainstream supermarkets elsewhere in Lancaster, rather than the smaller scale commercial uses present within the local centres of Bowerham and Lancaster University. The majority of these competing supermarkets are equally located in out-of-centre sites and do not benefit from town centre policy protection which must be applied to those identified local centres. Finally, with regards impact on planned investment, the site is located within the Lancaster South Broad Location for Growth as defined by the adopted Local Plan (Policies SG1 and SG3). Notwithstanding the fact that work has ceased on the Lancaster South AAP, it is considered that the provision of a food store will not affect plans for a potential future local centre within this designation, nor would it prejudice the delivery of associated infrastructure required for such growth. It is concluded that the proposal satisfactorily addresses the requirements of policy DM16 and paragraph 94 of the NPPF.

5.2.23 Loss of Agricultural Land

The loss of the agricultural land is a material planning consideration and a matter of principle. Policy DM44 states development proposals '*should avoid the use of the best and most versatile agricultural land and should, as far as possible, use the lowest grade of land suitable*'. The NPPF equally reinforces the need to protect the highest quality agricultural land. Paragraphs 187, 188 and associated footnote 65 states '*planning policy and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils*'. The best and most versatile (BMV) land is Grades 1, 2 and 3a. Grade 3 is considered good to moderate quality agricultural land. The applicant has not provided any assessment of the quality of the agricultural land within this site as part of its submission.

5.2.24 Despite this, sites around Lancaster including the application site were surveyed by the Ministry for Agriculture, Fisheries and Food (MAFF) in 1997 as part of investigation works for the Lancaster bypass (now 'The Bay Gateway'). This assessment concluded that the whole site in which this development is located constitutes Grade 3b. Accordingly, the site is not considered BMV agricultural land and would not prohibit the development of the site for a food store. In this regard, the proposal would comply with policy DM44 (in relation to loss of agricultural land) and paragraph 187 of the NPPF.

5.2.25 Mineral safeguarding

The site is located within a Mineral Safeguarding Area (MSA) as identified by Lancashire County Council and considered within the Joint Lancashire Minerals and Waste Local Plan. Policy M2 of

this Plan sets out that planning permission will not be supported for any form of development that is incompatible with working the minerals, unless the applicant can demonstrate that:

- The mineral concerned is no longer of any value or has been fully extracted.
- The full extent of the mineral can be extracted satisfactorily prior to the incompatible development taking place.
- The incompatible development is of a temporary nature and can be completed and the site returned to its original condition prior to the minerals being worked.
- There is an overarching need for the incompatible development that outweighs the need to avoid the sterilisation of the mineral resource
- That prior extraction of minerals is not feasible due to the depth of the deposit.
- Extraction would lead to land stability problems.

5.2.26 A Mineral Resource Assessment has been submitted in support of the application. This identifies glacial sand and gravel to a depth of at least 8 metres below ground level. These are mineral resources that are protected by Policy M2. The applicant has undertaken an assessment of the proposal against Policy M2 and concluded that the extraction of sand and gravel from the site would not be feasible. The first and primary reason would be the significant land instability risks associated with extraction of a mineral resource in this location. These risks are particularly significant in light of the essential transport infrastructure running alongside the site, the A6 to the east and the West Coast Main Line to the west. In addition to land stability concerns, the site is also situated between existing and permitted residential development to the north, east and south. Whilst prior extraction may be temporary, the impacts on neighbouring residential amenity could be profound. Furthermore, given the size of the site and the fact it is enclosed by existing development, it is not an unreasonable assertion that prior extraction would also be unviable. Accordingly, the development would not conflict with policy M2 of the Joint Lancashire Minerals and Waste Local Plan.

5.2.27 Statement of Community Involvement

In developing this submission, the applicant has undertaken a thorough consultation exercise with the local community, and this has resulted in the submission of a Statement of Community Involvement (SCI). This has been undertaken in accordance with the requirements of the Localism Act 2011, the NPPF, the PPG and Lancaster City Council's SCI, as well as industry best practice. involved numerous methods of communication including letters, website, email and postal addresses, telephone line, social media and leaflets. In total, 217 submissions were received during the public consultation, 164 via the consultation website's online form, 48 via email and 5 via the telephone line. Positive, negative and neutral feedback was received, a majority (65%) expressed support for the proposals. The main themes raised broadly related to the need for an Aldi food store in this location as well as the design of the proposed building.

5.3 **Transport and accessibility** NPPF: Chapter 7 Ensuring the Vitality of Town Centres, Chapter 9 Promoting Sustainable Transport and Chapter 12 Achieving Well-designed and Beautiful Places; Strategic Policies and Land Allocations DPD policies: SP10 Improving Transport Connectivity, SG1 Lancashire Broad Location for Growth, SG3 Infrastructure for Growth in South Lancaster, T2 Cycling and Walking Network and T4 Public Transport Corridors; Review of the Development Management (DM) DPD Policies: DM29 Key Design Principles, DM60 Enhancing Accessibility and Transport Linkages, DM61 Prioritising Walking and Cycling, DM62 Vehicle Parking Provision and Electric Vehicle Charging Points, DM63 Transport Efficiency and Travel Plans and DM64 Lancaster District Highways and Transport Masterplan.

5.3.1 The site is located on the edge of the existing built-up area of Lancaster where opportunities are available to ensure there is good access to sustainable transport, including walking, cycling and the use of public transport. The A6 forms a key transport corridor and public transport route, and serves as the primary route between the city centre and the Lancaster University campus. The closest bus stops to this application site are located around 110 metres of the site access in the vicinity of the junction with Rays Drive.

5.3.2 The A6 in the vicinity of the application site is currently subject to a 40mph speed limit and is subject to recently installed average speed cameras. The road is lit to adoptable standards. As part of the residential development currently underway to the south of this site (Breacra), the 30mph limit which currently comes into force close to Rays Drive is to be extended south to the Collingham Park junction, which will incorporate this development site.

5.3.3 There are currently no footways along the frontage of the application site. Footways associated with the residential development to the south of this site (Breacra) are presently being installed. The only footway to the west side of the A6 is located at the corner of Rays Drive before it terminates at the junction with the permissive footway which runs through the woodland to the north towards Lawson's Bridge. On the eastern side of the A6, a continuous footway exists between the existing built-up area of Lancaster towards Lancaster University. Pedestrian crossing facilities are currently only provided at the Ashford Road/A6/Hala Road junction approximately 500 metres north from the site, and at the Filter House student development approximately 500 metres south from the site. There are no designated cycleways running along the A6 in the vicinity of the application site, though the A6 corridor and Bridleway BW0101052 (Uggle Lane and Cinder Lane) are identified as aspirational cycle routes. Bridleway BW0101052 lies to the north of the site and is a popular public right of way open to pedestrians, cyclists and horses.

5.3.4 The district's development strategy which is set out within policies SP2 and SP3 aim to manage growth in a sustainable manner. To achieve this, policy directs development to the main urban areas, therefore maximising opportunities for existing centres and sustainable travel options to be utilised. Development proposals must ensure that the specified criteria set out in paragraph 115 of the NPPF are satisfied, these are summarised as follows:

- a) Sustainable transport modes are prioritised;
- b) Safe and suitable access to the site can be achieved for all users;
- c) The design of streets, parking areas and other elements meet standards that reflect national guidance;
- d) Any significant impacts from the development on the transport network, or highway safety, can be cost effectively mitigated to an acceptable degree.

