

Agenda Item A8	Committee Date 3 April 2017	Application Number 17/00006/FUL
Application Site Land North Of Ashford House Ashton Road Lancaster Lancashire	Proposal Erection of a detached dwelling (C3) and associated access	
Name of Applicant Miss Emma Wilson	Name of Agent Mr Melanie Lawrenson	
Decision Target Date 3 March 2017	Reason For Delay Committee cycle	
Case Officer	Mr Andrew Clement	
Departure	No	
Summary of Recommendation	Refusal	

(i) Procedural Matters

The proposed development would normally fall within the scheme of delegation. However, the previous planning application was referred to the Planning Committee at the request of Councillor Helme. This previous application was refused, however given the previous request for Committee determination, the current application is also referred to the Planning Committee.

1.0 The Site and its Surroundings

- 1.1 The land which forms the subject of this application relates to land to the south of the main urban area of Lancaster, fronting Ashton Road close to Ashford Avenue. The site is currently open pasture, used for grazing in association with the neighbouring equestrian business. The field is bounded to the east by a mature boundary hedgerow to the Ashton Road frontage. To the north is a mature field boundary comprising a line of mature trees and lower level hedgerow. The southern and western boundaries are post and wire fencing.
- 1.2 The land rises significantly from the Ashton Road frontage to the centre of the site before sloping down to the western boundary. The higher ground is part of a ridge line running broadly north-south and is part of a complex of coastal drumlins around the southern side of Lancaster. Immediately to the north of the site are further open fields, again with the land following a similar topography and boundaries formed of mature trees and hedges. Land to the south of the site has a small group of residential properties known as Ashford Avenue. This is a small complex of large dwellings served off a short cul-de-sac, again rising steeply to the west from Ashton Road
- 1.3 A stone access track runs between the application site and the boundaries of the residential properties to the south. The current access off Ashton Road, which is a stone track, serves the equestrian development further to the west on the western side of the ridge line. This access also serves a small car parking area located close to Ashton Road, which to be used in association with the equestrian business.
- 1.4 Relatively new housing development lies on the opposite side of Ashton Road, to the east and a little north of the application site. These residential areas contain modern housing built over the last

decade.

- 1.5 The site is allocated as a Key Urban Landscape and an Urban Greenspace in the Lancaster District Local proposals map. The north and east boundaries of the site include a number of mature trees which are subject to a Tree Preservation Order.

2.0 The Proposal

- 2.1 The proposal is seeking to develop a detached two-storey dwelling set to the east of the equestrian facilities and building group. The footprint of the property measures 178sq.m, including an attached classroom and double garage. The proposed dwellinghouse and associated curtilage area is set to be developed on an existing sloping site to be leveled to an area measuring 22.5 metres east-west and 16.7 metres north-south, raising and lowering the levels of the land with 2 metre tall retaining walls. The plot is located on the west facing slope of the site, beyond the ridge line of the drumlins 130 metres west of the site frontage with Ashton Road. The external walls are to be finished in a reclaimed brick and cream render with stone quoin walls under a slate roof with double glazed uPVC windows.

3.0 Site History

- 3.1 There have been two planning application refused in 2015 and 2016 for the erection of a detached dwelling and associated access. There have been three applications that are associated with the equestrian use.

Application Number	Proposal	Decision
16/00764/FUL	Erection of a detached dwelling (C3) and associated access	Refused
15/01372/FUL	Erection of a detached dwelling and associated access	Refused
14/00313/FUL	Retrospective application for the retention of a ménage, stables and floodlights	Permitted
08/00088/FUL	Retrospective application for the retention of an access track, pedestrian path, hardcore areas, fences and concrete yard	Permitted
05/01171/CU	Retrospective application for change of use of agricultural land to livery business and erection of a stable complex and retention of access and parking arrangements	Refused (Appeal Allowed)

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objection
Environmental Health Officer	No observation received
Tree Protection Officer	No objection subject to development in accordance with the received tree survey and a condition for a scheme for new tree planting to be submitted
Natural England	No objection
United Utilities	No adverse comment , recommendations regarding drainage, water and general comments

5.0 Neighbour Representations

- 5.1 Three objections to the application have been received. The reasons for opposition include the following:

- Development on a greenfield site
- Design not in-keeping with the canal side rural area

- Proximity to existing housing available and listed for sale
- Unregularised existing barn building
- Overlooking
- Overshadowing
- Security
- Construction noise
- Increased vehicle movements
- Lack of details in application

6.0 Principal National and Development Plan Policies

6.1 The National Planning Policy Framework indicates that the purpose of the planning system is to contribute to the achievement of sustainable development. At the heart of the NPPF is a presumption in favour of sustainable development (**paragraph 14**). The following paragraphs of the NPPF are relevant to the determination of this proposal:

National Planning Policy Framework

Paragraph **7** – Achieving sustainable development

Paragraph **14** – Presumption in favour of sustainable development

Paragraph **17** – Twelve core planning principles

Paragraphs **49, 50 and 55** – Delivering a wide choice of high quality homes

Paragraphs **56, 57, 57 and 61** – Achieving quality in design

Paragraph **109, 117, 118, 120 and 123** – Conserving and enhancing the natural environment

6.2 Development Management DPD

DM28 – Development and landscape impact

DM29 – Protection of trees, hedgerow and woodlands

DM35 – Key design principles

DM41 – New residential development

DM42 – Managing rural housing

DM43 – Accommodation for agricultural and forestry workers

Appendix C – Criteria for housing development for rural enterprise workers

6.3 Lancaster Core Strategy

SC1 – Sustainable development

SC3 – Rural communities

SC4 – Meeting the District's housing requirements

SC5 – Achieving quality in design

6.4 Saved policies of the Lancaster District Local Plan

E4 – Countryside Area

E29 – Urban Greenspace

E31 – Key Urban Landscape

6.4 Local Planning Policy Overview – Current Position

At the 14 December 2016 meeting of its Full Council, the local authority resolved to undertake public consultation on:

- (i) The Strategic Policies and Land Allocations Development Plan Document (DPD); and,
- (ii) A Review of the Development Management DPD.

