

Agenda Item	A6
Application Number	25/00615/FUL
Proposal	Erection of 39 residential units comprising of four dwellinghouses, two 4-storey apartment blocks and one 2-storey apartment block with associated parking, landscaping, public realm, associated infrastructure and alterations to canal wall.
Application site	Car Park Nelson Street Lancaster Lancashire
Applicant	Martha Shields
Agent	Mrs Deborah Smith
Case Officer	Mr Robert Clarke
Departure	No
Summary of Recommendation	Approval subject to conditions

1.0 Application Site and Setting

- 1.1 The application site is located to the south of and accessed from Nelson Street in Lancaster. The site measures 0.36 hectares in area and is currently used as a pay and display car park. The northern boundary of the site features the vehicular access onto Nelson Street along with a stone boundary wall. A larger stone boundary wall extends the length of the eastern boundary and forms a retaining feature to Lancaster Canal which is located immediately adjacent the site to the east. There is a pedestrian access point from the development site to the canal towpath. The southern tip of the site is adjacent the Quarry Road bridge. The western boundary of the site is formed by a further stone boundary wall which separates the site from the residential development complex to the west. Within the site, there are a number of trees which are located around the site perimeter, adjacent to the stone boundary walls. Car parking infrastructure including tarmac surfacing, parking bays, pay and display machines and lighting are also present.
- 1.2 The site itself is mostly flat, however, outside of the site levels increase along Nelson Street towards the canal bridge and traffic lights. The canal is located at a higher level than the development site with St Peters Road being located higher still. Quarry Road bridge to the south is also higher than the development site.
- 1.3 The site is located within a historically sensitive location with a number of designated and non-designated heritage assets (NDHA) nearby, these include St Peters Cathedral – Grade II*, Cathedral House – Grade II, Lancaster Canal – NDHA, The Polish Centre – NDHA, Scott Wilkinson Bulk Street – NDHA, The Old Stables Bulk Street – NDHA and The White Cross – NDHA. The site is also located within the Lancaster Conservation Area – Character Area 6: Canal Corridor South.
- 1.4 The site is located within the House in Multiple Occupation Article 4 area, and Regulation 7 Direction (to let board) area. The adjacent canal towpath, and the existing cycle route which passes through the development site form part of the existing cycle route network (policy T2). Land to the east along the canal towpath is allocated within the Councils Local Plan as open space – Significant Other

Green Infrastructure typology. The site is in close proximity to the Lancaster Air Quality Management Area. The site falls within the High Risk Urban Catchment designation. The western edge of the site falls within areas identified as being as medium-high and high risk of groundwater flooding, though the built development and access routes mostly remain outside of this. The western part of the site is also identified as being at low-medium risk of surface water flooding. The canal is identified as a Biological Heritage Site, environmentally important area under policy EN7 and a Strategic Green and Blue Corridor under policy SC4. The site falls within the Central Lancaster Regeneration Priority Area (as identified by policy EC5) and within the Lancaster Canal Quarter designation (as identified by policy SG5) and is within the associated Masterplan and Supplementary Planning Document boundary.

2.0 Proposal

2.1 This application seeks full planning permission for the erection of 39 affordable residential units comprising 4 development blocks consisting of:

- Block A – 4 x 3-bed dwellings
- Block B – 12 x 1-bed apartments and 4 x 2-bed duplex apartments
- Block C – 3 x 2-bed duplex apartments
- Block D – 12 x 1-bed apartments and 4 x 2-bed apartments

2.2 The proposed units would consist of 32 affordable rented dwellings and 7 shared ownership dwellings. All units are designed to meet the National Described Space Standards (NDSS), whilst 20% of the units will meet Building Regulations Part M4(2).

2.3 The development consists of the following buildings:

Block	Scale (storeys)	Type	Height (approximate in metres)
A	3	Dwellings (terraced townhouses)	11.5
B	4	Apartment block	12.5 and 14.8
C	2	Apartment block	8.5
D	2	Apartment block	Ranges from 14 - 15.3

The buildings are to be finished in a combination of natural stone, brickwork, natural or cast stone details, render and aluminium windows/doors. Roofing materials will consist of slate with solar panels incorporated into some roof slopes, flat roofed elements will be finished with an appropriate flat roofing finish. A substation is proposed along the northern boundary of the site. Refuse stores will be located within the site. The proposal also includes the regrading of the land within the site to increase levels in the eastern area close to the boundary with the canal.

2.4 The development will be served by the existing vehicular point of access on to Nelson Street. The existing pedestrian and cycle connection onto the canal towpath, which is located close to the northern boundary, will be retained. New areas of public realm will be created within the site located between the building block A and the Nelson Street boundary and between block C and D. A new pedestrian access will be formed to provide access from this open space onto the adjacent canal towpath. Private and shared gardens and landscaped areas are provided, along with communal refuse and cycle storage facilities. A total of 8 parking spaces are retained along the western boundary.

3.0 Site History

3.1 The site has a limited planning history owing to it being used as a car park for a long time. The only recent planning history on the site relates to the temporary use of the car park as a medical testing centre during the Coronavirus outbreak.

Application Number	Proposal	Decision
20/01264/NOT	Use of Car Park as walk in medical testing centre	Temporary use

4.0 Consultation Responses

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

Consultee	Response
County Archaeology	No objection – Subject to conditions to secure a programme of archaeological monitoring and recording works.
Lead Local Flood Authority	<p>No objection subject to the following conditions:</p> <ul style="list-style-type: none"> • Final surface water drainage scheme • Construction surface water management plan • Verification approved drainage system has been installed • Management and maintenance of the approved drainage system <p>Site specific advice regarding flood risk mitigation and drainage component design is also provided.</p>
Environmental Health	No response received.
Planning Policy Team	No response received.
Conservation Team	No objection – clarification is suggested on proposed materials including for stone, slate, solar panel design and window design.
Waste and Recycling	Comments include the design requirements for bin capacity, storage areas and vehicular movements.
Historic England	No objection – The site does not currently contribute positively to the conservation area or to the settings of the highly graded listed assets nearby. We therefore welcome the intention to redevelop this site and to provide improved public access to the canal and a linked route through the conservation area.
Climate Change Team	No objection – Conditions recommended to secure compliance with identified policies. Further comment regarding building heating, cycle route and cycle parking are also provided.
Canal and River Trust	<p>Comments include:</p> <ul style="list-style-type: none"> - Discussion of the potential impact on the structural integrity of the canal, a condition is requested to secure a Risk Assessment and Method Statement. - Comments regarding character, design and heritage matters. Generally supports the proposal, but raises comments regarding certain design aspects of the scheme, including Block D, soft landscaping, canal boundary wall reduction/design. - Supports the towpath access, though requests a condition to secure final details of towpath integration design. - Consideration of environmental impacts including the request for a Construction Environment Management Plan (CEMP) to be secured by condition. - Expresses some concern regarding the impacts of potential canal overtopping resulting in flood risk. - Discusses the proposed loss of trees and mitigation opportunities. A landscaping condition is recommended. - Discussion of separate consents required for towpath connection works, associated advice notes are requested.

Lancaster Canal Trust	Supports the comments made by the Canal & River Trust in relation to structural integrity, character and heritage, towpath access, construction management, flooding/drainage and ecology/landscaping.
Property Services	No response received.
Engineers	No response received.
Environment Agency	Provides commentary on the potential for past industrial uses to have resulted in ground contamination.
NHS Lancashire and South Cumbria Integrated Care Board (ICB)	No objection subject to securing a financial contribution of £21,708 based on 39 units (67 persons) towards new infrastructure at Lancaster Medical Practice (stating a new build at Bailrigg). Failure to secure the contribution would result in the ICB objecting to the development.
Natural England	No objection – In accordance with the Council Habitat Regulations Assessment, conditions are required to secure a Surface Water Management Construction Method Statement, foul drainage details, homeowner information packs, on-site open space provision and associated linkages to the canal and associated on-going management.
United Utilities	No objection – Subject to condition to secure drainage requirements.
Biodiversity Officer	Confirms that the Biodiversity Net Gain baseline assessment is acceptable.
Arboricultural Officer	Expresses concern with the proposed quantum of tree removals, conflict with retained trees and capacity to mitigate the losses within the site.
Strategic Housing Officer	No objection – Supports the proposal as it will increase the supply of social and affordable housing, meet identified local housing needs, provide high quality homes in a sustainable location with low running costs for residents, align to the adopted Canal Quarter Masterplan and SPD and contribute towards the council's actions on climate change.
Fire Safety Officer	Provides commentary on Building Regulation requirements relating to accessibility and water provision.
Lancaster Civic Vision	Indicates support for the proposal including compliance with Canal Quarter Masterplan and Lancaster Conservation Area requirements and delivery of affordable housing. Discusses the need for thoughtful design to minimise risk of antisocial behaviour along canal towpath, and impacts of loss of parking.
County Active Travel	No response received.
Sustainable Growth	The submitted Employment Skills Plan provides a positive commitment to delivering the required policy objectives. A final fully detailed Employment Skills Plan will need to be secured by condition.
County Highways Authority	Expresses concern for the following reasons: <ul style="list-style-type: none"> - Inadequate parking provision within the development site. - Lack of space of delivery vehicles. - Contribution requested towards the Lancaster Travel and Transport Infrastructure Strategy.
Lancaster BID	Objection – Loss of city centre car parking facilities, car parking losses are not compensated for, impacts upon vitality and viability of city centre businesses, inadequate parking to serve the development, lack of data to support Council Car Parking Strategy.

Lancaster and Morecambe Chamber of Commerce	Some support offered to the principle of affordable residential development; however, Objections are also raised due to the loss of public parking, the economic consequences, and the lack of an integrated city centre parking strategy.
Lancaster Footlights & Grand Theatre Charitable Incorporated Organisation (CIO)	Objection – Loss of city centre car parking facilities and car parking losses are not compensated for, impacts upon vitality and viability of city centre businesses, concerns raised over the likelihood and timescales for delivering the Councils Parking Strategy.

