

<b>Agenda Item</b>	A5
<b>Application Number</b>	20/00305/OUT
<b>Proposal</b>	Outline planning application for up to 55 residential units and creation of a new access
<b>Application site</b>	Land at Ashton Road, Lancaster, Lancashire
<b>Applicant</b>	Story Homes Ltd
<b>Agent</b>	Mr Paul Nellist
<b>Case Officer</b>	Mr Mark Potts
<b>Departure</b>	No
<b>Summary of Recommendation</b>	Approval (subject to no objection from the Arboricultural Officer)

(i) **Procedural Matters**

The scheme was presented to Planning Committee in July 2021, however was deferred by Councillors to allow consideration of the legal mechanism for securing an offsite footway adjacent to Scotforth Cemetery along Ashford Road. Following legal advice, there is certainty that the footway can be secured by means of Legal Agreement, and with this the scheme is being presented to Planning Committee.

**1.0 Application Site and Setting**

1.1 The application site is approximately 1.9 hectares and comprises an agricultural field used for the growing of crops, which gently undulates, falling slightly from the south and north. The site is bound by a significant tree belt to the north and east, which separates the site from the Lancaster Canal. To the west there is a substantial hedgerow that borders the site with Ashton Road, and moving south are some substantial mature trees which offer some screening to the residential properties along Pinewood Close (which comprises a small cluster of residential properties).

1.2 The site is relatively free of major constraints, but the application site falls within the *Lancaster South Broad Location for Growth -Including Bailrigg Garden Village Policy* SG1 allocation. The site is not positioned within a flood risk area; it is not protected by any landscape designation; it is not within an area recognised as a designated heritage asset (such as Conservation Area/Scheduled Ancient Monument); and the land is not constrained by any underground infrastructure (such as gas pipelines etc). The site does, however, fall within a Mineral Consultation Zone, and the grouping of trees to the east (adjacent to the Lancaster canal) are protected under Tree Preservation Order No.565 (2015). The site immediately abuts the Lancaster Canal Biological Heritage Site. There are no other statutory nature conservation designations affecting the site.

**2.0 Proposal**

2.1 The applicant seeks outline planning permission for residential development comprising up to 55 dwellings with an associated access onto Ashton Road (A588). The layout, appearance, scale and landscaping of the development are matters reserved for subsequent approval (herein referred to

as the “reserved matters”). The access is made in full, and comprises a single point of access into the site which includes a right turn pocket for vehicles accessing the site from the south (so heading towards Lancaster). The applicants have provided a refuge island complete with dropped kerbs and tactile paving and the applicants have proposed visibility splays in the region of 2.4m x 43m to the north and south and lies within their control.

2.2 The layout of the scheme and general appearance of the development is not a matter for councillors to consider as this would be determined at the reserved matters stage, but the principle of a development of 55 units on this site is a matter for your consideration, as is the provision of the access (given this has been made in full) Notwithstanding this, the submission includes an Illustrative Development Framework Plan to demonstrate how the site could accommodate the proposed development. This plan shows the site’s public open space situated largely to the western fringes of the site and the development proposal is 4 development parcels.

### 3.0 Site History

3.1 A similar scheme was put forward in 2015 (15/01342/OUT) which encompassed fields to the north and south of Pinewood Close. The scheme was refused in 2016 and the reasons for refusal of that application are noted below:

1. There is insufficient information to demonstrate to the satisfaction of the Local Highway Authority that the existing highway network, particularly at the Pointer Roundabout and Boot and Shoe Junctions can accommodate the movements generated as part of the scheme, and therefore the residual cumulative impacts of the development may be severe. The proposal therefore fails to conform to Policies DM20 and DM35 of the Development Management DPD and Paragraph 32 of the National Planning Policy Framework.
2. The proposed development by virtue of its location and access to services renders the site unattractive to walk and travel by other sustainable means of transport between workplaces, shops, schools, health care centres, recreation, leisure and community facilities and therefore it is not considered the proposal represents sustainable development and fails to conform to Policy SC1 and E2 of the Lancaster Core Strategy, Policies DM20, DM21, DM28 and DM35 of the Development Management DPD, and Paragraphs 7 and 14 of the National Planning Policy Framework.
3. The creation of the sites access (in particular the southern-most access) would have an adverse impact on the intrinsic landscape and historic qualities of the area therefore creating an urbanising effect in the Open Countryside which fails to conform to overarching principles of sustainable development and therefore fails to conform to Policy E4 of the Lancaster District Local Plan, Policy SC1 of the Lancaster District Core Strategy, Policies DM27, DM28 and DM29 of the Development Management DPD and Paragraphs 7 and 14 of the National Planning Policy Framework.

Application Number	Proposal	Decision
19/01242/PRE3	Residential development comprising approximately 140 dwellings	Advice Provided
15/01342/OUT	Outline application for the development of up to 125 dwellings with associated accesses	Refused April 2016 – No appeal was made

### 4.0 Consultation Responses

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

Consultee	Response
Highways England (HE)	Initially objected due to impact that the increased volume of traffic may have had on the Galgate crossroads. Following further dialogue, now raise <b>no objection</b> and agree that in isolation, the impact of traffic generated solely by this application at the Galgate junction will be minimal (and therefore HE does not object to this application)

