

Agenda Item	A5
Application Number	23/00064/OUT
Proposal	Outline application for the erection of up to 110 dwellings including access
Application site	Land North West of Newlands Road Lancaster Lancashire
Applicant	Oakmere Homes
Agent	Mr Stuart Booth
Case Officer	Mrs Eleanor Fawcett
Departure	Yes
Summary of Recommendation	Refusal

(i) Procedural Matters

A site visit was undertaken by the Planning Committee on 22 April 2024.

The applicant submitted an appeal to the Planning Inspectorate on 28 May 2025 due to the non-determination of the planning application, following the expiry of the most recently agreed extension of time on 28 November 2024. As such, the Local Planning Authority is not now able to determine the application. However, this report seeks a resolution from the Planning Committee as to how the application would be determined, which will inform the consideration of the planning appeal.

1.0 Application Site and Setting

- 1.1 The site relates to an area of approximately 4.2 hectares of agricultural land located to the south east of the centre of the City of Lancaster, on the eastern extent of the urban area, adjacent to Newlands Road. The original submission covered an area of approximately 5.8 hectares, however the site area was reduced to remove areas of flood risk. The site slopes gradually upwards from Newlands Road with steeper topography on its northwest side. A large proportion of the site comprises an open field with hedgerows along the boundaries, and there is a more enclosed wooded area to the site east of the site which drops down to a stream which is just outside the site boundaries but within the control of the applicant.
- 1.2 To the southwest of the site, beyond the stream, is a wooded banking with housing beyond this. To the northeast of the site is a large area of land containing a United Utilities below ground reservoir. The only above ground development appears to relate to the access, a track and a small building. On the opposite side of Newlands Road, to the southeast, there is a row on residential properties which extend roughly halfway along the site's frontage. These properties back onto the M6 motorway which sits on top of a steep landscaped banking above the dwellings. To the northwest of the site, there is an open area of land which is currently being developed as a surface water drainage scheme to serve an approved housing development which is accessed off Wyresdale Road.

- 1.3 The site is designated as Urban Setting Landscape in the Local Plan. There are no high or medium risks of flooding identified, however there are areas associated with the adjacent stream that are identified as flood zones 2 and 3 which have been taken out of the application site boundary. Williamson Park Conservation Area is approximately 600 metres to the northwest and contains a number of listed buildings including Ashton Memorial which is Grade 1 Listed. The site also lies within the Air Quality Management Area impact zone for Lancaster. The site is located approximately 3.2 kilometres from the Lune Estuary Site of Special Scientific Interest, which is also covered by the Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site.

2.0 Proposal

- 2.1 Outline planning permission is sought for the erection of up to 110 dwellings on the site, which has been reduced from up to 120 dwellings. Permission is sought for the principle of the development and the details of the access point, which was included as a detailed matter when the number of dwellings was reduced. Details of layout, appearance, scale and landscaping would be reserved for a future application, if outline permission was granted, although the application includes indicative plans showing how the development could be accommodated on the site. Access is proposed towards the northeast of the site's frontage with Newlands Road, and a footway is also proposed along the frontage to the southwest of the access point.

3.0 Site History

- 3.1 There are no recent relevant applications relating to this site other than a screening opinion in relation to the current application. A previous outline application, for a similar number of dwellings, was submitted in 2000 and there was an appeal made on the grounds of non-determination within the statutory timescale. The appeal was dismissed, and planning permission refused. The details are set out below.

Application Number	Proposal	Decision
23/00068/EIR	Screening opinion for an outline planning application for the erection of up to 120 dwellings with associated access	Environmental Statement not required
01/00006/8WEEK	Erection of 92 dwellings and associated works	Dismissed
00/01068/FUL	Erection of 92 dwellings and associated works	Not determined

4.0 Consultation Responses

- 4.1 The following responses have been received from statutory and internal consultees. These represent the most recent comments on the proposal:

Consultee	Response
Environmental Protection	No objections subject to conditions. In relation to noise, the proposed mitigation measures in the form of acoustic glazing and a 2 metre high fence to protect amenity areas are considered acceptable. For air quality, consideration of the operational phase of the development has identified the standard mitigation measures of EV charging points along with a site travel plan for the residents promoting the use of alternative travel options, active travel and a reduction in car usage. Request unforeseen contaminated land condition.
Planning Policy	Comments. The site is located within Urban Setting Landscape and development should preserve the open nature of the area and character and appearance of its surroundings. The site is not considered to be well located from an accessibility point of view given the distance from services and lack of footway to the north of the site. The current 5-year supply of housing land for the District is 2.1 years. There is a clear expectation that unless material considerations imply otherwise sites that offer the

	opportunity for housing delivery should be considered favourably. Hala, Bowerham and Scotforth, located downstream of the site, have experienced repeated flood events. The NPPF and the PPG look for new development to take opportunities to reduce the causes and impacts of flooding. In the absence of a site-specific agricultural land classification report it is difficult to assess. Officers are unable to determine if the site comprises best and most versatile agricultural land.
Arboricultural Officer	Comments. The amended site layout plan is an improvement on the previous scheme, with a greater appreciation of the constraints of the site resulting in less development to the south-east and south-west. However, this must go further, reducing the developable area to enable existing habitat to be retained, buffered, and enhanced, creating a place for people and wildlife. In addition, based on the positive retention of existing mature hedgerows, it is not clear how these features would be managed in the future if they are sandwiched between garden/site boundaries. The level changes within the site appear significant, and it is not clear how this will impact on the undeveloped area and areas to be retained for soft landscaping should be protected during construction.
Biodiversity Officer	Comments. This site has local value as one of the few remaining areas of semi-natural greenspace in north-east Lancaster, a resource which has been reduced by urban development to the west, and further land is allocated along Grab Lane. Whilst the habitats present do not stand out individually as being of county importance for biodiversity, the site is of the habitat type classed as habitat mosaic in the Biological Heritage Sites Guidelines for Site Selection (October 2024). Advise the developable area proposed should be further reduced, limiting housing to within the large field, and further detailed surveys are required.
Engineering Team	No comments received
Public Realm Officer	Comments. Based on 120 three-bedroom dwellings, 2184.M2 of amenity space would be required on site in addition to a play area. All other requirements may require off site contribution. The updated maximum contribution possible (for 110 units) would be £178,607 with £121,407 for outdoor sports and £57,200 for young persons' provision.
Waste and recycling Team	No objection in principle. Raise some concerns regarding the layout.
Economic Development	No comments received
County Highways	Comments. Support the principle of the development. Satisfied with details regarding the access and off-site highway works in the vicinity of the site access. Request a Travel Plan. Request a sum of £757,680 , in addition to improvements to public transport, to mitigate highway impacts resulting from the proposed development. In the absence of intervention, the proposal would have a severe adverse impact on the highway network.
County Active Travel	No comments received
County Schools Planning Team	Comments. An education contribution is not required.
Lead Local Flood Authority	No objection subject to conditions requiring submission of a final surface water drainage scheme; construction surface water management plan; sustainable drainage system operation and maintenance manual; and a verification report of constructed sustainable drainage system.
County Archaeology	No objection subject to a condition requiring a phased scheme of archaeological investigation and recording.
Greater Manchester Ecology Unit	<p>No objections in principle. Following updated surveys of the site, accept that adequate survey effort has now been undertaken of the site. It is not considered that the development proposals will have any harmful impacts on any designated nature conservation sites, providing that residents are provided with information concerning the value of the coastline for wildlife, and the need to avoid undue disturbance of wildlife while using the coast for recreation.</p> <p>The proposals have the potential to affect important local habitats, including woodland, water courses, hedgerows and marshy and semi-improved grassland. It is advised that:</p>

