

Agenda Item	A5
Application Number	22/00885/OUT
Proposal	Outline application for development of up to 70 dwellings with public open space and associated infrastructure and creation of a new access
Application site	Canal Bank Stables Land North of Ashford House Ashton Road Lancaster Lancashire
Applicant	Warren Cadman, WVC Lancaster Limited
Agent	Dan Hay
Case Officer	Mrs Jennifer Rehman
Departure	Yes
Summary of Recommendation	Refuse

(i) Procedural Matters

Representatives of the Planning Committee are scheduled to visit the site on Monday 12th June 2023 ahead of the Planning Committee meeting.

1.0 Application Site and Setting

1.1 The application site relates to a 3.36 hectare greenfield site located to the west of the A588 (Ashton Road) on the south-western periphery of Lancaster's urban area. The site is located approximately 2km south from Lancaster's city centre. The closest local services (shop, pub, etc) are located approximately 1km east of the site at to the junction of Ashford Road with the A6. The site is situated southwest of the Royal Albert Fields housing allocation (Policy H6) with a small cul-de-sac of existing residential development south of the site (Ashford Avenue). East of Ashton Road (and opposite the site access) is an existing housing estate, known as Highgrove, developed in the early 2000's.

1.2 The site comprises a collection of small paddocks, stable buildings, yard area and manège and an associated access track taken off Ashton Road. The former livery business no longer operates from the site with the stable buildings vacant and the manège area currently used for storing the applicant's building materials and former sales cabin (from a previous development site). The sites western boundary flanks Lancaster Canal designated as a Biological Heritage Site (BHS) and allocated as part of the district strategic open space (policy SC3) and green infrastructure network (policy SC4). The site is bound by mature hedgerows and trees to all boundaries with the paddocks separated by low timber post and rail fencing. Specific trees along the site frontage with Ashton Road (far eastern boundary) are the subject of Tree Preservation Order (TPO) No. 269(1998).

- 1.3 The site is located on the southwestern side of a distinct drumlin feature and forms part of a larger strategic local landscape allocation (policy EN5 - Urban Setting Landscape). The topography of the site is particularly notable with its highest part in the north eastern corner elevated at around 50-55m Above Ordnance Datum (AOD). The site falls steeply to the west, towards the canal, to around 21m AOD. In the location of the existing stable complex the site is relatively flat, elevated at c30m AOD.
- 1.4 The site itself does not fall within a nationally recognised designated landscape and it is not protected for its nature conservation, but clearly lies adjacent to Lancaster Canal Biological Heritage Site (BHS). Morecambe Bay and Duddon Estuary Special Protection Area (SPA), Morecambe Bay Special Area of Conservation (SAC) and RAMSAR site and the Lune Estuary Site of Special Scientific Interest (SSSI) lie approximately 1km west of the site. There are no designated heritage assets within or adjacent to the site. The closest group of listed buildings are those located at, and associated with, the former Royal Albert Hospital site off Ashton Road. There are no public rights of way within or immediately abutting the site. The canal towpath is located on the westside of the canal opposite the proposed site.
- 1.5 The site falls within flood zone 1 (area with the least probability of flooding) and is not affected by groundwater or surface water flooding.

2.0 Proposal

- 2.1 The applicant seeks outline planning permission for up to 70 dwellings with associated open space, infrastructure and access. Access forms part of the consideration of the outline application, while matters pertaining to layout, appearance, scale, and landscaping are reserved for subsequent approval.
- 2.2 The proposed access forms a priority-controlled T-junction on the A588 (Ashton Road) with sightlines of 2.4 metres x 43 metres in both directions. The access road shall comprise a typical 5.5m wide carriageway with 2m footways to either side. The existing field access would be closed off as part of the proposal.
- 2.3 The application has been supported by an amended Development Framework Plan demonstrating how the site could be developed. This indicatively shows the provision of open space and sustainable drainage infrastructure to the west with the remaining land separated into four development parcels with landscape buffers to the north and western boundaries of the site. The applicant contends the development will provide a sensitive, high quality green infrastructure network by retaining and enhancing existing landscape features. One Beech Tree and one Ash Tree would be removed to facilitate the site access, together with a section of the roadside hedgerow. No other trees are proposed for removal.
- 2.4 Given the outline nature of the proposal, the breakdown of the proposed housing mix is not specified at this stage. However, the application does propose 30% of the total number of dwellings on the site would be delivered as affordable homes.

3.0 Site History

- 3.1 The application site has an extensive planning history, but this largely relates to the former equestrian use/development and more recently refused planning applications for holiday accommodation and a detached dwelling associated with the livery business. However, there are other planning applications for residential development close to the site, which are material considerations. The applicant also obtained pre-application advice from the Local Planning Authority ahead of their planning application. A summary of the planning history is set out below:

Application Number	Proposal	Decision
21/01560/PRETWO	Erection of 55-80 dwellings and associated works including public open space and community orchard	Closed
21/00784/FUL	Erection of 59 dwellings (C3) with associated vehicular and cycle/pedestrian access, parking, land regrading,	Permitted

	landscaping, provision of open space and equipped play area and construction of an attenuation basin	(adjacent development within housing allocation in Local Plan)
19/01568/FUL	Erection of 53 dwellings, 1 3-storey building comprising 8 2-bed apartments and conversion of Derby Home to 8 apartments, regrading of land, creation of parking areas, internal roads including associated upgrading works to Pathfinders Drive, footpaths, drainage infrastructure and provision open space	Permitted (adjacent development within housing allocation in Local Plan)
19/00710/FUL	Retrospective application for the retention of a storage building and conversion of storage building to two holiday let units	Refused and dismissed on appeal
18/01620/FUL	Retrospective application for the retention of a storage building and conversion of storage building to two holiday let units	Refused
17/00211/FUL	Retrospective application for an equine and agricultural storage building	Refused and dismissed on appeal
17/00006/FUL	Erection of a detached dwelling (C3) and associated access	Refused
16/00764/FUL	Erection of a detached dwelling (C3) and associated access	Refused
15/01372/FUL	Erection of a detached dwelling and associated access	Refused
14/00313/FUL	Retrospective application for the retention of a menage, stables and floodlights.	Approved
08/00088/FUL	Retrospective application for the retention of an access track, pedestrian path, hardcore areas, fences and concrete yard.	Approved
05/01171/CU	Retrospective application for change of use of agricultural land to livery business and erection of a stable complex and retention of access and parking arrangements.	Refused but allowed through a subsequent enforcement appeal.

4.0 Consultation Responses.

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

Consultee	Response
Aldcliffe with Stodday Parish Council	<p>Objection. A summary of the main reasons for opposition are as follows:</p> <ul style="list-style-type: none"> • Single access onto Ashton Road is wholly inappropriate and dangerous. The development will add more traffic to an already busy road, close to existing access points, and will add more traffic to the rural lanes through the Parish, as drivers chose to rat-run through the country lanes to avoid the congested city centre. • The TA must include the impacts of increased traffic on the rural roads of the Parish. • The proposal will destroy the green corridor along the peaceful canal between unspoilt Drumlins and would be contrary to the Local Plan Key Urban Landscape designation (policies DM43 and EN5) • The proposal would cause irreplaceable damage and significant landscape impacts. • Loss of important green infrastructure which provides haven for biodiversity and is a vital leisure space for Lancaster residents. • Refers to a recent planning application for nine houses (19/01460/OUT) that was dismissed on appeal on the grounds of the adverse impacts on the local landscape designations and is considered precedent. <p>The Parish Council maintain their objection in response to the amended consultation and asks the Council to refuse this application.</p>

Local Highway Authority (Lancashire County Council)	<p>No objection to the principle of the development. However, LCC's support is predicated on securing the funding contribution towards the delivery of the wider highway/transport infrastructure via the County Council's gravity model.</p> <p>LCC Highways seek the following requirements:</p> <ul style="list-style-type: none"> • A pooled section 106 contribution of £512,423.00 towards the strategic highway/transport infrastructure to support the delivery of the Local Plan (<i>see highway section of report for more details</i>). • Planning conditions to secure the following: <ul style="list-style-type: none"> ○ Construction Management Plan (CMP) ○ Scheme for construction of the site access and off-site highway improvements including footway improvements. ○ Protection of visibility splays 2.4m x 43m ○ Implementation of Travel Plan
National Highways	<p>NH have identified several areas of the submitted TA that they cannot accept due to lack of supporting information. However, from their own independent checks to determine the forecast number of trips that the proposed development will generate on the strategic road network (SRN), in isolation, NH raise no objection to the development.</p> <p>However, NH have raised several concerns regarding the impacts of piecemeal development in south Lancaster and the uncertainty of the HIF schemes and other transport infrastructure measures needed to support strategic growth in south Lancaster, to address local highway capacity and performance problems. Consequently, NH advises Lancaster City Council to be aware that whilst the proposal will have a small traffic impact upon the SRN, approval of this application on an unallocated site will further reduce limited capacity available to accommodate allocated development sites.</p>
Lead Local Flood Authority	<p>Following amendments and confirmation from the Canal and Rivers Trust a connection can be made to the canal, the LLFA have removed their objection and recommend the following conditions:</p> <ul style="list-style-type: none"> • Final drainage scheme based on the amended flood risk assessment and indicative drainage strategy (22109-GAD-00-ZZ-DR-C-3000 Rev P03, 28/09/2022, M&P Gadsden Ltd) to be submitted and approved. • Surface water construction method statement • SUDS management and maintenance plan • Verification of implementation of approved drainage scheme.
United Utilities	<p>No objection. The following comments have been received:</p> <ul style="list-style-type: none"> • A water main crosses the site and will require protection during conditions. A condition is recommended to this effect. • The FRA and Drainage Strategy is acceptable in principle but lacks sufficient detail on drainage design, therefore a surface water and foul drainage condition would be required.
South Lancaster Flood Action Group	<p>No comments received within the statutory consultation period and at the time of drafting this report.</p>
Canal and Rivers Trust (CART)	<p>No objection. Considers conditions are necessary and a financial contribution to address the Trusts comments, which are summarised below:</p> <p>Canal stability comments as follows:</p> <ul style="list-style-type: none"> • In accordance with policy T3 of the SPLA DPD, the CART needs to be satisfied that the built form and the construction of the development would not have an adverse impact on the integrity of the canal corridor. This would require existing and proposed cross sections at the reserved matters stage showing the proximity of the development to the canal to satisfy any concerns the Trust may have. <p>Landscape-related comments include:</p> <ul style="list-style-type: none"> • The proposed buffer/open space next to the canal would be more appropriate to the character of the area. Public Open Space and canal side

