

Application Number: 19/01135/OUT

Proposal: Proposed demolition of Low Hill House and the erection of up to 680 dwellings (C3), a single retail unit (A1 - A5) of no more than 280sq m internal floorspace, public open spaces including equipped children's play areas, land re-grading, recreational routes, landscaping and sustainable urban drainage systems and creation of vehicular access from Bailrigg Lane and Hala Hill to the North.

Location: Land North East of Bailrigg Lane, Lancaster, Lancashire

DM Case Officer: Mark Potts

Planning Policy Officer response from: Diane Neville

Comments on housing issues and viability are incorporated into the technical issues section of this policy response note formulated by Fiona Clark (Planning Policy Officer).

Comments on walking and cycling are incorporated into this policy response note formulated by Richard Camp (Planning Policy Officer).

Date of Policy response note comments: 20^h January 2020.

Planning Policy response

The planning policy team have been asked for comments on application 19/01135/OUT made by Gladman Developments in relation to land interests at Bailrigg Lane, South Lancaster. This site was previously subject to pre-application discussion (Pre-App Reference 19/00575/PRE3) wherein proposals were outlined for the development of (in the region of) 750 new dwellings and a single retail unit.

Current proposals set out in the application relate to the proposed demolition of Low Hill House and the erection of up to 680 dwellings (C3), a single retail unit (A1 - A5) of no more than 280sq m internal floorspace, public open spaces including equipped children's play areas, land re-grading, recreational routes, landscaping and sustainable urban drainage systems and creation of vehicular access from Bailrigg Lane and Hala Hill to the North.

The planning policy team have previously provided a response as part of the pre-application process that took place earlier in 2019 (19/00575/PRETWO). This has been included as an appendix to this response for information purposes. For consistency, this response does not seek to address the Principle of Development or the adopted Local Plan process that have remained unchanged since that original response was provided.

Therefore, this response provides further clarification on the application of emerging planning policy (should it be applicable to do so in light of a published Inspectors Report) and specifically the application of Policy SG1 and the proposed early release mechanism. This response does not deal with matters of detailed design or other material considerations that should be assessed in relation to other policies of the adopted Local Plan and NPPF.

Emerging Local Plan – Lancaster South Broad Location for Growth

The policy response to the pre-application for this proposal set out the Council's position in relation to application of emerging Local Plan Policy. At the point of writing this response, the application of this emerging policy and the associated weight that should be applied to it remains unchanged.

However, should the Council receive a positive Inspectors Report between the point of writing this response and the determination of the application then the level of weight applied to the new policies in the Local Plan will shift from limited to substantial. Full (material) weight cannot be applied to the content of the direction of the Plan until such a time that the Plan has been formally adopted by the Council for planning purposes.

As identified in the Local Development Scheme of February 2018, the Council is continuing to progress the preparation of its new Local Plan (in the form of a Strategic Policies & Land Allocations DPD and Review of the Development Management DPD). These documents were submitted to the Secretary of State (via the Planning Inspectorate) in May 2018. Public Examination into both DPDs took place in early 2019 with consultation on proposed main modifications taking place between August and October 2019. This consultation has now closed and the Council are now awaiting further instruction from the Planning Inspector.

The Strategic Policies & Land Allocations DPD looks to address housing needs across the district and identifies a number of strategic development sites in North / East Lancaster and a broad location for growth in South Lancaster to deliver a proposed average annual housing requirement of 522 dwellings per annum, equivalent to 10,440 new dwellings between 2011/12 and 2030/31.

The application site lies within the area covered by Policy SG1 of the Strategic Policies & Land Allocations DPD (Lancaster South Broad Location for Growth including Bailrigg Garden Village). Whilst the application site lies within this broad location, this does not necessarily result in the site being allocated for development, nor does it suggest an inherent suitability for residential development (or any other development). The broad location of growth simply identifies a wide area that will be subject to further investigation for growth as part of the Lancaster South Area Action Plan DPD. It will be this DPD that will set site-specific allocations, setting out areas that will be suitable for development and also areas that are considered not suitable. Beyond simply setting a direction for the preparation of the Area Action Plan DPD, Policy SG1 sets out a number of key principles for future development in the Lancaster South area and these will be used of as a basis for DPD preparation. The detail of how development within this broad location for growth evolves will be made through the Area Action Plan DPD.

Whilst the emerging Local Plan is at a reasonably advanced stage, the proposed broad location for growth in South Lancaster cannot be described as uncontroversial. The identification of this area for strategic future growth has not gone unchallenged by both the local community and the development industry. It has received significant objection from a wide range of parties for a number of reasons and these remain unresolved through the examination process. Therefore the level of weight that can be afforded to the identification of this area for future growth can only be limited in the context of paragraph 48 of the 2019 NPPF. Whilst it is accepted that the plan is at an advanced stage (therein fulfilling point (a) of paragraph 48) there remain significant unresolved objections which have been raised not only in relation to the early release mechanism described above but the very principle of development / growth in South Lancaster. The significance of the objections raised and the fact that they remain unsolved until the Inspector has reached a formal conclusion on the matter means that point (b) of paragraph 48 remains engaged.

The arguments expressed by the development industry and local community (either through their representations at the Publication Stage or through the Examination itself) clearly relate to matters of soundness (i.e. their consistency with the NPPF) and therefore point (c) of paragraph 48 is also engaged in this matter.

