

Agenda Item	A5
Application Number	21/01008/FUL
Proposal	Erection of 116 dwellings (C3) with associated access, landscaping, public open space, electricity substation, foul water pumping station, sustainable urban drainage and associated infrastructure
Application site	Land North of Quernmore Road Quernmore Road Lancaster Lancashire
Applicant	Bellway Homes & William Airey, Pauline Ainley & Nathan Airey
Agent	Mr Matthew Dawber (Barton Willmore)
Case Officer	Mrs Eleanor Fawcett
Departure	Yes
Summary of Recommendation	Approval subject to conditions and a Section 106 legal agreement

(i) **Procedural Matters**

A committee site visit was undertaken on 31 October 2022 to view the application site and its surroundings.

1.0 Application Site and Setting

- 1.1 The site comprises 5.54 hectares of land in the east of Lancaster, approximately 2km from the centre, and is currently in agricultural use and does not contain any existing structures. The site includes a number of hedgerows and trees which are mostly confined to the site boundaries and form some internal field boundaries. Access is currently via an agricultural access from Quernmore Road to the south and a private driveway to the east.
- 1.2 The eastern boundary of the Site is formed by the M6 motorway. The southern boundary is formed by Quernmore Road, and there is some linear residential development along the southern side of the highway. The western side bounds a private access to farm buildings. Beyond this lies the former Lancaster Moor Hospital and associated land, which has been recently developed for housing and includes a small food store close to the site. To the north of the site lies open fields which are within the control of the applicant. Wider development to the west consists of broadly suburban residential development, whereas the area to the east of the site, beyond the M6, is rural in nature. To the south, beyond the ribbon residential development along Quernmore Road, the land is rural; however, between Grab Lane and the M6, there is an allocation for housing development in the Local Plan.
- 1.3 The topography of the site is relatively flat but falls to the south and west with the south west corner being the lowest point. There is a gas pipeline running north to south through the eastern section of the site. The site is located in Flood Zone 1. There are no ecological, or heritage designations on, or that cover, the site itself. However, it is allocated as Urban Setting Landscape in the Local Plan,

as part of a wider designation extending to the north and south. It is allocated as In terms of agricultural value, the land is classified as Grade 4 – Poor, based on Natural England’s Agricultural Land Classification Map of the North West Region dated 24 August 2010. The site is not within an area designated for poor air quality, but it is approximately 1.8 kilometres from the Lancaster Air Quality Management Area (AQMA). Approximately 450 metres to the east of the Site, on the opposite side of the M6, lies the boundary of the Forest of Bowland AONB. A small part of the site is identified as a Mineral Safeguarding Area.

1.4 Approximately 150 metres to the northwest is the former Lancaster Moor Hospital, which is Grade II Listed, and now contains residential apartments. To the west of the former hospital lies the Grade II listed Lancaster Cemetery which contains several individually listed structures. This lies around 360 metres from the boundary of the site with extensive development between. Standen Park House is Grade II* listed and is approximately 280 metres from the site. A Conservation Area has also been relatively recently designated, covering the former hospital building and a wider area, and extends up to part of the western boundary. Ashton Memorial Gardens and Williamson Park comprise a Grade II registered park and garden which lies to the south of the cemetery and approximately 450 metres from the site. It also contains a number of individually listed structures, including the lodge, the gates, gate piers and walls, a bridge, and a tower which are all Grade II listed, in addition to the Grade I listed Ashton Memorial.

2.0 Proposal

2.1 The proposed development consists of the erection of 116 dwellings (Use class C3), arranged around internal roads and includes areas of open space. This scheme originally proposed the erection of 151 dwellings, however amended plans were submitted which reduced the number to address a number of issues. The access is proposed in the southwest corner of the site off Quernmore Road close to the junction with Grab Lane. There will be a further emergency access provided off Quernmore Road further to the east of the southern boundary.

2.2 The dwellings proposed are predominantly 2 storeys, however, the scheme also includes some bungalows and some blocks of apartments, up to 3 storey. All dwellings are served by private amenity space and off-street parking. The dwellings were originally proposed to be finished in artificial stone with concrete tile roofs, however the scheme now proposes a mix of natural sandstone, render and buff brick, with slate for all the roof finishes.

2.3 The proposed 116 units comprise of the following mix:

Market		%	Affordable		%	Overall		%
Apartments			Apartments			Apartments		
1 Bed	5		1 Bed	6		1 Bed	11	9
2 Bed	6		2 Bed	6		2 Bed	12	10
						Total	23	20
Houses			Houses			Houses		
1 Bed	0		1 Bed	0		1 Bed	0	0
2 Bed	15		2 Bed	11		2 Bed	26	22
3 Bed	30		3 Bed	7		3 Bed	37	32
4 Bed	19		4 Bed	2		4 Bed	21	18
Bungalows			Bungalows			Bungalows		
2 Bed	6		2 Bed	3		2 Bed	9	8
	81			35			116	100

The 35 affordable units represents 30% by unit as affordable homes.

2.4 In addition to the dwellings, there is 1.34 hectares (excluding elements deemed unsuitable due to gradient) proposed. This enables the site to provide open space, incidental open space, equipped play space and green buffers to the M6 and Quernmore Road.

3.0 Site History

3.1 The site has no formal planning history. As part of the assessment of the application, the site was screened against the EIA Regulations 2017 to determine if it was 'EIA development'. The decision of 21/00891/EIR was that the scheme did not constitute EIA development. There have been a number of relatively recent significant developments in the surrounding area, these are set out below:

Application Number	Proposal	Decision
21/00891/EIR	Screening request for erection of 155 homes, including 30% affordable housing with associated access, landscaping, sustainable urban drainage and other relevant infrastructure	Not EIA development
13/00653/REM	Reserved matters application for the first phase of the conversion of the Annexe building to 34 dwellings, including associated landscaping and car parking	Approved
13/00232/REM	Reserved matters application (layout, scale and appearance) of 197 dwellings, associated internal road layout, car parking, boundary treatments and landscaping	Approved
07/00556/OUT	Outline application for residential use (up to 440 dwellings) involving the residential conversion of the Annexe and Campbell House, demolition of existing buildings and associated access, carparking and landscaping	Approved

4.0 Consultation Responses

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

Consultee	Response
County Highways	Objection. Original issues raised overcome with amended layout. Location of emergency access is acceptable. Shortfall on parking spaces for 2 bed apartments considered acceptable. Footpaths shown running through the landscaped areas to the East and South of the site would not be considered for adoption and would therefore need to be maintained privately. Transport Assessment and updated Transport assessment both fail to appropriately assess the existing highway network and the impact on this from all modes of transport using the development. Request contribution of £727,704 towards highway infrastructure projects based on the Infrastructure Strategy and the gravity model.
National Highways	No objection subject to conditions requiring: details and erection of a fence adjacent to the M6; details and construction of bund; detailed construction plan working method statement in relation to earthworks and drainage adjacent to M6; no development to be carried out on National Highways land; and no drainage from site onto M6.
Lead Local Flood Authority	No objection subject to conditions requiring development carried out in accordance with the principles within site specific flood risk assessment; final surface water sustainable drainage strategy to be submitted; construction surface water management plan; sustainable drainage system operation and maintenance manual; verification report of constructed sustainable drainage system; details of an appropriate emergency access.
Historic England	No comments to make

Conservation Team	Objection – Remain of the view that this scheme would cause less than substantial harm to the setting of Lancaster Moor Hospital (grade II), the Ashton Memorial (grade I) and the conservation areas that form the setting of these two striking city landmarks. The lack of existing tree cover within the site means the harm caused to the open character of the site is difficult to mitigate in the short to medium term. While there has been the introduction of a small area of open space and trees at the heart of the scheme this is not extensive nor sufficient to create a meaningful screen to address the harmful impact on views in the longer term.
Greater Manchester Ecology Unit (GMEU)	Comments. Recommend that: additional hedge planting is provided, which appears feasible from the layout in order to achieve net gain for linear features; recommend a condition requiring a detailed Landscape and Environmental Management plan be provided to ensure the target conditions are attained and maintained for 25 years and; a bird and bat box strategy be provided for the new build/site.
Lancaster Civic Society	Objection Last remaining green spaces to the east of the city; question the suitability of the land given drainage issues; highways and schools at capacity
South Lancaster Flood Action Group	Objection – Increase in discharge to Burrow beck; discharge rates should be reduced to a minimum to prevent flooding downstream; the revised layout provides opportunity for additional attenuation within the public open space; recommend a full investigation of the capacity of the culvert during heavy rainfall events to ascertain what capacity exists; concerns about loss of surface water storage; further understanding of the spring which is located at the top of the bank of the attenuation pond is required; needs a commitment that the drainage system is to be designed and built to adoptable standards and subsequently offered to UU for adoption; would like to see how surface water will be managed during construction at this stage.
HSE	No objection
Planning Policy	Comments This site is allocated as Urban Setting Landscape in the recently adopted Local Plan and as such is not somewhere where the council would support development. The exception to this is where it can be shown that the application would preserve the open nature of the area and the character and appearance of its surroundings and importantly as with all planning applications where the balance of other considerations may lead to its support. The revised housing mix and the housing standards are acceptable.
Public Realm Officer	No objection subject to the following: <ul style="list-style-type: none"> • 1869m2 of Amenity Space on site • Provision of play area • £113,341.50 of offsite contribution should go towards Far Moor playing pitches • £50,540.00 of the offsite contribution should go towards young person's provisions at Scotch Quarry.
Quernmore Parish Council	Objection The site has not been allocated for housing in the local plan and question the need for further housing; existing drainage issues and development could exacerbate flooding downstream; highway capacity issues; and impact to local services – schools and doctors etc.
United Utilities	No objection. The proposals are acceptable in principle subject to conditions requiring: development in accordance with principles set out in the drainage strategy; sustainable drainage management and maintenance plan
County Archaeology	No objection subject to condition requiring a phased scheme of archaeological works.

Lancashire Education	No objection subject to financial contribution for 10 secondary school places (£230,617.50), however no contribution required for primary school places (based on original scheme).
Environment Agency	No objection in principle. Raise some concerns regarding discharge into Burrow Beck which is culverted at point of connection, due to flooding issues downstream.
Environmental Health	No objection subject to conditions requiring: mitigation measures within Air Quality Assessment (in addition to additional measures); noise mitigation; in accordance with Construction and Environment Management Plan. The Phase 1 and Phase 2 investigations reveal no issues in relation to contamination requiring remediation. Radon protection measures will be required due to site location in a radon affected area
Natural England	No objection
Cadent Gas	No objection
Dynamo Cycle Campaign	Objection Not sustainable development and should look to support routes into central Lancaster
CSTEP/ Economic Development	Comments – Additional information on upskilling the existing workforce has been provided, but should complete the table setting out the level of outputs. To avoid a pre-commencement condition. A more detailed method statement would be required.
Shell	No objection
British Pipeline Agency	No comment the BPA pipeline(s) is not affected by these proposals
Lancashire Constabulary	Comments Concerns around anti-social behaviour around play spaces and benches in public realm for loitering
Lancashire Fire and Rescue	Comments. Advice in relation to compliance with Building Regulations
NHS	No objection subject to a financial contribution of £66,108 to create general practice capacity
CLOUD	Object. Raise concerns regarding: downsteam flooding as a result of additional surface water; Increased traffic and impact on surrounding lanes; impact on biodiversity as the land is a wetland that attracts a number of birds and stone walls provide habitat for mammals, frogs and insects; and pressure on medical services and schools.

4.2 The following responses have been received from members of the public:

38 representations to the original proposal opposing the development. A summary of the main reasons are as follows:

- Not within Local Plan allocations
- Loss of greenspace
- Impact to landscape and views
- Underestimation of drainage capacity
- Impact to daylight and sunlight of surrounding dwellings and overlooking
- Concerns around antisocial behaviour around proposed play area
- Impact to heritage impacts
- Impact to AONB
- Undermine the quiet character of the area

- No capacity of highways and local services to cope
- Increase in on street parking around Quernmore Road
- Construction impacts in terms of amenity and traffic
- Owners of adjacent properties bought on the understanding site would not be developed due to Local Plan
- Impact to/increases climate change
- Impact to air quality
- Area is deficient of open space – building on open space
- Loss of habitats for birds and bats with removal of trees

1 comment neither objecting or supporting but making the following comment:

- Impact on AQMA and lack of dispersion modelling in the assessment.

Following the submission of amendments and re-consultation on 14 April 2022, a further 152 representations have been received opposing the development. A summary of additional comments are as follows:

- Significant increase in traffic, capacity of the highway network, impact on highway safety, particularly due to parking on Quernmore Road that restricts width, and impacts during construction
- Impact on residential amenity from increased traffic
- Site is subject to flooding and potential increase flood risk off site
- Impact on wildlife, potential impact on Natterjack Toads
- Not allocated for housing and is designated as Urban Setting Landscape
- question need given large allocation at Bailrigg and development of brownfield land first
- Harm to Conservation Area and setting of listed buildings
- Proximity to M6 and impact on residents from noise and air pollution
- Loss of and impact on public views, including to Howgill Fells and AONB
- Loss of stone boundary wall
- Increase carbon emissions due to use of mechanical ventilation
- Proximity of playground to main road
- Lack of local cycle routes
- Capacity of schools and GP practices and limited services/ amenities close to the site
- Location of a road leading to an adjacent field
- Impact on air quality
- Few affordable houses
- Create a precedent for similar development in the District
- Loss of green open land
- Impacts from nearby abattoir

6 responses neither objecting or supporting but making the following comments:

- Need for road improvements to Grab Lane
- Concerns about increased traffic during and post construction
- Cycling infrastructure should be reviewed
- Should consider having a local heat network to these homes to reduce the climate impact
- Likely cause traffic problems
- Facilities lacking in area
- Increase flood risk
- Concerns about air pollution
- Will create a poorer view
- Needs to ensure adequate affordable housing provision

1 response in support of the application, setting out the following:

- Will provide affordable housing suitable for families together with a play area that will enhance local amenities and the stock of affordable housing.