These criteria are reflected and expanded upon within policies DM60-DM63 of the DM DPD. Policy DM29 also require development to be located where the environment and infrastructure can accommodate the impacts of expansion and require development to be well connected to existing settlements and services. Policies SG1 and SG3 also sets out transport design criteria for proposals located within the Broad Location for Growth Designation.

5.3.5 Access Strategy

The proposal incorporates a signal-controlled junction onto the A6, which is an all-purpose distributor road linking Lancaster city centre with Galgate and Junction 33 of the M6 beyond to the south. The access includes toucan crossings across the site junction and leading to the eastern side of the A6. The proposal would also incorporate carriageway widening to enable the provision of a half layby for two buses and off-site highway improvement works to extend the shared cycleway/footway north up to Rays Drive and south to connect with that being constructed in association with the Breacra residential development. The County Highways Authority has reviewed this proposal as it has developed throughout the determination period. Within their latest consultation response (22nd July 2025), the Highway Authority confirms that with respect to the access arrangement, matters previously highlighted have been taken onboard, in particular the provision of a crossing area from the cycle path, across the internal access road, to the cycle storage area. A condition is recommended to secure the provision and retention of all parking spaces along with the provision of all pedestrian, cycle and motorcycle provision. Further conditions to secure a Highway Condition Survey, Construction Management Plan, identified off-site highway works, implementation of the approved Travel Plan, and a Car Parking Management Strategy have also been requested by the Highways Authority. In light of the scale and nature of this proposal and its associated impacts upon the highway network during its construction and operational phases, these conditions are reasonable and are therefore recommended.

5.3.6 In addition, the proposal seeks to facilitate the delivery of the aforementioned aspirational cycle route linking the A6 to bridleway BW0101052. This will be in the form of a 3 metre wide shared cycle and pedestrian path which extends around the southern and western edge of the proposed car park. Within the site, this would be delivered as part of the proposal by the developer and would also enable a link with the permissive footpath which passes through the woodland to the north. This should be designed to LTN 1/20 standards. A condition to secure the final details and provision of this key cycle and pedestrian link through this site is recommended. To secure the construction of the final section of the cycle/pedestrian link leading over the railway bridge which is land owned by Network Rail, the applicant is providing a financial contribution of £5,000.00 to facilitate the delivery

of this final short section. In light of the location of the cycle/pedestrian route along the southern boundary, it is also considered reasonable and necessary to secure an appropriately designed cycle and pedestrian link from this leading into the residential development to the south. This has in part already been secured as part of the Breacra development and this would facilitate further sustainable active travel links between these developments. The final location and design of this link can be secured by planning condition.

5.3.7 Planning policy seeks to ensure development maximises opportunities to travel by sustainable transport modes. This includes the promotion of walking and cycling and access to public transport. In relation to walking, development proposals must not impact the pedestrian environment and should maintain, and where possible, improve the existing pedestrian infrastructure in accordance with policy T2 of the SPLA DPD. With the delivery of the cycle/pedestrian route within this development and the financial contribution towards securing the remaining length of the route, the proposal will directly and indirectly provide important linkages between the site and existing residential development to the north, east and south and the University to the south.

5.3.8 With regard to public transport, the site development incorporates the provision of new public transport infrastructure located along the A6 corridor, a key public transport route serving the city centre, southern suburbs and Lancaster University. These enhanced public transport facilities and cycle/pedestrian connections will naturally support improved access to these services. In this regard, the application has sought to maximise opportunities for staff and customers to travel by sustainable transport in accordance with the NPPF and policies T2, SG1, SG3 and DM60 and DM61.

#### 5.3.9 Traffic Impacts

The baseline traffic data and consideration of traffic growth, trip generation and distribution is considered acceptable to the Highway Authority. The Transport Assessment (TA) assumes 30% of trips would be pass-by trips with 70% new trips. The weekday am peak would be (08:15-09:15) and pm peak (16:45-17:45) with Saturday peak hours of 13:00-14:00. The TA anticipates a total of 149 two-way vehicular trips in the AM peak, 346 in the PM peak and 351 on the Saturday peak period. The following table taken from the TA breaks this down into pass-by trips and new trips:

**Table 5-5: Aldi Vehicle Trip Attraction by Retail Trip Type**

Peak	Trip Type*	Proportion	Trip Attraction		
			Arrivals	Departures	Two-Way
AM Peak	New	70%	62	42	104
	Pass-by	30%	27	18	45
	<b>Total</b>	<b>100%</b>	<b>89</b>	<b>60</b>	<b>149</b>
PM Peak	New	70%	123	119	242
	Pass-by	30%	53	51	104
	<b>Total</b>	<b>100%</b>	<b>175</b>	<b>171</b>	<b>346</b>
Saturday Peak	New	70%	126	119	246
	Pass-by	30%	54	51	105
	<b>Total</b>	<b>100%</b>	<b>180</b>	<b>171</b>	<b>351</b>

\*As requested by LCC trip types are based on the Booths Application (PA: 10/00251/FUL)

5.3.10 The TA also sets out the anticipated traffic generation for the proposed development versus the extant (Booths) food store, which was larger than the development now proposed. This is shown in the following table:



**Table 5-6: Net Increase in Vehicular Trip Attraction (Extant v Proposed Use)**

Peak Period		Arrivals	Departures	Two-Way
AM Peak (0800 – 0900)	Extant	130	88	217
	Proposed	89	68	161
	Net Increase	-37	-20	-56
PM Peak (1700 – 1800)	Extant	242	256	498
	Proposed	192	184	376
	Net Increase	-50	-72	-122
Saturday Peak (1300 – 1400)	Extant	293	281	574
	Proposed	186	175	360
	Net Increase	-107	-106	-214

