



Department for
Communities and
Local Government

Mr Matthew Stimpson
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Our Ref: APP/A2335/A/11/2155529

16 August 2012

Dear Mr Stimpson

**TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 78)
APPEAL BY COMMERCIAL ESTATES PROJECTS
APPLICATION REF: 10/00366/OUT
LAND TO THE WEST OF SCOTFORTH ROAD, SCOTFORTH, LANCASTER**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Michael Hurley BA DipTP MRTPI, who held a public local inquiry which closed on 16 April 2012, into your client's appeal under Section 78 of the Town and Country Planning Act 1990 against the decision of Lancaster City Council to refuse outline planning permission for the erection of a foodstore (Use Class A1) hotel/pub/restaurant (Use Class A1, A4 and A3 respectively) and petrol filling station, new roundabout access from Scotforth Road, internal roads, car parks, landscaping and other associated development, in accordance with planning application ref: 10/00366/OUT, dated 13 April 2010.

2. The appeal was recovered for the Secretary of State's determination on 12 April 2011, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, because the proposal was for a main town centre use (or uses) comprising over 9,000m² gross floorspace; it concerned a site in an out-of-centre location that is not in accordance with an up-to-date development plan document (DPD).

Inspector's recommendation and summary of the decision

3. The Inspector, whose report is enclosed with this letter, recommended that the appeal be dismissed and planning permission refused. For the reasons given in this letter, the Secretary of State agrees with the Inspector's conclusions and recommendation. All paragraph references, unless otherwise stated, refer to the Inspector's report (IR).

Procedural Matters

4. The Secretary of State notes those amendments made to the proposal, including the deletion of the hotel/pub/restaurant and petrol filling station as detailed in IR2-5,

and has determined the application on that basis. He does not consider that there has been any prejudice to any party in doing so.

5. In reaching his decision, the Secretary of State has taken into account the Environmental Statement and further information as submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. He considers that the environmental information as a whole meets the requirements of these regulations and that sufficient information has been provided for him to assess the environmental impact of the application.

6. Following the close of the inquiry, the Secretary of State received a written representation, from Eric Ollerenshaw OBE MP. However, he does not consider that this correspondence raises any new issues which would affect his decision or require him to refer back to parties prior to reaching his decision. Copies of this correspondence are not attached to this letter but may be obtained on written request to the above address.

7. The application for an award of costs (IR11) made by E H Booth and Co Ltd against the appellant is the subject of a separate decision letter.

Policy Considerations

8. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises Regional Spatial Strategy for the North West of England (2008), saved policies of the Lancaster District Local Plan (2004), and the Lancaster District Core Strategy (2008). The Secretary of State considers that the development plan policies most relevant to this case are those set out at IR45-63.

9. Material considerations which the Secretary of State has taken into account include those documents listed at IR42. Other material considerations include Circular 11/95 Use of Conditions in Planning Permission; the Community Infrastructure Levy (CIL) Regulations 2010 and 2011 and Technical Guidance to the National Planning Policy Framework (2012). The Lancaster Land Allocations Development Plan Document (DPD) – Developing the Options (July 2011) and Lancaster Development Management DPD – Developing the Options (July 2011) are also material considerations. However, as these documents are some way from adoption and subject to change the Secretary of State has given them little weight.

10. The Secretary of State considers that the revocation of Regional Strategies has come a step closer following the enactment of the Localism Act on 15 November 2011. However, until such time as the Regional Spatial Strategy for the North West of England is formally revoked by Order, he has attributed limited weight to the proposed revocation in determining this appeal.

Main Issues

11. The Secretary of State agrees with the Inspector that the main issues are those set out in IR407.

Retail considerations

12. The Secretary of State agrees with the Inspector's reasoning and conclusions on retail considerations as set out in IR408-432. He agrees that unmet need for additional convenience shopping south of the River Lune would be eased by the proposed Booth's supermarket; that the Canal Corridor North site is sequentially preferable to the appeal site; and, the proposed superstore could adversely affect planned investment in the expansion of Lancaster's central shopping area onto the Canal Corridor North site (IR432). Overall, he agrees that the proposal would be contrary to development plan policies for the provision of new retail floorspace.

13. In considering this issue the Secretary of State has given careful consideration to the significant weight that should be placed on the need to support economic growth through the planning system (National Planning Policy Framework paragraph 19). He agrees that weight should be attached to the creation of additional employment, but like the Inspector, he does not consider that the employment benefits of the scheme outweigh the policy objections (IR 431).

Access considerations

14. The Secretary of State agrees with the Inspector's reasoning and conclusions on access considerations as set out in IR433-447. He agrees that the potential congestion on Scotforth Road resulting from the proposed superstore and other committed development adds to the weight of arguments against the proposal (IR447). He further agrees that the Whinney Carr Link Road could provide additional capacity to ease this problem and that the proposed superstore would be unacceptable in the absence of such a facility (IR442).

Landscape and visual impact

15. For the reasons given in IR448-456, the Secretary of State agrees with the Inspector that the site serves as a "gateway" to Lancaster warranting sensitive treatment (IR451) and that the proposal would have an adverse effect on the landscape, including the loss of trees protected under a Tree Preservation Order (IR456).

Prematurity and the future development of south Lancaster

16. The Secretary of State notes that the Whinney Carr site, including the appeal site, is identified as a potential strategic option in the Lancaster Land Allocation's DPD Developing the Options consultation document; but this plan is at an early stage of preparation and there is no firm proposal for the allocation of strategic greenfield sites. For the reasons given in IR457-463 the Secretary of State agrees with the Inspector that there is insufficient reason to refuse planning permission for the proposed superstore on grounds of prematurity (IR461).

Planning obligation and conditions

17. The Secretary of State agrees with the Inspector's reasoning and conclusions on obligations and conditions as set out in IR464-473. He notes that the Inspector considers that the provisions of the planning obligation are consistent with Circular 05/2005. Whilst this has now been replaced by the National Planning Policy Framework, he considers that the provisions of the obligation meet the tests set out in

the Framework. He also considers that the obligation would satisfy the tests set out in the CIL Regulations.

18. The Secretary of State does not consider that the proposed obligation and conditions would address the unacceptable impacts of the development and overcome his reasons for dismissing the appeal.

Overall Conclusion

19. The Secretary of State agrees with the Inspector's overall conclusions at IR474. He accepts that there is an unmet need for additional convenience shopping provision within the primary catchment area that would be served by the proposed development. However, he considers that the development proposed would contravene retail policies in the development plan. He considers that there is a sequentially preferable alternative means of meeting the need for convenience retail floorspace; that the development proposed could give rise to severe traffic congestion when taken alongside other committed development; and, that it would have an adverse effect on the appearance of the site and surrounding area.

20. Having weighed up all of the relevant material considerations, the Secretary of State considers that the proposal conflicts with the development plan in a number of respects and though there are material considerations weighing in its favour, these are not sufficient to outweigh this conflict.

Formal Decision

21. Accordingly, for the reasons given above, the Secretary of State hereby dismisses your client's appeal and refuses outline planning permission for the erection of a foodstore, a signal-controlled access from Scotforth Road, internal roads, a car park, landscaping and other associated development, on land to the west of Scotforth Road, Scotforth, Lancaster, in accordance with planning application ref: 10/00366/OUT (as amended), dated 13 April 2010.

Right to challenge the decision

22. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

23. A copy of this letter has been sent to Lancaster City Council and E H Booth and Co Ltd. A notification letter has been sent to other parties who asked to be informed of the decision.

Yours sincerely



Pamela Roberts

Authorised by the Secretary of State to sign in that behalf



Report to the Secretary of State for Communities and Local Government

by Michael Hurley BA DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 24 May 2012

TOWN AND COUNTRY PLANNING ACT 1990

LANCASTER CITY COUNCIL

APPEAL MADE BY

COMMERCIAL ESTATES PROJECTS

Inquiry held between 22 November 2011 and 16 April 2012

Land to the west of Scotforth Road, Scotforth, Lancaster

File Ref: APP/A2335/A/11/2155529

File Ref: APP/A2335/A/11/2155529

Land to the west of Scotforth Road, Scotforth, Lancaster

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Commercial Estates Projects against the decision of the Lancaster City Council.
- The application Ref 10/00366/OUT, dated 13 April 2010, was refused by notice dated 3 May 2011.
- The development proposed was described in the application as the erection of a foodstore (Use Class A1) hotel/pub/restaurant (Use Class A1, A4 and A3 respectively) and petrol filling station, new roundabout access from Scotforth Road, internal roads, car parks, landscaping and other associated development.

Summary of Recommendation: I recommend that the appeal be dismissed.

PROCEDURAL MATTERS

Amendments to the Planning Application

1. The application was made in outline with all matters of detail (except the means of access) reserved for subsequent approval. The access as originally proposed was to have been from a new roundabout in Scotforth Road (A6).
2. However, revised access details were submitted to the Council in November 2010. These proposed that vehicular access to the proposed development would be from a new, signal-controlled, T-junction on Scotforth Road (A6), rather than from the new roundabout originally proposed. The Council informed statutory consultees of this amended access proposal.
3. In May 2011 the Council decided to refuse planning permission. Their decision was taken on the basis of the amended access proposal. Nevertheless, the description of the proposed development in their decision notice referred to the roundabout access as originally proposed.
4. During the course of the inquiry, the appellants indicated that they wished to amend the application further, by deleting the proposals for the hotel, pub, restaurant and petrol filling station. The application would then be for the erection of a foodstore, a signal-controlled access from Scotforth Road, internal roads, a car park, landscaping and other associated development. The appellants made it clear that they would no longer be seeking planning permission for the hotel, pub and restaurant. Although the proposal for a petrol filling station might be the subject of a separate planning application in due course, they did not wish it to be considered as part of their present scheme. The reasons for this amendment are set out at paragraphs 75 and 76 below.
5. The scheme as now proposed is shown in a further set of amended application plans, which were submitted in January 2012 (Doc CD16.2A-E). The revised access arrangements are shown in Drawing No 11/205/TR/018 (attached to Doc CD15.2). The effect of the amendments is substantially to reduce the amount of development proposed. No objection has been made to the appeal being considered on the basis of the amended scheme now promoted by the appellants, and I have no reason to think that any third party interests would be prejudiced by proceeding in this way. I consider that to determine the appeal on the basis of the amended scheme would be consistent with the principles set out in *Bernard Wheatcroft v Secretary of State and Harborough District Council* [1982]

JPL 37. Accordingly, I have considered the appeal on the basis of the amended proposals.

Environmental Assessment and Other Supporting Documents

6. The original application was accompanied by an Environmental Statement prepared in accordance with the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (Docs CD1.22-25). In January 2012 the appellants submitted a Further Environmental Information Report dealing with the proposed amendments to the original application (CD16.5 to CD16.7). Statutory consultees were notified of the amended scheme; and the revised proposals were advertised in the local press. In preparing this report I have taken account of the environmental information presented at the inquiry.
7. A Transport Assessment was submitted in support of the planning application (Doc CD1.13). Other documents submitted in support of the original planning application (Docs CD1.4 to CD1.19) included a Design and Access Statement and a Planning Statement. The Design and Access Statement and the Planning Statement were updated to reflect the amendments to the application submitted in January 2012 (CD16.3 and CD16.4)
8. Statements of Common Ground have been agreed between the appellants and the City Council. The first of these (Doc CD14.1) describes the site and the surrounding area, and also covers planning policy; environmental impact; and community engagement. The second (Doc CD14.2 and CD14.2A) is concerned with retail issues. Unless otherwise stated, data on retail expenditure and turnover in the Retail Statement of Common Ground (and in this report) is at 2010 prices. The third Statement of Common Ground (Doc CD14.3) deals with trees; and the fourth (CD14.4) deals with highway matters.

Appeal Recovery

9. The appeal was recovered for determination by the Secretary of State for Communities and Local Government on 20 July 2011. The reason for this was that the proposal was for a main town centre use (or uses) comprising over 9,000m² gross floorspace; it concerned a site in an out-of-centre location; and it was not in accordance with an up-to-date development plan document (DPD).

Procedural Meetings and the Inquiry

10. I held a pre-inquiry meeting to discuss procedural arrangements on 6 October 2011. The inquiry sat on 22 to 25, 29 and 30 November, and 1 December 2011. It was adjourned on 1 December to permit fresh evidence to be prepared to deal with the amendments to the application then proposed by the appellants. I held a second procedural meeting on 23 January 2012. The inquiry resumed on 21-23 and 26-30 March 2012; and closed on 16 April 2012. I made a number of unaccompanied site visits during the inquiry, and an accompanied site visit on 17 April 2012.

Costs

11. At the inquiry, an application for an award of costs was made by E H Booth and Co Ltd against the appellants, Commercial Estates Projects. This is the subject of a separate report.

THE SITE AND SURROUNDINGS

The Appeal Site

12. The appeal site lies at the edge of the built-up area of Lancaster, about 2.8km to the south of the city centre (Doc CD1.14, Appendix BGH1). It forms part of a mainly rural area, characterised by drumlins (distinctive rounded hills of glacial origin). The site is bounded on its eastern side by Scotforth Road (A6) to which it has a frontage of about 440m. Immediately to the south of the appeal site, there is open land around the Burrow Beck, a small watercourse. The West Coast Main Line railway runs along the appeal site's western edge. To the north of the appeal site there is an area of open land, which has the benefit of a planning permission (granted to E H Booth & Co Ltd in October 2011) for the erection of a supermarket. A narrow strip of open land, owned by the City Council, separates the appeal site from the site of the proposed Booth's supermarket.
13. The appeal site has an area of about 5ha and consists of undeveloped pasture (Doc CEP2/2, Appendix 1, page 2). It is divided into 2 fields by a central hedgerow, which runs from east to west. The site contains a number of mature and attractive trees, mainly in three groups (Doc EHB/RT/3, Fig 15). The first of these takes the form of a hedgerow along parts of the A6 frontage (Doc EHB/RT/3, Fig 16B, and Fig 16C Photo 15F; and Doc CEP2/2, Appendix2, Photos 11,12,13,14 and 16). The second group is a copse, which occupies a knoll in the central southern part of the site (Doc EHB/RT/3, Fig 4B, Views 1, 4, 5 and 6; Doc CEP2/2, Appendix 2, Photos 9, 11, 13 and 16). The third group of trees lies at the eastern edge of the site, adjacent to the railway (Doc EHB/RT/3, Fig 4B, Views 2 and 3; and Fig 16A).
14. The site falls generally from its north-eastern corner, where it has an elevation of about 42m AOD, toward its southern boundary, where it has an elevation of about 34m AOD. An ephemeral pond forms within the appeal site, in a hollow, close to the western site boundary (Doc EHB/RT/3, Fig 4B, View 3).

The Adjacent Area

15. To the east of the site, on the opposite side of the A6, there is residential development consisting mainly of detached 2-storey houses, in Collingham Park. Although the land rises here, the houses are effectively screened from Scotforth Road by mature vegetation. In places the roadside trees on either side of the A6 form an arch above the highway (Doc EHB/RT/3, Fig 11B; Doc CEP2/2, Appendix Photos 11 and 13).
16. To the south of the appeal site, pylons carry an overhead power line from east to west above the Burrow Beck. Beyond the Burrow Beck, there is an isolated and vacant commercial building, originally built for waterworks purposes, and last occupied by Lancaster City Garages (described as "disused garage units" in Doc EP2/2, Appendix 2, Photos 5 to 8). Further to the south, there is open countryside, which rises in a south-westerly direction to the crest of a drumlin known as Burrow Heights. A public footpath traverses Burrow Heights.
17. To the west of the site, beyond the railway, there is open pastoral countryside at Whinney Carr Farm. This rises to the crest of a drumlin. To the north of the

appeal site, beyond the site of the proposed Booth's supermarket, there is residential development in Rays Drive.

Highways

18. The A6 serves as an all-purpose distributor, running southwards from Lancaster city centre and providing a link to Lancaster University, Galgate and Junction 33 of the M6. It is an important bus route, with bus stops on either side of the carriageway in the vicinity of Rays Drive to the north of the appeal site; and in the vicinity of the former Lancaster City Garages building to the south.
19. As it passes the appeal site, the A6 has a single carriageway, some 9.3m wide. There are single running lanes in either direction, separated by a central hatched area approximately 1.8m wide. There is a grass verge up to 2.5m wide along the west side of the road, adjacent to the appeal site; and there is a footway, some 1.8m wide, along the east side of the highway. The road is lit, and this section is subject to a 50mph speed limit. However, the speed limit changes to 30mph at a point approximately 60m north of the appeal site.
20. Collingham Park joins the A6 from the east at a priority junction adjacent to the southern boundary of the appeal site. It serves mainly residential areas to the south and east of Lancaster, and is a bus route. It has a single carriageway some 7.5m wide, with a footway on either side. It is lit, and is subject to a 30mph speed limit.
21. From Rays Drive northwards, there is frontage development along either side of Scotforth Road, and a series of side roads serve mainly residential areas. Some 450m north of the appeal site, Scotforth Road meets Hala Road and Ashford Road at a 4-arm signal-controlled intersection. This junction is approached from each direction by a single traffic lane.
22. Hala Road, which runs eastwards from the A6 junction, is a local distributor. It provides direct frontage access to residential and commercial properties on either side. It has a single carriageway some 7.5m wide, with a 1.8m wide footway on either side. It is lit, and is subject to a 30mph speed limit. There is an existing Booth's supermarket on the north-eastern corner of the junction between Scotforth Road and Hala Road. Access to this building's car park is from Hala Road.
23. Ashford Road is a local distributor, which runs westwards from the A6 junction to cross the West Coast Main Line Railway. It provides access to residential properties. Initially it has a carriageway width of about 7m, with footways on either side. However, some 22m west of the A6 junction its carriageway narrows to a width of about 5m. At this point the road forms a single lane with priority given to westbound traffic. Ashford Road is lit and is subject to a 30mph speed limit. It provides a route between Scotforth Road and Ashton Road (A588) a radial route that runs southwards from the city centre.
24. Some distance further to the north, the A588 joins the A6 at a roundabout junction known as The Pointer. The A6 then passes through a one-way gyratory system in the city centre (Doc LCC4/3a, Appendix 1, Fig1). This consists of King Street and China Street northbound; Cable Street eastbound; and North Road, Rosemary Lane, Great St John Street and Thurnham Street southbound (Doc CD9.10). Immediately to the north, there is a second one-way gyratory system

on the A6. This crosses the River Lune northbound by way of the Greyhound Bridge, and southbound by way of the Skerton Bridge. It provides access to the A589 Morecambe Road and the A683 Caton Road, thereby linking Lancaster with Morecambe and Heysham to the west, and Junction 34 on the M6 to the north.

Lancaster University

25. Lancaster University is set back to the east of the A6, approximately a kilometre to the south of the appeal site (Doc EHB/RT/2, Figs 2 and 5). The University is separated from the built-up area of Lancaster by a belt of open agricultural land. Its campus is on elevated ground and the University buildings are clearly visible from the main road. Access to the University is from a signal-controlled junction on the A6 (Doc CEP2/2, Appendix 2, Photos 1 and 2).

Existing Foodstores in the Lancaster Area

26. The existing Booth's supermarket at the junction of Scotforth Road and Hala Road has a net sales area of about 728m². Otherwise, the nearest shops are some considerable distance from the appeal site (Doc CD14.2, Appendix 2). The nearest superstore to the appeal site is a Sainsbury's, which will have a convenience floor area of about 3,055m² net after the completion of an extension, which was under construction at the time of the inquiry. This store stands in Cable Street, on the northern edge of the city centre. Other foodstores in the city centre total about 2,258m² net. They include a Marks and Spencer foodhall; a small Co-op supermarket; and a Tesco Metro outlet.
27. To the north of the River Lune, there are an Asda superstore with a net convenience sales area of 3,096m² at Ovangle Road, Lancaster (some 5km from the appeal site); a Morrison's superstore of 2,467m² net convenience sales area, in Central Drive, Morecambe (about 7km from the appeal site); and a recently built Sainsbury's of 2,782m² net convenience sales area, also in Morecambe (Doc CD14.2, Appendix 3, Table 10).

PLANNING HISTORY

The Whinney Carr and Bailrigg Sites

28. The appeal site forms part of an area of undeveloped land, measuring approximately 55ha, known as the Whinney Carr site. The greater part of this area lies to the west of the West Coast Main Line Railway. That part of the Whinney Carr site lying to the east of the railway is sometimes referred to as "the Lawson's Bridge land". In the late 1990s, the Whinney Carr site was proposed for mainly residential development in the draft Lancaster Local Plan. It was intended that the development of this area should be served by a new road linking Scotforth Road (A6) and Ashton Road (A588) via a new bridge over the West Coast Main Line railway.
29. The proposed allocation was supported by the Inspector who held the inquiry into objections to the draft Local Plan (Doc CD6.7). However, in 2003 the allocation of the Whinney Carr site was removed from the draft Local Plan, following the Secretary of State's decision to reduce the housing requirements then contained in the draft Regional Planning Guidance for the North West. Since it had been proposed for allocation as a development site, the Whinney Carr area had not

been included in the "Countryside" as shown on the Local Plan Proposals Map. As a result of the removal of its allocation as a development site, most of the Whinney Carr area (including most of the present appeal site) is shown as "white land", without notation, on the Local Plan Proposals Map as finally adopted (Doc CD6.8).

30. The Whinney Carr site was also the subject of a planning application for the erection of 535 dwellings. Following a public inquiry, planning permission for this development was refused by the Secretary of State in March 2003, primarily on grounds relating to the lack of housing need at that time (Doc CD9.9).
31. The City Council are currently preparing a Land Allocations Development Plan Document. In 2011 they published a consultation paper entitled "Developing the Options" (Doc CD6.4). This identified the Whinney Carr site (including the present appeal site) as a possible strategic allocation for development. It also identified a second potential strategic allocation, consisting of 46ha of open agricultural land at Bailrigg. The Bailrigg site lies to the east of the A6, immediately to the south of Collingham Park. The City Council have not yet taken any decisions with regard to the allocation of either the Whinney Carr or Bailrigg sites in the forthcoming DPD.

The Booth's Site

32. In March 2010, a full planning application was submitted on behalf of E H Booth & Co Ltd for the erection of a new supermarket of 3,230m² gross, the construction of a new signal-controlled access from the A6, servicing and parking areas, footways, cycle facilities and landscaping, on undeveloped land to the north of the present appeal site (Doc CD10.3). The planning application was considered at the same Council Committee meeting as the proposal that forms the subject of the present appeal. The Committee resolved to grant planning permission for the Booth's scheme, subject to a section 106 agreement.
33. Conditional planning permission was eventually granted for the new Booth's supermarket on 3 October 2011 (Doc CD10.1). That firm's existing outlet at the junction of Scotforth Road and Hala Road is to be retained as a food store, in accordance with the section 106 agreement (Doc CD10.2). However, it is likely to be occupied by a different operator.
34. The section 106 agreement provides for improvements to the junction between the A6 and Hala Road. This would entail widening Hala Road so as to provide 2 westbound lanes on the approach to the traffic signals, one for right-turning traffic and the other for traffic turning left or travelling straight ahead. Similarly, the A6 southbound would be widened to provide 2 lanes at the approach to the Hala Road junction (Doc EHB/JL/2, Appendix 5).

Lancaster Science Park

35. The site of the proposed Lancaster Science Park is on the east side of the A6, about 300m to the south of the present appeal site, on undeveloped land between Bailrigg Lane and Lancaster University. A development brief for this site was adopted by the City Council in 2002. The site is allocated for development with Class B1 uses and described as the Bailrigg Business Park in the adopted Local Plan (Doc CD6.2). Its allocation for Science Park development is reaffirmed

in the Council's Local Development Framework Core Strategy, which was adopted in 2008 (CD6.3)

36. In 2009, outline planning permission was granted for the erection of approximately 34,000m² of floorspace in Use Class B1 on this site, subject to a number of conditions (Doc CD12.3). Among other things the conditions provide that no development shall take place until entry criteria have been agreed with the Local Planning Authority, and that the use of the proposed buildings shall then accord with these criteria. They also require that not more than 11,000m² of development shall be commenced pursuant to the planning permission, unless specified highway improvements have been made; and that not more than 23,000m² of development shall commence until the potential impacts of further development have been assessed and approved by the Local Planning Authority in consultation with the Highway Authority and the Secretary of State for Transport. To date no development has commenced on the site, and no reserved matters applications have been submitted. The outline planning permission will expire in June 2014.
37. A separate application was made for full planning permission for a new access to the proposed Science Park from the A6, the construction of an internal spine road, and provision of landscaping. Full planning permission for this development was granted, subject to conditions, in 2009 (Doc CD12.3). To date no work has commenced on site pursuant to this permission, which is due to expire in June 2012.

Lancaster University

38. The Lancaster University Master Plan (Doc CD11.1) sets out the potential for physical development on the University's campus between 2007 and 2017. It was taken into account by the City Council as part of the evidence base for their Local Development Framework Core Strategy. The Master Plan is not a definitive development plan for the University, but gives an indication of what could be built on the campus. It identifies potential for over 86,000m² of new buildings. To date planning permission has been granted for 8 buildings identified in the Masterplan, and these have been completed, providing more than 50,000m² of additional floorspace (Doc CD14.1, paragraph 2.29).

The Canal Corridor North Site

39. In 2002, the City Council issued a Development Brief for the Canal Corridor North site (Doc EHB/KJ/2, Appendix 1). This is an area of some 3.8ha at the eastern edge of Lancaster city centre's primary shopping area. It includes several vacant properties, and some cleared sites. The site is within a Conservation Area and contains a number of listed buildings. The Development Brief indicated that there could be scope for a retail element within a mixed-use redevelopment scheme.
40. In 2009 an outline planning application was made for a retail-led mixed use development, to include over 40,000m² of gross shopping floorspace, including a convenience retail element. The proposed development, which would have included highway improvements, was to have been linked to the existing shopping area by a pedestrian bridge above Stonewell, which forms part of the city centre gyratory road. Although the Council resolved to grant planning

permission, the application was called in to be determined by the Secretary of State.

41. The Inspector who held the subsequent inquiry recommended that planning permission should be refused (Doc EHB/KJ/2, Appendix 2). His criticisms of the scheme were first, that unlisted buildings in the Conservation Area were being proposed for demolition, without any assessment having been made of the costs of refurbishment, or of the prospects of viable re-use; second, that without a detailed design for the proposed buildings, it was impossible to conclude whether they would be satisfactory; and third, that as defined by the application parameters, the proposed buildings would be almost certain to damage the setting of existing listed buildings. The Secretary of State accepted the Inspector's recommendation, and refused planning permission.

PLANNING POLICY

National Policies and Guidance

42. I have taken account of the National Planning Policy Framework in compiling this report. In addition I have taken account of the following:
- The Ministerial Statement "Planning for Growth" (March 2011)
 - The Planning System: General Principles (2005)
 - Planning for Town Centres: Practice Guidance on Need Impact and the Sequential Approach (DCLG 2009)
 - DCLG "Guidance on Information Requirements and Validation"
 - Department of Transport "Guidance on Transport Assessment".

The Development Plan

43. The development plan includes the Regional Spatial Strategy for the North West of England (2008) (Doc CD6.1); residual saved policies of the Lancaster District Local Plan (Doc CD6.2); and the Local Development Framework Core Strategy (2008) (Doc CD6.3).
44. The development plan policies of relevance to the present appeal are set out in the Statement of Common Ground (Doc CD14.1). My conclusions and recommendation are based on a consideration of all the relevant policies. However, the following policies seem to me to be particularly important in the present case.

Regional Spatial Strategy

45. Policy DP2 of the Regional Spatial Strategy fosters sustainable relationships between homes, workplaces and regularly used services. Policy DP3 promotes sustainable economic growth. Policy DP4 indicates that best use should be made of existing resources and infrastructure. In particular, it indicates that development should accord with a sequential approach in which priority is given to utilising existing buildings and previously developed land within settlements. Policy DP5 provides that development should be located so as to reduce the need to travel, especially by car, and to enable people to meet their needs locally.

46. Policy DP7 is concerned with environmental quality. Among other things, it stresses the need to understand and respect the distinctive character of landscapes; maximise opportunities for the regeneration of derelict or dilapidated areas; mitigate the impacts of road traffic on air quality, noise and health; maintain and enhance the tranquillity of rural areas; and conserve biodiversity and natural habitats. Policy DP9 affirms the need to reduce emissions and adapt to climate change.
47. Policy W1 seeks to strengthen the regional economy. Among other things it highlights the need to ensure the safe, reliable and effective operation of the region's transport networks; and supports growth in service sectors, which act as significant employers in the region. Policy W2 refers to locations for regionally significant economic growth, including Lancaster. It points out that sites for regionally significant knowledge-based services may be close to universities.
48. Policy W5 deals with retail development. It promotes retail investment where this would assist in the regeneration and growth of town and city centres. Conversely, it contains a presumption against new out-of-centre regional or sub-regional comparison shopping facilities.
49. Policy EM1 is concerned with the protection of environmental assets. In particular, it states that proposals should maintain and enhance distinctive features that contribute to the character of landscapes; and conserve and expand the ecological fabric. Policy EM18 requires that non-residential developments of more than 1,000m² should secure at least 10% of their predicted energy requirements from decentralised renewable (or low-carbon) sources, unless it can be demonstrated that this is not feasible or viable.
50. Policy CNL4 focuses on North Lancashire. Among other things it indicates that plans and strategies should support sustainable growth in Lancaster, compatible with the conservation of the historic city; build on the strengths and opportunities offered by Lancaster University; and develop proposals for the safe and effective management of traffic in Lancaster.