	on traffic impact grounds). They do raise wider transport issues associated with South Lancaster, and how a well planned infrastructure strategy is essential.
<b>County Highways</b>	<p>Initially raised concerns associated with sustainable credentials of the scheme and the impact on the Galgate Crossroads.</p> <p>Following dialogue with the applicant's transportation consultants and the City Council, the County raises <b>no objection</b> to the development on the strict provision that the following is secured:</p> <ul style="list-style-type: none"> <li>• A financial contribution of <b>£100,000</b> towards the No.89 bus service</li> <li>• A financial contribution of <b>£35,000</b> towards the MOVA at the Boot and Shoe junction in Hala</li> <li>• Relocation of the bus stop relocation at the Boot and Shoe at a cost of <b>£15,000</b></li> <li>• The provision of a newly constructed footway on land at the cemetery along Ashford Road from Caspian Way and Improved footway along Ashton Road.</li> </ul>
<b>Lead Local Flood Authority (LLFA)</b>	<b>No objection</b> , though the LLFA has raised some concern that the infiltration results are sporadic, and when designing the layout at reserved matters this would need special consideration. Recommend conditions associated with development in accordance with the FRA, final drainage scheme to be submitted, management and maintenance plan
<b>Environment Agency</b>	No observations received
<b>Cadent Gas</b>	No observations received
<b>Canal and Rivers Trust (CRT)</b>	<b>No objection</b> in principle but suggest conditions with surface water drainage proposals, ecological mitigation, control on boundary treatments, a construction environmental management plan and a condition associated with development within 20 metres of the top of the canal cutting. The CRT has also suggested improvements to the canal towpath at a cost of circa £150,000 per km.
<b>Natural England</b>	<b>No objection</b> subject to the provision of homeowner packs being included by means of planning condition.
<b>Public Rights of Way</b>	No observations received
<b>Ramblers Association</b>	No observations received
<b>Lancaster Canal Trust</b>	No formal observations, simply concurring with those made by the Canal and Rivers Trust
<b>Lancashire Police</b>	<b>No objection</b> , though recommend secured by design standards are incorporated into the development.
<b>Aldcliffe with Stodday Parish Council</b>	<p><b>Objection</b> on the following grounds:</p> <ul style="list-style-type: none"> <li>• Traffic and road safety issues;</li> <li>• Ecological impacts;</li> <li>• Loss of privacy; and</li> <li>• Lack of community engagement by Story Homes.</li> </ul>
<b>Environmental Health</b>	<p><b>No objection</b>, though recommend the following conditions:</p> <ul style="list-style-type: none"> <li>• Electric vehicle charging points;</li> <li>• Dust management plan; and</li> <li>• Noise mitigation to be in-line with the submitted noise assessment.</li> </ul>
<b>Lancashire County Council (Schools Planning)</b>	No objection but recommends the applicant provides for 8 secondary school places at a cost of <b>£200,647.20</b> . There are a number of applications that are pending a decision and therefore there could be a requirement for a primary contribution of <b>£349,545.21</b>
<b>Planning and Housing Policy Team</b>	Raise <b>no objection in principle</b> though the decision maker has to be satisfied that the proposal represents sustainable development

<b>Conservation Officer</b>	<b>No objection</b>
<b>Engineering Team</b>	No observations received
<b>Tree Officer</b>	<b>Objection</b> on the basis of lack of information within the submitted AIA
<b>Public Realm Team</b>	<b>No objection</b> in principle assuming 1091m <sup>2</sup> of amenity space on site: <ul style="list-style-type: none"> <li>• An onsite play area; and</li> <li>• An off-site contribution of an amount of approximately <b>£123,000</b> would also be required.</li> </ul>
<b>C Step</b>	<b>No objection</b> but an Employment and Skills Plan will be required for this application.
<b>United Utilities</b>	<b>No objection</b> though recommends conditions associated with surface water drainage, foul water drainage provision and ensuring the drainage systems are managed and maintained in perpetuity
<b>Citizens of Lancaster opposed to un-necessary development (CLOUD)</b>	<b>Object</b> to the development on the basis of: <ul style="list-style-type: none"> <li>• Transportation and sustainability grounds;</li> <li>• Air Quality Management concerns given the passing of vehicles through Lancaster and Galgate (both defined AQMAs);</li> <li>• Surface water management issues; and</li> <li>• Conflicts with the wider garden village allocation</li> </ul>
<b>Greater Manchester Ecology Unit</b>	<b>No objection</b> in principle. However, recommends conditions associated with a Construction Environmental Management Plan, a scheme for lighting, pre-commencement surveys for invasive species, badgers and otters. They have questioned the applicant's biodiversity net gain calculation.
<b>South Lancaster Flood Action Group</b>	<b>Objection</b> on the following grounds: <ul style="list-style-type: none"> <li>• FRA contradicts assertions made at pre-application member engagement and application form</li> <li>• Inappropriate cross-catchment discharge</li> <li>• Proposed discharge rate 72% higher than pre-development</li> <li>• No impact assessment on Burrow Beck</li> <li>• 1.5km connection increases flood risk to the development</li> <li>• There is no Drainage Management Strategy</li> <li>• Unclear management of SUDS</li> <li>• Ashton Road Flooding</li> </ul>
<b>DYNAMO</b>	<b>Objection</b> on the basis of lack of infrastructure to support a modal shift in transportation. Recommends the developer should utilise some of the application site to have a shared use path along the frontage of the site.
<b>Lancaster Civic Society</b>	<b>Objection</b> as the scheme represents piecemeal development and suffers from congestion and is not befitting of sustainable development.
<b>County Archaeology</b>	<b>No objection</b> but recommends a condition associated with post permission archaeological assessment of the site.

4.2 **Twenty seven (27)** letters of objection based on the reasons below have been received:

**Landscape and Visual Impacts:** The site has landscape qualities on the fringes of Lancaster and should be protected. It is considered that the proposed development would lead to a lack of privacy and overlook Deep Cutting Farm cottages and those residencies on Pinewood Close.

**Highways and Sustainability:** The site is removed from the main urban form and given the lack of footways, private car use is the only option. This will lead to increasing problems in Galgate, the Hala junction and the Pointer roundabout. The scheme will be detrimental to cyclists who use Ashton Road at present and no proposals to aide this have been proposed as part of the scheme. There is concern that the vehicle speeds along Ashton Road have not been calculated correctly.