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

177 letters of objection raising the following material planning considerations:

- Loss of city centre car parking facilities, including impacts upon elderly and disabled people through the loss of centrally located accessible parking spaces
- Loss of city centre parking not compensated for
- Increased parking demand in surrounding locations
- Impacts upon vitality and economic viability of city centre businesses
- Increased traffic and highway safety concerns
- Increased pressure on community facilities including education and health
- Increased traffic pollution
- Lack of parking within the development site
- Conflict with regeneration goals
- No need for additional housing
- No need for additional student accommodation
- Visual impacts
- Loss of trees and biodiversity impacts
- Loss of habitat and habitat fragmentation
- Location of substation and impacts on residential amenity
- Risk of increased antisocial behaviour and conflicts between cyclists and pedestrians
- Scale of Block D and impacts on daylight and overlooking/loss of privacy
- Location of bin store and impacts on residential amenity
- Potential flood risk impacts on surrounding development

2 letters of support, noting the following reasons:

- Benefits of city centre housing

5.0 Analysis

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

- Principle of development
- Housing needs, affordable housing, housing standards and mix
- Traffic impacts, access, parking and sustainable travel
- Flood risk and drainage
- Design and place making
- Heritage matters
- Residential amenity and pollution
- Biodiversity and trees
- Sustainable design
- Canal Infrastructure
- Air quality
- Employment & Skills Plan
- NHS
- Open space

- 5.2 **Principle of Development** NPPF Chapter 2 (Achieving Sustainable Development), Chapter 5 (Delivering a Sufficient Supply of Homes), Chapter 7 (Ensuring the vitality of town centres), Chapter 11 (Making Effective Use of Land); 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), SG5 (Canal Quarter, Central Lancaster); EC5 (Regeneration Priority Areas); Canal Quarter Supplementary Planning Document; Canal Quarter Masterplan
- 5.2.1 Principle of housing growth
The Strategic Policies and Land Allocations DPD (SPLA DPD) sets out the district's strategic development strategy, advocating an urban-focussed approach to future development. 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. Morecambe, Heysham and Carnforth play a supporting role to Lancaster. These are import urban settlements that will also accommodate new residential and economic development. This approach aims to deliver sustainable growth across the district. Accordingly, the principle of new housing growth within the urban area of Lancaster fully accords with the strategic development strategy set out in the SPLA DPD.
- 5.2.2 Canal Quarter Regeneration
The site falls within the Central Lancaster Regeneration Priority Area (Site EC5.2) which sets out that the city centre will be strengthened as a sub-regional centre including through the regeneration of the Lancaster Canal Quarter Area. This site falls within the Lancaster Canal Quarter designation identified through policy SG5. The overarching aim of this policy is to facilitate the regeneration of this area to enhance the City Centre for residents and visitors alike. The Council has introduced a Supplementary Planning Document along with an associated Masterplan for development in this area. Within the Masterplan, the redevelopment of this site for housing is identified as Phase 1A and represents the first step in the delivery of a wider reaching regeneration objective for the Canal Quarter Area. In this regard, the proposal accords with the aims and objectives established within the SPD and Masterplan documents, and for the reasons described further in this report, the proposal is also considered to satisfactorily address the relevant development criteria specified within policy SG5. As such, the delivery of housing in this site accords with the development strategy for the Canal Quarter Area. The contribution the development will make to the wider regeneration of the area is a material consideration which carries significant weight in favour of the scheme.
- 5.3 **Housing needs, affordable housing, housing standards and mix** NPPF Chapter 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).
- 5.3.1 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. The Council's most recent Housing Land Supply Statement (September 2025) identifies a housing land supply of 2.8 years. Despite a slight increase from the previous Supply Position (which identified a 2-year supply position), the latest position remains a significant shortfall against the required 5-year supply requirement.
- 5.3.2 The delivery of social and affordable housing is a key priority for Lancaster City Council. The Housing Needs Study in 2017 provided a detailed assessment of housing need in Lancaster district. For the Lancaster South sub-area, a total of 1,666 households were in need of affordable housing. This highlights the local housing pressures and acute need to increase the supply of social and affordable housing in the district. Unfortunately, relative to the identified annualised delivery requirement of 236 homes per year identified within the Housing Needs Study, there have been a number of years of under delivery of affordable dwellings within the District. This has resulted in a significant accrued shortfall in affordable housing units since the Local Plan was adopted in 2020.
- 5.3.3 Within the adopted Homes Strategy 2020-25, the Council identifies the key importance of the Nelson Street development site, both for its regeneration opportunities, but also for its ability to contribute towards the provision of new affordable housing development. Council owned sites, including

Nelson Street, will play a key role in supporting the delivery of new homes to increase the supply of social and affordable housing within the District.

- 5.3.4 Given the acute under supply of housing, including affordable housing, when considered against the Councils overarching housing requirements, the provision 39 dwellings represents a notable contribution towards meeting overall housing needs, which must be afforded significant weight within the overall planning balance.
- 5.3.5 Furthermore, all of the proposed 39 residential units are for affordable occupation. The proposal includes a mix of house types including one, two and three bedroom properties in the form of 35 apartments and 4 townhouses. The supporting Affordable Housing Statement identifies that there will be 32 affordable rented homes and 7 shared ownership homes. The Councils Housing Strategy Officer has confirmed that this represents an appropriate tenure mix considering the nature of the scheme and the dwelling types being provided. The delivery of a 100% affordable housing development far exceeds the requirements set out in policy DM3, which sets a 20% target for the development of brownfield sites in Lancaster. The contribution that this development provides to the delivery of affordable homes in the district weighs substantially in favour of the development. A condition to secure the final details of the affordable housing provision at this site, and to ensure that this remains as affordable housing in perpetuity, is recommended.
- 5.3.6 Policy DM1 supports proposals for new residential development that uses land effectively, taking account of characteristics of different locations, where the natural environment, services and infrastructure can or could be made to accommodate the impacts of development and where the proposal meets evidenced housing needs. As stated above, the housing mix includes 1, 2 and 3-bedroom units. The development is considered to accord with policy DM1 as it would clearly meet an evidenced housing need for Lancaster specifically.
- 5.3.7 Policy DM2 relates to housing standards requiring all new dwellings to meet the Nationally Described Space Standards (NDSS) and at least 20% of new affordable housing and market housing to meet building regulations M4(2) Category (Accessible and Adaptable dwellings). The scheme has been designed to ensure that all dwellings meet the requirements of the NDSS. Moreover, 20% of the units will meet M4(2) requirements, as identified within paragraph 4.3 and the associated drawing within the Design and Access Statement. A condition to ensure that those units meet the M4(2) requirements is recommended.
- 5.3.8 The development will make a positive contribution to the district's supply of housing and, more importantly, affordable housing. The proposed residential units are designed to meet the required housing standards set out in the Local Plan. The development is considered to fully accord with the Council's housing policies set out in the Development Plan.
- 5.4 **Traffic impacts, access, parking and sustainable travel** NPPF Chapter 9 (Promoting Sustainable Transport) and Chapter 12 (Achieving Well-designed and Beautiful Places); Strategic Policies and Land Allocations (SPLA) DPD policies: SP10 (Improving Transport Connectivity), SG5 (Canal Quarter, Central Lancaster), T2 (Cycling and Walking Network), 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) and DM63 (Transport Efficiency and Travel Plans).
- 5.4.1 The district's development strategy which is set out within policies SP2 and SP3 aim to manage growth in a sustainable manner. To achieve this, policy directs development to the main urban areas, therefore maximising opportunities for existing centres and sustainable travel options to be utilised. Development proposals must ensure that the specified criteria set out in paragraph 115 of the NPPF are satisfied, these are summarised as follows:
- a) Sustainable transport modes are prioritised;
 - b) Safe and suitable access to the site can be achieved for all users;
 - c) The design of streets, parking areas and other elements meet standards that reflect national guidance;
 - d) Any significant impacts from the development on the transport network, or highway safety, can be cost effectively mitigated to an acceptable degree.

These criteria are reflected and expanded upon within policies DM60-DM63 of the DM DPD. Policies DM1 and DM29 also require development to be located where the environment and infrastructure can accommodate the impacts of expansion and require development to be well connected to existing settlements and services. Policy SG5 also sets out transport design criteria for proposals located within the Canal Quarter regeneration area.

5.4.2 Access Design

At present, there is only one vehicular access into the site, this is located on the northern boundary and provides access/egress onto Nelson Street. The proposal seeks to retain this point of access within this development, to provide vehicular access for residents and service vehicles. Given the established use of this site as a short stay car park, the retention of this access to serve the development proposed is acceptable. The Local Highway Authority (Lancashire County Council) has reviewed this proposal, and whilst they have raised issues with respect to parking provision, the access design has not been identified as an area of concern.

5.4.3 Existing visibility splays achieved from this point of access would remain unchanged. The proposed access arrangement drawing contained within the submitted Transport Statement indicates that acceptable visibility splays are retained which account for the existing street trees along Nelson Street. The applicant has demonstrated safe and suitable accesses can be provided for all users in accordance with local and national planning policy.

5.4.4 During construction of the development, the submitted Construction Environmental Management Plan will be essential throughout the build programme. This can be controlled through planning Condition.

5.4.5 Transport Strategy and Parking Provision

The impacts of the proposal upon parking provision within the City Centre is a particular area of concern raised by interested parties and by the County Highways Authority. Interested parties have also raised concern with the subsequent impacts of the loss of parking capacity centre upon the success of local businesses. As an existing car park, the site provides a total of 126 car parking spaces towards the overall public car parking provision within the City. The proposal would result in the loss of this site as a publicly accessible pay and display car parking facility. This is a notable loss of a relatively centrally located car park. However, within Section 7.0 of the Councils Lancaster City Centre Parking Strategy 2025-2028, the loss of the parking capacity provided at the Nelson Street site has been accepted, as this aligns with the Council wider reaching objectives for regeneration, housing and climate priorities. To mitigate parking capacity reductions in the short and medium term, Section 7.2 of the Parking Strategy 2025-2028 sets out a host of mitigation strategies that the Council is implementing. This includes a host of measures to encourage a transport modal shift, to facilitate improved management of retained car parks, as well as measures to increase capacity through the introduction of other car park sites, including Castle Car Park. Whilst there is a loss resulting from the development of Nelson Street, the Parking Strategy 2025-2028 shows year on year how the identified mitigation strategies would facilitate an increase in the number of parking bays, following a short-term loss in 2025 following the release of Nelson Street car park. Based on the implementation of the Councils identified parking strategy, it is considered that the impacts of the development with respect to loss of pay and display parking capacity within the City can be satisfactorily mitigated. As such, it is considered that this site is capable of being released for the development of a 100% affordable housing scheme, in line with wider regeneration objectives.

5.4.6 The proposed development incorporates the provision of 8 on-site parking spaces. The Transport Statement indicates that these spaces would be allocated to the 7 shared ownership units with the remaining space being additional for alternative use. Clearly, the provision of 8 parking spaces for a development of 39 residential dwellings falls below the parking standards set out within Policy DM62. This is a highly constrained site, the development of which forms the first phase of a highly important regeneration opportunity for the City Centre. The development proposed seeks to adopt a pragmatic approach to the level of parking, so as to strike a viable balance between housing provision and parking demand. A condition to secure the 8 parking spaces and associated vehicular access/turnings areas is recommended.

5.4.7 It is important to highlight that Policy DM62 actively encourages car free or limited car parking provision in appropriate locations where there is clear justification for the level of provision proposed.