	<ul style="list-style-type: none"> Detailed plans for built development should aim to avoid losses to notable habitats; Measures should be taken through a Construction Environmental Method Statement to avoid any harm to retained habitats; and A long-term Habitat and Landscape Management Plan should be required for retained and newly created habitats.
Environment Agency	No objection. Now consulted on a revised Preliminary Drainage Layout drawing (ref: 22416-GADZZ-00-DR-C-0900-P08), upon which the proposed basins and flood zone constraints have been overlaid. This indicates that the proposed flood storage basin and basket are now located further to the east, and outside Flood Zones 2 and 3.
National Highways	No objection subject to a condition requiring the creation of a Travel Plan.
Natural England	Comments. Further information is required to consider the potential impacts on the nearby designated sites during construction and operation.
Lancaster Civic Society	Comments. Will result in the loss of an agricultural field, will put pressure on local primary schools, additional traffic on Newlands Road which is already congested and pressure on Newlands Road and limited public bus services.
Lancashire Constabulary	Comments. It is important that crime and security measures be considered at an early stage of the design phase to mitigate crime risks. Make recommendations in relation to boundary treatments, defensible space, landscaping, designing out climbing aids, design of doors, garages, alarms, lighting, play areas, and construction security. Raise some concerns about the location of the footpath on the indicative drawing.
South Lancaster Flood Action Group	Object. The Flood Risk Assessment and Drainage Strategy is inadequate for a development of this size in such a water sensitive location and opportunities to reduce the causes and impacts of flooding are absent. At times of moderate to high rainfall the watercourse within the site conveys large quantities of water at a significant velocity into Burrow Beck. The tributary and surrounding area lend itself to implementation of Natural Flood Management (NFM) solutions which will result in holding and slowing the peak flows. Also raise concerns regarding maintenance and management of the drainage system and sediment run-off during construction.
NHS	No objection subject to a contribution towards new infrastructure at Lancaster Medical Practice for additional clinical capacity. Based on approximately 264 new patient registrations, a contribution of £80,784 would be required.
United Utilities	Comments. Whilst the proposals are acceptable in principle, there is insufficient information on the detail of the drainage design. Request conditions requiring: the submission of a sustainable surface water drainage scheme and foul water drainage scheme; and management and maintenance of drainage scheme.
Dynamo Cycle Campaign	Object. The application adds traffic to the existing roads without any mitigating measures. In particular, there are no measures to promote sustainable transport or address car dependency and extra vehicles on Bowerham Road and Newlands Road will just make cycling less attractive.

4.2 In relation to the initial notification of the application, 128 pieces of correspondence were received raising an objection to the proposal including the following concerns:

- Contrary to the Local Plan** Site is not allocated for development in the Local Plan; is designated as a local landscape;
- Loss of local green space** Already limited in area; should look to build on brown spaces in the city.
- Highway Impacts.** Increase in traffic and congestion, including near local schools which will impact highway safety; the area is already used as a cut through; inadequate transport assessment; increased parking on pavements affecting accessibility; cars do not keep to the speed limit impacting on highway safety
- Lack of sustainable travel options.** Site is not within walking distance of the city centre for the majority of elderly or young people; public transport in the area is limited and may not manage increased pressure; no local buses with a convenient route for children travelling to Lancaster Royal Grammar School or Central Lancaster High School; there needs to be access for pedestrians to Colchester Avenue/Chelmsford Close and to the local amenities at Lancaster Leisure Park; surrounding roads are poor and dangerous for pedestrians.

- **Increase flood risk.** Site is at high risk of flooding; will create a risk to future occupants; will add to flood risk in surrounding areas and place many homes at increased risk; will increase pressure on Burrow Beck; topography and already boggy ground will cause increased flood risk; the beck has previously flooded and caused damage to homes; submitted flood risk assessment and drainage strategy is inadequate.
- **Impact on wildlife and biodiversity.** The site is home to a vast variety of wildlife, including foxes, rabbits, hedgehogs, pheasants, deer, moles, birds which would be impacted by the development; large number of smaller birds and songbirds nesting in trees in the area; there are buzzards, sparrow hawks and owls in the area; impact on wildlife associated with the beck, including shrews, voles, toads, frogs and newts.; loss of trees and hedgerows in the site that are important for biodiversity and screening; wildlife on the site is not fully considered in the submission; important area on edge of city comprising wood, scrub and marsh; provides habitat for insects including butterflies, lacewing, dragon flies and bees; site includes bluebells, wildflowers and grasses of many species and many species of fungi; Lancashire Constabulary's response would conflict with protecting retained wildlife areas.
- **Residential amenity.** Impact on privacy of Chelmsford Close given location of site on hill; increased noise from more properties; impact on new residents from noise from M6
- **Security and safety.** Security concerns by opening the access to the woodland up to the public; safety of children with access to a body of water close to housing
- **Impact on air quality; increased air pollution from cars serving the development.**
- **Overdevelopment.** 120 houses is too many and flats would be inappropriate.
- **Housing need.** Question need for new houses in Lancaster; should include be smaller, one storey properties to suit older residents
- **Lack of Infrastructure to support development.** Schools, roads and services already under stress; does not include amenities for the area; GP and dental practices do not have capacity.

2 pieces of correspondence were received, neither objecting or supporting the proposal but raising the following comments:

- All houses should be fitted with solar panels
- Area needs new houses for families
- No path or street lighting from the site to the north down to Grab Lane so very dangerous especially for wheelchair users and unsafe in the dark.
- The bus stop is in an unusual place on Newlands Road and has no shelter.

4.3 The scheme was amended in October 2023 with the number of dwellings reduced from up to 120 to up to 110 and a further 35 comments were received raising an objection to the application which raise similar concerns to those set out above.

5.0 Analysis

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

- Principle of residential development;
- Impact on the character and appearance of the area, layout, design and open space;
- Impact on heritage assets;
- Traffic impacts, access and sustainable travel;
- Flood risk and drainage;
- Biodiversity and Trees;
- Residential Amenity;
- Affordable housing, housing standards and mix;
- Education and health;
- Sustainable design and renewable energy and;
- Air Quality.

5.2 **Principle of Residential Development** NPPF sections: 2(Achieving Sustainable Development), 5 (Delivering a Sufficient Supply of Homes), and 15 (Conserving and Enhancing the Natural Environment); Strategic Policies and Land Allocations (SPLA) DPD policies SP1 (Presumption in Favour of Sustainable Development), SP2 (Lancaster District Settlement Hierarchy), SP3