5.0 Analysis

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

- Principle of residential development;
- Landscape impact, layout and design;
- Impact on Heritage Assets;
- Traffic impacts, access, parking and sustainable travel;
- Flood risk and drainage;
- Biodiversity and Trees;
- Air Quality;
- Open space;
- Residential Amenity;
- Affordable housing, housing standards and mix;
- Education and health; and
- Sustainable design and renewable energy

5.2 **Principle of Residential Development** NPPF paragraphs: 7 – 12 (Achieving Sustainable Development), 60-61 and 73-79 (Delivering a Sufficient Supply of Homes), and 174 (Protecting and Enhancing Valued Landscapes); 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), EN5 (Local Landscape Designations); Development Management (DM) DPD policies: DM1 (New Residential Development and Meeting Housing Needs), DM46 (Development and Landscape Impact)

5.2.1 The site is located within the urban boundary of Lancaster, but it is not allocated for housing. It is not designated as open space, countryside or for ecological value and has low agricultural value. However, the site is designated as Urban Setting Landscape in the Local Plan. This designation also extends to the north, up to Junction 34, and to the south, to Blea Tarn Road, and covers the rural land between the M6 and the eastern fringes of the urban development of Lancaster.

5.2.2 Policy EN5 of the Strategic Policies and Land Allocations (SPLA) DPD seeks to conserve these areas and safeguard natural features. It sets out that development proposals will only be permitted where they preserve the open nature of the area and the character and appearance of its surroundings. Policy DM46 of the Development Management (DM) DPD adds to this approach by outlining that particular regard will be made to the historic townscape and built form of the urban areas. The evidence base outlines the open character as enhancing the setting of heritage assets and that the Urban Setting Landscape provides a distinction between the edge of town and the countryside beyond.

5.2.3 The originally submitted scheme proposed the development of 151 dwellings, which has now been reduced to 116 dwellings. Whilst the decrease in the number of units has increased the open space within the site, the proposed residential development would fail to preserve the open nature of the area as it would result in a significant amount of built development and associated infrastructure on area of land which is currently open fields. The impact of the development on the surrounding area, including the historic landscape and built form is considered within the sections below. However, it is clear that the proposal directly conflicts with policies EN5 and DM46 of the Local Plan.

5.2.4 Paragraph 60 of the NPPF sets out that to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. The Council's most recent Housing Land Supply Statement (November 2022) identifies a housing land supply of 2.1 years, which is a significant shortfall against the required 5-year supply set out in paragraph 74 of the NPPF. Paragraph 11 of the NPPF also requires that, where a local planning authority cannot demonstrate a 5-year supply of deliverable housing sites, permission should be granted unless the application of policies in the NPPF that protect areas or assets of importance (such as heritage assets and areas at risk of flooding) provide a clear reason for refusing permission or any adverse impacts would significantly and demonstrably outweigh the benefits of the proposal. This means applying a tilted balance towards the delivery of residential development.

- 5.2.5 As set out above, the proposal will clearly conflict with the aims and objectives of policies EN5 and DM46 which seek to conserve areas designated as Urban Setting landscape. However, the local planning authority currently has a significant undersupply of deliverable housing sites. In addition, the development strategy for the District, set out in policy SP3 of the SPLA DPD, promotes an urban-focussed approach to development concentrated towards the main urban areas of Lancaster, Morecambe, Heysham and Carnforth. Therefore, the delivery of 116 dwellings in a sustainable urban location is considered to have great weight in the planning balance. However, as this requires consideration of all the impacts of the development, this will be fully considered within the conclusion of the report.
- 5.3 **Landscape Impact, Layout and Design** NPPF paragraphs: 126-134 (Achieving Well-Designed Places), 174 and 176 (AONBs, Valued Landscapes and the Countryside); Strategic Policies and Land Allocations (SPLA) DPD: SP8 (Protecting the Natural Environment); EN2 (Areas of Outstanding Natural Beauty) and EN5 (Local Landscape Designations); Development Management (DM) DPD policies: DM29 (Key Design Principles) and DM46 (Development and Landscape Impact)
- 5.3.1 The site is located adjacent to the eastern edge of the built-up area of Lancaster. It currently comprises agricultural land and is located between a relatively recent development to the west and the M6 motorway to the east. To the south, on the southern side of Quernmore Road, is a row of mostly two storey semi-detached dwellings which extend along the road up to a point approximately 125 metres from the boundary with the M6. The site is wider at its southern boundary than the north, and the agricultural land beyond this to the north narrows further and is constrained by residential development to the east and the motorway to the west. The land within the site generally rises quite gently to the south east, towards the motorway, from just under 65 metres AOD in the southeastern corner to just below 78 metres AOD towards the southeast corner. Although there are some slightly steeper slopes within the site, particularly towards the southeast corner, including a steep banking up to Quernmore Road as it rises over the M6. In the eastern section, in particular, the land also falls to the north, creating an undulating feature within the landscape. The land continues to rise to the east, beyond the line of the motorway.
- 5.3.2 The landscape character type which covers the site is identified as Drumlin Field (13), sub-type Docker-Kellet-Lancaster (13c), within the Lancashire County Council Landscape Strategy for Lancashire (December 2000). This character type is characterised by a 'field' of rolling drumlins. The consistent orientation of the hills gives the landscape a uniform grain, which is sometimes difficult to appreciate from within the field. Pasture predominates and fields are bounded by clipped hedges or, more often, stone walls, which rise up over the hillocks accentuating the relief of the hills. Narrow streams wind through the drumlins draining the field and small mixed woodlands contribute to the rural wooded character. Major roads often cross or skirt the edge of the drumlin fields and settlement is dispersed, with small hamlets and farmsteads in sheltered sites on the mid-slope of the drumlins. Whilst Lancaster and other towns are on the edges of the Drumlin Field, the landscape is generally rural.
- 5.3.3 This particular drumlin field has a distinctive north-east, south-west grain and runs from the edge of Lancaster northwards into Cumbria. The area is underlain by limestone and is distinguished by large scale undulating hills of pasture, some formed from glacial till and others which are outcrops of limestone, or reef knolls. Woodlands are often associated with designed landscapes and built development takes advantage of views from the hill tops, for example the Ashton Memorial on the edge of Lancaster which sits atop a drumlin and is a landmark for miles around. The drumlins create a setting for the city of Lancaster. The rolling landform is evident in the eastern portion of the site continuing to the north beyond the boundary. The landscape immediately to the east of the motorway is identified as Farmed Ridges, in terms of its landscape character type. The Forest of Bowland Area of Outstanding Natural Beauty (AONB) lies approximately 440 metres to the east of the site boundary and is higher than the application site.
- 5.3.4 As discussed in the section above, the site is allocated as Urban Setting Landscape and the proposed residential development of much of the land will conflict with the purpose of the policies EN5 and DM6 to preserve the open to preserve the open nature of the area. As part of the evidence base for the Local Plan, a document entitled 'Urban Setting Landscape Designations' (Glavin Landscape Architecture 2018) was prepared in specific relation to the proposed landscape designation to the north and east of Lancaster. The sets out that the Urban Setting Landscapes are peripheral to the

built form and are identified because they provide a visual frame for the urban area, providing an important role in the setting of existing development, and providing a significant context or legibility to features either within the landscape or surrounding it. The application site is part of a parcel that extends from Quernmore Road to the north, just beyond the prison. The report sets out that, the open character of the fields provides a visual frame for the newly built development and also significantly enhances the setting for the Lancaster Moor building in those areas where it is visible, such as Quernmore Road. It goes on to say that, despite being very narrow in some parts, between the edge of development and the M6 motorway, it is important as it provides the distinction between the edge of the town and the countryside beyond.

- 5.3.5 Notwithstanding the above, the site is relatively low lying, and the proposal will be seen in the context of existing development to the west and immediately to the east. It will obviously extend the built-up area close to the motorway. Open space and landscaping have been proposed, which does retain a degree of separation and openness, although significantly reduced from the current situation. The distance between the eastern site boundary and the road adjacent to the nearest dwellings varies between approximately 40 metres and 70 metres and the dwellings would extend approximately 60 metres further east than the existing dwellings on Quernmore Road to the south. The position of the built development has largely been determined by the location of an existing high pressure gas pipeline towards the east of the site. The undeveloped area is proposed to be used as open space and natural/ semi-natural greenspace and the latter in particular would include a significant amount of landscaping and also a 4 metre high bund to help attenuate noise at the dwellings.
- 5.3.6 As set out above, during the course of the application, the application has been amended which has resulted in the reduction in the number of units on the site from 151 to 116. The main changes that have been made to the scheme consist of the alteration of the road layout to appear more organic and be focussed around an arrival square, and limit the extent of cul-de-sac arrangement. The development has also been set back from Quernmore Road with an area of open space created between the dwellings and the road along their whole frontage. This allows the dwellings to provide more of a frontage to south, albeit onto a new road set back from the existing one. The built development has also moved slightly to the west, and a new road along the eastern edge of the dwellings has also allowed a frontage to be created along this side of the development, which is particularly important in more distant views from the higher land to the east. Landscaping is also proposed throughout the site, including street trees, which officers encouraged in early stages of the scheme.
- 5.3.7 An attenuation basin is proposed to the west of the access into the site, with a substation and pumping station proposed to the east, due to levels and need for easy access. This is not an ideal location for the pumping station and substation as they will be in quite a prominent location at the entrance. However, this appears that it cannot be avoided and so that landscaping scheme has been amended to include hedgerow planting, in addition to further shrubs, around these. The access is well located visually close to the junction with Grab Lane and the relatively recent development to the west. This allows the remainder of the frontage to be open, although the play area is proposed within this. A further access into the site has been proposed approximately 170 metres to the east of the proposed access, solely for use in an emergency if the main access point is subject to flooding. This would be secured, probably with bollards and would remain green through the use of a reinforced mesh to enable grass to grow through, however the precise details of this and how it would appear and be operated would be covered by condition.
- 5.3.8 Levels are required to be altered to accommodate the development but would mostly maintain the general rise in landform from west to east, with the finished floor levels of dwellings, at ground floor, starting at 66.45 metres AOD, towards the southwest corner, rising to 74.62 AOD towards the southeast corner. This is across a distance of approximately 200 metres. Not all the dwellings on the eastern edge would be at this higher level as the floor levels would drop to 71.7 metres AOD before rising again to just over 74 metres AOD. This does mean that the dwellings would respond reasonably well to the existing landform and create more interest in streetscenes with varying roof heights.
- 5.3.9 The level changes have resulted in some quite significant retaining features, although these are mostly between rear gardens so are likely to be more of a potential issue of residential amenity rather than the appearance from public views within and outside the site. There are some adjacent to roads and these would need to be treated sensitively. Unfortunately, the boundary treatment plan that has been provided does not include these retaining features, which are shown on a separate levels plan.

A quite significant retaining feature is proposed at the northwest corner of the site, close to the adjacent agricultural building and field. However, this is shown as using a vegetated wall system which will provide a softer and more sensitive approach. However, it is noted that above this a proposed a 2.4-metre-high close boarded fence. This is not ideal and a softer approach to the adjacent field would be preferable. It has been asked if this can be a hedge instead, however the agent has advised that this is required that a fence is required to protect residential amenity from the agricultural use. This is considered in more detail in the section below.

- 5.3.10 A 4-metre-high bund is proposed close to the eastern boundary to help mitigate noise from motorway. The precise details of this have not yet been agreed, as they would require technical approval from the National Highways, however it is clear that this will result in a quite a large and high feature and have quite significant changes at this end of the site, which is to be left open. However, it will also be landscaped, and therefore softened and is at the eastern edge in the context of the motorway so it is considered that it could be appropriately assimilated into this area. National Highways have requested timber fencing around the bund to help prevent access to the motorway and also to the bund, except for maintenance. It is understood why this is required adjacent to the boundary with the M6, however some clarification has been sought about whether less solid fencing can be provided on the inside of the bund to provide a softer appearance. A detailed landscaping scheme has been provided, and it shows significant landscaping in this location. However, the details for this element of the landscaping scheme would need to be conditioned as it could change as part of the agreement of the final details of the bund and associated fencing.
- 5.3.11 In addition to the changes to the layout, changes to the designs of the dwellings have also been made. In particular, this relates to the introduction on natural stone and a high-quality buff brick, in addition to the use of render, and also the use of a natural slate for the roofs. Whilst the dwellings opposite the site are constructed from a mix of red brick and render, this is quite limited, and the site will form a significant extension of the developed area of Lancaster and will be particularly visible when approaching the settlement from the east. It will also be seen in the context of the Lancaster Moor Hospital, which is Grade II listed and was relatively recently converted to apartments. The impact on nearby heritage assets is considered in more detail in the section below, however the relationship to this building, and how the development will be seen in more distant views that include it, is a key consideration.
- 5.3.12 The stone has been concentrated around the entrance to the site and dwellings facing Quernmore Road. There is some proposed in the centre of the site and along the eastern edge. This had been concentrated on front walls and some side walls where the buildings are located on a corner, with the remainder of the dwellings in render. Stone has also been used as a feature on some dwellings containing gables on the front. Render and buff brick have been mixed throughout the rest of the site. It is considered that the proposed materials provide a good mix which will give interest and respond well to the local distinctiveness of the area, specifically the more historic built form. Their use should also help to soften the development in views from the east, although where render is proposed at the edge it will need to be ensured that the colour does not appear overly stark and prominent within the landscape.
- 5.3.13 A three-storey apartment block is proposed close to the entrance into the site, otherwise the dwellings are mostly two storeys, with some bungalows also proposed and a mix of detached and semi-detached units in addition to some rows of terraced properties. They are generally quite simple in design, with flat roofed porch canopies at the front and some also have gable features on the front. Heads and cills have been shown, although some of these include a red brick detail. These details can be covered by condition. The plans indicate that that black UPVC soffits, bargeboards and fascias would be use. This could be acceptable, subject to the details and provide that they are not overly bulky. Black UPVC rainwater goods and black UPVC windows and doors are also proposed.
- 5.3.14 Whilst the development will result in the loss of open agricultural land, it is considered that it would not be overly prominent within the landscape and would relate well with the existing residential development. The scheme also retains a separation between the motorway and the edge of the built development, and it is considered that the amended layout and design now responds positively to the existing built environment. Policy DM29 sets out that development should make a positive contribution to the surrounding landscape and townscape and contribute positively to the identity and character of the area through good design, having regard to local distinctiveness, appropriate siting, layout, palette of materials, separation distances, orientation and scale. Paragraph 126 of the NPPF

also emphasises that the creation of high quality, beautiful and sustainable buildings is fundamental to what the planning and development process should achieve. Paragraph 130 goes on to say that decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive, are sympathetic to local character and history including the surrounding built environment and landscape setting and establish and maintain a strong sense of place. For the reasons set out above, it is considered that the development complies with these policies in relation to the overall design.