**Air Quality** – No proposals have been submitted to assist with the problems of the AQMA management areas in Lancaster and Galgate.

**Ecology** – There is an abundance of wildlife including deer that utilise the field and birds and bats are frequently seen by the local community.

**Housing Mix and Tenure** – Concerns on the size and type of properties that are proposed on the site.

**Water Management:** There are concerns that there is not the infrastructure in place to cope with foul and surface water, this is evidenced by the recent flooding on Ashton Road;

**Education Provision:** The nearest primary school (Scotforth St Pauls Church of England) is fully subscribed and the secondary schools are selective.

**House Prices** locally would fall (not a material planning consideration).

**Use of land:** The site is good quality farmland with a good yield potential for maize and given population projections will increase this should be saved.

4.3 **Councillor Abi Mills** objects to the development for the following reasons:

- Sustainable transport/highway issues;
- Ecological impacts; and
- Site is isolated and there is a lack of local amenities.

## 5.0 Analysis

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

- Principal of residential development and housing;
- Highway matters;
- Design and open space;
- Flood risk and drainage;
- Biodiversity;
- Amenity, landscape character and visual effects; and
- Other Matters

5.1 **Consideration 1 - Principle of Residential Development and Housing** NPPF paragraph 7 – 12: Achieving Sustainable Development, paragraph 15: Plan-making, paragraph 16, 20-23: Strategic Policies, paragraph 47: Determining applications, paragraphs 54-57: planning conditions and obligations, Chapter 5: Delivering a Sufficient Supply of Homes; Strategic Policies and Land Allocations (SPLA) DPD policies SP1: Presumption in Favour of Sustainable Development, SP2: Lancaster District Settlement Hierarchy, SP3: Development Strategy for Lancaster District, SP6: The Delivery of New Homes, SG1: Lancaster South Broad Area of Growth, SG3: Infrastructure Delivery for Growth in South Lancaster, and H1: Residential development in Urban Areas and Development Management (DM) DPD policies, DM1: New Residential Development and Meeting Housing Needs, DM2: Housing standards and DM3: Delivery of Affordable Housing; Meeting Housing Needs SPD; Affordable Housing Practice Note Planning Advisory Note; Housing Standards Planning Advisory Note.

5.1.1 The application site lies within the area covered by Policy SG1 (Lancaster South Broad Location for Growth (hereafter 'BLG') including Bailrigg Garden Village (hereafter 'BGV') of the SPLA DPD. Policy SG1 is a designation of land, which promotes the strategic delivery of sustainable housing and employment growth in South Lancaster. The BLG is regarded a sustainable location for growth and supports the development strategy (urban-focused approach) for the district as set out in policy SP3 of the SPLA DPD. The purpose of policy SG1 is to deliver a self-contained Garden Village, which focuses on high quality development that carefully balances housing and employment requirements across the BLG, whilst maintaining strong and embedded environmental and high-quality design objectives. It is important to stress that Policy SG1 does not allocate land for particular uses - this would be the role of the Area Action Plan. Instead, it sets out a series of Key Growth Principles for development within this designated land.

5.1.2 There are 15 Key Growth Principles set out in SG1. A summary of these principles is set out here:

1. Pro-active community engagement.
2. Securing high-quality design and development with a sense of place.
3. Seeking modal shift away from traditional forms of private car usage (public transport and cycle infrastructure).

4. Delivering market and affordable housing to meet evidenced housing needs and to secure cohesive and balanced communities.
5. Ensuring necessary infrastructure is delivered to support the strategic growth of South Lancaster.
6. The delivery of high-quality open space and green corridors and securing distinct areas of separation between the BGV and the existing urban edge of Lancaster and Galgate.
7. Development to take account of the Heritage Impact Assessment for the area.
8. Safe, accessible and well-serviced development to create healthy and cohesive communities.
9. Master planning for growth of the University Campus and its wider estate.
10. Safeguarding the University Campus.
11. Design new development to minimise its contribution to, and the impacts of, climate change and to be resilient and adaptable to the effects of climate change.
12. Managing and reducing surface water and flood risk to existing and new residents and businesses.
13. Housebuilders to provide opportunities to work alongside local firms/suppliers during construction and the BGV to provide opportunities for self/custom build properties.
14. Promotion of innovative design and use of technology for buildings, transport and energy.
15. Improvements to traffic management and physical interventions to increase network capacity and advantage sustainable travel.

5.1.3 To support the delivery of strategic growth in South Lancaster significant infrastructure will be required. This ranges from new highways, public transport networks, cycle infrastructure, education facilities, local centre(s) and valuable open space and green/blue corridors/networks. The mechanism for the delivery of this strategic growth area rests largely with the Council in the first instance with the requirement to prepare a subsequent DPD, entitled the Lancaster South Area Action Plan (AAP) DPD. This will provide additional detail on how the Key Growth Principles will be delivered as part of an extensive master planning exercise. The AAP will provide a strategic spatial framework for development (for example it will seek to allocate land to specific land uses) within the BLG and shall also address the delivery of infrastructure to facilitate development. In addition, Lancashire County Council has also secured funding (Housing Infrastructure Fund - HIF) from central government towards transport infrastructure improvements in South Lancaster. The whole purpose of the policy approach here is to secure and deliver well-planned and comprehensive development.

5.1.4 Development within the broad location of growth will be supported in advance of the AAP assuming the following criteria can be met:

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

Furthermore, the preamble to policy SG1 is clear that the Council would only permit development within the BLG ahead of the AAP in *exceptional circumstances (our emphasis)*. In order to be compliant with SG1, the Key Growth Principles for Development in the BLG must be considered in detail. This will follow under each of the main material considerations set out in this report.