- 5.3.11 This shows that in all peak scenarios the vehicular trips associated with the proposed development are lower than the extant (Booths) food store. The TA indicates a reduction of 56 trips in the AM peak, a reduction of 122 trips in the PM peak and a reduction of 214 trips during the Saturday peak. Whilst the trips generated from the proposed development is less than the consented extant scheme, it still results in significant movements on a highly congested and constrained section of the local highway network. Accordingly, junction capacity assessments have been undertaken to assess and appropriately consider whether key junctions in the vicinity of the site can continue to perform efficiently and safely.
- 5.3.12 The TA has assessed the site access junction with Scotforth Road and the Hala Road/Scotforth Road/Ashford Road junction using LINSIG modelling. This presents as a percentage the Degree of Saturation and corresponding traffic queues for each modelled arm at the junction. Anything under 90% represents satisfactory operation of the junction.
- 5.3.13 The applicant has demonstrated that the site access junction design is sufficient to accommodate the proposed development traffic and can operate within capacity. The Highway Authority has not disputed this point but does highlight the site access is expected to operate close to capacity in the PM peak in the future year scenario. The TA identifies that the Hala crossroad junction, however, is expected to operate over capacity in the PM peak and close to capacity in the AM peak in the future year scenario. Whilst the Highway Authority does not consider the TA to accurately represent current and future performance of this junction, it is clearly recognised by the applicant and the Highway Authority that mitigation is required to allow the proposed development to come forward.
- 5.3.14 As part of the adopted Local Plan a potential improvement scheme was prepared on behalf of the Council. This is a relatively minor scheme involving marking out right turn lanes on the A6 carriageway in the centre of the junction to improve lane discipline as well as the introduction of MOVA technology to dynamically adjust signal timings based on real-time traffic conditions. The submitted TA has analysed the operation of the junction incorporating this improvement scheme. Whilst this does not improve the performance of the Hala crossroad junction significantly, as it would still be operating over capacity in the PM peak in the future year scenario, it does make improvements to delays and queue lengths.
- 5.3.15 The applicant within their TA, like the Local Plan and the Highways Authority, acknowledges major infrastructure and transport improvements will be required on the local highway network to overcome the current levels of congestion to render the network safer for all modes. The applicant agrees a contribution strategic highway improvements along the A6 corridor and at Hala crossroads is required to mitigate the impacts of the development. The mitigation which has been agreed and can be secured as part of this proposal by way of a Section 106 agreement comprises the following measures:
- £100,000 towards improvements to the Hala Road / Scotforth Road signalised junction including minor highway improvements and the installation of MOVA technology and replacement of signals where appropriate to match with MOVA technology;
  - £60,000 towards the Red Route between Galgate and Lancaster City Centre
  - £6,000 contribution towards Travel Plan monitoring



This is in addition to the delivery of strategically important active travel links within and along the frontage of the development site, as well as the carriageway works to secure the provision of new public transport facilities along the A6. These would be delivered through a combination of planning conditions and legal agreements.

- 5.3.16 In addition to the above financial contributions and mitigation measures, the Highways Authority has also requested a further £100,000 financial contribution to facilitate the installation of MOVA technology and replacement of signals where appropriate at the Main Road / Stoney Lane junction in Galgate. The consultation response from the Highways Authority clarifies that *'this burden may be delivered by other development, it is one of timing on who delivers.'*
- 5.3.17 This further contribution is not being secured as part of this development proposal. It is the applicant's position that, given the location of this development within south Lancaster and the catchment area which it is seeking to serve being the southern suburbs of Lancaster, the majority of the impact arising from this proposal would be mostly perceived in this area. For this reason, the applicant is amenable to providing a financial contribution to secure a mitigation scheme at the Hala Road / Scotforth Road signalised junction. However, the applicant does not believe that securing a further contribution towards a scheme in Galgate would not meet the relevant tests necessary to impose this obligation, specifically, it would not be necessary to make the development acceptable, nor would it be fairly and reasonably related in scale and kind to the development. Officers agree with this position, particularly as this proposal is of a reduced scale relative to that previously approved at this site, and in the interests of securing the delivery of development on this site, which has stalled.
- 5.3.18 The site access, internal layout and associated off-site highway works secure the delivery of new and strategically important pedestrian and cycle infrastructure within and around the vicinity of the site, and new public transport facilities. This combined with new connections and improvements to bridleway BW0101052 and the highway improvement mitigation scheme for the Red Route and Hala crossroads junction, ensures the residual trips from the development would not have a significant impact on the operation and safety of the local highway network. The development is considered to accord with the policy objectives in both local and national planning policy which seeks to prioritise and maximise opportunities for sustainable transport and active travel and would not lead severe residual cumulative impacts on the road network, taking into account all reasonable future scenarios.
- 5.3.19 Site layout and parking provision  
The proposal incorporates customer parking facilities to the west of the building and a service yard to the north of the building. The proposal previously incorporated 107 car parking spaces, however, due to design and layout changes which have been adopted during the determination period, this has been increased to a total of 136 parking spaces. The Highways Authority have confirmed that the previous proposal of 107 spaces was shown to be sufficient based on a parking accumulation assessment using observed trips at another comparable Aldi site. The accumulation showed that the peak demand for the car park is 88 spaces on a Sunday. The proposal to increase the level of parking provision to 136 spaces is therefore acceptable. The Highways Authority has confirmed that it is largely satisfied with the internal layout of the development site, particularly the delivery of pedestrian links and associated crossings. Comments have been made regarding the location of soft landscaping within the car park and the potential for landscaping to impede driver visibility if it is not properly maintained. Landscaping details including its associated management and maintenance will form the subject of a planning condition, and it is considered reasonable to require as part of this specific maintenance regimes to ensure that visibility for such parking spaces is not impeded.
- 5.3.20 Rail Infrastructure  
In light of the proximity of the development to the West Coast Main Line, the impacts of the development upon the railway infrastructure must be carefully considered. Network Rail have provided a number of consultation responses to this proposal, its latest response dated August 2023 advises that its previous holding objection has been withdrawn. Detailed advice is provided with its latest consultation response, setting out detailed design requirements that must be incorporated into the proposal. A series of planning conditions are requested including a Risk Assessment and Method Statement (RAMS) to ensure the proposals can be carried out without adversely affecting the safety, operation and integrity of the railway, including details of trespass proof fencing, use of cranes, encroachment, lighting, scaffolding, any vibro-impact works and railway access. Further

conditions are requested relating to the provision of trespass fencing (where required), to secure details of the disposal of foul and surface water (which shall be directed away from the railway line), to secure full details of ground levels, earthworks and excavations to be carried out near the railway boundary and to secure details of vehicle safety protection measures adjacent to the railway line. Separately to the planning application, Network Rail has also advised that a BAPA (Basic Asset Protection Agreement) will need to be agreed between the developer and Network Rail.

5.4 **Design and place making** NPPF Chapter 8 Promoting healthy and safe communities, Chapter 11 Making effective use of land, Chapter 12 Achieving well-designed and beautiful places, Chapter 15 Conserving and enhancing the natural environment; Strategic Policies and Land Allocations (SPLA) DPD Policies: SG1 Lancaster South Broad Location for Growth (Including Bailrigg Garden Village), SG3 Infrastructure Delivery for Growth in South Lancaster, T2 Cycling and Walking Network; Development Management (DM) DPD Policies DM29 Key Design Principles and DM46 Development and Landscape Impact.

5.4.1 The NPPF places an increasing emphasis on the need to deliver high-quality, inclusive, beautiful and sustainable places. This is reflected in the Local Plan through a number of different policies. Policy DM29 seeks to achieve this by ensuring new development contributes positively to the identity and character of an area through good design that has regard to local distinctiveness, siting, layout, materials, orientation and scale. Development proposals are expected to make a positive contribution to their surrounding through good design, the creation of positive spaces and attractive streetscapes and good accessibility and connectivity between buildings and urban spaces.

5.4.2 The design of the development has evolved through pre-application engagement and through negotiations during the determination of this planning application. This is reflected in the current design, as effort has been focused on developing a scheme which responds to the various site constraints, as well as providing new pedestrian and cycle linkages through and along the site frontage, linking into a network of aspirational routes. This offers significant benefits to the health and well-being of the community as well as encouraging more active travel.