	<p>seating provides positive engagement and animation of the waterway corridor.</p> <ul style="list-style-type: none"> • The open boundary with the canal corridor should be retained, although they appreciable some low boundary railing/hedgerow to prevent accidental entry to the canal may be preferred. • Welcome further details in relation to viewing areas/feature spots as shown on the indicative layout. • Existing vegetation along the canal to be retained and protected. CART to consider landscaping at the reserved matters stage, which should be conditioned. <p>Sustainable Travel comments include:</p> <ul style="list-style-type: none"> • The proposal relies on the canal towpath to encourage sustainable travel for future residents and recommends a contribution to upgrade the towpath to enhance accessibility to the city centre. This would equate to a figure in the region of £50,000 towards improvements to the towpath between bridge 94 and the towpath access off Ashton Road (this is part of wider discussions towards canal towpath improvements as part of South Lancaster). <p>Other matters:</p> <ul style="list-style-type: none"> • Pollution prevention to be managed through a CEMP condition during construction. • Fuel interceptors to form part of any drainage scheme. • Proposals to drain surface water to the canal would be the subject of separate commercial agreements and the applicant is advised to engage with the Trust. • The Trust need to assess whether they are satisfied the canal has sufficient capacity to accept any discharge as well as meeting other requirements. • The Trust recommends a surface water drainage scheme be conditioned to consider whether their proposals are feasible. <p>No further comments on the amendments.</p>
Lancaster Canal Trust	<p>The following comments have been received:</p> <ul style="list-style-type: none"> • The site is not allocated for housing and could result inappropriate urbanisation within the context of the canal users experience. • Potentially compromising the biodiversity interest of the canal Biological Heritage Site. • The Trust support the Canal and Rivers Trust comments in relation to structural integrity of the canal, the need for a greater detail in aspects of design, contributions to towpath upgrades, pollution and surface water discharges. <p>Nothing further to add in response to the amendments.</p>
Natural England	<p>No objection, subject to securing mitigation.</p> <p>Following the submission of further information and consideration of the Council's Appropriate Assessment (AA), Natural England have removed their objection and concur with the conclusions of the HRA and AA. Provided conditions are imposed to secure the necessary mitigation set out in the HRA (homeowner packs and a CEMP), the development will not adversely affect the integrity of the designated sites.</p> <p>No further comments in response to the amendments.</p>
Greater Manchester Ecology Unit - GMEU	<p>Initial concerns have been addressed. In relation to BNG, GMEU advise that the outline proposal demonstrate a net gain of 13%. However, this is reliant on tree planting in the POS areas. Consequently, an updated BNG assessment must be provided with any reserved matters application to ensure the net gain is provided when the landscaping schemes are layout are proposed.</p> <p>GMEU contend that the impacts on the canal and the BHS during construction, together with protection and enhancement measures for species could be the site, could be controlled through a condition securing a CEMP and a scheme for Biodiversity Compensation and Enhancement Measures.</p>
Ramblers Association	<p>Objection on the grounds that the site is located in a popular and well-used stretch of the canal which is rural in appearance and not fringed by developments or trees. The site would make an ideal open space. In response to the amendments, the</p>

	Ramblers Association wishes to repeat their earlier objection and in particular, states the 'stable block' section should be removed or pulled further away from the canal since it detracts from the view from the canal towpath.
Arboricultural Officer	<p>The following comment have been received:</p> <ul style="list-style-type: none"> • A green buffer and buildings set back from the northern boundary and canal should be retained and green buffers extended to all landscape boundaries of the site. • The proposal will lead to a negative impact upon the rural character of this section of the canal, and whilst tree planting may break up views of the development, planting must be carefully considered so as not to harm the exiting open character. • A landscaping plan is required to determine the impact of the development on the existing landscape character, ensuring BNG and to make certain new trees have the space to become established and reach maturity. <p>No further comments to make following consultation of amendments.</p>
Environmental Protection Team (EHO)	<p>No objection, subject to a phase II site investigation planning condition being imposed on any grant of planning permission.</p> <p>EHO considers the conclusions of the Air Quality Assessment acceptable and notes the impact of noise not to be a significant issue given the distance of the site from the main road.</p>
Planning and Housing Strategy Team	<p>A summary of the comments received are as follows:</p> <ul style="list-style-type: none"> • Subject to detailed assessment of design and sustainability, Lancaster is a settlement where the council would look to support residential development. • The site is not allocated for development and is allocated as Urban Setting Landscape. It is not therefore a location where the council would support development. • The council attaches great important to maintaining the open nature of the local landscape designations and will look to protect them from inappropriate development. • Extensive commentary provided in relation to the purpose and function of the landscape designation and its character, noting the distinctive drumlin landform and groups of mature trees alongside the canal, and the importance the USL has in terms of framing the urban area. • Notes the development would be contrary to the designation of the site as USL and would significantly reduce the extent and function of this valuable local landscape. • Further commentary offered in relation to other DM policies, including DM1 and DM29, which seeks to ensure development is as sustainable as possible and makes a positive contribution to the surrounding landscape/townscape of the area. • The provision of 30% of the new housing as affordable homes is supported, along with NDSS and M4(2) requirements. • Housing mix to accord with SHMA and the indicative mix set out DM1 and to be controlled by planning condition if approved. • Commentary regarding active travel policy (T2, DM60 – DM63) with concerns expressed over the distance between the site and local services and the lack of safe connections for pedestrians and cyclists rendering the scheme contrary to the aforementioned policies. • No Agricultural Land Classification report – this is needed to provide clarity over the land classification of the site (3b or below) to comply with policy DM44 and paragraph 170 and 171 of the NPPF. • Concerns expressed over the lack of detail concerning the impacts of the development on soil function and integrity in accordance with policy DM44. • Despite contradictions in the submission, the council support the inclusion of community orchards subject to consideration of detailed planting plans and management of such areas. • Notes the council does not have a 5-year housing land supply – instead the council can only claim a 2.6 year supply of housing [<i>reduced to 2.1 years since the comments were received</i>] and accepts the presumption in favour of sustainable development applies (paragraph 11 of the NPPF).

	<ul style="list-style-type: none"> The policy team is of the firm view the sites local landscape designation together with the highway and accessibility concerns would significantly and demonstrably outweigh the benefits of the development.
Climate Change Team (Planning Policy)	Detailed comments provided. In summary, the Climate Change team note that the updated Energy Statement shows a marked improvement in terms of energy specification from the previous statement and would meet energy requirements of policy DM30 and emerging policy DM30a. Further comments to be provided at reserved matters stage.
Public Realm Team	<p>The following comments have been received:</p> <ul style="list-style-type: none"> An equipped play area and 1274m² of amenity greenspace to be provided on site. A contribution for Young person's provision of £36,400 is required and we would suggest this to be an on-site contribution due to the 15 minute walk parameters making it difficult for this to be an off-site contribution. Outdoor sports provision - off-site contribution towards Royal Albert Playing Fields equating to £77,259.00. Contradictions between the DAS and LVIA over the open space to the west - open space or community orchards? Public Realm support the inclusion of community orchard subject to details of the planting plan and future management.
Economic Development (ESP)	No objection. The submitted ESP is acceptable at this outline stage.
Lancashire County Council (School Planning Team)	<p>No objection, subject to securing an Education Contribution towards 11 secondary school places amounting to £272,283 towards the permanent expansion of Central Lancaster High School or Bay Leadership Academy (final assessment May 2023).</p> <p>A contribution towards primary school places is not required.</p> <p>Reassessment of the calculations will be carried out at the reserved matters stage when the bedroom mix is known.</p>
Lancashire and South Cumbria Integrated Care Board (ICB) NHS	<p>No objection, subject to securing a financial contribution of £38,698 to mitigate the direct impacts of the proposal on the delivery of general practice services at Lancaster Medical Practice. The ICB states the needs, along with other new developments, can only be met through the development of a new practice premises and states the current GP site is constrained preventing expansion to accommodate growth from the development. The contribution appears to be requested to support the practice to understand how the growth of population would be accommodated and premises options.</p> <p>Failure to secure the contribution would result in an objection from the ICB.</p>
Lancaster Civic Society	Objection on the grounds of traffic impacts on Ashton Road and inadequate footways. The Civic Society will continue to oppose further housing development in this location unless radical proposals are forthcoming for up-grading Ashton Road.
Lancashire Planning Policy team	No comments received within the statutory consultation period and at the time of drafting this report.
Engineers	No comments received within the statutory consultation period and at the time of drafting this report.
Waste and Recycling Team	No comments at this stage.
Lancashire Constabulary	<p>The following comments have been received:</p> <p>Recognises that crime and security measures should be considered at an early stage of the design phase to mitigate crime risks and therefore sets out a number design recommendations more specific to the specification of windows, doors, garages, layout matters including open space and parking areas and maintenance of landscaping. The Constabulary recommends housing schemes to be designed to Secure by Design standards and recommends appropriate construction site security.</p>
Lancashire Fire and Rescue Service	No comments received within the statutory consultation period and at the time of drafting this report.

Cadent Gas	No objection but recommends an Informative Note to remind the applicant there is medium and low pressure gas infrastructure in close proximity to the site (located in the highway).
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4.2 At the time of writing this report, a total of 75 letters of objection have been received from members of the public (to the original and amended consultation). A summary of the main reasons of opposition are as follows:

Principle issues: Contrary to the Local Plan and the sites allocation as a Key Urban Landscape; allowing urban development rather than preserving countryside which has ‘scenic quality’ and is an area valued by local residents for leisure activities, including recreational walks and dog walking, cycling, tourists visits, animal and bird watching is unacceptable; loss of rural character alongside the canal leading to irreparable damage; cumulative impact of adjacent development sites which could set a precedent leading to creeping urbanisation; loss of beautiful greenspace which contributes to improving the mental health and wellbeing of the community; brownfield sites should be developed in favour of greenfield sites to preserve the countryside; no housing need with Lancaster being over developed; they are already plans for the garden village in South Lancaster questioning the need for housing here; no public benefits from this proposal.

Traffic and highway concerns: significant increase in traffic to Ashton Road and surrounding streets would exacerbate existing road safety and congestion issues; area is poorly served by public transport so likely to encourage private vehicle use; Ashton Road is a dangerous road, is narrow in parts and becomes a single lane towards De Vitre Cottages; routes to the A6 from the site (via Ashford Road or Piccadilly) are also constrained by parked vehicles and single carriageways in sections; too many access roads within a short distance of one another; no designated cycle path along Ashton Road/Ashford Road and footpaths are inadequate leading to public safety concerns for cyclist and pedestrians; mitigation and improvements are need to support the development; and, the Interim Travel Plan provides insufficient information about alternative transport links.

Amenity concerns: the proposed access road will directly face property on Viscount Drive; harmful visual impacts, loss of character, increased noise and substantial impacts on the enjoyment of walkers and cyclists using the canal towpath; loss of a peaceful and tranquil expanse of open space that is valued by the local community escaping the city; the canal (and how it is used and enjoyed by many) is very important to Lancaster and should not be destroyed by more development; some objectors have referenced planning appeals alongside the canal that have been dismissed because of the landscape value of the area.

Environmental concerns: Additional noise and traffic fumes, air pollution, dust, and lighting disturbances; risk of the canal being polluted; increased risk of flooding; loss of valuable wildlife habitats, species and impact on existing biodiversity corridors (through the development of the site itself and indirect impacts arising from increased people and associated disturbance); potential implications to the nearby designated sites and any functionally linked land and for the Fairfield Nature Reserve to the north of the site; inadequate buffer/separation between the houses and canal despite attempts to provide some green space; erosion of green space at a time of a climate emergency; the cumulative impacts of the proposal with the adjoining developments will have significant impacts on the adjacent greenspace along the canal; and, potential impacts upon existing mature trees; only 10% of the site is provided as greenspace – an example has been provided whereby 60% of the example site was given over to open space and nature and should be the approach Lancaster adopts.

Infrastructure concerns: inadequate drainage infrastructure leading to increased runoff; additional population will put a strain upon existing infrastructure (including local amenities, highway network, health services and education) that is already stretched to capacity; the highway network needs improvements to support additional traffic; there are no jobs to support additional housing.

3 letters neither objecting to nor supporting the proposal. The comments raised were like the comments made by the objectors in regard to traffic, protected species, and loss of rural character.