Saved Policies of the Lancaster District Local Plan

51. No part of the appeal site is allocated for development on the Local Plan Proposals Map (Doc CD6.8). The southernmost tip of the site is shown as an Urban Green Space lying within the Burrow Beck Green Corridor. Otherwise the site is without notation. It is not designated as "Countryside", for the reasons set out in paragraph 29 above. Saved Policies E29 and E30 indicate that Urban Green Spaces and Green Corridors will be protected from development.
52. Policy S1 of the Local Plan indicates that, with certain specified exceptions, new shopping development will be permitted only within the city, district and local centres identified on the Local Plan Proposals Map.
53. Policy T9 provides that development which would significantly increase the demand for travel should maximise opportunities for the use public transport, and should be located as close as possible to bus services. Policy T19 requires that proposals for such development be accompanied by a Green Travel Plan. Policy T26 indicates that proposals for non-residential development will be permitted only where convenient and secure cycle parking facilities are provided. It also provides that, where development proposals lie close to the strategic cycle

network, the City Council will negotiate links and improvements to that network with prospective developers.

54. Policy E12 indicates that impacts upon wildlife and habitats must be taken into account in the consideration of development proposals. Policy E13 states that development which would have an adverse effect on significant trees will not be permitted.
55. Policy EC1 refers to land identified on the Proposals Map as the Bailrigg Business Park (now the site of the proposed Lancaster Science Park). It states that this 9.7ha site is allocated for B1 (Business and Light Industrial) Use only.
56. Policy R12 refers to built development associated with the expansion of Lancaster University. Such development will be confined to the University campus as defined on the Local Plan Proposals Map.

The Lancaster District Core Strategy

57. Policy SC1 of the Core Strategy sets out principles to be applied in assessing whether a development proposal is sustainable. These include its accessibility on foot, by bicycle and by public transport; whether it would use previously developed land; whether the current use or condition of the site has adverse environmental impacts that could be alleviated through development; whether the development would cause unacceptable flood risk; whether the site could be developed without harm to features of significant biodiversity importance; and whether the proposed development would be appropriate to the character of the landscape.
58. Policy SC2 is concerned with urban concentration. Among other things, it provides that between 2003 and 2021 (the period of the Core Strategy) 98% of new retail floorspace will be accommodated within existing urban areas, as defined in the Lancaster District Local Plan Proposals Map.
59. Policy SC5 seeks to ensure that development proposals achieve a high quality of design.
60. Policy ER1 supports the continued expansion of Lancaster University, particularly within its existing built-up campus. It also provides for the development of the Lancaster Science Park as a high quality location for knowledge-based industries with links to the University.
61. Policy ER5 proposes that new comparison retailing will focus on a planned expansion of Lancaster's Primary Shopping Area, and in Central Morecambe. It proposes that new local food retailing should be provided in town or local centres or, at an appropriate scale, in sustainable locations in areas of deficiency.
62. Policy E1 seeks to safeguard and enhance environmental capital. Specific measures include the protection and enhancement of urban greenspaces; protecting wildlife habitats; directing development to locations where previously developed land can be re-used and dereliction cleared; and conserving and enhancing landscapes.
63. Policy E2 indicates that the Council will minimise the need to travel by car, by focusing development on town centres and locations which offer a choice of transport modes. Further, the Council will promote better public transport

between Lancaster City Centre and Lancaster University, with more “Quality Bus” services.

OTHER AGREED FACTS

Flooding

64. The northern part of the site appeal site currently falls in Flood Zone 1; the central part of the site falls within Flood Zone 2; and the southernmost part of the site falls within Flood Zone 3a (Doc CD14.1, Appendix 2).

Biodiversity

65. The Burrow Beck Biological Heritage Site lies about 50m to the south of the appeal site, and water voles have been recorded in the Burrow Beck. Great crested newts have been identified as being present in the vicinity of the ephemeral pond on the western part of the appeal site. Pipistrelle bats have been observed foraging (but not roosting) above the appeal site.

THE PROPOSED DEVELOPMENT

Foodstore and Car Park

66. The amended application proposes a superstore of up to 7,250m² gross floorspace. The appellants have assumed that the store would have a maximum net sales area of up to 4,350m²; and that of this, some 65% (up to 2,828m²) would be used for the sale of convenience goods, with the remainder (up to 1,523m²) used for comparison goods sales (Doc CD1.6, Paragraph 4.25).
67. The finished floor level of the proposed building would be at 35.8m AOD and the maximum height of the building's roof would be 10m above this level. Ventilation cowls would rise to a maximum height of 12.2m above finished floor level (Doc CD16.2D). The store would be located toward the southern end of the appeal site. A service yard would be provided immediately to the west of the proposed building, adjacent to the railway (Doc CD16.2F).
68. A landscaped area would extend southwards from the superstore to the southern site boundary. It would include that part of the site shown as Urban Green Space (within the Burrow Beck Green Corridor) on the Local Plan Proposals Map. The appellants intend to install a sustainable urban drainage system in this area, and also provide some ponds, to which newts could be moved from their existing habitat. The landscaping of this area could include the creation of a new copse.
69. A proposed surface parking area would be located to the north of the superstore building. There would be landscaped belts along the eastern and western sides of the proposed building and car park. As a result of proposed re-profiling work, the areas identified for the proposed building and car park would fall within Flood Zone 1.

Access

70. Vehicular access to the proposed superstore would be from a signal-controlled junction on the A6, approximately 80m south of the proposed signal-controlled

access to the planned Booth's supermarket (Doc CD14.4, Enclosure A, Drawing 08/259/TR/029 rev H). There would be separate "right-turn" and "ahead" lanes for southbound traffic; and a slip road for northbound traffic seeking to enter the site. There would be separate "left-turn" and "right-turn" lanes for traffic leaving the site. A pedestrian crossing would be provided across the appeal site access.

71. No facility would be provided for pedestrians to cross the A6 at this point. However, a pedestrian crossing would be provided at a point about 150m south of this access, between proposed bus stops on either side of Scotforth Road. There would be access to the proposed superstore for pedestrians and cyclists adjacent to this crossing. A footway would be provided along the west side of the A6 between the proposed pedestrian/cycle access and the northern site boundary. The appellants intend that this should continue northwards, along the frontage of the proposed Booth's supermarket site, to link to the existing footway along the west side of the A6 in the vicinity of Rays Drive.
72. Details of the layout of the proposed development are a reserved matter. However, an internal spine road would run from the access to the appeal site, through landscaped areas, to the proposed car park and superstore, via an internal roundabout (Doc CCD16.2F). This would be designed to provide future access to the Whinney Carr land to the west of the railway. The appellants intend that its horizontal and vertical alignment should allow connection to a future railway bridge, and be consistent with its ultimate use as part of a link between the A6 and the A588. That part of the appeal site access needed for the formation of the Link Road is covered by a section 106 undertaking, which ensures that it would be constructed to an appropriate standard in accordance with the City Council's parameters (CD15.1). The undertaking also safeguards land within the appeal site, which would be required for completion of the Link Road.
73. Provision would also be made for the introduction of MOVA (Microprocessor Optimised Vehicle Actuation) signal control and minor highway improvements at the junction between the A6 and Hala Road; and the introduction of MOVA signal control at the A6 Stoney Lane/Salford Road junction in Galgate. These matters are the subject of a proposed planning condition (Doc CD15.2)

Hotel, Pub/Restaurant and Petrol Filling Station

74. In the scheme as originally submitted (Doc CD1.3) the proposed hotel and pub/restaurant were to be located immediately to the south-west of the site access. They were to have been provided with a separate parking area, immediately to the north of the superstore car park. The proposed petrol filling was to have been to the north of the site access, adjacent to the northern site boundary.
75. These elements are deleted from the amended scheme submitted in January 2012. The reasons for this amendment were as follows. The appellants had always intended that their scheme should be consistent with the provision of a new Link Road between the A6 and the A588 via a new bridge over the West Coast Main Line. Although the Link Road was not part of the proposed development, the appellants had sought to safeguard land for its provision.

76. However, during the inquiry, it became clear that the City Council considered that the design parameters for the Link Road would be more onerous than had been allowed for in the appellants' scheme as originally submitted. The appellants did not necessarily share the Council's view on the design parameters to be applied. However, they were keen to ensure that there should be no doubt that an acceptable link road could be provided. Accordingly, they deleted the proposed hotel, pub/restaurant and petrol filling station from their scheme in order to ensure that these buildings would not impede the future provision of the Link Road.

THE CASE FOR THE APPELLANTS

The main points are:

Introduction

77. The Secretary of State is invited to determine this appeal on the basis of the amended application as described in the Planning Statement Addendum of 17 January 2012 (Doc CD16.3). The effect of the amendment was to delete the proposed hotel, pub/restaurant and petrol filling station from the application, and to modify the parameters (though not the floorspace) of the proposed foodstore.
78. The amendments were made to remove any doubt that the proposed vehicular site access could form the first stage of a future Link Road between the A6 and the A588, to be built in accordance with the standards contained in the Design Manual for Roads and Bridges as required by the City Council. However, it remains the appellants' position that it would be appropriate to build the Link Road to the less onerous standards set out in Manual for Streets 2.
79. The amended scheme is the subject of a Further Environmental Information Report (Doc CD16.6) which supplements the original Environmental Statement, and has been the subject of consultation with interested parties.
80. There is now a high level of agreement between the appellants and the City Council, which is encapsulated in Statements of Common Ground (Doc CD14) covering a wide range of matters, including retail considerations, highways and trees. The key outstanding issues between the appellants and the Council turn on the assumption to be made about the future volume of traffic to be generated by the proposed Lancaster Science Park; and the visual impact of the proposed superstore. There is also an issue in relation to the Council's charge that the proposed development would prejudice the future provision of an A6/A588 Link Road through the Whinney Carr site.

Retail Considerations

Quantitative Need

81. There is a pressing need for a large new foodstore to serve southern Lancaster, which will increase over time. The need is both quantitative and qualitative. This is agreed by the City Council, as shown in the Retail Statement of Common Ground and Addendum (Doc CD14.2 and CD14.2A). It should be an important material consideration in the determination of the appeal.

82. The agreed primary catchment area of the proposed foodstore and a wider study area are shown in Appendix 2 of the Retail Statement of Common Ground (CD14.2). The primary catchment area would include the whole of urban Lancaster to the south of the River Lune, and an extensive rural area to the east and south of the city. Population and expenditure data for the primary catchment area and other survey zones are given in Appendix 3 of the Retail Statement of Common Ground. At present, less than 50% of convenience retail expenditure generated by the primary catchment area's population is retained within that area. A large part of this expenditure is currently captured by retail outlets lying to the north of the city centre, including Sainsbury's in central Lancaster; Asda at Ovangle Road, to the north of the River Lune; and the Morrison and Sainsbury superstores in Morecambe.
83. Even with the implementation of outstanding commitments for retail development (including the proposed Booth's supermarket) the retention of convenience goods expenditure in the primary catchment area would be unlikely to exceed about 63% (Doc CD14.2, Appendix 3, Table 10). However, it is reasonable to assume that with further improvements to local retail provision, this retention rate could increase to 85% or more.
84. On this basis, it is estimated that the convenience goods capacity available within primary catchment area could be £51 million in 2015 and £56 million by 2020 (Doc CD14.2A, Appendix 1, Table 16). This level of capacity would be sufficient to support the proposed superstore as well as other existing and committed convenience retail floorspace in this area.
85. The proposed superstore would be likely to attract a convenience goods turnover of about £36 million a year (at 2010 prices). Of this, about 75% (£27 million) would be drawn from the defined primary catchment area, with about 15% (£5 million) coming from other survey zones, and about 10% (£4million) inflow from elsewhere.
86. By 2015, with the existing retention rate, the primary catchment area is expected to have capacity for about £117 million (2008 prices) of comparison goods expenditure (Doc CD14.2, Appendix 4, Table 14). After taking account of committed developments, the residual capacity would be about £108 million. The comparison goods turnover of the proposed superstore would be about £10 million.
87. The foregoing analysis takes no account of the potential for population growth in south Lancaster, for instance as a result of possible future housing developments on the Whinney Carr or Bailrigg sites. It is therefore conservative. It shows that there is sufficient retail capacity to support the proposed superstore, and demonstrates the quantitative need for such a development.

Response to Booth's Quantitative Retail Assessment

88. E H Booth and Co Ltd argue that the retention of convenience expenditure within the primary catchment area would be unlikely to rise above 75%. But even at this level, there would be residual capacity of £26 million in 2015, which would approximate to the amount required to support the proposed superstore. By 2020, the residual capacity would have increased to more than £30 million (Doc CD14.2A, Appendix 1, Table 16).

89. E H Booth and Co Ltd also question the assumed 10% inflow of convenience expenditure into the primary catchment area from outside the study area, which has been agreed between the appellants and the City Council. The agreed inflow includes expenditure by workers who travel into Lancaster from outside the study area, and who then shop in the primary catchment area; people from outside the study area who travel in to shop, or to combine shopping with a leisure trip; students, whose expenditure is not otherwise accounted for; and tourists and other visitors.
90. Booth's assume that no more than 5% of convenience goods spending in the primary catchment area would be derived from beyond the study area. In 2010, they estimate that this would have amounted to expenditure of only about £3.2 million (Doc EHB/KJ/6, Appendix 1, Table 4). But analysis of the 2009 STEAM Report for Lancaster (Doc EHB/ KJ/10) suggests that expenditure by tourists substantially exceeded this figure. Furthermore, the Experian data used in the shopping model agreed between the appellants and the City Council excluded part of Lancaster's growing student population. The students who were not accounted for are estimated to generate over £3 million of additional convenience expenditure, which can reasonably be regarded as inflow.

Qualitative Need

91. At present, the only convenience store of any significance on the south side of Lancaster is the Booth's supermarket in Hala Road, which has a gross floor area of only about 900m². It is much smaller than the superstores to which residents of the primary catchment area travel in large numbers. It cannot effectively meet the convenience shopping needs of the local population. Furthermore, Booth's are an "upmarket" foodstore operator. They focus on selling premium and niche products, and on offering high levels of service, rather than on price competitiveness. Consequently, they cater for only part of the local population.
92. The paucity of retail provision in south Lancaster results in an unsustainable pattern of travel for people making shopping trips. This contributes to traffic congestion in the City Centre and on the bridges across the River Lune, with attendant air quality problems. Unless remedial action is taken, these problems are likely to be exacerbated by committed retail developments, including extensions to the Asda store in Ovangle Road; and to Sainsbury's in Cable Street, at the northern edge of the City Centre.
93. At present foodstores in Lancaster exhibit evidence of overtrading. This manifests itself in crowded aisles, queues at checkouts, congested car parks, and levels of turnover that are significantly higher than the respective company averages. Additional provision is needed to deal with these problems.
94. The proposed Booth's supermarket at Scotforth Road would be only about half the size of any of the existing superstores to the north of Lancaster, and would not carry the range of goods offered by those stores. Although it would address the issue of overtrading in the existing Booth's supermarket at Hala Road, it would not significantly enhance consumer choice, nor significantly change current travel patterns.
95. The proposed superstore on the appeal site would significantly improve retail provision in south Lancaster, providing effective competition for the existing facilities to the north of the city centre and the River Lune, and creating a local

alternative to Booth's. It would reduce the need for residents of south Lancaster to make long trips, often by car, for their weekly food shopping. And it would help alleviate problems of overtrading in existing stores in and around Lancaster.

Sequential Approach

96. In order to meet the need demonstrated above, a new foodstore would have to be of a size equivalent to that of the existing superstores with which it would compete, and would have to be on the south side of Lancaster. There is little scope for flexibility on these points. Only a site of a size similar to that of the appeal site, located on the south side of Lancaster, could accommodate such a store.
97. Nevertheless, a sequential examination has been made of opportunities for retail development in (or at the edge of) the city centre, and other centres such as Morecambe. Potential sites were assessed in terms of their suitability, availability and viability. However, as agreed by the City Council in the Retail Statement of Common Ground (Doc CD14.2) no sites were identified that fully met these criteria. E H Booth and Co Ltd and Centros UK Ltd have argued that the Canal Corridor North site is sequentially preferable to the appeal site, but this is not accepted.

Suitability

98. First, it is understood that the redevelopment of the Canal Corridor North site as currently proposed would include a new foodstore of 5,000m² gross. Such a store could not compete effectively with the existing superstores, each of which has a gross floor area of 7,000 to 8,000m². In a recent case concerning a called-in application for a Tesco foodstore in Eccles, it was held that an alternative site could not be considered suitable if it was unable to accommodate a store of sufficient size to meet the identified need (Doc CEP5/4, Appendix 4, paragraph 438 of Inspector's Report). Paragraph 5.7 of "Planning for Town Centres" (Doc CD8.4) indicates that, if a planning application is to be refused on the basis of the sequential approach, there should be a reasonable prospect of a sequentially preferable opportunity coming forward, which would meet the same requirements as the application is intended to meet. The Canal Corridor North site fails to satisfy this test.
99. Second, given its location on the eastern edge of the city centre, a store on the Canal Corridor North site would not be particularly convenient for residents of south Lancaster. They would have to travel around most of the one-way gyratory system in the city centre in order to access such a store by car, passing close to the larger Sainsbury's superstore in Cable Street in the process, and experiencing significant traffic queues and delays during peak periods.

Availability

100. Third, the Canal Corridor North site is not realistically likely to be available for development within a reasonable period. Experience suggests that it is unlikely that any foodstore provided on this site would open before 2020. The Secretary of State has previously refused planning permission for the redevelopment of this site on heritage grounds. In his report (Doc EHB/KJ/2, Appendix 2) the Inspector who dealt with that case noted the absence of any assessment of

unlisted buildings within the Conservation Area that were proposed for demolition; the absence of a detailed design for a pedestrian bridge across Stonewell to link the development to the main city centre shopping area; and the adverse impact of the proposed scheme on adjacent listed buildings.

101. These problems would need to be addressed before planning permission could be granted for the redevelopment of the Canal Corridor North site. No fresh planning application has yet been made, and no detailed redevelopment scheme has been made available for consideration. There is no evidence that detailed design work has been undertaken. When a scheme has been prepared, interested parties would have to be consulted. The development is likely to attract significant interest, and issues may be raised which would need to be addressed before a planning application could be submitted. There is no way of knowing what the outcome of the consultation might be.
102. In addition to heritage issues there could well be opposition to the proposed redevelopment of the Canal Corridor North site on highway grounds. The previous scheme for that site was not refused planning permission for reasons relating to highways and traffic. But the implications of including a large food store in the redevelopment scheme, and of moving pedestrians across Stonewell at grade, appear not to have been considered at that time.
103. Furthermore, a significant number of third party interests would have to be acquired before redevelopment of the Canal Corridor North site could proceed. If negotiations are unsuccessful, compulsory purchase powers would have to be used. This could be very time consuming. There would also be a requirement for road closure orders.
104. It is understood that the City Council have resolved to discuss the extension and amendment of their Development Agreement with Centros, but that no decision has yet been taken on this matter. In the circumstances, the Canal Corridor North site cannot reasonably be regarded as being available to meet the urgent need for a foodstore to serve south Lancaster.

Viability

105. As to the viability of the proposed Canal Corridor North development, there is no evidence of a firm contract between the prospective developer and any end user. It is not clear why the provision of a foodstore should be regarded as being vital to the delivery of a scheme that would be led by comparison goods retailing, thereby reinforcing the city centre's sub-regional shopping role.
106. In summary, it has not been demonstrated that the Canal Corridor North site satisfies the tests of availability, suitability or viability. This view was shared by the City Council, as set out in Retail Statement of Common Ground (Doc CD14.2, paragraph 2.7). It is also consistent with the evidence produced by Booth's, in support of their successful application for a supermarket development on land adjacent to the present appeal site.

Economic Impact

107. As set out in the Retail Statement of Common Ground, it has been agreed with the City Council that the appeal proposals would have no significant adverse impacts in respect of any of the factors now set out in paragraph 26 of the National Planning Policy Framework. In particular, the proposed development

would not have a significant adverse impact on planned investment in any existing centre. This conclusion takes account of current overtrading; the forecast expenditure available to support new retail floorspace; and the limited overlap between the catchment area of the proposed superstore and that of other committed retail developments. With all commitments taken into account, the forecast cumulative trade diversion impact on existing stores in (or at the edge of) the city centre would not exceed 15% for convenience goods, and 8% for comparison goods.

108. The greatest impact would be on the Sainsbury superstore in Cable Street, which is currently being extended. That store would continue to trade at about the company average level, even after the completion of the appeal proposals and other committed development schemes.
109. There would be no significant impact on the Canal Corridor North proposals, which are at an early stage, are not certain to be granted planning permission, and cannot properly be regarded as planned investment in the city centre. In any event, the Canal Corridor North scheme would be heavily orientated towards comparison goods retailing, and demand for floorspace in it would not be much affected by foodstore development elsewhere in Lancaster. Even if permission were eventually to be granted, letting of the premises in the Canal Corridor North scheme would be unlikely before 2020. By that time, expenditure capacity is likely to have grown sufficiently to support a foodstore of the size proposed by Centros, if eventually built.
110. The appeal proposals would result in a range of economic benefits. Up to 326 (full-time equivalent) permanent jobs would be created locally. In addition, up to 70 (full-time equivalent) jobs would be created during the 14 month construction period. There would also be a multiplier effect. Even after taking account of long-term displacement of retail work elsewhere in the area, there would be a significant increase in local employment as a result of the proposed development. The construction cost of the proposed development would be up to about £9.5 million.
111. The proposed development would also help reduce the amount of traffic passing through the city centre and crossing the River Lune. This would ease congestion and enhance the overall attractiveness of Lancaster, thereby contributing to amenity and economic performance. Finally the proposed development would be an expression of economic confidence in south Lancaster, an area which has historically been heavily reliant on public sector employment, and is likely to be vulnerable to forecast reductions in public sector activity.

Compliance with Development Plan Policies

112. The proposed development would help promote sustainable communities and strengthen the regional economy by bringing forward development, in an accessible location, which would meet the shopping needs of the local population. This would contribute to Policies W1 and DP2 of the Regional Spatial Strategy for the North-West. It would also create a significant amount of employment, consistent with Policy DP3 of the Regional Spatial Strategy. It would not undermine the viability of any existing shopping centre, but would help create a more sustainable pattern of shopping by reducing the need to

make long shopping trips. In these respects it would contribute to the objectives of Policy W5 of the Regional Spatial Strategy.

113. Although Policy S1 of the Lancaster Local Plan indicates that new shopping development will be permitted only in defined centres, this must be considered in the context of more recently adopted national policy, including the sequential approach. There is a pressing and urgent need for additional retail provision in south Lancaster which cannot be met within any defined centre.
114. Policy SC2 of the Lancaster District Core Strategy indicates that 98% of new retail floorspace is to be accommodated within existing urban areas. However, it is clear that once built, the proposed development would function as part of the urban area of Lancaster. It would therefore be consistent with the spirit of Policy SC2.
115. The development would be consistent with Policy ER5 of the City Council's Core Strategy, which provides that in order to address present and future needs, new local food retailing may be provided at an appropriate scale in sustainable locations in areas of deficiency.

Transport

Accessibility of the Appeal site

116. The proposed superstore would be well served by buses, which provide frequent services along Scotforth Road. There are existing bus stops, with shelters, to the north of the appeal site at Rays Drive, and to the south in the vicinity of Lancaster City Garages. Additional stops, with shelters, would be provided on either side of the A6 adjacent to the proposed superstore.
117. Walking offers the greatest potential to reduce short car trips of up to 2km. A substantial residential area lies within walking distance of the appeal site, and a number of employees (and some shoppers) might be expected to walk to the proposed store (Doc CEP4/2, Appendix SCW2). In addition to a footway along the west side of the A6, the proposed development would make provision for a new signal-controlled pedestrian crossing of Scotforth Road close to the proposed new bus stops and foodstore.
118. The appeal site is suitably located to promote cycle trips to the proposed superstore. It lies within 5km of the city centre and settlements such as Conder Green, Galgate and Quernmore (Doc CEP4/2, Appendix SCW3). Cycle parking facilities would be provided at the proposed superstore.

Traffic Growth

119. At the request of the highway authority (Lancashire County Council), the traffic impact of the proposed development has been assessed for 2019. Peak hour traffic flows were measured in March 2011. These were used as a basis for the traffic model agreed with the City Council, as reported in the Highways Statement of Common Ground (Doc CD14.4). They were increased by the latest Temprow unconstrained growth factor (1.0499% per annum) to predict peak hour flows in the design year in the absence of further development (Doc CEP4/2, Appendix SCW5).

120. Application of the Temprow growth rate is likely to overestimate future traffic flows. The results of traffic surveys conducted at the A6/Hala Road junction in 2009 and 2011 show that there was a reduction in traffic flow, rather than an increase, during this 2-year period. Nevertheless, a traffic increase in line with the Temprow growth rate has been assumed up to 2019.
121. E H Booth and Co Ltd seek to rely on a 2009 traffic survey, which is now more than 3 years old. There is no justification for not using the most up to date data. The survey material suggests that there has been no significant growth in traffic since 2009. Application of the Temprow growth rate up to 2019 should therefore be regarded as robust.

Vehicular Traffic from the Proposed Superstore

122. The planning application for the proposed superstore includes a Framework Travel Plan (Doc CD1.15). This contains a package of measures to promote sustainable travel to and from the proposed development, and should help reduce the number of car trips.
123. The TRICS database was used to derive trip generation and modal split rates for the development as originally proposed, and these have been agreed with the City Council. During the Friday evening peak hour a superstore of this size, with a petrol filling station, could be expected to generate a total of about 988 2-way car movements (512 arrivals and 475 departures). A 15% reduction in these figures has been applied, to reflect the fact that a petrol filling station is no longer proposed. This is consistent with guidance from the Institute of Highways and Transportation, who consider that a petrol filling station can increase trip generation from a superstore by 10 to 20% (Doc CEP4/14). It also reflects the results of a study of a development proposed in Washington, County Durham, undertaken by the City Council's consultant (Doc LCC4/13).
124. E H Booth and Co Ltd argue that there would be relatively little reduction in traffic as a consequence of the abandonment of the proposed filling station, on the basis of TRICS data for some superstores without filling stations. However, the argument that the removal of the proposed petrol station would have little effect on traffic generation is unreasonable. TRICS is a tool to assist judgement, not a substitute for judgement.
125. It was assumed that 30% of the traffic visiting the superstore in the Friday peak period would already be passing the appeal site, for instance as people travelling home from work (who would be using the A6 in any event) stopped off to do their shopping. The distribution of the remaining trips and their assignment to the road network, was estimated by reference to a gravity model.
126. Some 75% of the proposed superstore's trade would be diverted from stores to the north of the River Lune. A significant number of customers would no longer have to drive through the city centre and across the Lune bridges for their food shopping. The City Council and the appellants agree that the likely savings from primary foodstore trips would be of the order of 212,000km a week; or 11 million km a year. This would translate into an annual savings of over 800,000 litres of fuel and more than 500 tonnes of carbon emissions. There would be consequential improvement in air quality. And congestion in the city centre would be reduced, in accordance with one of the key aims of Lancashire County Council's Local Transport Plan 2011-2021 (DocCD7.6)

Committed Development

127. Paragraph 4.50 of the Department of Transport's "Guidance on Transport Assessment" (Doc CD8/15) advises that such an assessment should be made for an agreed year (in this case 2019) and should consider person trips from all committed developments that would impact significantly on the transport network. It does not dictate the judgements that should be reached as a result of that consideration; and it does not require an unrealistic judgement to be made as to the likely amount of traffic that would be generated by a committed development in the specified assessment year.
128. To make an unrealistic judgement about this matter would be entirely contrary to the modern approach of not providing more highway capacity than is absolutely necessary; and would risk refusing planning permission for development for which there is a need, and which could provide much needed employment and economic activity.
129. In a planning appeal decision concerning land at the former Ingol Golf Club in Preston, the Secretary of State agreed with his Inspector's conclusion that the Department of Transport's guidance "does not require assessment of committed development beyond the horizon assessment year" (Doc CEP4/4, Appendix 2, paragraph 319).
130. Accordingly, consideration has been given to the likely effect of committed developments in the vicinity of the appeal site in 2019, particularly the proposed Booth's supermarket; the Lancaster Science Park; and a possible development of additional floorspace at Lancaster University.

