

Examination of the Submission Draft Lancaster Strategic Policies & Land Allocations DPD

Hearing Statement on behalf of Oakmere Homes Ltd

Matter 2	Housing
Questions	(l) and (m)
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Question	(a)
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Matter 2 Housing

Main issue Whether the Council's strategy for meeting its housing requirement is sound?

Question (I) Are policies EN6 Strategic Policies & Land Allocations DPD and DM49 of the Development Management DPD on the Green Belt consistent with the NPPF?

- 1.1 Policy EN6 sets out the extent of the Council's planned alterations to the Green Belt boundary. Oakmere Homes controls land within two of the three locations proposed for removal from the Green Belt, at Watery Lane, Lancaster which is part of the wider tract of land 'north of Lancaster and south of the Bay Gateway' (M6 /Heysham link road) and at Fulwood Drive, Bare which is part of the wider tract of land to the 'east of Torrisholme'.
- 1.2 Oakmere Homes is fully supportive of the proposed alterations to remove the land in its control at Watery Lane, Lancaster and Fulwood Drive, Bare from the Green Belt, on the basis that they have been informed by the findings of the North Lancashire Green Belt Review undertaken for the Council in 2016. The findings are consistent with the independent assessments Oakmere Homes has carried out, of the contribution its land makes to the purposes of the Green Belt, and which in the case of the land at Fulwood Drive, Bare has been assessed in two Landscape and Visual Appraisals carried out prior to the Green Belt Review and Consultation Draft DPD, and most recently in 2019 in connection with the updated SHELAA and Additional Evidence and Information Consultation.
- 1.3 In both cases, Oakmere Homes concurs with the Green Belt Review findings and recommendations that in the case of Watery Lane, the Bay Gateway road severs the land to the south from the functioning Green Belt to the north, and at Fulwood Drive, Bare, the land west of the West Coast Mainline Railway is similarly severed and functionally detached from the wider Green Belt to the east. Oakmere Homes supports the use of the Bay Gateway and the West Coast Mainline Railway as logical, defensible and enduring physical features to define the proposed Green Belt boundary in accordance with paragraph 85 of the 2012 Framework (paragraph 139 of the 2018 Framework).
- 1.4 Oakmere Homes agrees with the Council at paragraph 2L.5 of its Matter 2 Hearing Statement that the inability to meet the local housing need for Lancaster on land outside the Green Belt within the District or within the wider housing market area, constitutes exceptional circumstances to justify the proposed alteration of the Green Belt boundary.
- 1.5 Whereas the land proposed to be removed from the Green Belt at Watery Lane will be included within the urban boundary for Lancaster, albeit the site would still benefit from the certainty of a

housing allocation for up to 120 dwellings provided by inclusion in Policy H1 of the submitted DPD, Oakmere Homes objects to the Council's decision not to allocate part of the land it controls at Fulwood Drive, Bare for housing development, within the wider location to the east of Torrisholme that is proposed to be removed from the Green Belt.

- 1.6 The Council has previously rejected the option to allocate land to the east of Torrisholme, including that controlled by Oakmere Homes, as a strategic site option (2015) due to environmental (heritage) and infrastructure constraints. It has not revisited the scope to allocate the northern part of the land controlled by Oakmere as a non-strategic site however, or to facilitate its delivery through the Slyne-with-Hest Neighbourhood Plan by setting a sufficiently high housing requirement figure for the Neighbourhood Plan area. The up to date 2019 SHELAA clearly confirms that this part of the site is suitable, available and achievable for development and Oakmere Homes is confident it can begin delivery in the short term. Oakmere has submitted detailed supporting technical and environmental evidence and a development framework and masterplan to show how the site can accommodate up to 140 houses.

Question (m) Could the Council provide clarification on the amount of housing to be provided within individual neighbourhood plan areas (Policies SC1 and DM54)?