In light of the above, the weight that can be applied to the content and direction of Policy SG1 is considered limited until such a time that the Inspector has positively concluded on the Council's approach to the matter via his report.

Consequently, to reiterate, in the context of considering this application, the formal basis for planning policy remains the direction set out in the 2004 Lancaster District Local Plan, the 2008 Lancaster District Core Strategy and the 2014 Development Management DPD.

Emerging Local Plan – Application of Early Release of land in South Lancaster

During the Public Examination in 2019, a Statement of Common Ground (SoCG) was signed by Lancaster City Council, Commercial Estates Properties (CEP), Peel Investments (North) Ltd and Story Homes Ltd in relation to Policy SG1. The SoCG included an 'early release mechanism' that could, in exceptional circumstances, allow for the early release of land within the broad location of growth to assist housing delivery in early phases of the plan. The early release mechanism described in the SoCG has formed part of the main modifications process that have been recently consulted on (August – October 2019).

The level of weight that can be attached to this 'early release mechanism' in advance of an adopted Local Plan is very limited. Whilst forming part of a SoCG at Examination and part of the modifications process there is no indication on the Inspector's view on the soundness of such a mechanism. Furthermore, whilst there was some 'in-principle' support received from some interested parties to the mechanism, it still nonetheless received a significant level of objection in its current form. As a result, very little weight can be attached to such a mechanism until such a time that the Inspector has reported on the matters of soundness.

Therefore, it should be remembered that the weight attached to SG1 is very limited and that the early release of land through this mechanism would be in exceptional circumstances.

In order to be compliant with SG1, the Key Growth Principles for Development in the Broad Location for Growth must be considered in significant detail. There are 15 key principles, set out in bold text below. The following sets out the considerations for each of these key principles in relation to this application.

1. Involving communities in pro-active consultation about the creation of new development.

It is noted that the applicants have engaged with the communities through pre-application consultation. This is clearly a positive start to the process. It should be considered to whether this consultation was pro-active in terms of whether the proposal was amended or refined to take account of some of the responses provided by the local community.

2. Securing high-quality urban design which promotes sustainable, attractive places to live, defining a sense of place and creates a sense of community for its new residents.

Given the outline nature of this application, it is not clear that the proposal passes this principle. The Council at this point has no clarity that the development will be high-quality in urban design (in terms of the design and layout of the buildings on the site) nor that it will create a distinct sense of place. There is a chance that such a point could be addressed through the preparation of a design code which is prepared collaboratively with the Council to provide greater certainty that this can be achieved (alongside the quantum of development) at a Reserved Matters stage.

3. Seeking modal shift in local transport movements between South Lancaster, the Garden Village, Lancaster University Campus and Lancaster City Centre and beyond into the employment areas of Morecambe, Heysham, through the delivery of a Bus Rapid Transit System and Cycling and Walking Superhighway network.

The current proposal is highly reliant on the use of motor vehicles to undertake basic services. Whilst the site is located on the southern edges of Lancaster it is over 2km from the nearest local centre and provision on the site is limited to one single convenience store. Furthermore, the inclusion of public transport services appears to be absent and the improvements to cycling and walking to encourage movements to the north (towards Lancaster City Centre) do not appear to have been considered).

4. Delivering a wide range of market and affordable housing, in terms of type and tenure, to ensure that opportunities to live in the Garden Village are available to all sections of the community and contribute significantly to the creation of cohesive, balanced communities and thereby assist the district in meeting its evidenced housing needs.

At this stage it appears that this principle has been addressed through the sufficient provision of affordable housing.

5. Ensuring that the necessary infrastructure to achieve sustainable growth is delivered in the right place, at the right time, to address strategic constraints to the delivery of future development in the South Lancaster area.

The achievement of this principle is highly reliant on the responses received from key infrastructure providers.

6. The creation of sufficient areas of high-quality open spaces to provide a distinct sense of place and deliver a network of green corridors, and walking and cycling routes across the South Lancaster area to the benefit of the local environment and residents. The delivery of such spaces and routes should make for distinct areas of separation between new development and the urban edge of Lancaster, Bailrigg Village and Galgate and give potential to bring forward a new country park.

The proposal as submitted relies heavily on the pylon corridors to provide Public Open Space (POS) on the site. Whilst there is clear logic in ensuring that development does not occur within these corridors these do not make for logical POS provision for some typologies, particularly as recreational space. It is not clear that sufficient levels of appropriate POS have been provided within the scheme.

7. Development proposals will need to take account of the recommendations for mitigating harm and/or maximising enhancements as set out in the Council's Heritage Impact Assessment.

The achievement of this principle will be subject to the response from Historic England and the Council's Conservation Team.

8. The creation of healthy and cohesive communities through the delivery of high-quality development and the correct levels of services, open space and infrastructure which is provided in safe and accessible locations.

See previous comments. It's not clear these matters have been addressed.

9. The sympathetic masterplanning of new facilities and growth within the campus of Lancaster University for a range of education facilities, student accommodation, visitor accommodation and ancillary uses at the Bailrigg Campus, the Lancaster University Health Campus and in appropriate locations within the wider university estate in the context of its sensitive landscape setting.

The achievement of this principle will be subject to the response from Lancaster University.

10. Safeguarding Lancaster University's Bailrigg Campus, by ensuring that development in South Lancaster and for the Bailrigg Garden Village is well planned and does not have an adverse impact on the University Campus and its setting.

The achievement of this principle will be subject to the response from Lancaster University.