- 5.2.1 The site relates to undeveloped agricultural land located on the eastern edge of Lancaster, close to existing residential development and the M6 motorway. This forms part of a wider Urban Setting Landscape designation in the Local Plan. This designation extends to the north, up to Junction 34, and to the south, to Blea Tarn Road, and broadly covers the rural land between the M6 and the eastern fringes of the urban development of Lancaster. In the case of this site, there is a ribbon of residential development on the eastern side of Newlands Road between part of the site and the motorway.
- 5.2.2 Policy SP2 of the Strategic Policies and Land Allocations (SPLA) DPD sets out the settlement hierarchy for the district, with Lancaster at the top, and Policy SP3 sets out the development strategy for the District, promoting an urban-focussed approach to development, concentrated towards the main urban areas of Lancaster, Morecambe, Heysham and Carnforth. The principle of residential development within Lancaster is therefore supported. The location of the site does present some issues with sustainable patterns of transport, given the location towards the edge of the built-up area, however this is discussed in the relevant section below.
- 5.2.3 Policy EN5 of the Strategic Policies and Land Allocations (SPLA) DPD seeks to conserve areas designated with local landscape designations, including Urban Setting Landscapes, and safeguard natural features. It sets out that development proposals will only be permitted where they preserve the open nature of the area and the character and appearance of its surroundings. Policy DM46 of the Development Management DPD adds to this approach by outlining that particular regard will be made to the historic townscape and built form of the urban areas and reiterates 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.
- 5.2.4 The application seeks outline planning permission for up to 110 dwellings, which is a slight reduction from the originally submitted scheme comprising up to 120 dwellings. Whilst there has been a reduction in the number of units, the proposed residential development would fail to preserve the open nature of the area as it would result in a significant amount of built development and associated infrastructure on a large proportion of the site which is currently open undeveloped agricultural land. The development would include the alteration to land levels and the loss of some trees and hedgerows, although the full extent of this is not fully clear as this relates to an outline proposal. The site is on the edge of Lancaster, and is semi-rural in character, seen in the context of other undeveloped or open land, including that of the below ground reservoir to the northeast of the site. The impact of the development on the surrounding area is considered within the sections below, however, it is clear that the proposal directly conflicts with policies EN5 and DM46 of the Local Plan.
- 5.2.5 Paragraph 61 of the National Planning Policy Framework (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 (January 2025) identifies a housing land supply of 2 years, which is a significant shortfall against the required 5-year supply set out in 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 areas at risk of flooding) provide a clear reason for refusing permission or any adverse impacts would significantly and demonstrably outweigh the benefits of the proposal. This means applying a tilted balance towards the delivery of residential development.
- 5.2.6 As set out above, the proposal will clearly conflict with the aims and objectives of policies EN5 and DM46 which seek to conserve areas designated as Urban Setting Landscape. However, the local planning authority currently has a significant undersupply of deliverable housing sites. In addition, the development strategy for the District, set out in policy SP3 of the SPLA DPD, promotes an urban-focussed approach to development concentrated towards the main urban areas of Lancaster, Morecambe, Heysham and Carnforth. Therefore, the delivery of 110 dwellings in a sustainable urban location is considered to have significant weight in the planning balance against the harm identified.

However, this also requires consideration of all the impacts of the development which are set out in the sections below.

5.3 Impact on the character and appearance of the area, layout, design and open space

NPPF sections: 8 (Promoting healthy and safe communities), 11 (Making effective use of land); 11 (Achieving well-designed places); 15 (Conserving and enhancing the natural environment); Strategic Policies and Land Allocations (SPLA) DPD: SP8 (Protecting the Natural Environment), and EN5 (Local Landscape Designations); Development Management (DM) DPD policies: DM29 (Key Design Principles), DM43 (Green and Blue Infrastructure), DM46 (Development and Landscape Impact) and DM57 (Health and Well-Being)

5.3.1 The site is located adjacent to the eastern edge of the built-up area of Lancaster and forms part of a wider area designated in the Local Plan as Urban Setting Landscape, as discussed above. It comprises agricultural land, although some areas of the site are more enclosed and wooded in character. The land rises relatively gently from Newlands Road to the north, with a high point towards the northeast boundary, and slopes more steeply downwards towards the northwest corner of the site. A stream runs through the site from northwest corner, along most of the eastern boundary before bending to the northeast and exiting the site at its frontage with Newlands Road. The area containing the stream is more wooded in character, with land to the north and northeast of this being more open, with hedgerows along its boundaries.

5.3.2 The landscape character type which covers the site is identified as Drumlin Field (13), sub-type Docker-Kellet-Lancaster (13c), within the Lancashire County Council Landscape Strategy for Lancashire (December 2000). This character type is characterised by a 'field' of rolling drumlins, predominantly pasture with fields bounded by clipped hedges or stone walls, which rise up over the hillocks accentuating the relief of the hills with narrow streams winding through the drumlins and small mixed woodlands contributing to the rural wooded character. The rolling landform is evident within the site, but is not as pronounced on the side which is visible from Newlands Road, with the topography appearing gentler. The stream and wooded area are very much characteristic of the landscape character.

5.3.3 Whilst the development will result in the loss of open agricultural land, it is considered that it would not be overly prominent within the landscape and would be relatively well related to existing residential development. Views from the northeast, where the development would potentially be more prominent due to the topography, will be very limited given the existing built-up development within Lancaster and the landform on which it sits. The scheme would be unlikely to leave much open space between the proposed built development and Newlands Road so would essentially remove the undeveloped land to the west of the motorway that the designation of Urban Setting Landscape seeks to retain as open. However, it is acknowledged that there is already some residential development between the site and the motorway, on the eastern side of Newlands Road, although this is at a lower level than the motorway and the land within the site rises up from this.

5.3.4 The proposal relates to the erection of up to 110 dwellings, and includes roads, drainage, open space and other associated infrastructure. This is an outline application and planning permission is sought for the principle of the development and the access from the highway, with all other matters reserved. As such, the design and layout would be considered through a separate process, if outline planning permission was granted. However, indicative layout and section plans were requested and have been provided to help fully assess whether the quantum of development proposed can be accommodated. In particular, concerns were raised with the applicant regarding the development of the more wooded areas of the site for various reasons including design, amenity and ecology. It was also not clear how the development would be accommodated on the steeper parts of the site. The more detailed indicative plans were submitted and a reduction in the number of units was also made from up to 120 to up to 110 dwellings.

5.3.5 There still remains concerns whether the number of dwellings proposed can be appropriately accommodated within the site (density is suggested as being circa 26 dwellings per hectare). The wooded and enclosed area adjacent to Newlands Road, towards the southern corner of the site has now been removed from the site boundary. Much of these concerns regarding the development in this area related to impacts on trees and the wider wooded area and also amenity to future occupants due to overshadowing from trees. The indicative plans still show development in the western section of the site which is separated from the larger open field by a mixed hedgerow. It has

been repeatedly requested that no dwellings are proposed in this area, however the indicative scheme still shows them. One of the main reasons relates to the impact of ecology on the site but there are also design concerns. Dwellings in this location will appear slightly detached and possibly slightly incongruous in the setting of the stream, particularly if public access is proposed through this area. This is because the land where the dwellings have been shown is at a much higher level than the stream with a steep banking running down to this. There are also concerns in terms of design and place making, as it would be likely that rear garden would face the stream, poorly enclosing this with elevated timber fences.