- 1.7 Oakmere Homes has expressed its strong and growing concern over the failure of the submitted Strategic Policies & Site Allocations DPD to deliver a sufficient number of new homes to meet the objectively assessed local housing need for Lancaster.
- 1.8 The scale of under-provision is significant and Oakmere Homes considers that the Council must revisit its evidence base and previously-discounted sites with greater scrutiny to identify additional unconstrained, non-strategic sites for inclusion in the planned housing supply, which can be delivered in the right locations and in the short term when the need is most acute. This is now confirmed by the Council's admission in its Matter 2 Hearing Statement and accompanying 'Approach to Delivering Housing Supply in Lancaster' paper and trajectory, that even if the housing requirement is revised downwards from 522 dpa to 510 dpa, the submitted DPD will, crucially, not achieve a 5 year housing land supply in Years 1 to 5.
- 1.9 Oakmere Homes considers that Neighbourhood Plan areas must not be excluded or exempted from this exercise as many contain sustainable and highly-suitable locations for growth in accordance with the settlement hierarchy and spatial strategy. In this context, Oakmere Homes considers that the Council can do more and the submitted DPD can be more ambitious and provide greater certainty, to ensure a greater source of housing land is able, and will be pro-actively endorsed, to come forward from Neighbourhood Plan areas.

- 1.10 The submitted DPD presently relies solely on the anticipation that Neighbourhood Plan groups will plan proactively and positively for housing growth within their communities, and the Council explains that it has not sought to impose or demand a specific number of houses from a neighbourhood plan and advocates a supply-led approach instead. This approach is highly unlikely to yield the levels of housing growth the neighbourhood plan areas are capable of providing to meet identified needs, and it is noted that the Council is already proposing to revise the anticipated contribution from Neighbourhood Plan areas downwards from 25 dpa in the submitted DPD, to 15-16 dpa in the suggested changes set out in its Matter 2 Hearing Statement and accompanying 'Approach to Delivering Housing Supply in Lancaster' paper and its Appendix 5.
- 1.11 Oakmere Homes considers that the figure set out in Appendix 5 for the Slyne-with-Hest Neighbourhood Plan area is overly cautious and significantly under-estimates the level of housing supply that the Neighbourhood Plan can deliver. This is not indicative of pro-active and positive planning and a Council seeking to find additional solutions to help boost all sources of housing supply.
- 1.12 The Planning Practice Guidance and Framework are clear that Neighbourhood Plans must not constrain the delivery of important national policy objectives - including the need to help boost housing supply - and they should support strategic development needs set out in Local Plans, plan positively to support local development and should not promote less development than set out in the Local Plan or undermine its strategic policies.
- 1.13 For Neighbourhood Plans which plan for housing growth to benefit from protection from the presumption in favour of sustainable development, they must plan to deliver housing through policies and allocations, and meet identified requirements in full. Allocating sites and producing housing policies provides a planned-for approach to meeting needs, providing greater certainty for developers, infrastructure providers and the community. In turn, this also contributes to councils' housing land supply, ensuring that the right homes are delivered in the right places.
- 1.14 For these reasons, the Framework (paragraph 65) is clear that Councils should set out a housing requirement for each designated Neighbourhood Area through their strategic policies, which reflects the overall strategy for the pattern and scale of development in their areas and any relevant allocations. The reason for this is that once the strategic policies have been adopted, the housing requirement figures should not need to be re-tested at the Neighbourhood Plan independent examination.
- 1.15 Whilst this requirement does not feature in the 2012 Framework, the Council is correct to consider the requirements of up-to-date neighbourhood planning policy set out in the 2018 Framework and the Planning Practice Guidance. Oakmere Homes has explained in its representations, that it considers the inclusion of minimum housing requirements for Neighbourhood Plan areas would be a positive modification to the submitted DPD and will

make the expectation to plan positively and pro-actively clear to Neighbourhood Plan groups. Any decision not to include housing requirement figures as a modification to the submitted DPD must also consider the consequence of having to reconsider the issue when Neighbourhood Plans are submitted for independent examination, and the risk, uncertainty and further delay to housing delivery that is likely to bring about.