5.1.5 The Council recognises this is challenging with a plan reliant on the delivery of a number of strategic sites and therefore policy SP6 sets out a stepped approach to housing delivery during the plan period. The Council is comfortable that the allocation of land within the Local Plan will lead to a wide range of opportunities for development which will sufficiently provide for housing delivery in the first five years of the plan. The Lancaster South BLG designation will facilitate the delivery of least 3,500 new homes and 1205 new homes anticipated within this plan period, including affordable housing.

5.1.6 The NPPF requires the Council to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirements set out in the adopted Local Plan. The most up to date housing land supply position for the Council

remains that contained within the November 2020 Housing Land Supply Statement, which concludes that the Council is unable to identify a five-year land supply position. Currently, the Council can demonstrate a 3 years' worth of supply.

5.1.7 It is acknowledged that opportunities to address this lack of a five-year supply can only come forward through the approval of more residential proposals and the identification of further supply through the Land Allocations process. As set out above, the BLG is nothing more than an area identified for growth. It does not seek to identify parcels of land for specific land uses. Which parcels of land within the BLG designation most suitable for residential development has not yet been determined, as this will be established through the preparation of the South Lancaster Area Action Plan. The Local Plan (either through its evidence or policy) does not earmark the application site for housing development. Instead, policy SG1 provides some opportunities for early housing delivery ahead of the AAP in exceptional circumstances. The applicant contends their proposal would comply with the conditions for early release set out in policy SG1 and that in the absence of a five-year housing land supply position planning permission should be granted in accordance with the presumption in favour of sustainable development.

5.1.8 The absence of a five-year housing land supply (even with a newly adopted and up-to-date Local Plan) does trigger the presumption in favour of sustainable development (para 11 and footnote 7 of the NPPF). For decision making this means granting planning permission unless:

- i) The application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; or
- ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The following section of this report will assess the main planning considerations having regard to national and local planning policy and guidance and, in particular, the Key Growth Principles of policy SG1.

5.1.9 Since the submission of this application in 2020 there has been a substantial amount of work undertaken in terms of the masterplan work for the Garden Village. It is expected that the outcomes of the masterplanning exercise will be published later this summer in 2021. Once a masterplan has been shared, the City will begin to work on the South Lancaster Area Action Plan DPD (AAP DPD). Whilst the masterplan provides a sound starting point for the AAP DPD it will be for the Development Plan Document itself to test the expectations of the masterplan and refine accordingly. The DPD will seek to address issues such as patterns of development and land use planning, design matters, transportation and housing delivery. It is expected that the DPD will be available for consultation by the end of 2021 with the submission and examination of the DPD taking place in 2022.

5.2 **Consideration 2 - Highway Matters** NPPF Chapter 9 paragraphs 108-111: Promoting Sustainable Transport and Chapter 12 paragraph 127: Achieving well-design places; Development Management (DM) DPD policies DM29: Key Design Principles, DM60: Enhancing Accessibility and Transport Linkages, DM61: Walking and Cycling, DM62: Vehicle Parking Provision, DM63: Transport Efficiency and Travel Plans; DM64: Lancaster District Highways and Transport Masterplan; Strategic Policies and Land Allocations (SPLA) DPD policies T2: Cycling and Walking Network and T4: Public Transport Corridors.

Vehicular Access into the site

5.2.1 The scheme proposes a single point of access which allows for access and egress into the site off Ashton Road. The road is lit and enjoys a 30mph speed limit that runs along the site. The applicant has shown the site access with a right turn ghost island and a new pedestrian refuge. The overall geometry of the access arrangement is accepted. What is not is that the 85% percentile speeds are in the region of 39mph southbound and 35mph northbound. This means that the splays which currently show 43 metres in either direction would have to be increased to 62 and 53 metres. An updated plan has been shared with the case officer that shows the northbound and southbound splays can be achieved within land controlled by the applicant, and could be addressed by means of planning condition. For completeness this has been shared with the County Council as Highway Authority for any observations.

## Highway Capacity and Safety

- 5.2.2 One of the reasons the scheme in 2016 was refused by the Council was due to the impact on the highway network, as the applicant had failed to demonstrate that the provision of 125 units would not cause a severe impact. The applicant has engaged a different transport consultant this time around, and the number of units has been reduced by half. Councillors will be aware that at peak times through its primary junctions, the network experiences significant traffic and congestion. This is a locally significant concern but is also a significant constraint to future development in South Lancaster as set out early in this report. The Local Plan (mainly policy SG1 and SG3) sets strategic objectives and ambitions to tackle the highway constraints along the A6 corridor, which will require significant intervention including the reconfiguration of Junction 33 of the M6 and modal shift, in order to improve operational capacity between the motorway and the city centre to support significant growth. Policy SG1, however, recognises some development could come forward ahead of the AAP (and plans to secure the transport-related infrastructure) provided the residual impacts upon the network are not severe (in terms of safety and efficiency). This is the primary test in this case and one which Officers have been mindful of.
- 5.2.3 A detailed Transport Assessment has been submitted for this application and this has been heavily scrutinised by Highways England and also the County Council as the Highway Authority. There has been some disagreement between the parties in connection with the TRICS trips rates being used, and it is the case there is still some disagreement over the forecasted vehicular trips passing through the Pointer Roundabout and the Boot and Shoe (Hala) junctions on the A6. Following dialogue between all the parties the County Council raises no objection to the additional volume, on the basis that a financial contribution is made towards the no.89 bus service and contributions towards Hala crossroads junction. The applicant had proposed an overall contribution of £40,517 towards the Boot and Shoe junction and Pointer Roundabout. This has not been accepted and £35,000 towards the Boot and Shoe junction (for MOVA technology) and £15,000 towards the relocation of the Bus Stop on the A6 is required. The applicant is amenable to such a request. With the mitigation it is considered that the scheme will not undermine the wider aspirations for the garden village, nor will it result in a severe highway impact.
- 5.2.4 Sustainable Transport and Accessibility
- The site is located circa 2.5km to the south of Lancaster City Centre and could be regarded a sustainable location meaning opportunities to travel by alternative and more sustainable modes of transport are achievable (subject to measures being put in place). The site is well within the preferred maximum walking distance (2000 metres) to the local shops in Scotforth (such as Booths), Scotforth primary school and existing bus stops to the north and south of the site. Bus services that travel past the site are restricted to a service that operates between Knott End and Lancaster and run on a 90 minute schedule. The nearest northbound and southbound bus stops on Ashton Road are within a suitable walking distance, but do require upgrading to a LCC quality bus stop standard. A contribution towards the bus service of £100,000 has been agreed as part of the application process. New footways are incorporated into the junction design, together with a suitable crossing points over the A588 to enhance and make safe pedestrian movements. The proposal also includes the proposed widening of the existing northern footway to 1.8 metres to allow users to safely walk into and out of Lancaster to access services.
- 5.2.5 The scheme proposes a new footway adjacent to Ashford Road opposite the cemetery and the construction of a new footway measuring circa 160 metres long. There has been extensive discussions between the applicants and the Estates team at the City Council about the potential for the link. Discussions have been taking place for over 9 months and it is considered that this link could come forward for development. In recommending support for the scheme it is on the basis that this link is delivered – in short without it the County Council would object. Since the scheme was presented to Planning Committee in July, the case officer has liaised with colleagues in legal services and external solicitors to establish the mechanism. It has been concluded that it could be secured by means of legal agreement of which the applicant is amenable to.
- 5.2.6 There is concern that this is piecemeal development with regards the effects of the proposal on the cycle network. It is recognised that several concerns have been raised over the quality and safety of the existing cycle route between the site and Lancaster. There are clearly wider and more substantial strategic ambitions to tackle this through the Local Plan and the delivery of the BLG (via