5.4.3 The development site is located within Landscape Character Type (LCT) 12 Low Coastal Drumlins, specifically site 12a Carnforth - Galgate - Cockerham drumlin field. This LCT area is described as supporting 'an extremely high proportion of built development including the large settlement of Lancaster and Morecambe.' The assessment also states that the area provides 'a convenient transport corridor' including the Lancaster Canal, the M6 and A6. Urban development and associated infrastructure are common characteristics of this area.

5.4.4 Views of the site are achieved from the A6 corridor to the east. From the A6, the proposed access infrastructure and views into the site including the southern elevation of the building would be clearly visible. However, views of the remainder of the building would be minimised somewhat by the slight level change between the development platform and the A6, and the retained vegetation located between the building and the site boundary. In terms of the southern elevation, clear efforts have been made to secure an attractive and innovative design to this elevation given its visibility within the street scene. This has evolved into a flat roof structure with larger corner entrance feature. It also incorporates timber cladding (in the same style as that seen on the Aldcliffe Store) as well as living green walls and areas of glazing to add visual interest, activity and design quality. This elevation would be softened further by the sloping topography and associated landscaping to be located along the site access road.

5.4.5 The well used public footpath which extends along the northern edge of the site and connects the A6 to bridleway BW0101052, will also enable views of the site. However, the path passes through a well vegetated broadleaved woodland which serves to filter views into the site. This route then crosses Lawsons Bridge over the railway line before turning to head northwards into the residential area of Scotforth. Along these lengths, the route is generally well enclosed, and only glimpsed views are achieved of the development site.

5.4.6 Public Right of Way FP0101055 passes through the recently developed residential area to the southwest of the site on the opposite side of the A6. This path tracks along a north south alignment and connects Scotforth with Bailrigg. Within the proximity of the site, this footpath is generally well enclosed by fencing and existing built form. There are limited views from this footpath towards the site.

- 5.4.7 Considering the local landscape characteristics which is dominated by urbanising features including dwellings, highway and rail infrastructure, it is concluded that the overall impacts of this proposal to the character and appearance of the locality are low. Whilst the proposed development would result in the loss of open land on the outskirts of Lancaster, this site now effectively forms an infill development between large scale residential suburbs. Given the urban fringe of Lancaster in this location has been extended, it is considered that the effect of the proposal upon the Landscape Character would be low, and this would be further reduced post completion and following the establishment of landscaping within the site.
- 5.4.8 Overall, it is considered that the development will result in limited effects to the character and appearance of the area. The scheme successfully incorporates and aids in the delivery of key strategic active travel routes. The proposal also serves to position development to enable the retention of landscape buffers and, through the appropriate use of topography, landscaping, design and orientation, provides an attractive, visually interesting and softened entrance from the A6 corridor. The proposal would complement the sense of place for residents and the wider community. Overall, it is considered that the design approach with respect to layout and built form supports the design principles set out within policy SG1 and DM29 and DM46. It is appropriate in this case to secure precise details and samples of all external materials to the building, enclosures, boundaries and surface treatments by way of planning condition.
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- 5.5 **Flood Risk and Drainage** NPPF Chapter 14 Meeting the challenge of climate change, flooding and coastal change; Strategic Policies and Land Allocations (SPLA) DPD Policy SP8 Protecting the Natural Environment and SG1 Lancaster South Broad Location for Growth; Development Management (DM) DPD Policies DM33 Development and Flood Risk, DM34 Surface Water Run-off and Sustainable Drainage, DM35 Water Supply and Waste Water and DM36 Protecting Water Resources and Infrastructure.
- 5.5.1 **Flood Risk**  
Strategic policy seeks to ensure new growth within the district is directed to areas at least risk of flooding, does not create new or exacerbate existing flooding issues and aims to reduce flood risk overall. This approach is consistent with the NPPF, which states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas at lower risk of flooding.
- 5.5.2 The site lies within flood zone 1, however, the south western corner of the site is identified as being at fluvial flood risk in the future by the Environment Agency (EA). The EA also identifies areas of high and medium risk of surface water flooding, the extent of which also increases when incorporating climate change allowances. Finally, the Councils Strategic Flood Risk Assessment (SFRA) identifies areas of medium and high risk groundwater flooding within the central area of the site.
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- 5.5.3 The application is accompanied by a detailed site-specific flood risk assessment which has included assessment of flood risk and required mitigation. However, since the production of this assessment, there have been alterations to the Environment Agency Flood Map for Planning, which previously showed the western part of the site lying in flood zone 2. A Flood Risk Assessment Supplementary Report has been provided by the applicant to address this change. The site is now wholly in flood zone 1, however, the EA now identifies the southwestern corner of the site as being at fluvial flood risk in the future when incorporating climate change allowances. When comparing the proposed layout of development to this future flood risk, it is clear that the built development and the sites means of access remain wholly outside of the area at risk. However, proposed land level raising to the western area does appear to be within this future flood risk zone. The NPPF is clear at paragraph 175 that land raising within areas at current or future flood risk would trigger the need for a flood risk sequential test. As a result, the flood risk sequential test is engaged.
- 5.5.4 With respect to surface water flooding, there are areas of high and medium risk of surface water flooding, the extent of which increases when incorporating climate change allowances. The pocket of high and medium surface water flood risk which is located at the western end of the site, which coincides with the area of future fluvial flood risk, will remain as open landscape greenspace and will not be developed upon. The area of high and medium surface water flood risk which is located at the eastern end of the site is in the location where the food store building is proposed. This whole

area will include a site-specific surface water drainage system designed based on site specific requirements and which will capture and positively drain surface water flows from this part of the site. The layout and topography of the development, including level changes, will also ensure that surface water flows are not deflected off site.