Lancaster City Centre is identified as an acceptable location in which this type of development would be supported. In this case, there is sufficient justification for the delivery of lower car parking provision within this development. The site is located within a highly sustainable location with easy access to town centre facilities and services as well as access to alternative transport modes. In this location, residents would benefit from a high level of accessibility and sustainable transport options. It would both be possible and would encourage residents to adopt a car free lifestyle, or to at least reduce dependence on car travel. To this end, the development proposed would facilitate a more sustainable and active way of life which aligns closely with planning policies relating to design, sustainability and health. For this reason, the provision of 8 parking spaces to serve this development is acceptable.

- 5.4.8 With respect to traffic impacts, the supporting Transport Statement indicates that the proposed development is estimated to generate 7 and 9 two-way trips in the AM and PM peak hours. Relative to the sites existing use as a pay and display car park, this would represent a significant reduction in vehicular trips to this site. On this basis, it is concluded that the proposed development will not have a material impact on the local highway network.
- 5.4.9 County Highways indicates within its consultation response dated 9th July 2025 that it may request a financial contribution to be directed towards the initiatives set out within the Lancaster Travel and Transport Infrastructure Strategy, in order to mitigate the effects of the development on the wider network. The response states that discussions are on-going within the Highway Development Control strategic team, and that an additional response would be provided. Despite Officers requesting that further clarification be provided, no additional response from County Highways has ever been provided. As such, it is deemed that the financial contribution is not required. Even if a late request is made, there is a reasonable argument that the development of this site as an almost car-free development, combined with the improvements towards active travel and links to the canal, that a contribution would not be necessary to make this development acceptable.
- 5.4.10 With respect to manoeuvrability within the site, the application is supported by a swept path analysis detailing the way in which a large refuse collection vehicle, or other similar sized delivery vehicle can manoeuvre within the site. This includes use of the central public realm area, as such this represents a shared user environment. It will be necessary to ensure that the hard landscaping of the site is clear to demarcate this area as shared space. The surfacing will also need to be able to facilitate the loadings of larger vehicles. Final details of hard landscaping, to include all surfacing materials and public realm design to limit unauthorised parking in landscaped or open space areas, can be secured by planning condition.
- 5.4.11 Sustainable travel
Planning policy seeks to ensure development maximises opportunities to travel by sustainable transport modes. This includes the promotion of walking and cycling and access to public transport. In relation to walking, development proposals must not impact the pedestrian environment and should maintain, and where possible, improve the existing pedestrian infrastructure in accordance with policy T2 of the SPLA DPD. In light to the location of the site adjacent to Lancaster Canal, the requirements of Policy T3 with respect to transport are also a material consideration.
- 5.4.12 The proposed development includes the retention of the existing pedestrian and cycle route through the site, and which links the canal towpath to Nelson Street. This would then be incorporated into an area of publicly accessible public realm space, as identified within the supporting External Works Strategy Proposals document. As with the current pedestrian/cycle route through this site, the facility would be a shared use facility, rather than being able to provide dedicated facilities for cycling, separate from pedestrian users, which isn't feasible in light of the constraints of the site. This is supported, and the improved public realm and landscaping will create attractive, safe and legible routes through the site, reducing conflict with parking vehicles which presently exist within the car park environment.
- 5.4.13 The existing cycle and pedestrian connection through the development site is an important connection linking the towpath with the city centre. The construction phase of the development will unavoidably impact the operation of this important link. To minimise disruption and to ensure that the pedestrian link to the towpath can be retained open and in use when it is safe to do during construction phases, the submitted CEMP sets out appropriate pedestrian routes and crossing points within the construction site layout. During periods of required closure, appropriate diversion

routes for both pedestrians and cyclists will be clearly sign posted. This route is not a formal Public Right of Way, therefore, formal stopping up or diversion orders are not required in this instance.

5.4.14 In addition to the retention of the existing northern pedestrian link to the canal towpath, the development also incorporates a new area of public realm within the centre of the site, between Blocks C and D, this includes the lowering of the canal boundary wall to aid in transparency between the site and canal environment, and provision of a new connection to the towpath. This will complement the design of the scheme, but also serves to incorporate a development frontage to the canal towpath, successfully integrating this environment into the development. This approach accords with the requirements of policy, including the design requirements of policy T3 relating to Lancaster Canal, as well as the Lancaster Canal Quarter Masterplan. A condition to secure the implementation of the pedestrian links prior to the occupation of the development is recommended. A further condition to secure the final hard landscaping details is also recommended.

5.4.15 Cycle parking will be available to the residents of the proposed dwellings. The Site plan shows the provision of 3 cycle stores with a total of 37 cycle spaces provided for residents. The proposed Site Plan also shows 4 storage sheds in the rear gardens of the proposed town houses. The sheds will be suitable for cycle storage. Final details of the cycle storage enclosure/facilities, as well as their implementation can be secured by planning condition.

5.4.16 Overall, the development is considered to positively contribute towards a safe and accessible pedestrian/cycle environment and provides opportunities to encourage active travel. In this regard the development accords with the NPPF and policy DM60 and DM61 of the DM DPD.

5.4.17 With regard to public transport, the site is located in close proximity to a number of bus stops. The train station is also within walking distance of the site. Consequently, it is not necessary for the development to contribute to services and associated public transport facilities to make the development acceptable. The enhanced pedestrian connections will naturally support improved access to these services in accordance with policy DM60, DM61 and DM63.

5.4.18 To conclude, it is considered that the development satisfactorily meets the aims and objectives of the relevant transport and sustainable travel policies. Despite the concerns raised by members of the public, the highway authority and the business community, in respect of parking, it is acknowledged the scheme does not conform to the maximum standards set out in policy DM62/Appendix E and is below the expected standards. However, car free/low parking provision developments within Lancaster City Centre are actively supported, therefore, the reduced level of parking provision in this location does not represent a conflict with policy overall. The loss of parking provision as a result of the development of the pay and display car park is accommodated for within the Councils City Centre Parking Strategy.

5.5 **Flood Risk and Drainage** NPPF Chapter 14 (Meeting the challenge of climate change, flooding and coastal change); Strategic Policies and Land Allocations (SPLA) DPD policy SP8 (Protecting the Natural Environment) and SG5 (Canal Quarter, Central Lancaster); Development Management (DM) DPD policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage), DM35 (Water Supply and Waste Water) and DM36 (Protecting Water Resources and Infrastructure).

5.5.1 Flood Risk

Strategic policy seeks to ensure new growth within the district is directed to areas at least risk of flooding, does not create new or exacerbate existing flooding issues and aim to reduce flood risk overall. This approach is consistent with the NPPF, which states that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas at lower risk of flooding.

5.5.2 As identified within the Councils Strategic Flood Risk Assessment (SFRA), the western edge of the site falls within an area identified as being as medium-high and high risk of groundwater flooding. However, due to the layout of the development, it is only the refuse/cycle store, areas of landscaped gardens and a small part of the existing access onto Nelson Street which fall within the groundwater flood risk areas. The rest of the built development, including all residential accommodation, remain outside of these areas of groundwater flooding.

- 5.5.3 The Environment Agency Flood Map for Planning indicates that parts of the western area of the site are identified as being at medium risk of surface water flooding. The Councils SFRA identifies that the extent of this surface water flood risk increases in the future when incorporating the effects of climate change.
- 5.5.4 The application is accompanied by a detailed site-specific flood risk assessment which has included careful topographical assessment to model surface water flow paths within the wider area and within the development site. This modelling has concluded that surface water from outside the site is not able to enter the proposed development site due to the substantial stone boundary walls which enclose it. Direct rainfall into the development site ponds at the surface, however, this is deemed to be a result of ineffective and poorly maintained gully and drainage systems within the car park, thereby exacerbating the perceived extent of surface water flooding. Furthermore, there have been no recorded incidents of canal overtopping flood events leading into the development site. The new development will benefit from a carefully designed surface water drainage system to ensure that both on-site surface water risk (including climate change allowances) and subsequent downstream risk is mitigated. This will serve to remove the risk of flooding from surface water.
- 5.5.5 The application is supported by a flood risk sequential test, as this was necessary to address the requirements of local and national planning policy. However, it is necessary to highlight the recent changes to guidance set out within the Planning Practice Guidance (PPG) relating to the application of the sequential test for surface water flood risk. These changes to the PPG came into effect on the 17th of September 2025 and state that if a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development and would not increase flood risk elsewhere, the sequential test need not be applied. In light of the findings of the submitted site specific flood risk assessment with respect to surface water mitigation, it is now considered the flood risk sequential test is not engaged due to the identified surface water flood risk.
- 5.5.6 However, the location of the refuse/cycle store, and a small part of the existing access, which lie partly within medium-high risk of groundwater flooding (as identified within the SFRA) does engage the sequential approach to development. As stated above, the application is supported by a flood risk sequential assessment, however, this was produced in respect of surface water flood risk and does not consider whether or not there are sequentially preferable sites available for development that are at a lower risk of groundwater flood risk. In this regard, the submitted sequential test does not satisfactorily address the sequential approach to development. In any case, it is necessary to consider the merits of the submitted sequential test when determining an overall position of this matter.
- 5.5.7 The scope of the sequential test has been restricted, with agreement from Officers, to the Canal Quarter policy designation as identified by policy SG5. When assessing the extent of groundwater flood risk within this whole designation (as identified within the Councils SFRA), the entire western half of the designation is at medium to high risk of groundwater flooding, as such, there would not be a sequentially preferable site, in flood risk terms, in the western area to deliver this proposal.
- 5.5.8 The eastern half of the Canal Quarter designation is not at any form of groundwater flood risk according to the Councils SFRA. As such, sites within this area would be sequentially preferable to develop. However, as identified within the Canal Quarter Masterplan, development proposals for the whole of the Masterplan designation have already been established. Delivering this residential development elsewhere within the Canal Quarter Masterplan area would subsequently hinder the deliverability of the wider policy and regeneration objectives for this designation. Furthermore, whether alternative sites within the wider designation can be considered 'reasonably available' is also in question. To constitute 'reasonably available', alternative sites need to have a reasonable prospect of being developed at the same time as the proposal. This scheme is likely to come forward in early 2026, however, given the extent of preparatory works that would most likely be required in on sites within the eastern half of the designation, these would most likely not be comparable with respect to delivery timescales. It is necessary to highlight that the delivery of a residential development within this site is in accordance with the planned Masterplan for the area.
- 5.5.9 It must also be acknowledged that it is only the refuse/cycle store, and a small part of the existing access which fall within the identified groundwater flood risk area. The more sensitive residential

buildings are not located in areas identified as being at risk from groundwater. Moreover, alternative accesses that are not at flood risk exist, including those to the canal towpath and most of the Nelson Street access.