We have received two objections from Dynamo Cycle Campaign. A summary of their main reasons for opposition are:

- The application makes no provision for sustainable transport, expects existing infrastructure to deal with the extra traffic and ignores the impact the development will have on existing cyclists and pedestrians.
- The TA fails to mention the traffic-free cycle route along the canal is unlit and rarely maintained, pavements are narrow and obstructed by vegetation, and cycling is already hazardous on Ashton Road, which will discourage sustainable travel between the development and the city and will equally have a knock-on effect of existing cyclists (by virtue of the increased traffic).
- Piecemeal development of this kind cannot be permitted while plans for South Lancaster and a serious attempt to reduce car dependency remains unclear.

We have also received a letter of opposition from Councillor Tim Dant (Ward Councillor at the time of writing). In summary, Councillor Dant raised the following points/concerns:

- The site forms part of the west side of a drumlin adjacent to Lancaster canal and is designated as Key Urban Landscape (KUL). The east side of the same drumlin forms part of a housing allocation.
- The applicant in designing the development on the adjacent field (as per the requirements of policy H6) recognises the status of the KUL that is the subject of this application.
- The proposal would destroy the KUL and undermine submissions already approved on the strategic housing site.
- The value of the KUL is special for more reasons than being green open space. It forms part of the setting of the canal and provides a precious green corridor valued described as the 'lungs of south Lancaster'. There are no buildings alongside the canal between Haverbreaks and Galgate – the proposal would spoil this green corridor enjoyed by canal users and wildlife.
- Proposals for public open space in the areas alongside the canal would undermine habitation for birds and mammals and further harm the views and experience for canal users opposite the site while walking along the towpath (loss of openness as a consequence of the development and POS).
- The quality of the open space along the canal has been acknowledged (and protected) in a recent appeal decision for just nine houses, which was dismissed on landscape grounds.
- A more detailed assessment on the landscape impacts should be provided before any approval for this site.
- The development would alter the landscape in a major way from a rural to urban aspect.
- Difficult to offer detailed visual analysis of the development at this stage, but whatever came forward at the reserved matters stage would demonstrate its detrimental impact on the green corridor of the canal.
- Pedestrian and cycle infrastructure is very poor and dangerous between the site and local amenities, namely along the A588 and up towards Hala Junction via Ashford Road. The proposal will simply add traffic to the road and create another access junction to the detriment of cyclists.
- Officers should recommend refusal of planning permission as the proposal would causes irreparably damage to a key green corridor that remains part of the heritage provided by the canal.

5.0 Analysis

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

1. Principle of development
2. Housing need
3. Landscape and visual impacts
4. Accessibility, sustainable travel, and traffic impacts
5. Biodiversity impacts
6. Flood risk and drainage
7. Sustainable design and renewable energy
8. Open space
9. Residential amenity and design

- 10. Education and health
- 11. Air quality
- 12. Mineral safeguarding
- 13. Cultural heritage

- 5.2 The applicant's Statement of Community Involvement sets out the level of engagement undertaken before the submission of the planning application. This included pre-application advice (level 2) with the local planning authority (LPA), pre-application discussions with the Local Highway Authority (LHA) and consultation with the Canal and Rivers Trust (CART). The applicant considers this commensurate to the scale of the development.
- 5.3 **Principle of Development** (NPPF paragraph 7 – 12 (Achieving Sustainable Development), 47 (Determining applications) and Chapter 5 (Delivering a Sufficient Supply of Homes); Strategic Policies and Land Allocations (SPLA) DPD policies SP1: Presumption in Favour of Sustainable Development, SP2: Lancaster District Settlement Hierarchy, SP3: Development Strategy for Lancaster District, SP6: The Delivery of New Homes and EN5 Local Landscape Designations).
- 5.3.1 The Strategic Policies and Land Allocations DPD (SPLA DPD) sets out the district's strategic development strategy, advocating an urban-focussed approach to future growth (policy SP3). This is reflected in Policy SP2 which sets out the district's settlement hierarchy. Lancaster is identified as a regional centre where the majority of future growth will be directed. This approach aims to deliver sustainable growth across the district. The applicant contends the application site would constitute a logical and sustainable urban extension to Lancaster, noting it falls within the identified urban boundary of the city. Whilst new housing development within the urban area of Lancaster would broadly accord with the development strategy (SP2 and SP3) for the district, the site is not allocated for housing (under policies SP6 and H1). Instead, the site is the subject of a local landscape designation identified in the SPLA DPD as an Urban Setting Landscape (policy EN5).
- 5.3.2 Policy EN5 states identified local landscapes (areas) will be conserved and important natural features safeguarded. The preamble goes on to state that the Council attaches great weight to maintaining the open nature of both Key Urban Landscapes (KULs) and Urban Setting Landscapes (USLs) and will look to protect them from inappropriate development. Consequently, the principle of housing on the proposed site and within the USL would constitute a departure to the Local Plan and is not supported in principle. It is for this reason why the proposal has been advertised as a departure.
- 5.3.3 The loss of the agricultural land is also a material planning consideration and a matter of principle. Policy DM44 states development proposals '*should avoid the use of the best and most versatile agricultural land and should, as far as possible, use the lowest grade of land suitable*'. The NPPF equally reinforces the need to protect the highest quality agricultural land. Paragraphs 174, 175 and within footnote 58 states '*planning policy and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils*'. Planning Practice Guidance (PPG) confirms the best and most versatile (BMV) land is Grades 1, 2 and 3a. Grade 3 is considered good to moderate quality agricultural land. Subgrade 3a is considered 'good quality', being land capable of consistency producing moderate to high yields of a narrow range of arable crops. Grade 3b is land capable of producing moderate yields of a narrow range of crops, principally cereals and grass. The site is not used for growing crops and most recently has been pasture land and used for grazing horses. The applicant has not provided any assessment of the quality of the agricultural land. Notwithstanding this, from our own desk-based assessment (utilising information from the post 1988 ALC MAGIC map) the evidence available indicates the agricultural land classification would be Grade 3b. Accordingly, the site is not considered BMV agricultural land and would not prohibit the development of the site for housing. In this regard, the proposal would comply with policy DM44 (in relation to loss of agricultural land) and paragraph 174 of the NPPF.
- 5.3.4 Paragraph 12 of the National Planning Policy Framework (NPPF) is clear that the starting point for decision-making is the development plan and where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from the development plan, but only if material considerations indicate otherwise.

5.4 **Housing Delivery - Consideration 2 (NPPF paragraph 11 (Presumption in favour of sustainable development) and Chapter 5 (Delivering a Sufficient Supply of Homes); Strategic Policies and Land Allocations (SPLA) SP6: The Delivery of New Homes; H1 (Residential Development in Urban Areas); Development Management (DM) DPD policies, DM1 (New Residential Development and Meeting Housing Needs), DM2 (Housing Standards) and DM3 (Delivery of Affordable Housing); Meeting Housing Need Supplementary Planning Guidance (February, 2022) and the Council's Housing Land Supply Statement (September 2021)**

5.4.1 Policy SP6 of the SPLA DPD establishes what the Council considers a deliverable and realistic housing requirement for the district (10,440 over the plan period), having taken into account the physical and infrastructure constraints within the district. The local plan acknowledges that the ability to deliver this level of housing is challenging and relies on the delivery of several strategic sites. Accordingly, the local plan establishes a stepped programme of delivery, identifying a series of uplifts to coincide with the anticipated delivery of strategic sites. Policy H1 of the SPLA DPD identifies housing allocations in the urban area. The proposed site lies outside any of these housing allocations, although it is noted land to the northeast forms part of a housing allocation (Site H6 Royal Albert Fields). The Council acknowledge that proposals for windfall development will continue to come forward, despite allocated sites being prioritised, and that where such development complies with the relevant policies of the Local Plan, such development will make a valuable contribution to the districts overall housing supply. This approach is consistent with the Governments objective of significantly boosting the supply of homes set out in the NPPF (paragraph 60).

5.4.2 The NPPF requires decision-makers to apply a presumption in favour of sustainable development (paragraph 11). For decision-taking this means:

- c) Approving development proposals that accord with an up-to-date development plan without delay; or
- d) Where there are no relevant development plan policies, or the policies which are most important for determining the applications are out-of-date⁸, granting planning permission unless:
 - I. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or;
 - II. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 8 includes applications for housing where local planning authorities cannot demonstrate a five year land supply of deliverable housing sites.

5.4.3 The Council's most recent housing supply statement (November 2022), establishes the Council can only demonstrate a 2.1 years' worth supply of deliverable housing. Consequently, the titled balance (paragraph 11d of the Framework) will apply in the consideration of this application. Given the current housing supply position, the delivery of up to 70 dwellings would make a very positive consideration to the districts housing supply, which shall be given great weight in the overall planning balance.

5.4.4 Aside from the matter of housing supply, policy DM1 of the DM DPD requires new residential development to use land effectively, taking account of specific site circumstances; and, are located where the natural environment, services and infrastructure can or could be made to accommodate the impacts of the development. Policy DM1 and DM3 requires all new housing to meet evidenced housing needs, including an appropriate housing mix and the delivery of affordable housing. Given the outline nature of the development, the precise housing number and tenure mix are unknown at this stage. Notwithstanding this, a planning condition can be imposed to ensure the development secures an acceptable housing mix to accord with policy DM1 and the indicative mix identified within the Strategic Housing Market Assessment (SHMA). A condition can also be imposed to ensure the development accords with policy DM2 relating to all new dwellings meeting the Nationally Described Space Standards and that at least 20% of all new dwellings meet Building Regulations M4(2) standards (accessible and adaptable dwellings). These requirements are accepted by the applicant should planning permission be supported.

5.4.5 Turning to affordable housing. The applicant proposes policy compliant affordable housing, which equates to up to 21 dwellings (30% of 70 dwellings). The precise number of affordable homes may change depending on the final number of dwellings proposed as part of any subsequent reserved matters application. The provision of 30% affordable housing of the total number of dwellings can be secured by planning obligation. The tenure split for the affordable housing is set out in policy DM3. This requires a 60:40 or 50:50 split of rented and intermediate housing. In May 2021, the Government introduced a First Homes Policy through a Written Ministerial Statement and has updated the Planning Practice Guidance (PPG). The Council's Meetings Housing Needs SPD addresses this new requirement, setting out the required affordable housing mix as follows:

- 25% First Homes,
- 37.5% shared ownership,
- 37.5% affordable rented.

The applicant's affordable housing proposal accords with this tenure mix. The provision of 30% affordable homes would positively contribute to the district's housing needs and is considered a benefit of the proposal, which too should be given considerable weight in the planning balance.

5.5 **Landscape Considerations** NPPF: Chapter 12 (Achieving Well-Designed Places) paragraphs 126, 130-131 and 134) and Chapter 15 paragraphs 174-175 (Conserving and enhancing the natural environment); Strategic Policies and Land Allocations (SPLA) DPD SP8 (Protecting the Natural Environment, EN5 (Local Landscape Designations), SC4 (Green Space Networks), T3 (Lancaster Canal); Development Management (DM) DPD policies DM1 (New Residential Development and Meeting Housing Needs), DM29 (Key Design Principles), DM43 (Green Infrastructure), DM45 (Protection of Trees, Hedgerows and Woodland), DM46 (Development and Landscape Impact) and DM57 (Health and Well-Being); A Landscape Strategy for Lancashire Landscape Character Assessment.