Booth's Supermarket

131. Planning permission has now been granted for the proposed Booth's supermarket. This development provides for improvements to the A6/Hala Road junction, including the widening of the carriageway in Hala Road to provide for 2 approach lanes to the junction from the west; and the introduction of a flared approach to the junction on the A6 southbound (Doc CEP4/2, Appendix SCW7). MOVA signal controls would also be introduced at this junction.
132. Table 1 of the City Council's committee report dealing with Booth's planning application (Doc CD5.3) summarises the results of an assessment undertaken by Booth's consultants. This shows the effect of the new Booth's supermarket, together with the reoccupation of the existing Booth's site by a discount retailer, and the full implementation of the Lancaster Science Park. It also takes account of the proposed improvements to the A6/Hala Road junction. It indicates that by 2020, in the Friday evening peak hour, that junction would operate with an overall reserve capacity of minus 19%. The degree of saturation on Scotforth Road northbound would be 107.1%, with a mean maximum queue of 97 passenger car units (pcu). In granting planning permission, the City Council plainly set a benchmark for the acceptability of this level of congestion.

Lancaster Science Park

133. In 2009, outline planning permission was granted, subject to conditions, for 34,000m² of floorspace in Use Class B1 at the proposed Science Park (Doc CD12.3). One of the conditions precludes the development from commencing

before entry criteria for prospective occupants have been agreed. To date no such criteria have been agreed. The development of the Science Park would be phased over a number of years.

134. The development of the Science Park will require a significant element of subsidy. Originally, this was to have been provided by the Regional Development Agency. However, with the demise of that body, the prospects of alternative sources of subsidy are limited.
135. In 2009, the Regional Development Agency commissioned SQW Consulting to undertake an economic appraisal and market assessment of the proposed Science Park (Doc CD12.5). This indicated that Lancaster was arguably already served with adequate high quality knowledge-business facilities; and that the area suffered from a number of locational disadvantages, including low levels of enterprise and a limited private sector knowledge economy. Furthermore, it indicated that the cost of entry to the Science Park might well be prohibitive.
136. Before the development of the Science Park could begin, infrastructure costing about £8.4 million would have to be provided. A potential contribution of £3 million toward this is in the form of a provisional allocation from the Growing Places Fund, to be spent during 2012-13. However, this is subject to the submission of further details on project delivery and payback mechanisms. Even if the £3 million becomes available, it will not be enough to fund the upfront infrastructure costs. Without public sector intervention in funding these costs, there could be an indefinite delay in starting this project.
137. Even if the requisite infrastructure could be funded, there is likely to be a viability gap which could continue to stymie the Science Park development. SQW reported that the total capital subsidy required for Phase I of this scheme (the first 11,000m² of development) would be over £17 million (excluding the cost of the land). There is no realistic prospect of this amount of subsidy materialising in the foreseeable future.
138. The SQW report concluded that there would not necessarily be demand for the whole of the proposed Science Park development. It set out the probable rate at which floorspace in this development would be occupied, if the project could be funded (Doc CD12.5, Table 6.6). By Year 4 of the development, only about 2,400m² was expected to be occupied. Phase 1 of the development, which would include 11,000m² of floorspace, would not be completed for many years. SQW doubted that there would ever be sufficient demand to support Phases 2 and 3.
139. In the circumstances, the City Council's view that occupied floorspace might be delivered in the near future is unrealistic. In the current public sector funding climate, the most likely source of pump-priming would be via enabling residential development on the Bailrigg site, but such a development is far from certain and is unlikely to begin for many years. The Bailrigg site is not currently allocated for development. Even if it were eventually allocated for residential use, the City Council's Strategic Housing Land Availability Assessment does not expect the Bailrigg site to deliver any housing before 2019. Significant highway capacity issues would have to be resolved before planning permission could be granted for the development of that site – specifically by the construction of a Link Road between the A6 and the A588 across the Whinney Carr land.

140. Other possible sources of funding for the Science Park, cited by the Council, are even less certain. The basis on which Tax Increment Funding (TIF) might work is currently subject to consultation. In principle, the TIF system envisages that the Council would borrow money against the expected future stream of local taxation revenue from a project. Even if TIF powers were available, their use in connection with the Science Park would put the Council at considerable risk, as the stream of income from the Science Park would be uncertain.
141. Use of the European Regional Development Fund would require matching contributions, which are not currently available. JESSICA (The Joint European Support for Sustainable Investment in City Areas) is intended to fund projects which will make a commercial return. It is not intended to fill funding gaps for projects which are not commercially viable.
142. The Council have not previously sought to finance the delivery of the Science Park through the Government's Regional Growth Fund (RGF). The prospects of securing finance from any future round of RGF bidding are slim, given the extent to which previous rounds were oversubscribed, uncertainties over the timing of the delivery of jobs at the Science Park, and the absence of a private sector partner for this project.
143. The most likely outcome is that no part of the Science Park will be occupied by 2019. At the most optimistic, if sufficient funding is secured for development of the Science Park to begin in 2014, only about 2,400m² of the proposed floorspace would be occupied by 2019, in accordance with the SQW projection. It is most unlikely that 11,000m² of floorspace could be completed before about 2025 at the earliest.

Lancaster University

144. The University's Master Plan (Doc CD11.1) was prepared at a time of rapid growth in higher education. The University is now focussed on improving the quality of facilities and accommodation on the campus, rather than on increasing the capacity of facilities to allow for significant growth in student or staff numbers. There are currently no outstanding planning permissions for further development at the University, and there is great uncertainty about future funding and student numbers. Nevertheless, although unlikely, it is possible that an unexpected opportunity for further expansion of the University could arise, and therefore allowance has been made for the provision of 5,000m² additional floorspace by 2019.
145. Trip generation rates from additional development at the University have been assumed pro rata, on the basis of trips generated by the existing facilities on the campus. However, the University Master Plan recognises that there is limited additional highway capacity on the A6. It indicates that no further car parking will be provided on the campus, so as to discourage additional car borne trips. The assumption made for increased University traffic in the appellants' assessment is therefore extremely robust.

Highway Improvements

146. Improvements would be made to the A6/Hala Road junction in conjunction with the proposed superstore development (Doc CEP4/2, Appendix SCW 10). These would include the introduction of MOVA controls. The scheme would entail local

widening of the southbound approach to the junction from Scotforth Road and the westbound approach from Hala Road. This would be similar to an improvement proposed in conjunction with the development of the Lancaster Science Park. Pedestrian phases would be introduced across the Hala Road and Ashford Road approaches to the junction, to complement existing pedestrian phases on the approaches to this junction from Scotforth Road.

147. A section 106 undertaking (Doc CD15.1) provides for a contribution of £20,000 toward the cost of amending traffic signal timings in the city centre to reflect changes in traffic flow that would result from the proposed superstore development. In addition, a contribution of £60,000 would be made for the improvement of facilities for pedestrians and cyclists.

Impact on the Local Highway Network

148. Different development scenarios have been used to assess the traffic impact of the proposed development, using the LINSIG3 model. These show Friday peak hour traffic in 2019. They have been agreed with the local planning and highways authorities and are summarised in the final table of Enclosure C of the Highways Statement of Common Ground (Doc CD14.4). Each scenario assumes full development traffic from the proposed superstore, from the recently approved Booth's supermarket, and from Booth's existing store in Hala Road (re-occupied by a discount food retailer). The model takes no account of possible peak hour spreading, and should therefore be regarded as robust.
149. The first scenario assumes that by 2019 there will be 2,400m² of occupied floorspace at the Lancaster Science Park. In practice it is unlikely that there will be any new development at the Science Park by 2019. Other scenarios show the effect of 11,000m² and 34,000m² of occupied floorspace at the Science Park. They are wholly unrealistic as a simulation of likely conditions in 2019.
150. The modelled results with 2,400m² of occupied floorspace at the Science Park show that, in 2019, there would be a mean maximum queue of 60 passenger car units (pcus) on the A6 northbound approach to the Hala Road junction. The degree of saturation would be about 100%. These values would be significantly less than the queue length of 97 pcus, the junction saturation of 107.1% and the reserve capacity of minus 19%, which were considered acceptable by the City Council when they granted planning permission for the Booth's supermarket development.
151. The appeal site access junction would operate within its capacity during the Friday evening peak hour in 2019, with a mean maximum northbound queue length of some 20pcus and an 82% degree of saturation. The traffic queue would not extend so far south from the junction as to affect access to or from Collingham Park.
152. Contrary to the City Council's first reason for refusal, congestion on the A6 would not increase to an unacceptable level. Paragraph 32 of the National Planning Policy Framework (NPPF) makes it clear that development should only be prevented or refused on transport grounds where the residual cumulative impact would be severe. This is the appropriate test in the present case. While the Department of Transport's "Guidance on Transport Assessment" refers to a test of "nil detriment", this applied only to the strategic network of motorways and trunk roads, and now appears to be in conflict with the NPPF.

153. The City Council now agree that the proposed superstore would be acceptable on traffic grounds if a Link Road between the A6 and A588 were in place across the Whinney Carr site, even with 34,000m² of occupied floorspace at the Science Park. In the appellants' view, the proposed superstore would be acceptable without the A6-A588 Link Road, and with up to about 13,000m² of occupied development at the Science Park. In those circumstances, vehicles would not be held back for more than one cycle of the traffic lights at the appeal site access. In other words, the whole of Phase 1 of the Science Park could be built, together with the proposed superstore, Booth's supermarket and 5,000m² of additional floorspace at the University, without causing unacceptable congestion.

Prematurity and the Future Development of South Lancaster

154. The City Council have produced a consultation document entitled "Land Allocation DPD: Developing the Options" (Doc CD6.4). This identifies the Whinney Carr site as an option for a potential strategic development allocation, reflecting a proposal that that was previously included in the draft Local Plan, but subsequently abandoned. The timetable for preparing the Land Allocation DPD has been subject to slippage. It is now unlikely to be adopted before 2014. If the Whinney Carr site is allocated, it would be necessary for its development to incorporate a Link Road between the A6 and the A588, so as to provide additional highway capacity.
155. However, it cannot be argued that a Link Road between the A6 and the A588 is required to provide sufficient highway capacity for the proposed superstore. The City Council's second reason for refusing planning permission asserts that the proposed development would increase congestion on the primary road network to an unacceptable level, thereby constraining future development options in south Lancaster, future growth at Lancaster University and delivery of the Science Park. But as there would not be an unacceptable level of congestion, this argument is based on a false premise.
156. The City Council do not allege that the proposed development would cause any physical prejudice to the future provision of a Link Road between the A6 and the A588 across the Whinney Carr site. They are satisfied that that part of the proposed superstore access between the A6 and the internal roundabout shown on the appellants' illustrative masterplan (Doc CD16.2F) would be suitable to form part of a future Link Road. A unilateral undertaking provided by the appellant (CD15.1) would safeguard land between the internal roundabout and the railway for the future provision of the Link Road.
157. Network Rail agree that a bridge across the railway, adjacent to the proposed roundabout shown in the illustrative scheme, would be feasible (Doc CEP5/14). They would work with the landowners and the highway authority to deliver such a bridge.
158. The City Council's case on prematurity is based on the proposition that the development of the appeal site should make a financial contribution to the provision of a railway crossing as part of the A6-A588 Link Road. They argue that, without such a contribution, the development of the Whinney Carr site and the Link Road may not be viable, due to the high cost of delivering the railway bridge. However, this argument is not supported by any evidence.

159. Countryside Properties and Peel Land and Property are promoting the residential development of the Whinney Carr land, to the west of the railway, which they control (Doc CEP5/2, Appendix 7). They consider that the proposed superstore development would complement their scheme (Doc Gen3/2). They are confident that the development of Whinney Carr, including the completion of the Link Road, would be viable. The proposed superstore development would not prevent their project from proceeding.
160. On the contrary, the appeal proposal would make a significant contribution toward the provision of the Whinney Carr Link Road. The proposed site access road would be designed so as to be capable of forming part of the Link Road. Its horizontal and vertical alignment would be consistent with provision of a railway bridge, at such an elevation as to provide adequate clearance above the West Coast Main Line. The cost of engineering the access road to the standard required in the Design Manual for Roads and Bridges, as apparently required by the City Council, would be substantial. Furthermore, the appellants have foregone potential financial benefit by removing the previously proposed hotel, pub and restaurant from their scheme, in order to ensure that the Link Road could be delivered to the specification sought by the City Council.
161. The owners of the Bailrigg site also consider that the proposed superstore would complement the development of their land (Doc CEP5/2, Appendix 7). They have not expressed any concern about their site being adversely affected by congestion on the A6 resulting from the appeal proposals. In the circumstances the charge that the proposed superstore would constrain the future development of south Lancaster is without foundation.
162. Paragraph 17 of "The Planning System: General Principles" indicates that it may be appropriate to refuse planning permission on grounds of prematurity if the effect of the proposed development would prejudice a DPD that is being prepared, by predetermining decisions about the scale, location or phasing of new development. However, paragraph 18 makes it clear that "where a DPD is at consultation stage, with no early prospect of submission for examination, then refusal on prematurity grounds would seldom be justified".
163. The City Council's Land Allocation DPD is at an early stage. The options are currently being considered and the preferred allocations have yet to be decided. The present expectation is that the draft DPD will not be submitted for examination until 2013. However, the DPD programme has already been subject to substantial slippage. In these circumstances, a refusal of planning permission on prematurity grounds would not be justified.

Landscape Character and Visual Impact

Existing Landscape Character

164. The Council's third reason for refusing planning permission is concerned with the proposed development's impact on the appearance of the southern gateway into the City of Lancaster. It questions whether a satisfactory standard of design could be achieved, and argues that the development would result in significant change to the character of the landscape, contrary to established planning policies.

165. The appeal site is located at the edge of Lancaster, and can be characterised as lying within an “urban fringe” area, with a setting featuring busy transport corridors, overhead power lines, disused commercial premises and extensive residential areas (Doc CEP2/2A, Appendix BW1A, Plans ASP1 to ASP4). This character is revealed in a series of photographs (Doc CEP2/2A, Appendix BW2A). Photographs 1 and 2 were respectively taken 2.8km and 2.1km south of the appeal site’s southern boundary. They show the buildings of Lancaster University on elevated land to the east of the main road, the street lighting along the A6, and the traffic signals at the point of access to the University.
166. Photograph 3 is taken from a point 1.1km to the south of the appeal site. Here the carriageway of the A6 widens from 2 to 4 lanes, is dominated by street-lighting and signage, and has a more urban appearance. Some of the University facilities beyond the trees to the east of the main road are floodlit at night. It is clear that the “gateway” to the City of Lancaster starts some distance to the south of the appeal site. The argument that the appeal site is the prime gateway to the city, as advanced by opponents of the proposed development, is overstated.
167. Photographs 4 to 7 show views from a footpath leading to Burrow Heights to the south-west of the appeal site. In addition to the built-up areas, they show a range of urbanising features in the immediate vicinity of the appeal site. These include the A6, with its street lighting and signage; the West Coast Main Line railway, with its overhead gantries and other paraphernalia; the disused commercial buildings previously occupied by Lancaster City Garages; and the pylons carrying electricity transmission lines. Photographs 5 to 7 show how the site is contained between a ridge of high ground at Whinney Carr Farm to the west and the built-up area to the east of the A6. The site does not form part of a broad area of open countryside.
168. Photographs 8 to 14 are taken from points on the A6 closer to the appeal site. Again they show the urbanising effect of the street lights, electricity transmission lines and pylons, railway gantries and paraphernalia, and the disused garage units. The enclosing effect of the ridgeline to the west of the appeal site is evident in these views, as it is in Photograph 15, which is taken from a public footpath on the rising land to the east of the A6.
169. Photographs 16 to 18 look towards the appeal site from the north. The containment of the appeal site between the rising landform to the east and west is apparent, as are the effect of pylons, power lines and street lights. The proposed Booth’s supermarket, with its signal-controlled access, signage and parking area, would reinforce the “urban fringe” setting of the appeal site.
170. Opponents of the appellants’ proposals have argued that the appeal site is at a “prime gateway” into the Lancaster. However, the implications of this are unclear. If it implies that the site should remain undeveloped in perpetuity, this inconsistent with previous assessments. For instance the site was provisionally allocated for housing in the draft Lancaster Local Plan, and the Inspector who considered objections to that document supported the allocation (Doc CD6.7). Furthermore, this land is included among the sites considered in the Council’s recent consultation document “Land Allocations DPD – Developing the Options” (Doc CD6.4).

171. There is no policy requirement that the appeal site should remain undeveloped. It is a site that can accommodate change. In this respect it is similar to the sites proposed for Booth's new supermarket and for the proposed Lancaster Science Park. These also consist of green fields, adjacent to the A6, at the edge of Lancaster.
172. In the appellants' view, the appeal site forms part of a series of gateways into Lancaster, which begin at the University, and continue past the Science Park and Booth's supermarket site. The appellants accept that the location of the appeal site demands that any development here must be of a high quality. That is what they intend.

Design

173. The Addendum to the Design and Access Statement (Doc CD16.4) sets out a series of design principles to which the proposed development would adhere. These could be secured by means of a planning condition. An illustrative Landscape Masterplan shows the form that the proposed development might take (Doc CEP2/2A, Appendix 1, Plan ASP005).
174. The proposed foodstore would be located toward the southern end of the site. Its service yard would lie to the west of the main building, adjacent to the railway. The service yard would be screened in views from the south by a "green wall" and planted embankment. The parking area would extend northwards from the superstore building. There would be scope for activity on the store's eastern and southern sides. In particular, there could be a taller, glazed element at the south-eastern corner of the building, perhaps incorporating a café. To assist the integration of the proposed building into its landscape setting, the design principles incorporate the possibility of an undulating roof of green sedum.
175. Clearly the proposed development would change the appearance of this greenfield site. However, change is not necessarily harmful. The appellants' proposal would create an opportunity to provide a well-designed building to enhance this "gateway" into the historic city of Lancaster.
176. An ecology zone would extend southward from the proposed building toward the Burrow Beck. This would contain some new ponds, which would provide replacement habitat for great crested newts relocated from the elsewhere on the site. It could also contain a new copse, and would provide potential for the introduction of a sustainable urban drainage system.
177. The proposed development would have no direct adverse impact on the wider rural area, which lies to the west of the ridge formed by the drumlins at Whinney Carr and Burrow Heights. Although some trees would be removed from the site, the appellants intend that these should be replaced on a three to one basis. The effect would be beneficial, particularly in the long term, as the replacement planting matures.
178. The scheme makes provision for an internal access road, which could also serve as part of a future link between the A6 and the A588. This would be elevated on an embankment so as to serve a future bridge over the West Coast Main Line. However, it would be integrated into the development and would not be an unacceptable feature.

Visual Impact

179. Photomontages have been produced to show the visual effect of the proposed development (Doc CEP2/2A, Appendix BW4A). In each case the proposed view is compared with the existing view. The photomontages assume that the proposed superstore is built to the maximum dimensions shown on the parameter plans.
180. View 2 is from Scotforth Road, some 50m north of the appeal site. The proposed Booth's store and access junction are plainly visible in the foreground. The proposed superstore would not break the skyline, but would sit comfortably within the landscape. The removal of the small copse within the appeal site would not have a significant impact. Proposed planting within the northern part of the site, and around the edges of the proposed car park, would soften the effect of the planned development.
181. View 4 looks north-west from the junction between the A6 and Collingham Park. The proposed foodstore lies to the north of the proposed ecology zone, which would contain extensive planting. The store would be partially screened by a landscaped bund. Its curved roof would reflect the undulating character of the landscape. Glazing on the proposed building's southern and eastern elevations would mark these as active, rather than dead, frontages.
182. View 5 is from a point 50m to the south of the appeal site. There would be extensive planting and re-profiling of the landform at the southern end of the site. A landscaped berm would be introduced to soften the edge of the built form of the superstore. The curved roof of the proposed building would mirror the local landscape. Planting would visually anchor the store, and provide a skyline within which the new building would successfully sit. The photomontage demonstrates how the building would respond positively to the site, providing a feature appropriate to this "gateway" location.
183. View 6 is from the A6, some 300m to the south of the appeal site. Changes would be limited to the removal of the copse (to the right of the disused garages) and the introduction of the store and associated earthworks and planting. They would be almost imperceptible. The pylons, transmission lines and disused garages would continue to dominate this part of the "gateway" to Lancaster.
184. View 7a is looking towards the appeal site from Burrow Heights, across a distance of about 430m. It shows how the proposed development would be integrated into the landscape. The woodlands which bound the proposed building to east and west provide a visual buffer, which would be reinforced by new planting. The loss of the existing copse would not be significant.
185. The location of the development within the Scotforth Road streetscene is also apparent. View 7a demonstrates that the proposed development would be at an intermediate point in the approach to Lancaster, which begins at the university campus some distance to the south, and includes the disused garage units. The appeal site cannot reasonably be described as the "prime gateway" to the city.
186. View 7b (from the same location) highlights the Whinney Carr site to the west of the railway. If that land were to be developed, the effect would be further to

urbanise the setting of the appeal site. On balance, the Council's third reason for refusal is not made out.

Trees

187. The Council's fourth reason for refusal asserts that the proposed development would result in a loss of protected trees, contrary to development plan policy. Policy E13 of the Lancaster Local Plan precludes development that would have "a significant adverse effect on ... any significant area of woodland; significant trees; or any area of ancient woodland".
188. Only two trees on the site fall within Category A (in accordance with British Standard BS 5837). These are specimens of the highest quality, with good life expectancy (identified as T9 and T14 in Appendix 3/2 of Doc CEP2/4). Neither would have to be removed as part of the proposed development. There are 11 Category B trees on the appeal site, which it would be desirable to retain. Only 4 of these would have to be removed to make way for the proposed development.
189. Most of the trees that would have to be removed come within Category C, and are of relatively low quality. Seven of the trees that would be removed come within Category R, denoting that they are in such poor condition that they would have to be removed or made safe, irrespective of the proposed development. Generally, the existing trees on the appeal site have not been well managed and are not in a sustainable condition.
190. The trees on the site are in three main groups. Most of the trees and hedgerow in the first group, along the Scotforth Road frontage, would be retained, including the best specimens in this group (T9, T11, H12, T13 and T14). Root protection areas would be defined in accordance with the Council's requirements. Drainage would be provided outside the root protection areas, to ensure that the ground around the retained trees would not become waterlogged.
191. The second group is located at the north-west edge of the appeal site, adjacent to the railway. These trees are mostly arboriculturally unimportant, coming within Category C. Their position on a steep embankment, and the need for earthworks to modify ground levels, would result in the loss of all these trees except for a single pine (T20).
192. The third group consists of the copse in the central southern part of the appeal site. These trees are generally in a poor condition, and 4 would need to be removed for arboricultural reasons, irrespective of the proposed development. In practice, the whole of this group would be removed to make way for the proposed development.
193. Whilst the proposed development would require the removal of a number of existing trees, it should be noted that many of these are not highly visible from public places and are of only localised amenity value. The most important protected trees along the site's Scotforth Road frontage would be retained. The proposed development would not result in the loss of any significant area of woodland or any significant trees. It would not conflict with Policy E13 of the Local Plan.

194. The appellants' intention is that the trees to be removed would be replaced at a ratio of 3:1 as part of the proposed development. The new planting would contain a more diverse mix of species. This would result in more sustainable tree cover, improve the appearance of the site, and enhance its role as a wildlife habitat.
195. In an addendum to the Statement of Common Ground on Trees (CD14.3A) the City Council agree that while the loss of trees would be a negative feature of the proposed development, it does not in itself warrant the dismissal of the appeal.

Other Matters

Flood Risk and Ecology

196. The Statement of Common Ground on General Planning Matters (CD14.1) confirms that there are no outstanding concerns regarding flood risk. Following re-profiling of the southern section of the appeal site, the whole of the area identified for development would come within Flood Zone 1.
197. The Statement of Common Ground also confirms that there are no outstanding issues over biodiversity and ecology (save for the loss of trees). Mitigation measures relating to bats and great crested newts can be secured by planning conditions.

Conditions and Obligations

198. The appellants have given a unilateral undertaking under section 106 of the 1990 Act (Doc CD15.1). This provides for financial contributions toward:
- cycleway improvements in the vicinity of the appeal site (£60,000);
 - the cost of monitoring the Travel Plan relating to the proposed development (£24,000);
 - re-timing traffic signals where traffic flows would be affected by the proposed development (£20,000);
 - delivery of a footway along the west side of the A6 between the appeal site and Rays Drive, if Booth's supermarket development proceeds.
199. The section 106 undertaking also provides for the construction of the site access road in accordance with specified parameters, so as to ensure that it would be suitable to form part of a future Link Road between the A6 and the A588.
200. The appellants would accept the imposition of planning conditions along the lines set out in Doc CD15.2. They consider a condition restricting the opening hours of the proposed superstore, as sought by the City Council, to be unnecessary. Similarly, they resist the City Council's suggestion that Condition 28 should require the development to achieve a BREEAM rating of "excellent" rather than "very good".
201. Condition 16 includes provision for off-site highway works, including improvements to the A6/Hala Road junction, and creation of a footway along the west side of the A6 between the appeal site and Rays Drive. If the Booth's supermarket development takes place, some adjustment will be required to the proposed access to that development to accommodate the proposed footway

and provide pedestrian crossing facilities. The City Council have indicated that this will be possible within the terms of Booth's planning permission (Doc CD15.3). The section 106 obligation makes provision for any consequential costs to be met by the appellants. In the circumstances, the Grampian condition sought by Booth's, which would preclude occupation of the proposed superstore before the requisite pedestrian facilities were provided, is unnecessary.

202. In view of the above considerations, the Secretary of State is requested to allow the appeal and grant outline planning permission for the development proposed in the planning application as amended, subject to the suggested conditions.

THE CASE FOR THE LANCASTER CITY COUNCIL

The main points are:

The Main Issues

203. This appeal turns on the following four main issues:

- taking account of committed developments, would there be sufficient road space to accommodate the proposed development without giving rise to severe highway difficulties?
- would the highway consequences of the proposal prejudice future development options in the forthcoming DPD?
- Would the highway consequences of the proposed development constrain delivery of the Lancaster Science Park?
- Would the proposed development have significant adverse impacts in terms of landscape and visual issues, including loss of trees?

Reasons for Refusal

204. The City Council's reasons for refusing planning permission make it clear that the appellants' proposals would entail a departure from the development plan. The appeal site is not allocated for development in the Local Plan, and is not within the existing urban area of Lancaster. Policy S1 of the Local Plan (Doc CD6.2) indicates that, subject to certain specified exceptions, new shopping developments will be permitted only within centres identified on the Local Plan Proposals Map.

205. Policy SC2 of the adopted Local Development Framework Core Strategy indicates that 98% of new retail floorspace should be accommodated within the existing urban areas. Policy SC1 of the adopted Core Strategy indicates that one of the principles to be taken into account in assessing the sustainability of development proposals is whether the site has previously been developed. The appeal site is not previously developed land.

206. In refusing planning permission, the Council were not persuaded that a departure from the development plan was warranted. They gave four specific reasons for this. First, that the proposed development would give rise to increased congestion on the A6, impeding the flow of traffic and the operation

of public transport on a Quality Bus Route. Second, that by increasing congestion to an unacceptable level, the proposed superstore would constrain future development options in south Lancaster, including the future growth of Lancaster University and delivery of the Lancaster Science Park. Third, that the proposed development would have an unacceptable impact on the appearance of this prime southern gateway into the City of Lancaster. And finally, that the scheme would result in the loss of significant protected trees on the appeal site.

Transport Matters

Existing Conditions

207. The A6 is part of the primary road network. It is a strategic bus route, which carries regular and frequent services between the city centre, Lancaster University and settlements to the south (Doc LCC4/1, Table 2.1). The signal-controlled junction between the A6 and Hala Road already acts as a bottleneck for northbound traffic on the A6, partly because there is only one traffic lane leading to the stop line. As a result, vehicles waiting to turn right at the junction delay the progress of traffic behind them. Queuing already occurs at this junction at peak periods. Traffic congestion on the A6 already constrains development at Lancaster University and has a negative effect on this Quality Bus Route.

Common Ground

208. A Highways Statement of Common Ground has been agreed between the City Council, the County Council (as highway authority) and the appellants. This sets out the results of an agreed LINSIG model, which considers the A6/Hala Road junction, the proposed A6/Booth's junction and the proposed appeal site access junction together. It assumes that the existing Booth's supermarket in Hala Road will be re-occupied by a discount food store. It also takes account of the proposed Booth's supermarket, and of the improvements to the Hala Road/A6 junction that would take place in conjunction with that development. In addition to the proposed development on the appeal site, the model has been used to simulate the effect of various amounts of development at the Lancaster Science Park, up to a maximum of 34,000m². The model is based on surveyed 2011 traffic flows and assumes subsequent traffic growth up to 2019. It uses agreed trip generation rates and an agreed pattern of trip distribution for traffic generated by future development (CD14.4, Enclosure B).
209. There is agreement between the appellants and the City Council that there would be insufficient capacity to accommodate traffic from the proposed superstore and the full 34,000m² of the proposed Science Park development on the current highway network. The Council consider that the traffic conditions would be unacceptable with the proposed superstore and 11,000m² of occupied floorspace at the Science Park. The appellants consider that up to about 13,000m² of Science Park development plus the proposed superstore would be acceptable. However, it is agreed that for any greater amount of floorspace at the Science Park to be acceptable in traffic terms, additional highway capacity would have to be provided. The only solution that has been suggested is the provision of a Link Road between the A6 and the A588 across the Whinney Carr site. Such a road would provide sufficient capacity for both the proposed superstore and the Science Park.