- 1.16 Oakmere Homes agrees with the criteria the Council has suggested at paragraph 2M.11 in its Matter 2 Hearing Statement to be used to identify appropriate minimum housing requirement figures for Neighbourhood Plan areas (n.b. not indicative figures). The process must be pre-qualified by ensuring that the SHELAA evidence base is sound and fit for purpose however, and likewise that the proposed exclusion of any deliverable SHELAA sites, such as the land Oakmere Homes controls at Fulwood Drive, Bare (LPSA 712) which the Council considers should be designated as a Key Urban Landscape (policy EN7) in its entirety, must be fully justified. (see Oakmere Homes response to Matter 5 Question (e) below).
- 1.17 It is also important that these criteria are applied evenly and not skewed solely in favour of a supply-led approach as the Council advocates. Each criteria is an important consideration and a Neighbourhood Plan should be prepared positively, taking the SHELAA evidence provided by the Council into account, but not being unnecessarily restricted and limited to it. The need for housing is clearly a principal consideration given the current scale of planned under-provision across the district, as is the status in the hierarchy of the settlement/s within a Neighbourhood Plan area, together with the level of any growth that has already taken place within the area since the beginning of the plan period.
- 1.18 Oakmere Homes also considers that the submitted DPD should not overlook the scope explained in the Planning Practice Guidance, for Neighbourhood Plan groups to work together and/or for one group to plan to meet needs across a wider neighbourhood area. In connection with the land Oakmere Homes controls at Fulwood Drive, Bare for example, if a housing requirement figure is proposed for the Slyne-with-Hest Neighbourhood Plan area that simply considers the needs of the village and the capacity of sites within and on its edge (as the lowered figure in Appendix 5 of the Council's 'Approach to Delivering Housing Supply in Lancaster' paper clearly does), it is knowingly overlooking the potential of deliverable land within its area adjoining the neighbouring Key Service Centre of Morecambe, which can meet Morecambe's housing needs.
- 1.19 It follows, that the Morecambe Neighbourhood Plan area should not be given a zero housing requirement solely on the basis of its constrained nature and limited opportunities for growth. This approach is also inconsistent with other policies in the submitted DPD which propose the release of well-functioning Green Belt land south of Carnforth to meet the housing needs of that settlement, whereas the housing needs of Morecambe are not only planned to unmet, but erased under the Council's approach to neighbourhood planning, which cannot be correct.

- 1.20 The Council response to Oakmere Homes' comments in connection with the Consultation Draft DPD of 2017 was that 'officers are aware of the limited opportunity for new development in Morecambe and deliverable opportunities for new development are therefore welcomed.' It is therefore unsound for the submitted DPD to adopt an approach to neighbourhood planning in the Morecambe and Slyne-with-Hest Neighbourhood Plan areas that will expressly block a solution to enable some of Morecambe's housing need to be met in a sustainable and deliverable location immediately adjacent to its boundary.
- 1.21 The submitted DPD can be proactive and innovative in its approach to neighbourhood planning by capturing this issue in its strategic policies so that Neighbourhood Plan groups are encouraged to work together. Oakmere Homes has set out the suggested housing requirement figures it recommends should be included in the DPD for the Morecambe and Slyne-with-Hest Neighbourhood Plan areas in its representations.

Matter 3 Spatial Strategy

Main issue Whether the Council's spatial strategy for development within the District is sound?

Question (a)

- i) Is the spatial strategy as set out policies SP1, SP2, SP3, SP4, SP5 and SP6 and their supporting text soundly based?**
- ii) Is the settlement hierarchy soundly based?**
- iii) Would the spatial strategy be sound if no provision was made for any unmet housing need for Lancaster District either within the District or within the wider Strategic Housing Market Area?**