5.5.1 Paragraph 174 of the NPPF states planning decisions should *contribute to and enhance the natural local environment by protecting and enhancing valued landscapes....and recognising the intrinsic character and beauty of the countryside*. Paragraph 175 emphasises the point that Local Plans should clearly distinguish between the hierarchy of international, national and locally designated sites and to allocate the land with least environmental or amenity value. Through the preparation of the Local Plan, the Council recognised Lancaster district contains many important landscapes that are valued features of the natural environment and are worthy of protection. This rightly distinguishes between landscapes of national significance (such as AONBs) and those of local significance. The Local Plan has identified several valued local landscapes that make a positive and important contribution to the district's natural and built environment and overall uniqueness. Policy SP8 is an overarching policy that seeks to protect these important landscapes from development that would be harmful and inappropriate.

5.5.2 The Local Plan identifies two types of local landscape designations: Urban Setting Landscape (USL) and Key Urban Landscape (KUL). Both are protected and allocated under Policy EN5 'Local Landscape Designations' of the Strategic Policies and Land Allocations document. The Local Plan landscape designation was informed by specific externally procured professional advice, described below, that was part of the evidence base submitted along with the Local Plan. These designations perform an important role in defining the character of the district with many landscapes providing the setting for significant areas and features, which together contribute and define the character of the district as a whole. Policy EN5 is very clear. It requires identified landscapes to be conserved and protected because their function and role has historically, and continues to, play an important role in defining the character of the district. Policy EN5 states that development proposals within these areas will only be permitted where they preserve the open nature of the area and the character and appearance of its surroundings. The Council attaches great importance to maintaining the open nature of both KUL and USL and will look to protect them from inappropriate development which would erode this character.

5.5.3 KULs and USLs are also protected also under Policy DM46 'Development and Landscape Impact' of the adopted Development Management DPD. This states that the contribution that these areas make to the character and setting of the urban areas of the district will be conserved and important natural features safeguarded, providing particular regard to the historic townscape and built form of the urban areas. The policy goes on to state that within these areas the Council will only support development that preserves the open nature of the area and the character and appearance of its surroundings.

Policy DM29 equally requires development to contribute positively to the identity and character of the area.

- 5.5.4 Historically only KUL were identified however through the preparation of the new Local Plan the Council recognised the need to sub-divide this local designation to more accurately reflect the varying role that these landscapes provide and to consider new areas for designation. Policy EN5 therefore identifies both KUL and USL. USLs are peripheral to the built form and located only on the edge of main urban areas. They 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. They have a special role in maintaining a distinction between the town and the county and in providing a rural backdrop and setting to the urban area. The proposed site is part of a larger USL. Whilst now designated as a USL, this site and neighbouring land forming this specific local designation is a well-established local designation in the district and has been protected in previous Local Plans as well as the current Local Plan.
- 5.5.5 This area has historically been identified as KUL. The 2012 Woolerton Dodwell 'Key Urban Landscape Review' assessed the continued appropriateness of the local landscape designation as part of the Local Plan review. This concluded that the land provided a distinctive drumlin landform forming part of a swarm of low coastal drumlins that characterise much of the land surrounding Lancaster. The distinctive tree line on the top of the drumlin is noted to differentiate the area from similar areas. The combination of distinctive drumlin landform and groups of mature trees in proximity to the canal is noted to provide attractive scenic qualities. The designation was subsequently further reviewed by Arcadis in 2018. This concluded that the area provided a high-quality landscape with a strong pattern and mature well managed features. An important urban fringe amenity and setting for the surrounding land uses. The report concluded that the area would be more appropriately designated as USL.
- 5.5.6 The applicant recognises the site is protected by a local landscape designation and has submitted a Landscape Visual Appraisal to support the proposal. This has been updated following concerns the initial LVA assessed the development as part of the adjoining development to the east. The LVA aims to analyse the potential effects that the proposed development would have on the surrounding landscape and visual amenity.
- 5.5.7 Nationally, the site is located within the National Character Area (NCA) 31: Morecambe Coast and Lune Estuary. This is a large, broad character area therefore it is considered more appropriate to consider the scheme against the local landscape character areas and types. The site is located in the Local Landscape Character Type LCT 12: Low Coastal Drumlins and the Landscape Character Area (LCA): 12a: Carnforth-Galgate-Cockerham. This LCA does support a large proportion of built development including significant transport infrastructure too (A6 and M6 sharing a north-south corridor). However, it also recognises the value of important natural landscape features in this LCA. One distinctive feature of this LCA is the canal, which weaves through the drumlins and is an important reminder of the industrial heritage of the district. Other key features include the strong field patterns divided by mature landscape features (hedges and trees), narrow country lanes and settlements concentrated in the shallow valley slopes and low lying parts of the wider LCA.
- 5.5.8 The site forms a small collection of paddocks, with the main enclosure on the western part of the site bound by mature hedgerows and trees. There is small collection of low-rise stable buildings and a manage enclosure within the site, which is not untypical development in rural areas. Other than these buildings and associated hardstanding, the site remains open and rural in character as it steeply slopes up towards the crest of the drumlin. The USL extends northwards and maintains this distinct open and rural character, as it frames the urban area to the north and east and provides an important setting to the canal. A distinct line of trees and mature hedgerows form an important buffer along the drumlin crest providing an important edge to the existing built environment. Contrary to the applicant's assessment, officers are of the opinion the site and its surroundings (on its western side) is tranquil, open and rural in character despite the presence of the stable building some modest residential development along the southern boundary (mainly on the eastern and southern slopes of this drumlin feature). The landscape character at the site and north along the western slopes of the drumlin and USL designation is a complete contrast to the eastern side of the drumlin which is characterised by suburban development and the A588 corridor.

- 5.5.9 Policy EN5 states development proposals within local landscape designations will only be permitted where they preserve the open nature of the area and the character and appearance of its surroundings. DM46 states that outside protected and designated landscapes, the Council will seek to protect and enhance landscapes and townscapes which are valued, unique and provide a distinct sense of place. It goes on to state that in such landscapes development should be in scale and keeping with the landscape character and appropriate to its surroundings in terms of siting, scale, massing, design, materials, appearance and landscaping.
- 5.5.10 The proposed development would lead to the loss of the open and rural character to the site by the replacement of the open fields (including stable buildings) with the erection of up to 70 dwellinghouses with associated highway infrastructure. The proposal would also involve the provision of areas of open space, currently identified mainly along the western edge adjacent to the canal, and enhanced landscaping and sustainable drainage features. These softer elements to the development (if appropriately designed) may soften some of the effects of the built environment.
- 5.5.11 The applicant's LVA considers the potential landscape and visual effects arising from the development during construction and its operational stages. In terms of landscape effects, the assessment concludes the potential effect on the physical fabric of the site itself once the development has been completed to be moderate to major. This is a consequence of a permanent change from agricultural land with its replacement of up to 70 dwellings with associated infrastructure. The applicant contends that through embedded design measures, which includes the retention, bolstering and enhancement of boundary landscaping, the provision of open space and street trees the residual effects would reduce the overall effects to moderate. In terms of the potential effects on the landscape setting of the site, which includes the setting of the canal corridor and the wider USL, the applicant's assessment also concludes moderate/major effects with residual effects likely to be moderate. The potential landscape effect arising from the development on the wider LCA is less significant and considered to be moderate/minor reduced to negligible effects with mitigation. This is not surprising given the extent of the LCA and its key characteristics.
- 5.5.12 The application LVA is not disputed in terms of the level of potential effects arising from the development on the landscape character of the site and its setting, including the USL and setting of the canal. The identified moderate to major effects would result in inevitable harm to the purpose and function of the USL and the setting of the canal corridor. Even considering the landscape enhancements and the provision of open space, the moderate residual effects identified still amounts to harm. Furthermore, the landscaping proposals would take many years to reach a level of maturity to provide substantial positive benefits to substantially reduce the level of residual landscape effects because of the development. Accordingly, the proposed development would not preserve the open nature and character of this part of the USL and would diminish the importance of the landscape in framing the existing urban area and the open and tranquil setting to the canal.
- 5.5.13 The applicant's LVA has been supported by a number of visualisations taken from various viewpoints to assess the visual effects arising from the development. The most sensitive visual receptors are recreational receptors (those using the canal towpath) and residential receptors (dwellings adjacent to the site). The effect on any travelling receptors is not considered significant as existing landforms make the site barely visible from the local road network, including Ashton Road.
- 5.5.14 Residents of Ashford Avenue, Ashton Road, Caspian Way, Addenbrooke Close and Viscount Drive will all experience a degree of visual change arising from the development as the site is permanently changed to form a new housing estate. The level of impact will vary as some residents will be affected by the changes to the existing access arrangement and a new wider road running up the southern boundary, while other residents (Ashford Avenue) will experience a greater level of impact as their outlook and views over the site alter substantially. However, these existing dwellings are separated from the site by mature planting which will filter some views. Furthermore, their orientation is such that most of the principal windows are likely to be facing away or at oblique angles from the development site. The LVA considered the level of effect to be minor moderate once the development is completed, reducing to minor visual effects once the landscaping has matured and integrated into the landscape.
- 5.5.15 The visual effects arising from the development are significant for recreational receptors using the canal towpath in the vicinity of the application site and as you approach the site in both directions of the canal. The canal towpath is popular with the community for both commuter travel and recreation

and leisure purposes. This stretch of the canal corridor is complemented by the USL resulting in a peaceful, open, and rural character. The addition of a housing estate, albeit potentially designed to have a good quality interface with the canal itself, would diminish the rural character and peaceful qualities of the canal in this location and the overall function of the USL. Officers, therefore, concur that the level of visual effects from the development once completed would be moderate to major and would result in a detrimental impact to the USL.

5.5.16 Aside from Policies EN5, DM46 and DM29, Policy SC4 of the SPLA DPD clearly states allocated greenspace networks will be protected from development that would cause harm and damage to their integrity (SC4 includes Lancaster Canal). Policy T3 of the SPLA DPD also sets out development requirements where development proposals are adjacent to or adjoining Lancaster Canal. This policy recognises the value of the canal for the health and well-being benefits to the community and visitors, alongside other environmental values (ecology and landscape). Accordingly, policy T3 requires developments to be of high standard of design, to be well-integrated with the waterway, to optimise view and from the waterway and to improve the amenity and character of the canal in that area. Given the intrinsic relationship the canal has with this USL, the consequences of harmful effects to the USL results in direct conflict with policy SC4 and T3. It is considered the development would not improve the amenity and character of the canal in this location and the value and integrity of how the canal is enjoyed by the community in this location would be diminished by the proposals.

5.5.17 It is acknowledged that careful consideration has been given to the landscape mitigation strategy, which includes enhancements and bolstering of exiting landscape features to the site boundaries, the provision of open space and landscape buffers to support existing green networks. However, given the particular qualities of the USL and the canal corridor in the vicinity of the site, the level of mitigation proposals would not sufficiently mitigate the moderate/major harm identified to the landscape character of the site and its setting (i.e. USL and the canal) and the moderate/major visual effects from the users of the towpath in the shorter range viewpoints to the site. The mitigation would take many years to mature to have any meaningful effect and would not remove the harm. Contrary to the LVA conclusions, it is considered the site cannot accommodate the proposed residential development without causing significant harm.

5.5.18 In conclusion, the proposed development would clearly be contrary to the designation of the site as USL. The development would not preserve the open nature, rural and tranquil character of the site and its surroundings and would significantly reduce the extent and function of this valuable local landscape designation at this location. The proposal would also fail to improve the amenity and character of the canal in this location. As a consequence, the proposed development would fail to comply with paragraph 174 of the NPPF and would be in direct conflict with policies SP8, EN5 and T3 or the SPLA DPD and policies DM1, DM29 and DM46 of the DM DPD.