The Proposed Science Park and Superstore

210. The Science Park is a proposal of the Lancaster District Local Plan (Doc CD6.2) which is endorsed in the City Council's adopted Core Strategy (Doc CD6.3). It has the support of the County Council, Lancaster University and the Lancashire Enterprise Partnership. The Science Park has the benefit of planning permission and has been the subject of considerable public expenditure. Its site was purchased for £2.4 million by the City Council in 2009; and £3 million from the Growing Places Fund has recently been earmarked for initial infrastructure works (Doc LCC3/8). There is developer interest in this project, as evidenced in a letter from St Modwen (Doc LCC5/8).
211. In contrast, the appellants' scheme is not proposed in any part of the development plan, and does not have the benefit of planning permission. Therefore, the question should not be "how much of the Science Park traffic could be accommodated on the existing road network, if the appellants' scheme were to proceed"? Rather, it should be "could the traffic from the proposed superstore be accommodated on the existing road network, together with that from the committed Science Park development"?
212. The latter is the approach advocated in the Department of Transport's "Guidelines for Transport Assessment" (Doc CD8.15). At paragraph 4.50, the guidelines advise that the assessment year and the committed developments to be taken into consideration should be agreed at the outset. The appellants' original Transport Assessment (Doc CD1.13) recorded that agreement on these matters had been reached with Lancashire County Council as highway authority. However, the County Council's position has consistently been that the assessment year should be 2019, and that 100% of trip generation from the proposed Science Park should be assessed.
213. The appellants have sought to predict the proportion of the committed Science Park development that is likely to be occupied by 2019. However, such a course is misconceived and should not be open to the decision maker. Unless the committed Science Park development is so unrealistic that the prospect of it ever generating any traffic can be discounted, its full effect must be taken into account. Precisely how much of it is occupied and generating traffic in 2019 is unimportant. What matters is that, in due course, the Science Park development will generate substantial amounts of traffic, which will reduce the capacity of the highway network to accommodate other traffic. The assessment date of 2019 is entirely arbitrary. Its use as a cut-off date begs the question "what happens to increased traffic from the Science Park after 2019, if there is insufficient highway capacity"? The "Guidelines for Transport Assessment" provide no warrant for assessing only part of a committed development.
214. The appellants' justify their approach by reference to an appeal decision concerning the Ingol Golf Club (Doc CEP4/4, Appendix 2). However, their reliance on that decision is misplaced. The decision does not preclude a full assessment of the traffic generated by committed developments in the vicinity of a proposed development site.
215. In the present case the appellants concede the possibility that some form of development could take place at the Science Park, in accordance with the

extant planning permission. It follows that the entire Science Park could be built-out in due course, in accordance with the same planning permission.

216. However, it cannot be assumed that the Whinney Carr Link Road will be delivered. There is currently no proposal for that road in the development plan. No planning permission has been granted for its construction, or for the enabling development that would fund it. It is not certain that, without higher value land uses, the development of the Whinney Carr Land to the west of the railway for residential purposes would be able to support the construction of the requisite railway bridge. No sensible decision maker could exclude the possibility that the Link Road may not be delivered. It would be fundamentally bad planning to grant permission for the development of the appeal site without any enforceable means of securing the Link Road's delivery.
217. The worst outcome would be for the proposed superstore to be allowed without delivery of the Link Road. The consequences of that would be insufficient highway capacity to handle traffic from more than a small part of the Science Park. Furthermore, the access to the appeal site would be an incongruous feature, effectively a "road to nowhere", on a 4m high embankment, in this sensitive gateway location.

Results of the Agreed Modelling

218. The agreed LINSIG model's output for the Friday pm peak hour in 2019 is summarised in the final table of the Highways Statement of Common Ground (Doc CD14.1, Enclosure C). It shows the degree of congestion that would arise as a result of the proposed superstore, together with the Booth's supermarket and 100% build-out of the Science Park, and without the Whinney Carr Link Road. In the Friday evening peak there would be a queue of 118 pcus on the A6 northbound at the appeal site access, with an average delay of more than 5 minutes. The queue would extend back through the junction between Scotforth Road and Collingham Park, obstructing right turning movements onto the A6.
219. There would also be a queue of 72 pcus on the A6 northbound at the Hala Road junction. This section of the A6 would have an overall practical reserve capacity of minus 29%. The delay per vehicle in negotiating this section of the A6 (between approaching the appeal site access and clearing the Hala Road junction) would increase to almost 7 minutes. The traffic queues would be likely to persist outside the peak period.
220. Even if only 11,000m² of the Science Park were to be built there would be unacceptable congestion. At the appeal site access the mean maximum queue at the appeal site access would be 51pcu, with a 102% degree of saturation and a delay of about 110 seconds. On the northbound approach to the A6/Hala Road junction the average queue length would be 68pcu, with a delay of 111 seconds.
221. The effect of the increased queues would be to waste time for drivers and their passengers; delay the movement of goods; waste fuel; increase pollution; increase wear and tear on vehicles; increase stress and frustration for drivers, which could adversely affect road safety; and delay emergency services.

222. About 30 buses travel in each direction along the A6 during the evening peak hour. The additional delays resulting from the proposed development would increase bus operating costs, make it difficult to co-ordinate services, and reduce the attractiveness of bus travel. The bus operators (Stagecoach) object to the proposed development (Doc LCC4/3b, Appendix 7). Lancaster University are similarly concerned about the potential consequences of the proposed development (Doc LCC4/3b, Appendix 8). Over 19% of their staff and 60% of their students travel to the campus by bus.
223. This degree of congestion would be sufficiently severe to warrant the refusal of planning permission, as indicated in paragraph 32 of the National Planning Policy Framework. The delays on the A6 would have a significant adverse effect on movement in a city that is already plagued by congestion (such that the multi-million pound M6-Heysham Link is being promoted in a period of financial austerity, to ease existing traffic problems). It would be poor planning to clog up the principal southern access to Lancaster, just to accommodate a superstore.
224. The appellants argue that the delay at the A6/Hala Road junction (with the proposed superstore and 2,400m² of floorspace at the Science Park) would not be so severe as that which the local planning authority had found acceptable when granting permission for the proposed Booth's supermarket. However, the assessment of Booth's proposal assumed the full development of the Lancaster Science Park. When account was taken of planned improvements at A6/Hala Road junction, it was shown that there would be no detriment to traffic movement as a result of Booth's development. The circumstances of the present case are quite different.

The Future Development of South Lancaster

Constraints to the Growth of Lancaster

225. There are significant constraints to the future growth of Lancaster. The M6 motorway provides a robust and effective barrier to the eastward growth of the urban area. To the north, there is a Green Belt separating Lancaster from settlements such as Hest Bank, Slyne, Bolton-le-Sands and Carnforth, which prevents the expansion of the built-up area. On its western side, Lancaster is hemmed in by the River Lune, which acts as another constraint to growth, particularly as a result of flood risk issues. It follows that the most logical direction in which Lancaster could expand would be to the south.
226. The Council have long recognised that future growth to the south of the town should not come forward through piecemeal development proposals (such as the appellants' scheme). Rather, a comprehensive strategic plan is needed to deliver appropriate growth and resolve long-standing infrastructure issues, including the current problem of traffic congestion on the A6.

The Need for Comprehensively Planned Development in South Lancaster

227. Accordingly, in the 1990s, the Council had proposed the allocation of the Whinney Carr site (including the present appeal site) to meet the need for development in south Lancaster as perceived at that time. Although the proposals in the draft Local Plan were predominantly for new housing at Whinney Carr, provision was also made for retail, commercial and community

uses, and for the improvement of infrastructure, particularly in the form of a road link between the A6 and the A588 via a new bridge over the West Coast Main Line. The Council had considered that it would have been inappropriate to develop the sites to the east and west of the railway in isolation from one another, since to do so would have had significant adverse impacts on the local landscape and would not have delivered sufficient improvement to the highway network. This continues to be the Council's view.

228. The Council's position was endorsed by the Inspector who held the inquiry into objections to the draft Local Plan in May 1999, and who referred to that part of the Whinney Carr site lying to the east of the railway as "the Lawson's Bridge land". Paragraph 2.45.07 of the Inspector's report reads as follows:

Just as development of the Whinney Carr land to the west of the railway line depends on the formation of a new road access to the A6 via the Lawson's Bridge land, the development of this latter area depends for its rationale on its contribution to the achievement of a sustainable development of a greenfield area. It should, for these reasons, be regarded as an integral part of the Whinney Carr scheme as a whole. The grant of planning permission for its development should be subject to this conforming to the comprehensive plan referred to in Policy H4 ..." (Doc CD 6.7, paragraph 2.45.08).

The Inspector recommended that the relevant draft Local Plan policy be amended, so as "to ensure that development is carried out in a comprehensive, phased manner with each developer/landowner contributing equitably towards the provision of the essential infrastructure and community facilities referred to in this policy ..." (CD6.7, REC 2.097). However, the Whinney Carr allocation was eventually deleted from the adopted Local Plan because of a reduction in the housing requirement, as set out in the contemporary Regional Planning Guidance.

Current Planning

229. Policy SC2 of the Lancaster District Core Strategy (Doc CD6.3) now seeks to ensure that future development needs will be accommodated within existing urban areas, by prioritising the redevelopment of "brownfield" land. However, since the adoption of the Core Strategy in 2008, economic circumstances have deteriorated, reducing prospects of securing the redevelopment of some "brownfield" sites. The Council's Local Brownfield Study of 2009 raised concerns over the future viability of redeveloping some of these sites in view of the high costs involved (Doc CD7.6). Consequently the Council now recognise that it may be necessary to allocate "greenfield" land, in appropriate sustainable locations, in order to meet the need for development. Their Strategic Housing Land Availability Assessment of 2009 suggested the allocation and development of "greenfield" urban extension sites, including land in south Lancaster at Whinney Carr (on either side of the West Coast Main Line) and at Bailrigg (Doc CD7.3, paragraphs 5.12-13).
230. The City Council are now preparing a Land Allocations Development Plan Document (DPD), in connection with which they have undertaken a considerable amount of public consultation. In the summer of 2011 they published a consultation paper entitled "Land Allocations DPD - Developing the Options" (CD6.4). This referred to potential "strategic sites", including

Whinney Carr and Bailrigg. After considering the responses, the Council intend to select their preferred allocations during 2012.

231. At present no formal decision has been taken on the allocation of "greenfield" land for development. However, if the present appeal were to be allowed, this would restrict the City Council's ability to consider the development of South Lancaster in a comprehensive and strategic manner.

Prejudice

232. This is a case in which the decision could prejudice the forthcoming Land Allocations DPD, as described in paragraph 17 of "The Planning System: General Principles". The full costs of providing the Whinney Carr Link Road are as yet unknown. The City Council have had preliminary discussions with Network Rail about the potential provision of a road bridge across the railway at Whinney Carr. The construction costs of such a bridge could be up to £5 million. In addition, there would be costs payable to Network Rail for easement rights, which would be based on the betterment in land values resulting from the bridge. The sum could be substantial, but has yet to be negotiated. Funding of the bridge construction would have to be borne by the development of adjacent land. Evidently, the appellants would also expect payment for a ransom strip between their site access road and the new railway bridge.
233. The present superstore proposal makes no provision for any contribution toward the cost of the proposed railway bridge, even though it would benefit from such provision. If planning permission were to be granted for this development in isolation, the entire cost of the bridge would fall on the development of the residual part of the Whinney Carr site to the west of the railway, rather than being shared equitably between the whole of the Whinney Carr area.
234. It is not certain that the residential development of the land to the west of the railway in isolation would support the cost of the proposed bridge. In effect, the appellants' case is that the Secretary of State should trust the untested optimism of Countryside Properties and Peel Holdings (the prospective developers of the Whinney Carr site to the west of the railway) that their development can deliver the Link Road (Doc GEN3/20-21). However, there is no means by which the Secretary of State can assess whether such trust would be well founded.
235. The appellants have indicated that their proposed access and internal spine road would be designed in such a way as to serve as part of the A6 - A588 Link Road. However, the superstore has been planned in isolation, and the access road would not necessarily be on the optimum alignment to serve a potential railway bridge and link with future development to the west of the railway.

Wider Implications for Development in South Lancaster

236. Policy ER1 of the City Council's Core Strategy supports the development of the Science Park and the continued expansion of Lancaster University. Increased congestion on the A6 resulting from the development of the proposed superstore, and failure to provide a Link Road across the Whinney Carr land,

would be likely severely to hamper the delivery of the Science Park, by deterring potential investors.

237. The University's Masterplan indicates the potential for further development within the existing campus up to 2017. However, if allowed as a piecemeal scheme, the proposed superstore would increase potential congestion on the A6 to a level that might prejudice further expansion at the University.
238. The second potential strategic housing site in South Lancaster, at Bailrigg, would also rely on access from the A6. Unless the Link Road to the A588 has been provided, development of the Bailrigg site would add further to the unacceptable congestion on the A6. It follows that the development of the Whinney Carr site in accordance with a comprehensive plan would be a pre-requisite of residential development at Bailrigg.
239. Without the Link Road, the development of the Whinney Carr and Bailrigg sites would be untenable, only a small part of the Science Park could be delivered without unacceptable traffic congestion, and there would be a continuing constraint on the development of Lancaster University. There is no Plan B at present. The whole of the DPD process would be derailed. In order to find the requisite housing land, the City Council might have to consider releasing land from the Green Belt to the north of Lancaster, or allocating land of high landscape value to the west.

The Localism Agenda

240. The Government sets priority on empowering local authorities and local communities to shape development in their areas. This implies that proposals for the expansion of a settlement should be determined locally, through a formal development plan process. The present superstore proposal would pre-empt this process, and is therefore premature. Paragraph 18 of "The Planning System: General Principles" states that:
- ... refusal of planning permission on grounds of prematurity will not usually be justified. Planning applications should continue to be considered in the light of current policies. However, account can also be taken of policies in emerging DPDs. The weight to be attached to such policies depends upon the stage of preparation or review, increasing as successive stages are reached ...
241. In the present case the Land Allocation DPD is under preparation. If the present appeal is allowed, the Council's ability to plan positively for the future growth of south Lancaster will be severely restricted. It is noteworthy that the Secretary of State has recently rejected proposals for development in Sandbach, Winchester and St Austell on grounds of prematurity¹ (Docs LCC3/4 to 3/6). Similar considerations arise in relation to the current appeal.

¹ I understand that at least one of these decisions has now been quashed by the High Court.

Appearance

Effect on Landscape Character

242. Lancashire County Council's Landscape Character Assessment (Doc CD9.5) indicates that the appeal site forms part of a wider character area described as "Low Coastal Drumlin". The drumlins are a feature of glaciation. These low rounded hills give the countryside a distinctive grain. The undulating topography is emphasised by a pattern of open pastures. The appeal site forms an integral part of this attractive landscape.
243. There are no significant detractors on the appeal site which mar the rural scene. On the other hand, these pastoral fields exhibit a number of significant positive features. These include the existing on-site vegetation (particularly the copse on the knoll in the central southern part of the site, and the trees and hedgerows along the eastern and western site boundaries); a seasonal pond; and the site's rounded topography. The appeal site has an open character, providing attractive views of the surrounding countryside - for instance from Scotforth Road towards the drumlins at Burrow Heights and Whinney Carr Farm.
244. Any development here would need to be to a carefully considered design. However, the appellant's proposal would include a box-like superstore building of enormous bulk, with an expansive area devoted to a surface car park.
245. It is clear that parts of the site would be raised to avoid flooding, and parts would be levelled, thereby destroying the existing rounded topography. The existing seasonal pond would be lost as a result of the proposed development, and much of the existing vegetation would be removed (including the whole of the central copse). The proposed building would obscure views of the adjacent drumlins from Scotforth Road. The effect would be to undermine the rural landscape character of this area.
246. It appears that the proposed development would provide a standard out-of-town superstore, with a dominant horizontal emphasis. This building would be of an excessive size, and would look out of place in this rural context. It would be larger than any existing building in this area. Furthermore, it would stand in a prominent location, within a few metres of the A6 and the West Coast Main Line, at the narrowest part of the appeal site. The proposal to raise the ground level would entail the deposit of thousands of tonnes of material on the site, and have the effect of increasing the prominence of the proposed building. Overall, there would be an unnatural "flattening" effect within the developed area.
247. The proposed development would fail to take advantage of the existing topography and landscape. There would be no public open space within the scheme, which would be dominated by surface car parking. The proposed car park would be bounded by to the north and west by elevated access and service roads, and to the south by the proposed store. It would be below the level of the A6 to the east. The development would be inward looking.

The Visual Significance of the Appeal Site

248. Scotforth Road is the main route into the historic city of Lancaster from the south. From Junction 33 on the M6 it is mainly rural in character. After passing through Galgate village, the traveller skirts the campus of Lancaster University (which is set back from the highway) and passes the former waterworks

building (which stands alone to the south of the appeal site). The road is substantially screened from the residential development in Collingham Drive by existing vegetation. The urban edge of the city is not encountered until the traveller reaches Rays Drive, some way to the north of the appeal site. The appeal site acts as an important green gateway to the urban area. It also plays a similar role in the approach by rail on the West Coast Main Line. The proposed development would mar the appearance of this fine approach to the city by road and rail.

Mitigation

249. The Design and Access Statement (Doc CD16.4) suggests that the proposed superstore could be partly screened by the provision of berms and embankments along the site boundaries. However, these would have an unnatural, artificial effect. They would be likely to have an adverse impact on existing vegetation along the edges of the appeal site which might otherwise be retained.
250. The Design and Access Statement makes much of the possibility that the proposed superstore might have a green roof, with a curved form reflecting the undulating topography of the surrounding countryside. However, this would do little to mitigate the scale and dominance of the proposed building. In any event, the design and appearance of the development are reserved matters, and are not to be decided at this stage.
251. The special character of the site would be destroyed by the proposed scheme, to be replaced by development that would have a crude urbanising effect. No planning conditions could be imposed that would overcome this adverse effect.

Compliance with Policies for Design and Landscape Conservation

252. The proposed development would be contrary to Policies SC1 and E1 of the Lancaster District Core Strategy (Doc CD6.3) each of which is concerned with landscape conservation. And it would be contrary to Policies SC5 of the Core Strategy, which requires development to be to a high quality of design. The adverse visual effect of the proposed development would be sufficient in itself to justify the refusal of planning permission.

Trees and Hedgerows

Protected Trees and Hedgerows

253. The City Council have agreed a Statement of Common Ground on Trees with the appellant (Doc CD14.3 and 14.3A). The Council recognise the important amenity value of the existing trees on and adjacent to the appeal site. In 1998 they made Tree Preservation Order (TPO) No 287 (Doc LCC2/3, Appendix 1). This protects 9 individual specimens, mostly along the eastern appeal site boundary. These include mature sycamore, ash, beech, oak, hawthorn and pine. The TPO also protects certain groups of trees on the appeal site, including the copse in the southern central part of the site; and a group on the western edge of the site, adjacent to the railway. Many of the trees on the site are mature, typically standing more than 16m tall.
254. The Council accept that two of the individual trees protected by TPO No 287 are in a poor condition and require removal. These are shown in the TPO as T2 (an

ash) and T4 (a beech). In addition four of the trees in the protected copse on the central southern part of the appeal site, and a single birch within the group of protected trees on the western part of the site, are in a poor condition. In accordance with section 206(1) of the Town and Country Planning Act 1990, the landowner would be required to make replacement planting following removal of these trees, and the new trees would automatically be protected under the terms of the TPO. Otherwise most of the trees on the appeal site, many of which are probably over 80 years old, could be expected to survive into the next century.

- 255. Trees on the east side of Scotforth Road, opposite the appeal site, are protected by TPO No 67, which dates from 1981 (Doc LCC2/3, Appendix 4). The trees on either side of the A6 form an archway above the road, which constitutes an important visual component in this gateway to the city.
- 256. Hedgerows along the eastern and western boundaries of the appeal site, and running from east to west across the centre of the site, have been identified as the surviving fragments of a field system that predates the Inclosure Act of 1847. They are classed as being "important" under section 97 of the Environment Act 1995 and Schedule 1 of the Hedgerow Regulations 1997.
- 257. The hedgerow along the eastern site boundary serves as an under-storey to the dominant trees there. Collectively this vegetation greens this busy highway, and contributes to the abatement of particulate pollution generated by road traffic. It also acts as a wind break, sheltering the protected trees on the opposite side of the A6.
- 258. The copse in the central southern part of the appeal site occupies a knoll, and is clearly visible from the A6 and the railway. Similarly the trees on the western part of the site adjacent to the railway are clearly visible to the public.
- 259. The appellants have commissioned an arboricultural report (Doc CD1.16) which recognises the value of the trees on the appeal site. At paragraph 2.3.2 it says:

The trees on site collectively provide a good visual amenity to the surrounding area. Occasional specimens have a high amenity value.

Paragraph 6.2.4.1 refers particularly to the wooded copse in the central southern part of the site. It says "these trees are visible from Scotforth Road and form an attractive group". The City Council agree. For convenience, the Council have followed the tree numbering system used in the appellant's arboricultural report. (This differs from the system used in the TPOs, and is best seen in Doc CEP2/4, Appendix 2).

Tree Loss

- 260. The proposed development would require the removal of dominant and mature trees and hedgerows, including the whole of the copse from the central southern part of the appeal site, and the hedgerow which runs from east to west through the centre of the appeal site. The proposed development would require the removal of approximately 99 of the existing trees and about 150m of hedgerow from the appeal site. Only 5 individual specimens and a hedgerow would be retained.

261. The appellants have indicated that they propose the retention of 4 trees on the eastern part of the site, T11, T13 and T14 (all sycamores) and T9 (an oak). In addition they propose the retention of a single pine tree (T20) on the western site boundary (Doc LCC2/4). However, the removal of so many mature trees from the appeal site would be likely to change the wind loading on trees outside the site (on the opposite side of Scotforth Road) which could result in their failure.
262. The City Council's adopted Tree Policy (Doc LCC2/3, Appendix 6) requires that trees removed to accommodate development should be replaced at a minimum ratio of 3:1. However, new tree planting cannot fully mitigate the loss of large mature landscape trees in the short to medium term (up to about 30 years). The loss of existing trees would have a significant and prolonged adverse effect on the landscape. The proposed development would be contrary to Policy E13 of the Lancaster District Plan, which indicates that development will not be permitted if it has an adverse effect on significant trees.
263. The Council accept that root protection areas could be provided around retained trees in accordance with British Standard BS5837(2205); that drainage arrangements could be the subject of a planning condition; and that no-dig techniques could be adopted in critical areas. In view of these considerations, the adverse impact on trees does not warrant dismissal of the appeal. Nevertheless, it is a negative aspect of the proposed development which adds weight to the arguments against granting planning permission.

Other Matters

Retail Need

264. The City Council and the appellants have agreed a Retail Statement of Common Ground (Doc CD14.2). This has been updated in an Addendum (Doc CD14.2A) which takes account of the most recent data on per capita expenditure and turnover to floorspace ratios. It indicates that the primary catchment area of the proposed superstore would consist of urban Lancaster to the south of the River Lune (including the city centre); and an extensive rural hinterland to the south and east of the city (Doc CD14.2, Appendix 2).
265. At present, less than 50% of the convenience goods expenditure generated by the resident population of the primary catchment area is spent in shops within this area (Doc CD14.2A, Appendix 1, Table 4). The bulk of locally generated expenditure on convenience goods is captured by shops elsewhere, particularly by outlets to the north of the River Lune, such as the Asda superstore in Ovangle Road, Lancaster, and the Morrison and Sainsbury superstores in Morecambe.
266. Committed retail developments within the primary catchment area include an extension to Sainsbury's Cable Street store in the city centre; and the proposed Booth's supermarket on land to the north of the present appeal site. If these are taken into account, by 2015 the retention rate for convenience goods expenditure generated within the primary catchment area is likely to increase to about 62% (CD14.2A, Appendix 1, Table 11).
267. The Council accept that there is a need for new foodstore development to serve the needs of Lancaster residents living south of the River Lune. This is

demonstrated by the significant overtrading recorded by existing convenience goods retailers in this area; and by the fact that residents of south Lancaster travel considerable distances to superstores to the north of the Lune. With further retail development, the Council accept that the primary catchment area's retention rate for convenience spending could increase to at least 75% and possibly more.

Sequential Approach

268. However, the appeal site is not allocated for retail development, and is not within or adjacent to any existing centre. A sequential assessment of alternative locations for the proposed development has therefore been necessary. No sequentially preferable site had been identified at the time of the Council's decision. Each of the thirteen alternatives considered in central Lancaster was either too small for the proposed retail development, or was considered unlikely to become available within a reasonable timescale.
269. Subsequently, circumstances have changed with regard to one of the sites considered, the Canal Corridor North site. Centros, the prospective developers of this site, now intend that its redevelopment should include a foodstore of about 5,000m² gross. Although their previous application for the redevelopment of this land was rejected by the Secretary of State on heritage grounds, they have now agreed a way forward with the City Council and English Heritage (Docs LCC6/6 and LCC6/7). Detailed proposals are being prepared and a full planning application is expected in 2012.
270. The Canal Corridor North site is an edge-of centre location adjacent to Lancaster's central shopping area. The City Council have not raised the sequential test as a reason for the dismissal of the present appeal. Nevertheless, they are looking to secure the future regeneration of the City Centre and have formed a development partnership with Centros to promote the sustainable redevelopment of the Canal Corridor North site. There is a danger that the redevelopment of that site could be hampered by the proposed development of the appeal site.

Flood Risk

271. The appellants' Flood Risk Assessment (Doc CD1.17) indicates that the level of parts of the site would be raised, and this could be secured by a planning condition. As a result, the proposed development would not be at an unacceptable risk of flooding, as confirmed by the Environment Agency (Doc CD3.9). Accordingly the City Council do not object to the proposed development on flood risk grounds.

Ecology

272. There is evidence that the appeal site provides habitat for great crested newts and pipistrelle bats (each of which are protected species (Doc CD1.19)). However, the appellants propose mitigation measures (Docs CD2.19 and CD2.20) which could be secured by planning conditions. In the light of the responses received from the County Ecologist (Doc CD3.4) and Natural England (Doc CD3.13) the City Council do not object to the proposed development on ecological grounds.

Other Planning Conditions and Obligations

273. Subject to the following reservations, the planning conditions proposed by the appellants (Doc CD15.2) are broadly acceptable to the City Council. However, in Condition 26, the Council consider that the proposed development should achieve a BREEAM rating of "excellent", as is required in the corresponding condition in the planning permission for the proposed Booth's supermarket.
274. The appellants propose that there should be no condition limiting the hours of opening of the proposed superstore. The Council consider that such a condition should be imposed in the interest of residential amenity, as follows:
- The development hereby approved shall only be open for trade during the hours of 07:00 and 22:00 Monday to Saturday, and for no more than 6 hours on Sunday (these 6 hours to be between 10:00 and 18:00) unless otherwise agreed in writing by the local planning authority.
275. Although the appellants offered a draft section 106 agreement (Doc CD15.1) this was unacceptable to the Council as it made no contribution toward the Square Routes programme of improvements to public spaces in the city centre. The provisions of the draft agreement are now contained in a unilateral undertaking (Doc CD15.1A).
276. The unilateral undertaking makes provision for the development to proceed such that the "site access road" could form part of a future Link Road between the A6 and A588. However, it makes no provision for any financial contribution to the construction of a bridge to carry the Link Road over the railway. Furthermore, although land between the "site access road" and such a bridge would be safeguarded from development so as to facilitate the future completion of the A6-A588 Link Road, it would be retained as a ransom strip which could impede progress with the provision of the Link Road, adding to its eventual cost. In these respects, the unilateral undertaking is unsatisfactory.
277. The Secretary of State is therefore asked to dismiss the appeal on the grounds outlined above, relating to planning policy; traffic congestion; prematurity and prejudice to the long-term development of South Lancaster; and visual impact.

THE CASE FOR E H BOOTH AND CO LTD

The main points are:

Booth's and South Lancaster

278. E H Booth & Co Ltd have interested party status under Rule 6(6) of the Town and Country Planning (Inquiries Procedure)(England) Rules 2000. They operate a chain of supermarkets, situated mainly in the north-west of England. These offer foodstuffs and other convenience goods, but do not sell comparison goods (such as electrical products or clothing) in any significant quantity. In their larger supermarkets, the company offer a comprehensive range of grocery and household products, including their own label ("Everyday") brand.
279. Booth's existing outlet in Lancaster is at the junction of Scotforth Road and Hala Road, approximately 400m north of the appeal site. It has a gross area of about 910m² and carries a more restricted range of produce than the company's

larger supermarkets. It suffers from traffic congestion, both on the adjacent highway and in its car park; and from a lack of internal circulation space, particularly at the check-outs. Nevertheless, this store is currently over-trading to a considerable extent, and the company are keen to replace it with larger premises.