11. Taking proper account of the need to design new development to minimise its contribution to, and the impacts of, Climate Change and to ensure that new development is resilient and adaptable to the effects of climate change.

The achievement of this principle is highly reliant on the responses received from the LLFA and Environment Agency. Clear design features could be incorporated into the design of new buildings to ensure that development is resilient and adaptable to the impacts of Climate Change.

12. Managing water and run-off to safeguard development assuring public safety and amenity with active measures within development to reduce flood risk downstream for both existing and new residents and businesses.

The achievement of this principle is highly reliant on the responses received from the LLFA and Environment Agency.

13. Offering opportunities for national housebuilders to work alongside local construction firms and encourage training opportunities for local people, particularly through the construction phases of development. The Garden Village should include opportunity for the provision of self-build and custom-build properties.

Given the Gladman model of land disposal then it is not likely that this principle will be fulfilled. However, it does not preclude this being achieved elsewhere in the South Lancaster area.

14. To ensure innovative urban design both in terms of the layout and density of new development and the specific design of new buildings. This should include the application of appropriate new technologies for buildings and transport where possible. Proposals should investigate opportunities for localised heating systems in the South Lancaster area.

See comments to principle 2. At the current time the proposal fails to address this.

15. Addressing long standing constraints and capacity issues in the strategic and local road network through improvements to traffic management and physical interventions to increase network capacity and advantage sustainable travel. This will involve the re-configuration of Junction 33 of the M6 to afford direct motorway access to the South Lancaster area and remove traffic from Galgate which is currently designated as an Air Quality Management Area (AQMA).

The achievement of this principle will be highly reliant on the responses received from Lancashire County Council and Highways England. Notwithstanding this, there is still the sustainability issue to be considered in relation to the high reliance on private cars to make local vehicle movements.

Whilst it is acknowledged that the application is Outline, these principles still need to be considered and potentially additional information submitted by the applicant to ensure these are adequately addressed.

Emerging policy SG1 also states that *'Development within the broad location for growth in advance of the Lancaster South Area Action Plan DPD will be permitted provided that:*

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

Additional text proposed through the modifications to the Local Plan between Para 12.25 and 12.26 states that *'in exceptional circumstances, the Council may permit development proposals that are in advance of the finalisation of the Lancaster South Area Action Plan DPD. As previously stated the Council will not seek to support piecemeal development, however where proposals are consistent with key growth principles set out in Policy SG1 of this DPD and do not prejudice the wider delivery of Growth in the South Lancaster area (including the Bailrigg Garden Village) then development will be permitted.'*

It is currently considered that the application as submitted does not provide a sufficient level of detail to effectively judge if these criteria can be met and that the proposals can be deemed an 'exceptional circumstance'. The Policy is clear that the Council will not support piecemeal development and therefore it is key that the applicant demonstrates how this would constitute that.

Emerging Policy SG1 also states that *to support the delivery of the growth in the south Lancaster area, including development of the Garden Village, there will be a requirement for a wide range of both locally important and strategically important infrastructure, including new highways, public transport network, education provision, new local centre(s), opens spaces and green network. These are set out in Policy SG3¹ and will be addressed in more detail through the preparation of the Lancaster South Area Action Plan DPD. As this application has been submitted in advance of the AAP being prepared, it should be demonstrated how these issues have been considered and addressed. In particular, due to the location of the site (i.e. adjacent to existing built form but remote from existing shops and services) to ensure a more sustainable form of development, the scale of the development proposed would require the provision of a new local centre on site.*

Emerging Local Plan Position – Conclusions

As touched upon, the applicants consider that para 11 (and footnote7) of the NPPF is applicable. They also state at para. 6.40. of the Retail and Planning Statement submitted with the application that *"in terms of the emerging Local Plan, it is clear that the proposal should be supported in principle when assessed against the emerging policies, particularly draft Policy SG1. The emerging Plan is at an advanced stage having passed through independent Examination and consequently significant weight*

¹ of the emerging Local Plan for Lancaster District- Part One: Strategic Policies and Land Allocations DPD.

can now be attached to the policies contained therein. It is anticipated that the Inspector's Report will have been received (and indeed it may well have been adopted) prior to the determination of this application. In these circumstances, conformity with the new Local Plan would therefore be the starting point for consideration of the planning merits."

However it is the Council's view that due to the planning application being submitted prior to the publication of the Inspector's Report into the emerging Local Plan, the planning application that has been submitted cannot be determined in accordance with this emerging plan. In looking towards the emerging Local Plan and in particular policy SG1 (both in its principle and in its detail) there remain significant unresolved objections that must be concluded on by the Inspector before any significant weight can be attached to their direction.

Assessment of principle of the development proposals against adopted Local Plan

As the emerging local plan can therefore not be afforded any significant weight in the determination of this application then the proposals must be considered in relation to the current adopted planning policy position. The application site is located within land designated as countryside in the adopted Local Plan (2004) under Policy E4. This policy states that development will only be permitted on land identified as countryside where it is:

- *In scale and keeping with the character and natural beauty of the landscape;*
- *Is appropriate to its surrounding in terms of siting, scale, design, materials, external appearance and landscaping would not result in a significant adverse effect on nature conservation or geological interests; and*
- *Makes satisfactory arrangements for access, servicing, cycle and car parking.*

The application includes the development of up to 680 dwellings. It is considered that the quantum of development proposed is excessive and does not comply with current adopted policy as set out above, particularly in relation to bullet point 1 of policy E4. It is recognised however that the Council is currently unable to demonstrate a 5-year supply of housing land and therefore further information on this is set out below.