5.5.10 Whilst sites at a lower or no risk of groundwater flooding exist within the Masterplan area, it is considered a pragmatic approach must be adopted in light of the site-specific circumstances set out. Whilst there is conflict with the sequential approach to development, and therefore Policy DM33, it is considered that this conflict is minor in terms of impact and harm. For this reason, this conflict should only be afforded limited weight within the overall planning balance.

5.5.11 Drainage Strategy

Development proposals must ensure that surface water is managed in a sustainable way accounting for climate change and ensure that flood risk is not increased elsewhere as a result of the proposal. The supporting drainage strategy has considered the SuDS hierarchy and proposes an attenuated surface water discharge into the existing public combined sewer. Surface water from the development site will be stored and attenuated on-site with the final rate of discharge limited to the pre-development rate. Preferential discharges to the ground and other watercourses have been satisfactorily ruled out due to the constraints of the development site. The Lead Local Flood Authority has reviewed the drainage strategy and has confirmed that it raises no objection to the development as a result. Conditions are requested to secure the final drainage design, associated operation and maintenance plan, and verification report. These conditions are recommended. The conditions requested by the LLFA would also address the request made by United Utilities (UU) for drainage details. Appropriate agreements for drainage connections would also be required from UU separately from this planning permission.

5.5.12 The LLFA has also requested a further condition to secure a Construction Phase Surface Water Management Plan. In an attempt to address this matter prior to the determination of the application, the developer had submitted a Construction Phase Surface Water Management Plan. The LLFA have reviewed this document, noting it is not sufficient, and have confirmed that their original pre-commencement condition request is still required, and so this pre-commencement condition is also recommended.

5.5.13 Foul drainage is proposed to connect by a gravity fed system to the existing public sewer in accordance with the drainage hierarchy. UU have raised no objection to the foul drainage proposals. Final details of the foul drainage strategy are to be secured by condition.

5.6 **Design and place making** NPPF Chapter 8 (Promoting healthy and safe communities), Chapter 11 (Making effective use of land), Chapter 12 (Achieving well-designed and beautiful places); Strategic Policies and Land Allocations (SPLA) DPD policies: SG5 (Canal Quarter, Central Lancaster), T2 (Cycling and Walking Network), T3 (Lancaster Canal); Development Management (DM) DPD policies DM1 (New residential development and meeting housing needs), DM26 (Public realm and civic space), DM29 (Key Design Principles) and DM46 (Development and Landscape Impact); Canal Quarter Supplementary Planning Document; Canal Quarter Masterplan and the National Design Guide.

5.6.1 The NPPF places an increasing emphasis on the need to deliver high-quality, inclusive, beautiful and sustainable places. This is reflected in the Local Plan through a number of different policies. Policy DM29 seeks to achieve this by ensuring new development contributes positively to the identity and character of an area through good design that has regard to local distinctiveness, siting, layout, materials, orientation and scale. Development proposals are expected to make a positive contribution to their surrounding through good design, the creation of positive spaces and attractive streetscapes and good accessibility and connectivity between buildings and urban spaces.

5.6.2 The design of the development has evolved through pre-application engagement and through negotiations during the determination of this planning application. This is reflected in the current design, as effort has been focused on developing a scheme which responds to the various site constraints, as well as retaining existing and providing new pedestrian linkages to the canal towpath. The scheme also seeks to provide enhanced areas of publicly accessible (not just to residents) areas of public realm. This offers significant benefits to the health and well-being of the community as well as encouraging more active travel.

- 5.6.3 The layout and form of the built development is carefully thought out to make most efficient use of the site and spaces around the proposed buildings. The inclusion of the canal towpath into the eastern frontage of the development and the provision of a larger areas of pedestrianised open space within the site are positive additions to the development, that provide safe and attractive areas for residents and the wider community. The lowering of the canal boundary wall and the regrading of levels within the site, along with the removal of trees/raising of tree canopies will increase the transparency between the development and the adjacent canal. Positively incorporating the canal environment in this manner has various benefits including the creation of a sense of place, delivery of a well-designed and attractive place to live, increasing natural surveillance of the towpath and discouraging anti-social behaviour and increasing safety, as well as encouraging engagement between future residents. The layout has, as far as possible, considered security and measures to reduce the fear and risk of crime and antisocial behaviour. The proposal also incorporates areas of private amenity space, including private gardens for the townhouses and communal gardens for residents of the apartment blocks.
- 5.6.4 The areas of open space and the pedestrian linkages to the canal towpath are essential and deliver important benefits in terms of design, transport and sustainability. Therefore, the provision of the open space areas and the associated pedestrian linkages prior to occupation of the development and their retention for use by residents and the wider public in perpetuity is required, this can be secured by condition. The application is supported by an External Works Strategy Proposal which sets out the general design intentions for the hard and soft landscaping of the site. The general design approach set out within this document is thought to be suitable, and will facilitate the formation of attractive and welcoming open space areas. The soft landscaping will also help to soften the built form over time. A final hard and soft landscaping scheme, to be informed by the External Works Strategy Proposal, can be secured by condition.
- 5.6.5 The scale and layout of the 4 dwellings and the apartment blocks are driven by the demands and requirements of the proposal to deliver a high quality yet viable 100% affordable housing scheme, but also the site constraints. This includes the roughly triangular shape of the site, relationship with the canal, relationship to surrounding heritage assets and the scale and layout of surrounding residential built form to the west.
- 5.6.6 The site has the benefit of being situated adjacent to relatively large residential accommodation to the west (The Roundhouse) which ranges from 3 to 5 storeys in height. Furthermore, due to the increasing levels within the area, development to the east of the site is located at a topographically higher level than the application site. The characteristics of the surrounding topography and scale of the surrounding buildings is such that the proposed 2 to 4 storey development proposed can be comfortably accommodated within the street scene without resulting in undue harm to the character of the townscape.
- 5.6.7 The northern elevations of the 4 townhouses and apartment block B will be set back somewhat from the northern boundary of the site, and the street trees and retained trees along the northern boundary will help to assimilate these structures into views along Nelson Street. Notwithstanding this, the design of these buildings is also considered to be attractive, creating active and interesting frontages that interact with the street scene. In particular, the angled double gabled frontage of block B creates a landmark structure in a prominent part of the site.
- 5.6.8 The site also features a prominent frontage along its eastern elevation adjacent to the canal, which would be visible from both the canal and from St Peters Road. The interaction of the development with the canal environment is an essential component of this scheme. Along this length of the site, the scale of the buildings varies in terms of numbers of storeys and overall building heights, and to a lesser extent materiality. This variation in design and form serves to create differentiation in built form to break up its massing whilst also adding visual interest. This is important given the length of the development site along this eastern boundary and the scale of the development overall. This design approach along this prominent and extensive site frontage is acceptable, and the incorporation of the canal environment into the development frontage successfully blends the built form into the canal setting.
- 5.6.9 With respect to the design approach for the buildings, the scale and form have been well considered in light of the surrounding site constraints. The buildings, in particular the larger apartment blocks, have been well designed with prominent gabled frontages. This creates a sense of verticality that is

further increased by the verticality of the fenestration design. This in turn leads to a design that is akin to historic warehouse or mill type structures with vertical loading slots. In light of the location of the site adjacent to the canal, this approach is thought to correspond well to the character of the locality. The proposed materials including the use of natural stone to the lower portions of buildings along with brick cladding and stone detailing to the upper sections is thought to be appropriate in principle in this setting. The use of render to block C will also serve to add some differentiation and create a visual break between the larger brick clad blocks either side. Given the sensitivity of the locality, it is essential that all materials are of high quality with final colours and finishes being appropriate to the setting. For this reason, a condition to secure the final details and samples of materials is essential.

5.6.10 Whilst the proposal indicates the use of natural stone for the lower walls, the current intention is to utilise cast artificial stone for the detailing within the upper brick clad elevations. At present, there is some doubt over the use of artificial stone including whether it would be an appropriate material, or achieve the high-quality finish required in this setting. Natural cut sandstone would be the optimal material, however, it has been put forward that there are high quality artificial stone products. In this instance, it is considered prudent to impose a condition to secure the details of the final product, including reviewing samples of both materials on site, in consultation with the Councils Conservation Team.

5.6.11 Due to the varying topography within the area and the scale of the development overall, the roofscape design is also important. The proposal sets out that the buildings would feature a natural slate finish along with integrated roof mounted solar panels to the pitched roofs. The use of slate is essential in this location, and it is envisaged that a high-quality native slate would be utilised, given the historic sensitivity of the location. Final details and samples of the slate are also to be secured by condition. The use of solar panels is welcomed, and this will contribute notably to the sustainable design credentials of the scheme. In design terms, given the height of the buildings and the locations of the panels within the roof slopes, it is thought that the panels themselves would not be overly obtrusive within the roofscape. Again, final details of the solar panels can be secured by condition.

5.6.12 It is considered that the development taken as a whole will result in beneficial effects to the character and appearance of the area. The replacement of the current car park which, in terms of design and appearance, represents poor quality sense of place, with a development which can be comfortably accommodated within the environment, is seen as an enhancement. The scheme successfully delivers greater connectivity between the City Centre and Canal, and it provides for newly created public open spaces that complement the visual and physical links with the Canal. The proposal also serves to position development to enable framed views of heritage assets to be retained and create a unique sense of place both for residents and the wider community. Overall, it is considered that the general design approach with respect to layout and built form supports the design principles set out within policy SG5 and the SPD and Masterplan associated with the Canal Quarter designation.

5.7 **Heritage matters** NPPF Chapter 16 (Conserving and Enhancing the Historic Environment); Strategic Policies and Land Allocations (SPLA) DPD policies SP7 (Maintaining Lancaster District's Unique Heritage) and SG5 (Canal Quarter, Central Lancaster); Development Management (DM) DPD policies DM37 (Development affecting Listed Buildings), DM38 (Development affecting Conservation Areas), DM39 (The Setting of Designated Heritage Assets), DM41 (Development Affecting Non-Designated Heritage Assets or their Settings) and DM42 (Archaeology).

5.7.1 The Local Planning Authority has a statutory duty to consider the impact of these proposals on the Conservation Area under section 72 of the Planning (Listed Buildings and Conservations Areas) Act (1990) and to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. This is supported by Section 16 of the National Planning Policy Framework, and by policy DM38 of the DM DPD. Policy DM38 requires that proposals preserve or enhance the character and appearance of the Conservation Area, and in particular that they do not '*have an unacceptable impact on historic street patterns/boundaries, open spaces, roofscape, skyline and setting including important views into and out of the area*'.