5.3.15 As set out above, the site is quite close to the boundary with the Forest of Bowland AONB which is at a higher level than the site. Paragraph 176 of the NPPF sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues, and development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. The development would be visible and noticeable in views towards the east of Lancaster; however it would be seen in the context of and well related to existing development and the buffer and screening close to the M6 would assist in mitigating the impact on views, in addition to the changes to the layout that have been made. As such, it is considered that the proposal would not have a detrimental impact on the setting of the AONB.

5.4 **Impacts on Heritage Assets** NPPF paragraphs: 189, 194 - 197, 199 – 206 (Conserving and Enhancing the Historic Environment); Strategic Policies and Land Allocations (SPLA) DPD policies SP7 (Maintaining Lancaster District's Unique Heritage); Development Management (DM) DPD policies DM37 (Development Affecting Listed Buildings), DM38 (Development Affecting Conservation Areas), DM39 (The Setting of Designated Heritage Assets), DM41 (Development Affecting Non-Designated Heritage Assets or their Settings), DM42 (Archaeology)

5.4.1 The site is located in the vicinity of a number of designated heritage assets. Approximately 150 metres to the northwest is the former Lancaster Moor Hospital, which is Grade II Listed, and now contains residential apartments. To the west of the former hospital lies the Grade II listed Lancaster Cemetery which contains several individually listed structures. This lies around 360 metres from the boundary of the site with extensive development between. Standen Park House is Grade II* listed and is approximately 280 metres from the site. A Conservation Area has also been relatively recently designated, covering the former hospital building and a wider area, and extends up to part of the western boundary. Ashton Memorial Gardens and Williamson Park comprise a Grade II registered park and garden which lies to the south of the cemetery and approximately 450 metres from the site. The park also contains a number of individually listed structures, including the lodge, the gates, gate piers and walls, a bridge, and a tower which are all Grade II listed, in addition to the Grade I listed Ashton Memorial.

5.4.2 The site makes an important contribution to the significance of the 1882 block of the former Lancaster Moor Hospital. Historically, the site formed part of the wider rural setting of a number of heritage assets on the eastern side of the city, including the nearby Ashton Memorial and Williamson Park. This area is significant as an edge of the city location for a range of 19th century municipal developments that included the hospital, a cemetery and public park, which is now covered by the Lancaster Moor Conservation Area. The area is notable for its tree cover and arcadian character. Its character reflects social and recreational trends in Georgian and Victorian times which emphasised providing public facilities with space and clean air away from crowded urban areas. Both the 1882 block of Moor Park Hospital and Ashton Memorial are highly distinctive in their setting and striking visual landmarks that provide a powerful sense of place. Contributing to this wooded environment is the grounds of the former Moor Hospital of Standen Park, which is a classical grade II* listed building, that preceded the late Victorian block in 1816.

5.4.3 While the setting for these heritage assets has been partially eroded and diminished through the development of the M6 motorway and Auction Mart in the 20th century and housing development associated with the repair of the former Moor Park Hospital, some care has been taken to ensure that the rural character is retained through landscaping and the siting of this development. This has taken advantage of existing trees and landscape features to ensure development in the immediate setting mitigates the harm to the listed building. However, there remain some prominent visible elements of this more recent development in longer views. As set out above, the site is designated as Urban Setting Landscape and policy DM46 sets out that particular regard should be had to the historic townscape. The site is extremely visible in the context of the nearby heritage assets and its

undeveloped visual character as pasture, with a backdrop of trees, contributes greatly to the assets' significance by way of setting.

- 5.4.4 Significant changes have been made to the scheme, as discussed above, which reduces the number of units, provides more open space, increased landscaping, a more organic layout and improved design and materials. It is considered that these changes have reduced the level of harm to the significance of the heritage assets, through development within their setting. However, it is still considered that there will be harm in terms of setting of the Lancaster Moor Hospital, and the associated Conservation Area, due to the urbanising impact on views and approaches from the east. The Conservation Officer has advised that the lack of existing tree cover within the site means that the harm caused by the loss of the open character of the site is difficult to mitigate in the short to medium term. The response goes on to say that, while there has been the introduction of a small area of open space and trees at the heart of the scheme this is not extensive nor sufficient to create a meaningful screen to address the harmful impact on views in the longer term. It has been advised that a more substantial belt or avenue of trees should be provided running north-south through the centre of the site to break up the development and reduce its scale in views from the east, in addition to enhanced tree planting on the western boundary of the site.
- 5.4.5 In determining planning applications, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that local planning authorities must have special regard to the desirability of preserving listed buildings and their setting. This is reiterated in Local Plan policies. Policy DM37 sets out that proposals affecting listed buildings should conserve and, where appropriate, enhance those elements which contribute to its significance. It goes on to say that the significance of a listed building can be harmed or lost through alteration or destruction of those elements which contribute to its special architectural or historic interest or through development within its setting. Policy DM39 relates to the setting of heritage assets, and sets out that the Council recognises the contribution that the setting of a designated heritage assets can make to its significance, and that proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset will be treated favourably.
- 5.4.6 Paragraph 199 of the NPPF sets out that, when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 goes on to say that any harm to the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification. Paragraph 202 states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the development.
- 5.4.7 As discussed above, it is considered that the development would lead to less than substantial harm to the significance of designated heritage assets by development within their setting. This particularly relates to the Grade II listed Lancaster Moor Hospital and the Lancaster Moor Conservation Area. This harm has been mitigated to some degree through the reduction in scale of the scheme and the amendments, in particular to the layout and design, although further amendments have not been made to address to the concerns raised by the Conservation Officer. As set out above, any harm should be weighed against the public benefits. The Council currently has a significant undersupply of deliverable housing sites and Paragraph 60 of the NPPF sets out that to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. This site is in a sustainable location on the edge of the built up area of Lancaster. The scheme also proposes 30% of the units as affordable housing which is a significant public benefit.
- 5.4.8 Whilst it would be desirable for the scheme to go further with the mitigation, which would probably require further reduction in the number of units, the scheme put forward must be considered. Taking into account the public benefits of the development of 116 dwellings in this location, including the 35 affordable units, it is considered that this outweighs harm that has been identified to the significance of the heritage assets. It therefore complies with local and national planning policy in terms of the impact on the designated heritage assets.
- 5.4.9 In addition to the above, the submission also includes a desk based assessment in relation to archaeology. Lancashire County Council Archaeology team have provided a response in relation to this. The submission notes that the proposed development area is crossed by a purported Roman

road (whose line is unconfirmed) and by a section of a 19th century racecourse, traces of which are still visible. It also states that there is low/nil potential for the survival of buried prehistoric remains, but that medieval – post medieval remains of negligible significance do survive. County Archaeology have advised that they agree with the identification of the Roman road but note that the line is unconfirmed and speculative. The racecourse was established by 1818 but was no longer in use in 1893 and one of the 'stones' marking it on the OS mapping of 1848 seems to survive within the site.

5.4.10 The response from County Archaeology goes on to say that a Bronze Age urnfield and a single Roman (or Romano-British) burial have been recorded along the ridge to the west of the site. The settlement sites associated with the prehistoric burials have not been identified, however they have advised that it would be sensible to assume that they lay in the lands immediately around. Any such are potentially of county significance and likely to merit formal excavation and recording if threatened. It could be argued that there is no physical evidence (beyond the burials) to locate any such settlement, such as pottery or flints, but such finds have usually been made in the past as a result of farming activity. Topographically the site may be considered a little high to have been occupied in the middle prehistoric to Romano-British periods, but settlements of these dates on similar or higher ground are known elsewhere in the district. The response from County Archaeology concludes that the existence of buried remains of these periods is currently unknown, but that there is a medium probability of their original existence and a fairly high probability of survival. As sites with such remains have been excavated in the past, rather than preserved in situ at the expense of development, they have advised that a condition would be appropriate in this instance requiring a phased scheme of archaeological works. This is considered to be an acceptable approach in this instance and in accordance with Policy DM42 of the DM DMD.

5.5 **Traffic impacts, access, parking and sustainable travel** NPPF paragraphs: 104-106 and 110-113 (Promoting Sustainable Transport); Strategic Policies and Land Allocations (SPLA) DPD policy: SP10 (Improving Transport Connectivity)); Development Management (DM) DPD policies DM29 (Key Design Principles), DM57 (Health and Well-being), DM58 (Infrastructure Delivery and Funding), DM60 (Enhancing Accessibility and Transport Linkages), DM61 (Walking and Cycling), DM62 (Vehicle Parking Provision), DM63 (Transport Efficiency and Travel Plans) and DM64 (Lancaster District Highways and Transport Masterplan).

5.5.1 The application proposes a new access to serve the development off Quernmore Road, located towards the south-west corner of the site. An additional access is also proposed further to the east, to be used in an emergency in the event of flooding to the main access road. Quernmore Road is a single carriageway with a 30-mph speed limit along the site's frontage, which changes to the national speed limit adjacent to the motorway bridge, approximately 290 metres from the proposed main access into the site. The internal layout has been amended during the consideration of the application, with the main road leading to an arrival square with roads off this forming loops around the site with limited cul-de-sac arrangements. Most units have their own driveways and parking, however there are also five shared parking areas.

5.5.2 Comments were first received from County Highways, as the Local Highway Authority, in November 2021. They raised a number of concerns regarding the internal layout including: the width of roads and pavement; the level of parking provision including sizes of spaces and garages; long straight sections which would encourage faster traffic speeds; footway links within the site; and requirement for a footway on Quernmore Road to protect sightlines. Amended plans were submitted in April 2021 to address a number of concerns in relation to the proposal, including the highway issues. Following the submission of these plans, County Highways responded in June 2022 and confirmed that the amended proposals addressed most of the issues, although they still had some concerns regarding the level of parking provision.

5.5.3 In particular, the plans were amended to provide widths of 5.5 metres with pavements of 2 metres wide on the first section off the access into the site, up to the arrival square. Other roads have been shown with a minimum width of 5.2 metres and pavement of 1.8 metres and County Highways have confirmed that this is acceptable. It has also been demonstrated that there is acceptable visibility within the site and turning for refuse vehicles. A footway has been provided at either side of the entrance off Quernmore Road into the site. Whilst this is not along the whole frontage, it will link to existing footway provision to the northwest and link back into the site, to the open space, to the southeast after approximately 40 metres and will provide sufficient protection to visibility splays. County Highways have advised that the footpaths shown running through the landscaped areas to

the east and south of the site would not be considered for adoption and would need to be maintained privately. They have also confirmed that the proposed location of the emergency access is acceptable. The requirement for this is discussed in the section below in relation to flood risk and drainage.

- 5.5.4 In terms of the parking provision, County Highways advised that the integral garages for the Forrester and Farrier house types are below the acceptable level of 3 metres by 6 metres to be considered as a parking space, therefore an additional parking space would need to be provided. The plans were subsequently amended to provide a widened drive for these units. County Highways also advised that there is a shortfall on parking spaces for the two bedroom apartments which only provide one space. In response to this, the agent set out that, that whilst the parking standards state that 2 / 3 bed houses should have 2 parking spaces, flats are stated to be assessed on a case by case basis and given that the flats comprise a double and twin room they are not the same as a 2 or 3 bed house in terms of usage. They also stated that that, the site is located close to a frequent bus service and uptake of sustainable modes is being encouraged and purchasers would be aware of only having one car parking space. Whilst more spaces would be preferable, this position was accepted by County Highways in a further response in June 2022, and it is not considered that it would lead to a detrimental impact on highway safety.
- 5.5.5 The southeast boundary of the site adjoins the M6 motorway. The original proposal for 151 dwellings included the open space and play area in the land adjacent to the motorway, with the nearest dwellings located approximately 100 metres from the boundary. A number of concerns were initially raised by National Highways in particular relation to: the presence of the children's play area 25 metres from the motorway; the position of the public open space along the motorway boundary; the details of the proposed acoustic fence; measures to prevent unauthorised pedestrian intrusion onto the motorway; details of the density and width of the proposed planted buffer zone; details of proposed earthworks along the motorway boundary; and potential requirement for additional (and potentially upgraded) motorway safety barrier along the northbound verge of the motorway.
- 5.5.6 Following the submission of amended plans, National Highways advised that the revised landscaping strategy, that would move the children's play area away from the motorway boundary, was acceptable. The amended scheme also increases the landscaping and introduces a 4 metre high bund. However, they do still have concerns regarding security and have advised that there needs to be a closed boarded fence, or similar, at least 2 metres in height parallel to the motorway around the bund to prevent access to this and the motorway, with access to the bund for maintenance. The precise details of this could be covered by condition. The landscaping to the bund has also been increased following these comments.
- 5.5.7 In terms of the bund, National Highways have advised that it is a mandatory requirement within the Design Manual for Roads and Bridges (Standard CD622) that earthworks alongside the strategic road network must have technical approval from National Highways before they are constructed. National Highways has confirmed that they agree to this being dealt with by condition but have advised that the applicant must accept the risk that the development may not be able to proceed should technical approval for the bund not be agreed with National Highways. They have set out that the key considerations are that:
- The bund would be stable and would have no impact (such as slope failure) on the motorway both during construction and after completion;
 - Surface water runoff from the slope is managed properly so that there is no runoff onto the motorway / motorway verge and that there would be no adverse impact on the stability of the motorway slope as a result;
 - The motorway verge boundary is protected effectively during construction works / earthworks operations;
 - The associated bund landscaping / boundary landscaping is designed with future maintenance in mind, with an appropriate maintenance regime in place and which will not impact upon the motorway.
- 5.5.8 From the perspective of the safety of users of the motorway, National Highways have confirmed that the current highway design standards do not necessitate any upgrade to or increase in provision of the motorway verge vehicle restrains system safety barrier. They had advised that the applicant carried out their own risk assessment to establish the need for any additional protection measures using the formally recognised risk assessment process. This has been completed and concludes that

no further measures are necessary. National Highways have advised that it is not for them to formally approve the conclusions of the risk assessment but acknowledge the applicant's conclusions and remind them that they are responsible for any consequences of not seeking any mitigations to protect their development and those users of it.