- 2.1 Oakmere Homes considers that the spatial strategy is soundly based.
- 2.2 Oakmere Homes considers that the settlement hierarchy is soundly based.
- 2.3 Oakmere Homes considers that the spatial strategy would not be sound if no provision was made to accommodate unmet housing needs either in Lancaster or elsewhere within the Housing Market Area.
- 2.4 However, Oakmere does not consider that an alternative spatial strategy is needed to fulfil unmet housing needs as there is scope for the Council to identify a greater supply of unconstrained, non-strategic sites for inclusion in the planned housing supply in accordance with the spatial strategy and settlement hierarchy, by revisiting its evidence base and previously-discounted sites with greater scrutiny.
- 2.5 As explained in its response to Question (b) of Matter 2 (see Hearing Statement prepared by PWA Planning) Oakmere Homes considers that the Council has overstated the level of constraint within Lancaster, as well as unnecessarily constructing additional local landscape designation constraints (see Oakmere Homes response to Matter 5 Question (e) below) where they are not warranted and justified, and it has not rigorously assessed and maximised all available possibilities to meet all, or substantially more, of the OAN.
- 2.6 Oakmere Homes has put forward deliverable land it controls in suitable, accessible and sustainable locations on the northern edge of Lancaster (Regional Centre) at Watery Lane and eastern edge of Morecambe (Key Service Centre) at Fulwood Drive, Bare, for inclusion in the DPD in accordance with the spatial strategy and the settlement hierarchy.
- 2.7 Both sites are proposed for removal from the Green Belt and are unconstrained. Both can be delivered in the short term when additional supply is most needed to boost the 5 year supply at

Year 1, and without the need for significant infrastructure. Both sites should therefore be included in the planned housing supply by allocation in Policy H1 (Watery Lane) and inclusion in the housing requirement and expected scale of delivery from the Slyne-with-Hest Neighbourhood Plan area (Fulwood Drive, Bare).

- 2.8 Oakmere Homes has undertaken detailed work in connection with both sites and is ready to prepare planning applications - and which it would have submitted if the sites were not located within the Green Belt. On this basis however, Oakmere strongly disagrees with the Council statement at paragraph 2G.11 of its Matter 2 Hearing Statement that the ability to identify additional sufficient sites which can be brought forward with sufficient speed to contribute to the supply in the next five years, is questionable.

Matter 5 Heritage and the natural environment

Main issue Have the DPDs been prepared in accordance with the relevant statutory tests and the policies of the NPPF?

Question (e) Is policy EN7 of the Strategic Policies & Land Allocations DPD necessary given policy DM45 of the Development Management DPD?

- 3.1 The previous representations submitted on behalf of Oakmere Homes highlight the confused approach the Council has taken to the proposed designation of land within its control at Fulwood Drive, Bare, as an area of protected local landscape.
- 3.2 It is assumed that the submitted Policies Map incorrectly plots the proposed urban boundary to follow the line of the West Coast Mainline Railway as the DPD text refers to the land becoming open countryside following its proposed removal from the Green Belt. However, the proposed local landscape designation notation shown on the Policies Map is an Urban Setting Landscape notation, which implies it is outside the urban area and confirming that the proposed urban boundary has been incorrectly plotted, yet the Key Urban Landscapes Review of May 2018 which was published in January 2019 as part of the Additional Evidence and Information Consultation, clearly confirms it is one of the ten additional proposed Key Urban Landscape areas (ref. AS-03 Torrisholme Barrow, Lancaster). This supports the assumption the land is therefore proposed to be included in the urban area and the proposed urban boundary is correct. This confusion must be resolved in the examination of this part of the DPD.
- 3.3 Oakmere has highlighted that the decision to designate the land was seemingly taken as a retrospective action at the Publication Draft DPD stage, whereas the previous 2017 Consultation Draft version did not indicate that the land warranted special protection beyond that provided by a countryside designation under Policy EN5 following its proposed removal from the Green Belt. Oakmere Homes has made detailed representations and has submitted a Landscape and Visual Appraisal rebutting the proposed local landscape designation on the northern part of the land it controls, which it has put forward for housing development and which the 2019 SHELAA confirms is deliverable.
- 3.4 The Council has prepared further evidence that is material to the examination of this part of the submitted DPD and includes it in the Appendix 4 of the 'Approach to Delivering Housing Supply in Lancaster' paper which accompanies its Matter 2 Hearing Statement. Appendix 4 is headed 'Post SHELAA Site Assessment Paper' and explains it has been undertaken as an 'additional stage of assessment following the completion of the SHELAA'. Its purpose is to consider whether or not to allocate sites that have been identified as being deliverable through the SHELAA, having regard to the Council's wider evidence base and wider policy considerations.