- 5.3.6 However, the applicant has stressed repeatedly that it is an outline application with an 'up to' number of dwellings, which means that they could submit a reserved matters application with less dwellings (or smaller dwellings). They are also not seeking approval for the parameters plans so it would be possible to fully consider the implications of development in different parts of the site at a later stage. However, it also needs to be considered whether the quantum of the development proposed could be appropriately accommodated on the site. Reducing the areas where development would be acceptable pushes the majority of the units into the largest part of the site where there are already concerns about what has been shown in the indicative plans.
- 5.3.7 From the indicative plans, it is not clear where amenity space to serve the new development would be located, in addition to an equipped play area. An amenity space where children could kick a ball around would be expected to be provided. Given the scale of the development, other open space provision would be provided off-site by way of a financial contribution, in relation to outdoor sports and young persons' provision. However, it is important that an appropriate amount of good quality open space is provided to serve the development in the interests of amenity, health and well-being and also design. In terms of the levels. The plans indicate that there could be around 5 metre level difference between parallel roads within the development and this has not been considered in terms of separation distances between dwellings. It is also not clear how level changes would be dealt with at this and it would be expected that dwellings would be built into the slope to reduce the reliance on large retaining structures that can be dominating and poor features in terms of place making. The indicative layout also raises concerns regarding the predominance of car parking at the front of dwellings, limited scope for greening from front gardens and street trees throughout the site and the enclosure of hedgerows running through and adjacent to the site boundaries, rather than incorporating them positively into the design of the layout.
- 5.3.8 Policy DM29 sets out that development should make a positive contribution to the surrounding landscape and townscape and contribute positively to the identity and character of the area through good design, having regard to local distinctiveness, appropriate siting, layout, palette of materials, separation distances, orientation and scale. Paragraph 131 of the NPPF also emphasises that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 135 goes on to say that decisions should ensure that developments will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character and history including the surrounding built environment and landscape setting and establish and maintain a strong sense of place.
- 5.3.9 There still remain significant concerns whether the above can be achieved from the quantum of development proposed. This also links to impacts on biodiversity and also ensuring appropriate amenity for future occupants, which is discussed later in this report. However, it is acknowledged that the proposal relates to an 'up to' figure for the proposed housing numbers, and a reserved matters application could be submitted for less houses on the site. There would also be the ability to refuse a reserved matters application if it was considered to be unacceptable in terms of layout and design. As such, whilst there are still concerns regarding the number of units proposed and the ability of this number of units to be accommodated and provide high quality design, appropriate open space and place making, on balance it is considered that these matters could be addressed at the reserved matters stage, and there would still be the ability to reduce the housing numbers given the description of the development.
- 5.3.10 For the reasons set out above, it is therefore considered that the proposal would not have a significant landscape impact, notwithstanding the conflict with the landscape designation and its

purpose, and could deliver a well-designed scheme, if concerns set out in this report were fully addressed at the reserved matters stage.

5.4 **Impacts on Heritage Assets** NPPF section: 16 (Conserving and enhancing the historic environment); Strategic Policies and Land Allocations (SPLA) DPD policies SP7 (Maintaining Lancaster District's Unique Heritage); Development Management (DM) DPD policies DM37 (Development Affecting Listed Buildings), DM38 (Development Affecting Conservation Areas), DM39 (The Setting of Designated Heritage Assets), DM41 (Development Affecting Non-Designated Heritage Assets and Their Settings) and DM42 (Archaeology)

5.4.1 Williamson Park Conservation Area is located approximately 600 metres to the northwest of the site and contains a number of listed buildings including Ashton Memorial which is Grade 1 Listed. There is a presumption in favour of preserving the character and appearance of listed buildings and their setting (as set out in S.66 of Planning (Listed Buildings and Conservation Areas) Act 1990. Policies DM37, DM38 and DM39 acknowledge that the significance of heritage assets can be harmed through development within their setting. Whilst the site is slightly elevated, given the distance of the site from the heritage assets and intervening industrial and residential development, it is considered that the development will not cause harm to the significance of the heritage assets through development within their setting.

5.4.2 County Archaeology have provided comments in relation to the proposal and the potential for archaeological remains to be present on the site. They have advised that the site lies immediately north of a line of bungalows on the south side of Newlands Road, where the remains of a series of pottery kilns were encountered in 1979. The kilns are thought to date to the late 18th or early 19th century and appear to have produced both pottery vessels and drainage pipes. The full extent of the pottery production site was not identified at the time, and it is possible that it extends into the development site. Newlands Road is also thought to be the line of the Roman road exiting Lancaster on this side, proceeding to the fort at Overburrow. The watercourse running along the western boundary of the site formerly fed the mill pond for the medieval Scotforth Corn Mill. In the wider area, a series of Bronze Age cremation urns have been discovered in what is now Williamson Park and along the ridge running to the southwest.

5.4.3 As there is some potential for as-yet unrecorded archaeological remains to be present on this site it is considered that a phased scheme of investigation and recording should be implemented as part of the early stages of the development which can be covered by a condition. In this case, it is not considered that the potential for archaeological remains on the site would prevent the development taking place and securing a programme of archaeological work by condition would ensure that the development accords with policy DM42 of the DM DMD in addition to section 16 of the NPPF.

5.5 **Traffic impacts, access and sustainable travel** NPPF section: 9 (Promoting Sustainable Transport); Strategic Policies and Land Allocations (SPLA) DPD policy: SP10 (Improving Transport Connectivity); Development Management (DM) DPD policies DM29 (Key Design Principles), DM57 (Health and Well-being), DM58 (Infrastructure Delivery and Funding), DM60 (Enhancing Accessibility and Transport Linkages), DM61 (Walking and Cycling), DM62 (Vehicle Parking Provision), DM63 (Transport Efficiency and Travel Plans) and DM64 (Lancaster District Highways and Transport Masterplan).

5.5.1 Given the scale of the development, and potential impact on the Strategic Highway Network, National Highways were consulted on the application. They have raised no objections to the application but have recommend that the creation of a Travel Plan is controlled by condition. National Highways have observed that the application is weak in detail as to how the development would actually support the reduction in need to travel by private car and prioritise sustainable transport opportunities. The application needs to therefore demonstrate how it has considered how the layout, broadband infrastructure and easy access to local amenities will support those aims and the government's Net Zero aims in relation to transport.

5.5.2 The application was originally submitted with all matters reserved, but was amended to include permission for the access off Newlands Road to serve the development. The amended plans include visibility splays to the northeast of 2.4 by 59 metres and to the southwest of 2.4 by 63 metres. The access point would be 5.5 metres wide with a 6 metre radii. A 3 metre shared footway and cycleway has been shown along Newlands Road to the southwest of the site access, following a request from

Lancashire County Council Highways in their initial consultation response. The 20mph speed limit is proposed to be relocated just past the northeast extent of the site and a gateway feature proposed. The exiting 40mph to 30mph change point to the northeast along Newlands Road is also proposed to be enhanced. A pedestrian crossing with refuge island is proposed on Newlands Road towards the southeastern end of the site.

- 5.5.3 The above changes have addressed the concerns raised about the access and immediate impacts of the development close to the site. However, there are still concerns regarding the accessibility of the site and access to sustainable modes of transport and the impact on the wider highway network.
- 5.5.4 The site is located on the eastern edge of the built-up area of Lancaster. The distance to the nearest bus stop on Newlands Road (with a regular service) is around 450 metres from the site entrance, and around 600 metres from the centre of the site. The bus that services this stop (no. 9) also only operates between 9.10 and 17:43 (with the last bus leaving the bus station at 17.10), which means that it may not be an option for many people accessing work in Lancaster or linking to other bus or train services. The nearest frequent bus service appears to be on Grab Lane/Wyresdale Road, and would provide a better service, starting earlier and finishing later in the day. To reach this stop, people would need to walk on roads and verges and the proposal fails to provide an appropriate link to this. This route also provides access to recreational opportunities at Williamson Park and some other amenities and Lancaster Leisure Park which again is not facilitated through the development. There is however a very frequent bus service that operates along Bowerham Road, which is circa 1km from the development proposal. The best solution would be a route to the north across adjacent land, however this is not possible as it is in a different ownership and is currently being developed for a drainage scheme to serve a new development off Wyresdale Road. Whilst adjacent to existing residential development, the site is poorly located and sustainable patterns of travel are unlikely to be achieved. These deficiencies mean that the residents at the site are likely to be highly reliant on private transport.
- 5.5.5 Lancashire County Council, as the Local Highway Authority, have also requested a contribution to mitigate impacts from the development on the wider highway network. The applicant does not agree that the contribution is necessary to make the development acceptable in planning terms and this has resulted in the more recent delays in determining the application. The applicant has now confirmed, through the submission of the non-determination appeal that they are not willing to provide any financial contribution to mitigate highway impacts and therefore the proposal needs to be considered on this basis.
- 5.5.6 In County Highway's response on 10 July 2024, they noted that the application does not comment on making the proposal more sustainable or limiting impacts on the transport network. They have raised particular concerns regarding local corridor impacts, Lancaster City Centre gyratory, Pointer Roundabout, Hala Road Signalised Junction, Galgate, and other corridors implicated by this development alone and in combination with other proposals. In terms of the assessment that has been submitted with the application, they have noted that traffic growth has only been considered at the site access, there is no operational assessment of any junctions beyond the site access, there is no consideration of committed development, no consideration or reference to data that exists covering the wider area and no collision analysis other than at the site access.
- 5.5.7 County Highways have advised that based on the information presented and in isolation they would raise an objection. However, there is other available evidence on operation to inform their response, with other analysis from recent proposals and the evidence-based strategy the County Council has prepared. From this they consider that the development will have impacts on Pointer Roundabout, Hala Road signalised junction, Lancaster City Centre Gyratory, further afield at Galgate, and elsewhere to a lesser extent.
- 5.5.8 To mitigate the impacts identified, County Highways have requested contributions to a limited number of projects. They have advised that the calculation of the figure towards each project has been undertaken by a gravity model, whereby impact on areas of the network from the proposal is calculated using scale of development in the context of the adopted local plan, the type of development, and its location. The funding request is based on these factors, along with estimated