the AAP), such as proposals for a Cycle/Pedestrian Superhighway. Whilst the proposal will not be contributing to this, given the scale of the development it is considered such would not prejudice these ambitions. The Canal and Rivers Trust has raised whether the canal towpath could be upgraded. Whilst this would be beneficial, Officers do not feel it is required to make the development acceptable in planning terms and therefore cannot realistically be asked for.

5.2.7 Overall, the proposed development is sustainably located to promote more trips by public transport, walking and cycling. The development can be safely accessed, and with mitigation will not lead to a severe impact on the local highway network. Subject to securing a range of off-site highway works and the following contributions, the development does not conflict with the policies pertinent to highway matters.

- Hala Road MOVA **£35,000**;
- Bus Stop relocation at the Boot and Shoe **£15,000**;
- Bus Service contribution towards the 89/89H service **£100,000**;
- Provision of new footway on the southern site of Ashford Road and offsite highway work within Ashton Road and pedestrian refuge.

5.3 **Consideration 3 – Design and Open Space** (NPPF: Chapter 8 paragraphs 91, 96 – 98 (Open Space and Recreation), Chapter 12 paragraphs 124, 127 and 130 (Achieving Well-Designed Places), Chapter 11 paragraphs 117, 118, 120, 122-123), Chapter 12 paragraphs 124, 127 and 130 (Achieving Well-Designed Places); Strategic Policies and Land Allocations (SPLA) DPD policy SG1 Lancaster South Broad Area of Growth; Development Management (DM) DPD policies DM29 (Key Design Principles) and DM27 (Open Space, Sports and Recreational Facilities), DM43 (Green Infrastructure), DM45 (Protection of Trees, Hedgerows and Woodland) and DM57 (Health and Well-Being); Open Space Provision within New Residential Development Planning Advisory Note (PAN) (2015); Energy Efficiency PAN; National Design Guide.

#### 5.3.1 Design and Masterplanning

The consideration of design is two-fold. Firstly, detailed design matters such as the layout, appearance, scale and landscaping of the development are matters reserved for subsequent approval. Give the site's secluded position within the BLG, the design expectations are high. It should be noted that there are several competing requirements and constraints that have been identified in the assessment of the proposal which will need to be carefully considered when developing the final proposal (including the number of units). For example, the protection of retained trees along the canal to ensure that future pressure is not detrimental to them, provision of open space, ecology mitigation, drainage attenuation and noise mitigation with those units alongside the Ashton Road (A588) all matters that will interplay with one another. These competing requirements must not conflict with one another – rather they should complement one another. This can only be achieved through well-planned, high-quality design. With regards the illustrative framework plan this could be refined through the planning application process and whilst Officers are supportive of the proposal we would expect and require a high quality scheme at reserved matters stage (i.e. not the applicant's standard house types).

5.3.2 The second aspect of design is that of place-making. Both national and local planning policy and guidance place increasingly greater focus on design. This is advocated in policy SG1 for the BLG. The National Design Guide provides detailed guidance and structure to help deliver good design. This focuses on ten design characteristics across three themes (physical character, community and climate). The forthcoming AAP will, through proper masterplanning, explore design across the whole of the strategic site to deliver the Garden Village in a well-planned and comprehensive way. The Key Growth Principles in SG1 include the need to secure high-quality urban design which promotes sustainable, attractive places to live and creates a sense of community. It should provide high quality open space with a distinct sense of place and should deliver green corridors and contribute to walking and cycling routes.

5.3.3 The submission comes forward in advance of the AAP whereby the design aspirations and vision work for the future Garden Village have not yet been set. In this regard, the question is whether or

not the proposal would prejudice the wider design aspirations and masterplanning for the future Garden Village.

