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## Appeal Decision

Hearing held on 16 September 2025

Site visit made on 16 September 2025

**by F Harrison BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 October 2025

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**Appeal Ref: APP/A2335/W/25/3366629**

**Land North West of Newlands Road, Lancaster**

**Grid Reference: Easting: 349191 Northing: 460326**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
  - The appeal is made by Oakmere Homes against Lancaster City Council.
  - The application Ref is 23/00064/OUT.
  - The development proposed is outline application for the erection of up to 110 no. dwellings including access
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The description of development above is taken from the appeal form, as the proposal has changed from that stated on the application form. This was agreed with the Council. The application was made in outline, with all matters reserved for future consideration except access. I have considered the appeal on this basis but had regard to the proposed plans, insofar as they are a potential way that the appeal site could be developed.

### Main Issues

3. Following the submission of the appeal against non-determination, the Council has confirmed that it would have recommended refusal if it had had the opportunity to make a decision. From the evidence before me, together with observations from my site visit I consider the main issues to be:
  - the effect of the proposal on the local road network; and
  - whether the proposal would support active and sustainable modes of travel.

### Reasons

#### *Local road network*

4. The appeal site is not strategic in scale, and the appellant contends that the traffic flows generated by the scheme would dissipate given the variety of routes available from Newlands Road, to the extent that the increases in traffic on the local road network would be within the daily fluctuations of baseline traffic flows. This includes at the junctions where Lancashire County Council as the Local Highway Authority

(LHA) have requested contributions to mitigate the schemes effects. Namely Lancaster city centre gyratory, Pointer Roundabout, Galgate signalised junction and the A6 corridor. On this basis the appellant suggests the effect of the proposal on the operation of the local road network would be negligible, therefore further modelling is not required, and mitigation is not needed.

5. A Local Plan for Lancaster District – Part One: Strategic Policies and Land Allocations Development Plan Document (Climate Emergency Review) (2025) (LP1) and A Local Plan for Lancaster District 2020 – 2031 Part Two: Development Management Development Plan Document (Climate Emergency Review) (2025) (LP2) recognise that there are existing transport issues within the district, particularly in urban areas where there are constraints on local transport movements. Improving highway capacity on key corridors and junctions is identified as important in addressing local community concerns on this matter.
6. The LHA indicates that the local road network has existing capacity issues that causes delays out of the city centre, with evidence of peak hour spreading and congestion experienced over a longer period of time as it takes the roads longer to recover from demand. Concerns regarding significant delays on the network date back to 2010 and that at the time of the local plan examination in 2020 the Pointer Roundabout was already operating over capacity both in the AM and PM peaks. It is noted that the Lancaster Royal Infirmary is adjacent to this roundabout and so congestion in this location impacts on its emergency services. The LHA suggests that the capacity issues have an effect on all road users and has resulted in highway safety issues as drivers become more likely to take risks to avoid delays.
7. While only a snapshot in time, on the occasions when I was in the vicinity of the city centre, I observed the busy local road network, and queuing taking place in and around the city centre, including outside peak hours. I have no clear reason to doubt the LHA's evidence on this matter, or the concerns raised by many local residents. Even though roads in the locality are not generally narrow and recorded collisions are low, this does not mean that the roads are inherently safe, as only accidents that involve personal injuries are recorded, and I have carefully considered comments from residents regarding their perceptions of danger, and the compelling evidence from the LHA about driver behaviour on congested roads and the effects this has on other road users including pedestrians and cyclists.
8. It is not disputed that the local plan housing allocations have not been delivered as anticipated. The appellant contends that because of this the capacity at the junctions identified by the LHA is not as bad as the local plan transport assessment indicates. Even if this is the case, it does not indicate that there are not any existing transport issues. In any event, the appellant did not disagree with the LHA's general description of the local road network at the hearing.
9. A key consideration is whether the proposal would make the capacity and safety of the local road network any worse and I am mindful that the National Planning Policy Framework (the Framework) seeks transport solutions that deliver well designed, sustainable and popular places and development that creates places that are safe, secure and attractive. Even though housing delivery has not come forward as expected, the Council confirmed at the hearing that there are highways issues that are having a detrimental effect on movement around the city which has consequences for economic development. There are also environment and public health issues in relation to air quality, which does not meet the national air quality

objectives that aim to protect people's health and the environment and has led to an air quality management area being declared in central Lancaster, primarily due to exhaust emissions from road traffic.