280. To this end, they have now been granted full planning permission for the erection of a new supermarket with a gross internal floor area of 3,230m², on land at Lawson's Bridge, immediately to the north of the appeal site (Docs CD10.1 and CD10.3). Booth's are in the process of acquiring that site from the City Council. Access to their proposed store would be from a new signal-controlled junction on the A6 (Doc EHB3/2, Appendix JL2). The proposed building would be somewhat unconventional. It has been designed to a high standard to reflect the local topography, and respect the sensitivity of this important "gateway" site, at the edge of Lancaster. As a result, the company's quantity surveyor has estimated that the construction cost of the building's shell would be significantly higher than the average paid for the firm's 5 most recent new stores.
281. The new Booth's supermarket would offer a wider range of products than the existing Hala Road outlet. In particular it would stock goods in the firm's "Everyday" range. It would also be more accessible than the firm's existing store in Hala Road, with a larger car park, and good entrance and exit facilities. It would be significantly better able to meet the local demand for convenience shopping. Once the new Booth's supermarket has opened, the firm's Hala Road outlet would close, with a view to being re-opened by a different foodstore operator, thereby increasing the choice of convenience retailers for local residents.
282. The appeal proposes the erection of a large, out-of-town superstore directly alongside Booth's proposed supermarket. The superstore would be on a green field site, in a sensitive "gateway" location, at the periphery of the urban area. It would duplicate the pattern of trading identified for the proposed Booth's superstore.
283. If the appeal site were to be developed in accordance with the appellants' present scheme, the visibility and impact of the proposed Booth's supermarket as a "gateway" building would be compromised, and there would be no justification for the firm to invest in such an expensive, high-quality building. Furthermore, access to and egress from the proposed Booth's site would become more congested, and less convenient for customers. Booth's would have to review whether to proceed with their planned development. If they decided to proceed, they would almost certainly seek planning permission to erect a cheaper and more conventional building.

Policy Considerations

284. The City Council's Core Strategy (Doc CD6.3) provides an up to date policy structure for the consideration of this appeal. It seeks to focus development in Lancaster within the urban area; and it supports the regeneration of the city centre. In particular, Policy SC2 seeks urban concentration, and provides that 98% of new retail floorspace should be accommodated within existing urban areas.

285. Policy ER2 identifies central Lancaster as a Regeneration Priority Area, which will be strengthened as a shopping destination and enhanced as a visitor attraction. Paragraph 5.24 of the Core Strategy indicates that retail needs will have to be met in a planned expansion of Lancaster's primary shopping area. Paragraph 5.28 specifically endorses the Canal Corridor site as the District's key retail development opportunity. The proposed development would be counter to each of these strategic objectives.
286. As to the National Planning Policy Framework (NPPF), the appeal scheme would not constitute sustainable development, as described in paragraph 7. In terms of its economic role, it would neither be in the right place to support growth through retail development in the city centre, nor be co-ordinated with other potential development in south Lancaster to provide requisite infrastructure. In terms of its social role, more than 27% of households in this area are without access to a car. The need to make retail and other facilities accessible to them lies at the heart of the Core Strategy's objective of securing urban concentration and regeneration. In terms of its environmental role, the proposed development would detract from (rather than contribute to) the protection of the natural environment.
287. With regard to the Core Principles set out in paragraph 17 of the NPPF, the proposed development would not be plan led. It would not support the delivery of the homes or infrastructure needed in South Lancaster. The development would neither promote the vitality of the existing urban area, nor recognise the intrinsic character and beauty of the countryside. It would not contribute to the conservation or enhancement of the natural environment. It would not use previously developed land. Far from providing for a mixture of uses, the proposed development would provide a single destination for predominantly car-borne trips. As to the conservation of heritage assets, the proposal would detract from the setting of this historic city. At the periphery of the urban area, it would detract from opportunities to make the fullest use of non-car transport modes by focussing retail development in the city centre.

Retail Considerations

Need

288. The appellants and the Council have produced a Retail Statement of Common Ground (CD14.2 and 14.2A) to which Booth's are not party. This purports to show that there is sufficient expenditure capacity to support the proposed superstore. The appellants also argue that a superstore is urgently needed in south Lancaster to staunch the leakage of trade from this area to existing superstores to the north of the River Lune.
289. However, Booth's do not accept that there is a need for a superstore on the appeal site. Following the Lancaster Retail Study of 2006 (Doc CD7.1) provision has been made for substantial new retail development in the primary catchment area that would be served by the proposed superstore (shown in Doc CD14.2, Appendix 2). This includes the permission granted to Booth's for a new supermarket in Scotforth Road; and the erection of a large extension to Sainsbury's and the opening of a Tesco Express in the city centre. The 2006 Study also recommended retail development on the Canal Corridor North site, a proposal which is now being pursued by Centros UK Ltd, with a view to opening in 2016. That proposal includes a foodstore of 5,000m².

290. There has also been additional provision in the secondary catchment area (shown as "Other Survey Zones" in CD14.2, Appendix 2) which extends beyond Carnforth to the north, and beyond Garstang to the south. This includes an extension to the Asda superstore at Overton Road, Lancaster, and a new Sainsbury foodstore in Morecambe. These developments have been designed to address problems of over-trading by stores in the primary and secondary catchment areas.
291. The key factors that determine where people choose to shop include proximity to home, and the quality and price of goods. The approved Booth's supermarket development, and the proposed re-use of Booth's existing store in Hala Road by a different convenience goods retailer, would provide residents of south Lancaster with a substantially improved choice of local convenience shops, expanding the range and quality of goods available, and enhancing competition.

Residual Capacity

292. The appellants' argument that additional convenience shopping floorspace is urgently needed in south Lancaster relies heavily on their assessment of the residual spending capacity within the primary catchment area that would be available after existing commitments are taken up. However, that assessment is not robust and its results are exaggerated.
293. For instance, the Addendum to the Retail Statement of Common Ground indicates that in 2015, at the existing retention rate (and without allowing for committed developments) expenditure capacity in the primary catchment area, would be £19.704 million (Doc CD14.2A, Appendix 1, Table 16). However, this figure includes trade drawn to the primary catchment area from people living in the secondary catchment area and beyond. It does not describe the capacity generated within the primary catchment area. Accordingly, it is inconsistent with other figures given in the same table. For instance, the figure of £27.366 million, given in Table 16 as the convenience turnover of the appellants' proposed superstore, is limited to turnover which would be derived from the primary catchment area. The total 2015 convenience turnover of the proposed superstore from all sources is forecast as £36.487 million (Doc CD14.2A, Appendix 1, Table 12a).
294. In order to rectify this error, the figures for residual convenience goods capacity within the primary catchment area shown in the Retail Statement of Common Ground would have to be reduced by £8.454 million. On that basis, there would not be sufficient residual capacity to support the proposed superstore until 2020, and then only if the retention rate increased above 80%.
295. Furthermore, the appellants' assessment makes no allowance for increased floorspace efficiency. For instance, the assumed turnover of committed developments and the proposed superstore is assumed to remain constant between 2015 and 2020 (Doc CD14.2A, Appendix 1, Table 16) notwithstanding the assumed increases in the availability and retention of expenditure. In practice, that is unrealistic.

Turnover of Committed Floorspace

296. The appellants' assessment appears to minimise the potential turnover of committed retail developments. For instance, it assumes that the existing supermarket in Hala Road will be occupied by a discount retailer and attract a turnover of just £3.341 million in 2015 (Doc CD14.2A, Appendix 1, Table 10a). This is some £6 million less than the turnover that might be achieved if those premises were occupied by a main food retailer. There are numerous examples of main food retailers operating from small format stores (for instance the Tesco Express in central Lancaster, and the Asda operating from a 678m² store in Morecambe, previously occupied by Netto). There is no justification for ignoring the possibility that the Hala Road store might be used in this way, particularly as those premises have not yet been marketed.
297. The appellants have assumed that, in 2015, the extension to Sainsbury's in Cable Street, Lancaster, will achieve a convenience goods turnover of only £8,389 per m² (Doc CD14.2A, Appendix 1, Table 10a). This is substantially less than the company benchmark figure of £12,599 per m² (Doc CD1.2A, Appendix 1, Table 8). The assumed turnover of the new Sainsbury store at Morecambe is also well below the company average. It is difficult to see why this should be, in an area that is allegedly suffering an urgent need for additional convenience retail floorspace.
298. The appellants assume that the additional floorspace available to Booth's in their proposed supermarket would add just £1.509 million to the existing turnover achieved at their Hala Road store (Doc CD14.2A, Appendix 1, Table 10a). It is hard to see why Booth's would incur the considerable expense of building a large new foodstore for so small a return.

Retention

299. At present, only about 49% of the convenience expenditure generated by the resident population of the primary catchment area is retained within that area (Doc CD14.2A, Appendix 1, Table 4). The balance leaks away, mainly to retail outlets to the north of the River Lune. The degree to which the retention rate might be increased is a matter for judgement. The expert witnesses giving evidence on behalf of Booth's and the City Council agreed that 75% would be a robust figure, appropriate for assessing the need (or otherwise) for a new foodstore.
300. In their Retail Statement of April 2010, the appellants maintained that "increasing the retention level to 75% is entirely realistic". They continued by arguing that "should a new foodstore development come forward in south Lancaster ... it is likely that convenience goods retention within the primary catchment area would increase further, although the level of retention achievable would be dependent upon the scale and nature of additional development" (Doc CD1.6, paragraphs 7.44 and 7.45).
301. The appellants' Supplementary Retail Statement of July 2010 continued to assess capacity on the basis of a 75% retention rate, but indicated that this could be regarded as cautious. It continued "... Should it be possible to increase the expenditure retention level to 85%, then there is forecast to be even more capacity ... to support new development" (Doc CD2.3, paragraphs 2.48 and

2.49). So an 85% retention rate was regarded as no more than a possibility on a contingent basis.

302. However, it is doubtful whether a retention rate in excess of 75% could be achieved. The amount of committed convenience retail floorspace in the primary catchment area is more than matched by the amount in the secondary catchment area. In practice, these committed developments would be likely to balance each other out. It follows that the proposed superstore would have to raise the retention rate for convenience goods spending in the primary catchment area from less than 50% to more than 75% on its own.

Inflow

303. In addition to trade drawn from the primary catchment area, the appellants assume that 15% of the proposed superstore's turnover would be drawn from a secondary catchment area (consisting of other survey zones) and that a further 10% would be in the form of inflow from even further afield (CD14.2A, Appendix 1, Table 12b). In practice, the appellants have assumed that inflow accounts for 17.6% of the turnover of Sainsbury's in Cable Street, and 15.8% of the turnover of other convenience stores in the primary catchment area (Doc CD14.2A, Appendix 1, Table 5 (column 9 as a %age increase over column 7)). However, the evidence does not support so great a level of assumed inflow.
304. Paragraph 7.14 of the Lancaster Retail Study of 2006 (CD7.1) concluded that about 5% of convenience goods expenditure in the city centre was in the form of inflow from beyond the catchment area in that case. Although that catchment area was wider than the primary and secondary catchment areas as defined for the proposed superstore, the conclusion remains indicative as to the general potential for inflow.
305. The boundary of the proposed superstore's secondary catchment area approximates to the 25-minute driving time isochrone from the appeal site (Doc EHB/KJ/5, Appendix 2). A 2008 Competition Commission Report on the supply of groceries in the UK suggests that only about 4% of expenditure in larger stores originates from beyond a 25-minute drive time isochrone (Doc EHB/KJ/2, Appendix 7).
306. A 10% inflow would be more typical of a catchment based on a 20-minute drive time isochrone. The resident population immediately to the south of the defined secondary catchment area in the present case is extremely limited, and is served by alternative retail provision in Garstang, Preston and Blackpool. To the north of the secondary catchment area, there is substantial modern retail provision, including Tesco's and Booth's at Carnforth; Morrison's, Asda and Booth's at Kendal; and Booth's at Kirby Lonsdale and Milnthorpe.
307. Although the appellants treated expenditure by students as inflow, this is incorrect. Students are counted at their term-time addresses for Census purposes. Tourists and other visitors to Lancaster are unlikely to spend large amounts on convenience goods, particularly if they are staying in catered accommodation, or with friends or family. Furthermore, their expenditure must be offset against that of local residents when they are visiting other places. There is no evidence that significant numbers of people commute to work in Lancaster from beyond the 25-minute isochrone. Furthermore, a household telephone survey, commissioned by the appellants, shows that only about 3.5%

of food shopping trips were to stores that were convenient to the respondent's workplace (Doc CD1.6, Appendix 2, Question 2). In view of these considerations, there is no safe basis on which to assume an inflow of more than 5% from beyond the secondary catchment area.

308. The appeal site is outside the existing built-up area of Lancaster, and remote from any established shopping centre. There would be no policy advantage in clawing back trade to this location from existing superstores in other out-of-centre locations. The concept of claw-back should properly be limited to trade which is leaking away from an established centre.

Sequential Assessment of the Appeal Proposal

309. The appellants' proposal is for retail development outside of any centre, and not in accordance with an up-to-date development plan. In these circumstances, paragraph 24 of the National Planning Policy Framework requires that there should be compliance with the sequential approach to site selection.
310. The Canal Corridor North site is sequentially preferable to the appeal site. This is an edge-of-centre site, located immediately to the north-east of Lancaster's primary shopping area. It has been recognised as a development opportunity for many years. In 2002 the City Council published a development brief for this site, which was adopted as Supplementary Planning Guidance. The brief provides for a retail element in the redevelopment of the site for a mixture of uses.
311. Centros UK Ltd are the City Council's chosen development partners for the Canal Corridor North site. A development agreement between these parties remains extant. During 2012, Centros intend to apply for full planning permission for the redevelopment of the Canal Corridor North site to provide about 33,500m² of gross retail floorspace, including a foodstore of about 5,000m² gross. Such a store in this location could be expected to generate an annual turnover of more than £30 million.
312. Centros are currently in discussion with two prospective operators of such a foodstore. If the current appeal is dismissed, Centros are confident that one or other of these would occupy the proposed foodstore on the Canal Corridor North site. Such a store would be within the primary catchment area that would be served by the proposed store on the appeal site, and would be readily accessible to residents of Lancaster south of the River Lune. It would be only 2 to 3 minutes walk from Lancaster's central bus station, and would be served by ample on-site parking.
313. Some 85% of the Canal Corridor North site is already controlled by Centros (coloured green on the plan attached to EHB/MM/1B). The remainder of the site would be acquired by negotiation or, if necessary, by a Compulsory Purchase Order (CPO) to be made by the City Council. Redevelopment is currently expected to begin in mid-2014 and the new foodstore could open for business in 2016 or 2017.
314. This is not an unusually long time frame for the delivery of a major town centre retail scheme. "Planning for Town Centres" (the DCLG's practice guidance on the sequential approach) concedes that such schemes may take 10-15 years to deliver and require the use of a CPO (Doc CD8.4, paragraph 6.40). The same

document indicates that “whether it is appropriate to assess availability over 3 to 5 years, or a longer time period, will depend upon local circumstances”. There is every reason to expect that the Canal Corridor North site will be available within a reasonable time.

Previous Application

315. Although a called-in planning application for a retail-led redevelopment of the Canal Corridor North site was refused by the Secretary of State in 2009, the reasons for refusal related exclusively to heritage issues arising from the impact of the development then proposed on listed buildings and Conservation Areas. In his report (Doc EHB4/2) the Inspector at that time remarked that the site was “physically suitable for the kind of development proposed ...”. He concluded that the proposed development accorded with the spatial and strategic policies of the development plan. He did not question the viability of the proposed scheme. And he found there to be no compelling objections to the proposed highways and access arrangements.
316. Subsequently, Centros have produced an Assessment of Heritage Values and Significance for the Canal Corridor North site (Doc EHB/MM/3). They have consulted the City Council and English Heritage, and these bodies are now agreed on the principles that should govern this site’s redevelopment (Docs LCC6/6 and LCC6/7). Centros are currently preparing a detailed scheme in accordance with these principles, and there is a good prospect that planning permission will be granted for that scheme. The scheme now proposed would contain less floorspace than that for which planning permission was previously refused.
317. Unlike the previous scheme, the new proposals will rely on an improved at-grade crossing of the city centre gyratory road at Stonewell, to provide a pedestrian link between the proposed development and the existing town centre shops. In paragraph 17 of his 2009 decision, the Secretary of State indicated that he was not convinced that a pedestrian bridge at this point (as previously proposed) would be necessary. There are already many at-grade pedestrian crossings along the length of the gyratory road, which work perfectly well. The present appellants are therefore mistaken in asserting that difficulties over the design and visual impact of the pedestrian bridge could delay or frustrate the redevelopment of the Canal Corridor North site.
318. The Canal Corridor North site is therefore in an edge-of centre location, which is likely to be available for retail development within a reasonable period, providing a food store of about 5,000m² gross plus a substantial amount of new comparison goods floorspace. In the circumstances, it is sequentially preferable to the proposed development of the appeal site. Accordingly the appeal should fail.

Retail Impact Assessment

319. Paragraph 26 of the National Planning Policy Framework indicates that a planning application for main town centre uses on a site that is not in a centre and does not accord with an up-to-date development plan should be assessed against its impact on planned public or private investment in centres within its catchment area.

320. For the reasons outlined in paragraphs 292 to 308 above, the assessment of retail capacity set out in the Retail Statement of Common Ground agreed between the appellants and the City Council (Doc CD14.2A, Appendix 1, Table 16) is unreliable. However, even on the basis of that assessment, after taking account of existing commitments and the proposed superstore, and with the retention rate increased to 75%, in 2015 there would be no residual capacity available to support an additional foodstore on the Canal Corridor North site.
321. Even if the retention rate increased to 85%, the residual capacity would be little more than £7.5 million in 2015, and just over £12 million in 2020. This would not be sufficient to support the provision of the proposed foodstore on the Canal Corridor North site, which would require an annual turnover of around £30 million. That outlet is intended to be one of the anchor stores in the Canal Corridor North scheme. If it were to be rendered commercially unattractive as a result of the appeal proposal, the whole of the Canal Corridor North scheme could be jeopardised, with adverse consequences for the regeneration of central Lancaster. The proposed development of the appeal site would clearly have an adverse effect on planned investment in the city centre.
322. It would also have the effect of drawing trade away from existing shops in the city centre, to an out-of-centre store at the periphery of Lancaster's built-up area. For instance, Table 11 of the Retail Statement of Common Ground shows that, without the proposed superstore, in 2015 the extended Sainsbury's in Cable Street could be expected to attract some £22.89 million pounds of convenience goods expenditure from the defined primary catchment area. Table 13 gives the corresponding figure, with the proposed superstore, as £17.69 million. In other words, more than £5 million would be diverted away from Sainsbury's Cable Street store to the appeal premises.
323. Similarly the Marks and Spencer foodhall, the Co-op and other convenience goods outlets in the city centre would lose potential turnover, and would trade below their company average benchmark figures. People using these city centre stores are able to combine their trip with visits to other facilities for purposes of shopping, employment, leisure and other commercial, cultural and social activities, providing economic benefits that underpin the prosperity of city centre. The transfer of their custom to the edge of the urban area would provide no such benefits.

Visual Impact

Landscape Context

324. In the County Council's "Landscape Strategy for Lancashire" the appeal site is classified as lying within an area of Low Coastal Drumlins (Docs EHB/RT/3, Figure 7; and EHB/RT/4, Appendix 4). This area is characterised by "whaleback" hills (drumlins) which give the landform a distinctive grain. Between the drumlins there are often areas of poorly drained pasture, mosses, fens and standing water. Trees and shrubs are limited, although there are occasional small copses, and neat low-cut thorn hedges traverse the drumlins.
325. The strategy for this area includes conservation of the network of hedgerows and woodlands, and enhancement of other rural landscape features. A number of such features would be adversely affected by the proposed development,

including the existing rounded landform of the appeal site, existing trees and hedgerows, and the existing seasonal pond.

Gateway to Lancaster

326. The appeal site is in a sensitive location due to the contribution it makes to the arrival “gateway” at the southern edge of the historic city of Lancaster. It marks the transition between the countryside and the built-up area. It is prominent in views from the A6 and the West Coast Main Line railway, when heading either into or out of the city.
327. At present the site has a markedly rural character (Doc EHB/RT/3, Figure 4 Photographs). Its landscape is not “compromised”, as asserted by the appellants. The residential areas to the north and east of the site are set back behind tree belts, which provide effective screening. To the south and west of the site there is open countryside. The overhead power lines to the south of the site are more typical of a rural than an urban landscape. Similarly, the railway, the A6 and the isolated former waterworks building adjacent to the site each form part of the rural environment. The site consists of pasture, with a characteristic undulating form. It contains an ephemeral pond; and a number of trees of landscape value, which are protected by a Tree Preservation Order.
328. The approach to the city along the A6 has a green and leafy character. Up to this point, this road does not pass through any densely urbanised, “out-of-town development”, of the type which detracts from the sense of arrival in so many towns and cities. In this respect, it differs from the main route into Lancaster from the north, which suffers from a sprawl of commercial and other development. The appellants’ original Design and Access Statement confirms the importance of the appeal site at a “gateway” into Lancaster (Doc CD1.4., paragraph 2.2).
329. The proposed development would change the site’s character and appearance. Its effect would be of a high magnitude, and it would have an adverse impact on this southern gateway to Lancaster. Unlike the buildings of Lancaster University and the proposed Science Park, the proposed superstore would be very close to the A6 and the West Coast Main Line. Given the scale of the proposed building and its attendant car park, and the loss of important landscape features such as the undulating landform and mature protected trees, the adverse effect of the proposed development could not be adequately mitigated.
330. The proposed development would intrude into the open area between Lancaster University to the south, and the edge of the city to the north. It would destroy the open settings of the city and the University at this point, and the perception of these places being quite separate from one another. Together with committed schemes, the appeal proposals would result in a near continuous ribbon of development along the A6 between the existing edge of Lancaster’s built-up area and the University. The appeal site would assume an urban character, with a large floorplate superstore, an expansive car park, a wide signalised junction on Scotforth Road, and possibly other commercial buildings such as a petrol filling station. There would be significant adverse effects on views from the A6, from the footpath on Burrows Heights to the south-west, and from the railway.

Design

331. An acceptable design could not be achieved, given the development parameters set out in the application plans. The proposed development would not integrate into the surrounding landscape, and would not respond to the existing site character, including its landform, trees and pond. The superstore would be contained within a parameter box, measuring 100m long, 68m wide and 10m tall. It would be considerably larger, in terms of its floorplate and bulk, than any existing or proposed building on adjacent land. It would appear as a monolithic building, out of scale and out of place in this rural environment. The proposed development would almost certainly be lit at night, adding further to its prominence.
332. The proposed car park would cover an area of over 15,000m² and contain some 429 spaces. Although layout is a reserved matter, it is intended that access to the proposed superstore and car park would be via an elevated roundabout within the appeal site. This would be at about 42m AOD so as to feed into a possible future bridge over the railway, as part of an eventual Link Road between the A6 and the A588. The road embankment would be a conspicuous feature, standing up to 4m above the level of the adjacent car park (Doc CEP2/2A, Appendix 1, page 7). If the railway bridge were not to be built, the elevated access road would appear entirely incongruous, and would scarcely amount to a sustainable use of resources.
333. Furthermore, the ground level would be raised to a significant degree across a considerable part of the site. About 73,000m³ of material would be needed to alter the site's profile (including the material needed for to elevate the access road) (Doc CD16/6c, Table 2.1). The re-profiling of the site would destroy the existing landform, have an adverse effect on vegetation, and add to the prominence of the proposed building and parking area. The proposed development would be seriously detrimental to the landscape and the natural environment.
334. This is an outline application, with details of appearance and landscaping reserved. There would be no commitment to any particular building design or landscape treatment, were outline planning permission to be granted. The design principles set out in the Design and Access Statement are essentially illustrative, rather than definitive. Given the sensitivity of the site, this degree of uncertainty is unacceptable. The appellants' only commitment would be to the approximate location, height and footprint of the proposed buildings.
335. The appellants' Design and Access Statement (Doc CD1.4) suggests various ways in which the visual impact of the proposed development might be ameliorated. For instance, the superstore might have a "green" curving roof, and be partially hidden behind landscaped berms. However, the suggested features would not change the assessment that the proposal would amount to a gross overdevelopment, unresponsive to the existing character of the site and its landscape context.
336. In practice, it is questionable whether a number of the features shown in the Design and Access Statement would be achievable. In particular, it is not certain that some of the trees identified for retention would be adequately protected, and thrive following the proposed development.

Loss of Trees

337. An unacceptably high proportion of the preserved trees on the appeal site would be lost as a result of the proposed development. This would have a significant adverse impact on the local environment and on public amenity. The trees lost would include a number of individual specimens, as well as the whole of the copse in the central southern part of the site, and groups of trees near the eastern and western site boundaries. The appellants' evidence is that a total of 99 trees would be removed from the site. Additionally, the proposed development would effectively fix the location of any future railway bridge in such a way that the provision of a future Link Road would entail the removal of an attractive group of trees on the Whinney Carr site, to the west of the railway (shown in Doc CEP 2/2A, Appendix 2, Photograph 15; and Doc EHB/RT/5, page 47).
338. The appellants now intend that just 4 existing trees along the eastern site boundary would be retained together with a hedgerow. A single pine tree near the eastern site boundary would also be retained. Construction work associated with the proposed superstore and car park would be undertaken outside the root protection areas of these trees. However, the development could still have a considerable adverse effect on the retained trees, as a result of changes to the drainage pattern, the raising of levels, and the construction of retaining walls. There is a danger that an artificial basin would be formed between the proposed superstore/car park and Scotforth Road, resulting in seasonal water-logging, with a consequential risk to the survival of the retained trees.

Mitigation for Tree Loss

339. The appellants propose that about 300 new trees would be planted on the appeal site. However, this would not compensate for the trees lost for a very long time, if ever. This is recognised in the appellants' Arboricultural Report, which says:
- The impact that the removal of these trees will have on the treescape and the ecological value that they provide cannot be fully mitigated by the introduction of new trees in the proposed planting scheme (Doc CD1.16, paragraph 6.2.4.2).
340. The existing trees on the site include large and mature specimens which make a distinctive contribution to the appearance of this gateway site. New trees planted as part of the proposed development would be perceived as structural planting in the context of the proposed superstore, car park and associated development. They will not have the same amenity value as the existing trees.
341. The proposed development would represent a major and unjustified use of environmental resources. It would have a considerable visual impact and would detract significantly from the landscape, contrary to the development plan and the National Planning Policy Framework. Accordingly, planning permission should be refused.

Access Considerations

342. The proposed development would be unsustainable as it would be car-orientated, being positioned at the periphery of the urban area, some 2.5km away from any established centre or public transport node. In line with

strategic policies (including the National Planning Policy Framework) the aim should be to position such a major retail development in a town or city centre. Instead the proposed superstore would stand on a greenfield site, alongside a recently permitted supermarket which would serve a similar function.

343. Some people living in south Lancaster, who currently shop in superstores to the north of the River Lune, would predictably use the proposed superstore instead. This could entail a reduction in travel, but would achieve nothing else. It would merely transfer single purpose trips from one out-of-centre destination to another. It would neither encourage linked trips, nor help support the city centre.

Existing Congestion and Planned Improvements

344. The proposed superstore would have direct access onto the A6. This route plays a strategic role in providing access to Lancaster from the south, and connecting the city with the University. The A6 also serves the site of a strategic employment allocation at the proposed Lancaster Science Park; and two potential strategic housing sites that are currently being considered for allocation (Whinney Carr and Bailrigg). It also serves as an important public transport corridor.
345. The appellants' Transport Assessment shows that, on Fridays, the 2-way traffic flow on the A6 to the south of Rays Drive exceeds 20,900 vehicles (Doc CD1.14, Appendix BGH5). Congestion on this approach to Lancaster City Centre is already well known. The Lancashire Local Transport Plan 2000-2010 shows congested stretches of the highway network (Doc EHB/JL/2, Appendix 6). To the north of Collingham Park, the free flow speed of traffic on the A6 is substantially reduced. This is likely to be due to problems at the signal controlled junction between Scotforth Road and Hala Road. At present there is no dedicated lane for right turning traffic on any approach to this junction. Consequently, right-turning vehicles obstruct the carriageway while they wait for a gap in the oncoming traffic. Furthermore, an "all red" phase stops traffic to allow pedestrians to cross.
346. The planning permission for the Lancaster Science Park provides for the improvement of the A6/Hala Road junction, by widening Hala Road on its southern side, so as to provide a 2-lane approach to the signals for westbound traffic (Doc EHB/JL/2, Appendix 4). In addition the A6 would be widened on its western side to the north of the junction, so as to provide 2 lanes for southbound traffic. The improvement would also entail the installation of MOVA signal controls at the junction, which would increase its capacity by about 5%. A similar junction improvement scheme would be provided as part of the present appeal proposals. This would require the removal of a lay-by on the south side of Hala Road, which is currently used for residential parking. It would also bring moving traffic closer to dwellings, thereby increasing noise and pollution for residents. And it would require a Traffic Regulation Order, which might well be subject to objection.
347. If the proposed Booth's supermarket scheme is implemented, a different improvement scheme would be carried out at the A6/Hala Road junction (Doc EHB/JL/2, Appendix 5). This would entail widening Hala Road on its northern side, and the A6 to the north of the junction on its eastern side, so as to provide 2-lane approaches to the junction for westbound and southbound traffic. The

residents' lay-by on the south side of Hala Road would be retained; and traffic would not be brought any closer to residential properties. Booth's scheme also provides for the installation of MOVA signal control at this junction.