costs of works. They have also highlighted concerns regarding existing public transport and have advised that it is unlikely that the existing route would be diverted and that improvements to public transport would also be required either through an additional contribution or under Section 278 through which highway works can be secured by the highway authority. Although it is not clear what could be done to significantly improve the existing provision.

5.5.9 Below are the details of the proposed initiatives and level of contribution requested:

<i>Initiative Ref</i>	<i>Location</i>	<i>Measure</i>	<i>Sum</i>	<i>Initiative Cost*</i>	<i>Supporting Document/Plan</i>
7	Pointer Roundabout	Contribution towards improvements at Pointer Roundabout	£200,000	£2,565,284	Lancaster Infrastructure Strategy Appendix G
2	A6 Preston Lancaster Road	Hala Road signal timing review, contribution towards improvement of cycle and pedestrian facility improvement	£200,000	£7,080,878	Lancaster Infrastructure Strategy Appendix B
8	Gyratory	Contribution towards improvements on Lancaster's Gyratory	£200,000	£21,741,910	Lancaster Infrastructure Strategy Appendix H
12	Lancaster Wide	Contribution towards the introduction of intelligent traffic management and Red Route along the A6 between Lancaster City Centre and Galgate. Measures to improve pedestrian and cycle safety from the proposed development to the City Centre and South Lancaster, and tackle rat running down lanes.	£157,680	£3,847,927	

5.5.10 Whilst the applicant has contested this, the Local Highway Authority have maintained their position. The level of contribution requested is high (**£6888 per dwelling**) but it is considered that the projects to which the money has been requested relate to the impacts of the development proposed and details have been provided in relation to the projects and their overall costs. Therefore, it is difficult to reach a view that these would not be proportionate, and no viability evidence has been provided by the applicant to show that it would make the development unviable. The Local Highway Authority are clear that there is significant evidence in all recent analysis that the operation of Lancaster's highway network becomes unacceptable with planned and allocated development without the identified necessary changes to the network. The changes identified are necessary to accommodate further development, without which there would be severe impacts in terms of both safety and congestion.

5.5.11 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 goes on to say that proposals should seek to maximise efficiency and capacity on the existing transport and highway network and where such capacity is insufficient to accommodate the proposal, the provision of new transport and highway infrastructure will be sought as a priority. Depending on the scale, nature and location of development, new infrastructure, either in whole or in part, will be required to enable the properly phased implementation of the development. Where capacity is insufficient, and inadequate mitigation measures are proposed to remediate this issue, then planning permission is likely to be refused. Policy DM58 and DM64 also support contributions to mitigate impacts to highway infrastructure.

5.5.12 Paragraph 115 of the NPPF also sets out that in assessing applications for development it should be ensured that sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location and any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach. Paragraph 116 goes on to say that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

5.5.13 The Highway Authority do consider that the impacts of the development could be mitigated. However, the applicant has confirmed that they will not agree to a financial contribution to allow this mitigation to be provided, and therefore the scheme would not secure necessary mitigation and would therefore result in a severe impact in terms of both safety and congestion. The submission also fails to demonstrate how public transport or access to public transport would be improved which is also a weak part of the proposal given the location on the edge of Lancaster. It is therefore considered that the proposal is contrary to policies DM60, DM58 and DM64 of the Development Management DPD in addition to section 9 of the NPPF.

5.6 **Flood Risk and Drainage** NPPF section: 14 (Meeting the challenge of climate change, flooding and coastal change); Strategic Policies and Land Allocations (SPLA) DPD policy SP8 (Protecting the Natural Environment); Development Management (DM) DPD policies DM29 (Key Design Principles); DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage) and DM35 (Water Supply and Waste Water)

5.6.1 Both Local Plan policy DM33 and the NPPF require a sequential approach to development in respect of flood risk. If a site contains areas of medium or high risks of flooding, taking into account all sources of flood risk, a sequential test would be required to demonstrate that there are no sites at a lower risk of flooding where the development could be located. The changes to the NPPF in December 2024 introduced some flexibility to this, setting out that a sequential test would not be required if the submitted flood risk assessment demonstrated that the built development could be located outside areas of flood risk.

5.6.2 When the application was submitted, the site boundary included areas of high and medium flood risk associated with the adjacent watercourse (flood zones 2 and 3). The Council's 2021 Strategic Flood Risk Assessment (SFRA) also identified a risk of groundwater flooding. As a result, the location plan was amended to remove the areas of fluvial flood risk. A new SFRA was published at the beginning of this year and this used different data in respect of groundwater flooding and this does not now show a medium or high groundwater flood risk. There are no high or medium flood risks within the site identified within the Council's Strategic Flood Risk Assessment or on the Environment Agency maps, which includes consideration of future flood risk. As such, a sequential test is not required to be undertaken in relation to this proposed development.

5.6.3 Paragraph 181 of the NPPF requires applicants to demonstrate, through a site-specific flood risk assessment, that:

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

- safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

5.6.4 Paragraph 182 sets out that applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, which are proportionate to the nature and scale of the proposal and these should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity. Sustainable drainage systems provided as part of proposals for major development should:

- take account of advice from the Lead Local Flood Authority (LLFA);
- have appropriate proposed minimum operational standards; and
- have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and

5.6.5 Policy DM34 sets out that surface water should be managed sustainably within new development. The Council expects that proposals for all new development will use Sustainable Drainage Systems (SuDS), giving priority to naturalistic solutions incorporated into the soft landscaping of the development, with multi-functional benefits as part of an integrated high-quality green and blue Environment. It states that all development must incorporate SuDS which have been designed to incorporate the following:

- Flood risk reduction measures;
- The management of surface water in stages as close to the source as possible;
- Environmental and biodiversity benefits;
- Pollution control, multi-level source control;
- Landscape and amenity enhancement;
- Where a site includes a water course, development must include measures to restore and provide natural flood management, remove and naturalise culverts, create a predictable flow, include storage, measures to manage peak flows;
- Measures of an adoptable standard; and
- Appropriate safety measures.