It is worth noting at this stage that the site also includes a number of other designations in relation to landscaping matters (including Policies E27 (woodland opportunity areas), E29 (green spaces), E30 (green corridors) and E31 (key urban landscape). There are no allocations within the adopted Local Plan for development in this location.

For clarity, this position is set out in the pre-application response which is included in the appendix.

Technical Matters – Housing

Notwithstanding the Local Plan position set out above, the Council has responsibility for planning for the future housing needs of the district, with the NPPF requiring local authorities to significantly boost the supply of housing especially in situations of noted undersupply. It introduces a requirement for local planning authorities to meet their full, objectively assessed need for market and affordable housing in their area and to identify a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements.

The most up to date housing land supply position for the Council is contained within the November 2019 Housing Land Supply Statement². On the basis of the NPPF, the future supply of housing in the district has been calculated based on the districts local housing need figure. This has been calculated

² <http://planningdocs.lancaster.gov.uk/NorthgatePublicDocs/00959498.pdf>

based on guidance contained in the standard methodology as described in the revised Planning Practice Guide. Using this methodology an annual figure of 371 dwellings per annum has been calculated for the district, equivalent to a five year requirement of 1,855 dwellings. In calculating this the 2014 household projections have been used, as is advised by PPG.

Based on historic completions against the 371 dwelling figure since 2008/09, the council has under-delivered 653 new dwellings below the 4,081 dwellings required. Whilst acknowledging this under-delivery the Council on the basis of the Planning Practice Guidance (PPG)³ no longer propose to carry this shortfall forward into its 5 years supply calculations. The PPG advises that where the standard method for assessing local housing need is used as the starting point in forming the planned requirement there is no requirement to specifically address under-delivery separately with past periods of under-delivery effectively included as part of the affordability ratio of the standard methodology. On this basis the Council no longer propose to include past periods of under delivery within its calculations with the standard methodology providing the base date for 5 year supply calculations. In calculating its five year supply position the council has sought to apply a 5% buffer which has been selected on the basis that a 10% or 20% buffer is not appropriate.

Therefore as of the 1st April 2019 Lancaster District had an assessed five year housing land supply, (allowing for demolitions and losses and a 20% lapse rate on small sites) of 1,753 new dwellings. Supply has been identified in line with the definition of deliverability within the revised NPPF and takes account of evidence collected as part of the council's SHELAA and evidence base to support the on-going Local Plan examination. Taking into account the above housing requirement calculation it is the Council's case that based on its adopted plan period and local housing need figure of 371 dwellings per annum it is able to demonstrate 4.5 years' worth of supply.

It is acknowledged that opportunities to address this lack of a 5 year supply can only come forward through the approval of more residential proposals and the identification of further supply through the Land Allocations process of which this site is expected to contribute as part of the Broad Location for Growth (under policy SG1 of the emerging Local Plan). However, as previously mentioned exactly which parcels of land within this Broad Location for Growth would be most suitable for residential development has not yet been determined as this will be established through the preparation of the South Lancaster Area Action Plan. It may be the case that this application could be supported on this basis, provided of course that the adverse impacts of doing so would not significantly and demonstrably outweigh the benefits of delivering much needed housing in the district. However, officers are of the view that this is not the case and that whilst the principle of development within this area is supported the early submission of this site in the absence of consideration of a number of important issues, would not significantly and demonstrably outweigh the benefits of delivering development through the early release of this site, which as noted above does not yet benefit from an allocation within an adopted Development Plan Document.

Relevant technical Matters – Affordable Housing and Viability

It is noted that the Affordable Housing Statement includes contradictory statements with regard to the percentage of affordable housing which will be delivered on the site. The adopted affordable housing policy remains policy DM41 of the 2014 Development Management DPD which provides a target of 40% of new dwellings to be affordable. Policy DM3 of the emerging Development Management DPD requires a minimum of 30% of the new dwellings to be affordable. This figure is supported by the Local Plan Viability Assessment (Stage One). The NPPF at paragraph 57 states, "Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable." The PPG reiterates this

³ paragraph 031 Reference ID: 68-031-20190722

point and advises that costs should be taken in to account when determining benchmark land value and existing use value (Paragraph: 012 Reference ID: 10-012-20180724 and Paragraph: 013 Reference ID: 10-013-20190509). Given the progress of the emerging local plan, it is expected that the costs, including policy and infrastructure requirements, such as education, open/recreation/play space provision and transport, are taken into account when determining land value to ensure that the full affordable housing and other necessary infrastructure contributions can be provided.

The Strategic Housing Market Assessment Part II (Arc4 2018) (SHMA) provides the most up to date evidence with regard to housing need. It identifies a need for the delivery of 376 affordable dwellings a year. As this figure is significantly higher than the affordable housing % will deliver, it is vital that sites provide the full requirement to ensure that needs are met and to provide for sustainable development.

The SMHA identifies the imbalance in housing within the district. On the basis of this evidence it is recommended that the housing mix when considering layout, design, numbers and viability accords with the table below:

Property Type	Market %	Affordable %
House - 2 bedroom	20	30
House - 3 bedroom	35	20
House 4+	25	5
Bungalow	10	10
Flat/Apartment (may Include 1 bedroom houses)	10	35

The above mix is indicative and further advice should be sought prior to the reserved matters stage.