- 5.5.9 In terms of sustainable travel, the site is located on the edge of the built-up area of Lancaster, approximately 1.2 miles from the city centre. There are some limited services close to the site, including the adjacent food store and there are footpaths leading to the city centre. However, the distance means that there could be some reliance on private vehicles to reach places of employment and other services and facilities and therefore it is important that sustainable modes of transport are encouraged and supported. The site is served by just one bus service (service 18) and County Highways have advised that this service is not yet commercially viable to ensure continuing public transport provision to serve this development. It is understood that previous contributions have been secured from nearby developments including the Lancaster Moor Hospital site. A contribution towards maintaining the 7 day a week service provision has been requested of £50,000 per annum for a 5 year period. The agent has confirmed that, subject to the figure being reflective of the revised unit numbers they accept the principle of this contribution.
- 5.5.10 A Framework Travel Plan has been submitted with the application. County Highways have set out that this is mostly acceptable. This includes providing residents with information about public transport, safe walking routes to the nearest key facilities, safe cycling routes and encouraging walking cycling, carsharing and car clubs. It also includes surveys to determine existing travel patterns followed by targets and monitoring. The action plan indicates that initial travel surveys will be undertaken within 6 months or 75% occupation of the residential units. However, County Highways have advised that, for a development of this size, the surveys should be undertaken at 50% occupation and a Full Travel Plan then produced within 3 months of the survey. They have also set out that they would normally request a section 106 contribution of £6000 to enable Lancashire County Council to monitor and support the development, implementation and review of the Travel Plan for a period of up to 5 years.
- 5.5.11 In relation to the impact on the wider highway network, a Transport Assessment was submitted at the time of the original submission which considered the impact from the 151 dwellings originally proposed on the highway network. In October 2021 National Highways raised a holding objection and requested further information to be able to fully assess the impacts on the proposal on their infrastructure (M6 motorway). In particular relation to the Transport Assessment, they advised that this was not compliant with the requirements of Paragraph 22 of the Department for Transport Policy Circular 02/2013 *'The Strategic Road Network and the Delivery of Sustainable Development'*. They requested a worked analysis of the level of trips the proposals would be expected to generate on the strategic road network.
- 5.5.12 In response to the comments from National Highways, a Technical Note was produced by the applicant's consultant (dated 15 December 2021) which considers impacts at Junctions 34 and 33 of the M6. In their consultation response in December 2021, National Highways set out that they disagree that the trips generated by this development would be roughly even between Junctions 33 and 34, and that they consider that the majority of the traffic routing to and from the site would do so using Junction 34 due to its proximity. However, their response goes on to say that having considered the Technical Note and the possibility of more trips via Junction 34, they consider that the additional traffic at peak times would not result in a severe impact on the strategic highway network. They have advised they have concerns regarding the potential cumulative impacts of traffic from piecemeal, speculative development where there is a recently adopted Local Plan in place. However, they removed their holding objection to the application following the resolution of the other issues raised when the plans were amended in April 2022.
- 5.5.13 In terms of the impact on the local highway network, the comments from County Highways in November 2021 set out that there had been one slight incident within the vicinity of the development within the last 5 years and that this does not indicate a fundamental road safety issue at this location. The comments go on to advise that all development will have an influence on highway infrastructure across the district and will therefore be required to contribute to the combination of measures in Lancaster, following an equitable approach that considers all development in the district. The key measures being developed include:

- M6 Junction 33 reconfiguration with link road (Central 1 option being assessed further);
- Infrastructure in and around the Bailrigg Garden Village area and connecting corridors supporting access both north and south;
- Lancaster wide sustainable transport improvements, including;
 - Cycle superhighway
 - High quality public transport route
 - Park and Ride
- Lancaster City Centre Movement and Public Realm Strategy;
- Traffic management measures to the north and south of the Lune; and
- Changes to other key corridors in the district.

5.5.14 The response set out that the development of these measures, to support the local plan, was ongoing and that it would be some months before the assessment was completed and the necessary detail understood including full costings. It was advised that the funding for the Junction 33 link road scheme had been identified, however, the remaining elements of the infrastructure required would need to be delivered through contributions secured from development. In the consultee response to the amended plans in June 2022, County Highways set out that discussions were still ongoing regarding the required contributions for the wider highway strategy and, until the level of contribution has been agreed, the Highway Authority is non-supportive of this application.

5.5.15 A further consultation response was received in October 2022. This sets out that the additional vehicles generated by the development would result in higher flows on the existing network and, due to the site's location, the increase in vehicle numbers would have a detrimental direct impact on Lancaster including the City Centre Gyratory, M6/A683 Intersection, Pointer roundabout, Hala Road signalised junction, A6 corridor Galgate, and M6 Junction 33 and A6 intersection, and elsewhere to a lesser extent. It goes on to say that all these experience congestion, delays, and network reliability issues, influencing highway safety. The comments raise a number of concerns regarding the submitted Transport Assessment. These had not been raised in either of the previous consultee responses. In particular that:

- The Transport Assessment was produced during the Covid-19 pandemic and traffic surveys at that time are not considered representative of a typical day;
- The likely impacts of the proposal have not been possible to establish from the Transport Assessment submitted; and
- It was not able to have regard to the Lancashire County Council Highway Infrastructure Strategy

5.5.16 The original Transport Assessment (TA) was based on a previous 2006 application (07/00556/OUT) for the nearby Lancaster Moor site. County Highways have advised that, in the time since 2006 there have been significant changes to the network around Lancaster and Morecambe and this base data is significantly out of date. In addition, they have advised that the TA has used trip rates that are not those typically used by other development proposals in Lancaster and typical trip rates are slightly higher. The consequence of using lower trip rates is that the impact of the development will be slightly understated locally and further afield. In terms of distribution, County Highways have advised that this is in line with the 2006 application which assigned approximately 30% away from Lancaster towards the M6/A683 and into rural Lancaster and beyond. The response goes on to say that this needs to be in line with that which would be likely to occur, having regard to the location of the built environment and direct desire lines. Due to the location of the 2006 application, they have advised that it is plausible that the majority of the stated 30% would likely turn south onto Grab Lane before reaching this application site and therefore have an impact on the heavily congested Lancaster network on and around the A6 south of the city. Based upon a simple recent AM peak survey at an existing cul-de-sac nearby by the County Council, the proportion of traffic travelling in an eastbound direction was approximately 10% and not 30% as used.

5.5.17 In terms of committed development, County Highways have advised that there is a significant amount of development committed and anticipated to come forward in the Local Plan period, influencing the operation of the local and wider network. They have advised that the County Council's approach to development has this in regard as well as all background conditions local to the site and to Lancaster and that a solution is to update the TA with regard for the County Council's analysis and mitigation strategy. The response goes on to set out that, in order to accommodate development in the district,

widespread changes to the highway network are necessary to cost effectively mitigate against impacts. As the TA is historic in nature, it has no regard to Lancaster's issues beyond the site and in essence is piecemeal and they have recommended that the Transport Assessment is robust and has regard for all planned and development led changes.

- 5.5.18 County Highways have also raised concerns that no analysis has been provided of other necessary junctions, other than the access, that are likely to be impacted on by the development and the junction modelling undertaken in the TA is not acceptable. They have also advised that the accident analysis included within the TA is extremely limited and needs to include a wider network that extends to the major intersections where traffic will be diverted. The response from October 2022 also considers sustainable travel, although this was considered in the previous comments from November 2021, as set out above. It sets out that the TA does not adequately consider access for all modes/users and there are three junctions on the route from the development to the Lancaster Gyratory where serious collisions have taken place, including with children and/or cyclists. Although the comments do set out that there are not safety concerns in the immediate vicinity of the site.
- 5.5.19 In terms of public transport, the response sets out that the existing provision is deficient as it is not commercially viable, and service frequency and the future servicing (due to lack of funding) of the site by public transport is uncertain. This was set out in previous comments and is discussed above. This response sets out that public transport costs were recently revised by LCC's Public Transport Team as a consequence of wider changes and public transport bus provision has increased to £140,000 (per bus) per annum. They have advised that Better Buses are proposed within the Highway Infrastructure Strategy and therefore support of the strategy would mitigate the impact.
- 5.5.20 The initial comments from County Highways highlighted a need for a contribution towards the wider highway network. A figure has been set out in the response in October 2022, although it also raised a number of concerns about the TA, as discussed above that were required to be addressed. The response sets out that, the development of the Highway Infrastructure Strategy has also included the development of a mechanism to ensure an equitable distribution of S106 contributions to fund its required infrastructure. A gravity approach has been developed that determines the degree of the development's influence and impact on areas of concern (locations of initiative) and also has regard to other sources of funding available/secured. A request for a contribution of **£727,704** has been made which would be used to fund the following initiatives:
1. M6 J33
 2. A6 Preston Lancaster Road
 3. Bailrigg Garden Village
 4. A588 Corridor (South)
 5. A588 Ashton Road (North)
 6. A6 Scoforth Road (and Other Parallel Routes Such as Bowerham Road)
 7. Pointer Roundabout
 8. City Centre Gyratory
 9. A683 Caton Road
 10. A6 Slyne Road (and Other Feeder Roads)
 11. Local Highway Network Around M6 Junction 34
 12. Lancaster Area Wide Local Road/Management Changes
 13. Morecambe Area Wide Local Road/Management Changes
- 5.5.21 Following the response in October 2022, an updated Transport Assessment has been submitted to support the application. Further comments were sought from County Highways and were received in January 2023. In summary, this response sets out that the updated TA still falls significantly short in terms of meaningful analysis required to enable the Local Highway Authority to support the application. Without the information that has been requested, the application fails to:
- adequately reflect the existing (current) situation;
 - have regard to all modes throughout the day;
 - have an adequate scope of network analysed;
 - adequately consider safety;
 - adequately consider the displacement of traffic and undermining of the highway hierarchy;
 - ensure that there is suitable sustainable provision for all users of all abilities.

5.5.22 County Highways have advised that the TA does not adequately reflect the operation of the highway network upon which the proposed development will rely, and their understanding of the network differs significantly. The response goes on to say that the issues are not insurmountable with the appropriate level of analysis and the site can be made sustainable with the appropriate mitigation. The analysis required from the applicant is likely to be resource-intensive and the mitigation required substantial. County Highways have advised that the Infrastructure Strategy and gravity model approach are intended to overcome these issues that are difficult for developments in isolation to overcome and the applicant should consider whether to support the strategy rather than assess and subsequently mitigate impact in isolation.

5.5.23 The applicant's transport consultant has provided a rebuttal to the latest response from County Highways. In summary, they consider that the Highway Authority has refused to consider the transport implications associated with the proposed development but have instead focused on their strategic aspirations within and around Lancaster. Given this impasse, Lancaster City Council, need to make a planning judgment on the information provided and the impact on the highway network, including whether the information that is being requested is reasonable and is proportionate to the scale of the development. It is disappointing that the concerns regarding the Transport Assessment were not raised originally, with the only matter waiting to be clarified being the level of contribution requested to mitigate the impacts on the wider highway network, and the relevant evidence for this. As set out above, it appears that the Highway Authority would not require further detailed assessment of the impact on the road network if the contribution requested was required in full. Lancaster City Council, as the Local Planning Authority need to ensure that any request complies with the tests in the CIL Regulations (2010), which are reiterated at paragraph 57 of the NPPF.

5.5.24 In terms of the updated Transport Assessment, traffic surveys were carried out on Tuesday 8 November 2022 during the morning peak period from 7am to 10am and the evening peak period from 4pm to 7pm. These were undertaken at the following locations:

- Moor Lane/Quernmore Road/East Road/Wyresdale Road crossroad junction;
- Dalton Street/Thurnham Street/Brock Street signalised junction; and
- A6 Great John Street/Moor Lane priority junction.

An Automatic Traffic Count survey was also undertaken on Quernmore Road in the vicinity of the proposed access, 24 hours a day for 7 days commencing on Tuesday 8th November 2022.

5.5.25 In response to this, County Highways have advised that all development in Lancaster has an impact to a greater or lesser extent across key locations in the District and Transport Assessments are expected to consider accessibility by all modes and across the entirety of the day, not just peak commuter periods. They have set out that assessments should consider the following as a minimum:

- Local corridor impacts;
- Lancaster City Centre Gyrotory;
- M6/A683 Intersection;
- Pointer roundabout;
- Hala Road signalised junction;
- Galgate signalised junction, and
- Other pinch points/corridors on the network influenced by or as a consequence of the development proposal (together with that committed and expected).

5.5.26 The applicant's consultant has set out that they have assessed a study area which most Local Highway Authorities would consider reasonable for the scale of development proposed. The study area requested extends over 6 km south of the site and over 3km south of Lancaster. They have set out that traffic impact associated with the proposed development will have a negligible traffic impact on the existing highway network in Galgate. The submitted Transport Assessment sets out that they have limited the study area to all junctions where 30 two-way development trips will be added to any approach arm and goes on to say that this is an accepted industry standard methodology for defining a study area for a traffic assessment. County Highways have advised that this is an arbitrary figure, which has a different level of impact on different levels of congestion. At locations where the validated network modelled is operating above theoretical capacities (or through observation), that have advised that one extra vehicle may result in severe adverse impacts if the base case is severe.