5.6.6 A flood risk assessment and sustainable drainage was submitted with the application, however the LLFA raised concerns regarding this. In particular, they raised concerns that no evidence had been provided to demonstrate how the required volume of surface water attenuation can be technically achieved and constructed on the site, considering the steep gradients. The Environment Agency also originally raised an objection as elements of the drainage scheme were located within flood zones 2 and 3.

5.6.7 Following the submission of amended details, the LLFA have removed their objection and are satisfied that an appropriate drainage scheme can be designed and delivered to ensure that surface water is appropriately disposed and does not increase flood risk on or off the site. The Environment Agency also removed their objection. The submission sets out that, preliminary site investigation suggests that the site is most likely underlain by cohesive strata and, for this reason, infiltration has been assumed to be unsuitable at this stage although testing will be required to confirm this. There is a watercourse which runs adjacent to the site and it is proposed that the surface water will discharge into this. Due to the topography of the site, the indicative drainage scheme proposes that the surface water drainage is split into several networks, with each ultimately discharging into the existing watercourse, with the discharge restricted to greenfield runoff rate using vortex flow control devices. Attenuation is proposed in the form of attenuation swales, attenuation basins and geocellular attenuation baskets. It therefore includes above ground drainage which can have multi-functional benefits subject to the design. Due to the topography of the site, the foul drainage network will be served by gravity fed sewers to two locations in the north west of the site where it will then be pumped up to the existing United Utilities sewer in Newlands Road.

5.6.8 Whilst the LLFA have not raised an objection, they have set out some advice within their response which will need to be fully considered when the final drainage scheme is designed, and this includes a number of technical matters that will need to be addressed. It has also been highlighted by the LLFA and the Environment Agency that the site is located within the Burrow Beck catchment, which

is a source of high fluvial flood risk to downstream communities. The cumulative impact of development within the catchment is a concern for both local communities and flood risk management authorities and has already resulted in developer-led schemes within the catchment to address existing flooding issues. The Lead Local Flood Authority, therefore, expect the applicant to maximise the opportunities presented by the proposed development to reduce the causes and impacts of flooding off-site. They have advised that, while the revised drainage strategy now provides natural flood management (proposed leaky dams in the ordinary watercourse), it does not provide betterment beyond minimum expected standards, and does not provide source control.

5.6.9 As this is an outline application, a final drainage scheme would be covered by a condition. Particularly given the steep topography of the site and some of the other constraints of the site, including trees, it is considered to be important that a scheme is submitted at the same time as a reserved matters application to ensure that it is fully considered in the proposed layout. Management would be covered by a condition and the requirement to set up a management company would be included within a Section 106 legal agreement. Whilst there are clearly concerns from residents regarding the potential for increased flood risk resulting from the proposed development, on the basis of the detailed comments from the LLFA and with no objection being raised by the EA, it is considered that an appropriate drainage scheme, that would comply with the requirements of policy DM34 and the NPPF, can be designed to serve the development which would be covered by condition.

5.7 **Biodiversity and Trees** NPPF section: 15 (Conserving and enhancing the natural environment); Strategic Policies and Land Allocations (SPLA) DPD policies: SP8 (Protecting the Natural Environment and EN7 (Environmentally Important Areas); Development Management (DM) DPD policies DM29 (Key Design Principles); DM43 (Green and Blue Infrastructure), DM44 (Protection and Enhancement of Biodiversity) and DM45 (Protection of Trees, Hedgerows and Woodland).

5.7.1 The site is located approximately 3.2 kilometres from the Lune Estuary Site of Special Scientific Interest, which is also covered by the Morecambe Bay Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar Site. Natural England advised that they required further information to determine the significance of the impacts and scope for mitigation. In particular, their concerns related to potential pollution impacts to the designated sites during and post construction and impacts from recreational disturbance.

5.7.2 The site is quite detached from the designated sites although there is potential for pathways of pollution. This application is in outline but an indicative drainage scheme has been submitted that proposes discharge of surface water to the watercourse and foul water to the existing sewer system. It is therefore considered that any potential impacts could be appropriately mitigated by requiring details through a condition. In addition, the LLFA have requested a condition requiring a construction surface water management plan which would include measures taken to prevent siltation and pollutants from the site entering any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance. As such, it is considered that any potential impacts can be controlled by a condition.

5.7.3 The Recreational Disturbance Study that was carried out as part of the evidence base for the local plan found that visitors to Morecambe Bay who were on a day-trip/short visit from home travelled a median distance of 3.454km to get to the designated sites. The Habitats Regulations Assessment (HRA) for the Local Plan therefore considered that increased disturbance to birds (as a result of recreational pressure) at a European site could occur, particularly for allocations within 3.5km. The proposal therefore does have potential for impacts to the designated areas from recreational disturbance. Natural England have advised that any public open space that will be provided within the scheme and any nearby Sustainable Alternative Natural Greenspaces (SANGs) that could be used for recreational purposes as an alternative to the nearby coastal sites need to be considered.

5.7.4 As discussed in the section above, there are concerns that the indicative layout does not identify a sufficient amount of meaningful open space. However, this is an outline application and it could be conditioned to ensure that the layout does provide this. The site is also relatively close to Williamson's Park which could provide alternative space for recreation. Given the lack of footways it is likely that most people would visit this in a car, although they would also mostly need to use a car to visit Morecambe Bay. As such it is considered that there is suitable alternative provision close to the site and sufficient open space could be incorporated into the layout. Ideally this would include

paths through the site, to provide opportunities for dog walking which can be particularly harmful to over wintering birds in the vicinity of Morecambe Bay.

- 5.7.5 Homeowner packs can also be provided to advise of the sensitivities of the site and details of alternative recreation close to the site. However, given the scale of the site and concerns about the effectiveness of such packs, particularly as they would only be available for the first occupant of each dwelling, boards could be placed within the site to serve the same purpose. This could be controlled by condition.
- 5.7.6 In relation to other ecological matters, Greater Manchester Ecology Unit (GMEU) have provided comments, although it is noted that their assessment has not included a visit to the site. They initially raised concerns about the initial ecological appraisal as it was carried out over winter and would not therefore actually reflect the biodiversity of the site. As a result, an updated survey was submitted. The application would not be subject to the requirement of 10% mandatory biodiversity net gain (BNG), because of when the application was submitted, but it would still be expected that the scheme would deliver this, with it provided on or adjacent to the site, in the land that is now within the blue edge but outside the red edge on the location plan. This would need to be covered by a S106 legal agreement, particularly to ensure that the BNG outside the red line boundary was secured, delivered and maintained. GMEU have queried how realistic or sustainable enhancements to on-site habitats will be in the long-term, given the development of the majority of the site and consequent disturbance pressures.
- 5.7.7 GMEU have advised that the proposals have the potential to affect important local habitats, including woodland, water courses, hedgerows and marshy and semi-improved grassland. Current outline plans indicate that the most important areas of habitat could be retained on site, although some habitat losses are inevitable, particularly of semi-improved grassland. They have advised that: detailed plans for built development should aim to avoid losses to notable habitats; measures are taken through a Construction Environmental Method Statement to avoid any harm to retained habitat and a long-term Habitat and Landscape Management Plan should be required for retained and newly created habitats.
- 5.7.8 In relation to particular species, GMEU have advised that, whilst signs of otters were recorded on site during surveys, it is acknowledged that otters may use the site for transit and occasional laying up. However, the most important habitats for otters along the watercourse will not be lost to the development, and that landscape connectivity along the water course will be retained, albeit that the local landscape is fragmented by the motorway and existing built development. GMEU have also advised that the proposal is unlikely to cause harm to badgers, water voles or bats and any vegetation clearance should be undertaken outside the optimum time of year for bird nesting (March to August inclusive). The site would also benefit from the introduction of bird nesting and bat roosting boxes, and by retaining landscape connectivity by leaving gaps in boundaries for mammals. Direct lighting of the retained watercourse and woodland on the site should be avoided in any detailed lighting layouts prepared for the site.
- 5.7.9 The submission has been more recently reviewed by the Council's Biodiversity Officer, who was not in post when the application was submitted, given that another application for housing has been submitted close to the site. This included a site visit in February 2025 and a further visit in May 2025. The Officer has advised that the site has local value as one of the few remaining areas of semi-natural greenspace in north-east Lancaster, a resource which has been reduced by urban development to the west, and further land is allocated along Grab Lane. Whilst the habitats present do not stand out individually as being of county importance for biodiversity, the site is of the habitat type classed as habitat mosaic in the Biological Heritage Sites Guidelines for Site Selection (October 2024). The site is not large enough, on its own, to meet the size requirement for a Biological Heritage Site of County importance under the habitat mosaic criteria, but it is of value in the context of the urban fringe of Lancaster and should be considered as part of the local green and blue infrastructure.
- 5.7.10 In relation to the proposal, the Biodiversity Officer has advised that the developable area should be further reduced, limiting housing to within the large field, with housing omitted from the south field completely, keeping this area visually and physically separated from housing development and retain its existing character. The indicative layout would enclose the retained hedges within or adjacent to gardens or against noise fencing, leaving no room for hedge margin nor adequate access for future management which would reduce the quality and condition of the hedges. This concern is