5.6 **Accessibility, sustainable travel, and traffic impacts (NPPF: Chapter 9 paragraphs 104-113 (Promoting Sustainable Transport); Strategic Policies and Land Allocations (SPLA) DPD policies SP3 (Development Strategy for the District), SP10 Improving Transport Connectivity and T2: Cycling and Walking Network and T3: Lancaster Canal; 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; DM64: Lancaster District Highways and Transport Masterplan.**

5.6.1 The applicant seeks outline planning permission for residential development with the access details provided in full. The application is supported by a Transport Assessment and Interim Travel Plan and a detailed access drawing showing the proposed vehicular access off Ashton Road (the A588). The highway considerations can be broken down into the following sub-categories:

- Accessibility and sustainability of the site
- Access strategy
- Highway capacity and safety

5.6.2 **Accessibility and sustainability**
Policy SP10 of the SPLA DPD and policies DM60, DM61 and DM63 seek to direct new development to sustainable locations to ensure new development provides and encourage opportunities for a range of transport options and to reduce the overall need to travel. This policy approach aligns with the Council's development strategy (policy SP3) and is reflective of the principal objectives set out in

the NPPF (paragraphs 104-105) to promote sustainable transport in planning policy and decision-taking.

- 5.6.3 The site is located on the southwestern periphery of Lancaster city outside of the existing built-up area. Whilst there is existing residential development and approved development (on an allocated housing site) in the vicinity of the site, the accessibility of the site to existing services and facilities remains an important consideration given its edge of settlement location and the need to promote modal shift and accessibility as part of settlement expansion.
- 5.6.4 The sites primary access will be taken off the A588 (Ashton Road), approximately 1.5km south of the Pointer Roundabout and approximately 2km from Lancaster's city centre. The closest services (Booths food store, garage, fuel station and shop, public house or other amenities) are located close to the Hala Road/A6 junction around 880m east of the centre of the site. The closest primary school is approximately 1.3km east of the site, located on Scotforth Road. The Chartered Institute of Highways and Transportation (CHIT) guidance states that 'preferred maximum' standards to schools and work is 2000m, to town centres 800m and elsewhere 1200m. The development site is within these preferred maximum distances and almost within the acceptable range (whereby the distance to local services would be 800m).
- 5.6.5 Despite being on the limits of the acceptable walking range, the site is considered to be sustainably located and is not much further away from local services than the recently consented schemes off Ashton Road to the north of the site (on the allocated housing site). The site is within acceptable distances to local cycle routes, which would provide more sustainable travel options between the site and the city centre and local services. The site is also within 100m of northbound and southbound bus stops. The CIHT recommends developments to ideally be located within 400m of a bus stop. The No. 89 bus services currently operates every 90 minutes Monday to Saturday (between 06:15 and 18:20) providing services between Knott End and Lancaster via Ashton Road. The applicant's TA also identifies several more regular bus services operating from the A6. Access to rail services can be provided at Lancaster Railway Station approximately 2km north of the site. However, access to rail would be most likely to be car or bus as it is beyond the accepted walking distances.
- 5.6.6 The site is located such as to benefit from existing walking, cycling and public transport opportunities and can be considered accessible from sustainable modes. However, it is recognised that whilst opportunities exist there are constraints with existing highway, cycle and pedestrian infrastructure which would not encourage future residents to choose walking and cycling as alternative options. Other than footway improvements at the site access, the application does not propose any other highway improvement works as part of the application.
- 5.6.7 In the vicinity of the proposed site access there is only one footway to the west side of the A588 (Ashton Road) which provides pedestrian access to the northbound bus stop. Beyond Ashford Avenue this become quite narrow and is certainly not the recommended two metre width (closer to 1 metre). Pedestrian access to the southbound bus stop is particularly poor with a very narrow footway between Ashford Road and a small field track. There are no pedestrian crossing facilities across Ashton Road or Ashford Road to support an increase in pedestrian movements to the bus stop.
- 5.6.8 Existing footways between the site and the city centre via Ashton Road exist, but again, are narrow in sections and especially constrained alongside Royal Albert Cottages, where on-street parking causes a narrowing of the highway to single traffic and the footway often obstructed by cars mounted on the pavement. The network of footpaths from the site to the local services at the Hala junction are equally poor. The first section of Ashford Road opposite the proposed site access is for cyclists and buses only. There is no provision for pedestrians and little opportunity to enhance and upgrade this route to create a more direct and safe walking route in an easterly direction. Beyond this and the Highgrove estate, footways are substandard and constrained by narrowing of the highway close to the Hala junction where there is a section of no footway.
- 5.6.9 With improvements to the highway network adjacent to the site, a safe and attractive link could be provided to the canal towpath. However, the canal towpath provides a useful 'leisure' route to the city centre but is not lit and should not be seen as a primary route to the city centre. The Canal and Rivers Trust have requested a contribution towards upgrades to the surfacing of the towpath, but this this part of more strategic proposals in preparation for South Lancaster through the AAP. The area of

upgrading to the towpath is proposed in a southerly direction towards Galgate. Unfortunately, this is not considered necessary to make the development acceptable and is not therefore supported.

5.6.10 The existing on-road cycle route does not pass the site and is routed up Ashford Road where the characteristics described above result in an unattractive route, and arguably unsafe, route for cyclists. There is no dedicated cycle route along Ashton Road from the proposed site access towards the city. Considering these existing conditions, the development would be predominately car dependant, which does not accord with the district spatial objectives to secure sustainable communities and reduce the carbon footprint of the district. Without mitigation to improve existing pedestrian and cycle infrastructure, it is difficult to see how the development accords with policies DM60, DM61 and DM63 of the DM DPD. The Local Highway Authority's initial response of September 2022 adopts a similar position, noting that without measures to deliver infrastructure and other measures to best integrate the site to the wider local and strategic network, the development will not be sustainable and will be car dependant. Instead, the LHA have adopted a more strategic approach to the delivery of strategic infrastructure which is intended to encompass measures to improve highway capacity and the delivery of improvements to the pedestrian and cycle networks, particular between South Lancaster and the city. The strategic model and the LHA's requests are discussed below.

5.6.11 An interim Travel Plan has been submitted with the application. County Highways have set that the size of the development is below the threshold (80 units) that Lancashire County Council would normally expect for the development of a Travel Plan. However, they accept that due to the site's edge of settlement location a Travel Plan would be suitable. The LHA considered the submitted Interim Travel Plan broadly acceptable but note its commitment to monitor the Travel Plan's action plan would need to be increased to 5 years from 3 years. This is a matter capable of being overcome by condition.

5.6.12 Access Strategy

Vehicular access to the site is proposed off the A588 at the existing junction to Canal Bank Stables, south of the Caspian Way/Ashton Road roundabout. In this locality Ashton Road is subject to a 30mph limit and has street lighting. To facilitate the site access junction and visibility splays one tree and a 44m length of roadside hedge will be removed (out of a total site frontage length of 170m). The access road measures 5.5m with 2 m footways to both sides. Visibility splays of 2.4m by 43m would be provided in both directions along Ashton Road. The LHA have visited the site and, in principle, find the access proposals acceptable. Localised widening of the existing pavement along the site frontage will take place and would connect to the highway improvement works to the north forming part of the adjacent development proposals. The LHA have indicated the need for planning conditions to ensure the precise details are acceptable and the footway improvements works to the site frontage are implemented as part of the proposals. Despite many concerns to the contrary, the applicant has demonstrated the access proposals to the development site are acceptable and would accord with the requirements of policy DM29 and DM60.

5.6.13 The proposed development would need to provide off-street parking for each of the proposal units which would be determined as part of the layout of the development at reserved matters stage. This would also include the provision of cycle parking. The level of parking would be based on maximum standards set out in policy DM62, unless suitable mitigation to improve the pedestrian and cycle network together with robust travel planning justified a reduced provision.

5.6.14 Highway capacity and safety

The application has been supported by a Transport Assessment (TA). The scope of the TA and the access designs were subject to pre-application discussions with the LHA. Given the scale of the proposal, the TA has also undertaken a highway safety review looking at accident records in the location of the site and surrounding area. The TA considers there to be no significant correlations to suggest that highway condition, layout or design were significant contributory factors in any of the identified collisions. Many of the accidents resulted in slight severity injuries and there are no identifiable clusters in the immediate vicinity of the site, nor at the existing site access junction. The LHA have also assessed accident data and notes one incident within the vicinity of the site access within the last five years. In that space, the LHA conclude the incident recorded appears to be of a nature that would not be worsened by the proposed development. It is accepted not all incidents are recorded but from the data available the LHA have raised no safety concerns with the proposed development.

5.6.15 The TA uses the Local Plan 2023 traffic scenarios considering these the most robust starting position for future year assessments, as it uses agreed growth factors, includes committed development traffic, land allocations and all omission sites. The proposed development is anticipated to generate 34 and 32 two-way trips in the AM and PM peak hours respectively, assuming 80% of these trips will travel north and 20% south. The development traffic has then been assessed (using JUNCTIONS and Linsig junction modelling software) at the proposed site access and the following junctions for the 2023 base year (without and with development) and the 2027 (without and with development) scenarios:

- Ashton Road/Caspian Way
- Ashton Road/Bowerham Road (Pointer Roundabout)
- Ashton Road/Pathfinders Drive/Cherry Tree Drive
- Ashford Road/Hala Road
- A6/Salford Road/Stoney Lane

5.6.16 The conclusions from the modelling undertaken demonstrates the proposed site access onto Ashton Road, the A588 Ashton Road/Caspian Way junction and the Ashton Road/Pathfinders and Cherry Tree Drive mini roundabout can comfortably accommodate the traffic generated from the proposed development. In the case of the Pointer Roundabout, the modelling undertaken indicates The Bowerham Road arm of the junction operates well above its practical capacity and is almost at its theoretical capacity in the AM peak before development and future growth is added. Once future traffic is added (and before the proposed development traffic is added) this arm of the junction is forecast to operate over its theoretical capacity (1.07 RFC). The applicant's modelling indicates a minor increase to the ratio flow capacity (RFC) and queuing on this arm of the junction in the AM peak only because of the proposed development traffic (1.08 RFC). Accordingly, the applicant contends the development will not have a significant impact on the operation of the junction. Regarding the Hala Road crossroad junction (Boot and Shoe), the applicant's LinSig modelling indicates this junction operates better in the AM peak than the PM peak. The TA indicates this junction operates with spare capacity on all arms of the junction in the AM peak with future growth plus the development added to the 2023 base. However, this cannot be said of the PM peak. The Hala Road and A6 Scotforth Road arms of the junction are predicted to operate above theoretical capacity once future growth is added to the 2023 base. The effect of the proposed traffic is forecast to increase the degree of saturation (DoS) from 101.1% (2027 base) to 101.6% (DoS) on the Hala Road Arm and 102.1% (2027 base) to 102.3% on the Scotforth Road arm of the junction. The applicant contends this increase would not significantly impact the operation of the junction. Finally, the LinSig modelling undertaken for the Galgate crossroad junction demonstrates this junction is predicted to operate over its practical reserve capacity but under its theoretical capacity in the base traffic scenarios (both 2023 and 2027). The proposed development would result in increases to the DoS values and queuing, with the applicant concluding the junction would be largely unaffected by the development traffic.