5.7.2 There are also statutory duties under sections 16 and 66 of the Planning (Listed Buildings and Conservations Areas) Act 1990 to consider the impact of the proposals on the adjacent Listed Buildings and to ensure that their setting is preserved. This duty is also similarly echoed within Section 16 of the NPPF paragraphs, and by policies DM37 and DM39 of the DM DPD. Policy DM37

states that *'The significance of a Listed Building can be harmed or lost... through development within its setting. Any harm (substantial or less than substantial) ...will only be permitted where this is clearly justified and outweighed by the public benefits of the proposal.'*

- 5.7.3 The impact of the proposed development on Non-Designated Heritage Assets (NDHAs) must also be considered in light of NPPF paragraph 216, and a balanced judgement reached with regard to the scale of harm or loss and the significance of the asset. Policy DM41 supports this obligation and further requires that *'Proposals affecting the setting of a Non-Designated Heritage Asset will be required to give due consideration to its significance and ensure that this is protected or enhanced where possible.'*
- 5.7.4 The site is located within a historically sensitive location with a number of designated and non-designated heritage assets (NDHA) nearby, these include St Peters Cathedral – Grade II*, Cathedral House – Grade II, Lancaster Canal – NDHA, The Polish Centre – NDHA, Scott Wilkinson Bulk Street – NDHA, The Old Stables Bulk Street – NDHA and The White Cross – NDHA. The site is also located within the Lancaster Conservation Area – Character Area 6: Canal Corridor South.
- 5.7.5 As already set out within this report, the canal frontage forms a key component to the design of this scheme. In heritage terms, the canal is a NDHA that is of high significance to the industrial and mercantile history of the city. The development site itself is a former coal wharf that was served by the canal. The canal is a key feature of the Conservation Area, and it is flanked in number of locations by former mill buildings which used it for the transportation of goods and materials.
- 5.7.6 The Cathedral is located in close proximity to the development site to the east of the canal. This is a Grade II* listed structure designed by Paley and Austin in high neo-gothic architecture. The cathedral is a highly significant heritage asset that dominates the surrounding townscape, and which is a key landmark structure on the city skyline and in views within the Conservation Area. Situated next to the Cathedral is Cathedral House, which is grade II listed. Lancaster Town Hall is located not too far away. This is a Grade II* listed building, but due to the intervening building block, this structure would not be greatly affected by the proposals.
- 5.7.7 The application is supported by a Heritage Statement. This has been considered and assessed by the Council's Senior Conservation Officer who has raised no objections to the development. The Heritage Statement sets out an accurate and robust assessment of the site's history and an assessment of the significance of heritage assets surrounding the site.
- 5.7.8 Between the late 19th and mid-20th centuries, the development site was historically used as a Coal Wharf linked to and serviced by the Lancaster Canal. Since this, the site has been cleared and used as a car park. The openness of the car park creates a numb space that contrasts with the dense urban fabric and character of the Lancaster Conservation Area. It also fails to align with key street frontages or interact positively with the canal environment. The proposed development successfully addresses the overarching layout and design principles that are set out within the Canal Quarter Masterplan, in doing so, it is considered that the proposal interacts positively with the special character and appearance of the Lancaster Conservation Area.
- 5.7.9 The nearby Grade II* listed Lancaster Cathedral is a highly significant and prominent building within the Conservation Area. This building is primarily experienced from Nelson Street and St Peters Road where its architectural detailing and significance are best appreciated. However, it is also experienced along Lancaster Canal which forms a verdant yet industrial context to its setting. Finally, other views are achieved from surrounding streets from which its scale, particularly of the spire, are appreciated. The layout and design of the development have been developed around a series of key views of the Cathedral. The proposal is purposely set back from boundaries, such as along Nelson Street, so as to protect and retain important views of the asset. The massing of the various buildings within the development are subservient to the asset and ensure that the listed building maintains its prominence within the locality. The use of similar materials with respect to tone and texture and pitched roof forms will also aid the development to sit comfortably within these framed and key views.
- 5.7.10 It is acknowledged that the development will obscure the asset in a view from Quarry Road adjacent to the Roundhouse (View 7 within the Heritage Statement), however, to a certain extent, the existing tree coverage already limits this view. The taller form of the development would exacerbate this;

however, the upper portions of the spire would remain in view, emphasising the dominance of the Cathedral over the development. Conversely, when further along Quarry Road adjacent to the Canal bridge (Views 8 and 9 within the Heritage Statement), the proposed development represents an opportunity to enhance the setting of the Cathedral by providing contextually derived buildings that replace what is presently benign open car parking.

5.7.11 On the whole, the proposed development will sustain the significance of Lancaster Cathedral and those elements of its setting which positively contribute to it. Furthermore, the proposal also provides the opportunity to enhance other identified views through providing a more attractive and contextually appropriate development.

5.7.12 With respect to Lancaster Canal, which is identified as a NDHA, the development positively integrates the canal environment. This involves a partial reduction of the existing stone boundary walls along the towpath. This boundary wall has previously been altered; it is also heavily overgrown by vegetation. Including alterations to this wall are acceptable and this will also allow for improved interaction and visibility along the towpath. This will ensure that the development will sustain the local significance of the Canal as a NDHA.

5.7.13 With respect to the other identified designated and non-designated heritage assets, for the reasons described within the Heritage Statement, the proposal will ensure that the setting and significance of these assets will be sustained, and Officers concur with these conclusions.

5.7.14 Overall, this proposal represents a key opportunity to regenerate this part of the Lancaster Conservation Area in accordance with the aims and objectives and design parameters of the Canal Quarter Masterplan and associated policies. The proposal constitutes a contemporary and innovative design that reflects the urban character and industrial heritage of the site. The proposal would preserve the special character and appearance of the Lancaster Conservation Area and the setting of the identified designated and non-designated heritage assets. As identified by the Conservation Officer, there will be a need to secure final details and samples of materials (as already stated in this report) to ensure that these are of high quality and are appropriate materials in this environment. The proposal therefore accords with the legislative framework and relevant planning policies set out above.

5.7.15 Archaeology

In respect of archology, on-going correspondence between the developer and the Historic Environment Team at Lancashire County Council has taken place during the determination of this application. This has involved a review of the supporting archaeological desk-based assessment and ground investigation reports, combined with the results of previous archaeological investigations within the surrounding area. It is ultimately concluded by the Historic Environment Team that a formal archaeological watching brief for excavations is required due to the depths of these excavations and the potential for archaeological remains to be disturbed. This can be addressed by an appropriately worded planning condition.

5.8 **Residential Amenity and Pollution NPPF Chapter 8 (Promoting Healthy and Safe Communities), Chapter 11 (Making effective use of land), Chapter 12 (Achieving Well-Designed Places) and Chapter 15 (Ground Conditions and Pollution); Development Management DM) DPD DM29 (Key Design Principles), DM32 (Contaminated Land) and DM57 (Health and Well-Being).**

5.8.1 Paragraph 198 of the NPPF requires planning policies and decisions to ensure new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment. To achieve this, it is necessary to avoid noise impacts giving rise to significant adverse effects and to mitigate and reduce potential adverse effects resulting from noise from new development. Policy DM29 of the DM DPD and paragraph 135 of the NPPF are also relevant in the context of assessing the effects of development on residential amenity. Both strongly advocate the need for new development to be of high standard of design ensuring high standards of amenity are maintained and secured for existing and future users. Policy DM29 specifically states that new development must ensure there is no significant detrimental impact to amenity in relation to overshadowing, visual amenity, privacy, overlooking, massing, and pollution.

5.8.2 Residential Amenity

The proposed development has the potential to impact existing residential development. Existing residents most likely to be affected include those along the western side of The Roundhouse, those within the northern extent of Court View House and residents of Swan Yard to the east of the canal.

5.8.3 With respect to the Roundhouse, those dwellings with outlook, including windows and balconies, along the west facing elevation currently enjoy an open view over the car park. As part of this development, the following separation distances between the west facing elevation of the Roundhouse and the identified development blocks are provided:

- Block A – 16.9 metres
- Block C – 17.4 metres
- Block D – 18.5 metres

The eastern elevation of all three development blocks include habitable room windows, which would face directly the western facing windows and balconies of the Roundhouse. In this circumstance, there should normally be at least 21 metres. However, there may be instances where these minimum distances need to be increased or reduced depending on site specific circumstances. In this case, the development is located within the city centre, a dense urban environment where reduced separation distances between independent developments are commonplace. Furthermore, existing trees along the shared boundary which are retained within the context of this development will provide some screening to both filter views and soften the development. This would be further complemented by proposed landscaping within the site.

5.8.4 The proposal requires the inclusion of an electricity substation within the development site. This was originally proposed adjacent to the western boundary of the site and next to the neighbouring private gardens within the Roundhouse. Some concern about the impact of this substation structure upon the amenity of residents is raised within the public comments received by the Council, particularly in terms of noise. Noise from substations is relatively low level, particularly when contained within a building. Within an urban environment where higher background noise levels are experienced, this essential infrastructure would not result in undue concerns with respect to noise. However, the location and scale of the building would have reduced separation distances to the ground floor dwellings and would have resulted in poor standards of amenity for those existing residents. To prevent this, the substation has now been relocated to the frontage of the site, where it will sit comfortably adjacent to the stone wall forming the boundary to Nelson Street. The tree protection plan has not been updated to reflect this minor layout change, however, updates to these documents can be secured by planning condition.

5.8.5 The separation distance retained between the development (Block D) and the northern elevation of Court View House is just over 30 metres, within the intervening space are trees and Quarry Road. The separation distance retained between the development (Block D) and the eastern facing dwellings within the Swan Yard is just over 22 metres, with intervening views filtered by the retained trees. Overall, it is considered that the separation distances provided are suitable for development in this location.

5.8.6 The proposed development and surrounding developments are apartment buildings set over multiple stories. Due to the height of surrounding buildings, there would be a relatively high level of overlooking, particularly from high level windows. For this reason, the private outdoor amenity space, including the private gardens of the four proposed townhouses (Block A), could experience relatively low levels of privacy. Likewise, the private gardens of surrounding dwellings, such as those along the eastern side of the Roundhouse would also experience a sense of overlooking from Block D as a result of the proposed development. However, those west facing windows within Block D are of slim proportions and are secondary windows, which would to an extent reduce the perception of being overlooked. The secondary habitable room windows to the first, second and third floors within the west facing elevation of Block D are also proposed to be obscure glazed, which would remove overlooking views. This can be secured by planning condition. The large oriel style window within the west facing elevation of Block C would be clear glazed and would look directly towards the Roundhouse. However, the separation distance and retained boundary trees would ensure that this does not result in unacceptable overlooking or loss of privacy. Furthermore, there are already relatively high levels of mutual overlooking within the Roundhouse development itself, including from upper floor windows and the first-floor balconies. Relative to this, it is concluded that the sense of

overlooking achieved from the development site, would not result in increased harm to the standard of amenity of residents within the Roundhouse.