set out above in the design section and has also been raised by the Council's Arboricultural Officer, who also raised significant concerns about developing on the eastern position of the site and ensuring that changes to site levels fully consider the potential impact on trees. These comments echo and support concerns that have been raised with the applicant throughout the application about the southern area of the site being developed in particular and link back to concerns about the quantum of development proposed.

- 5.7.11 In terms of the ecology surveys undertaken, the Biodiversity Officer has advised that the additional habitat survey in spring 2023 was not a comprehensive botanical survey, but did it provided some recognition that the grassland was of better quality than assumed in the initial walkover survey. However, no appraisal of the site for invertebrate value has been undertaken and the recent visit to the site identifies that this could be significant.
- 5.7.12 Overall, it is considered that ecology impacts could be mitigated, however the built development should be designed to ensure that the most sensitive areas are preserved and it will be challenging to ensure that this could be well designed into the overall scheme without putting too much pressure on retained habitats. Trees and hedgerows should be positively designed into the layout and not enclosed by timber fencing, both in terms of protecting and enhancing biodiversity but also design and placemaking. It is likely that the number of units would need to be significantly reduced to achieve this. Whilst there are deficiencies in the surveys, it is considered that updated surveys could be provided by condition or legal agreement to ensure that this informs the layout and the baseline ecology value of the site to inform enhancements and ensure a net gain on the site. Subject to concerns being addressed through the final layout, it is considered that the proposal would not conflict with Local Plan policies, DM43, DM44 and DM45 and the aims and objectives of section 15 of the NPPF.
- 5.8 **Residential Amenity** NPPF sections: 8 (Promoting healthy and safe communities), 12 (Achieving well-designed places), 15 (Conserving and enhancing the natural environment - noise and pollution); Development Management (DM) DPD policies DM29 (Key Design Principles), and DM57 (Health and Well-Being).
- 5.8.1 There are no residential properties immediately adjacent to the site to the north and northwest. Those to the southwest and northwest are separated from the main part of the site by the stream and wooded area. Given the sloping nature of the site, some concerns have been raised by nearby residents in terms of overlooking from an apartment block. Matters of overlooking could be addressed at reserved matters stage and the layout is only indicative at this stage. There are some dwellings on the opposite side of Newlands Road which face the site, however it is likely that the proposed dwellings would be set back from the road, allowing sufficient separation to ensure that there would not be a detrimental impact to the residential amenity of these properties as a result of loss of light or privacy. Subject to the final layout, it is considered that the development would not have a detrimental impact on the amenity of nearby residential properties.
- 5.8.2 The site is located in close proximity to the M6 motorway which means that noise levels are high within the site from this source. The motorway is raised from Newland Road which means that vehicles on the road are clearly visible from within the site and noise is clearly discernible. A noise assessment was submitted with the application, however it was noted that the noise measurements had not been taken within the application site. Whilst the relationship seems quite uncomfortable, Environmental Protection have confirmed that the impacts from the M6 could be appropriately mitigated through the glazing specification and fences to rear garden areas. This could be controlled by condition but it will be important to understand at reserved matters stage where mitigation will be required, particularly in terms of boundary treatments, as this may impact on the design and appearance of the scheme.
- 5.9 **Affordable housing, housing standards and mix** NPPF section: 5 (delivering a sufficient supply of homes); Development Management (DM) DPD policies: DM1 (Residential Development and Meeting Housing Needs), DM2 (Housing Standards) and DM3 (The Delivery of Affordable Housing).
- 5.9.1 In accordance with policy DM3, the development should provide 30% affordable housing on site. The application does propose this, and it would be secured by a legal agreement. The precise details of the location, size and tenure of the affordable housing would be agreed at the reserved matters

stage, but it would be expected to comply with the requirements of DM3 in terms of tenure and DM1 in terms of mix.

- 5.9.2 All new dwellings will be expected to meet the Nationally Described Space Standards, and at least 20% should meet Building Regulations Requirement M4(2) Category (accessible and adaptable dwellings), as set out in policy DM2 of the DM DPD. As this is an outline application, and the design and layout of the scheme is not yet known, these requirements can be covered by condition to ensure they are met.
- 5.9.3 It would also be expected that the development provides a mix of homes to meet that set out in Council's latest Strategic Housing Market Assessment to ensure that the new housing meets identified housing needs as set out in policy DM1. Whilst there is often some flexibility in this, it would be expected that at least 10% is bungalows given the critical national need for older persons housing identified in the Planning Practice Guidance (PPG). There are concerns regarding the indicative layout which has a reliance on apartments to show that the number of dwellings proposed can be accommodated. However, it is noted that the layout is only indicative but any reserved matters application would be expected to reflect the mix shown in the Council's evidence.
- 5.10 **Education and Health** NPPF section: 8 (Promoting healthy and safe communities - services and school places; Development Management (DM) DPD policies: DM57 (Health and Wellbeing) and DM58 (Infrastructure Delivery and Funding)
- 5.10.1 Lancashire County Council Schools Planning Team have confirmed that a contribution towards education is not required in relation to this development. This response was provided in 2024 and, as such, an update has been requested, should an amended response be received members will be updated verbally.
- 5.10.2 The NHS Integrated Care Board has made representations on the application and seeks a contribution towards local health care infrastructure. The response sets out that the proposal will generate approximately 264 new patient registrations based on an average household size of 2.4, which generates a contribution of £80,784. The site falls within the catchment area of Lancaster Medical Practice and they have advised that this need, along with other new developments in the area, can only be met through the development of a new practice premises in order to ensure sustainable general practice. The response sets out that the physical constraints of the existing sites at Meadowside and Rosebank mean that the current premises cannot be extended and opportunities to re-configure existing space to accommodate current growth have already been undertaken. However, the response goes on to say that the growth generated from this development would not trigger consideration of the commissioning of a new general practice but would trigger a requirement to support the practice to understand how the growth in the population would be accommodated and therefore premises options. Therefore, from this response, it is not clear how the contribution would be used.
- 5.10.3 The comments were provided in November 2023, and it is understood that the position has changed slightly. An updated response has been requested, however it is likely to be similar to that provided ore recently in relation to a different proposed housing development on Newlands Road. The NHS Integrated Care Board have set out that the solution is for a new health Centre to accommodate growth which would rationalise the existing surgeries with a new centre located at Bailrigg, on the site secured for the hospital. They have advised that the delivery of the health care centre is not tied to the delivery of the hospital, however there still seems to be some uncertainty regarding the site, with no detailed proposals for any buildings. Notwithstanding longstanding concerns over the extent of the actual funding gap as the basis for seeking these requests, at present there is still significant uncertainty about the project and it is not clear that it would directly relate to the development proposed given timescales but also location, although noting that it is the same practice.
- 5.11 **Sustainable Design and Renewable Energy** NPPF sections: 12 (Achieving well-designed places) and 14 (Meeting the challenge of climate change, flooding and coastal change); Development Management (DM) DPD policies: DM29 (Key Design Principles), DM30a (Sustainable Design and Construction), DM30b (Sustainable Design and Construction – Water Efficiency), DM30c (Sustainable Design and Construction – Materials, Waste and Construction) and DM53 (Renewable and Low Carbon Energy Generation)