- 5.5.5 It is necessary to highlight the recent changes to guidance set out within the Planning Practice Guidance (PPG) relating to the application of the sequential test when considering surface water flood risk. These changes to the PPG came into effect on the 17<sup>th</sup> of September 2025 and state that if a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development and would not increase flood risk elsewhere, the sequential test need not be applied. In light of the findings of the submitted site specific flood risk assessment with respect to surface water mitigation, it is now considered the flood risk sequential test is not engaged due to the identified surface water flood risk.
- 5.5.6 The Councils SFRA identifies that the majority of the site is at medium and high risk groundwater flooding. The site-specific flood risk assessment sets out the site risk of groundwater flooding at this site remains negligible. In reaching this conclusion, the site-specific flood risk assessment relies on the GeoSmart Groundwater Flood Risk Map, which shows the site and surrounding area as being at negligible risk from this flood risk source. However, this contradicts the findings of the Councils SFRA which shows most of the site and surrounding area being at medium and high risk.
- 5.5.7 The site-specific flood risk assessment also includes results of soakaway infiltration tests, this included two trial holes to a depth of 1.45 metres. These tests did not encounter groundwater when undertaken in March 2021. Further site investigation was also undertaken in 2008 in support of the approved planning application (Booths). As part of this, numerous trial holes and groundwater monitoring surveys were undertaken. Initially, groundwater was observed and measured within borehole CP106 at 7.30m below ground level (bgl) rising to 5.20m bgl (after 20 mins). Within borehole CP108, groundwater was identified at 1.20m bgl rising to 1.00m bgl (after 20 mins).
- 5.5.8 Groundwater located at over 5 metres below ground would represent a relatively low risk to development. However, groundwater located at 1-1.2m bgl would represent a higher risk to development. Further groundwater monitoring in trial holes CP101, CP103, CP104, CP107 and CP108 was undertaken, this included multiple measurements taken throughout September and October 2008. Trial holes CP101, CP103, CP104, CP107, which extended to depths ranging from 3-5 metres bgl, were dry and did not encounter groundwater. Groundwater was identified in trial hole CP108 at depths ranging from 1.8m bgl to 2.1m bgl. Trial hole CP108 was located along the western boundary of the site, and when compared to the layout of the development now proposed, no development is proposed in the location where trial hole CP108 was located. It is also important to note that trial hole CP108 was drilled approximately 6-8 metres below the AOD elevation of the other trial holes, as such, it was estimated as part of the 2008 survey effort that groundwater in the location of these other trial holes could be up to 9.0mbgl.
- 5.5.9 All development including the building and car park is located in the areas of the other groundwater monitoring trial holes, and in which no groundwater was encountered during the September and October 2008 monitoring effort. Whilst this monitoring effort was undertaken some time ago, there is no reason to assume that groundwater conditions at this site would have changed relative to the results of the 2008 survey. For this reason, it is considered that this site-specific groundwater assessment is still reliable in assessing groundwater flood risk in the context of the development now proposed. Despite the findings of the Councils SFRA with respect to groundwater, given the development would be located in areas of the site where groundwater levels are much further below ground level, it is considered that the development would be at low risk of flooding from this source. On this basis, the risk from groundwater flooding does not trigger the need for the flood risk sequential test.
- 5.5.10 It is also important to note that an extant planning permission exists for the development of a food store on this site. The fact that the site benefits from a lawfully implemented permission for similar development is a material consideration with respect to flood risk. Moreover, due regard must be given to the fact that it is only areas of land raising (which would then be landscaped and left open) which trigger the need for the flood risk sequential test, the more vulnerable built development and means of access are not at risk of flooding. However, due to the location of development, specifically

land raising, within an area identified as being a future flood risk, the flood risk sequential test is engaged.

5.5.11 This application is accompanied by a flood risk sequential test, which adopts a 5-minute drive-time from the application site its geographical scope, this includes South Lancaster, Lancaster University Campus, and areas around Galgate. The Planning Practice Guidance (PPG) directs that *'for individual planning applications subject to the sequential test, the area to which the test needs to be applied will be governed by local circumstances relating to the catchment area for the type of development proposed and the needs it is proposing to address.'* The PPG is clear that the sequential test should be applied proportionately and should only focus on realistic alternatives in areas of lower flood risk that could meet the same development need.

5.5.12 The application is clear in that the catchment which this store is seeking to service is the southern residential areas of Lancaster. It has already been clarified that Aldi food stores within urban areas such as this tend to draw the majority of trade from within a 5-minute drive-time catchment. For this reason, it is considered appropriate to apply this methodology to the scope for the flood risk sequential test. The sequential test confirms that there are no reasonable alternative sites with a lower risk of flooding than the application site within this area of search. For this reason, Officers concur with the findings that the proposal satisfies the sequential approach to development.

#### 5.5.13 Drainage Strategy

Development proposals must ensure that surface water is managed in a sustainable way accounting for climate change, and ensure that flood risk is not increased elsewhere as a result of the proposal. The supporting drainage strategy has considered the SuDS hierarchy and confirms that a post-development soakaway drainage solution is a viable method of surface water drainage at this site. An indicative SuDS arrangement plan which illustrates the outline surface water infiltration drainage proposals for the development has been provided, this includes a combination of swales, car park surfacing to enable attenuation, and soakaways. The Lead Local Flood Authority has reviewed the drainage strategy and has confirmed that it raises no objection to the development as a result. Conditions are requested to secure the identified flood risk mitigation, final surface water drainage scheme, construction surface water management plan, sustainable drainage system operation and maintenance manual and verification of constructed sustainable drainage scheme. The conditions requested by the LLFA would also address the request made by United Utilities (UU) for drainage details.

5.5.14 Foul drainage is proposed to connect by a gravity fed system to the existing public sewer in accordance with the drainage hierarchy. UU have raised no objection to the foul drainage proposals. Final details of the foul drainage strategy are to be secured by condition.

#### 5.6 **Biodiversity and Trees** NPPF Chapter 15 Conserving and enhancing the natural environment; Strategic Policies and Land Allocations (SPLA) DPD Policies SP8 Protecting the Natural Environment, 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.

5.6.1 Policy SP8 recognises the importance and value of biodiversity within the district and expects development proposals to protect, maintain and enhance biodiversity. This policy position is reflected in the Development Management DPD policies. Policy DM44 states development proposals should protect and enhance biodiversity and, as a principle, there should be net gain of biodiversity assets wherever possible. The policy goes on to state that where harm cannot be avoided, it should be mitigated and as a last resort compensated for, and where a proposal leads to significant harm, planning permission should be refused. Policy DM45 identifies the importance of retaining trees, woodland and hedgerows where they positively contribute to visual amenity, landscape character and/or the environmental value of an area. This policy expects new development to positively incorporate existing trees and hedgerows and where this cannot be achieved, the losses must be justified and mitigated. This policy also encourages new tree and hedgerow planting of native species to mitigate against the wider impacts of climate change and to enhance the character and appearance of the District.

#### 5.6.2 Impact on designated sites

The development site is located approximately 1.9km from the Morecambe Bay and Duddon Estuary Special Area of Protection (SPA), Morecambe Bay Special Area of Conservation (SAC) (the SPA and SAC both form part of the UK National Site Network) and Morecambe Bay Ramsar site, in addition to the Morecambe Bay Site of Special Scientific Interest (SSSI). Given the proximity of the site to the designated areas, the potential for the development to have an adverse impact on their integrity both during construction and operational phases of the development needs to be considered. In this regard, Natural England has reviewed the proposal and has concluded that the proposed development will not have significant adverse impacts on the designated sites and has no objection. In respect of the impact of the development on the National Sites Network, the RAMSAR and SSSI the development is considered to accord with strategic policy SP8 of the SPLA DPD and policy DM44 of the DM DPD.

#### 5.6.3 Habitats and Protected Species

The application is supported by a Preliminary Ecological Appraisal as well as Amphibian Survey Report and Protected Species Survey Report. This summarises the baseline condition of the site, which comprises a large semi-improved grassland field which was split into two field parcels by a hedgerow. Broadleaved woodland was present along the northern, eastern and western boundaries of the site. Along the boundary of the broadleaved woodland, and within pockets within the field parcels, tall ruderal habitats were present within the site. The central hedgerow was found to be mature and dominated by native species including hawthorn, elder and sycamore.