- 3.5 On this basis, the Council has decided that the northern part of the land controlled by Oakmere Homes at Fulwood Drive, Bare which is proposed to be removed from the Green Belt and which the SHELAA confirms is deliverable, should not be included in the housing supply in the DPD either through allocation in Policy H1 or by inclusion within the housing requirement and expected scale of delivery from the Slyne-with-Hest Neighbourhood Plan area.
- 3.6 Oakmere Homes considers that the submission of additional evidence by the Council at this late stage in the process is wholly unacceptable and it should have formed part of the Additional Evidence and Information Consultation carried out in January 2019 – which itself was almost 12 months after the DPD was submitted for examination. In addition, Oakmere Homes considers that the quality of the Council’s evidence in the Post SHELAA Site Assessment Paper, used to justify the proposed designation of a locally protected landscape over the whole of the land controlled by Oakmere, is flawed and unsound.
- 3.7 Oakmere Homes has submitted detailed landscape and heritage evidence to demonstrate that the proposed extent of the proposed local landscape designation does not need to include the northernmost part of the land it controls which the SHELAA identifies as being deliverable, to ensure that the objectives of the proposed Key Urban Landscape designation are met.
- 3.8 The Council’s original 2015 objections to the development of the wider area of land and overall SHELAA site (LPSA 172) were due to concerns regarding the availability of the site and infrastructure provision, and more recently, access to the highway network and wider environmental constraints in relation to flood risk and the setting of the Torrisholme Barrow scheduled monument. At no time has there been any reference to harm to local landscape character being a constraint to development and this is further confirmed, as mentioned above, by the decision to designate a local landscape area at publication stage and not at the preceding 2017 Consultation Draft stage when the land was proposed for removal from the Green Belt.
- 3.9 This is further explained in the Council’s evidence in the Key Urban Landscapes Review of May 2018, which explains that the justification for the proposed local landscape designation ref. AS-03 - Torrisholme Barrow, Lancaster, is that the area ‘contains strong cultural heritage with distinctive landform and mature well-managed landscape features - a landscape which has significant qualities and is distinct in appearance, providing a setting for the adjacent areas.’
- 3.10 The heritage assessment and landscape and visual appraisal evidence submitted by Oakmere Homes in support of its most recent representations following publication of the Additional Evidence and Information in January 2019, confirms that the proposed development of the northern part of the land Oakmere controls will not harm the significance of the Torrisholme Barrow scheduled monument that is derived from its setting, and that the site contains no

significant landscape features and very few at all. All of the mature landscape features referred to in the Key Urban Landscapes Review are located in the southern part of the proposed designation which Oakmere Homes is not proposing to develop. Oakmere will also enhance the undeveloped part of the land it controls as part of its proposals.

- 3.11 The Council's approach should also be compared with the approach it is taking at Grab Lane, Lancaster and its response to Question (f) in its Matter 5 Hearing Statement. Paragraph 5F.7 explains (our emphasis);

The Council recognises that the promotion of residential development at this sensitive location is contrary to this Key Urban Landscape designation. However, in the context of a growing housing need and the preparation of a substantial in-depth evidence base, investigating the extent to which the site could be developed without resulting in substantial harm to or total loss of significance of a designated heritage asset as required by the NPPF, the site has been allocated for housing in the Submitted Local Plan.

- 3.12 On this basis, Oakmere Homes strongly objects to the proposed designation of a Key Urban Landscape under policy EN7 across the whole of the land within its control, and has proposed a revised boundary designation in its representations.