The affordable housing should be provided as 50% affordable or social rent and 50% intermediate tenure. The immediate tenure should be provided as shared ownership. All shared ownership and social/affordable rented units (2 bed and above) should be provided as family housing. Apartments are suitable for one bedroom social/affordable rented homes only. This is due to an over-supply of 2 bedroom plus rented properties.

Policy DM2 of the emerging Development Management DPD, will require all new houses to be built to meet the Nationally Described Space Standards and that 10% of the both the affordable housing and market housing meet the Building Regulations M4(2) requirement. Whilst, the policy is not in effect at present, it is likely to be so before any reserved matters application is submitted. These requirements must therefore be taken into account at an early stage to avoid the need for changes and possibly delays later in the process.

Policy DM12 of the emerging Development Management DPD, encourages the provision of self, custom and community build on sites. The Self Build Register currently includes 31 entries seeking 37 plots. The SMHA identifies 245 people wishing to build their own homes. It is therefore recommended that the scheme includes the provision of self-build plots within the mix of housing types.

Relevant Technical Matters – Climate Change

In the context of the climate change emergency that was declared by Lancaster City Council in January 2019, the effects of climate change arising from new/ additional development in the District and the possible associated mitigation measures will be a significant consideration in the assessment of the

proposals. Whilst not yet adopted, policy SG1 of the emerging Local Plan states that it will be necessary to take “proper account of the need to reduce the impacts of Climate Change in the design of new development. This should assure that new development is resilient to the effects of Climate Change”.

Para. 6.34. of the Retail and Planning Statement submitted by the applicant with the application states that in terms of “*resilience to Climate Change - the site has been developed to be resilient to the effects of climate change, through the location of all sensitive development on land within Flood Zone 1. A number of additional sustainability benefits are also proposed as part of the scheme. These include the provision of bus vouchers to all new residents to encourage the use of public transport and the installation of infrastructure to facilitate electric car charging points to be installed by future residents at a later date*”.

These commitments are a good starting point in addressing the climate change agenda, however it will be important to be aware of any future developments in this policy area if the application progresses to Reserved Matters stage, such as the recently published draft guidance on electric vehicle charging in residential and non-residential buildings⁴ for example. Further areas for consideration by the applicant are set out below.

New development must consider the impact on wastewater infrastructure, and there may be a need to co-ordinate new development through a phased approach to allow improvements to wastewater infrastructure. Policy DM36 of the emerging Local Plan⁵ states that ‘New development must:

- Not have a determinantal impact on surface water and groundwater quantity and quality caused by water run-off into nearby waterways;
- Not have a detrimental impact on the quality and standard of bathing water in the locality;
- Consider effective and efficient disposal of wastewater; and
- Seek to increase water availability and protect and improve the quality of rivers or groundwater where possible.

Policy DM34 also considers surface water run off merits of green solutions to manage surface water, and in the benefits they provide to ecology, local habitat and biodiversity. Proposals should be designed with this in mind. Policy DM43, which relates to Green Infrastructure should also be considered, along with Policy DM53: Renewable and Low Carbon Energy Generation, which states how ‘the Council is committed to supporting the transition to a lower carbon future and will seek to maximise the renewable and low carbon energy generated in the District.

It is also worth highlighting the Ministry of Housing, Communities and Local Government ‘Future Homes Standard’ Consultation⁶ which ran between 1st October 2019 to 10th January 2020. Whilst the outcomes of this consultation have not yet been released, the main aim of the standards discussed in the consultation document is to future proof new housing and expect that the introduction of the standards will reduce CO2 emissions by between 75-80% from the current standard. Proposals to amend part L of the Building Regulations would see an uplift in energy efficiency standards during 2020. The Council will therefore be mindful of the content of this consultation document and the associated outcomes during the determination of the application.

⁴ <https://www.gov.uk/government/consultations/electric-vehicle-chargepoints-in-residential-and-non-residential-buildings>

⁵ A Local Plan for Lancaster District 2011-2031 - Part Two: Review of the Development Management DPD (Proposed Modification Version, July 2019)

⁶ MHCLG (2019) The Future Homes Standard- 2019 consultation on changed to Part L (conservation of fuel and power) and Part F (ventilation) of the Building Regulations for new dwellings.

I would also draw attention to the Lancaster City Council (November 2019) Cycling and Walking Planning Advisory Note⁷ (PAN). Particular attention is drawn to para's 1.8, 6.30 -6.33 and para 8.12 of this document. Additional detailed comments on the issue of cycling and walking infrastructure, provided by Richard Camp, are provided below.

Cycling and Walking infrastructure

The proposal needs to be considered within the context of modal shift as set out in the emerging Local Plan and the County Council's Highway and Transport Masterplan.

More specifically cycling and walking network needs to consider connectivity within the site by ensuring accessibility to schools, employment and community facilities and by taking account of topography and other site constraints and opportunities (eg existing PROW and cycle network)

Proposals also need to consider how cycle and pedestrian routes within the site connect into the existing network outside the site, and whether the existing provision provides safe and attractive links, most notably to the University (as employment area and provider of local services) and to the city centre and local schools. Proposals should identify potential gaps in the existing network and consider what improvements may be required.