5.6.4 The proposal has also assessed the presence of protected or notable species. With respect to amphibians, including Great Crested Newts, surveys conclude that the site lacks the potential to support the species in their breeding phase. However, an off-site waterbody in land to the south is known to have historic presence of great crested newts. It is connected to the development site via the treeline along the railway corridor, and it is anticipated that the species could use this feature to commute to surrounding terrestrial habitats. Further surveys of this habitat were completed and this showed a peak count of 21 great crested newts within the southern off-site waterbody in March 2021. This indicates the presence of a medium population of great crested newts utilising the off-site waterbody. The numbers of great crested newts located significantly declined throughout the survey season, likely due to the rapid drying of the waterbody. This waterbody is located outside of the site boundary, it in fact falls within the development boundary for the Breacla residential development to the south. As part of this approved residential development, a detailed mitigation strategy was secured to protect this species from development in this area. For this reason, and the lack of any suitable habitat within the development site itself, it is not necessary to secure mitigation for this species as part of this application.

5.6.5 Vegetation within and around the site margins are suitable for use by nesting birds. Mitigation measures to ensure nesting birds are protected are set out within the report and can be secured by condition. Measures to secure enhancements for nesting birds, to be incorporated as part of the proposed development, can also be secured by condition. There was no evidence within the site of badger, reptiles or brown hare. It is anticipated that hedgehog could be present within the site, whilst the habitat present would also support invertebrates. With respect to bats, common pipistrelle and noctule bats were observed foraging and commuting along the northern boundary of the site and the associated treeline. Recommendations to ensure the site remains suitable for all identified species as well as habitat enhancement opportunities are set out within the report, final details of these measures can be secured by condition.

#### 5.6.6 Arboricultural Impacts

To construct the development, the supporting Arboricultural Impact Assessment indicates that 51 trees and 137 metres of hedgerow will have to be removed. Except for tree T5 which is a semi-mature hawthorn, all trees which have been identified for removal are young to early mature and relatively closely spaced. The loss of these trees is considered to be adequately compensated for within the submitted landscape plan which indicates the planting of 58 trees combined with lengths of hedgerows throughout the site.

5.6.7 Policy DM45 states *'new development should positively incorporate existing trees and hedgerows and where this cannot be achieved the onus is on the applicant to justify the loss. Where it is adequately justified the council will seek replacement tree planting at the ratios adopted in the Councils tree Policy (2010)'*. It is clear that there would be notable numbers of trees and hedgerow removed from the site in order to facilitate the scheme. The loss of trees would to a certain extent

be perceived within the area. It would also result in harm to the ecological value of the site. So too would the loss of the central hedgerow, which is a historic feature of the local area and an important wildlife corridor, the loss of which cannot be readily compensated for. The losses are unfortunate, and weigh negatively against the proposal. However, the removals are required in order to deliver development at this site. Similar losses, including of the hedgerow, have also been accepted as part of the extant planning permission on this site. It is therefore accepted as part of this proposal subject to the proposed mitigation planting being secured. A condition to ensure that the development is undertaken in accordance with the submitted Arboricultural Impact Assessment is recommended. A further condition to secure the final details and maintenance regimes for all soft landscaping within the site is also recommended.

#### 5.6.8 Biodiversity Net Gain (BNG)

The submitted application is not subject to mandatory BNG, as the application was received by the Local Planning Authority before BNG became a mandatory requirement. Nevertheless, the applicant has committed to enhancing the biodiversity value of the site, and Policy DM44 also requires this whether or not mandatory BNG is engaged. However, to demonstrate that the development can enhance the biodiversity value of the site, the applicant has undertaken a BNG assessment. The assessment found that the current baseline value of the application site is assessed as 4.42 habitat units and 1.40 hedgerow units. Based on the proposed habitat creation measures, the development results in a net loss of -18.86% habitat units (equivalent to 0.83 habitat units) and -97.22% hedgerow units (equivalent to 1.36 hedgerow units). The scheme is therefore at a unit deficit of 0.88 habitat units and 1.38 hedgerow units, which are required to meet a net gain of at least 1% [note 10% is not required as the development is not subject to mandatory BNG].

5.6.9 However, given the site's current baseline conditions and the scale and nature of the proposed food store, the capacity for onsite measures alone is limited. As such, the delivery of off-site biodiversity units will be necessary to ensure that the scheme achieves the required net gain. The applicant has engaged with the Environment Bank, a national specialist in delivering biodiversity net gain through the restoration of habitats across England. It is proposed that biodiversity units are secured to ensure a net gain in biodiversity can be provided, albeit not on site and likely involving land outside of the District, given there are no habitat banks within the Lancaster Local Planning Authority area, or the Morecambe Coast and Lune Estuary National Character Area. The final details of the non-mandatory BNG requirement for this development would need to be secured through planning condition.

#### 5.7 Sustainable Design and Renewable Energy NPPF Chapter 12 Achieving Well-Designed Places and Chapter 14 Meeting the challenge of climate change, flooding, and coastal change; Development Management (DM) DPD Policies: DM29 Key Design Principles, DM30a Sustainable Design, DM30b Sustainable Design and Construction – Water Efficiency, and DM30c Sustainable Design and Construction – Materials, Waste and Construction and DM53 Renewable and Low Carbon Energy Generation.

5.7.1 In the context of the climate change emergency that was declared by Lancaster City Council in January 2019, the effects of climate change arising from new development in the District, and the possible associated mitigation measures, will be a significant consideration in the assessment of development proposals.

5.7.2 The Council is committed to reducing its own carbon emissions to net zero by 2030 while supporting the district in reaching net zero within the same time frame. Buildings delivered today must not only contribute to mitigating emissions, but they must also be adaptable to the impacts of the climate crisis and support resilient communities.

5.7.3 The Climate Emergency Review of the Local Plan (CERLP) was adopted in January 2025 and provided a partial review of the DM DPD and the SPLA DPD. This introduced policies DM30a, DM30b and DM30c which provide specific requirements in relation to sustainable design and construction and also made changes to some other policies.

5.7.4 Policy DM30a and DM30b require major non-residential buildings such as the development proposed to meet the most up to date BREEAM 'Excellent' standard. Where the 'Excellent' Standard cannot be achieved, evidence must be submitted with an application to the satisfaction of the City Council. The BREEAM 'Very Good' standard must be met as a minimum. Proposals must also

include opportunities for low carbon energy and renewable technologies. Policy DM30c requires development to achieve sustainable and environmentally conscious development by taking into account various development criteria.