- 5.3.4 Unlike many of the other sites in the BLG designation, this site is enclosed by existing development to the south and existing transport corridors in the form of the A588 to the west. The site occupies a discrete parcel of land quite unconnected to the main body of the garden village and could be considered a logical infilling. One of the Key Growth Principles set out in policy SG1 requires the delivery of open spaces and green infrastructure that would make for distinct areas of separation between new development within the BLG and existing settlement boundaries of Lancaster, Bailrigg and Galgate. The development would not provide separation between it and the properties on Pinewood Close. However, the thrust of the policy is in the context of delivering the Garden Village. Officers do not consider this proposal part of the Garden Village – rather an extension to Pinewood Close. Given existing development in this location, the prospects of the site forming part of the area of separation is likely to be limited in any case. Overall, given the scale of the development across 1.9 hectares and its contained location, the development of the site would not compromise or prejudice opportunities to secure wider design ambitions of the BLG (such as the areas of separation), subject to delivering high quality design and landscaping to reflect the site's unique location between the city and rural fringe.
- 5.3.5 The development framework drawing sets out tree lined avenues and open space within the centre of the site. Whilst the detail will be required to be teased out through the reserved matters stage, it is accepted that there has been a landscape-led approach with significant green corridors. This is consistent with the aspirations set out in policy SG1 and the existing townscape character surrounding the development (albeit this development as proposed has a much greater density which does raise some concern). As set out in the highways section of the report above, additional requirements (above those initially proposed) including the bus service contribution and the new footway along Ashton Road are all proposed. Subject to the detailed layout, appearance, scale and landscaping of the development (matters reserved for subsequent consideration), the development would not conflict with local and national design policy.
- 5.3.6 The question for Councillors is can they envisage a development here conforming to the aims of SG1. Officers consider that given the self-contained nature of the site a development that represents good design can be achieved through the reserved matters process and the principle of development can be established.

#### Open Space Requirements

- 5.3.7 Policy DM27 and both chapters 8 and 12 of the NPPF place a strong emphasis on the benefits of open space for the health and well-being of communities and delivering good design. The current pandemic is a testimony to this with the move to people needing green space and gardens. In accordance with local planning policy, the proposed development will make a contribution to open space provision. This will involve the provision of on-site amenity greenspace and an equipped play area. The precise details (location, amount, design and appearance) are matters that would be determined at the reserved matters stage in accordance with the methodology and guidance provided within the Council's Open Space Planning Advisory Note.
- 5.3.8 Planning policy also requires development to mitigate the impacts of settlement expansion on local open space infrastructure where there are identified deficiencies. Locally there are identified deficiencies in the provision of young people's play space and outdoor sports facilities. Based on the thresholds set out in the Council's Open Space Planning Advisory Note (PAN) financial contributions would need to be sought towards these types of public open space. Therefore, it is considered a financial contribution towards offsite open space will be required. The provision on-site could form part of a more comprehensive, natural play offer. This would be determined at the reserved matter stage when there is greater understanding of the layout and design of the development. Should the layout and design not allow for on-site provision this would not conflict with policy, provided an off-site contribution was provided in its place. The provision of open space and play provision, which will be accessible to a large majority of the community, offers valuable social and environmental benefits that weigh in favour of the proposal.

5.4 **Consideration 4 Flood Risk and Drainage Matters**(NPPF: Chapter 14 paragraphs 150 and 153 (Planning for Climate Change) and paragraphs 155-163 and 165 (Planning and Flood Risk); Development Management (DM) DPD policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage), DM35 (Water Supply and Waste Water); Strategic Policies and Land Allocations (SPLA) DPD policies SG1 Lancaster South Broad Area of Growth, SG3 (Infrastructure Delivery for Growth in South Lancaster) and SP8 (Protecting the Natural Environment); Strategic Flood Risk Assessment (October 2017); Surface Water Drainage, Flood Risk Management and Watercourses Planning Advisory Note (PAN) (2015);

5.4.1 The site lies within Flood Zone 1 and therefore is at low risk of flooding and at risk of surface water flooding from the 1 in 1000 year storm event. The applicant is proposing to deal with surface water by the use of soakaway and this could be sited within the open space which is centrally located at the western edge of the site. The applicant has demonstrated that the site has the capacity to drain via infiltration. Officers and the LLFA have some concern on the infiltration testing that has been carried out. Notwithstanding this, should infiltration not be possible there is connection to Burrow Beck (although at a distance of 1.5km, this is dubious), or attenuating on site and discharging to the main sewer. It is noted that the South Lancaster FLAG raise reservations regarding the proposal, but Officers consider that the use of planning conditions can overcome their concerns. Foul water is capable of being handled and United Utilities raise no objection to the scheme.

5.5 **Consideration 5 - Biodiversity** (NPPF: Chapter 15 paragraph 170 and 174-177 (Habitats and biodiversity); Strategic Policies and Land Allocations (SPLA) DPD policies SG1 Lancaster South Broad Area of Growth and EN7 (Environmentally Important Areas); Development Management (DM) DPD policies DM44 (Protection and Enhancement of Biodiversity), DM45 (Protection of Trees, Hedgerows and Woodland).

5.5.1 An ecological appraisal has been submitted with the application, and this has been reviewed by Greater Manchester Ecology Unit (GMEU) who raise no objections with the loss of farmland for housing, on the assumption planning conditions are imposed. GMEU has also commented that the applicant's need to demonstrate net gain, and has asked for further information to demonstrate that net gain is possible in line with Policy DM44 of the Development Management DPD. It is considered in this instance to deal with biodiversity net gain via the use of planning condition as it will be possible to achieve. Notwithstanding this, the issue has been brought to the applicant's attention and additional information will be provided and Councillors verbally updated.

5.5.2 A shadow Habitats Regulations Assessment has been submitted with this application and has been shared with Natural England and also Greater Manchester Ecology Unit. Natural England raises no objection to the proposals on the basis that homeowner packs make future residents aware of the development pressures on Morecambe Bay SPA and RAMSAR site.