The Highways Statement of Common Ground

Base Flows

348. Booth's do not accept certain aspects of the Highways Statement of Common Ground agreed between the appellants and the City and County Councils (Doc CD14.4). First, the appellants' original Transport Assessment (Doc CD1.13) relied on a traffic count undertaken in 2009. This showed similar results to a separate survey undertaken by Booth's consultants, also in 2009. However, the Highways Statement of Common Ground uses base flows as surveyed by the appellants' consultants in March 2011. These show an unexplained reduction of in the volume of traffic using the A6 immediately south of the Hala Road junction, when compared with the 2009 data.
349. There is an automatic traffic counter on the A6, a little to the south of its junction with Collingham Park. This shows an increase in the volume of traffic using Scotforth Road between 2009 and 2011. It suggests that the base flows used in the Statement of Common Ground may be unreliable, and unduly low.

Trip Generation

350. The "agreed" figure for the proposed superstore's weekday peak hour trip generation is 839 vehicles. This is derived by applying a 15% reduction to the appellants' original estimate for trip generation for the superstore and petrol filling station, so as to account for the fact that the petrol filling station is no longer proposed.
351. However, the evidential basis for the 15% reduction is unclear; and it appears to be unjustified. It is based, in part, on Institute of Highways and Transport Guidelines for Traffic Impact Assessment, which suggest that provision of a petrol filling station could increase the trip rate from a foodstore by between 10% and 20% (Doc CEP/4/14). However, those Guidelines date from 1994 and are now very dated. It is also based on a Transport Assessment for a development in Washington, County Durham (Doc LCC/4/13) which relied on three TRICS surveys undertaken between 2001 and 2003, one of which was for a store of less than 5,000m².
352. Although the appellants' witness claimed that there is a paucity of up-to-date evidence on which to assess trip generation from a superstore with no petrol filling station, this is not the case. The TRICS database contains at least 8 surveys of such stores, ranging in size from 5,000m² to 8,900m², taken between 2000 and 2009 (Doc EHB/JL/8, Appendix JLSR3). These suggest that the reduction in trip generation resulting from the abandonment of the petrol filling station should be about 6%, rather than 15%.
353. These deficiencies suggest that the Statement of Common Ground significantly underestimates the future volume of traffic that would use the A6 following the proposed development.

Distribution

354. There are also serious reservations about the trip distribution model, which provides the basis for the Highways Statement of Common Ground. The model assumes that the distribution of trips generated by the proposed superstore would reflect the density of population in the primary catchment area, and would be in inverse proportion to the distance travelled. However, it takes no account of congestion on the highway network, which can be acute at peak periods. This congestion could well deter discretionary peak hour shopping trips and affect the apparent reduction in peak hour movement across the Lune bridges resulting from the proposed development.
355. Furthermore, the appellants' distribution model is based on the population of each ward in the proposed superstore's primary catchment area. So a couple with 3 children are assumed to make 5 times as many shopping trips as a single person household. This is unrealistic. The model also assumes equality of access to a car, whereas there are wide differences in car ownership from ward to ward, particularly in view of this area's large and concentrated student population. A better basis for the model would be provided by the number of households in each ward with access to a car. This would have resulted in a very different pattern of trip distribution.

Traffic Signals

356. At present the traffic signals at the A6/Hala Road junction provide a stop phase during which pedestrians can cross Scotforth Road, but do not offer a corresponding facility across Hala Road or Ashford Road. Such a facility would be provided as a result of the proposed junction improvements. The signals would then operate on the basis that, if a pedestrian phase were called on any entry road, all the lights would be set to red during the period of the pedestrian phase.
357. The Highways Statement of Common Ground assumes that the pedestrian phase at these traffic signals would be called on 2 out of every 3 cycles. However, in reality, the pedestrian phase would be likely to be called in several successive cycles, with a consequential effect on the performance of the junction and the length of traffic queues. In a letter to the appellants' consultant dated 20 July 2011, the highway authority expressed the view that the operation of the junction should be tested with a pedestrian call every cycle (Doc EHB/JL/16).

Appellants' Treatment of the Proposed Science Park

358. The appellants' assessment of the proposed development's impact on the highway network fails to take adequate account of the potential effect of the proposed Lancaster Science Park. The Department of Transport have issued clear guidance on the manner in which committed developments such as this are to be treated in Transport Assessments (Doc EHB/JL/4, Appendix 4). Paragraph 4.50 of this guidance indicates that an assessment should consider trips from all committed developments that would impact significantly on the road network. It states that "committed developments will typically include development sites that have extant planning permission, as well as development plan allocations in an adopted or approved plan". The site of the proposed Lancaster Science Park satisfies each of these criteria. The guidance

further states that “the inclusion or exclusion of committed developments in the assessments should be agreed with the relevant authorities at the pre-application stage”.

359. However, the appellants’ assessment assumes either that no development will take place on the proposed Science Park site by 2019; or alternatively, that only 2,400m² of the 34,000m² of the Science Park development for which planning permission has been granted will be completed by that date. The exclusion of the full Science Park development was not agreed by any relevant authority. The highway authority (Lancashire County Council) have indicated that “trips generated by the Science Park at 34,000m² should ... be included in the traffic models ...” (Doc EHB/JL/4, Appendix 3). Although they requested that the model should provide for traffic growth to 2019, it is clear that the highway authority also expected the full effect of the proposed Science Park to be taken into account. There is nothing in the Government’s guidance to preclude such an approach.
360. It is impossible to treat the Department of Transport’s Guidance as suggesting that only part of a committed development should be modelled. It would make no sense to model a proposal at the assessment year, and ignore the fact that in the following year or years, a committed development could cause traffic conditions to become unacceptable with no controls in place to mitigate this outcome.
361. The appellants have referred to an appeal decision concerning land at Ingol Golf Club, Preston, as providing support for their approach to the proposed Science Park development (Doc CEP4/4, Appendix 2, paragraph 319 of Inspector’s Report and paragraph 16 of the Secretary of State’s decision). However, it is clear that, in that case, the impact of a proposed development on neighbouring land at Cottam Hill was fully modelled, and was treated by the Inspector as a “worse-case scenario”. The Inspector concluded that there was no transport objection to the proposed development. He correctly indicated that the Department of Transport’s Guidance “does not require assessment of committed development beyond the horizon assessment year”. But that does not imply that the Guidance is to be interpreted as requiring that the effect of committed development beyond the assessment year must be ignored.

Booth’s Traffic Assessment

362. Booth’s consultant has made a separate assessment of the traffic effects of the CEP scheme. This utilises a gravity model based on the number of households in the superstore’s likely primary catchment area with access to a car. Account is taken of the full effect of the committed schemes for the Lancaster Science Park and the Booth’s supermarket. The assessment has been updated to take account of the amendments to the appeal proposals (Doc EHB/JL/6, Appendix JLS5).
363. If the Science Park were fully developed, the planned improvements to the Hala Road junction would be put into effect. Nevertheless, this junction would be overloaded by about 21.6%, even if no other development took place.
364. The Booth’s supermarket development would result in the implementation of the alternative improvement scheme at A6/Hala Road junction, described in paragraph 347 above. If the proposed Booth’s supermarket were to be

developed as well as the Science Park, overloading at this junction would be reduced from about 21.6% (for the Science Park alone) to about 19%. It was in the light of this reduction in potential congestion that planning permission was granted for the Booth's supermarket (Doc CD4.9, page 3(iv)). It does not imply, in absolute terms, that an overload of 19% should be regarded as acceptable.

365. With the combined development of the proposed superstore, the Booth's supermarket and 23,000m² of floorspace at the Science Park, there would be severe overloading of the A6 corridor. In the weekday pm peak period, the average northbound traffic queue at the appeal site access would be about 121pcu, with a queue length of more than 700m and a reserve capacity of minus 28%. At the Scotforth Road/Hala Road junction the average northbound traffic queue would be about 65pcu. It would extend southward from the Hala Road junction for almost 400m. The reserve capacity at the Scotforth Road/Hala Road junction would be minus 25%. With the full 34,000m² of Science Park development, the overloading would be significantly worse.
366. There would be considerable delay to traffic (including buses) travelling into Lancaster along the A6. The appeal scheme traffic would add to congestion at other points on the road network, increasing queuing and delay. The predicted overloading would not be confined to the peak hours. Long queues on the A6 could be expected for most of the day.
367. The proposed superstore development would reduce the distance travelled by some shoppers (Doc EHB/JL/2, Appendix 11). Although this would be beneficial, it would be insignificant when compared with the predicted overloading of the A6 corridor.

Assess to the Appeal Site by Foot, Cycle and Bus

Pedestrian Access

368. The Government publication "By Design" (Doc CD9.3) suggests that residents may comfortably access facilities within 800m of their homes on foot. Walking offers the greatest potential to replace short car trips of up to 2km. A return walking trip of 2km between home and a retail outlet implies a maximum journey of no more than a kilometre each way. Only a small residential area lies within a kilometre of the appeal site (Doc EHB/JL/2 Appendix 7). The number of shoppers likely to walk to the proposed superstore would therefore be very limited.
369. The appellants propose that a shared footway/cycleway should be installed along the west side of Scotforth Road, between the proposed access to the Booth's supermarket site and the appeal site access. Their intention is that pedestrians and cyclists should be able to cross the A6 by means of the signal-controlled junction at the access to the proposed Booth's site, and then continue to the proposed superstore via a pedestrian crossing over Booth's access road and the new footway. They do not propose that the traffic signals at the vehicular access to the appeal site should include a pedestrian phase, enabling shoppers to cross the A6 at that point.
370. However, these proposals would require the revision of the geometry of the proposed access to the Booth's site. The planning application for Booth's

supermarket contained full details of the proposed access. Condition 4 of the planning permission (Doc CD10.1) requires the submission and approval of "constructional details of the access road(s) and connection to the existing highway (where appropriate)". However, it would be unlawful for the City Council to construe this condition as empowering them to amend the detailed scheme for which planning permission has been granted.

371. In any event, the provision of a satisfactory pedestrian route to the proposed superstore would not be feasible on land within Booth's site. In the scheme proposed by the appellants, the swept path of goods vehicles turning at this point would over-run the reconfigured road island that would act as a pedestrian refuge (Doc EHB/JL/6, Plan 3). It is not clear how the provision of the footway proposed by the appellants could be achieved.
372. If, as an alternative, the proposed traffic signals at the appeal site access were to include a phase that enabled pedestrians to cross the A6, delays to vehicular traffic on the A6 at that point would be even greater. In the circumstances, if permitted, the development of the appeal site should be subject to a Grampian condition precluding the occupation of the proposed superstore until such time as a footway has been provided along the west side of Scotforth Road, between the appeal site and Rays Drive.

Cycle Access

373. There are at present no dedicated cycle facilities in the vicinity of the appeal site. The proposed shared footway/cycleway alongside the A6 would be about 3m wide immediately to the north of the appeal site access. However, this would narrow to the existing verge width of about 1.8m before reaching the proposed access to the Booth's site. This would not be sufficiently wide to accommodate both pedestrians and cyclists. In practice, cyclists would have to use the carriageway of a section of the A6 to get to and from the proposed superstore. This would be unattractive for them, and potentially dangerous.
374. The City Council propose to link the University Cycle Route (to the east of the A6) with an existing signposted cycle route to the west of the A6. The proposed link, which would be facilitated by the planned Booth's supermarket development, would run through woodland to the south of Rays Drive, and cross the A6 at its signal-controlled junction with the proposed access to the Booth's site. The cycle route so formed would avoid busy roads.
375. However, the proposed superstore would be likely to attract customers cycling from Lancaster University. These would have no option but to ride along part of the A6. They would be unlikely to use the dedicated cycle route.

Public Transport

376. The appeal site is well served by buses, being located on the Lancaster Primary Bus Route. This links the city centre with the University. Throughout the working day, 14 buses per hour pass the site. However, the increased traffic congestion resulting from the proposed development would have an adverse effect on bus movements.
377. New bus stops are proposed at the southern end of the appeal site, adjacent to the proposed superstore. Buses would stand on the carriageway to set down and pick up passengers. This would cause the following traffic to queue. Since

buses would arrive at the stops every 4 minutes, the potential delay to through traffic could be significant. A pedestrian crossing would be necessary to convey shoppers between the southbound bus stop and the pedestrian access to the proposed superstore. This would cause further delay to through traffic on the A6.

Access to the Whinney Carr Site

378. If the proposed superstore were built, there would be no spare capacity on the A6 to accommodate traffic generated by further residential development in south Lancaster, for instance on the Bailrigg or Whinney Carr sites. Development of either of these sites would in any event require the provision of a new link between the A6 and the A588, via a new bridge over the West Coast Main Line railway. Such a bridge would have to have the vertical alignment necessary to clear rail traffic.
379. The appellants' intention is that the route between the A6 and any future railway bridge should utilise part of the access road to the proposed superstore. It follows that that road would have to be built to the required horizontal and vertical alignment in the first instance, before the superstore opens for business. It is inconceivable that a prospective superstore operator would countenance the disruptive works that would be necessary to alter the alignment of the sole vehicular access to their premises, once they were trading. It would therefore be premature to grant planning permission for the proposed superstore before the question of the future access to the Whinney Carr site is resolved.

Earthworks

380. Major earthworks would be required as part of the proposed development, to re-profile the appeal site and to provide an elevated alignment for the access road, consistent with its future use as part of a link to the A588. The appellants estimate that a total of 73,000m³ of fill would be required (Doc CD16.6C, page 5). At least 54,000m³ of this material would have to be imported, assuming that 19,000m³ of excavated spoil could be re-used. Using standard tipper lorries with a capacity of 10m³, this implies the deliver of 5,400 loads of fill or 10,800 heavy goods vehicle movements. Even if the earthworks were to take place over a 6-month period, this would probably imply the arrival and departure of a heavy goods vehicle every 11 minutes during the working day. This would have implications for traffic movement, air quality and amenity during the construction period.

Prematurity and Prejudice

381. The proposed superstore would be premature and would be prejudicial to the sustainable development of this part of Lancaster, in accordance with a plan-led approach. In retail terms, it would obviously be prejudicial to the Canal Corridor North proposal, which would include transport improvements in the City Centre and encourage linked trips.
382. The development would also prejudice decisions about the proper planning of the whole of the Whinney Carr site. At present, the Council are considering whether this land should be allocated for development at all, and if so, for what purposes. It is questionable whether it should be use for an out-of-centre

superstore, which would stand alongside a large supermarket for which planning permission has already been granted. Arguably, that supermarket would serve any future residential development on the Whinney Carr site. If further retail provision were required, it might be best embedded within the new residential area, and specifically designed to cater for local needs.

383. The proposed superstore development would entail the construction of an access road on an embankment, leading to an elevated roundabout. This would be in order to facilitate provision of a future road link between the A6 and the A588, which is not proposed in the development plan, for which no planning application has been made, and which may never be completed. The raised access road might not constitute sustainable development. It would damage the landscape. Its construction would entail the import of several thousand cubic metres of material, which would be likely to have an adverse effect on traffic conditions and amenity. Its provision in advance of a firm decision about the provision of the link road would clearly be premature.
384. The position of the elevated roundabout on the appeal site would fix the location and alignment of any future bridge over the railway. This would preclude holistic consideration of the best route for the A6-A588 Link Road as part of a comprehensive masterplan for the Whinney Carr site. For instance, it would inevitably result in the removal of an attractive group of trees to the west of the railway, should the Link Road be built.
385. The proposed superstore would be prejudicial to the full development of the Lancaster Science Park, which is of strategic importance to the economic future of Lancaster. With the superstore in place and without completion of the Link Road, traffic congestion on the A6 would become intolerable with only a small part of the Science Park occupied. In those circumstances, prospective developers might well be deterred from investing in the remainder of the Science Park. Similarly, the superstore could have a prejudicial effect on the further development of Lancaster University.
386. In view of all the foregoing considerations, the Secretary of State is requested to dismiss the appeal.

THE CASES FOR OTHER INTERESTED PERSONS

The main points are:

387. **Lancaster University** submitted written representations (Doc CD11.6-7) and were represented at the inquiry by Mr Swindlehurst, who gave oral evidence. He indicated that Lancaster is one of the top 10 universities in the country, and arguably the best in the north-west of England. The University is working closely with the City and County Council's to secure the development of the Lancaster Science Park. This work is underpinned by the University's current investment plan, which particularly supports growth in the scientific disciplines and provides for an increase in student numbers of about 4,000 from 2013 onwards. The Science Park would assist by providing accommodation for businesses spun-off from the University's activities.
388. The Science Park site is allocated for development and planning permission has been granted for the erection of buildings in Use Class B1 on this land, with a

floor area of 34,000m². The traffic that would be generated by this development should be taken into account in considering the present appeal.

389. The expansion of the University within its existing campus is described in an adopted Masterplan for the period 2007 to 2017 (Doc CD11.1). This shows new buildings proposed for erection. By mid-2011, about £400 million had been spent on implementing proposals in the Masterplan, and a further £160 million of expenditure is planned over the remainder of the Masterplan period. This will be spent mainly on the development of health and medical studies.
390. The University is already subject to severe transport constraints. There is a shortage of parking space on the campus; and both students and staff are heavily reliant on the bus services that provide access to the city centre along the A6. The University is particularly concerned about the effect of the appeal proposals on the adjacent road network, and particularly on the junction between the A6 and Hala Road.
391. If the appeal proposals were to proceed and the Science Park were to be built-out, this junction would become severely overloaded. By 2019 it would have an estimated practical reserve capacity of minus 48% (Doc CD11.6, Table 1). The queue of northbound traffic approaching the junction on the A6 could be about 1.3km long (Doc CD11.6, Figure 2). The resulting congestion and delay would inevitably have an extremely adverse effect on bus services to and from the University. The Secretary of State is asked to dismiss the appeal.
392. **Centros UK Ltd** submitted written representations (Docs GEN3/3, GEN3/4 and EHB/MM/1). They were represented at the inquiry by Mr McVicar, who was called to give oral evidence on behalf of E H Booth and Co Ltd. The case for Centros UK Ltd is as summarised in paragraphs 310 to 321 above.
393. **Cllr M Hardy** is the Chairman of the Scotforth Parish Council. He accepts that the existing Booth's supermarket is trading at capacity and that the need for additional accommodation for food shopping to serve the south of Lancaster was identified some time ago. However, planning permission has now been granted for a new Booth's supermarket, and Booth's intend to sell their existing store to a different food retailer. This would provide additional retail capacity and result in improved competition.
394. Scotforth Road provides one of the more attractive approaches to Lancaster, with open fields and an archway of trees adjacent to the city boundary. The appellants' proposed superstore would be highly prominent and out of character with the local scene. Its 25m eastern frontage would be close to the carriageway and would be about 10m tall. It would be a dominant feature which would destroy this quality entrance to the city forever. The level of the site would have to be raised and a ramp would be constructed to carry the internal access road. This would require the import of 54,000m³ of fill. The natural features of the site would be submerged, and local residents would be subjected to prolonged pollution and disturbance as a result of the proposed development. Nearly all the existing trees on the site would be lost. The proposed landscaping would be unlikely to screen the proposed development effectively.
395. It is intended that 35% of the proposed superstore would sell non-food items. This would erode the trading position of the city centre, which has an increasing

number of empty shops. The superstore would be at the southern edge of the built-up area and draw most of its trade from the city to the north. There are strong arguments for siting new superstores in town centres, so as to facilitate linked trips to existing shops. The planned Centros development on the Canal Corridor North site scores highly in this respect. There is clearly a danger that the development of a superstore on the appeal site might prejudice the ability of Centros to attract a major food retailer to their proposed development in the city centre. The successful redevelopment of this major brownfield site in the heart of Lancaster is vital to the future economic success of the city.

396. Scotforth Road is already congested. The traffic projections agreed between CEP and the City Council are based on a 2011 survey, which indicated that the volume of traffic using this part of the A6 had decreased since 2009. This does not tally with the experience of local people, who feel that the volume of traffic is increasing. If the 2011 survey is unrepresentative, the predictions of future traffic flows will have been understated. Residents would have to live with the consequences of increased traffic and congestion. It is vital that the public transport corridor along the A6 should continue to operate efficiently.
397. There are many potential development sites in south Lancaster. The Local Development Framework is the appropriate vehicle for assessing priorities between these schemes in the light of their cumulative impact. It should not be pre-empted. The Secretary of State is asked to dismiss the appeal.
398. **Cllr K Sowden** is a City and Parish Councillor. Lancaster is divided by the River Lune. About 60,000 residents of Lancaster live to the south of the river, and about 40,000 to the north. Most employment is to the south of the river, particularly in the city centre, at the hospital and the universities.
399. There are frequently traffic jams in the city centre, on the bridges across the Lune, and on the A6 going to and from Lancaster University. The congestion and pollution problems are aggravated by residents of south Lancaster driving to the superstores to the north of the Lune in order to buy relatively cheap food and petrol. The proposed Booth's supermarket would not solve this problem. People want shops such as Asda, Morrison's, Aldi or Lidl in south Lancaster; and, particularly, cheaper petrol. The appeal should be allowed.
400. **Ms S Little** said that local people (including thousands of university students) want a local foodstore other than Booth's. Booth's have traded in Scotforth for many years without effective competition. Their goods are relatively expensive.
401. Many residents of south Lancaster currently shop in Morecambe, where there is a choice between several competing supermarkets and superstores. This trip can take between 35 and 90 minutes, depending on traffic congestion in the city centre. At present, shopping trips between south Lancaster and Morecambe add to this traffic problem. There is no congestion problem at the A6/Hala Road junction at present. The proposed superstore development would create much needed employment. The appeal should be allowed.
402. Ms Little submitted a bundle of over 50 pro-forma letters, making similar points in support of the proposed development, each signed by a local resident (Doc GEN5).

403. **Peel Land and Property** (GEN3/26) and **Countryside Properties** (Doc GEN3/2 and GEN3/27) made written representations. They are the joint promoters of the residential development of 48ha at Whinney Carr, to the west of the West Coast Main Line railway. They consider that the superstore development proposed by CEP would complement their scheme. In particular they consider that the access arrangements proposed by CEP would be consistent with their emerging proposals for the Whinney Carr site. These include the completion of a Link Road between the A6 and the A588.
404. **Written objections** to the proposed development have been submitted by 21 people (Doc GEN3). These variously refer to a lack of need for the proposed superstore; the adverse effect of out-of-centre superstores on town centre shops; the availability of previously developed land elsewhere in the city; problems of traffic congestion; the adverse visual impact of the proposed development on a rural area; loss of trees; the adverse impact of noise and light on the amenity of neighbouring residents; the fact that the appeal site is not allocated for development; and the possibility that the proposed development would detract from the prospects of the proposed Booth's supermarket.
405. In addition to the bundle of pro-forma letters submitted by Ms Little, three **letters of support** for the proposed development (Doc GEN3) refer variously to the need for improved local retail provision; the potential for reducing long shopping trips by car to outlets to the north of the city; and the additional employment that would be created.
406. **A petition** signed by 264 people was submitted in support of the appeal (Doc GEN4). The petitioners refer to the benefits of increased choice and competition; the creation of additional jobs; improved accessibility; and the potential reduction in the number of cross-city shopping trips by car, with consequent reduction of traffic congestion in the city centre.

INSPECTOR'S CONCLUSIONS

In this section of the report, references in square brackets denote the paragraphs above from which conclusions on matters of fact have been derived.

Main Issues

407. I shall deal with the main issues in this appeal in the following order:

- Retail considerations
- Access considerations
- Landscape and visual impact
- Prematurity, and the future development of south Lancaster
- Obligations and conditions.

Retail Considerations

Retail Policy in the Development Plan

408. The proposed development would be contrary to a number of retail and other policies in the development plan. In particular, Policy S1 of the Lancaster Local Plan indicates that, subject to certain exceptions (none of which apply in the present case) new shopping development will be permitted only within centres that are defined on the Local Plan Proposals Map [52]. The appeal site is not within such a centre.

409. Policy SC2 of the Lancaster District Core Strategy provides that 98% of new retail floorspace should be accommodated within existing urban areas [58]. The appeal site is not within an existing urban area. It consists of open pasture, which has not previously been developed [13]. Although the site would arguably come within an urban area as a result of the proposed development, that does not satisfy the requirements of Policy SC2, which refers explicitly to "existing urban areas".

410. Policy ER5 of the Lancaster District Core Strategy provides that new comparison retailing in Lancaster will be focused on a planned expansion of the existing Primary Shopping Area; and that new local food retailing should be in established centres, or at an appropriate scale in areas of deficiency [61]. The proposed superstore, which would include elements of both comparison goods and food retailing [66], would be remote from Lancaster's Primary Shopping Area, and from any other shopping centre [26]. The proposed superstore would serve a primary catchment area that includes the whole of urban Lancaster to the south of the River Lune, and an extensive rural hinterland to the south and east of the city [82]. In addition, some 25% of its trade is expected to be drawn from beyond this primary catchment area [85]. The superstore would serve a wide market and would not be confined to local food retailing.

411. The law requires that the determination of this appeal should be in accordance with the development plan, unless material considerations indicate otherwise. It is therefore necessary to consider whether there are material considerations which should be weighed against these development plan policies. The first such consideration is the need for additional retail provision.

Need

412. I accept that there is a need for additional convenience shopping provision within the primary catchment area that would be served by the proposed development, as has been agreed between the appellants and the City Council. At present, this area (which includes the city centre) retains less than 50% of the convenience goods expenditure that is generated by its resident population [82]. Most of the balance appears to be captured by superstores lying to the north of the River Lune, in the northern part of Lancaster and in Morecambe. This strongly suggests that the existing provision of convenience goods floorspace serving Lancaster to the south of the River Lune is inadequate. It is undesirable that residents of this area should be making long shopping trips that entail crossing the congested Lune bridges.
413. Even with the proposed Booth's supermarket, the evidence suggests that the retention rate in the primary catchment area would be unlikely to rise above about 63% [83]. However, I see no reason why an area containing a sub-regional centre, such as Lancaster, should not be capable of retaining at least 75% of the convenience goods expenditure generated by its resident population. In order to achieve this, it seems to me that a substantial increase in the provision of convenience retail floorspace in this area would be necessary.
414. I note that the estimated residual capacity of the primary catchment area set out in Table 16 the Retail Statement of Common Ground has been questioned by E H Booth and Co Ltd [292 et seq]. I accept that that estimate may be subject to a wide margin of error, and should not be regarded as being precise. The figures for residual capacity may well be too high. However, residual capacity is not the sole determinant of need. There is clear evidence that retail operators are willing to invest in the provision of additional convenience retail floorspace in the primary catchment area. In addition to Sainsbury's, who are currently extending their Cable Street store [266], and Booth's, who propose to build a new supermarket in Scotforth [280], two convenience goods retailers are currently negotiating with Centros for space in the proposed Canal Corridor North scheme [312].
415. The City Council and the appellants assess that the proposed superstore would draw some 15% of its trade from a secondary catchment area (the other survey zones). I have no reason to disagree. They also assess that the superstore would attract 10% of its turnover from beyond the secondary catchment area. I consider that this may be more questionable. The secondary catchment area is large, extending beyond Carnforth to the north, and beyond Garstang to the south. Its outer boundary approximates to the 25-minute drive time isochrone from the appeal site [305]. Nevertheless, I accept that Lancaster is an important tourist, educational and business centre, which may well attract an abnormally high inflow of visitors from considerable distances. On balance, the assessment of quantitative need set out in the Retail Statement of Common Ground does not seem to me to be an unreasonable approximation.
416. I have no reason to doubt that there is a qualitative need for additional convenience retail floorspace in Lancaster south of the River Lune. There is evidence that existing foodshops in this area become congested, exhibit other signs of over-trading, and achieve turnover to floorspace ratios that are well above the respective company averages [93]. The evidence of Cllr Sowden

[397] and Ms Little [399], together with the petition [405] and the numerous letters in support of the proposed superstore [401] testify to the qualitative need experienced by many local people. I attach weight to these considerations.

417. Nevertheless, planning permission has recently been granted to E H Booth and Co Ltd for a new supermarket development of more than 3,000m² gross, on land immediately to the north of the appeal site [280]. That development should ease existing problems of over-trading and congestion, and improve the range of goods available locally. The proposed use of Booth's existing store in Hala Road by a different food retailer [281] should also help in these respects, and increase competition. As a result, there would be less urgency to provide additional floorspace to satisfy any residual need.