- 5.7.5 The application is accompanied by an Energy and Carbon Statement, this sets out that the proposed development has utilised sustainable design measures in accordance with the Energy Hierarchy to reduce energy consumption and CO2 emissions. The proposed development has achieved a total predicted energy consumption saving of 158,375kWh/annum and a predicted CO2 emissions reduction of 13,937kgCO2e/annum when compared to a Building Regulations Part L 2021 compliant development. This represents a CO2 emissions saving of 112% over the Building Regulations Part L 2021 compliant development. This has been achieved through the implementation of a well-insulated and airtight building fabric, high efficiency mechanical and electrical systems and the specification of renewable technologies including roof mounted solar panels. These savings are in accordance with Policy DM30a of the Lancaster District Climate Emergency Local Plan.
- 5.7.6 As part of the BREEAM Assessment, a Life Cycle Assessment is required to establish the embodied carbon of the proposed development. However, in order to establish Whole Life Cycle Carbon emissions, detailed embodied carbon and advanced energy modelling is required. These details are not able to be concluded until detailed designs have been progressed. For this reason, a condition is recommended to secure a final Sustainable Design Statement detailing how the development will accord with the BREEAM level required by Policy DM30a and DM30b.
- 5.8 **Residential Amenity and Pollution** NPPF Chapter 8 Promoting Healthy and Safe Communities, Chapter 11 Making effective use of land, Chapter 12 Achieving Well-Designed Places and Chapter 15 Ground Conditions and Pollution; Development Management DM) DPD DM29 Key Design Principles, DM31 Air Quality Management and Pollution, DM32 Contaminated Land and DM57 Health and Well-Being.
- 5.8.1 Paragraph 198 of the NPPF requires planning policies and decisions to ensure new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment. To achieve this, it is necessary to avoid noise impacts giving rise to significant adverse effects and to mitigate and reduce potential adverse effects resulting from noise from new development. Policy DM29 of the DM DPD and paragraph 135 of the NPPF is also relevant in the context of assessing the effects of development on residential amenity. Both strongly advocate the need for new development to be of high standard of design ensuring high standards of amenity are maintained and secured for existing and future users. Policy DM29 specifically states that new development must ensure there is no significant detrimental impact to amenity in relation to overshadowing, visual amenity, privacy, overlooking, massing, and pollution.
- 5.8.2 **Residential Amenity**  
The proposed development has the potential to impact existing residential development. Existing residents most likely to be affected include those on Rays Drive to the north, those situated along the eastern side of the A6, and the prospective residents of the Breacla development to the south.
- 5.8.3 With respect to the properties located on Rays Drive, the belt of woodland which is retained between the development site and these properties will provide an adequate visual buffer and screen, with appropriate separation distances retained. For those located on the eastern side of the A6, again a degree of screening will be provided by the retained vegetation. Furthermore, the development site is located at a lower topographical level than properties located to the east, which reduces development impacts. Finally, acceptable separation distances are maintained. With respect to the properties located within the northern area of the Breacla residential development, a number of private gardens and public open space form the boundary treatments with the development site. The private gardens would in part be located at a higher level than the development site and located upon a retaining structure. The gardens will then be enclosed by a 1.8 metre high close boarded fence. These level differences and the proposed boundary treatments are appropriate and will ensure acceptable standards of amenity are retained for these gardens.
- 5.8.4 The areas of public open space will be sloping, extending down to the shared boundary with the proposed food store development. This public open space will also be landscaped and is expected to include a combination of tree and shrub planting. The shared pedestrian/cycle path and vehicular access road would then be located adjacent the residential open space, a timber post and rail fence



is then proposed as part of the food store proposal to separate the two. Full details of all boundary treatments and their layout within the site can be secured by condition, and provision for the pedestrian link to the residential development to the south will need to be accounted for within the boundary treatment layout. In addition to this, it will be important that as part of the food store car park, external lighting is sensitively designed and located to ensure impacts from light spill do not impact adjacent residents. A condition to secure external lighting details is also recommended. Overall, the development is considered to provide an acceptable standard of amenity for surrounding residents with respect to layout, separation distances and privacy levels. The proposal therefore conforms with the objectives and requirements set out in the NPPF and policy DM29.

#### 5.8.5 Noise

The submitted Noise Impact Assessment has undertaken a full weekday and weekend background and ambient sound survey as well as a dedicated rail traffic sound survey. A 3D noise model has been constructed to assess potential commercial sound impact upon existing receptors in accordance with the appropriate British Standards for both daytime and night-time periods. This has included noise from multiple sources including delivery/loading activities, refrigeration equipment and other external plant equipment. Car park activity is also accounted for within the noise model. With respect to daytime commercial activity, the assessment has determined that the predicted rating level achieves or falls below the typical background sound level at all existing receptors. As such, no adverse impact is predicted. With respect to nighttime commercial activity, the predicted rating level falls below the lowest background sound level at all receptors. As such, no adverse impact is predicted.

5.8.6 For external equipment including refrigeration/plant equipment, the predicted rating level falls below the typical background sound level at receptors along Scotforth Road and Bruntwood Drive. However, exceedances are predicted for properties located along Rays Drive, though it is concluded that these exceedances will be masked by the high background sound levels which is dominated by road traffic noise. As such, despite the predicted exceedances, given established background noise levels, no adverse impact is predicted. For internal noise levels due to external equipment, with windows open, this would be less than 28 dB, which is 2 dB below the internal criterion, which is acceptable.

5.8.7 The impact of HGV movements along the access road and at the loading bay at receptors at night has also been considered, using guideline levels detailed by the World Health Organisation. This assessment has only addressed the properties along Rays Drive, as given the proximity of the A6, receptors to the east and south east are already subject to HGV pass-bys at night. This assessment concludes that all predicted maximum noise levels will achieve the required external criterion outside of existing bedroom windows at the closest receptors to the development site.

5.8.8 The submitted Noise Impact Assessment has been reviewed by the Councils Environmental Protection Officer (EPO) who has concluded that, overall, they are satisfied with the assessment methodology. However, some concerns regarding the assessment of the noise in relation to deliveries at sensitive times, and therefore the likely impacts to the nearest noise sensitive receptors, have been raised. The EPO highlights that tables 4.3 to 4.5 within the Noise Impact Assessment detail the worst case predicted rating levels for deliveries and fixed plant at nearest residential receptors and 'typical' and 'lowest' background sound levels. However, the 'lowest' background sound levels provided in table 4.4 (night-time assessment of delivery and fixed plant) exceed the 'typical' levels for the day-time assessment and significantly exceed those provided for night-time assessment (which the time period of concern would fall into). The EPO has confirmed that if background sound levels in table 4.4 were adjusted to reflect either the 'typical' night-time levels in table 4.5 or the representative statistical levels provided in graph 2 of the report, there would potentially be a +6dB difference at Rays Drive between the rating level and background sound level, indicating the potential for adverse impact. Furthermore, if the worst case predicted rating levels in tables 4.3 and 4.4 are accounted for, this could increase to +7dB above background sound levels.

5.8.9 In view of the above, to ensure 'lowest' or 'no' observed effect levels in respect of noise, the Councils Environmental Protection Officer recommends that delivery times are restricted to be outside of sensitive time periods to minimise any unreasonable impacts to nearby sensitive receptors. Of particular concern would be Sundays when background sound levels are overall likely to be lower. On the basis of the information submitted, a condition is recommended to ensure that deliveries shall be restricted, with no deliveries outside the hours of 07:00-22:00 Monday-Saturday and 09:00-

17:00 Sunday and Bank Holidays. A further condition to restrict store opening/trading hours to 08:00-22:00 Monday – Saturday and 09:00-17:00 Sunday and Bank Holidays, is also recommended in the interests of protecting the amenity of residential receptors. Accounting for the required conditions, the development will not give rise to unacceptable noise impacts and would comply with the requirements of policy DM29 and the NPPF.