- 5.8.7 Within the development, Block B includes windows within the west facing elevation, which look directly over the gardens of the four proposed townhouses (Block A). However, those windows are either secondary windows to habitable rooms or are within the communal stairwell or corridor. To mitigate this, it is proposed that these west facing elevation windows are to be finished with obscure glazing, which can be secured by planning condition. In addition, the single window within the north facing elevation of Block C is also proposed to be finished with obscure glazing, this too will form the subject of a planning condition.
- 5.8.8 Dwellings located at a lower level within Blocks B and D and which are located closest to the canal would experience a degree of overshadowing from the trees along the canal boundary. However, as identified within the submitted Arboricultural Impact Assessment, of the seventeen trees which form tree Group 5, sixteen will be removed in order to facilitate the development. Furthermore, two trees within tree Group 6, which are located along the canal towpath will also be removed. The crown of retained trees will also be thinned and lifted and ivy removed. Along with the regrading of levels within the site, the stone boundary wall along the canal boundary will also be lowered. This will lessen the current level change between the development site and canal towpath level, as detailed within Section B-B contained within the Design and Access Statement. Together with the tree removals and tree works, this will enhance the visual connection from the proposed apartments to the canal towpath, offering improved outlook and a greater sense of engagement with the waterside setting. This relationship is acceptable overall, and minimum daylight and sunlight standards are met for the development as a whole. The impacts upon daylight and views of open sky for surrounding residents are also thought to be acceptable, with sufficient separation distance retained to surrounding buildings consistent with the development's urban location.
- 5.8.9 Three of the private gardens for the four proposed townhouses (Block A) are below the required sizes in terms of depth and area. The usual standard for private gardens is 10 metre depth and 50 square metres in area. Not including the internal domestic storage building/shed, the three gardens measure 7.5 metres in depth and approximately 30 square meters. The fourth garden is larger and meets the required standards. In relation to garden sizes, the postamble to Policy DM29 encourages a level of provision for the health and well-being of residents. Whilst a number of the dwellings proposed do not meet the required standards, the overall development secures additional external open space, which will positively contribute to the overall inclusiveness of the development and the health and well-being of future residents.
- 5.8.10 Although the development does not meet the amenity standards (interface distances and garden sizes) for some aspects of the scheme, the overall design, layout and access to open space would outweigh and mitigate those conflicts. Accordingly, the development is considered to provide an acceptable standard of amenity for all new residents in addition to safeguarding the standard of amenity that surrounding residents currently enjoy. The proposal therefore conforms with the objectives and requirements set out in the NPPF and policy DM29.
- 5.8.11 Noise
The submitted Noise Impact Assessment identifies noise emanating from the surrounding road network as a potential issue. The Assessment concludes that the communal garden to Block D, which is adjacent to Quarry Road, would require mitigation in the form of acoustic barriers to a height of 2.8 metres enclosing the garden. However, the erection of a 2.8-metre-tall fence or barrier would give rise to visual amenity concerns. In this instance, residents would also have the opportunity to utilise the on-site open space to the north of Block D, or to utilise the tranquil setting to be found at various lengths of Lancaster Canal. For this reason, the provision of a 2.8-metre-tall acoustic barrier to enclose the rear garden area of Block D is not recommended.
- 5.8.12 The assessment also concludes that to achieve acceptable noise levels within residential properties, it is recommended that improved glazing be installed to the windows facing Nelson Street and Quarry Road, and that a ventilation system is installed to allow for the provision of an alternative method of ventilation without the need for opening windows. This can be secured by planning condition. Accounting for the required conditions, the development will not give rise to unacceptable noise impacts and would comply with the requirements of policy DM29 and the NPPF.

5.8.13 Contaminated land

Paragraph 196 of the NPPF states the planning decisions should ensure sites are suitable for the proposed use taking account of ground conditions and any risks arising from land instability and contamination. Paragraph 197 goes on to state that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. The potential for contamination to be present within this site has also been identified by the Environment Agency, due to the historic industrial uses that this site has facilitated in the past.

- 5.8.14 The application is supported by an appropriate ground investigation and remediation strategy. The ground investigations have highlighted moderate risks from identified sources of contamination both during the construction phase and to the residential end users. The submitted remediation strategy has been designed in light of the findings of the ground investigation and includes mitigation strategies to remove the risk from the identified contamination sources. A condition to ensure that the development is undertaken in full accordance with the remediation strategy, and the provision of an associated Validation Report is recommended.

5.9 **Biodiversity and Trees** NPPF Chapter 15 (Habitats and Biodiversity); Strategic Policies and Land Allocations (SPLA) DPD Policies SP8 (Protecting the Natural Environment), EN7 (Environmentally Important Areas) and SG5 (Canal Quarter, Central Lancaster); Development Management (DM) DPD policies DM44 (Protection and Enhancement of Biodiversity) and DM45 (Protection of Trees, Hedgerows and Woodland).

- 5.9.1 Policies SP8 and EN7 recognise the importance and value of biodiversity within the district and expects development proposals to protect, maintain and enhance biodiversity. This policy position is reflected in the Development Management DPD policies. Policy DM44 states development proposals should protect and enhance biodiversity and, as a principle, there should be net gain of biodiversity assets wherever possible. The policy goes on to state 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 mitigated. This policy also encourages new tree and hedgerow planting of native species to mitigate against the wider impacts of climate change and to enhance the character and appearance of the district.

5.9.2 Impact on designated sites

The development site is located approximately 2.3km from the Morecambe Bay and Duddon Estuary Special Area of Protection (SPA), Morecambe Bay Special Area of Conservation (SAC) (the SPA and SAC both form part of the UK National Site Network) and Morecambe Bay Ramsar site, in addition to the Morecambe Bay Site of Special Scientific Interest (SSSI). Given the proximity of the site to the designated areas, there is the potential for the development to have an adverse impact on their integrity both during construction and operational phases of the development. No direct impacts will arise from the development. The identified impacts are indirect, relating to potential pollution pathways and the effect of potential increased recreational disturbance. Accordingly, the Local Planning Authority has undertaken its own Habitat Regulations Assessment (and Appropriate Assessment) to fulfil its duty as the Competent Authority.

- 5.9.3 The Appropriate Assessment concludes that the proposal will not result in adverse effects on the integrity of any of the designated areas subject to appropriate mitigation being secured by planning condition. To mitigate potential impacts through pollution pathways during the construction phase of the development, a Construction Environmental Management Plan (CEMP) has been provided. This document includes a Surface Water Management Construction Method Statement (SW CMS), which sets out the measures to be adopted during the construction phase to protect existing drainage infrastructure to ensure pollution does not enter adjacent watercourses, including the build-up of silt. Moreover, the LLFA have requested a planning condition to secure a construction phase surface water drainage strategy which will include details of measures to ensure surface water flows are retained on-site during the construction phase(s), or directed towards an agreed outfall, as well as measures to be adopted to manage siltation and pollutants and to prevent these from entering any receiving groundwater and/or surface waters, including watercourses. Both the CEMP

(incorporating the SW CMS) and the construction phase surface water drainage strategy are to be secured by planning condition.

- 5.9.4 To mitigate impacts arising during the operational phase of the development, this requires the implementation of a suitable foul and surface water drainage scheme, which will be secured through the identified LLFA conditions, and a separate foul drainage condition. The proposal also requires measures to mitigate increases in potential recreational disturbance. The proposed development includes areas of public realm amenity space within the site but more significantly includes enhancements to an existing link and the provision of an additional new connection to the canal towpath. Any grant of planning permission would secure the provision of on-site amenity space and the connections to the towpath by planning condition. Planning conditions shall also secure the ongoing management and maintenance of the on-site amenity space and the towpath connections. Finally, any residual impacts remaining can be suitably mitigated by the provision of Homeowner Information Packs, which explain the sensitivities of the nearby designated sites, include a 'responsible user code' and promotes the use of alternative areas for recreation, in particular for dog walking. This too can be secured by planning condition.
- 5.9.5 With the implementation of the mitigation outlined above, it is considered that the proposed development will have no adverse effects on the integrity of the designated sites, their designation features or their conservation objectives, through either direct or indirect impacts either alone or in combination with other plans and projects. The mitigation measures can be adequately covered by a condition attached to any planning consent. Natural England has been consulted and concurs with the Council's Appropriate Assessment. In respect of the impact of the development on the National Sites Network, the RAMSAR and SSSI the development is considered to accord with strategic policy SP8, EN7 of the SPLA DPD and policy DM44 of the DM DPD.
- 5.9.6 Habitats and Protected Species
The application is supported by an Ecological Survey and Assessment, this included a desktop study, data search and extended Phase 1 Habitat Survey. This summarises the baseline condition of the site, which comprises a hardstanding car park bordered by stone boundary walls. The hardstanding does not hold any ecological importance. The various individual trees and areas of vegetation are deemed to be of site value only, further discussion of the impacts of the development upon trees is set out below. The survey concludes that there are no habitats within the site which constitute Priority Habitat, semi-natural or irreplaceable habitat. No invasive plant species were detected within the site.
- 5.9.7 The trees and ivy-covered wall at the site margins are suitable for use by nesting birds. Mitigation measures to ensure nesting birds are protected are set out within the report and can be secured by condition. Measures to secure enhancements for nesting birds, to be incorporated as part of the proposed development, can also be secured by condition. None of the trees support features suitable for use by roosting bats. The boundary walls have also been assessed to have 'negligible' suitability for use by roosting bats. However, the trees provide suitable foraging and commuting habitat for bats, which is further complemented by the canal corridor. Recommendations to ensure the site remains suitable for foraging and commuting bats, and habitat enhancement opportunities are set out within the report, final details of these measures can be secured by condition. The peripheral forb vegetation within the site may be used by foraging hedgehog, therefore precautionary mitigation measures are deemed necessary and will form the subject of a condition. No other protected species have been detected.
- 5.9.8 A small area of the site overlaps with the Lancaster Canal environment to provide the open space pedestrian linkages. The canal is identified as a Biological Heritage Site. The Ecological Survey and Assessment has considered the potential impacts of the proposal and set out a mitigation strategy to ensure the development does not result in undue harm to the canals ecological value. This includes a pollution incident response plan and an Environmental Management System (EMS) to help avoid pollution and set out required actions to ensure appropriate measures are undertaken if an incident occurs. This can be secured by condition, and combined with the already submitted CEMP (incorporating the SW CMS) and construction phase drainage strategy, it will ensure that any adverse effects on this non-statutory designated site for nature conservation can be avoided. Subject to conditions securing the above mitigation measures and a scheme for ecological enhancement measures, it is contended the development would not conflict with policy DM44 and mitigation can be secured to ensure there is no significant adverse effect to protected species.