5.5.3 There are protected trees along the canal and the scheme would involve some removal of hedgerow to facilitate the creation of the access. This is necessary in order to facilitate a safe access and whilst the existing hedgerow is attractive, and would involve the removal of some 120 metres of hedgerow, which contains hawthorn, sycamore, ash and hazel its removal would be a significant loss. Notwithstanding this it can be compensated for either in terms of pushing this back or a replacement of a higher quality than what is currently in place. The proposed footway along Ashford Road (adjacent to the cemetery) would require the removal of circa 160 metres of hedgerow, the applicant has provided officers with a tree survey however has neglected to include the positioning of the footway. The hedgerow has been categorised as being a semi-mature mixed species of mostly hawthorn with young elder and sycamore and has a life expectancy of circa 40 years. The Councils Arboricultural Officer objected to the original submitted AIA however observations have still to be received based on the access arrangement, and secondly in connection with the proposed footway adjacent to the cemetery. Future pressure of trees is an important consideration, as the trees are part of the landscape character. Should the scheme be supported, a full AIA will need to be submitted with any future reserved matters application to demonstrate that proposed development and trees can work in harmony.

5.6 **Consideration 6 – Amenity, Landscape Character and Visual Effects** (NPPF: Chapter 15 paragraph 170 and 172 -177 (Conserving and Enhancing the Natural Environment); Strategic Policies and Land Allocations (SPLA) DPD policy SG1 Lancaster South Broad Area of Growth, EN2 (Areas of Outstanding Natural Beauty), EN3 (The Open Countryside), Policy EN4 (North Lancashire

Green Belt), EN5 (Local Landscape Designations), EN6 (Areas of Separation); Development Management (DM) DPD policies DM29: Key Design Principles, DM45 (Protection of Trees, Hedgerows and Woodland) and DM46 (Development and Landscape Impact); A Landscape Strategy for Lancashire (2000).

#### 5.6.1 Residential Amenity

Planning policy requires development to provide an acceptable standard of amenity to all. At the outline stage the main issues relate to the effects of noise, air quality and design. These are discussed below. DM29 of the DM DPD and to a lesser extent the design and well-being chapters of the NPPF, requires new residential development to have no significant detrimental impacts to the amenity of existing and future residents by way of overlooking, visual amenity, privacy, outlook and pollution. The nearest properties are those on Pinewood Close and Deep Cutting Farm. Concerns by the Parish have been noted about the loss of privacy for those residencies surrounding the site, however, the development (once operational) will not affect the residential amenity of existing dwellings (assuming the required separation distances can be achieved). The amenity of future occupants is largely a matter for the reserved matters application. All new dwellings will be expected to meet the amenity standards set out in policy DM29 insofar as it relates to garden sizes, interface distances, outlook and parking provision (also covered by policy DM62). The provision of private gardens and shared amenity space (where flats are proposed) is vitally important to the health and well-being of future residents and the community in general.

5.6.2 There will be inevitably a change from farmland to modern housing, but the proposal is judged not to have a significant adverse impact on the wider coastal drumlin landscape character area owing to the site's contained position on the edge of the existing built-up area and the other urbanising influences. The proposal, with mitigation (landscaping), will enable the site to respond sympathetically to the pattern of the surrounding development resulting in no adverse effects to the character and visual appearance of the immediate townscape (materials and design is critical). The development will, however, give rise to inevitable adverse impacts to the landscape character of the site itself. The visual effects of the development are capable of being mitigated by following the landscape-led approach that would be essential at reserved matters stage. This includes substantial green infrastructure to the western edges of the site. Overall, whilst there are inevitable landscape and visual effects from the development, these are largely contained to the site itself and would not create an unacceptable environmental effect. Important landscape features (boundary trees and woodland copse adjacent to the canal) shall be retained and are capable of being bolstered and enhanced through extensive landscape and ecology mitigation together with the provision of open space. The level of harm overall is not significant and would not result in a breach of local and national landscape policy, and moreover change is expected given the proposal falls within the area of growth.

#### 5.7 Other Matters

5.7.1 The scheme is adjacent to Ashton Road (which is a A-road) and therefore noise levels can be slightly elevated. Whilst noise levels can be mitigated, this would take the form of an alternative means of ventilation provided to certain facing rooms and rear gardens could be subject to higher levels of noise disturbance. No objection has been received from the Environmental Health Officer, and in many ways these issues can be teased out during the reserved matters stage should Councillors support the scheme. The site is not within an Air Quality Management Area (AQMA), but much of the traffic generated by this development would pass through the AQMAs in Galgate and Lancaster. Given the development proposal, an air quality assessment was submitted in support of the scheme. The resulting conclusions are that with the provision of a travel plan and electric vehicle charging points the scheme is overall acceptable. No objection has been received from the Council's Environmental Health Officer. The site is agricultural in nature and not expected to be contaminated and therefore an unforeseen contaminated land condition is suggested.

5.7.2 Paragraph 94 of the Framework and policy DM58 of the DM DPD requires local planning authorities and developments to take a positive and collaborative approach to ensuring future residents of new development have access to school places. In this case the County's School Planning Team, have confirmed that there would be a shortfall in secondary school places and that a contribution of the full pupil yield for this development would be required. The Education Assessment from the Schools Planning Team request a contribution of **£200,647.20** (based on all dwellings being 4-bedroom units

– i.e. a worst-case scenario). This was dated June 2020 and therefore they have been asked to recalculate this figure to see whether it still stands. Concern has been raised that there is insufficient capacity within the local schools and whilst the County has not suggested a contribution is required at present they have been asked to recalculate this position and Councillors will be updated verbally. The final figure would need to be recalculated at the reserved matters stage once the final number of dwellings and bedroom numbers are known. This will be included within the planning obligation should the proposal be supported.

5.7.3 This is an outline planning application, but an energy statement has been submitted in support of the submission. This sets out some of the proposed energy conservation measures that could be incorporated into dwellings ranging from the use of low energy lighting to increased U values across the site. The adopted policy associated with sustainable design only encourages sustainable build, and does not prescribe a set standard within DM30. It is proposed that should Councillors support the scheme this could be dealt with via a planning condition.