#### 5.8.10 Contaminated land

Paragraph 196 of the NPPF states the planning decisions should ensure sites are suitable for the proposed use taking account of ground conditions and any risks arising from land instability and contamination. Paragraph 197 goes on to state that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

- 5.8.11 This application is supported by a Phase 1 desk top survey, which identifies potential on-site sources of contamination including Made Ground and pesticides and off-site sources of contamination from the railway to the west of the site. The survey ultimately concludes that intrusive investigation should be undertaken to establish geotechnical parameters for the design of the development and that, as part of this, samples of soil are recovered for contamination testing to confirm whether there are any potential risks. A condition to secure appropriate assessment and contamination remediation is recommended.

#### 5.8.12 Air Quality

The proposals have the potential to cause air quality impacts as a result of the construction phase and road traffic exhaust emissions associated with vehicles travelling to and from the site during operation. As such, an Air Quality Assessment was undertaken to determine baseline conditions and assess potential effects of the scheme. Potential construction phase air quality impacts from dust emissions as a result of earthworks, construction and trackout activities have been assessed. It is considered that the use of good practice control measures would provide suitable mitigation for a development of this size and nature and reduce potential impacts to an acceptable level. This is set out in the Air Quality Assessment and the implementation of such measures will be controlled by planning condition.

- 5.8.13 Potential impacts during the operational phase of the proposals may occur due to road traffic exhaust emissions associated with vehicles travelling to and from the site. Dispersion modelling was undertaken to predict pollutant concentrations at sensitive locations as a result of emissions from the local highway network. Review of the results indicate that predicted air quality generated by the development were not significant at any sensitive location in the vicinity of the site. A condition is recommended to secure the site specific mitigation measures relating to dust emissions as set out within the Air Quality Assessment. A further condition to secure the provision of electric vehicle charging points and cycle infrastructure is also recommended, as this would help minimise vehicular emissions associated with the operational phase of the development.

#### 5.9 Other matters

- 5.9.1 Economic benefits – The application indicates that the proposal would generate 30 full time jobs, plus employment during the construction stages of the development, thus providing economic benefits to the local area. This application meets the threshold for requiring production of an Employment and Skills Plan (ESP). The ESP will need to detail how opportunities for, access to and up-skilling local people through the construction phase of the development proposal will be provided. Development Management policy DM28 establishes the requirement and is supported by an ESP Supplementary Planning Document. As such, a pre-commencement condition will need to be applied to any consent granted to deliver the ESP.

- 5.9.2 Health Impact Assessment (HIA) – The application is supported by a HIA, which has considered potential health impacts of the proposed development against the NHS Healthy Urban Development Unit's 'HUDU Planning for Health - Healthy Urban Planning Checklist'. Overall, the proposal is concluded to have neutral to positive impact, therefore, the overall impact of the development is determined as neutral on health. Mitigation has been recommended relating to construction and environmental impacts, which would be satisfactorily addressed the conditions already identified within this report.

## 6.0 Planning Obligations

6.1 With Committee's support, Officers seek delegation to secure a Section 106 Agreement to secure the below requirements:

- £100,000 towards improvements to the Hala Road / Scotforth Road signalised junction including minor highway improvements and the installation of MOVA technology and replacement of signals where appropriate to match with MOVA technology;
- £60,000 to support the Red Route from Galgate to the City Centre
- £6,000 Travel Plan Support
- £5,000 towards cycle connection enhancements towards Lawson's Bridge

## 7.0 Conclusion and Planning Balance

7.1 The development of the site to provide a food store will bring social, economic and environmental benefits to the area. This includes additional jobs both during construction and once operational. The development of this site in the manner proposed would not hinder the delivery of wider growth ambitions for south Lancaster, nor does the proposal conflict with policy which seeks to direct such uses the main town or local centres, as no sequentially preferable sites have been identified. Equally, the proposal is also not thought to result in detrimental impacts to the health and vitality of the nearest defined local centres. The proposal helps to facilitate key active travel linkages and provides for a range of off-site highway improvements including new public transport facilities. The proposal has, subject to the identified planning conditions, satisfactorily addressed matters relating to design and landscape, flood risk and drainage, biodiversity, climate change and residential amenity.

7.2 Regard must also be given to the fact that there is an extant planning permission on this site for similar development, albeit of a larger scale, which represents a potential fall-back opportunity. This is a material consideration that should be afforded substantial weight in this decision.

7.3 There have been lengthy negotiations during the consideration of this application to ensure the development is capable of being implemented without significant adverse impacts on the local environment and the community surrounding it. Overall, it is considered that the proposed development, with mitigation, accords with the Development Plan.

## Recommendation

That Planning Permission BE GRANTED following the satisfactory completion of a Legal Agreement within 3 months of the date of this Committee meeting, securing the requirements set out in paragraph 6.1 above. In the event that a satisfactory Section 106 Agreement is not concluded within the timescale above, or other agreed extension of time, delegate authority to the Chief Officer – Planning and Climate Change to refuse planning permission on the grounds that the obligations which make the development acceptable have not been legally secured. The approval is also to be subject to the following planning conditions:

Condition no.	Description	Type
1	Timescale	Control
2	Approved plans	Control
3	Highway Condition Survey	Prior to commencement
4	Construction Management Plan	Prior to commencement
5	Site access and off-site highway works	Prior to commencement
6	Construction surface water drainage	Prior to commencement
7	Final surface water drainage strategy	Prior to commencement
8	Risk Assessment and Method Statement (RAMS)	Prior to commencement
9	Details of any scaffolding to be erected within 10 metres of railway boundary	Prior to commencement
10	Details of any vibro-impact works	Prior to commencement
11	Details of ground levels, earthworks and excavations within 10m of railway boundary	Prior to commencement

12	Details of vehicle safety protection measures along railway boundary	Prior to commencement
13	Employment and Skills Plan	Prior to commencement
14	Contamination investigation	Prior to commencement
15	Final details of cycle and pedestrian link through the site and linkage to residential development to the south	Prior to commencement
16	Details of Biodiversity Net Gain	Prior to commencement
17	Sustainable Design Statement	Prior to commencement
18	Details (and samples) of external materials to the building, enclosures, and surface treatments to be agreed	Prior to above ground works
19	Boundary treatment details including any trespass proof fencing	Prior to above ground works
20	Scheme for external lighting and security measures	Prior to above ground works
21	Scheme for refuse provision	Prior to above ground works
22	Scheme for EV charging facilities	Prior to above ground works
23	Scheme for cycle provision	Prior to above ground works
24	Hard and soft landscape and maintenance regime	Prior to above ground works
25	Landscape and ecological management plan (LEMP)	Prior to above ground works
26	Travel plan	Prior to occupation/first use
27	Provision of internal roads, car/motorcycle parking and turning facilities	Prior to occupation/first use
28	Car park management strategy	Prior to occupation/first use
29	Sustainable drainage system operation and maintenance manual	Prior to occupation/first use
30	Verification of constructed sustainable drainage scheme	Prior to occupation/first use
31	Development in accordance with Flood Risk Assessment	Control
32	Development in accordance with Arboricultural Impact Assessment	Control
33	Development in accordance with ecological mitigation measures	Control
34	Development in accordance with Air quality mitigation measures	Control
35	Restriction on net sales area and net sales floorspace used for the display and sale of comparison goods	Control
36	Restriction on opening/trading hours	Control
37	Restriction on delivery hours	Control

### **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**

None