- 5.5.27 County Highways have also requested an assessment of a junction on the M6, however, as discussed above National Highways have raised no objections regarding the impact on the Strategic Highway Network and the number of units has reduced since these comments were made. In terms of the traffic counts, it is considered that what has been undertaken is reasonable to be able to make an assessment of the impact of the proposals and is more in line with what would usually be expected. Although it is acknowledged that there may be some knock on effect at the Pointer roundabout, Hala Road junction and at Galgate.
- 5.5.28 The applicant's consultant has also set out that they have never been asked by a Local Highway Authority to assess the traffic impact of a proposed development over a full day, and are not aware of any policy/legislation that requires this. They have gone on to say that it is evident that a residential development generates the highest number of trips during a weekday morning and evening peak hour, which coincides with the highway network peak hours. They have advised that they could forecast the trip generation during the day, but in normal transport and highway terms, it is a pointless exercise as the number of trips will be fewer during this period as typically will the highway network. It is therefore considered that information on traffic flow throughout the day is not necessary to make an assessment of the impacts and does not appear to reflect what would usually be expected.
- 5.5.29 County Highways have also set out that the road network in the surrounding area has varying levels of inadequate junction and link capacity which presents a challenge in terms of facilitating further development. Work that they have undertaken shows that the higher levels of congestion are adversely affecting the count data in that the data is reflecting the traffic that gets through a junction, as opposed to the demand for a junction, with fewer vehicles getting through at higher levels of congestion. They have advised that the outcome of using these counts without queue data in assessments misrepresents the level of congestion on the network. They have gone on to say that the need for queuing surveys is necessary to enable an understanding of demand that is currently not being met, in order to properly replicate queuing and include latent demand. Junctions are treated as an isolated feature with no backup of traffic from or linked interaction with the next junction that inhibits the exit lanes from the junction being assessed. County Highways have set out that when queuing occurs, or there is disruption, such as a bus stopping, or a parked vehicle, the operation of a junction quickly deteriorates.
- 5.5.30 Concerns were also raised that the assessment has not adequately considered the attractiveness of routes that are not in line with the highway hierarchy, the safety issues present for all users with this occurring, or how discouraging these movements could be achieved. County Highways have advised that one of the significant adverse effects of the congestion in Lancaster and the lack of capacity is the appeal of alternative routes, which are not in line with design standards, and not intended for use associated with those movements that are not local. The table below is taken from the County Highway's comments in January 2023.

Direction of travel AM Peak	Original TA	Updated TA	LCC survey*
West	70%	77%	46%
East	30%	4%	11%
Grab Lane	Not considered	19%	43%

**LCC survey is observed and would not be supported for further development because it undermines the highway hierarchy and exacerbates issues as highlighted above (due to the existing network not satisfying their needs)*

- 5.5.31 It goes on to say that if there are levels of traffic expected to utilise inappropriate routes, this indicates that interventions are required to support the highway hierarchy and the TA should explore how the expected routes of travel can be influenced by developer delivered interventions in line with the County Council's strategy.
- 5.5.32 County Highways have advised that the assessment should include regard for how reliable the network is at different times of day as a congested network is unreliable. Concerns have also been raised about traffic growth and County Highways have advised that it is not straightforward on this network and that no guidance has been sought from them on this issue following the previous comments. The response goes on to say that, on a constrained network, experiencing peak period spreading, traffic growth can be impacted. The outputs from the assessment make assumptions and will underestimate growth on certain corridors, particularly when regard is had for the changes

proposed by Lancashire County Council and traffic growth is also directly linked to the strategy and sustainable travel uptake/modal shift.

- 5.5.33 The collision analysis has been updated to reflect the previous comments provided. However, the most recent consultation response sets out that the TA fails to adequately assess where conflict between users is likely to arise, or be exacerbated, as a consequence of the proposed development. The response sets out that they have observed issues such as dangerous driver behaviour, dangerous pedestrian behaviour, vehicles in live junctions blocking other traffic, and vehicles on pedestrian crossings in central Lancaster and these issues can disproportionately affect those with disabilities, visible or hidden. In response, the applicant's consultant has set out that Lancaster is a city with a higher population and with higher movements in comparison with towns and villages. Over a 5 year period, it is not uncommon for personal injury collisions to occur in cities. They have set out that they have reviewed the personal injury collisions within a reasonable study area for the proposed development and although unfortunately, a number of collisions have occurred, have concluded that there is no inherent road safety issue associated with the road layout in the vicinity of the site.
- 5.5.34 The consultee response also sets out that the Transport Assessment should include adequate analysis of the surrounding network to strengthen the use of the highway hierarchy for all modes. Matters where inadequate reference has been made, that would ordinarily be highlighted include:
- Absence of infrastructure provision for users (such as lack of footway on routes)
 - Adherence/lack of adherence of infrastructure with design standards and justification as there is no reference to the quality of provision in the assessment in regard to standards
 - Education, employment, health, leisure and other amenities, distance to and route safety analysis, with adequate audit trail.
- 5.5.35 The TA states that towards the city centre there are footways and street lighting provided along both sides of Quernmore. However, County Highways have advised that the existing footway provision lacks appropriate drop crossings at a number of locations, such as Grab Lane, Parkgate Drive, Melrose Street, Glebe Court, Bulk Street and Robert Street. They have also advised that the width of the footways on Quernmore Road towards the city centre also falls below the recommended widths at a number of locations to support all footway users. They have requested further work in relation to this. However, it would appear that they understand where there are issues and what improvements could be made within the Highway. This could be secured by a condition requiring off-site highway works to help facilitate pedestrian movements between the site and the City Centre.
- 5.5.36 County Highways have also highlighted that the survey on Quernmore Road indicates that around 90% of the traffic is speeding, with the maximum speed at 75.6 mph and the 85th percentile around 43 mph and have raised concerns regarding this. They have requested that visibility splays are updated to reflect this. It is likely that greater visibility can be achieved to the southeast to ensure that vehicles are visible when approaching down the hill from the motorway bridge. The agent has been asked to update the drawing to reflect this. Whilst the response does not set this out, there may also be measures that could be put in place on the highway to influence vehicle speeds, which could be covered by a condition and carried out as part of a Section 278 Agreement with County Highways. As the Highway Authority are still objecting to the proposal, they have not set out any conditions or requirements for off-site highway works in the vicinity of the site. It may also be appropriate to review street lighting to ensure that it is appropriate in relation to the development's access and links to existing pavements. There is one streetlight that on the frontage of the site and this will probably require relocation as part of the scheme.
- 5.5.37 In terms of the proposed trip generation, the submission sets out that this was calculated using the industry standard Trip Rate Information Computer System (TRICS) and was set out in the originally submitted Transport Assessment. When the plans were amended in April 2022, a Technical Note was provided to reflect the changes to the scheme. The tables below show the trip generation for weekdays at peak hours for the original scheme and the amended scheme as set out in that update.

Table 1: TA Proposed Residential Vehicle Trip Generation (151 Dwellings)

Time Period	Trips		
	Arrivals	Departures	Total
8.00am – 9.00am	26	64	90
5.00pm – 6.00pm	62	40	102

Note: Extracted from Table 6.3 of TA

Table 2: Updated Proposed Residential Vehicle Trip Generation (116 Dwellings)

Time Period	Trips		
	Arrivals	Departures	Total
8.00am – 9.00am	19	48	67
5.00pm – 6.00pm	46	30	76

5.5.38 Following the concerns raised by County Highways in October 2022 regarding the trip rates, these were amended by the applicant’s consultant. The report sets out that these are based on an approved site adjacent to Bartle Lane, approximately 5.5 km to the northwest of Preston City Centre (planning ref: 06/2020/1344) which is likely to generate higher trip rates as it is further from a city centre than this application site and further from a bus stop. The revised trip rates are set out below:

Table 6.7: Revised Residential Vehicle Trip Generation – 116 units

Time Period	Trip Rate		
	Arrivals	Departures	Total
0800 – 0900	16	52	68
1700 - 1800	51	27	78

The report sets out that, whilst the trip rates have increased slightly, they are still less than the originally submitted scheme that comprised 155 dwellings. The response in January 2023 from County Highways confirms agreement to the trip rates however they have set out that an analysis which considers all modes would better facilitate an understanding of total movements.

5.5.39 The updated Transport Assessment sets out that the trip generation associated with 440 residential units to be accommodated on the former Lancaster Moor Hospital site had originally been included as committed development as the traffic assessment in the originally submitted TA was based on historic 2006 traffic flows. This development is no longer included as committed development as the updated assessment has been based on 2022 traffic surveys. The table below provides a summary of the committed development that has been considered.

Table 6.2: Summary of Committed Developments

Policy Reference	Site Location	Dwelling Numbers	Planning Status
21/00566/FUL	Land east of Grab Lane	167	Application withdrawn
H5	Land at Leisure Park	242	Allocation
H3.1 and H3.2	Former Ridge Lea Hospital	75	Allocation
H3.2	Land at Stone Row Head	10	Allocation

5.5.40 County Highways have advised that, when considering the network, regard should be had for all permitted development, those being progressed, and those which are expected. They have also set out that they remain of the same view that development coming forward in isolation can be considered piecemeal and is not in line with the County Council’s approach linking to the mitigation strategy and would result in an unacceptable impact on the highway network beyond the proposed access that would require management and delivery of necessary mitigation. However, it is considered that what is considered in the response is reasonable in terms of how it relates to the development proposed.

5.5.41 The above comment leads on to the consideration of the request for a contribution towards a number of projects throughout the District. As set out above, the Local Planning Authority must ensure that any request for a financial contribution that it makes, and subsequently secures through a legal agreement, complies with the tests set out in the CIL Regulations, which are reiterated in paragraph

57 of the NPPF. In particular, a planning obligation must only be sought where it meets all of the following:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

5.5.42 The applicant has provided legal Counsel opinion in relation to the request for the contribution which has been detailed above in the report. This has been considered and has also resulted in a number of questions being asked of the Local Highway Authority. In terms of the first test, one of the considerations is the policy position. There are several policies in the Local Plan which relate to the delivery of infrastructure to support development. The third initiative outlined by the Highway Authority relates specifically to Bailrigg Garden Village. Policy SG1 of the Strategic Policies and Land Allocations DPD sets out a range of principles which will be at the core of planning and development in South Lancaster and for the Garden Village. These principles include: seeking a model shift in local transport movements between South Lancaster, the Garden Village, Lancaster University Campus and Lancaster City Centre and beyond into the employment areas of Morecambe and Heysham through the delivery of a Bus Rapid Transport System and Cycling and Walking Superhighway network; and addressing longstanding constraints and capacity issues in the strategic and local road network through improvements to traffic management and physical interventions to increase network capacity and advantage sustainable travel. The policy goes on to say that development within the broad location for growth, in advance of the Lancaster South Area Action Plan (AAP) will be permitted provided that it would not prejudice the delivery of the wider Garden Village, would conform with and further the Key Growth Principles and that opportunities for sustainable transport modes have been fully considered and the residual impacts on the transport network are not severe. However, as this site is not within the Broad Location for Growth, it cannot be given weight in the determination of this application.

5.5.43 Policy SG3 sets out a policy mechanism for the delivery of growth in south Lancaster. It sets out that all development contained within the designation of the Broad Location for Growth, including Bailrigg Garden Village, should contribute to infrastructure requirements in a fair and equal manner and the council will not permit piecemeal development in this area which does not seek to address matters of strategic infrastructure. Neither policy sets out that development outside the area would be expected to contribute to infrastructure requirements in that area or those as a result of the large scale development proposed in South Lancaster. Therefore, it is considered that there is no policy basis for requests in this area of the District in particular.

5.5.44 Policy SP10 relates to improving transport connectivity and refers to the Highways and Transport Masterplan for the District. This sets out that new development will be expected to be sited in sustainable locations that ensure a range of transport options and seek to reduce the need to travel. Where it is appropriate and necessary to do so, development proposals will be expected to contribute to the delivery of important transport infrastructure. Where strategic developments are likely to result in traffic impacts that will require mitigation in the form of projects identified in the Highways and Transport Masterplan then funding will be sought via developer contributions. It goes on to say that the principles and requirements within Policy DM64 of the Development management DPD will apply.

5.5.45 Policy DM64 sets out that the key issues addressed in the Masterplan include:

- Improvement to highway capacity on the A6 Corridor between Lancaster City Centre and Galgate.
- Improvements to traffic management in Lancaster City Centre to provide greater priority to public transport, pedestrian and cycling movements.
- Improvements to connectivity around Morecambe Bay improving rail services and improving cycling and walking linkages.
- Establishing a new Rapid Transit System between South Lancaster – Lancaster City Centre – Junction 34 Park and Ride – Morecambe – Heysham.

It goes on to say that, where appropriate, the Council may seek contributions towards the delivery of new infrastructure to achieve the aims and objectives set out in the Highways and Transport Masterplan where such contributions are reasonable and directly related to the development proposed, in line with national planning policy.