## **6.0 Conclusion and Planning Balance**

6.1 In accordance with Policy SG1 of the Strategic Policies Land Allocations DPD, development should only be supported in exceptional circumstances, and where the following tests have been met:

- 1) There would be no prejudice to the delivery of the wider BLG designation and the proposed Garden Village (including its infrastructure requirements) and would not undermine the integrated and co-operated approach to the wider designation;
- 2) That the development would conform with and further the Key Growth Principles described in Policy SPG1; and
- 3) That opportunities for sustainable transport modes have been fully considered and that the residual impacts upon the transport network will not be severe.

6.2 Due to the Council's inability to demonstrate a deliverable 5 year housing land supply, the presumption in favour of sustainable development is engaged. The application site is a discrete pocket of agricultural farmland situated on the far western extent of the area of growth, and it is contained by Lancaster Canal and Ashton Road and a mature banding of trees. Whilst Officers have reservations about piecemeal development proposals coming forward, it is considered that this development in isolation would not undermine the delivery of the BGV or would undermine the wider designation.

6.3 Policy SG1 sets out the expectations of development proposals coming forward, but it is the Area Action Plan (AAP) that would tease out some of the more pertinent issues such as design, modal shift and so on. The reason the early release mechanism was put in place was to allow some growth that adhered to the policy but would not be prejudicial to the eventual garden village. Officers therefore have to look at proposals holistically whilst being mindful of the need to promote sustainable growth in south Lancaster.

6.4 Whilst it is accepted that the scheme in 2016 was refused, the present scheme is much reduced, and critically removes the southern section of the site where the main concerns emanated. One of the deciding factors for Officers with this application is the provision of the footway along Ashford Road. This was not proposed previously, but came out of discussions during the application process. This would not only serve the development but would be used by the local community. This is a significant benefit of the proposal and it is essential that this is delivered. With the footway and the offsite highway contributions, Officers feel that the site is deemed sustainable.

6.5 As noted above, the site is enclosed, apart from on the western boundary, and can really only be seen in very close viewpoints, and given it is adjacent to the development at Pinewood Close and adjacent to the built form associated with Deep Cutting Farm the location lends itself to a development proposal as presented. The scheme provides for a mix of open market and affordable housing and this weighs strongly in the planning balance. In order to ensure that the site is brought forward promptly, as opposed to a standard 3-year commencement period, 2 years is recommended to assist in boosting the Council's housing supply.

- 6.6 A concern of many local residents is the impact on the highway network, and this is something which Officers completely understand and agree with. The County Council as the Highway Authority and Highways England raise no objection to the development proposals (even taking into account Policy SG1). It is therefore considered that the traffic generated as a result of 55 homes can be accommodated on the highway network, and not result in a severe impact, assuming mitigation is provided. Matters of noise and air quality have been addressed, and conditions can be imposed to ensure electric vehicle charging points and the mitigation to protect future occupants in the form of orientation of properties and ventilation.
- 6.6 The scheme provides for open space on the site together with an equipped play area (or a contribution made elsewhere should it be deemed appropriate at reserved matters stage). A substantial contribution is proposed towards education provision. Both these contributions are to make the development acceptable in planning terms and therefore are afforded limited weight.
- 6.7 Weighing against the proposal is the very localised adverse land and visual impacts formed from a transition from agricultural land to modern housing. Whilst there will be landscape harm through the reserved matters process Officers can ensure a well thought out and designed scheme is arrived at.
- 6.8 Any planning applications coming forward in advance of the AAP will always be difficult for Officers and Councillors to grapple with. However, assuming the criteria in the early release mechanism can be achieved, schemes can be supported to assist in the delivery of housing within the district. On balance, officers recommend approval of the scheme on basis of the applicant entering into a Section 106 legal agreement and the planning conditions noted below.

## Recommendation

That Outline Planning Permission **BE GRANTED** subject to securing a Section 106 Agreement controlling the following:

- 30% affordable housing;
- Education contribution for secondary school provision (to be assessed at reserved matters stage);
- **£100,000** towards the 89/89H bus service;
- **£35,000** towards Boot and Shoe junction;
- **£15,000** towards the bus stop improvements works to relocate the bus stops on A6;
- Provision of footway along Ashford Road adjacent to Scotforth Cemetery;
- Management and maintenance of non-adopted infrastructure; and
- Open space financial contribution to be agreed during reserved matters process.

and the following conditions:

Condition no.	Description	Type
1	Time Limit (2 year)	Control
2	Approved plans list	Control
3	Employment Skills Plan	Pre-commencement
4	Written Scheme of Investigation Archaeology	Pre-commencement
5	Homeowner Packs and Ecology Enhancement Measures	Pre-commencement
6	Provision of updated AIA	Pre-commencement
7	Scheme for housing mix	Pre-commencement
8	Site levels and finished floor levels to include private gardens, amenity space	Pre-commencement
9	Access details	Pre-commencement
10	Offsite highway works	Pre-commencement
11	Surface water drainage scheme	Pre-commencement
12	Foul Water drainage	Pre-commencement
13	Environmental Management Plan	Pre-commencement
14	A scheme for the Protection of the Canal Embankment	Pre-commencement
15	Cycle provision and EV charging	Above slab level
16	Sustainable design	Above slab level

17	Surface Water Management Plan	Above slab level
18	Play Space and Open Space	Above slab level
19	Lighting Scheme in the interests of protecting protected species	Above slab Level
20	Travel Plan	Above slab Level
21	Protection of vis splays	Control
22	Dwellings to meet NDSS and 20% of total units to be M4(2) compliant	Control
23	Travel Plan	
24	Removal of permitted development rights	Control
25	Unforeseen contaminated land condition	Control

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

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

**Background Papers**

None