10. The transport modelling undertaken by the appellant focuses solely on the performance of the new access. No modelling has been undertaken to show what effect the movements from the proposal would have on congestion or highway safety at the key locations identified by the LHA. Nor has an assessment of the cumulative effects of the proposal been undertaken. Consequently, it is not possible to accurately assess what effect the scheme would have on local roads. The appellant suggests that it is not typical for a scheme of this size to model effects on the local road network. However, while the Planning Practice Guidance<sup>1</sup> advises that transport assessments should be proportionate to the size and scope of the proposed development, it also sets out that they should be tailored to particular local circumstances.
11. In this case, the transport implications of the proposal would be in the context of a road network where capacity is already stretched. The LHA's evidence suggests that even small increases in traffic could have significant effects given that parts of the network are already saturated, and that the effect of additional traffic would exponentially add onto the existing delays experienced. In these circumstances, it is reasonable that driver behaviour may become erratic and that conflict between road user groups could arise. It does not therefore automatically follow that the appeal scheme would not have a significant effect on the local road network because of its scale and the predicted number of traffic movements, particularly with no evidence in relation to cumulative effects of the proposal. Furthermore, the LHA have raised significant objections which is a matter of notable consequence as they are responsible for the safety of users of the local network.
12. Taking a precautionary approach, and in the absence of any compelling evidence to the contrary, I am unable to conclude whether or not, in the words of Framework Paragraph 116, the residual cumulative impacts on the road would be severe, or that highway safety for all road users would be acceptable. In coming to this view, I have considered the requirements of LP2 Policy DM 58 which seeks to ensure that growth within the district is supported by the provision of infrastructure that is required to maintain or enhance quality of life, responding to the needs of local people, the local environment and local economy. I cannot be confident that this would be the case for the appeal scheme, or that the proposal would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, as required by Framework Paragraph 135.
13. As a result, it has not been robustly demonstrated that development contributions are not required in the particular circumstances of this case. The appellant has serious reservations about the use of the gravity model approach to determine the level of contributions, and questions whether it is equitable or compliant with the provisions of the Community Infrastructure Levy.
14. While I acknowledge that the outputs from the model are dependent on the context at the point in time when the calculations are run, the LHA was unable at the hearing to account for the broad variation in contributions that have been sought for nearby schemes, even taking account of some confusion about the requested

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<sup>1</sup> Paragraph: 007 Reference ID: 42-007-20140306

contribution for a housing scheme at the northern end of Newlands Road. Nevertheless, there is no requirement for me to come to a view on the method of calculation or level of contribution sought by the LHA as there is no obligation before me on this matter. As such, it would not affect the outcome of my decision.

15. To conclude on this main issue, the proposal would be harmful to the local road network and would be in conflict with LP2 Policies DM58, DM60 and DM64. These policies include a requirement for development to provide or contribute towards the provision of measures to directly mitigate its impact, either geographically or functionally, including measures that address matters of highway safety to the satisfaction of the LHA and where appropriate, contributions towards the delivery of new infrastructure set out in the Lancaster Highways and Transport Masterplan.

### *Sustainable modes of travel*

16. The appeal site is located to the southeast of the city centre. It is within the urban boundary of Lancaster, identified as a regional centre providing the focus for future growth in the district in line with LP1 Policy SP2. LP2 Policy DM60 requires proposals to minimise the need to travel by private car and to maximise the opportunities for the use of walking, cycling and public transport. This reflects the Framework which requires sustainable transport modes to be prioritised. In this context, priority should be given first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport.
17. The appeal scheme proposes several highway enhancements at the site's access that would contribute to maximising the convenience and practicalities of active and sustainable travel choices available to the future occupiers. This includes extending the footpath along Newlands Road to the southeast, modifications to the locations of speed limit changes with clear signage and a new pedestrian crossing with refuge island. It was also confirmed at the hearing that new footpaths to the northeast of Newlands Road and continuing along Wyresdale Road would be provided, to be secured through a planning condition. This would ensure increased connectivity to the north of the appeal site to schools and services. It would also provide a safe walking route for future occupiers to access Williamson Park which is an important destination for residents.
18. The site is adjacent to existing housing, and it is common ground that it is within walking distance of local schools, shops and services as shown on Figure 4.1 and in Table 4.1 of the Interim Travel Plan (ITP). This is also my view. However, the Council raised some concerns at the hearing about the quality of the routes suggesting that the site's location was 'out on a limb' and involved a relatively steep slope on approach to the site from Bowerham Road. However, I observed this route to be generally free of significant obstacles including busy or frequent roads to cross or blind corners, and while the route is up hill, there is not a persistent steep incline. Furthermore, it is generally well lit, legible with adequate surveillance and not generally dominated by speed or volume of traffic.
19. The existing and proposed footpaths would provide quality routes for those who would choose to walk, providing a realistic alternative to journeys by car. As the routes are generally reasonably wide this would ensure safe and suitable access for all users. Furthermore, as shown at Figure 4.2 of the ITP the site location and routes available would provide reasonable opportunities for future occupants to