5.6.17 The TA concludes that any junctions operating above capacity do so once significant future traffic growth is added to the network and not because of the proposed development traffic. The applicant therefore contends the highway impacts of the traffic predicted to be generated by the proposed development would be immaterial and far from being able to be categorised as severe. The applicant therefore proposes no highway capacity mitigation to make the development acceptable in planning terms.

5.6.18 The LHA in their initial response (September 2022) did not provide any specific comments on the scope of highway capacity modelling and its conclusions. Instead, the LHA made it clear that this site, along with others, will impact on the wider network already experiencing congestion. The LHA notes the additional vehicles generated will result in higher flows on the existing network and that given the edge of settlement location, will require suitable approach to the delivery and maintenance of infrastructure to ensure the development is sustainable and not car dependant. In addressing the impact on the surrounding highway network, the LHA commented on the ambitious targets to deliver development across the district through the Local Plan and that such requires extensive new highway changes and improvements to the existing infrastructure. This is reflected through the SPLA DPD in respect of strategic growth sites/areas and their supporting infrastructure policies. The LHA have taken the position that all development (including unallocated sites) will have an influence across the district and will be required to contribute to a combination of highway improvement measures in Lancaster in an equitable manner. The LHA position is that a piecemeal approach to development

will not deliver the area wide changes needed to the network (for all modes). 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.

5.6.19 The response sets out that the development of these measures, to support the local plan, was ongoing (scheme development and modelling work). 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. The LHA indicated the development would be required to make a contribution towards wider highway infrastructure. The LHA's later response (February 2023) indicated the development would have a detrimental impact on the Pointer Roundabout, Hala Road junction, Lancaster's gyratory system, Galgate and elsewhere to a lesser extent, noting all the above experience congestion and heavy delays and that these conditions influence highway safety. Unfortunately, the LHA do not substantiate their position or make reference to the type of modelling undertaken and the TA's conclusions. However, it is not unreasonable to assume any increase in traffic where junctions are operating above their theoretical capacity could amount to a severe impact.

5.6.20 A gravity approach has been developed by the LHA 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 £512,423 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 Scotforth 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

5.6.21 In the event the applicant does not support the contribution, the LHA have requested the applicant to submit a TA setting out how the developer intends to resolve issues (rather than supporting their approach) fully assessing all issues where impacts occur on the network, as a minimum:

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

Whilst the applicant's TA concludes the development would not result in a severe impact on the network and mitigation would not be required to make the development acceptable, the applicant has agreed to make the full contribution.

5.6.22 Whilst the LHA's intention and approach is well-founded, Lancaster City Council needs to make a planning judgment on the information provided and the impact on the highway network, including whether the contribution that is being requested is reasonable and is proportionate to the scale of the development. Lancaster City Council, as the Local Planning Authority, also needs to ensure that any request complies with the tests in the CIL Regulations (2010), which are reiterated at 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.

Any contribution sought as part of a planning permission must be CIL compliant whether the applicant agrees to the contribution or not.

5.6.23 In terms of the impact of the development on the network, the application has been supported by a TA (the conclusions summarised above in paragraph 5.6.16). Regrettably, at the point of writing this report, the LHA has failed to comment on the merits or otherwise of the submitted TA but have instead focused on their strategic aspirations and delivery mechanism for highway improvements within and around Lancaster. National Highways (NH thereafter) have commented on the application and raised no objection to the development. NH have, however, set out some concerns in relation to the TA assumptions and conclusions and the impact of cumulative development on the SRN (Strategic Road Network),

5.6.24 NH has integrated the TA and its assessment of highway impacts on the network. There are a number of assumptions in the TA NH cannot support (largely down to lack of information). NH had identified some discrepancies in the model and have corrected these and adjusted the model to take account their assumed trips, noting the proposed development, in isolation, would have a nominal impact on the Galgate junction and therefore the SRN. However, NH stress that the modelled outputs do illustrate that the junction is operating above the 85% threshold capacity on multiple arms in the AM and PM peaks, which is an indicator of significant congestion.

5.6.25 The Local Plan supports significant new growth in South Lancaster which relies upon the delivery of significant new highway infrastructure, supported in part by the governments Housing Infrastructure Fund (HIF). At this stage, there is no certainty of delivery of this project. Consequently, NH stress there is a high degree of uncertainty over the delivery of these projects, and so cannot be relied upon as transport mitigation for development proposals within the South Lancaster area coming forward at this time and before strategic infrastructure is delivered (i.e. the link road).

5.6.26 NH state "*whilst the intention is that local transport infrastructure measures (and in particular the South Lancaster to M6 Link Road) are intended to address the local highway capacity and performance problems needed to support growth in south Lancaster, there is currently no certainty that any of these measures will be delivered and so the traffic impact of development in south Lancaster (including this site) can only be assessed in terms of the existing highway network. Given the evidence already available that the existing network cannot safely accommodate all of the growth anticipated from allocated development sites within the area, let alone the test of full Local Plan growth (as required by Circular 01/22). National Highways therefore advises that Lancaster City Council to be aware of this aspect in making its decision on this application given that, albeit a small traffic impact upon the SRN, approval of this development on an unallocated site will further reduce the limited highway capacity available to accommodate allocated development sites in this area*".

5.6.27 The response from NH simply highlights the need to assess development proposals and their traffic impacts in terms of the existing highway network. The existing network is congested with Galgate particularly constrained. It is accepted substantial traffic growth arising from development proposals will require highway capacity mitigation. However, the submitted TA indicates a nominal increase in traffic which would not be significant above growth traffic (2027). In the absence from any substantive comments from the LHA in relation to the traffic impacts at the modelled junctions, the LHA are left to make a judgement over the level of impact and the need for mitigation.

5.6.28 It is accepted that without improvements to sustainable transport infrastructure, the proposed development will be car dependant. This would be contrary to the Local Plan as set out earlier. It is also reasonable to conclude that the effects of development traffic on the junctions operating above their theoretical capacity would potentially lead to a severe impact on the network and as such mitigation should be secured. Even if the impacts are small, the junction is not operating efficiently and therefore even a small increase in traffic would lead to a detrimental impact.

5.6.29 It would appear that the LHA are of the opinion that any additional traffic on the network will lead to detrimental impacts (though this has not been substantiated) and that without any further assessment, the requested contributions apportioned across the thirteen projects will mitigate the impacts. Requests for contributions towards strategic infrastructure to support the delivery of allocated strategic sites (i.e. the Bailrigg Garden Village) are not relevant for unallocated sites outside strategic locations (such as this one). Nor would a contribution towards initiatives in Morecambe from the proposed site be considered appropriate or directed related to the development. Accordingly, there are a number of initiatives listed by the LHA whereby there is either no policy basis to support their request or the request would simply not meet the CIL tests. This therefore calls into questions the LHA's approach. However, there are relevant policies to support other forms of highway infrastructure where a case can be made that it is necessary, directly related to the development; and fairly and reasonably related in scale and kind to the development.

5.6.30 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.

5.6.31 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.

5.6.32 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 DM64 is clear that any contribution should directly relate to the development proposed.

5.6.33 Without going through each initiative and the breakdown of the LHA's gravity model contribution request, based on the outcomes of the TA it would not be unreasonable to expect potential mitigation to improve sustainable transport initiatives and potential improvements at the Pointer Roundabout and the Hala Junction, though the level of traffic forecast is not substantial. However, the LHA's approach is not such that enables the LPA to simply select which of the thirteen initiatives are relevant to the proposed development and its impacts. Such would not achieve their strategic ambition which is intended to support the delivery of the Local Plan. The impasse between the LPA and the LHA is not easy but cannot unnecessarily delay the determination of planning applications. Their approach to require further assessment if their contribution cannot be supported seems somewhat onerous,

particularly without clearly substantiating what is needed above that already carried out or commenting on the TA assumptions and conclusions in the first instance. Simply advising that the issues can be overcome by supporting the Infrastructure Strategy and the Gravity Model approach, is not adequate at this stage as it fails to comply with the CIL tests.

- 5.6.34 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.
- 5.6.35 The Highway Authority have not raised any specific concerns or comments in relation to the TA assumptions and conclusions. 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 LPA. 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.
- 5.7 **Biodiversity** (NPPF: Chapter 15 paragraph 174 and 179-182 (Habitats and biodiversity); Strategic Policies and Land Allocations (SPLA) DPD policy 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 Strategic policies SP8 and EN7 both recognise the importance and value of biodiversity within the district, and expects development proposals to protect, maintain and enhance biodiversity and the districts green infrastructure. This strategic policy position is reflected in the Development Management DPD policies. Policy DM43 seeks to maintain, protect, and enhance the integrity and connectivity of the districts Green Infrastructure network which, relevant to this case, includes Lancaster canal and its immediate setting. Policy DM44 goes on to state development proposals should protect and enhance biodiversity and, as a principle, there should be net gain of biodiversity assets wherever possible. This policy states that where harm cannot be avoided, it should be mitigated and as a last resort compensated for, and where a proposal leads to significant harm, planning permission should be refused. Policy DM45 identifies the importance of retaining trees, woodland and hedgerows where they positively contribute to visual amenity, landscape character and/or the environmental value of an area. This policy expects new development to positively incorporate existing trees and hedgerows and where this cannot be achieved, the losses must be justified and mitigation. Policy DM45 seeks to maximum and encourage new tree and hedgerow planting of indigenous species to mitigate against the wider impacts of climate change and to enhance the character and appearance of the district.
- 5.7.2 The proposed site is not designated or protected for its nature conservation. However, it lies immediately adjacent Lancaster Canal, which is a non-statutory local designation (a Biological Heritage Site (BHS)). There are mature trees and hedgerows to the site boundaries which form significant landscape features and contribute positively to the landscape character. Trees along the eastern boundary are protected by a tree preservation order (TPO No. 269(1998)). Except for some minor losses to facilitate the site access, the proposal includes the retention, protection and enhancement of existing trees and hedgerows to the north, south and eastern boundaries. In this regard the proposal is considered compliant with policy DM45 specifically.
- 5.7.3 The direct effects of the proposal on the adjacent canal and BHS is most likely to be during the construction phases of the development. It would be necessary for the applicant to ensure appropriate protection is in place to both protect the structural integrity of the canal bank and also to

prevent pollution entering the waterway. These are both matters raised by the Canal and Rivers Trust (CART) and are capable of being overcome by planning condition; securing a scheme for the protection of the canal bank and the approval and implementation of an acceptable construction environmental management plan (CEMP).

5.7.4 The application has been submitted by a preliminary ecological appraisal and BNG assessment which has been considered and assessed by the Council's ecology advisors, GMEU. While GMEU raised concerns over the type of ecology assessment undertaken, they have not objected and have recommended conditions to protect the canal and species during construction (a CEMP condition). Additional information was obtained in order to undertake the HRA (to the satisfaction of Natural England) with the BNG assessment provided to demonstrate how meaningful net gains could be secured on the site. At this outline stage, the BNG assessment indicates the proposals will achieve a net gain of some 13%. However, the gain is achieved heavily through the planting of trees within the area of public open space. Without these trees there would be potential net loss. Therefore, to provide sufficient net gains, the final landscaping scheme will need to provide a significant amount of tree planting which could potentially conflict with the landscape character or the general open space requirements on site. As this is an outline application, an updated net gain assessment to demonstrate at least 10% net gains can be achieved, will need to be submitted with any reserved matters application together with a 30-year management plan. This would be secured by a planning obligation. Contrary to the level of public objection on ecology grounds, the site is capable of being developed without significant harm to natural conservation provided mitigation and enhancement measures are put in place. On the whole, the development does not conflict with the local plan or NPPF in respect of biodiversity.