- 5.5.46 Policy DM63 also sets out that the Council will support proposals that maximise opportunities for the use of sustainable modes of travel. Development proposals should make appropriate contributions) to improve the transport network and transport infrastructure, particularly to facilitate walking, cycling and public transport (bus and rail) to encourage the use of alternative forms of transport from the private car. Policy DM46 is clear that any contribution should directly relate to the development proposed. As highlighted above, it is clear that it was not the intention of the Local Plan to secure funding for infrastructure within the Broad Location for Growth from development outside the area. There are also other initiatives that are a significant distance from the site, such as in Morecambe, where it would be difficult to reach a view that the contribution for these works was necessary to make the development acceptable in planning terms. Unfortunately, this does then call into the question the whole approach and how this could be considered to comply with the CIL tests. The Local Planning Authority must ensure that any request it makes and secures is lawful.
- 5.5.47 In terms of the impact of the development on the highway network, the updated Transport Assessment sets out that the highest two-way trip generation at the existing Dalton Street/Thurnham Street/Brock Street signalised junction during the weekday morning peak hour would be 24 trips on the Nelson Street arm. During the weekday evening peak hour there would be 29 two-way development trips on the Nelson Street arm. The highest two-way trip generation at the existing A6 Great John St/Moor Lane priority junction during the morning peak hour would be two trips on the Moor Lane arm. During the weekday evening peak hour there would be 1 development trip on the Moor Lane arm. The Transport Assessment sets out that no further assessment has been carried out of these junctions as the trip generation is less than 30 two-way trips.
- 5.5.48 An operational assessment has been carried out at the proposed site access priority junction and the existing Quernmore Road/ Wyresdale Road/ East Road/Moor Gate crossroad junction. The assessment sets out that the proposed junction will operate with significant reserve capacity during the weekday morning and evening highway network peak hours for the 2027 Assessment Traffic Flow scenarios and demonstrates that there is no need to provide a ghost island right turn facility on Quernmore Road. In terms of the existing crossroad junction, the assessment sets out that the existing junction operates within capacity at present and will operate within capacity with the addition of development traffic in the future 2027 Assessment year during the weekday morning and evening peak hours. It concludes that the development will therefore have no material traffic impact on the operation of the existing Quernmore Road/Wyresdale Road/East Road/Moor Gate crossroad junction.
- 5.5.49 The Highway Authority clearly dispute much of the assessment, mostly relating to its scope and the level of analysis, including in relation to movements other than by car. Much of the concern seems to relate to how the existing system operates. They have advised that the detail that is being requested is required to overcome the limitations that a traditional approach to Transport Assessment cannot, so the impact of the development can be properly assessed and this is directly related to the severity of the issues in Lancaster. Their response goes on to say that further development requires a step change in the travel and transportation systems it utilises to be safely accommodated on the highway network. A modal shift is necessary and critical, and in its absence without significant change (as set out in the Infrastructure Strategy) with the delivery of that planned in the Local Plan, the network is likely to move one step beyond severe. The Local Plan does seek a modal shift, however only in relation to development in South Lancaster and there is no requirement in Policy for all development to seek to contribute to such a shift across the District.
- 5.5.50 It should be noted that the Lancaster Travel and Transport Infrastructure Strategy, which was provided alongside the comments in October 2022, is dated October 2022 and marked as a 'draft'. The County Council have been queried about its status, as this was raised in the applicant's Counsel advice. They have advised that this is required to support the proposals for growth in the Local Plan and all elements of the strategy will follow the appropriate approval process including Cabinet Decision making. They have set out that the initiatives will also be open to public consultation at the appropriate stages of each respective scheme development process. It therefore appears that the Strategy itself has not had any formal approval or adoption and it does not appear that it is intended to.
- 5.5.51 Moving on to the second test and whether the contribution request directly relates to the development proposed. As set out above, there are some concerns that some of the infrastructure initiatives relate

to this development. The consideration of this test requires a planning judgement to be made, however this must be based on transparent evidence. In this regard, the Highway Authority have provided the Infrastructure Strategy, its appendices and a spreadsheet which shows the level of contribution that has been apportioned to each project. In reaching the level of contribution required from the development, a sum has been calculated per dwelling for each of the initiatives. A number of queries were raised in the Counsel advice and so these have been asked of the highway Authority. These relate principally to the methodology for the gravity model, including how it considers trip generation and traffic distribution.

- 5.5.52 The Highway Authority have advised that the point of the gravity model is that it calculates impact as part of the full Local Plan (apportionment), rather than as an individual development. This overcomes issues regarding development unknowns, developments being delivered in the early stages of the Local Plan having an unreasonable burden, and development later in the Local Plan piggy-backing off the earlier development's interventions. They have also set out that it is their opinion that the operation of the network is of sufficient severity that a single additional vehicle may have a severe impact, by adding to an already broken network. In their consultation response in January 2023 they have set out that the applicant should consider whether to support the Infrastructure Model and Gravity Model Approach rather than assess and subsequently mitigate impact in isolation. However, this is what the CIL tests require that any contribution is necessary to make the development acceptable in planning terms and directly relates to the impact of that development.
- 5.5.53 The breakdown of the request from the Highway Authority requests £20,120.36 towards 'Bailrigg Garden Village'. It is difficult to see how the development has a direct impact on the garden village or would be unacceptable if this contribution was not made, in addition to the concerns above about the policy basis for this. In addition, around £12,000 has been requested towards local road changes in Morecambe which is around 5 miles from the site. It is also difficult to reach a planning view that the development should be refused if this was not provided. There are also a number of other concerns about when some of these schemes may come forward as some of the initiatives include options. As the approach intends to include contributions from all developments across the plan period, it may be that some of the initiatives could not be delivered for many years beyond the completion of the development. This raises the question of how they relate to the development proposed but also the implications if unspent money is required to be paid back. The Highway Authority would still be in a position that they could not secure the money, if not spent within an appropriate timeframe, and the development may have been diminished as a result, such as a decrease in affordable housing to allow all the contribution to be made.
- 5.5.54 Finally, any request must fairly and reasonably relate in scale and kind to the development. This test is met where there is a real connection with the development and there is a proportionate relationship between the development and the contribution sought. There is necessarily an overlap between the second and third tests. Given the queries about the transparency of the Gravity Model and the apportionment of the contributions, in addition to concerns about the delivery of some of the initiatives and their location and link to the to the development, it is currently considered that the third test cannot be made.
- 5.5.55 As set out above, the Local Planning Authority can only secure financial contributions where they meet the CIL tests. Whilst discussion have been ongoing with the Local Highway Authority for some time, unfortunately the approach put forward fails to comply with the tests for the above reasons. It is appreciated that a lot of work has been put into the development of the model and the collating the information in relation to the proposed projects, but unfortunately there is no strong policy position to support this as a District wide approach. It is considered that there is justification for a contribution towards the bus service, as detailed above. There is a risk that if this is not secured then this bus service could be lost as it would not appear to be covered by other projects listed. It also potentially allows for funding relatively quickly rather than waiting for a project to come forward. There may also be justification for some of the other projects, such as the works required in the City Centre, however this has currently not been adequately evidenced by the Highway Authority. There is an opportunity to secure contributions that link to movements by different modes from the development site. However, it has been repeatedly requested that it is evidenced that any contribution directly relates to the development proposed and this has not been provided.
- 5.5.56 The Local Planning Authority is currently in a position where it is being pushed to determine the application, following significant delays in relation to the request for infrastructure contributions and

the late concerns regarding the Transport Assessment. It appears that what is being requested from the Local Highway Authority in terms of assessment is overly onerous. They have advised that the issues can be overcome by supporting the Infrastructure Strategy and the Gravity Model approach, however this fails to comply with the CIL tests, as discussed above. The Highway Authority have advised that they do not consider that submission enables a proper understanding of the network, and therefore the likely impacts of the proposal are not properly assessed and they currently recommend refusal.

5.5.57 Policy DM60 of the Development Management DPD requires development proposals to be accessed safely during construction and operational phases of development and ensure that they minimise the need to travel, particularly by private car, and maximise the opportunities for the use of walking, cycling and public transport. It also requires development proposals to not adversely impact the local highway network and where highway capacity is insufficient to accommodate the impacts of the proposal, to secure appropriate mitigation. This aligns with paragraphs 110 of the NPPF. In accordance with paragraph 111 of the NPPF, development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

5.5.58 The Highway Authority have raised a number of concerns regarding the Transport Assessment including concerns about the operation of the existing highway network. It is acknowledged that there are issues with areas of the highway network, although the exact extent of this in terms of severity is not clear. The development would result in additional vehicle movements on the network in areas that do experience congestion. Mitigation can be sought where there are impacts, including residual cumulative impacts. However the approach currently put forward is a District wide one that fails to comply with CIL tests and therefore cannot be supported by the Local Planning Authority. Whilst the development would have some impact on the highway network, from the information provided, it is not clear that this would be a severe impact that would justify the refusal of the application. The highway impacts need to be considered in the planning balance when determining the planning application.

5.6 **Flood Risk and Drainage** NPPF paragraphs: 152, 154, 159-167 and 169 (Flood Risk and Drainage); Strategic Policies and Land Allocations (SPLA) DPD policy SP8 (Protecting the Natural Environment); Development Management (DM) DPD policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage) and DM35 (Water Supply and Waste Water)

5.6.1 The site is located within flood zone 1, however there is a large area at high risk of surface water flooding within the south west corner of the site. The site is also identified as an area which is susceptible to ground water flooding (50-75%). A flood risk assessment and Drainage Strategy was provided with the original submission. The Lead Local Flood Authority (LLFA) were consulted and initially raised an objection. In particular, 12 dwellings were shown within or bordering an area at risk of surface water flooding on land below 66.25 AoD. It had not been demonstrated that the most vulnerable development was located in the areas of lowest flood risk, that it would be appropriately flood resistant and resilient, how residual risk would be managed or that there would be a safe escape route in the event of a flood.

5.6.2 Paragraph 167 of the NPPF requires applicants to demonstrate, through a site-specific flood risk assessment, that:

- within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
- it incorporates sustainable drainage systems unless there is clear evidence that this would be inappropriate;
- any residual risk can be safely managed; and
- safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

5.6.3 Paragraph 169 goes on to state that: major development should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate and the systems should:

- take account of advice from the lead local flood authority;
- have appropriate proposed minimum operational standards;

- have maintenance arrangements in place to ensure an acceptable standard of
- operation for the lifetime of the development; and
- where possible, provide multifunctional benefits.

5.6.4 Following the initial comments from the LLFA, an amended Flood Risk and Drainage Strategy was submitted in January 2022. This provides provision for an emergency access point on Quernmore Road and commits to setting finished floor levels at 66.4 m AoD, 700 mm above the estimated 1 in 100-year flood level and 150 mm above the 1 in 1000-year flood level. It also slopes levels away from buildings at risk of flooding to manage residual risks. As a result, the LLFA removed their objection. Their response sets out that the SuDS system will offer further mitigation to accommodate surface water on the site, up to the 1 in 100 year + 40% climate change rainfall event, with a 10% allowance for urban creep. It is, therefore, likely that the area of surface water flood risk in the south-west corner of the site will be reduced post-development, as rainfall falling on the site will be accommodated formally within the drainage system up to the design event. There are still residential units shown within the areas at risk of surface water flooding and, whilst building outside these areas is preferable, the LLFA have advised that the measures proposed satisfy the requirements of the PPG and NPPF with regards to managing these risks for the lifetime of the development.

5.6.5 When the application was amended in April 2023, and the number of units on the site reduced, a further Flood Risk Assessment and Drainage Strategy was submitted. In response to this, the LLFA have raised no objection. They have requested a number of conditions and set out a series of expectations of what should be submitted to satisfy the conditions, similar to the previous response. This relates to discharge rates, storage volumes, urban creep, storage capacity of the attenuation pond and flood risk off site. In relation to this last point, the LLFA have advised that the development will discharge to Burrow Beck which is the source of high flood risk to downstream communities. Paragraph 161 of the NPPF and Policy DM33 of Development Management DPD Plan urges new developments to improve the causes and impacts of flooding, making use of natural flood management techniques as part of an integrated approach to flood risk management. The LLFA have advised that the developer should seek opportunities to reduce downstream flood risk and the response goes on to say that the applicant has met this expectation by restricting discharge rates from the site to the greenfield equivalent to the 100% (1 in 1-year) annual exceedance probability event (41.1 l/s) beyond the requirements of Local and National policy and standards. The Environment Agency have not provide comments in relation to the amended scheme, however they originally raised no objections but encouraged flood risk betterment along Burrow Beck.

5.6.6 It is acknowledged that concerns have been raised by the South Lancaster Flood Action Group, in particular relation to the potential for increased flood risk downstream. However, as set out above, it is considered that the approach taken in the submission is acceptable in terms of managing flood risk and adequately dealing with surface water runoff as a result of the development. The detailed design of the drainage scheme can be adequately covered by condition, in addition to measures to manage surface water during construction. It is therefore considered that the application complies with Local Plan policies in relation to flood risk and drainage, in particular DM33 and DM34, in addition to national policy set out in section 14 of the NPPF and discussed above.

5.7 **Biodiversity and Trees** (NPPF paragraphs: 174 and 179-182 (Habitats and biodiversity); Strategic Policies and Land Allocations (SPLA) DPD policies: SP8 (Protecting the Natural Environment and EN7 (Environmentally Important Areas); Development Management (DM) DPD policies DM43 (Green Infrastructure), DM44 (Protection and Enhancement of Biodiversity) and DM45 (Protection of Trees, Hedgerows and Woodland).

5.7.1 The site is located approximately 4.3 km from Morecambe Bay and Duddon Estuary Special Area of Protection (SPA), Morecambe Bay Special Area of Conservation (SAC) and Morecambe Bay Ramsar site, in addition to the Lune Estuary SSSI. Given the distance from the designated sites, it is considered that the proposal would not have a likely significant effect on the interest features for which they have been designated. Natural England have confirmed this and have raised no objections and have not requested any conditions.

5.7.2 Greater Manchester Ecology Unit (GMEU) have provided advice in relation to the ecological impacts of the proposal. The comments were made following the amended plans in April 2023. A ecological report was submitted with the planning application and has assessed the site for all likely protected species. Apart from bats, which may forage along hedgerows and roost in four trees, which have

been assessed as low risk, all other species were reasonable discounted. GMEU have advised that they have no reason to doubt the findings of the report, and the site and nearby land are unlikely to provide suitable habitats for any such species. All four trees appear to be retained in the proposed layout, although the report sets out that T3 is to be removed, although this report was prepared prior to the amendments to the layout. Therefore, GMEU have advised that a condition can be included to ensure that further information is provided and agreed prior to the removal of any of these trees.