Sequential Alternative

418. Accepting that there is a need for additional convenience shopping provision to serve Lancaster south of the River Lune, it is necessary (as required by paragraph 24 of the National Planning Policy Framework) to consider whether the appeal site would be an appropriate location to make such provision, or whether there is a sequentially preferable alternative.
419. The Canal Corridor North site is a semi-derelict area at the edge of Lancaster's main shopping centre [39]. In my view it is ripe for redevelopment. In its current condition it detracts from the appearance of this historic city.
420. A redevelopment scheme for this site is currently being prepared by Centros UK Ltd, who intend to apply for full planning permission later in 2012 [311]. The scheme is to include a gross retail floor area of about 33,500m², including a food store of some 5,000m² gross.
421. In 2009, the Secretary of State of the day refused planning permission for an earlier scheme for this site, which he had called in for determination. His reasons for refusal were concerned exclusively with heritage matters [315]. Centros have now consulted with English Heritage and the City Council, who have agreed the principles that the development of the Canal Corridor North site should follow, in the interests of conservation [316].
422. Over 85% of the Canal Corridor North site is now controlled by Centros [313], with whom the Council have an extant development partnership [311]. Negotiations to acquire the outstanding interests are proceeding. If necessary, the City Council will initiate compulsory purchase action once planning permission has been granted for a satisfactory scheme [313].
423. I have considered the Canal Corridor North site in terms of its suitability, availability and viability, in line with the guidance set out in paragraph 6.36 of the DCLG publication "Planning for Town Centres". In my view, this edge-of-centre location is suitable for the provision of a new food store. Lancaster is a sub-regional centre. A new food store here would be likely to attract customers from a wide catchment area, thereby helping to support other shops and facilities in the city centre.
424. Although the city centre suffers from traffic congestion, this was not a reason for refusing planning permission for the 2009 scheme on the Canal Corridor North site, which contained a larger retail floor area than is now proposed. On

the contrary, the Inspector who dealt with the 2009 proposal was satisfied that there would be no significant detriment to traffic flow or highway safety [315].

425. The appellants argue that a food store of 5,000m² gross on the Canal Corridor North site would not compete with the Asda, Morrison or Sainsbury superstores to the north of the River Lune, each of which has a gross floor area of more than 7,000m² [98]. Therefore, unlike the proposed superstore on the appeal site, it would not meet the identified need. However, I do not accept this argument. It is unlikely that the food store proposed on the Canal Corridor North site would sell significant quantities of comparison goods, since it would be adjacent to numerous comparison goods outlets, both in the Canal Corridor North scheme and elsewhere in the city centre. Its convenience goods sales area would be of a similar size to the convenience goods sales areas of the superstores with which it would compete. Its prospective customers seeking comparison goods as well as foodstuffs would have abundant choice in neighbouring city centre shops.
426. As to availability, the redevelopment of the Canal Corridor North site will clearly give rise to complex heritage and ownership issues, which could take some time to resolve. However, paragraph 6.39 of "Planning for Town Centres" indicates that it may be appropriate to assess availability over 3 to 5 years or some longer period, depending upon local circumstances. It seems to me that there is a reasonable prospect that the Canal Corridor North site will be available for development within 5 years or so. Given that there is an outstanding planning permission for the proposed Booth's supermarket in Scotforth Road, I do not consider that the need for additional convenience retail provision is so urgent as to demand a more rapid solution.
427. The Canal Corridor North scheme is being actively promoted by a commercial developer in partnership with the City Council. A fresh scheme is being prepared and site assembly is well advanced. I have no reason to think that the proposed development would not be viable, given the city centre's sub-regional role, and the limited scale of committed retail development in the area. In view of these factors, I consider the Canal Corridor North site to be sequentially preferable to the appeal site for the proposed retail development.

Economic Impact

428. Paragraph 26 of the National Planning Policy Framework requires an assessment of the appeal proposal's impact on existing, committed and planned investment in the city centre. Table 16 of the agreed Retail Statement of Common Ground provides estimates of residual convenience goods capacity within the proposed superstore's primary catchment area, assuming that committed developments take place, and the proposed superstore is built. It indicates that if 75% of the convenience goods expenditure generated within the primary catchment is retained within that area, in 2015 there would be negative residual capacity [320]. If the retention rate increased to 85%, the residual capacity would be less than £8 million. By 2020, with a retention rate of 85%, the residual capacity would be a little over £12 million [321]. I have already indicated that these figures should not be regarded as precise, and may well be somewhat high.
429. However, even a residual capacity of £12 million would scarcely be sufficient to support the proposed food store on the Canal Corridor North site, which would

lie within the appeal site's primary catchment area, and would need to attract an annual turnover of more than £30 million [321]. I recognise that that store would be centrally placed to serve the whole of Lancaster, and might well draw its trade from a wider primary catchment area. Nevertheless it seems to me that the presence of the proposed superstore on the appeal site would cast some doubt on its prospects for success. This could reduce the attractiveness of the Canal Corridor North scheme to prospective retailers, and have an adverse effect on the viability of that development.

430. Paragraph 26 of the National Planning Policy Framework also requires a more general assessment of the impact of the proposed development on town centre vitality and viability. The evidence suggests that there would be a diversion of trade of about 15% from convenience goods retailers in the city centre, and about 8% from comparison goods outlets, as a result of the proposed superstore development [107]. The greatest impact would probably be on the Sainsbury store in Cable Street, which currently trades well above the average turnover to floorspace ratio for that company [108]. I have seen nothing to persuade me that the proposed superstore would have serious adverse effect on the vitality or viability of Lancaster's existing central shopping area. Nevertheless, the diversion of trade from city centre shops to an out-of-centre store would run counter to the established policy of supporting town centres
431. The proposed development would create additional employment, including up to 70 full-time equivalent jobs during the construction period, and up to 326 permanent full-time equivalent jobs thereafter [110]. There would also be a multiplier effect. I attach weight to this consideration, particularly in the light of the Ministerial Statement "Planning for Growth" and the contents of the National Planning Policy Framework. But it seems to me that the proposed development might well cause the displacement of some existing retail jobs and have an adverse effect on job creation on the Canal Corridor North site. On balance, I do not consider that the employment benefits of the proposed scheme outweigh the policy objections outlined above.

Conclusions on Retail Considerations

432. I conclude that the proposed superstore would be contrary to the development plan policies for the provision of new retail floorspace. Although there is an unmet need for additional convenience shopping in Lancaster to the south of the River Lune, this would be eased by the proposed Booth's supermarket for which planning permission has been granted. The Canal Corridor North site, on which a foodstore of 5,000m² is proposed, is sequentially preferable to the appeal site. And the proposed superstore could adversely affect planned investment in the expansion of the Lancaster's central shopping area onto the Canal Corridor North site. These conclusions tell against the proposed superstore development.

Access Considerations

Traffic Modelling

433. The appellants, the City Council and the Lancashire County Council (as highway authority) have agreed a traffic model for the proposed development, as set out in the Highways Statement of Common Ground. Among other things, this has been used to simulate the effect of the proposed superstore together with that

of the proposed Booth's supermarket development (both with and without Whinney Carr Link Road) during the Friday pm peak period in 2019. However, neither the appeal scheme nor the current development plan proposes the provision of the Whinney Carr Link Road. There is currently neither planning permission nor even a planning application for the construction of that road. In the circumstances, I do not consider it appropriate to rely on modelling which assumes the existence of such a road.

434. The scenarios modelled assume various amounts of occupied floorspace at the Lancaster Science Park, ranging from 2,400m² to 34,000m². The model indicates that with 2,400m² of occupied floorspace at the Science Park, the access to the proposed superstore would operate within its capacity [151]. However there would be 100% saturation on the A6 northbound, at its junction with Hala Road, with an average queue length of about 60 pcu [150]. With 34,000m² of occupied floorspace at the Science Park, there would be 116% saturation on the A6 northbound approach to the appeal site access junction, an average queue length of 118 pcu, and a delay of about 5 minutes [218]. At the Hala Road junction, the average northbound queue on the A6 would be 72 pcu long, with a delay of about 1¾ minutes [219].

Science Park Traffic

435. There is a dispute between the appellants and other parties regarding the assumption that should be made about the occupation of floorspace at the Science Park. The appellants argue that there is no realistic prospect of more than 2,400m² of this committed development being occupied by 2019; that it is more probable that none of the Science Park will be occupied by that date; and that the transport assessment of the proposed superstore should proceed accordingly. The other parties maintain that the transport assessment should take full account of the committed Science Park development of 34,000m², in accordance with the extant outline planning permission.
436. It is not currently clear how the development of the Science Park is to be funded. It appears that a substantial subsidy will be needed to provide the requisite infrastructure, and finance the early stages of the development. However, this project is being actively pursued by the City Council, the Lancashire County Council and the Lancashire Local Enterprise Partnership. They have recently secured £3 million from the Growing Places Fund, which could potentially be used to finance part of the infrastructure required [310]. Although this would not be sufficient to bridge the evident funding gap [136-7], other sources of finance are being investigated. In my view, it would be quite wrong to dismiss the possibility of the Science Park development starting before 2019. It would be prudent to plan on the basis that the development of the Science Park may begin before that date.
437. There is no realistic prospect of the Science Park being finished and fully occupied by 2019. This is a long-term project which will take many years to complete. However, once its development has started, the planning permission for the Science Park will remain in force. Building on the Science Park site would be likely to continue well beyond 2019, with commensurate increases in the numbers of people employed there, and the amount of traffic generated. Apart from minor improvements to the A6 at Galgate, and at the Hala Road junction, there are no current proposals to expand the capacity of the highway

network so as to accommodate this increased Science Park traffic. I consider that it would be poor planning to take no account of the potential increase in traffic on the A6 resulting from the Science Park development after 2019, in assessing the impact of the proposed superstore.

438. The Department of Transport's "Guidance on Transport Assessment" indicates that the assessment year "should be consistent with the size, scale and completion schedule of the proposed development, and that of other major developments in the vicinity of the site". Furthermore, it indicates that "the assessment years should consider trips from all committed developments that would impact significantly on the transport network". Committed developments are defined to include sites that have extant planning permission as well as development plan allocations. Clearly, the proposed Science Park meets each of these criteria. The Guidance also indicates that the exclusion of committed developments from the assessment should be agreed with the relevant authorities. In the present case the local planning and highway authorities plainly expected the appellants' Transport Assessment to take full account of traffic from the full Science Park development [212].
439. I note that the appellants rely on the Secretary of State's decision in the Ingol Golf Club appeal to justify their decision not to assess the potential effect of additional traffic from the Science Park development after 2019. In his report on that appeal, the Inspector correctly recorded that the Department of Transport's Guidance on Transport Assessment "does not require assessment of committed development beyond the horizon assessment year" [129]. However, the Guidance does not preclude such an assessment. In the Ingol Golf Club case, the Inspector explicitly considered that the modelled results of a full build-out of committed development after the assessment year "should be treated as a worse-case scenario" [360]. The Secretary of State agreed with that approach, and I shall proceed accordingly.
440. In my view, the "worse-case scenario" in traffic terms would be for the proposed superstore and Booth's supermarket to be provided, and the Science Park to be built-out in full, with no additional highway capacity provided, save for the minor improvements proposed on the A6 at its junction with Hala Road and in Galgate. Such a scenario would result in intolerable congestion on the A6.
441. I share the City Council's view that the combined effect of the proposed superstore, together with the committed Booth's supermarket and 11,000m² or so of occupied floorspace on the Science Park site would give rise to unacceptable congestion on the A6, if no additional highway capacity were provided beyond the limited improvements envisaged at Galgate and at the Hala Road junction. The agreed modelling shows that, in those circumstances, there would be 102% saturation for northbound traffic at the appeal site access junction in the peak hour, with an average queue length of more than 50 pcu and a delay of 110 seconds. It shows a similar level of congestion on the northbound approach to the A6/Hala Road junction [220].

Link Road

442. The Whinney Carr Link Road could provide additional highway capacity to ease this problem, and I consider that the proposed superstore development would be unacceptable in the absence of such a facility. However, the Link Road is not

currently proposed in the development plan, and is not the subject of an existing planning permission [216]. Its cost is not known. Its provision would plainly be an expensive undertaking, including acquisition of an easement from Network Rail, and the construction of a bridge over the West Coast Main Line [232]. For the purposes of the present appeal, I do not consider that it would be safe to assume that it will be built.

Booth's Transport Assessment

443. E H Booth and Co Ltd are not party to the Highways Statement of Common Ground and do not accept the agreed model described in that document. Among other things, they question the use of the appellants' 2011 survey data (rather than 2009 data) to represent base flows [347]. They question the assumed 15% reduction in trip generation from the proposed development, resulting from the abandonment of the proposed petrol filling station [351]. They question the use of a trip distribution model which reflects population density rather than the incidence of households with access to a car [354]. And they question the assumed use of the pedestrian phase of the traffic signals at the A6/Hala Road junction [356].
444. Their analysis suggests that the degree of congestion on the A6 as a result of the proposed development and existing commitments would be worse than is predicted in the Statement of Common Ground [364]. However, it accords with my view that the proposed superstore development would have unacceptable transport consequences if a substantial amount of floorspace were to be occupied at the proposed Science Park, with no significant addition to highway capacity in the A6 corridor.

Policy Considerations

445. Paragraph 32 of the National Planning Policy Framework indicates that "development should only be prevented or refused on transport grounds where the residual cumulative effects of development are severe". In my view, the potential cumulative effects of the proposed development and other committed development could be so severe as to be unacceptable. Of course, it is never certain that committed developments will be carried out. The Lancaster Science Park development may never begin. Equally highway capacity could be substantially increased by the construction of the Whinney Carr Link Road between the A6 and the A588. However, in my view, it would be unnecessarily risky to rely on such outcomes.
446. Aspects of the proposed development would comply with development plan transport policies. The proposed superstore would be accessible by frequent bus services [116] consistent with Policy SC1 of the Core Strategy (though the potential delay to bus services as a result of increased congestion on the A6 is clearly a matter of concern). Cycle parking facilities would be provided as required by Policy T26 of the Local Plan [118]. There would almost certainly be a reduction in the number of car-borne shopping trips between south Lancaster and the superstores to the north of the River Lune, which would serve to ease congestion and improve air quality in the city centre, and would contribute to the objectives of Policy DP5 of the Regional Strategy.

447. However, on balance, I consider that the potential congestion on Scotforth Road resulting from the proposed superstore and other committed development must add to the weight of arguments against the appellants' scheme.

Landscape and Visual Impact

448. The appeal site has not been previously developed. It consists of open pasture land [13]. Although it is not shown as "Countryside" on the Lancaster Local Plan Proposals Map, and has no landscape designation, it has a distinctly rural character.

449. The site is plainly at the edge of the built-up area of Lancaster and is situated between two major transport routes [12]. These are the A6, with its street lights and signage, to the east; and the West Coast Main Line, with its gantries and other railway paraphernalia, to the west. The local scene is also affected by the pylons and electricity transmission lines immediately to the south of the appeal site; and by the former waterworks building further to the south [16].

450. Nevertheless, the rural area of which the appeal site forms part remains generally attractive. I do not consider it to have been severely compromised by development, or by its "urban fringe" location. Its pleasant appearance owes much to its softly rounded landform, which is characteristic of this drumlin landscape; and to the mature trees which grace the appeal site and adjacent land.

451. The A6 and the West Coast Main Line are important routes into the historic city of Lancaster from the south. The appeal site is the last piece of open countryside that travellers pass before entering the built-up area. In that sense it serves as a "gateway", warranting sensitive treatment.

452. The proposed superstore would be more massive than any of the existing buildings in the vicinity of the appeal site [331]. It would rise to a height of about 10m, within a few metres of the A6 and the railway. It would inevitably be a conspicuous feature. I consider that it would be challenging to design a building that would do justice to this sensitive site. However, the present application is in outline. With care, it should be possible to prepare acceptable design details for the proposed building.

453. Nevertheless, I consider that the proposed development would have an adverse effect on the appearance of the appeal site. The surface of much of the site would be raised and levelled, obliterating the existing landform [246]. Much of the resulting flattened area would be occupied by a surface car park [332], which is unlikely to be visually attractive. The elevated access road, with embankments or retaining walls rising up to 4m above the adjacent land, would also detract from the existing landform.

454. Most of the existing trees would be removed, including the whole of the copse in the central southern part of the site, and most of the planting in the western part of the site adjacent to the railway [260]. In my view, these trees have considerable amenity value. This is presumably why many of them are protected by a Tree Preservation Order [253]. They are clearly visible to the public. Although drivers on the A6 may get little more than a fleeting glimpse of this vegetation, the trees are readily apparent to pedestrians and public transport users, including both bus and train passengers.

455. The landscaping of the proposed development is a reserved matter. The appellants have indicated that they propose to plant about 300 new trees, thereby replacing lost trees at a ratio of 3:1 [194]. In time these would clearly help soften the impact of the superstore building, car park and access road. However, it would be many years before the new planting could achieve the stature and impact of the mature trees that would be removed.
456. Policy E13 of the Local Plan indicates that planning permission will not be granted for development that would have an adverse effect on significant trees [53]. Policy E1 of the Core Strategy seeks to safeguard environmental capital by conserving landscape, and by directing development to locations where previously developed land can be re-used [62]. I consider the proposed development to be contrary to these policies. The protected trees on the appeal site are clearly significant; they would not otherwise be subject to a Tree Preservation Order. The proposed development would have an adverse effect on the landscape. Unlike the appeal site, the Canal Corridor North site consists of previously developed land. I conclude that these considerations add weight to the arguments against the proposed development.

Prematurity and the Future Development of South Lancaster

457. Although Policy SC2 of the Core Strategy aims to concentrate future development within existing urban areas [58] the City Council now consider that they may have to allocate strategic greenfield sites in order to meet future development requirements. Given the constraints imposed by the M6 to the east of Lancaster, the Green Belt to the north and the flood plain of the River Lune to the west, it appears that expansion of the city in a southerly direction is the most likely outcome. In view of its history, the Whinney Carr site (including the appeal site) is perhaps an obvious candidate for allocation as a strategic site, and is identified accordingly in the Council's consultation paper "Land Allocations DPD – Developing the Options". However, no decision has yet been taken about the Council's preferred allocation or allocations.
458. The proposed superstore development would clearly pre-empt decisions about the comprehensive planning of the Whinney Carr area. For instance, it would constrain the future pattern of land use; predetermine the location of any bridge across the West Coast Main Line; affect the alignment of any Link Road between the A6 and the A588; and consequently influence the pattern of development to the west of the railway.
459. The provision of an A6-A588 Link Road would appear crucial to the future development of south Lancaster. It would provide additional highway capacity to serve, not only the Whinney Carr site, but also the proposed Science Park, the University, and possibly Bailrigg. It seems to me that provision of the Link Road would be essential to the development of the appeal site, so as to avoid the long-term risk of intolerable congestion on the A6.
460. Paragraph 17 of "The Planning System: General Principles" indicates that it may be justifiable to refuse planning permission on grounds of prematurity where a DPD is being prepared but has not yet been adopted; and where a proposed development is so substantial that granting permission could prejudice the DPD by predetermining decisions about the scale or location of new development which are to be addressed in the DPD. Paragraph 18 of the same document indicates that refusal on prematurity grounds would seldom be justified where a

DPD is at the consultation stage, with no early prospect of submission for examination.

461. At present there is not even a draft DPD proposing the allocation of the Whinney Carr site for development. In the circumstances, I am not satisfied that there is sufficient reason to refuse planning permission for the proposed superstore on grounds of prematurity.
462. The City Council are concerned that the proposed superstore development would make no financial contribution toward the cost of the Link Road, which would include the acquisition of an easement and the construction of a bridge over the West Coast Main Line. I have previously concluded that without the proposed Link Road, the proposed superstore would be unacceptable on traffic grounds.
463. However, the Link Road is not shown in the current development plan. Neither is it shown in a draft DPD. It does not have planning permission, and is not the subject of any current planning application. The alignment of the Link Road has not been decided, and it has not yet been fully costed [232]. In the circumstances, I do not consider it necessary that the promoters of the proposed superstore should have offered a financial contribution toward its completion.

Planning Obligation

464. The appellants have given a unilateral undertaking under section 106 of the Town and Country Planning Act 1990 [198]. This provides for financial contributions toward the improvement of facilities for cyclists and pedestrians in the vicinity of the appeal site; toward the costs of monitoring the appellants' Travel Plan; and toward the cost of re-timing traffic signals that would be affected by changes to traffic flow.
465. In addition, the undertaking provides for the reimbursement of the Council's costs in securing the delivery of a footway along the west side of Scotforth Road, should the Booth's supermarket development take place. Booth's have full planning permission for their development. The approved design includes no provision for pedestrians to cross the proposed access to their site. Provision of a crossing at this point, to facilitate pedestrian movement along the west side of the A6, would require the reconfiguration of the proposed access.
466. The undertaking also provides that the access road on the appeal site would be constructed in accordance with parameters specified by the Council, so as to ensure that it could serve as part of a future A6 to A588 Link Road. Although the Link Road is not proposed in the current development plan, I consider this provision to be necessary. If the site access road were not designed to the requisite parameters, the prospects of eventually securing the Link Road would effectively vanish.
467. In my view the provisions of the undertaking are consistent with the tests set out in Annex B of Circular 5/2005.

Planning Conditions

468. The conditions set out in Doc CD15.2 have been agreed between the appellants and the City Council save for two matters [200]. In suggested Condition 28,

the Council consider that the proposed development should achieve a BREEAM rating of "excellent", rather than "very good". However, I know of no particular policy justification for this. In my view a rating of "very good" would be acceptable.

469. The Council also seek the imposition of a planning condition to restrict the opening hours of the proposed superstore on grounds of amenity. However, the superstore would be some distance from the nearest dwelling, which would be on the far side of the A6. I am not persuaded that the condition sought by the Council would be necessary.
470. Suggested Condition 16a refers to off-site highway works in Scotforth Road, including the provision of a footway between the appeal site access and Rays Drive, assuming the approved Booth's supermarket development does not proceed. If that development proceeds, alterations would be required to the geometry of the approved access to Booth's site, to provide for pedestrians to cross the access road safely [369]. This work would appear to require operations on land outside Booth's site, owned by the Council. The unilateral undertaking makes provision for payment of the Council's costs incurred in facilitating these arrangements.
471. Full planning permission has been granted for the development of Booth's supermarket, including the proposed access. Condition 4 of that permission requires the submission and approval of constructional details of the access road, which is then to be completed in accordance with the approved details. There is a difference of opinion between Booth's and the Council as to whether that condition empowers the Council to require the reconfiguration of the geometry of the access as approved. In the circumstances, Booth's consider that, if the present appeal is allowed, planning permission should be subject to a Grampian condition, precluding occupation of the proposed superstore until such time as a footway has been provided along the west side of Scotforth Road, between the appeal site and Rays Drive [371]
472. I consider that if the proposed superstore development were to take place, provision should be made for a continuous footway along the west side of the A6 between the superstore access and Rays Drive. The interpretation of Condition 4 of Booth's planning permission is plainly a matter of law. However, I am not persuaded that the City Council could require Booth's to alter the geometry of the access road, for which full planning permission has been granted. Accordingly, I consider that, if the present appeal is to be allowed and planning permission granted, a Grampian condition should be imposed along the following lines:
- The development hereby permitted shall not be occupied until a footway has been provided along the west side of Scotforth Road between the approved access to the appeal site and Rays Drive, in accordance with a scheme to be approved by the local planning authority.
473. Otherwise, if the appeal is to be allowed and planning permission granted, I consider that conditions should be imposed along the lines agreed between the appellants and the City Council (Doc CD15.2). In addition to the standard outline conditions, these:

- regulate the amount retail floorspace to be provided for the sale of convenience and comparison goods;
- apply agreed design principles to the proposed development;
- specify access and parking requirements;
- deal with flood risk and drainage matters;
- make provision for landscaping and the protection of retained trees;
- require a specified standard of energy efficiency, and provision of a renewable source of energy in accordance with Development Plan policy;
- make provision for habitat creation and management, and the conservation of protected species;
- provide for the protection of public amenity during the construction period;
- require the approval of details of any external lighting to be installed;
- regulate noise from the proposed development; and
- make provision for the identification and remediation of contamination.

The Amended Scheme and the Original Scheme

474. In summary, I consider that the amended scheme would contravene retail policies in the development plan, and that there is a sequentially preferable alternative means of meeting the need for convenience retail floorspace. I consider there to be a danger that, when taken together with committed development, the proposed superstore could give rise to severe congestion and traffic delay on the A6. I consider that the proposed development would have an adverse effect on the appearance of the appeal site and the surrounding area, and would entail the loss of numerous protected trees, contrary to development plan policies. For these reasons, I do not consider that planning permission should be granted for the amended scheme. I conclude that the appeal should be dismissed.

475. If the Secretary of State were minded to determine the appeal on the basis of the original scheme, the same considerations would apply, with the same conclusion.

Recommendation

476. I recommend that the appeal be dismissed.

477. If the Secretary of State is minded to disagree, Annex 1 lists the conditions that I would recommend are attached to a grant of planning permission.

Michael Hurley

Inspector

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Other Interested Persons

Ms S Little

13 Farmdale Road, Lancaster, LA1 4JB

Cllr K Sowden

2 Stevens Grove, Overton, LA3 3HX

DOCUMENTS

General Documents

GEN1	Attendance list
GEN2	Council's letter giving notice of the inquiry (in case file)
GEN3	27 letters from interested persons (in red folder on case file)
GEN4	Petition supporting proposed development signed by 246 people
GEN5	Bundle of pro-forma letters in support of the proposed development

Core Documents

Application Documents

CD1.1	Covering letter of 13 April 2010
CD1.2	Application form (in case file)
CD1.3	Application plans (in case file)
CD1.4	Revised Design and Access Statement, February 2011
CD1.5	Planning Statement
CD1.6	PPS4 (Retail) Statement (including appendices)
CD1.8	Community Consultation Statement
CD1.9	Sustainability Statement
CD1.10	Renewable Energy Statement
CD1.11	Utilities Statement
CD1.12	PPS25 Assessment
CD1.13	Transport Assessment
CD1.14	Transport Assessment Appendices
CD1.15	Travel Plan and appendices
CD1.16	Arboricultural Report
CD1.17	Flood Risk Assessment
CD1.18	Geo-environmental Report
CD1.19	Phase 1 Habitat Survey

CD1.20	EIA screening letter
CD1.21	EIA scoping letter
CD1.22	EIA Scoping Report
CD1.23	EIA – Non Technical Summary
CD1.24	Environmental Statement
CD1.25	Appendices to the Environmental Statement

Supplementary Documents

CD2.1	Appellants' response to comments by Booth's design consultant
CD2.3	Supplementary PPS4 Statement (27 July 2010)
CD2.4	Letter from CEP's planning consultant to LPA planning consultant
CD2.5	Regeneris report on Lancaster Science Park
CD2.6	NLP report on Economic Impact and Implications of Delay
CD2.7	Stage 1 Safety Audit of Traffic Signal Controlled Junction
CD2.8	Review of appellants' Transport Assessment by Steer Davies Gleave
CD2.9	Letter from Steer Davies Gleave – 5 January 2011
CD2.10	Letter from Steer Davies Gleave - 7 January 2011
CD2.11	Appellants' response to Council Committee Report – January 2011
CD2.12	Appellants' assessment of future operation of A6/Hala Road junction
CD2.13	Email to highways officer with draft plans - 18/1/11
CD2.14	Letter from appellants' consultant to LPA consultant – 1/2/11
CD2.15	Letter from appellants' consultant to LPA consultant – 4/4/11
CD2.16	Letter from appellants' consultant to highway authority – 4/4/11
CD2.17	Letter from appellants' consultant to highway authority – 12/4/11
CD2.18	Great Crested Newt Report – July 2010
CD2.19	Amended Great Crested Newt Statement – October 2010
CD2.20	Bat and Bird Mitigation Strategy
CD2.21	Response to County Council comments on Geo-environmental Report
CD2.22	Response to Tree Protection Officer's comments
CD2.23	Letter from appellants' consultant to LPA consultant – 1/4/11
CD2.24	Supplementary Environmental Statement -10/9/10

CD2.25	Revised Landscape and Visual Impact Assessment – March 2011
CD2.26	Draft Conditions – November 2010
CD2.27	Section 106 Heads of Terms – April 2011
CD2.28	Letter from appellants' consultant to LPA consultant – 13/9/10
CD2.29	Letter from appellants' consultant to LPA consultant – 20/9/10
CD2.30	Letter from appellants' consultant to LPA consultant – 18/11/10
CD2.31	Letter from appellants' consultant to LPA consultant – 19/1/11
CD2.32	Letter from appellants' consultant to LPA consultant – 2/3/11
CD2.33	Opinion of William Hicks QC
CD2.34	Letter from appellants' consultant to LPA consultant - 8/3/11
CD2.35	First letter from appellants' consultant to LPA consultant – 1/4/11
CD2.36	Second letter from appellants' consultant to LPA consultant – 1/4/11
CD2.37	Letter from appellants' consultant to LPA consultant - 13/4/11
CD2.38	Letter from Commercial Estates Group to City Council – 14/4/11
CD2.39	Appellants' letter to City Council – 28/4/11
CD2.40	Letter from appellants' consultant to LPA consultant – 28/4/11

Consultee Responses

CD3.1	Chamber of Commerce
CD3.2	Contaminated Land Officer
CD3.3	County Archaeology
CD3.4	County Ecologist
CD3.5	County Highways
CD3.6	County Strategic Planning
CD3.7	Economic Development
CD3.8	Ellel Parish Council
CD3.9	Environment Agency
CD3.10	Environmental Health
CD3.11	Highways Agency
CD3.12	Lancs Constabulary
CD3.13	Natural England