5.8 **Flood Risk and Drainage** (NPPF: Chapter 14 paragraphs 152 and 153 (Planning for Climate Change) and paragraphs 159, 161-167 and 169 (Planning and Flood Risk); 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).

5.8.1 Strategic policy seeks to ensure new growth within the district does not create new or exacerbate existing flooding issues and to reduce flood risk overall. The NPPF and the above referenced DM DPD policies require development to be in areas at least at risk of flooding (following the sequential and exception tests) and for major proposals to ensure surface water is managed in a sustainable way accounting for climate change. The emerging policy places an even greater emphasis on managing flood risk, sustainable drainage proposals and the maximisation of above ground SUDS features.

5.8.2 The proposed site is in floodzone 1 (low 0.1% annual probability of flooding from river or the sea) which, in principle, is an acceptable location for residential development. The site is located over 6km from the coast, over 1.2km from the River Lune and there are no surface water features within the vicinity of the site. Lancaster Canal has a level of approximately 21m AOD and is lower than the site itself. The site is also located outside areas affected by surface water (pluvial) flooding. The applicant undertook some trial pits in March 2022 with no ground water encountered during these investigations. Subsequently, the applicant's Flood Risk Assessment (FRA) sufficiently evidences the site is at low risk of tidal, fluvial, groundwater, pluvial flooding and flooding from the canal.

5.8.3 The critical consideration therefore relates to the management of post-development surface water. Planning policy requires all major developments to incorporate sustainable drainage systems (SuDS), which combines a mixture of built and nature-based techniques to mimic natural drainage as closely as possible, whilst accounting for the predicted impacts of climate change. Well-designed SuDS also provide benefits for water quantity, water quality, biodiversity and amenity as well as managing flood risk.

5.8.4 It is well established that the SuDS hierarchy advocates drainage by infiltration, to a surface water body, a surface water sewer and only when the other options are not feasible, to a combined sewer. The proposed site is a greenfield site with no formal drainage network and no connection to surrounding drainage infrastructure. The applicant contends infiltration will not be deemed appropriate due to the steep sloping nature of the site and proposes to discharge surface water (at the greenfield rate) to the canal via a new attenuation basin to the west of the site. The applicant also proposes to discharge surface water from the first section of the proposed road and first 2 plots at the site entrance to the attenuation basin (and thereon to the combined sewer) associated with the

planning proposals on the adjacent land. All attenuation features forming part of the development's drainage strategy are designed to a return period of 100 years plus 40% climate change allowance and a further 10% for urban creep, in accordance with current policy and guidance.

- 5.8.5 The LLFA initially objected to the proposal on the grounds that insufficient evidence had been provided to justify not using infiltration and that the Canal and River's Trust would permit an outfall into the canal. The applicant has addressed these initial concerns in a revised flood risk assessment and drainage strategy. The applicant has evidenced infiltration will not be a feasible solution and has now secured agreement from the CART to discharge into the canal at a controlled greenfield rate, save for a small area of the highway at the site entrance which will drain to the sewer. The indicative SuDS plans include the use of above ground sustainable drainage features including swales and attenuation basin, which are positive additions to the proposal given their added design and ecology benefits.
- 5.8.6 The foul drainage will connect to the existing system. The site is split into two sections with one half pumped to the high point of road 1 and the second section gravity fed to the combine sewer on Ashton Road. United Utilities have raised no objection to the principle of the drainage strategy and recommend the final details be controlled by planning condition.
- 5.8.7 The FRA and proposed drainage strategy are acceptable to the LLFA and UU, demonstrating the development will not be at risk of flooding and will not increase the risk of flooding elsewhere. Conditions would be necessary to secure the implementation of the FRA, a drainage design based on the submitted drainage strategy and the preparation and implementation of a management and maintenance plan.
- 5.9 **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) and DM30 (Sustainable Design) and PAN9 – Energy Efficiency in New Development.
- 5.9.1 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, but they must also be adaptable to the impacts of the climate crisis and support resilient communities. One of the primary areas for emissions reductions for development in supporting the transition to net zero is in building to high fabric standards and supplying the new buildings with renewable and low carbon energy. This is highlighted in the Local Plan in policies DM29: Key Design Principles and DM30: Sustainable Design and supported by PAN9 – Energy Efficiency in New Development.
- 5.9.2 The applicant's revised Energy Statement outlines an energy strategy for the proposed development in response to policy DM30 and the emerging policies in the Climate Emergency Local Plan Review of the Development Management DPD. This provides an overall commitment in reducing energy consumption by adopting a 'Fabric First' approach in line with the Future Homes Standards (FHS) that will be introduced from 2025. The applicant also proposes the installation of air source heat pumps to all dwellings and the installation of photovoltaic panels to plots where the orientation and site characteristics would make it suitable. The strategy commitments to minimising carbon emissions by a minimum of 75% in comparison to Building Regulations 2013 (as required by FHS) and that the minimum EPC rating for each individual plot would be Band B. These measures are commendable and show a clear commitment to minimise emissions and positively contribute towards tackling the effects of climate change. The measures go beyond the requirements of adopted policy DM30 and those set out in emerging policy, though the weight that can be given to these policies is limited at this stage. Nevertheless, the energy strategy to support the proposed development is considered a benefit and should be given some weight in the planning balance. Should the development be approved, the precise details of the measures required to meet the aims of the energy strategy could be adequately controlled by planning condition.

- 5.10 Open Space NPPF paragraphs: 92-93, 98-100 (Promoting Healthy and Safe Communities including Open Space and Recreation), 126-134 (Achieving Well-Designed Places), Strategic Policies and Land Allocations (SPLA) DPD policies SC3 (Open Space, Recreation and Leisure) and SC4 (Green Space Network) and Development Management (DM) DPD policies: DM27 (Open Space, Sports and Recreational Facilities), DM43 (Green Infrastructure) and DM57 (Health and Well-Being)
- 5.10.1 Policy DM27 and both chapters 8 and 12 of the NPPF place a strong emphasis on the benefits of open space for the health and well-being of communities and delivering good design. In accordance with local planning policy, the proposed development will contribute to open space provision. This will involve the provision of on-site amenity greenspace and an equipped play area. The precise details (location, amount, design and appearance) are matters that would be determined at the reserved matters stage in accordance with the methodology and guidance provided within the Council's Open Space Planning Advisory Note. Given the landscape sensitivities of the site, a more creative natural play offer would be most suitable. The submitted Framework Plan has accounted for these requirements in broad terms. However, careful consideration will need to be given to the relationship of competing requirements in the open spaces of the site, including play provision, amenity greenspace, delivering biodiversity net gain and drainage infrastructure.
- 5.10.2 Planning policy also requires development to mitigate the impacts of settlement expansion on local open space infrastructure where there are identified deficiencies. Locally there are identified deficiencies in the provision of young people's play space and outdoor sports facilities. Given the scale of the development, it is considered a financial contribution towards offsite open space will be required. The Council's Public Realm Team have requested the following off-site contributions:
- £36,400 towards young person's provision.
 - £77,259.00 towards outdoor sports provision at Royal Albert Playing Fields.
- The final calculation would need to be determined at the reserved matters stage when the final bedroom mix and housing number is known.
- 5.10.3 The contributions towards Royal Albert Playing Fields would be towards improvements to the playing pitch and associated facilities, including the changing accommodation. There are other planning permissions which have secured contributions towards the same project. There are no longer pooling restrictions, however, we have sought confirmation over costs to ensure the contribution would be necessary (i.e., not covered by other proposals). The Public Realm team, in consultation with Lancashire Football Association, are of the opinion the costs sought here would be required to subsidise the costs secured from other proposals (if they are implemented) to deliver the infrastructure improvements at Royal Albert Playing Fields. On this basis, we can support this request. The applicant is agreeable to this contribution which would be secured by planning obligation.
- 5.10.4 Regarding young persons' provision, the Public Realm team have suggested this be provided on site due to the absence of existing provision within a 15-minute walk (a standard established in the Local Plan open space evidence base). This typology would typically comprise something like a small Multi Use Games Area (MUGA) or skate park. Due to the landscape constraints, competing space of drainage, biodiversity gains and amenity greenspace, this type of provision would not be suitable on this site. The application does not meet the threshold of on-site young persons provision and in the absence of local projects available within the 15-minute walking parameter, this request cannot be supported.
- 5.10.5 Overall, the on-site and off-site open space contributions would be considered compliant with policy DM27 and the corresponding sections of the NPPF, offering valuable social and environmental benefits to future residents. The quality and arrangement of the required on-site open space shall be determined as part of the layout and landscaping considerations at reserved matter stage. Should the application be approved, the requirement to provide on-site open space and off-site contribution would be controlled by legal agreement, along with long term management and maintenance.
- 5.10.6 Aside from ensuring the development positively contributes to the provision of new and improved open space facilities to address identified deficiencies and to support settlement expansion, the value and importance of Lancaster Canal as a green, recreational corridor is recognised and protected by policies SC3 and SC4 of the SPLA DPD. SPLA policy SC3 states existing open spaces and recreational facilities will be protected from inappropriate development. Policy SC4 is more specific to the canal and states identified green networks will be protected from development which would

cause inappropriate harm and damage to their value and integrity. There is a degree of overlap with the local landscape impacts here as the canal has an intrinsic relationship with the Urban Setting Landscape (USL) in this location.

5.10.7 The development abuts the canal along its western edge. The Development Framework Plan and supporting documents all advocate a buffer to the canal itself to minimise direct impacts. The extent of this buffer and its final use (i.e ecology mitigation/gain, amenity space or/and drainage infrastructure) is not precisely known at this stage. However, there is a degree of confidence a buffer could be provided to soften some of the impacts of the development. The proposal will not result in the direct loss of any part of the canal and could be carefully landscaped to ensure the development incorporates a sensitive edge. The Canal and Rivers Trust do not object and comment that subject to design the proposal provides positive engagement and animation of the waterway corridor. There is no doubt, in terms of good design and placemaking, the development should embrace the canal as an asset to encourage activity (subject to some ecology protection measures) along the canal to support the well-being of future residents. On the other hand, the development of the site will result in the loss of an open and tranquil stretch of the waterway, which forms the basis of many objections to the application. The canal provides an important corridor which runs along the designated USL and is enjoyed by the community for its peaceful, open and rural character. Therefore, it is considered that the development not only causes significant harm to the USL, but also to the recreational enjoyment, amenity and environmental value and integrity of the canal corridor in this particular location. Accordingly, the development is considered contrary to policies SP8, SC4 and policy T3 of the SPLA DPD.

5.11 **Residential Amenity and design** 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).

5.11.1 Planning policy DM29 and paragraph 130 of the NPPF requires new development to ensure and maintain a high standard of amenity for existing and future users. In particular, this policy states development should not have a significant detrimental impact to amenity in relation to overshadowing, visual amenity, privacy, overlooking and pollution. To provide an acceptable standard of amenity, policy DM29 requires all development to ensure suitable levels of privacy can be met and encourages minimum garden sizes, given the importance private garden space can provide to the health and well-being of future residents. Securing acceptable amenity standards and access to open space is a fundamental component of placemaking and design. However, at this outline stage, whereby layout, scale and appearance of the development are not part of the determination, the full effects arising from the proposal on the residential amenity of both existing and proposed residents cannot be determined. Accordingly, the full impacts will be determined at the reserved matters stage.