5.9.9 Arboricultural Impacts

An Arboricultural Impact Assessment (AIA) and Tree Survey support the application. As the development site is located within the Lancaster Conservation Area, any tree with a diameter of 75 mm or more when measured at 1.5 metres above the ground is protected. The AIA identifies six individual trees and six groups of trees with the potential to be impacted by the development. Trees are an important feature of the site which contribute to the verdant environment associated with the canal. Trees within the site are clearly visible to the public. In order to facilitate the development, a large proportion of the trees within the site will require removal. This includes 6 trees within Group 1 in the southern corner of the site, 16 trees within Group 5 along the eastern boundary, and 2 trees within Group 6 along the canal towpath. Trees within Groups 1, 5 and 6 are all identified as B category trees, which are trees defined as being of moderate quality with an estimated remaining life expectancy of at least 20 years. In total, 24 B category trees require removal, as identified within the Tree Removal Plan contained within the AIA.

5.9.10 In addition to the B category tree removals, a number of trees within Group 4, which is located along the northern boundary adjacent to Nelson Street, will also require removal. Group 4 contains 8 ash trees all of which exhibit mid to advanced stage ash dieback. Accordingly, Group 4 is identified as a category U group, which are trees in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years. As a result of their declining condition, trees within Group 4 are not suitable for retention, however, these trees will also require removal due to the relocated position of the substation. The AIA, including the associated Tree Removals Plan and Protection Plan has not been updated at this stage to reflect the change to the substation location. As such, an updated AIA including Tree Removals Plan and Protection Plan and Arboricultural Method Statement (AMS) will need to be secured by planning condition. This update will also need to account for below ground services and drainage infrastructure, as identified within section 4.2 of the AIA.

5.9.11 In addition to the identified tree removals, further works to the retained trees including crown lifting and crown thinning to create 2.5 to 4 metres ground clearance, as well as ivy removal, are also required. A forthcoming Tree Works application will be submitted for these works, to be determined by the Councils Arboricultural Officer.

5.9.12 Of the retained trees, there are areas of conflict between the development and their identified root protection areas. The submitted AMS sets out the appropriate working methods which must be adopted for all works within root protection areas. An updated AMS is to be secured by planning condition to account for below ground infrastructure and the substation alteration. Future pressure upon the retained trees also requires careful consideration. This is particularly relevant to the retained trees along the eastern boundary of the site adjacent to the canal. As described within paragraph 5.8.8, dwellings located at a lower level within Blocks B and D and which are located closest to the canal would experience a degree of overshadowing from the trees along the canal boundary. However, combined with the tree removals, tree works and regrading of land/lowering of the canal boundary wall, it is considered that the impact of these trees upon the amenity of residents can be mitigated to an acceptable level. This is reinforced by the daylight study of the southern apartment building (Block D) which confirms that minimum standards for daylight and sunlight are met for the apartment adjacent to the canal wall.

5.9.13 Policy DM45 states *'new development should positively incorporate existing trees and hedgerows and where this cannot be achieved the onus is on the applicant to justify the loss. Where it is adequately justified the council will seek replacement tree planting at the ratios adopted in the Councils tree Policy (2010)'*. It is clear that there would be notable numbers of trees removed from the site in order to facilitate the scheme, including the loss of a number of higher quality B category trees in addition to poorer quality U category trees. The loss of trees would be perceived within the area and would serve to open views into the site and to a certain extent diminish the verdant and enclosed character of the site. It would also result in harm to the ecological value of the site. The loss of trees to this extent is disappointing and weighs negatively against the proposal. However, tree removals are required in order to deliver an affordable housing scheme that is both viable and which successfully incorporates the adjacent canal environment, on this basis, tree removals are to a degree unavoidable. Replacement tree planting is necessary, and this has been considered within the External Works Strategy Proposals. This suggests that around 25 medium sized trees including birch, holly and rowan as well as some ornamental fruit bearing species will be planted. This would

provide some mitigation; however, it will not replace the environmental and amenity value of the larger mature trees which have been identified for removal, which include larger, longer living species including sycamore, willow, lime and ash. The final details of the soft landscaping of the site will need to be secured by planning condition. Therefore, the proposal does result in some conflict with policy DM45 overall.

5.9.14 **Biodiversity Net Gain (BNG)**

The submitted application is subject to mandatory BNG, and the application is supported by a Biodiversity Net Gain Assessment. This outlines the baseline biodiversity value of the site in BNG terms which has been calculated as 6.19 habitat units and 0.28 watercourse units. The assessment concludes that, when accounting for the development as proposed, the scheme would result in a 55% loss in habitat units and cannot deliver the mandatory 10% biodiversity net gain for both area-based habitats or watercourse habitats. This is mainly a result of the identified tree removals, which cannot be sufficiently compensated for by tree planting at the site due to the space required. In light of this, in accordance with the BNG hierarchy, it is necessary to provide the developments mandatory BNG requirement in an off-site location. In this case, the developer has been in contact with an off-site habitat provider for the purpose of purchasing off-site Biodiversity Units to meet the deficit. The final details of the mandatory BNG requirement for this development would need to be secured through the standard biodiversity gain condition.

5.10 **Sustainable Design and Renewable Energy NPPF Chapter 12 (Achieving Well-Designed Places) and Chapter 14 (Meeting the challenge of climate change, flooding, and coastal change); Development Management (DM) DPD policies: DM29 (Key Design Principles), DM30a (Sustainable Design), DM30b (Sustainable Design and Construction – Water Efficiency), DM30c (Sustainable Design and Construction – Materials, Waste and Construction) and DM53 (Renewable and Low Carbon Energy Generation)**

5.10.1 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 development proposals.

5.10.2 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.

5.10.3 The Climate Emergency Review of the Local Plan (CERLP) 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.

5.10.4 Policy DM30a: Sustainable Design and Construction requires all new residential development to achieve a minimum reduction in carbon emissions of 75% over the 2013 building regulations standards, to be achieved through a fabric first approach in line with the energy hierarchy. The design specified within the supporting Energy and Sustainability Statement exceeds the 75% carbon reduction requirement for the five sample plots selected within the development. This is encouraging, however, a fully detailed Sustainable Design Statement incorporating Energy Carbon Statement that provides this calculation for all 39 residential units within the scheme will be required, and this will need to be secured by planning condition. It should be noted, any development commenced after 1 January 2028 would need to deliver a 100% reduction, as opposed to 75%. This requirement will be built into the aforementioned planning condition.

5.10.5 Policy DM30b: Sustainable Design and Construction – Water Efficiency requires that all new residential developments should achieve the optional water requirement set through Part G of the building regulations. This equates to a predicted usage of 110 litres per person per day. This matter is addressed at a high level within the supporting Energy and Sustainability Statement which is encouraging. A condition requiring the development to accord with the optional water requirements is recommended.

- 5.10.6 The Councils Climate Policy Hub Team have raised comments regarding potential for overheating issues, which is a risk in new, energy efficient buildings. It is advised that further information be provided on the developments overheating strategy, and this can be assessed as part of the later design stage to be included within the final Sustainable Design Statement condition. This would successfully address the requirements of Policy DM57 which requires that development promotes incorporate resilience to Climate Change, including adaptation measures that provide resilience to extremes in temperature and rainfall where possible.
- 5.11 **Canal Infrastructure** NPPF Chapter 15 (Conserving and enhancing the natural environment); Strategic Policies and Land Allocations (SPLA) DPD Policies SG5 (Canal Quarter, Central Lancaster); Development Management (DM) DPD policies: DM29 (Key Design Principles).
- 5.11.1 The Lancaster Canal towpath extends along the eastern boundary of the site, where there is a large ivy covered stone retaining wall. Furthermore, the development site is located adjacent to two canal bridges, bridge No. 101 Nelson Street Bridge and Bridge 100 known as Friarage Bridge. The Canal and River Trust (CRT) are a statutory consultee for proposals located in proximity to canal infrastructure such as this. The CRT Spatial Planning Team have reviewed this proposal and raised a number of points for consideration.
- 5.11.2 Structural Integrity of the canal
As confirmed by the topographical survey there is a difference of up to 1.5m between the car park level and canal towpath level. This suggests that the eastern boundary wall may serve to retain the canal structure. This boundary wall is proposed to be reduced in height, as such works to the boundary wall could impact the stability of the canal. Land stability and the consideration of the suitability of development with regard to ground conditions are material planning considerations as set out in Section 15 of the NPPF. Any development in close proximity to the canal infrastructure has the potential to affect land stability and have an adverse impact on the structural integrity of the canal. The applicant has engaged with the CRT prior to the submission of this application, and a CRT engineer has confirmed that the boundary wall is retaining the canal embankment and that failure could compromise the canal.
- 5.11.3 The CRT has confirmed within its consultation response that the boundary wall could be reduced to 600mm in height and this would still retain the stability of the canal (subject to the method of works). It has also stated that all the tree removals would also need to be on the application side of the wall. This conflicts with details set out within the currently submitted AIA, which states that two trees from tree group G6 would be removed from the canal towpath side of the boundary. This would need to be addressed within the updated Tree Removals Plan and Protection Plan including Arboricultural Method Statement (AMS) which is to be secured by planning condition. Overall, the CRT is satisfied with the principle of the proposed works, however, given the nature of the works and proximity to the canal, the CRT has confirmed that it requires agreement of the foundation details as well as an associated risk assessment and methodologies for the works along the canal side. A suggested condition is provided by the CRT, and this condition is considered reasonable and necessary to make the development acceptable.
- 5.11.4 Towpath Access
The CRT has confirmed that it is supportive of improved accessibility to the canal environment. For this development, the CRT has confirmed that it requires agreement of the threshold between the pedestrian connections leading from the development site to where these would join with the existing towpath, the material finishes and cross sections showing the composition of the path and levels. The recommended condition from the CRT in this respect is also to be imposed on any grant of planning permission.
- 5.11.5 The CRTs comments with respect to design and heritage matters are considered within the 'Heritage Matters' section of this report. As suggested within its comments, the final details and material finishes, including coping stones, for the boundary wall to the canal can be conditioned. Additional comments regarding flood risk and drainage, Construction Management Plan and ecological matters are addressed within the relevant sections of this report, with the CRTs comments on these matters being suitably addressed by the planning conditions already identified. Finally, the CRTs requested advice notes regarding landownership matters and the requirement for separate agreements from the CRT can be included within the decision notice on the grant of planning permission.