The County Council is currently drafting a Lancaster Local Cycling and Walking Infrastructure Plan (LCWIP). LCWIPs are identified within the NPPF (para 104) as a mechanism for ensuring high quality walking and cycling networks through the plan making process. The emerging LCWIP identifies the development of the strategic link along the A6 corridor south of the city centre. This strategic route is also identified in Policy T2 of the emerging Lancaster Local Plan and the Highways and Transport Masterplan.

At present the proposal identifies a cycle/pedestrian route running along the NE boundary of the site. It then follows the line of pylons running east/west across the site. This is not a direct route providing opportunities to reduce car journeys but appears to be a leisure route, which is welcomed but does not contribute to modal shift. There is also an additional access point at Winmarleigh Drive providing access to the north through the Hala estate. However, this does not provide a direct route to the north beyond the site boundary and does not take account of topography. There is no clear link into or support for the development of the strategic route running north/south along the A6 corridor.

The proposals do not adequately take account of the existing network and the strategic approach set out within the above policy documents. Within the site itself the proposed network does not provide a safe and attractive network that can effectively contribute to modal shift. From a cycling and walking infrastructure point of view the proposal should not be supported.

Walking and cycling Policy context

NPPF para 110 (a)

'... applications for development should give priority first to pedestrian and cycle movements , both within the scheme and within neighbouring areas; and second – so far as possible - to facilitating access for high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use; '

⁷ <http://planningdocs.lancaster.gov.uk/NorthgatePublicDocs/00960478.pdf>

Strategic Policies and Land Allocations DPD (Proposed mods, August 2019)

Policy SP10: Improving Transport Connectivity

‘Lancashire County Council has prepared and published a Highways and Transport Masterplan for Lancaster district. The core elements of this masterplan are to address existing issues with the local and strategic transport network and to identify future improvements necessary to facilitate strategic development growth within the district. The improvements set out in the masterplan expect greater promotion of a variety of sustainable methods of transport rather than over reliance on the private car to make local journeys.’

‘... Where strategic developments are likely to result in traffic impacts that will require mitigation in the form of projects identified in the Highways and Transport Masterplan then funding will be sought via developer contributions. The principles and requirements within Policy DM64 will apply.’

Policy T2: Cycling and Walking Network

‘The Cycling Network has been identified on the Local Plan Policies Maps with a range of further aspirational routes highlighted to improve connectivity and linkages, particularly within the urban areas of the district. The Council will seek to support improvements to the network and delivery of these aspiration routes through the course of the plan period. In order to reflect the levels of anticipated growth in and around Lancaster, improvements will be particularly focussed on supporting strategic routes in figure 24.1 ‘

(map identifies strategic link between south Lancaster and city centre).

Policy T2 supporting text:

Para 24.11

‘Lancashire County Council has published a Cycling and Walking Strategy for Lancashire, produced by Jacobs in August 2016. This sets out an ambitious vision between 2016-2026 to develop the county’s cycling and walking offer, building on an already strong basis. The vision recognises the fundamental role that active travel plays in people’s everyday lives. Consideration should be given to other relevant strategies for cycling and walking including the emerging Local Cycling and Walking Infrastructure Plan and associated planning advisory note.’

Development Mgt DPD (Proposed mods, August 2019)

Policy DM60: Enhancing Accessibility and Transport Linkages

(ii) Ensure that there is convenient access for walking and cycling to local amenities, including education, employment and community facilities.

DM61: Walking and Cycling

Walking

To protect, maintain and improve the pedestrian environment, the Council will ensure that development proposals:

I. Maintain, and where possible improve the existing pedestrian infrastructure *in accordance with Policy T2 of the Strategic Policies & Land Allocations DPD*, including the Public Rights of Way (PROW) and green infrastructure network;

Cycling

‘... Development proposals should also encourage greater opportunities for cycle users through good design, and deliver appropriate cycle access. Proposals should also include appropriate linkages to the existing cycle network and secure covered cycle parking and storage facilities.’

The Council will, where possible, support the growth of the local cycling network within the district (as defined in Policy T2 of the Strategic Policies & Land Allocations DPD) to encourage and maintain the growth of cycle usage as a viable and suitable form of transport, and recognise the value of such a network in creating a coherent network of green infrastructure. Support will be given to proposals that seek to enhance and improve the existing network, in accordance with the County Council's Cycling and Walking Strategy and Policy T2. '

The above observations relating to planning policy and the principle of the development have been provided on the basis of the level of information submitted and the comments contained within this policy response note represent officer opinion only, at the time of writing, without prejudice to the final determination of the submitted application.

Appendix

Pre-application response comments from planning policy

Date: June 2019

As requested below, the planning policy team have been asked for comments on the pre-application submissions made by Savills on behalf of Gladman Developments in relation to land interests at Bailrigg Lane, South Lancaster (Pre-App Reference 19/00575/PRETWO) and the development of in the region of 750 new dwellings and a single retail unit.

Principle of Development

As noted in paragraph 3.3 of Savills submission document, the proposal site currently lies within the open countryside of the adopted Local Plan (2004) under Policy E4. The site also includes a number of other designations in relation to landscaping matters (including Policies E27, E29 and E30). To confirm there are no allocations within the adopted Local Plan for development in this location.

It is correct to note that ultimately these designations will be superseded by a new Local Plan which is currently at an advanced stage of preparation. It is anticipated that the principle of growth in the South Lancaster area will emerge through the direction of the Strategic Policies & Land Allocations DPD (subject to a positive outcome from the Examination Hearing Sessions). Beyond the general direction proposed in the Strategic Policies & Land Allocation DPD the Council anticipate the detail of how and where development will be achieved in this broad area of growth to be established through the preparation of a Lancaster South Area Action Plan DPD. Options consultation on this DPD took place in 2018.