cycle to services and facilities. On this basis, the proposal would meet the requirements of LP2 Policy DM60 for development to deliver convenient access for walking and cycling inclusive of people living with disabilities. Moreover, in offering enhancements to the walking routes at the site's access and wider area the appellant is doing more than the bare minimum, which the Council highlighted at the hearing was one of the main purposes of LP2 Policy DM60 to support a move away from the private car.

20. LP2 Policy DM60 also requires proposals to make the best use of existing public transport services and where appropriate provide opportunities for improving and sustaining the viability of those services. There is a choice of two bus services nearby. It is not disputed that the closest bus stop on Newlands Road serving the No 9 route would not be particularly suitable for access to employment given its timetable. Nevertheless, it would serve other occupiers who would not be commuting to work and is also a stop for school bus services. The next closest bus stop is on Bowerham Road serving the No 100 route, which the main parties agree is a high-quality route offering frequent services to the city centre and university during the daytime and evening. I concur with this view.
21. There would be a convenient walking route to both bus stops providing a practical choice for those that would choose to use public transport. Furthermore, there would also be a safe walking route towards bus stops on Grab Lane and Wyresdale Road offering alternative frequent services. Given the scale of the proposal, the volume of future occupiers would reasonably contribute positively to sustaining the viability of the nearest public transport services. The proposal would upgrade the Newlands Road bus stop and in doing so the scheme provides appropriate facilities that encourage public transport use, as required by the Framework.
22. The LHA confirmed at the hearing that the ITP is typical of a scheme of this scale, and I am mindful that the proposal is in outline and so there are a variety of unknowns. Nevertheless, the ITP provides a clear indication of the scheme's aim of promoting more sustainable travel choice and reducing reliance on the private car, and a more detailed travel plan could be secured through a planning condition which would ensure that sustainable methods of travel are prioritised.
23. Drawing the above together, even if the majority of future occupiers are still likely to travel by private car, there would be suitable footpaths available for those who would choose to walk, cycle routes, and bus connections within a reasonable walking distance from the appeal site to meet a range of occupiers' day to day needs. Accordingly, future occupiers would not be solely reliant on private vehicles, and the scheme goes as far as is reasonable in promoting a modal shift.
24. In conclusion, the proposal would support active and sustainable modes of travel, and would be in accordance with LP2 Policy DM60, which amongst other things, requires developments to minimise the need to travel, particularly by private car and maximise the opportunities for the use of walking, cycling and public transport.

## **Other Matters**

### *Interested parties*

25. Several other matters have been raised by a significant number of interested parties. This includes flood risk and the cumulative impact on the Burrow Beck catchment, which during the hearing I heard was a concern for local residents who



have experienced water ingress in their homes. Notwithstanding that detailed technical information could be required through the imposition of planning conditions, as I am dismissing for other reasons it is not necessary for me to consider this, and other matters raised by interested parties further.

### *Protected sites*

26. The appeal site is located within the zone of influence of the Morecambe Bay Special Protection Area, Special Area of Conservation and Ramsar Site, afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Regulations) in recognition of the significance of its ecological features. The Regulations require that permission may only be granted after having ascertained that the development would not affect the integrity of a designated habitat. As the scheme is unacceptable for other reasons, it is not necessary for me to consider the implications of the proposal upon the protected sites.

### *Heritage assets*

27. The appeal site is in proximity to the Williamson Park Conservation Area (the CA) which contains the Grade 1 listed building known as Ashton Memorial. The special interest and significance of the memorial is derived primarily from its architectural interest, constructed from Portland stone, with central copper dome and east and west porticos. The setting of the memorial includes the verdant parkland and woodland within which it is located, and owing to the height of the asset against the skyline it is prominent from numerous vantage points in the wider area, which makes a valuable contribution to its significance. Nonetheless, the appeal site is physically and largely visually separate from the asset and does not comprise its setting. Accordingly, the proposal would have no effect on its significance.
28. The significance of the CA, insofar as is relevant to this case, is derived from derived from the architectural and landscape features within the formal park. For the same reasons as above, the proposal would not be within the setting of the CA which comprises the leafy character of the streetscape extending southwards from the boundary of the CA that contributes positively to its significance. As such, the proposal meets the requirements of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions in the Framework regarding the conservation and enhancement of the historic environment. I note the Council raised no concerns in this respect either.