- 5.12 **Air Quality** NPPF Chapter: 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 Policy DM31 requires all development proposals to demonstrate that they have sought to minimise the levels of air polluting emissions generated and adequately protect their new users, and existing users from the effects of poor air quality. It goes on to state *‘Development which is located within an Air Quality Management Area (AQMA), or any development which has the potential to, individually or cumulatively, contribute to increasing levels of air pollution, will be required to demonstrate how either on-site or offsite mitigation measures will be put in place to reduce the air quality impact. Any proposal must not significantly worsen any emissions or air pollutants in areas where pollution levels are close to objective / limit value levels’*.
- 5.12.2 The development site is located in close proximity to the Air Quality Management Area which includes Lancaster City Centre. An Air Quality Assessment supports the application and sets out that it has been commissioned to assess the potential changes in air quality due to the construction and operation of the proposed development and whether these potential changes would significantly alter air quality. For the construction phase of the development, it is concluded that mitigation measures to prevent harmful impacts arising from dust production are required. These are set out within Appendix D of the assessment and can be secured by condition.
- 5.12.3 With respect to the operational phase of the development, the assessment indicates that the proposed development site is likely to experience levels of nitrogen dioxide and particulate matter (PM10) below the annual mean and short-term objectives and particulate matter (PM2.5) concentrations below the annual mean target. Furthermore, the proposed development is not expected to have a significant effect on existing local air quality conditions. Suggested mitigation in form of electrical vehicle charging infrastructure is recommended, however, this is now a matter that is addressed by Building Regulation requirements. Overall, subject to the identified mitigation for dust during the construction phase, the proposal satisfactorily address Policy DM31.
- 5.13 **Employment & Skills Plan** NPPF Chapter 6 (Building a strong, competitive economy); Development Management (DM) DPD policies: DM28 (Employment and Skills Plans)
- 5.13.1 Policy DM28 requires that proposals of 20 or more new dwellings provide an ‘Employment and Skills Plan’ that will set out opportunities for, and enable access to, employment and the up-skilling of local people through the construction phase of the development proposal. Whilst an initial Employment and Skills Plan document has been provided in support of this current application, the Councils Sustainable Growth team has confirmed that this does not meet the formal policy requirements. In particular, an Output Matrix has not been provided. A fully detailed ESP to include the required Output Matrix tool can be secured by pre-commencement condition.
- 5.14 **Health and Education** NPPF Chapter 8 (Promoting healthy and safe communities; Development Management (DM) DPD policies: DM57 (Health and Wellbeing) and DM58 (Infrastructure Delivery and Funding)
- 5.14.1 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 67 new patient registrations based on an average household size of 2.4, which generates a contribution of £21,708.00.
- 5.14.2 The site falls within the catchment area of Lancaster Medical Practice. The NHS Integrated Care Board has advised that increased capacity to meet the increased needs arising from new development, 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 site at Dalton Square (this being the closest to the site) are such that the current premises cannot be extended and opportunities to re-configure existing space to accommodate current growth have already been undertaken. The existing premises could not therefore accommodate the growth generated from this proposal.

- 5.14.3 However, the response also states that the growth generated from this development would not trigger consideration of the commissioning of a new general practice in itself but would trigger a requirement to support the practice to enter into legal agreements to construct a new build health centre. This contradicts the position set out earlier in the consultation response which states the contribution would be directed towards a *'new health centre for the Lancaster Medical Practice. A new build at Bailrigg.'*
- 5.14.4 It remains unclear where exactly the new health centre would be located, but based on comments relating to other applications, it is understood this relates to the site secured for the hospital. However, there remains a lack of specific details regarding the proposed new health centre including its location and the expected delivery timescales. This results in significant uncertainty as to whether the NHS request is directly related to the proposed development. As such, and with some reluctance, the local planning authority cannot be satisfied that the requested contribution would meet the statutory tests set out in legislation and in paragraph 58 of the NPPF. Therefore, the authority is unable to support the NHS's request at this time.
- 5.14.5 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. The Lancashire County Council's School Planning Team (the local education authority) has been consulted on this proposal. A response is yet to be provided, an update on this matter can be provided in due course.
- 5.15 **Open Space NPPF Chapter 8 (Promoting Healthy and Safe Communities including Open Space and Recreation), Chapter 12 (Achieving Well-Designed Places); Strategic Policies and Land Allocations (SPLA) DPD policy SC3 (Open Space, Recreation and Leisure); Development Management (DM) DPD policies: DM27 (Open Space, Sports, and Recreational Facilities), DM29 (Key Design Principles) and DM57 (Health and Well-Being)**
- 5.15.1 The provision and access to open space is strongly advocated in the NPPF given the benefits this has to the health and well-being of communities. This is reflected in policies SC3 of the SPLA DPD and policies DM27 and DM57 of the DM DPD. Policy SC3 provides the strategic framework of a network of sites protected for the recreation, environmental and or amenity value. Policy DM27 seeks to protect existing open space designations; requires development proposals that are adjacent to designated open spaces to incorporate design measures that ensures that there are no negative impacts on amenity, landscape value, ecological value, and functionality of the space; and sets out the thresholds and requirements for the provision of new open space to meet the needs of local communities and to mitigate against the impacts of development growth, especially in areas of open space deficiencies. Whilst Policy DM57 is not prescriptive in terms of open space requirements, it recognises the importance of open space and landscaping when promoting good health and well-being.
- 5.15.2 As described within this report, the site is located adjacent to Lancaster Canal. The canal is allocated within the Local Plan as Significant Green Infrastructure open space typology. The development includes areas of the towpath within the red edge, however, this is only required to enable the proposed pedestrian linkages to the canal, so as to incorporate the towpath into the development's eastern frontage. As already set out, the incorporation of the canal into the development frontage is a significant benefit that accords with the requirements of the Canal Quarter Masterplan and associated policies. This also satisfactorily addresses the requirements of Policy DM27 with respect to impacts upon existing designated open space areas.
- 5.15.3 Policy DM27 also requires development proposals located in areas of recognised deficiency to provide contributions towards open space, sports, and recreational facilities either on or off site. This should be in accordance with the standards and thresholds set out in Appendix D of the DM DPD. In this case, the developments contribution to open space is through the provision of publicly accessible areas of open space within the development site, and providing improved open space connections to the canal. This is considered to suitably address policy DM27 with respect to the requirement for new areas of open space. A condition to secure the provision and on-going maintenance and management of these open space areas is recommended.

6.0 Conclusion and Planning Balance

- 6.1 Paragraph 11 of the NPPF (the presumption in favour of sustainable development) 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.
- 6.2 The Council's current housing land supply stands at 2.8 years which represents a significant shortfall. Furthermore, there is an acute undersupply of affordable housing within the district. It is in this context that this proposal has been considered. In this case, there are no footnote 7 policies that would provide a strong reason for refusing the development proposal, therefore, the tilted balance in favour of the development remains engaged in the overall planning balance.
- 6.3 Accordingly, the proposal would deliver a 100% affordable housing development, to include the provision of 39 dwellings to meet a mix of affordable housing needs and tenures. This would to a degree help address the significant shortfall in the five-year housing land supply position and, perhaps more importantly, the acute undersupply in affordable housing. This attracts significant weight in favour of the proposal in the overall planning balance.
- 6.4 Moreover, the principle of housing development in a sustainable location such as the application site fully conforms with the district's strategic development strategy. The proposal will also result in the redevelopment of an existing brownfield site and will provide the catalyst to unlock the wider regeneration opportunities set out within the Canal Quarter Masterplan. These matters weigh in favour of the proposal and should be given moderate weight.
- 6.5 The proposal represents an inclusive and sustainable design that successfully incorporates and enhances existing pedestrian linkages and secures new pedestrian linkages to the canal towpath, to the benefit of residents and the wider community. Attractive on-site open space along with highly sustainable and adaptable accommodation lie at the heart of the scheme and will promote a healthier and sustainable place for future residents and the existing community. This is considered a benefit to the scheme to which positive weight must be attached.
- 6.6 It is also acknowledged that the development will deliver economic benefits through direct and indirect job creation and economic growth including the upskilling of the community (through the Employment and Skills Plan), this can be afforded limited weight.
- 6.7 Technical matters including access and transport impacts, vehicle parking provision, drainage, biodiversity, design and heritage matters, amenity, noise, air quality and infrastructure requirements have all been satisfactorily addressed. Through the use of the identified planning conditions, the development will be acceptable and accords with the relevant national and local planning policies in relation to these matters.
- 6.8 Weighing against the proposal, there is conflict with the flood risk sequential approach to development, however, this does not provide a strong reason for refusing the development. Additional conflict with policy DM45 relating to the loss of trees within the site has also been identified. When accounting for identified mitigation, it is considered that these conflicts are relatively minor in terms of impacts or harm. For this reason, they should only be afforded limited weight within the overall planning balance.
- 6.9 In light of this assessment, within the overall planning balance, it is considered that the benefits of the proposal do outweigh the identified policy conflicts and associated harms. For this reason, it is recommended that planning permission be granted.

Recommendation

That Planning Permission BE GRANTED subject to the following conditions:

Condition no.	Description	Type
1	Timescale	Control
2	Approved plans	Control
3	Archaeological monitoring and recording	Pre-commencement
4	Construction surface water management plan	Pre-commencement
5	Final surface water drainage strategy	Pre-commencement
6	Foul drainage strategy	Pre-commencement
7	Updated Arboricultural Impact Assessment	Pre-commencement
8	Sustainable Design Statement incorporating Energy Carbon Statement	Pre-commencement
9	Canal risk assessment and method statement	Pre-commencement
10	Employment and skills plan	Pre-commencement
11	Full landscaping scheme (informed by external works schedule)	Before construction of any buildings above ground level
12	Ecology/habitat enhancement scheme	Before construction of any buildings above ground level
13	Material details and samples	Before construction of any buildings above ground level
14	Boundary treatment details	Before construction of any buildings above ground level
15	Landscape & Habitat Management plan	Before construction of any buildings above ground level
16	Canal towpath access details	Before construction of any buildings above ground level
17	Contamination remediation and Validation Report and Certificate	Prior to occupation
18	Sustainable Drainage System Operation and Maintenance Manual	Prior to occupation
19	Verification Report of Constructed Sustainable Drainage System	Prior to occupation
20	Provide car parking spaces and vehicle turning head	Prior to occupation
21	Implementation and completion of all on-site public open space and pedestrian linkages to the towpath to be made available for use to the wider public and retained thereafter	Prior to occupation
22	Management and Maintenance Plan for all on-site Open Space	Prior to occupation
23	Final details and implementation of cycle storage facilities	Prior to occupation
24	Final details and implementation of bin storage facilities	Prior to occupation
25	Details of external lighting	Prior to occupation
26	Obscure glazing to Block A	Prior to occupation
27	Obscure glazing to Block B	Prior to occupation
28	Obscure glazing to Block D	Prior to occupation

29	Homeowner Information Packs	Prior to occupation
30	Affordable Housing Scheme and ongoing restriction to use for affordable occupation	Prior to occupation
31	M4(2) units in accordance with Design & Access Statement	Control
32	Development in accordance with Construction Environmental Management Plan	Control
33	Development in accordance with Noise mitigation – glazing and ventilation	Control
34	Development in accordance with ecological mitigation measures	Control
35	Water Efficiency measures	Control
36	Development in accordance with air quality mitigation	Control

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

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

Background Papers

None