However, at the point of considering this pre-application the adopted basis for planning policy remains the direction set out in the 2004 Local Plan and the 2008 Core Strategy with weight only applying the emerging Local Plan in the context of paragraph 48 of the 2019 NPPF. Should an application be advanced following the receipt of the Inspectors Report and adoption of the Strategic Policies DPD will the weight of this policy direction strengthen.

I note the comment from Savills in paragraph 3.3 of their submission which states that *“Increasing limited weight can be attached to the adopted Local Plan as the policies contained therein are out of date in a number of crucial areas including housing land supply.”* It will be for Savills / Gladman, through the application process, to clearly demonstrate that this is indeed the case, in light of relevant case law on the matter and set out how this is applicable to their proposal in Lancaster District.

To conclude, at this time the 2004 Local Plan and the 2008 Core Strategy remain the formal basis for plan-making in the district until such a time that it is formally superseded by the Strategy Policies & Land Allocations DPD and Reviewed Development Management DPD. Should the applicants seek to demonstrate that the current basis for plan-making in the district is out-of-date then this must be clearly demonstrated in the context of paragraph 11 (and footnote 7) of the 2019 NPPF.

Emerging Local Plan Position – Application of Emerging Policies

As noted in paragraph 3.4 of Savills’s submission document, the emerging Lancaster District Local Plan (which includes the Strategic Policies & Land Allocations DPD and a review of the Development Management DPD) is at a relatively advanced stage. The Local Plan Hearing Sessions have now taken place and the Council anticipates consultation on proposed modifications over the course of the summer with an Inspectors Report to follow later in the year. Whilst it is acknowledged that the Plan is at an advanced stage of preparation the weight which should be applied to these emerging policies must be consistent with the requirements of paragraph 48 of the 2019 NPPF which states that weight should be applied in the context of:

- a. The stage of preparation of the emerging plan (the more advanced its preparation, the greater weight that may be given);
- b. The extent to which there are unresolved objections to relevant policies (the less the significant the unresolved objections, the greater weight that may be given); and
- c. The degree of consistency of the relevant policies in the emerging plan to this Framework [the NPPF] (the closer the policies in the emerging plan to the policies of the Framework, the greater weight that may be given).

Whilst at an advanced stage (therein fulfilling point a) there are still significant unresolved objections which have been raised with the principle of development in South Lancaster (as proposed through SG1), this includes objections from stakeholders such as Highways England, local community groups and the development industry. Indeed Savills / Gladman themselves have objected to elements of Policy SG1, particularly in relation to the mechanisms of delivery for the Garden Village and that specific allocations should be identified within the Broad Area of Growth. Furthermore, Savills / Gladman have also raised objections that land at Bailrigg Lane should sit outside of the wider expectations and requirements for growth in the South Lancaster area (including the Garden Village). These outstanding objections are significant and remain unsolved at this time until the Inspector has reached a conclusion on the matter, therefore point b of paragraph 48 is currently engaged.

The arguments expressed by the parties mentioned above (either through their representations at Regulation 19 or through the Examination Hearing Sessions themselves) clearly relate to matters of soundness (i.e. their consistency against the NPPF) and therefore point c of paragraph 48 is also currently engaged.

In light of this, the position set out by Savills in their submission document, particularly paragraph 3.5, which suggests that '*significant*' weight should be applied to the emerging policies of the Strategic Policies & Land Allocations is not correct at this time.

Given the level and nature of objections received relating to both the principles of development in the South Lancaster area and the technical detail of the policies themselves (i.e. the mechanisms for delivery) it is the view that only limited weight can be applied to Policy SG1 until such a time that the Inspector has positively concluded on the Council's approach on this matter via his Report.

Emerging Local Plan Position – Proposed Mechanisms for Delivery

At paragraph 3.14 of their submission document, Savills refer to the Statement of Common Ground (SoCG) which set out a number of modifications to SG1 of the Strategic Policies & Land Allocations DPD, particularly in relation to the mechanisms of delivery for development in the South Lancaster area. Whilst this is a principle that the Council have sought to positively engage as part of the Public Examination process, this has yet to be formalised as part of an agreed proposed modification with the Inspector, nor has it been subject to public consultation and nor has the Inspector concluded that this is a sound or robust approach to move development forward in the South Lancaster area.

Whilst the Council have positively engaged in the SoCG it would be wrong to prejudge the findings of the Inspector on this matter and to whether this approach is either appropriate or sound. Ultimately, such a decision will only come through the finalised Inspectors Report.

Should the Local Plan be found sound, and the emerging approach to early delivery in South Lancaster (as set out in the SoCG) be accepted by the Inspector, it will still be the expectation of the Council that an Area Action Plan DPD will be prepared for the Broad Area of Growth which will include land at Bailrigg Lane. This DPD will set a more detailed planning framework for growth in

South Lancaster in the context of the principles identified in Policy SG1. Assuming that the delivery mechanism set out in the SoCG is accepted by the Inspector then Policy SG1 will support the principle of development coming forward in advance of the Area Action Plan DPD. However this support is based on development addressing a number of criteria which include:

1. There would be no prejudice to the delivery of the wider Bailrigg Garden Village (including its infrastructure requirements) and would not undermine the integrated and co-ordinated approach to the wider Bailrigg Garden Village; and
2. That the development would conform with and further the key growth principles described in Policy SG1; and
3. That the opportunities for sustainable transport modes have been fully considered and that the residual impacts upon the transport network will not be severe.