- 5.11.1 In the context of the climate change emergency that was declared by Lancaster City Council in January 2019, the effects of climate change arising from new development in the District and the possible associated mitigation measures will be a significant consideration in the assessment of proposals. The Council is committed to reducing its own carbon emissions to net zero by 2030 while supporting the district in reaching net zero within the same time frame. Buildings delivered today must not only contribute to mitigating emissions, they must also be adaptable to the impacts of the climate crisis and support resilient communities. The Climate Emergency Review of the Local Plan was adopted in January 2025 and provided a partial review of the DM DPD and the SPLA DPD. This introduced policies DM30a, DM30b and DM30c which provide specific requirements in relation to sustainable design and construction and also made changes to some other policies.
- 5.11.2 The application was submitted prior to the adoption of the climate emergency review of the Local Plan, however the submission does include an Energy Statement. However, the submitted strategy appears to present advice and options on a potential energy strategy to the developer, rather than something used to assist the Local Authority with the determination of a planning application. For example, it sets out that photovoltaic panels are a viable option and if installed on a select number of plots across a development, this would be the most cost-effective solution to a site wide CO2 reduction. Water usage predictions have been made, and calculations have been undertaken to estimate water usage per household once the development is complete. However, the newly adopted policies set out certain requirements in terms of energy efficiency and water usage which the development will need to meet.
- 5.11.3 Given that this is an outline application, with permission only sought for the access, it is considered that sustainable design and construction measures can be secured by a condition. Although it will be important that statements showing how the development will meet the policies will be required at the same time as the reserved matters application to ensure that they can be fully integrated into to the design and also that, in designing the layout, sustainability matters have been fully considered.
- 5.12 **Air Quality NPPF section: 15 (Conserving and enhancing the natural environment); Strategic Policies and Land Allocations (SPLA) DPD policies: EN9 (Air Quality Management Areas); Development Management (DM) DPD policies: DM31 (Air quality management and Pollution) and DM57 (Health and Wellbeing)**
- 5.12.1 The site is not located within an area designated for poor air quality, however it is located approximately 1.5 km from the Lancaster Air Quality Management Area, although further by road. An Air Quality Assessment was submitted as part of the application. This considers the impact from the original development. It includes the consideration of potential dust emissions during construction and highlights suitable mitigation. This could be included within a construction management plan.
- 5.12.2 The proposals include one electric vehicle (EV) charging point for each house with private drive or garage. This is now required through Building Regulations so would not need to be covered by a condition. A site travel Plan (5 years), including promotion of public transport usage, active travel options and car clubs is also proposed. The report concludes that the development will not result in a significant impact on the area, and pollutant levels are currently declining. The inclusion of the mitigation measures, will help to reduce the impact of the development upon the local air quality. Environmental Protection have confirmed that they are satisfied with the proposed mitigation.

6.0 Conclusion and Planning Balance

- 6.1 The site is located on the eastern edge of Lancaster and is therefore close to a number of services, facilities and workplaces and is therefore considered to be a sustainable location for new residential development in principle. It also complies with the development strategy set out in the local plan which supports an urban concentration for development. However, the site is designated in the Local Plan as Urban Setting Landscape. The development of this site for 110 dwellings would therefore conflict with the purpose of the designation, as it would impact on its open character and therefore raises conflict with policies EN5 and DM46 of the Local Plan. However, the landscape and visual impacts would be limited to a relatively local area and it would be seen in the context of existing residential development, being located on the edge of the existing built up area.

- 6.2 Paragraph 61 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, and that the needs of groups with specific housing requirements are addressed, with includes those who require affordable housing. The Council's most recent Housing Land Supply Statement (January 2025) identifies a housing land supply of 2 years, which is a significant shortfall against the required 5-year supply set out in the NPPF. The scheme would provide up to 110 new dwellings, with 30% of these as affordable units. Particularly given the significant under delivery of both open market and affordable housing in the District, this is afforded substantial weight in the planning balance.
- 6.3 There are however significant concerns whether the quantum of development could be accommodated within the site, whilst providing appropriate design and sense of place, an appropriate standard of amenity for occupants particularly given the steep topography on parts of the site, acceptable amount of open space, an appropriate mix of housing to meet different needs, and adequate protection for and enhancement of the biodiversity of the site. However, it is acknowledged that the application seeks approval for an 'up to' figure, so a reserved matters application could be submitted with less units. Significant attempts have been made to negotiate a reduction in the number of units, however a further reduction from the 110 units now proposed has not been forthcoming. Whilst these concerns still remain this application is not seeking permission for the layout or design of the development.
- 6.4 Given the weight afforded to the provision of housing, and the limited visual impact of the proposed development, it is considered that the impact on the Urban Setting Landscape designation and the conflict with the policy would be outweighed by the benefits of providing this level of housing development which includes affordable housing provision.
- 6.5 However, as set out within the report, the applicant has confirmed that they will not agree to the provision of a financial contribution to mitigate impacts on the highway network as they do not consider that there will be a severe impact without mitigation. The Local Highway Authority is a statutory consultee whose comments must be fully considered when determining the application. They have set out a clear response highlighting why the appellant's assessment is sufficient and identifying the areas of the network where impacts are likely to occur and projects which would allow the impacts to be mitigated. The Local Planning Authority has no strong reasons to disagree with the consultation response and refusing applications where development would have a severe impact on the highway network is supported by both Local and National policy.
- 6.6 Paragraph 11 of the NPPF 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 strong reason for refusing permission or any adverse impacts would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable home.
- 6.7 In terms of the balance to take in determining the planning application, there are no conflicts with policies relating to areas or assets of particular importance, outlined in the NPPF, so this means applying a tilted balance towards the delivery of residential development. Whilst the delivery of housing, which includes an element of affordable housing, would be afforded substantial weight, it is considered that the harm identified above in relation to the highway impacts and the failure of the scheme to provide appropriate mitigation for these impacts would significantly and demonstrably outweigh the benefits.

Recommendation

That, if the application was to be determined by Lancaster City Council and an appeal on the grounds of non-determination had not been submitted, Outline Planning Permission BE REFUSED for the following reasons:

1. The proposal fails to provide a financial contribution towards projects to mitigate the impacts on the wider highway as a result of the development and also fails to demonstrate how access to public transport at the site would be improved. Without necessary mitigation, the development would result

in a severe impact in terms of both safety and congestion and is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular Sections 9 and policies DM58, DM60 and DM64 of the Development Management Development Plan Document.

Background Papers

None