- 5.7.3 There is however a report from one of the objectors of natterjack toad. GMEU have advised that this appears very unlikely given the habitats present and lack of breeding ponds and it may be that the comment was meant for a different application. However, clarification has been sought regarding this. The applicant's ecologist has set out that the site comprises heavily grazed field pasture, and as natterjack toads are almost exclusively confined to coastal sand dune systems, it is considered highly unlikely that this species would be present at the site, as there are no suitable habitats for this species. They have also advised that there are populations along the Morecambe coastline, however the nearest population is located approximately 5.5km from the site, with the large conurbation of Lancaster and its associated infrastructure forming a significant barrier for the dispersal of this species from its coastal habitat to the site. It is therefore considered very unlikely that they would be present on this site and no mitigation in relation to this species is therefore required.
- 5.7.4 Some trees and hedge will be lost which provide potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. GMEU have recommended a condition requiring no works to trees or shrubs to be undertaken between the 1st March and 31st August unless a detailed bird nest survey has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present.
- 5.7.5 Paragraph 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The development will result in a significant loss of low ecological value grassland and some hedgerows along with associated bird nesting habitat. Relatively generous landscaping has been proposed around the site. A net gain assessment has been provided that has calculated a small gain in area based habitats and a low loss of linear habitats. Whilst the excel spreadsheet was not provided, GMEU advised that the summary provides adequate information on which to interpret the findings. They have set out that the proposed conditions of the proposed habitats are not unrealistic but are also set at levels where failure would mean the difference between net gain and net loss. If the scrub is set to achieve moderate condition gaining 2 Units but if only poor condition was achieved the loss of approximately 1 unit would be enough to tip the net gain to net loss as the current gain is only just over 0.5 BU. It should also be noted that a 4% net gain will not be adequate once net gain becomes mandatory and there is an overall loss of hedge units. They have also advised that 4% net gain will not be adequate once net gain becomes mandatory and there is an overall loss of hedge units.
- 5.7.6 In their comments, GMEU advised that additional hedge planting is provided, which appears feasible from the layout, in order to achieve net gain for linear features. Following these comments, the applicant's consultant advised that the northern site boundary, which supports a poor condition hedgerow, shall be 'planted-up' and enhanced to a 'moderate condition' native species-rich hedgerow. Details of how the hedgerows on site can be enhanced and maintained to a 'moderate condition' could be provided through the production of a Landscape and Ecological Management Plan. GMEU have requested such a management plan to ensure the target conditions are attained and maintained for 25 years and a bird and bat box strategy be provided for the new build/site. These can be covered by a condition.
- 5.7.7 In particular relation to the trees, the submitted Arboricultural Implications Assessment (AIA) identifies 11 individual trees, 10 groups (of which five are identified as remnant hedgerow) and one hedgerow located both within and bordering the site. The trees and hedgerows which are mature to early mature, are clearly visible to the public accessing the local area and contribute to the setting of the former Moor Hospital site and soften the High Wood development. The site is separated from the Lancaster Moor conservation area and the Lancaster Moor Hospital Tree Preservation Order (TPO) No. 381 (2006) by the access track which runs parallel to the western boundary.
- 5.7.8 To construct the development, the AIA states that two remnant hedgerows (G3 & G4) which divide the site will have to be partially removed (approximately 30 hawthorns). A conflict between the

proposed boundary fencing and the root protection area (RPA) of three trees (T2, T6, T11), two groups (G2, G10) and the hedgerow (H1) is also noted. Further conflict is identified within the RPA of one group (G2) and one tree (T6) to construct an area of car parking. The AIA includes mitigation measures within an Arboricultural Method Statement (AMS) which will limit the disturbance of the rooting environment.

5.7.9 The proposed landscaping plan indicates that the east of the site will remain open, with existing vegetation retained and native scrub and individual trees planted to form a strong wooded boundary to the motorway. A native hedgerow and an avenue of street trees will separate the open area from the built development. The southern boundary, which revolves around a play area is to be planted with individual trees, with trees planted along the boundary with Quernmore Road and a native hedgerow bordering the internal road network. The internal road will be planted with street trees positioned within the roadside verge (not gardens) although this does diminish further into the site, although some additional tree planting has now been proposed. Some additional street trees have been shown to the south of the site between the play area and the access road. Some supplementary planting has been shown to the northern boundary, to enhance the existing hedgerow, although the boundary to the rear of gardens is still proposed as a solid timber fence. The street tree mix has been also been diversified, although the arboricultural officer has advised that it would be preferable to have an alternative to cherry, due to its invasive roots and limited life span

5.7.10 The revised landscaping scheme also includes the enhancement of the western boundary, with native planting to create a more robust hedgerow, which is positive to see. It would have been preferable if the development had been set back from the boundary to allow for additional planting given that the western boundary will deteriorate over time, taking into account the current condition of the trees (including ash dieback) and pressure from the development once occupied. This does tie into concerns that were raised from the Conservation Officer in relation to the impact on the setting of heritage assets.

5.7.11 Although there may have been some further opportunities to enhance the landscaping and wildlife mitigation throughout the site. It is considered that the development will provide a well landscaped scheme, with green areas throughout the site, in addition to the large open areas to the west and south. It is considered that there would not be a detrimental impact on biodiversity and appropriate mitigation and enhancements can be secured by condition. It is therefore considered that the application complies with policies DM44 and DM45 of the Development management DPD. The submission does include a detailed landscaping scheme, which can be conditioned, although it is acknowledged that this may need to change slightly where it relates to the bund close to the motorway, as the final design needs to landscaping scheme has been provided, this may need to change slightly depending on the final design of the bund close to the motorway.

5.8 **Air Quality NPPF paragraphs 186 (Ground Conditions and Pollution); Strategic Policies and Land Allocations (SPLA) DPD policies: EN9 (Air Quality Management Areas); Development Management (DM) DPD policies: DM31 (Air quality management and Pollution) and DM57 (Health and Wellbeing)**

5.8.1 The site is not located within an area designated for poor air quality, however it is located approximately 1.8 km from the Lancaster Air Quality Management Area. An Air Quality Assessment was submitted as part of the application. This considers the impact from the original development, and the number of units has reduced from 151 to 116. It includes the consideration of potential dust emissions during construction and highlights suitable mitigation. This could be included within a construction management plan. The proposals include one electric vehicle (EV) charging point for each house with private drive or garage. Additionally, the report sets out that 10% of the parking for flats will have EV charging, with the ability to retrofit the other spaces through the inclusion of suitable cabling ducts and infrastructure. The Building Regulations now require electric vehicle charging points for all new dwellings, although it is slightly different for properties with shared parking. Some clarification has been sought as to whether a condition is required in relation to the charging points for the shared parking, or whether it would be delivered through the Building Regulations, although it may be necessary to ensure that infrastructure for future charging points is provided. The report also includes other measures including cycle parking throughout the development, measures that have already been outlined in relation to the travel plan, in addition to the footpaths throughout the site and on the frontage, to the west, which are covered by the layout.

- 5.8.2 The Air Quality Officer has advised that, providing that the air quality measures are met in full as set out in the submitted report, then would consider these broadly acceptable to mitigate the impact. However, it has also been advised that more tangible measures are put in place to better persuade the use of modes other than the private car, for example, by providing bus passes for residents, provision of a bicycle per dwelling. The applicant has confirmed agreement to accommodate bus passes and cycle vouchers as part of a Travel Plan, which would be considered. It is therefore considered that the measures proposed are acceptable to mitigate the impacts on air quality from the development, in accordance with Local and National Planning Policy.
- 5.9 **Open Space** NPPF paragraphs: 92-93, 98-100 (Promoting Healthy and Safe Communities including Open Space and Recreation), 126-134 (Achieving Well-Designed Places), Development Management (DM) DPD policies: DM27 (Open Space, Sports and Recreational Facilities), DM57 (Health and Well-Being)
- 5.9.1 Policy DM27 sets out the planning policy position in relation to 'Open Space, Sports and Recreation Facilities' stating that 'development proposals located in areas of recognised open space, sports and recreational facility deficiency will be required to provide appropriate contributions toward open space, sports and recreational facility provision, either through provision on-site or a financial contribution toward the creation of new or the enhancement of existing open spaces, sports and recreational facilities off-site'. As discussed above, open space is proposed to the east and south of the site.
- 5.9.2 The Planning Advisory Note requires the provision of 1869 m² of amenity space on site. This should be a mown informal space where young children could have a kick about. The Public Realm Officer advised that the open space on the plan appeared to be too fragmented to allow this and advised that a larger central open space is required. Following the comments, a plan has been provided which distinguishes within the type of open space provided within the site which are as follows:
- public open space to the east and south of the site – 8400 m²
 - amenity space in the centre of the site in three parcels – 1100 m²
 - play space at the south of the site – 700 m²
 - natural/ semi natural greenspace to the east of the site, which includes the bund – 10,800 m²
- 5.9.3 As previously discussed, the location of the dwellings has been heavily led by the presence of the high pressure gas pipeline, in addition to the motorway adjacent to the eastern boundary. This had resulted in the majority of the open space to the east, in addition to the south following the amendments. Whilst the provision may not fully comply with the requirements in relation to the amenity space, it is considered that a significant amount of open space of different typologies has been provided within the site and this is considered to be sufficient to serve the development and laid out in a way that will be usable and safe. Details of the play equipment has been provided and this is considered to be acceptable.
- 5.9.4 In addition to the on-site provision, it is considered that there is a requirement for a contribution towards off-site provision as deficiencies have been identified in this area in relation to outdoor sports and young persons provision. In relation to outdoor sports, a contribution of £113,341.50 has been calculated and the Public Realm Officer has recommended that this goes towards ancillary facilities at Far Moor, which is close to the development. The Playing Pitch Strategy states that this site has no ancillary facilities and that changing facilities are a key issue at here, requiring modernisation. However, since the strategy, the changing rooms have now been demolished. Far Moor predominantly accommodates younger junior age groups and would hugely benefit from good quality toilets and social/storage spaces, rather than changing facilities. The fields also accommodate a cricket square which needs improvement.
- 5.9.5 A contribution of £50,540.00 has been calculated for Young Person Provisions. It has been recommended that this goes towards an innovative feature at Scotch Quarry. It has an active Friends group and Escape to Make (E2M), a charity that aims to help 11-18 year olds in the district escape from boredom, social media, loneliness and pressure, hold workshops here and a festival this year to showcase their work, making this an ideal place to provide young person provisions. The applicant has agreed to these contributions which total £163,881.50 and this can be secured by a S106 legal agreement. It is therefore considered that the proposal provides an acceptable level of open space

within the site in addition to an appropriate contribution towards existing facilities off-site, in line with national and local planning policy.

5.10 **Residential Amenity** NPPF paragraphs: 92 (Promoting Healthy and Safe Communities), 130 (Achieving Well-Designed Places), 183-189 (Noise and Pollution); Development Management (DM) DPD policies DM29 (Key Design Principles), and DM57 (Health and Well-Being).

5.10.1 The site is located to the east and north of existing residential properties. There are some dwellings and flats located close to the western boundary,, separated by a track which runs along the boundary outside the site. The closest dwelling is approximately 18 metres from the site boundary. This would be close to the attenuation basin and others would be close to parking and the sides of dwellings. The dwellings to the south would be approximately 50 metres from the proposed units, at their closest. Given the proposed layout and separation distance from the neighbouring properties, it is considered that there will not be a detrimental impact on their residential amenity.

5.10.2 In terms of the amenity of the proposed dwellings, the layout achieves an appropriate separation between facing windows and also main windows to walls to ensure an appropriate level of outlook and privacy to future occupants. The supporting text to Policy DM29 sets out that new houses should achieve at least 10 metres in depth, unless there are overriding design reasons to justify a reduced depth, and should have a minimum of 50 square metres for a two bedroom house. Most of the gardens are at least 10 metres in length, although some are shorter. This does result in some of the dwellings quite close to rear gardens of adjacent properties, and a greater separation would allow for greater privacy of gardens. However, it is considered that this would not result in unacceptable living conditions for occupants. The addendum to the design and access statement, following the amendments, sets out all the garden sizes for each plot. These are shown to have an area of at least 50 square metres for the 2 bedroom dwellings, at least 60 square metres for the 3 bedroom dwellings and at least 80 square metres for the 4 bedroom dwellings. The 3 storey block of apartments (plots 1-11) have no private amenity space and the walk up apartments (plots 92-95 and 109-116), which are a mix of 1 and 2 bedroom units, have a minimum private amenity space of 20 m2 per unit.

5.10.3 As discussed in the design section above, there are some instances where high retaining walls are proposed, with the addition of 1.8 metre high fences above. This does raise concerns about amenity to rear gardens as these could feel quite enclosed, with boundary treatments overbearing, particularly in areas where gardens are smaller. It may be that a slightly different design solution is needed in these locations to balance privacy with overbearing boundaries. Whilst it is not ideal, it is acknowledged that there are changes in levels across the site and the siting of the dwellings responds to this. It is considered that this could be adequately covered by a condition.

5.10.4 The site is in close proximity to the M6 motorway which has implications in relation to noise to the proposed residential properties. The nearest dwelling is located approximately 60 metres from the motorway. The original noise assessment recommended that a 4 metre high barrier be erected along the eastern boundary of the site, comprising close boarded timber fencing or solid masonry construction, in addition to mitigation in the form of glazing and ventilation. The Environmental Health Officer confirmed that this approach was acceptable. The amended scheme has now proposed a 4 metre high bund, in addition to glazing and ventilation measures. It is clear from the diagrams provided in the report that those windows that face the M6 are mostly affected, and the amended layout does appear to have reduced the number of properties that are most affected. The report sets out that, by implementing the recommended facade mitigation strategy, the internal noise levels will achieve the target criteria recommended. However, it does recommend that once contractor glazing and ventilation proposals are available, the noise break-in calculations are re-checked. The report sets out that, with the proposed garden boundary treatment heights, garden noise levels are predicted to be between 50dBA and 55dBA or below for the majority of plots, with 25 predicted to have levels 55-58dBA.