CD3.14	Network Rail
CD3.15	North Lancs Bat Group
CD3.16	Planning and Housing Policy
CD3.17	Scotforth Parish Council
CD3.18	South Lancaster Residents
CD3.19	Lancaster Civic Society
CD3.20	Sustainability Partnership
CD3.21	Tree Protection Officer
CD3.22	United Utilities
CD3.23	Urban Design Officer

Representations by Booths

CD4.1	Letter from Booths consultants – 22/7/10
CD4.2	Letter from Booths consultants – 3/9/10
CD4.3	Letter from Booths consultants – 11/11/10
CD4.4	Letter from Booths consultants – 23/12/10
CD4.5	Letter from Booths consultants – 6/1/11
CD4.6	Letter from Booths consultants – 7/1/11
CD4.7	Letter from Booths consultants – 14/1/11
CD4.8	Letter from Booths consultants – 14/1/11
CD4.9	Report by Turner Lowe Associates – January 2011
CD4.10	Letter from Booths consultants – 11/3/11
CD4.11	Letter from Booths consultants - 18/3/11
CD4.12	Letter from Booths consultants – 11/3/11
CD4.13	Report by Turner Lowe Associates – March 2011
CD4.14	Letter from Booths consultants – 11/4/11
CD4.15	Letter from Booths consultants – 13/4/11
CD4.16	Letter from Booths consultants – 26/4/11
CD4.17	Opinion of Robin Purchas QC

Committee Documents

- CD5.1 Committee Report – 10/1/11
- CD5.2 Committee Minutes – 10/1/11
- CD5.3 Committee report – 3/5/11
- CD5.4 Retail Appraisal by White Young Green – April 2011
- CD5.5 Decision Notice – 3/5/11

Development Plan

- CD6.1 Regional Spatial Strategy for the North West 2008
- CD6.2 Lancaster District Local Plan
- CD6.3 Lancaster District Core Strategy 2008
- CD6.4 Land Allocations DPD – Developing the Options (July 2011)
- CD6.5 Development Management DPD – Developing the Options (July 2011)
- CD6.6 City Council Tree Policy 2010
- CD6.7 Lancaster District Local Plan – Extract from Inspector's Report – 1999
- CD6.8 Lancaster District Local Plan Proposals Map

Local Policy Evidence Base

- CD7.1 Lancaster Retail Study 2006
- CD7.2 Update of Convenience and Comparison Models 2009
- CD7.3 Strategic Housing Land Availability Assessment
- CD7.4 Strategic Housing Market Assessment
- CD7.5 Housing Land Monitoring Report 2011
- CD7.6 Lancashire Local Transport Plan
- CD7.7 Local Brownfield Study 2009
- CD7.8 Housing Needs Assessment 2011
- CD7.9 Exploring the Issues – City Council Consultation Report 2011

National Planning Policy Guidance

- CD8.1 PPS1 – Sustainable Development
- CD8.2 Planning and Climate Change – Supplement to PPS1
- CD8.3 PPS4 – Economic Growth

CD8.4	Planning for Town Centres: Practice Guidance
CD8.5	PPS9 - Biodiversity
CD8.6	PPG13 - Transport
CD8.7	PPS22 – Renewable Energy
CD8.8	PPS23 – Pollution Control
CD8.9	PPG24 – Noise
CD8.10	PPS25 – Flood Risk
CD8.11	Draft National Planning Policy Framework
CD8.12	Guidance on draft NPPF
CD8.13	Ministerial Statement on Planning for Growth – 23/3/11
CD8.14	Statement by DCLG Chief Planner – 31/3/11
CD8.15	Department of Transport Guidance on Transport Assessment

Other Documents

CD9.1	Tree Preservation Order 287
CD9.2	TPO: Guide to the law and good practice
CD9.3	By Design
CD9.4	A Plan for Growth
CD9.5	Landscape Strategy for Lancashire
CD9.7	Landscape Character Assessment Guidance for England and Scotland
CD9.8	Character of England – Natural England 2005
CD9.9	Whinney Carr Appeal Decision and Reports
CD9.10	Cycling and Walking Map of Lancaster

E H Booth Planning Permission

CD10.1	Decision Notice
CD10.2	Section 106 Agreement
CD10.3	Approved drawings

Lancaster University

CD11.1	Lancaster University Masterplan
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- CD11.2 Lancaster University Strategic Plan 2009-2015
- CD11.3 University Finance Committee Minutes 27/5/11
- CD11.4 University Travel Plan
- CD11.5 Letter from Mr M Swindlehurst
- CD11.6 Statement from University's consultant
- CD11.7 Letter from University's consultant

Lancaster Science Park

- CD12.1 Viability Assessment by Lambert Smith Hampton – 2008
- CD12.2 Market Justification by DTZ – 2009
- CD12.3 Decision Notice – 2009
- CD12.4 Travel Plan
- CD12.5 Economic Appraisal and Market Assessment by SQW – 2010
- CD12.6 Bailrigg Lane: A Vision for an Academic Quarter – 2011
- CD12.7 Transport Assessment -2009

Statements of Case (in case file)

- CD13.1 Appellants' Statement of Case
- CD13.2 City Council's Statement of Case
- CD13.3 E H Booth's Statement of Case

Statements of Common Ground

- CD14.1 Statement of Common Ground on General Planning Matters
- CD14.2 Statement of Common Ground on Retail Matters
- CD14.2A Addendum to Statement of Common Ground on Retail Matters
- CD14.3 Statement of Common Ground on Trees
- CD14.3A Second Statement of Common Ground on Trees
- CD14.4 Statement of Common Ground on Highways Matters

Conditions and Obligations

- CD15.1 Appellants' section 106 unilateral undertaking

- CD15.2 Suggested planning conditions
- CD15.3 Letter from Lancaster City Council dated 5 April 2012

Amended Scheme

- CD16.1 Covering letter dated 17 January 2012
- CD16.2 Revised drawings
- CD16.3 Planning Statement Addendum
- CD16.4 Design and Access Statement Addendum
- CD16.5 Further Environmental Information Report – Non-Technical Summary
- CD16.6 Further Environmental Information Report
- CD16.7 Appendices to Further Environmental Information Report

Documents submitted by Lancaster City Council

(Documents marked with an asterisk are grouped together in a separate ring binder)

Documents submitted by Mr Hayes

- LCC1/1 Evidence of Mr F Hayes and summary (Design and Landscape)
- LCC1/2 Rebuttal evidence of Mr F Hayes
- LCC1/3 Appendices to Mr Hayes's evidence
- LCC1/4 Landscape Capacity Update by Coates Associates
- LCC1/5* Mr Hayes's supplementary evidence
- LCC1/6* Appendices to Mr Hayes's supplementary evidence
- LCC1/7 North West Best Practice Design Guide
- LCC1/8 Extract from Guidance on Landscape and Visual Impact Assessment
- LCC1/9 Planning for Town Centres: Guidance on Design and Implementation
- LCC1/10 Circular 1/2006 Changes to the Development Control System

Documents submitted by Ms Knagg

- LCC2/1 Evidence of Ms M Knagg (Trees)
- LCC2/2 Rebuttal evidence of Ms M Knagg
- LCC2/3 Appendices to Ms Knagg's evidence

- LCC2/4 Ms Knagg's plan showing proposed root protection areas and fencing
- LCC2/5* Ms Knagg's supplementary evidence

Documents submitted by Mr Hatch

- LCC3/1 Evidence and appendices of Mr P Hatch (Planning Matters)
- LCC3/2 Communications regarding Whinney Carr proposal
- LCC3/3 DCLG Guidance: Greater Flexibility for Planning Permissions
- LCC3/4/1 Appeal decision APP/R660/A/10/2141564 – Sandbach, Cheshire
- LCC3/4/2 Appeal decision APP/L1765/A/10/2126522 – Winchester, Hampshire
- LCC3/4/3 Appeal decision APP/D0840/A/10/2130022 –St Austell, Cornwall
- LCC3/5* Mr Hatch's supplementary evidence
- LCC3/6* Appendices to Mr Hatch's supplementary evidence
- LCC3/7 Letter from Lancashire County Council dated 16 March 2012
- LCC3/8 Press enquiry PE10008 re Growing Places Fund in Lancashire

Documents submitted by Dr Bunn

- LCC4/1 Evidence of Dr N Bunn and summary (Highways and Transport)
- LCC4/2 Rebuttal evidence of Dr Bunn
- LCC4/3 Appendices to Dr Bunn's evidence (3 volumes)
- LCC4/4 Letter from Turner Lowe Associates to County Council 1 December 2010
- LCC4/5* Dr Bunn's supplementary evidence
- LCC4/6* Appendices to Dr Bunn's supplementary evidence
- LCC4/7* Summary of Dr Bunn's supplementary evidence
- LCC4/8 Second rebuttal evidence of Dr Bunn
- LCC4/9 Appendices to second rebuttal evidence of Dr Bunn
- LCC4/10 Safety Audit, A6/Hala Road junction
- LCC4/11 Right turn storage on A6 accesses to CEP and Booth sites
- LCC4/12 Letter from Lancashire County Council dated 18 November 2011
- LCC4/13 Transport Assessment for proposed superstore at Washington
- LCC4/14 Observation of pedestrian movements at A6/Hala Road junction
- LCC4/15 Tracks of HGVs turning at Booth's access and A6/Hala Rd junction

Documents submitted by Mr Rogers

LCC5/1	Evidence of Mr P Rogers and summary(Lancaster Science Park)
LCC5/2	Mr Rogers's rebuttal evidences
LCC5/3	Appendices to Mr Rogers's evidence
LCC5/4	Letter from Lancashire County Council re Growing Places Fund
LCC5/5	Growing Places Fund – Outline Proposal
LCC5/6	Growing Places Fund Prospectus
LCC5/7	Lancashire Enterprise Partnership: The Way Forward
LCC5/8	Letter from St Modwen dated 22 November 2011
LCC5/9	Note on Growing Places Fund Allocation

Documents submitted by Mr Nutter

LCC6/1	Proof of evidence of Mr K Nutter (Retail Matters)
LCC6/2	Appendices to Mr Nutter's evidence
LCC6/3	Mr Nutter's evidence to the 2009 Canal Corridor North call-in inquiry
LCC6/4	Appendices to Mr Nutter's evidence to 2009 CCN call in inquiry
LCC6/5	Schedule of proposed floorspace in CCN scheme considered in 2009
LCC6/6	Letter from City Council's CEO dated 17 November 2011 re CCN scheme
LCC6/7	Letter from English Heritage dated 28 November 2011 re CCN scheme

Documents submitted by E H Booth & Co Ltd

Document submitted by Mr Booth

EHB/GB/1	Evidence of Mr G Booth (Retail Operations)
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Documents submitted by Professor Tregay

EHB/RT/1	Evidence and summary of Prof R Tregay (Landscape and Visual Impact)
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EHB/RT/2	Prof Tregay's appendices (Part 1)
EHB/RT/3	Prof Tregay's appendices (Part 2)
EHB/RT/4	Prof Tregay's rebuttal evidence
EHB/RT/5	Prof Tregay's supplementary evidence
EHB/RT/6	Prof Tregay's supplementary rebuttal evidence

Documents submitted by Mr Lowe

EHB/JL/1	Evidence of Mr J Lowe (Highways, Transport and Engineering)
EHB/JL/2	Appendices to Mr Lowe's evidence
EHB/JL/3	Mr Lowe's rebuttal evidence
EHB/JL/4	Appendices to Mr Lowe's rebuttal evidence
EHB/JL/5	Mr Lowe's supplementary evidence
EHB/JL/6	Appendices to Mr Lowe's supplementary evidence
EHB/JL/7	Mr Lowe's supplementary rebuttal evidence
EHB/JL/8	Appendices to Mr Lowe's supplementary rebuttal evidence
EHB/JL/9	Extract from Manual for Streets 2
EHB/JL/10	Extract from the Design Manual for Roads and Bridges
EHB/JL/11	Note on presentation of A6 congestion in Lancs LTP
EHB/JL/12	Note on appeal site access alignment and earthworks
EHB/JL/13	Email of 21 March 2012 from appellants' consultant re traffic model
EHB/JL/14	Government advice on use of negative conditions, 25 November 2002
EHB/JL/15	Comparison of traffic distribution modelled by Mr Lowe and other parties
EHB/JL/16	Letter from County Council dated 20 July 2011 re LSP
EHB/JL/17	Email from County Council of 6 March 2012 re Booth's proposed access
EHB/JL/18	Proposed Booth's access and HGV tracks; alignment of proposed link road; extracts from DMRB; storage on right turn lane at proposed appeal site access

Documents submitted by Mr Jones

EHB/KJ/1	Evidence of Mr K Jones (Planning and Retail)
EHB/KJ/2	Appendices to the evidence of Mr K Jones
EHB/KJ/3	Summary of Mr Jones's evidence

EHB/KJ/4	Mr Jones's first rebuttal evidence
EHB/KJ/5	Mr Jones's supplementary evidence
EHB/KJ/6	Mr Jones's second rebuttal evidence
EHB/KJ/7	Method Statement on treatment of students
EHB/KJ/8	Technical note on treatment of students
EHB/KJ/9	Experian 2007 spending data
EHB/KJ/10	STEAM Report 2009
EHB/KJ/11	Cabinet agenda item and resolution re Lancaster Square Routes
EHB/KJ/12	Introducing Lancaster Square Routes

Documents submitted by Mr McVicar

EHB/MM/1	Mr McVicar's written submissions
EHB/MM/2	CCN Site: Assessment of Heritage Values
EHB/MM/3	CCN Site: Extract from Gazetteer of historic buildings
EHB/MM/3	Letter from Lancaster City Council CEO dated 27 March 2012

Documents submitted by CEP Ltd

Documents submitted by Mr Ralls

CEP1/1A	Evidence of Mr N Ralls (Architecture)
CEP1/2A	Appendices to Mr Ralls's evidence
CEP1/3A	M Summary of Mr Ralls's evidence
CEP1/4A	Mr Ralls's rebuttal evidence

Documents submitted by Mr Wright

CEP2/1A	Evidence of Mr B Wright (Landscape and Visual Impact)
CEP2/2A	Mr Wright's appendices
CEP2/3A	Summary of Mr Wright's evidence
CEP2/4A	Mr Wright's response to supplementary evidence
CEP2/5	Lancaster Science Park – Landscape Proposals, Gillespie's report

- CEP2/6 Booths Design and Access Statement 2010
- CEP2/7 Lancaster Science Park, Design and Access Statement 2009

Documents submitted by Mr Nicol

- CEP3/1 Evidence of Mr S Nicol
- CEP3/2 Mr Nicol's appendices
- CEP3/3 Mr Nicol's summary evidence
- CEP3/4 Mr Nicol's rebuttal evidence
- CEP3/5 Mr Nicol's revised evidence
- CEP3/6 Letter from County Council re Science Park, 16 March 2012
- CEP3/7 Lancashire Enterprise Partnership Press Release
- CEP3/8 News Report dated 27 February 2012

Documents submitted by Mr Wilkins

- CEP4/1 Evidence of Mr S Wilkins and Summary (Highways and Transport)
- CEP4/1A Mr Wilkins's amended evidence and summary
- CEP4/2 Appendices to Mr Wilkins's evidence (2 volumes)
- CEP4/2A Mr Wilkins's amended appendices
- CEP4/3 Mr Wilkins's original summary evidence
- CEP4/4 Mr Wilkins's original rebuttal evidence and appendices
- CEP4/4A Mr Wilkins's rebuttal statement and appendices (amended scheme)
- CEP4/5 Turner Lowe Associates letter of 1 December 2010 re Booth's scheme
- CEP4/6 Possible highway arrangements for Booth's scheme
- CEP4/7 Extract from Manual for Streets
- CEP4/8 Extract from Manual for Streets 2
- CEP4/9 Extract from Design Manual for Roads and Bridges
- CEP4/10 Streetwise survey of pedestrian traffic at A6/Hala Road junction
- CEP4/11 Comparison of traffic distribution figures
- CEP4/12 Supplementary Transport Assessment for LSP
- CEP4/13 Email from Mr Lowe to Mr Wilkins dated 21 March 2012-03-31
- CEP4/14 Extract from IHT Guidelines on Transport Assessment

Documents submitted by Mr Wallace

CEP5/1	Evidence of Mr J Wallace (Planning and Retail)
CEP5/1A	Mr Wallace's revised evidence
CEP5/2	Appendices to Mr Wallace's evidence
CEP5/2A	Mr Wallace's revised appendices
CEP5/3	Mr Wallace's summary evidence
CEP5/3A	Mr Wallace's revised summary
CEP5/4	Mr Wallace's rebuttal evidence and appendices, November 2011
CEP5/5	Mr Wallace's rebuttal evidence, March 2012
CEP5/6	Letter from Centros to Lancaster City Council dated 10 December 2010
CEP5/7	Mr Wallace's Briefing Note on Student Spending
CEP5/8	Map of Centres and Foodstores (including Tertiary Zone)
CEP5/9	Letter from Mr B Raggett dated 28 March 2012
CEP5/10	Letter from Mr R Kitching dated 27 March 2012
CEP5/11	Letter from Mayer Brown dated 12 August 2008
CEP5/12	STEAM Report 2009
CEP5/13	Note on car parking area
CEP5/14	Email from Network Rail dated 20 March 2012
CEP5/15	Note on projected savings in vehicle/kilometres
CEP5/16	Email re Waitrose requirements in Lancaster
CEP5/17	DPD Timetable
CEP5/18	Letter from Asda dated 23 March 2012 and attachments
CEP5/19	Railway track level

Documents submitted by Mr Cocking

CEP6/1	Evidence of Mr Cocking
CEP6/2	Rebuttal evidence of Mr Cocking

Annex 1 - Conditions

Approval of details

1. Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

Retail

4. The gross floorspace of the foodstore hereby permitted shall not exceed 7,250sqm.
5. Within the new foodstore hereby approved, the total net floor area to be used for the retail sale of goods shall be no more than 4,350sqm, as defined by the National Retail Planning Forum (as set out in The Practice Guidance on Need, Impact and the Sequential Approach). The net floorspace to be used for the sale of convenience goods shall not exceed 3,110sqm, and the net area to be used for the sale of comparison goods shall not exceed 1,523sqm.
6. Reserved matters applications pursuant to this permission shall be made in accordance with the following plans and documents approved by this application. The development shall be implemented in accordance with such details as approved:

1) Parameters Plans

- a. Use Zone Parameter Plan (LSH Drg No. 11/006 PL-101: Rev A);
- b. Maximum Footprint Parameters Plan (LSH Drg No. 11/006 PL-102: Rev A);
- c. Maximum Footprint Parameters Plan (LSH Drg No. 11/006 PL-103: Rev A);
- d. Max and Minimum Height Sections (LSH Drg No. 11/006 PL-104 Rev A);
- e. Site Access Drawing (BGH Drawing Number 11/205/TR/018).

2) Design Principles (as set out in Chapter 4 of the Addendum to the Design and Access Statement dated January 2012)

7. No development shall commence until a Secured by Design scheme has been submitted to and approved in writing by the local planning authority. The development shall be constructed and only operated in full accordance with the approved scheme.
8. No development shall commence until details of the installation, maintenance and operation of a CCTV system have been submitted to and approved in writing by the local planning authority. No occupation of the buildings/use of

land shall occur until the scheme has been implemented in accordance with the approved details.

Access and Car Parking

9. The building hereby approved shall not be occupied until a means of access has been constructed in accordance with BGH Drawing Number 11/205/TR/018.
10. No development shall commence until details of the pedestrian and cycle accesses have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the means of vehicular access and means of access for pedestrians and cyclists have been constructed in accordance with the approved plans.
11. Development shall not begin until a Car Park Management Strategy has been submitted to and approved in writing by the local planning authority. The Strategy shall comprise:
 - a. The layout including spaces for motorised and non-motorised vehicles, access/egress arrangements and manoeuvring space throughout the site;
 - b. The maximum duration of stay;
 - c. Details of the number and distribution of designated mobility/disabled parking spaces;
 - d. Details of designated parking spaces for parents with children; and
 - e. Enforcement procedures

The agreed car park layout shall be provided in full and available for use prior to the development being brought into use and shall only be operated in full accordance with the approved scheme.
12. Development shall not begin until details of covered and secured cycle storage, and associated shower and changing facilities have been submitted to and approved in writing by the local planning authority. The details shall accord with The Lancashire County Council Parking Standards. The scheme shall be implemented in accordance with the approved details before the occupation of the development. The facilities shall be retained at all times thereafter.
13. Development shall not begin until details of secured motorcycle parking have been submitted to and approved in writing by the local planning authority. The details shall accord with The Lancashire County Council Parking Standards. The scheme shall be implemented in accordance with the approved details before the occupation of the development. The facilities shall be retained at all times thereafter.
14. The development hereby approved shall not be occupied or opened for trading until a Delivery, Collections and Servicing Strategy relating to the building has been submitted to and approved in writing by the local planning authority. The Strategy shall identify measures including major deliveries, collections and servicing of the development. The development shall only be operated in full accordance with the approved Strategy.

15. Prior to the development being brought into use the submitted Travel Plan reference 08-259-005.06 prepared by Bryan G Hall and dated November 2010 (or such other Travel Plan as shall be submitted to and approved in writing by the local planning authority) shall be implemented provided that the Travel Plan Co-ordinator shall be in post at least 6 (six) months prior to first opening of the store. The Travel Plan shall thereafter be monitored and updated in accordance with the timetable and details included in the Plan.
16. No development shall commence until full detailed plans have been submitted to and approved in writing by the local planning authority for the off-site highway works at the following locations:
- a. The A6 Scotforth Road shown in principle on BGH Drawing Number 08/259/TR/041 together with the introduction of MOVA traffic signal control;
 - b. The A6 Scotforth Road/Hala Road junction shown in principle on BGH Drawing Number 11/205/TR/004 together with the introduction of MOVA traffic signal control;
 - c. The A6 Main Street/Stoney Lane junction to implement MOVA traffic signal control; and
 - d. The permitted A6 Scotforth Road/Booths access junction (to the extent constructed) to implement MOVA traffic signal control.

No development hereby approved shall be occupied until the off-site highway works referred to in this condition have been constructed and completed to the agreed details.

Any development bridge/retaining wall or other highway related structures over or adjacent to the public highway requires approval by Lancashire County Council and is subject to a technical approval procedure.

Flood Risk and Drainage

17. No development shall commence until a Surface Water Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall be implemented in accordance with the approved details prior to the use or occupation of the development and adhered to at all times thereafter.
18. The development shall be implemented in accordance with the Flood Mitigation Strategy outlined within Weetwood's Supplementary Flood Risk Assessment (January 2012).
19. No building shall be occupied until works for the disposal of sewage have been provided on site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the local planning authority.

Landscaping and Trees

20. No development shall take place until full details of both hard and soft landscaping works have been submitted to and approved in writing by the local

planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials and minor artefacts and structures.

21. Soft landscaping works shall include planting plans; written specification (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate, and an implementation programme.
22. All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.
23. The plans and particulars submitted in accordance with condition 20 above shall include details of the size, species and positions or density of all trees to be planted, and the proposed time of planting.
24. No development, including site clearance, shall commence until a scheme for the protection of all trees/hedges being retained as part of the approved landscaping scheme has been submitted to and approved in writing by the local planning authority. No development shall commence until the approved scheme of protection has been fully implemented and has been inspected on site by the Tree Protection Officer. It is the developer's responsibility to arrange this inspection. The protection measures shall be retained for the duration of the works, and only removed once the development is complete and all machinery and works material removed from the site.
25. No development shall commence until a Landscape Management Plan, indicating long-term design objectives, management responsibilities and maintenance schedules for all landscape areas has been submitted to and approved in writing by the local planning authority. The Landscape Management Plan shall be adhered to at all times thereafter.
26. No development shall commence until details of all boundary treatments have been submitted to and approved in writing by the local planning authority. The approved details shall then be provided prior to the first opening of the store and shall remain in situ at all times thereafter.

Renewable Energy Technology and Energy Efficiency

27. Development shall not begin until a scheme of on-site renewable energy measures to provide at least 10% of the predicted energy requirements arising from the development has been submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details, after which the developer will provide written confirmation that the approved works have been provided.
28. The development hereby approved shall achieve a post-construction Building Research Establishment Environmental Assessment Method (BREEAM) rating of at least "very good". A post-construction review certificate shall be submitted

to and approved in writing by the local planning authority before each of the buildings hereby approved is occupied.

Ecology

- 29.No site clearance, preparation or development including adjustments to land levels or removal of any natural feature(s) within the site shall commence until a Habitat Creation and Management Plan providing details of updated studies, where necessary, in respect of Great Crested Newts and Bats, ecological mitigation, management and monitoring measures, particularly in relation to the relocation and on-going protection of the identified protected species on the site has been submitted to and approved in writing by the local planning authority. The Plan shall thereafter be implemented in accordance with the approved details.

Utilities

- 30.Discharges from yard storage areas, vehicle washing areas, loading and unloading areas and any other areas likely to be contaminated by spillage shall be connected to the foul sewer.
- 31.All surface water from vehicle parking areas of more than 40 spaces or from loading/unloading areas, which is to be discharged to a public sewer or watercourse, shall first pass through a separator/interceptor designed in accordance with the Environment Agency Pollution Prevention Guidelines.

Construction

- 32.No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- a. The parking of vehicles of site operatives and visitors;
 - b. Loading and unloading of plant and materials;
 - c. Storage of plant and materials used in constructing the development;
 - d. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate;
 - e. Wheel washing facilities;
 - f. Measures to control the emission of dust and dirt during construction;
 - g. A scheme for recycling/disposing of waste resulting from demolition and construction works;
 - h. Vehicle routing plan to and from the site, including hours of movement; and
 - i. Details of any proposed temporary closing of any roads or streets
- 33.No development shall commence until a scheme for the control of all dust arising from site clearance and construction has been submitted to and approved in writing by the local planning authority. The scheme shall detail all operations capable of dust detectable beyond the boundary of the premises. The scheme shall be maintained at all times thereafter for as long as these activities continue.

34.No site clearance or construction of the development shall occur on the site except between the hours of 0800-1800 Monday to Saturday. No work shall be undertaken on Sundays or Public Holidays.

35.No development shall commence until a Local Labour Strategy has been submitted to and approved in writing by the local planning authority. The Strategy shall be implemented in accordance with the approved details.

Lighting

36.Development shall not begin until details of any external lighting have been submitted to and approved in writing by the local planning authority. The lighting shall be installed, maintained and operated in accordance with the approved details at all times thereafter.

Noise and Vibration

37.Development shall not begin until a Delivery Noise Strategy has been submitted to and approved in writing by the local planning authority. The Strategy shall be implemented in accordance with the approved details and adhered to at all times thereafter.

38.Noise resulting from the use of plant, machinery or equipment from the foodstore hereby approved shall not exceed a rating level of 0dB above average background, measured at a free field position representative of the nearest noise sensitive properties. The existing background noise level shall be agreed in writing with the local planning authority.

39.No impact driven pile-driving is permitted on the development site during the construction phase except in accordance with a scheme for noise control which will have been submitted to and approved in writing by the local planning authority before the works commence.

Contamination

40.No development approved by this permission shall be commenced until the following measures have been implemented:

- a. The appeal site has been subject to a detailed scheme for the investigation and recording of contamination and remediation objectives have been determined through risk assessment and agreed in writing by the local planning authority;
- b. Detailed proposals for the removal, containment or otherwise rendering harmless any contamination (the Remediation Method Statement) have been submitted to and approved in writing by the local planning authority;
- c. The works specified in the Remediation Method Statement have been completed in accordance with the approved scheme;
- d. If during remediation works any contamination is identified that has not been considered in the Remediation Method Statement, then remediation proposals for this material shall be agreed in writing with the local planning authority; and

- e. A Validation Report and Certificate, confirming achievement of the Remediation Method Statement's objectives has been submitted to and approved in writing by the local planning authority, including confirmation of any unforeseen contamination encountered during remediation.
41. No soil or soil materials derived outside the boundary of the appeal site shall be brought onto, or applied anywhere on the site unless and until:
- a. The source of the material has been confirmed, documented and assessed for risks of contamination;
 - b. The material has been sampled and analysed for contamination in accordance with a methodology submitted to and approved in writing by the local planning authority. The methodology shall include sampling frequency, testing schedules, criteria against which the analytical results shall be assessed (as determined by risk assessment) and source material information; and
 - c. Following conclusion of sampling and analysis, confirmation and process validation evidence has been submitted to and approved in writing by the local planning authority.
42. No development shall commence until details of all refuse storage areas and enclosures have been submitted to and approved in writing by the local planning authority. The approved details shall then be provided prior to the first opening of the store and shall remain in situ at all times thereafter.

Grampian Condition (paragraph 472 of this report)

43. The development hereby permitted shall not be occupied until a footway has been provided along the west side of Scotforth Road between the approved access to the appeal site and Rays Drive, in accordance with a scheme to be submitted to and approved in writing by the local planning authority.

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS;

The decision may be challenged by making an application to the High Court under Section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

Decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged under this section. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application under this section must be made within six weeks from the date of the decision.

SECTION 2: AWARDS OF COSTS

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

SECTION 3: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the report of the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.