5.11.2 In terms of the impacts of the proposal on existing residents, there are existing dwellings located alongside the proposed access (property off Ashford Avenue). These dwellings either side onto or back the development site. On the whole, there is a strong landscape boundary between the site and properties on Ashford Avenue, which will filter views of the development site. The submitted Development Framework Plan shows the site split into four potential development parcels with the spine road from the junction with Ashton Road running along the rear and side boundaries of these existing properties. Indicatively, this shows the potential for a suitable landscape verge/open space between the proposed access road and existing rear/side gardens. Accordingly, there is sufficient confidence, that at the reserved matters stage, the development would not lead to unacceptable impacts on residential amenity. It is acknowledged, some of these existing residents will experience a new outlook and the development will lead to more traffic travelling behind these dwellings (compared to the former stable use). However, the level of impact in terms of noise and pollution, would not be significantly harmful with the Council's Environmental Protection team raising no objections to the proposal. Accordingly, whilst the development of the site will alter the outlook from existing residents, albeit filtered with existing landscaping, the effects of the development on existing residential amenity will not be significant and is capable of being mitigated (through good design) at the reserved matters stage.

5.11.3 The starting point to achieve good design is context. The National Design Guide clearly states that well-design places are those that are based on a sound understanding of features of the site and its surroundings and are well integrated and positively influenced by such features. This is reflected in DM29 which also requires development to positively contribute to the identity and character of the

area. The proposal fails to positively respond and integrate itself with the characterises of the existing site. This is largely down to its landscape impacts.

5.11.4 However, through the submitted Development Framework Plan, the applicant has illustrated how the site could be developed following good design principles in relation to the arrangement of buildings and spaces and the interaction of the two. Officers are confident the level of development applied for could be accommodated on the site and achieve suitable amenity standards, gardens sizes as well as securing active streets. Matters pertaining to layout, scale, appearance and landscaping are all reserved matters and are not for consideration at this stage.

5.12 **Education and Health NPPF paragraphs: 55 – 57 (Planning conditions and obligations) and 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 Planning policy requires the provision of school places to be given great weight to ensure the necessary infrastructure is in place to cope with the impacts of population expansion arising from new development. Lancashire County Council Schools Planning Team have requested a financial contribution for 11 secondary school places which has been calculated at £272,283. The contribution would be used to provide additional secondary places at Central Lancaster High School or Bay Leadership Academy. In the latest assessment (May 2023) the School Planning Team have now removed the requirement to contribute towards a new school site in South Lancaster. This is welcomed, as such a contribution could not have been supported at this time in the absence of the Area Action Plan (APP) for South Lancaster which would be the mechanism to identify the school site and set out the requirements for its delivery.

5.12.2 It is therefore considered an education contribution towards 11 secondary school places at Lancaster Central High School or Bay Leadership Academy would be reasonable and directly related to the development. Given great weight must be afforded to education provision, this contribution is considered necessary to make the development acceptable and would be secured by planning obligation. A final calculation for the 11 places would be required following reserved matters approval when the precise bedroom mix is known. This can be secured by a planning obligation. The School Planning Team have not required a contribution towards primary school places.

5.12.3 The response from the NHS sets out that the proposal will generate approximately 168 new patient registrations based on average household size of 2.4 and that the needs of these new patients will have a direct impact on the delivery of general practice services, thus requiring mitigation. The site falls within the catchment area of Lancaster Medical Practice. The NHS states this need, along with other new developments, can only be met through the development of a new practice premises to ensure sustainable general practice. However, the response goes on to say that the growth generated from this proposed 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 to be considered directly related to the development. Furthermore, there remains doubt over the extent of the funding gap and whether the full patient yield from the development would have direct impacts on health provision to meet the tests of necessity under the CIL Regulations. In the absence of a clear project and evidence there is a funding gap that must be met through developer contributions, the NHS contribution request cannot be accepted at this time and as it would not be considered CIL compliant. Consequently, the NHS would be objecting to this application.

5.13 **Air Quality (SPLA Policy EN9; DMDPD Policy DM31)**

5.13.1 The site is located outside Lancaster and Galgate's Air Quality Management Area's (AQMA) but given the level of traffic anticipated from the development and the proximity to both the city centre and Galgate AQMAs, an Air Quality Assessment (AQA) has been undertaken. The submitted AQA addresses air quality impacts during construction and the operational stages of development and concludes the need for mitigation including the requirement of a Construction Method Statement (aligning with the measures set out in the AQA), electric vehicle charging points to each property (now a matter controlled by Building Regulations), the promotion of active travel through travel planning. The applicant also proposes the use of low carbon heating systems to each dwelling (set out in the updated Energy Statement) which will also contribute to air quality mitigation by the

avoidance of localised NOx emissions that would be associated with gas boilers. Overall, the proposed development would not result in significant impacts on air quality with the Council's Environmental Health Officer satisfied with these mitigation and conclusions set out in the AQA. Such measures can be controlled by planning condition.

5.14 **Mineral safeguarding (NPPF paragraphs: 219-204 (Facilitating the Sustainable use of Minerals); Joint Lancashire Minerals and Waste Local Plan Policy: M2 (Safeguarding Minerals) and Guidance Note (December 2014)**

5.14.1 The site is located within a Mineral Safeguarding Area (MSA) as identified by Lancashire County Council and considered within the Joint Lancashire Minerals and Waste Local Plan. Policy M2 of this Plan sets out that planning permission will not be supported for any form of development that is incompatible with working the minerals, unless the applicant can demonstrate that:

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

5.14.2 A Mineral Resource Assessment Report has been submitted to support the application. This assessment indicates on their more detailed appreciation of the solid geology underlying the site, the land may not be underlain by Gritstone and therefore its purpose as a MSA and the policy tests in policy M2 to assess development proposals may not strictly be compatible given their findings. The conclusion simply indicates the likelihood of significant reserves of Gritstone at the site is limited thereby affecting all consequently matters such as the viability of possible extraction of the mineral. There has been no detailed survey to confirm the applicant's position in respect of the underlying geology. Notwithstanding this, if the underlying geology was Gritstone, given the relatively small-scale size of the site, its isolation from other potential mineral resources, the site topography, its landscape designation, the proximity to existing and approved residential development and the presence of the canal, the prospect for mineral extraction being economically viable and environmentally suitable is limited. For the reasons set out above, arguably, any potential mineral resource in this location is already sterilised. The characteristics of the site and its surroundings also limits the feasibility of any prior extraction before the development would take place. Accordingly, the development would not conflict with the policy M2 of the Joint Lancashire Minerals and Waste Local Plan.

5.15 **Cultural Heritage (NPPF paragraphs: 194-208 (Conserving and Enhancing the Historic Environment) and Development Management (DM) DPD policies DM39 (The Setting of Designated Heritage Assets), DM41 (Development Affecting Non-Designated Heritage Assets or their Settings) and DM42 (Archaeology).**

5.15.1 There are no designated heritage assets on direct or indirectly affected by the proposals. The closest listed buildings are some distance from the site with the site not considered to form part of the setting to these assets. There are equally no non-designated heritage assets on or within close distance to the site to be adversely affected by the proposals. Of course, there is heritage value associated with the canal and the industrial links with the city, but the canal itself is not a heritage asset. The impact on the setting of the canal has been considered in relation to its landscape and recreational value. Accordingly, the proposal does not give rise to harm to heritage assets and/or their settings to be material in the overall planning balance.

6.0 Conclusion and Planning Balance

6.1 In accordance with the strategic development strategy for the district, the site is located close to the existing settlement of Lancaster and is, in principle, considered to be sustainably located. The provision up to 70 dwellings including 30% affordable homes, at a time when the Council cannot demonstrate an adequate supply of housing, is a consideration that carries great weight the planning balance. Aside from the social benefits arising from the provision of market and affordable housing,

it is noted the housing proposed would be constructed to exceed building regulation standards in terms of sustainable design and that the development would deliver biodiversity net gains (BNG) on site. With BNG becoming mandatory in November this year, these benefits are afforded some weight. The applicant has demonstrated that the development would be acceptable in terms of amenity, flood risk, air quality, ecological impacts and it is recognised the development will also make positive contributions towards open space provision and will secure an education contribution. There are also social and economic benefits from the provision of employment and upskilling through the construction phases and the knock-on effect to the supply chain (securing short-term economic benefits), though these benefits are relatively small overall and therefore afforded limited weight.

- 6.2 The main issue weighing against the proposal relates to the harmful effects of the development on the Urban Setting Landscape designation and the amenity and integrity of the canal corridor. Strategic policy EN5 states the LPA will give great weight to the protection of local landscape designations. Whilst the site is not nationally designated, it is a highly valued landscape that forms a very important setting to the existing urban area and the setting and enjoyment of the canal corridor. The development of the site for housing would therefore be contrary to the Local Plan and proper planning of the area. Despite the Council's woeful housing supply position, the loss of part of this protected and distinctly rural and tranquil landscape would be extremely harmful to its open nature and character. This harm is given substantial weight in the planning balance.
- 6.3 The proposed site is located where there is access to sustainable transport, cycling and walking facilities. However, the infrastructure is poor and would likely lead to a car dependant development. Very minor improvements are proposed as part of the access design; however, wider mitigation has not been proposed. The lack of good walking and cycling provision between the site and local services weighs against the proposal. The Local Highway Authority's approach to secure a strategic highway infrastructure contribution to deliver a range of initiatives, which are not in some cases at all related to the development proposed, will not provide certainty any accessibility impacts or direct traffic impacts will genuinely be mitigated against. Accordingly, whilst there is an identified impact, on balance, officers are not confident such could be substantiated to warrant a refusal on highway grounds.
- 6.4 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.
- 6.5 This is a very finely balanced case as the provision of up to 70 new homes weighs strongly in favour of the proposal. The provision of affordable housing, open space and education contributions ensures the proposal is policy compliant. Such would not amount to exceptional circumstances to justify the departure to the Local Plan. Given the particular characteristics of this site and wider USL and canal corridor, it is considered that the substantial harm identified would in this case significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the Framework taken as a whole. It is on this basis that the Planning Committee are recommended to refuse planning permission.

Recommendation

That Outline Planning Permission BE REFUSED for the following reason:

1. The proposed site is located within a valued landscape, designated as an Urban Setting Landscape (USL), alongside Lancaster Canal that forms an important green space network in the district. The character of the area is open, rural, and tranquil and provides an important visual frame to the existing urban area and offers a peaceful retreat along the canal from the urban area. The proposal for residential development fails to preserve the open nature and character of the area resulting in a

significant harm to the landscape character of the site, the visual amenity of the area and the value and integrity of the canal corridor as an important green space. Consequently, the development would significantly reduce the extent and function of this valuable local landscape designation and would fail to improve the amenity and character of the canal corridor in this location. Accordingly, the proposed development is considered contrary to paragraphs 130 and 174 of the NPPF and policies SP8, EN5, SC4 and T3 or the Strategic Policies and Land Allocations DPD and policies DM1, DM29 and DM46 of the Review of the Development Management DPD.

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

Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Whilst the applicant had originally taken advantage of this service prior to submission of their application, the resulting proposal is unacceptable for the reasons prescribed in this recommendation. Unfortunately, the impacts arising from the development are so fundamental, that on balance, they are incapable of being resolved as part of the current submission.

Background Papers

None