Should the application be advanced following the receipt of an Inspectors Report which makes a positive recommendation in relation to growth in South Lancaster and the inclusion of an early release mechanism in Policy SG1, it will be for the applicant to demonstrate that the above criteria have been fully considered and addressed.

Emerging Local Plan Position – Conclusions

To conclude, any proposal which is advanced prior to the outcomes of the Public Examination being known (through the publication of the Inspectors Report) would prejudge the Inspector's decision on whether growth in South Lancaster is appropriate and whether the early release mechanism put forward is a sound and robust approach.

Policy SG1 (both in its principle and in its detail) still retain significant objections, including objections from Savills / Gladman themselves, which must be concluded on by the Inspector before any significant weight can be attached to their direction.

The Council would accept and agree that mechanisms have been put forward which could allow for the early delivery of development in South Lancaster subject to specific circumstances being demonstrated (as set out above), this could include the early delivery of development on land at Bailrigg Lane. However, the Inspector is yet to come to a conclusion on these matters and therefore advancing any planning application prior to these decisions being made are not considered to be appropriate.

Should the delivery mechanism, as outlined in the SoCG, be supported by the Inspector and incorporated into the finalised version of the Local Plan, then the Council would support the principle of development in this location. However, any support would only be on the basis that the development adequately and appropriately addressed the criteria set out in Policy SG1 – anticipated to Points 1 – 3 set out above. It will be for the applicant to demonstrate that these points have been adequately and appropriately addressed.

Technical Matters – Housing

Notwithstanding the Local Plan position set out above, the Council has responsibility for planning for the future housing needs of the district, with the NPPF requiring local authorities to significantly boost the supply of housing especially in situations of noted undersupply.

It introduces a requirement for local planning authorities to meet their full, objectively assessed need for market and affordable housing in their area and to identify a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements.

The most up to date housing land supply position for the Council is contained within the 2019 Housing Land Supply Statement. This has been prepared in the context of the 2019 NPPF which states that where the most recent local plan is more than 5 years old then future supply should be calculated on the basis of the local housing need figure for an area. The most recent local plan for Lancaster district is the 2008 Core Strategy. On this basis the Council must use its local housing need figure. The Government have made clear that this should be calculated on the basis of the 2014 sub-national householder projections. When affordability is factored in the annual local housing need is calculated at 402 dwellings per annum.

The 5-year requirement is given by 402 times five that is 2,010 dwellings. Adding in past periods of undersupply (895 dwellings) takes this to 2,905, this is increased to 3,050 dwellings when a 5% buffer is included, or 610 dwellings per year. The Housing Land Supply Statement identifies an assessed 5-year supply of 1,837 (from existing planning commitments) equivalent to a 3 year supply of housing land.

Opportunity to address this can only come forward through the approval of more residential proposals and the identification of further supply through the Land Allocations process of which this site is expected to contribute as part of the Broad Location for Growth (under policy SG1). However, as previously mentioned exactly which parcels of land within this Broad Location for Growth would be most suitable for residential development has not yet been determined. This will be established through the preparation of the South Lancaster Area Action Plan. It may be the case that this application could be supported on this basis, provided of course that the adverse impacts of doing so would not significantly and demonstrably outweigh the benefits of delivering much needed housing in the district.

Officers are of the view that this is not the case and that whilst the principle of development within this area is supported the early submission of this site in the absence of consideration of a number of important issues, would not significantly and demonstrably outweigh the benefits of delivering development through the early release of this site, which as noted above does not yet benefit from an allocation within an adopted Development Plan Document.

Technical Matters – Highways

In terms of highways, it has been well established by all stakeholders – including those within the development industry – that that highway capacity along the A6 between Lancaster City Centre and Junction 33 / Galgate is finite and has limited capacity. Given the primary access to the site will be made off the A6 (Scotforth Road) then this is a matter which will need to be fully addressed by any future planning application, particularly in the context of the early delivery mechanism described above. Proposals should be advanced to the satisfaction of both the local and strategic highway authority. The proposed development seeks to secure a secondary access point from Blea Tarn Road to the North East of the site, the levels between the road and the development site are significant and consideration will have to be given to whether such an access is physically achievable and its potential impacts on amenity to neighbouring residential properties on Knowe Hill Crescent and Barnacre Close.

Technical Matters – Landscape

The site is relatively open and rises significantly to the east as you move towards the M6. The adopted plan includes a number of local landscape designations which reflect the elevated nature of the land and the wider views towards Morecambe Bay. Whilst the emerging Local Plan does not seek to carry forward such designations that is only on the basis that such decisions on local landscape matters would be determined through the Lancaster South Area Action Plan DPD. As a result any development in this area will have to carefully consider the impact it will have on the wider local

landscape and seek to appropriate mitigate that through sensitive design and layout. There are number of infrastructure features on the site, including National Grid infrastructure, which should be sufficiently protected via adequate buffer zones.

Technical Matters – Drainage and Flood Risk

Given the topography of the site it will be important that new development adequately deals with the matter of water management particularly in relation to surface water run-off. Proposals should include some form of drainage strategy which builds on the Council's existing strategies on this matter which have been prepared by consultants JBA in relation to water management in the South Lancaster area.