### *Planning obligation*

29. A signed section 106 agreement has been submitted which includes obligations in relation to open space, affordable housing and biodiversity net gain. However, as the appeal is to be dismissed, it is not necessary to consider the obligation further.

### **Planning Balance**

30. Although the proposal would support active and sustainable modes of travel, I have found that it would be harmful to the local road network. Substantial harm would stem from the conflict with LP Policies DM58, DM60 and DM64. The conflict with the development plan is a matter that counts substantially against allowing the appeal. However, the Council is currently unable to demonstrate a five-year supply of deliverable housing sites. As set out in the statement of common ground, the agreed position is 2.0 years, or 1,728 dwellings. As a result, it is therefore correct to

apply the presumption in favour of sustainable development set out in Framework paragraph 11 d) ii, and there are no policies in the Framework that protect areas or assets of particular importance that would provide a strong reason for refusing the appeal scheme.

31. In this context, the proposal would deliver up to 110 dwellings in an accessible location and would contribute to the supply and mix of housing helping to address the acute shortfall, including affordable housing provision. While at the outline stage, there is no indication that the provision of affordable housing would be above the policy requirement, but it would be a benefit, nonetheless. Taking account of the scale of the proposal, the considerable support for boosting the supply of homes, the slow rate of delivery of local plan housing allocations and the constrained land supply in the district, the benefits of the scheme in terms of the overall position would be substantial. Collectively the social benefits of the delivery of housing attracts substantial positive weight.
32. There would be some time-limited economic benefits from the construction stage and some economic benefits arising from expenditure by future occupiers which given the scale of the scheme carry moderate positive weight. The proposal would not be harmful to flooding, biodiversity or existing and future occupiers' living conditions. These matters, and any other policy compliance including open space provision, are neutral factors, weighing neither for nor against the proposal.
33. For the reasons set out, in the absence of any substantiated evidence to the contrary the proposal would have an unacceptable impact on highway safety and the residual cumulative impacts on the road network would be severe. In these circumstances Framework paragraph 116 explains that development should be refused. This matter attracts substantial negative weight. On this basis, it is not clear that the proposal would function well, add to the overall quality of the area, optimise the site's potential to accommodate and sustain an appropriate amount and mix of development, or create a safe, inclusive and accessible development in accordance with Framework paragraph 135. The proposal would not therefore be well designed, and in line with Framework paragraph 139, should be refused. I attach substantial negative weight to this.
34. The proposal would result in some benefits, but it would also cause harm. Weighing the two up is a matter of planning judgement. In this case, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole and in having particular regard to the key policies listed in Framework Footnote 9. As such it would not be sustainable development.

## **Conclusion**

35. My above findings bring the proposal into conflict with the development plan, read as a whole. There are no material considerations, including the Framework, that indicate a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

*F Harrison*

INSPECTOR

## **APPEARANCES**

### **FOR THE APPELLANT:**

|                                                       |                             |
|-------------------------------------------------------|-----------------------------|
| Mr Stuart Booth BSc (Hons) MA MRTPI                   | Associate, JWPC Ltd         |
| Mr Steven Frank Bowers BSc (Hons) CMILT               | Director, CBO Transport Ltd |
| Mr John Robert Jackson BA (Hons) Dip TP Dip Law MRTPI | Director, Oakmere           |

### **FOR THE LOCAL PLANNING AUTHORITY:**

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|------------------------------------|------------------------------------------------------------------------------------------|
| Mr Mark Potts BSc (Hons) MCD MRTPI | Service Manager, Development Management, Lancaster City Council                          |
| Mr Dan Spencer BSc (Hons) MCIHT    | Team Lead Strategic Development, Highways Development Control, Lancashire County Council |

### **INTERESTED PARTIES**

|                             |                  |
|-----------------------------|------------------|
| Councillor Tim Hamilton-Cox | Local Councillor |
| Mrs Alison Dodgson          | Local Resident   |

### **DOCUMENTS SUBMITTED AT THE HEARING**

1. Copy of Considerations on Requested Highway Contributions ref CBO-0786-004, provided by the Council
2. Copy of the superseded published version of the LHA letter dated 16/05/2025 in relation to application ref 24/01417/FUL, provided by the Council.
3. Copy of Creating Civilised Streets (2010), provided by the Council.
4. Copy of Appendix D: Open Space Standards and Requirements from the Local Plan for Lancaster District – Part Two: Development Management Development Plan Document (2025), provided by the Council.