5.10.5 Given the proximity to the M6, it is acknowledged that any development in this location will be subject to levels of noise. However, based on the information provided, it is considered that the strategy with the bund, the boundary treatments, windows and ventilation would adequately mitigate noise levels and provide appropriate living conditions for occupants. In addition, there is an agricultural building located close to the northwest corner of the site. Whilst this relationship is not ideal, as there is no control over how the building is used, the levels plan shows a significant retaining structure along some of this boundary, and a 2.4 metre high fence has also been proposed as part of the noise

mitigation. As such, it is considered that there would not be a significant adverse impact on the amenity of future occupants.

- 5.10.6 It is considered that the proposal will not have a detrimental impact on the amenity of neighbouring properties and will also provide an acceptable level of amenity for the proposed dwellings. There will be a level of noise and disturbance from the nearby motorway, however it is considered that this would be adequately mitigated by the proposed mitigation.
- 5.11 **Affordable housing, housing standards and mix** NPPF: paragraphs 62 and 63 and 78 (housing needs and affordable housing); Development Management (DM) DPD policies: DM1 (Residential Development and Meeting Housing Needs), DM2 (Housing Standards), DM3 (The Delivery of Affordable Housing), and DM6 (Housing Provision in the Forest of Bowland AONB)
- 5.11.1 Policy DM3 sets out the requirements for affordable housing and that 30% affordable housing will be required on site on greenfield sites, for 15 units and over. The application proposes 35 affordable units which is the equivalent of 30% on site. Policy DM1 seeks to ensure that new development promotes balanced communities and meets evidenced housing need in accordance with the Strategic Housing Market Assessment (SHMA). The mix of proposed open market and affordable house types and tenure mix have been amended to accord with the need identified in the SHMA and the indicative mix set out in the DM DPD. Policy DM3 also requires that affordable housing is integrated in the design of development and it is considered that this is achieved within the layout, with units distributed across the site.
- 5.11.2 Policy DM2 adopts the Nationally Described Space Standards (NDSS) for all new dwellings and requires that 20% of new dwellings meet Building Regulations Requirement (M4(2) in relation to accessible and adaptable Dwellings. The proposed units comply with these standards and the submission also sets out that 34% will meet the M4(2).
- 5.11.3 It is therefore considered that the proposal provides an appropriate level of affordable housing and a good mix of size and type of units across the site, to an appropriate standard. This is therefore a significant benefit of the scheme and complies with local and national planning policy.
- 5.12 **Education and Health** NPPF paragraphs: 93 and 95 (Services and School Places); Development Management (DM) DPD policies: DM57 (Health and Wellbeing) and DM58 (Infrastructure Delivery and Funding)
- 5.12.1 Lancashire County Council Schools Planning Team have requested financial contributions for 8 secondary school places which has been calculated at £198,024. They have advised that they reserve the right to reassess the education requirements taking into account the latest information available. The contribution would be used to provide additional secondary places at Central Lancaster High School and/or the proposed new secondary school at Bailrigg/South Lancaster. In relation to the latter, the School's Planning Team have requested an uplift in the contribution to £206,752 if used towards a new school. In updated comments in September 2022, they also requested a contribution towards land for the new school.
- 5.12.2 Some queries have been raised with the County council regarding the request, in particular relation to the new school. As discussed above, any contribution must comply with the CIL tests. In particular, it must relate to the development proposed. There is currently no mechanism in place for to calculate a land contribution for a new school. The Area Action Plan for South Lancaster is currently being prepared but is not significantly advanced. In addition, the site of the new school is not known and there is no permission for such a development. As such, it is likely that it would be many years before it is developed and more before it can be used. As such, it is not considered that, for this current scheme, it can be considered to relate to the impacts from the development proposed. The site is not within the land covered by the Area Action Plan and it is therefore considered that it would not undermine its delivery. It is therefore considered that the financial contribution of £198,024 is reasonable and relates to the development proposed. It is acknowledged that updated comments are required to represent the current situation, in terms of the level of contribution. The contribution would be secured by a Section 106 Agreement.
- 5.12.3 The response from the NHS sets out that the proposal will generate approximately 287 new patient registrations based on the housing mix in the application. The site falls within the catchment area of

Lancaster Medical Practice and they have advised that this need, along with other new developments in the area, can only be met through the development of a new practice premises in order to ensure sustainable general practice. The response sets out that the physical constraints of the existing sites mean that the current premises cannot be extended and opportunities to re-configure existing space to accommodate current growth have already been undertaken. However, the response goes on to say that the growth generated from this development would not trigger consideration of the commissioning of a new general practice but would trigger a requirement to support the practice to understand how the growth in the population would be accommodated and therefore premises options. Therefore, it is not clear how the contribution would be used and, as this time, there is not sufficient evidence to support this request.

5.13 **Sustainable Design and Renewable Energy** NPPF paragraphs: 126 (Achieving Well-Designed Places) and 154 -155 and 157 (Planning for Climate Change); Development Management (DM) DPD policies: DM29 (Key Design Principles), DM30 (Sustainable Design) and DM53 (Renewable and Low Carbon Energy Generation)

5.13.1 In the context of the climate change emergency that was declared by Lancaster City Council in January 2019, the effects of climate change arising from new/ additional development in the District and the possible associated mitigation measures will be a significant consideration in the assessment of the proposals. The Council is committed to reducing its own carbon emissions to net zero by 2030 while supporting the district in reaching net zero within the same time frame. Buildings delivered today must not only contribute to mitigating emissions, they must also be adaptable to the impacts of the climate crisis and support resilient communities.

5.13.2 Information regarding how the application will address energy and sustainability matters has been provided in support of the application within an Energy Statement. Local Plan policy does not set a standard for reduction merely that opportunities are seized. To reduce energy demand on site from the dwellings a number of strategies are proposed. This mostly relates to the building fabric, including glazing and lighting in addition to measures to reduce water demand. The report sets out that the proposed enhanced fabric specification reduces average fabric Energy demand on the site by 13.17% and that thermal elements will be significantly improved beyond than the requirements of Building Regulations. It is therefore considered that the proposal complies with Policy DM30 and DM29 in relation to sustainable design.

6.0 Conclusion and Planning Balance

6.1 The site is located on the eastern edge of Lancaster and is therefore close to a number of services, facilities and workplaces and is therefore a sustainable location for new residential development. It also complies with the development strategy set out in the local plan which supports an urban concentration for development. However, the site designated in the Local Plan as Urban Setting Landscape, along with land to the north and south. The development of this site for 116 dwelling would therefore conflict with the purpose of the designation, as it would impact on its open character and the proposal, if granted, would represent a departure from the Local Plan. However, the land is relatively low lying, so the development would be unlikely to appear overly prominent, and a landscaped buffer is proposed to be retained between the dwellings and the motorway.

6.2 The scheme would provide 116 new dwellings, with 35 of these as affordable units. The development provides an appropriate mix of size and type of housing, including adaptable and accessible dwellings above that required of Building Regulation. It is also considered that the proposal achieves an appropriate layout and design that responds well to its surroundings. It is considered that the development will cause harm to the significance of heritage assets, through development within their setting, however it is considered that this harm is outweighed by the public benefits of the scheme and has been mitigated, to some degree, by the amendments that have been made since the original submission. The proposal is also considered to be acceptable in terms of residential amenity, flood risk and air quality and will provide a biodiversity net gain.

6.3 The Local Highway Authority have raised an objection to the application and have advised that the impact on the highway network has not been adequately assessed. It is understood that there are issues with the existing highway network, and that this development would result in traffic movements into some of those areas where issues occur. However, regrettably, the Local Planning Authority is unable to support the approach put forward from the Highway Authority with regards to mitigating

impacts on the highway network as it would not be in compliance with the tests set out in the Community Infrastructure Levy (CIL) Regulations as discussed above. In particular, the approach relates to a number of projects that are quite distant from the site and, taking a planning judgement, it is considered all these areas are not sufficiently related to the impacts of the development proposed or would all be required to make the development acceptable. The sum of money requested is also very large and appears to be disproportionate to the scale and impacts of the scheme and would impact on the viability of the scheme. The applicant has agreed to a contribution towards the bus service which would help to encourage the use of sustainable transport and reduce reliance on private cars.

6.4 It is unfortunate that an appropriate way forward has not been agreed with the Highway Authority, despite continued discussions. However, as the impact on the wider highway network cannot be agreed between them and the applicant's consultant, and that the application has been in the system a long time, a decision needs to be made on this in its current form. The applicant has submitted two Transport Assessments, in addition to one update in between to address comments from National Highways, with the concerns about the initial Transport Assessment being raised almost a year after the initial consultee response. It is acknowledged that National Highways have not objected to the application, in terms of the impact on the Strategic Highway Network and have accepted the applicant's assessment, albeit advising that more vehicles would likely travel to junction 34 than junction 33 to the south. From the information provided, it is not considered that the proposal would have such a severe impact on the highway network, in isolation or cumulatively, to justify the refusal of the application on highway grounds. However, these impacts, that may not be fully mitigated by the contribution to the bus service, need to be considered in the planning balance.

6.5 Paragraph 60 of the NPPF sets out that to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed. The Council's most recent Housing Land Supply Statement (November 2022) identifies a housing land supply of 2.1 years, which is a significant shortfall against the required 5 year supply set out in paragraph 74 of the NPPF. Paragraph 11 of the NPPF also requires that, where a local planning authority cannot demonstrate a 5 year supply of deliverable housing sites, permission should be granted unless the application of policies in the NPPF that protect areas or assets of importance (such as heritage assets and areas at risk of flooding) provide a clear reason for refusing permission or any adverse impacts would significantly and demonstrably outweigh the benefits of the proposal. This means applying a tilted balance towards the delivery of residential development.

6.6 In terms of the balance to take in determining the planning application, whilst the development is considered to cause less than substantial harm to the setting of designated heritage assets, it is considered that this is outweighed by the public benefits of the scheme and would therefore not provide a clear reason to refuse permission. It therefore needs to be considered whether the adverse impacts outlined would significantly and demonstrably outweigh the benefits. The delivery of housing, and policy compliant affordable housing provision, weighs strongly in favour of the proposal. The proposal will provide a well-designed scheme in a sustainable location and, given the significant undersupply of housing within the District - in particular, the need to boost supply - it is considered that the benefits of the proposal do outweigh the harm caused through the loss of the development of this part of the area designated as urban setting landscape, the impacts on the setting of the heritage assets and the potential impacts on the highway network. The applicant has agreed to a shorter timescale to implement the permission of two years which will help ensure that it comes forward quickly to provide the benefits towards housing supply which are a significant consideration in the determination of the application.

Recommendation

That Planning Permission **BE GRANTED** subject to a legal agreement to secure:

- Provision of 30% affordable housing as detailed in the submission;
- Financial contribution towards the provision of secondary school places;
- Financial contribution to support the bus service;
- Provision of open space;
- Travel Plan contribution;

- Setting up of a management company; and
- Management and Maintenance of all landscaping, unadopted roads, lighting and drainage infrastructure and on-site open space

and the following conditions:

Condition no.	Description	Type (indicative)
1	Timescale for commencement (2 years)	Standard
2	Development in accordance with Approved Plans	Standard
3	Details of and erection of fence along boundary with M6	Pre Commencement
4	Detailed construction plan working method statement relating to site development earthworks and drainage alongside the M6	Pre Commencement
5	Final surface water sustainable drainage strategy to be submitted	Pre Commencement
6	Submission of construction surface water management plan	Pre Commencement
7	Details of an appropriate emergency access in relation to flood risk	Pre Commencement
8	Submission of construction management plan	Pre Commencement
9	Phased scheme of archaeological work	Pre Commencement
10	Details of finished floor and site levels (including gardens and open space)	Pre Commencement
11	Submission of an Employment and Skills Plan	Pre Commencement
12	Ecology mitigation – including bird nesting season, information in relation to bats of T1-T4 proposed to be removed and details of bird nesting and bat roosting opportunities	Pre Commencement
13	Contamination – following recommendations of the report	Pre Commencement
14	Full details of site access, including footway along frontage	Pre Commencement
15	Scheme for the full engineering, drainage and construction details of the internal estate roads	Prior to commencement of estate roads
16	Requirements of M4(2) accessibility and adaptability	Above Ground
17	Full details of noise mitigation measures	Above Ground
18	Details of vehicle charging points for properties with shared parking including infrastructure for future charging points and cycle storage provision	Above Ground
19	Details of materials including: sample panel of stone; render; brick; heads and cills; details of porches/ canopies; eaves, verge and ridge details; rainwater goods; windows and doors; external surfacing materials; boundary treatments (including retaining structures)	Above Ground
20	Scheme for street lighting and any lighting in the areas of open space	Prior to the installation of any external lighting
21	Scheme for off-site highway works – possible measures to influence speeds on Quernmore Road, drop crossings to footways, review of streetlighting, review of footway widths to west of site.	Pre-Occupation
22	Sustainable drainage system operation and maintenance manual.	Pre Occupation
23	Verification report of constructed sustainable drainage system.	Pre Occupation
24	Travel plan	Pre Occupation
25	Landscape and Ecological Management Plan	Pre-Occupation
26	Landscaping scheme – details of area to the bund required as could change	Pre-Occupation
27	Implementation of Arboricultural Implications Assessment	
28	Roads to be provided to base course before first occupation and completed in full before completion of the development,	Control

	unless alternative phased timetable is first agreed in writing with the LPA.	
29	Development carried out in accordance with the principles within site specific flood risk assessment	Control
30	No works to take place on land within the ownership of National Highways	Control
31	No drainage from the development shall be connected to the drainage system of the M6	Control
32	Turning and parking to be provided in full before first occupation, unless an alternative timetable for implementation is agreed.	Control
33	Removal of permitted development	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