This enabled progress to be made on the preparation of a Local Plan for the Lancaster District. The public consultation period is from 27 January 2017 to 24 March 2017, after which (if the consultation is successful), the local authority will be in a position to make swift progress in moving towards the latter stages of: reviewing the draft documents to take account of consultation outcomes, formal publication and submission to Government, and, then independent Examination of the Local Plan. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the

Council, potentially in 2018.

The Strategic Policies and Land Allocations DPD will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2016, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The Review of the Development Management DPD updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

7.0 Comment and Analysis

7.1 The key considerations arising for the proposal are:

- Principle of housing in this location;
- Design and scale;
- Landscape impact upon the Key Urban Landscape and Urban Greenspace; and
- Need for the Dwelling

7.2 Principle of Housing in this Location

7.2.1 The application site falls within a Key Urban Landscape and an Urban Greenspace. Whilst residential development within the Countryside Area is not prevented by saved Local Plan policy E4 (which seeks to manage the landscape impacts through appropriate design, scale, materials and external appearance, the access and parking arrangements, and the nature conservation impacts), saved policies E29 and E31 are far more restrictive, protecting the site from development unless it is essential education or community related development and it preserves the openness, character and appearance of its surroundings.

7.2.2 In developing the Land Allocation DPD, the area of land running to the west and south of Haverbreaks has been reviewed and further landscape assessment work undertaken. Reconfirmation of the allocation is recommended and it is proposed to be allocated as Key Urban Landscape only. Policy DM28 of the DM DPD continues to safeguard these areas of land, protecting natural features and only supporting development that preserves the open nature of the area and the character and appearance of its surroundings.

7.2.3 The site location is considered to be relatively sustainable, located within walking distance of a number of services (900 metres west of Hala crossroads) and also serviced by a limited public bus service. However, despite the sustainability of the location, the principle of developing the land needs to be considered against the current Development Plan policy and emerging allocations, E29 and E31 of the LDLP and DM28 of the DM DPD. These policies seek to safeguard the land, recognising its importance in protecting the setting of the urban area. Currently, the land is open pasture seen rising west from Ashton Road to the ridge line, then down from the ridge line to the canal. A strong hedgerow runs along the Ashton Road frontage with mature protected trees forming the northern boundary of the site. To the west of the ridge line, with the Lancaster Canal directly to the east, there is an established equestrian building cluster regularised retrospectively through 05/01171/CU and other equestrian facilities permitted retrospectively through 14/00313/FUL, in addition to other existing buildings that do not benefit from planning permission at present. The proposed new dwellinghouse is to be sited to the south-east of this existing building group, immediately south of an existing agricultural/equestrian storage building, which does not have planning permission to date.

7.2.4 The principle of the development with such allocations is resisted, with exceptions only being considered for essential education or community related development. The application has

introduced a classroom and toilet to be used in connection with Canal Bank Stables, for people visiting their horses and those taking part in training events. The proposed associated toilet does not meet the width nor the door opening requirements to be considered a disabled toilet, the provision of which is apparently to achieve accreditation with the British Horse Society. It is debatable whether these facilities should be deemed to be “essential education” as required by saved policy E29, but even assuming it meets this requirement of the policy (which given the context it would probably be difficult to argue otherwise), it still fails to meet other requirements, such as maintaining the openness of the area, preserving the environment’s character and proposing appropriate development in terms of scale and siting. Furthermore, the scale of development proposed could not be deemed to be a “limited expansion” of the existing use, again as required by E29. The proposed siting of the dwelling has been moved west in comparison to the previous refused application, on the west facing slope from of the brow of the land, closer to the existing equine building cluster. Although this siting is less prominent than that previously applied for, due to the two storey height combined with requirement for significant landscaping to level the area of land, the proposal fails to meet these criteria and in principle could not be supported.

7.2.5 Paragraph 49 of the NPPF sets out that relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of housing. Although this is currently the case, the Council has a very clear approach to sustainable development and this is mirrored within paragraph 7 of the NPPF, which ensures that sufficient land of the right type is available in the right places and at the right time to support growth and innovation, by creating a high quality built environment and contributing to protecting and enhancing our natural, built and historic environment. It is not considered that a lack of a five year housing land supply justifies a dwelling that does not comply with the Council’s approach to sustainable development across the district.

7.3 Design, Scale and Landscape Impact Upon the Key Urban Landscape and Urban Greenspace

7.3.1 The proposal is seeking to develop two storey detached dwellinghouse with an attached single storey double garage and classroom, plus a further front porch projection. The footprint of the building is 178sq.m, with a maximum ridge height of 7.8 metres and 5 metre high to the eaves, taller than any of the existing single storey buildings within the equine building group. This two storey height is exacerbated by the significant levels of landscaping proposed to flatten the application site, raising the land level to the western side closest to the existing building group by over 1 metre, retained by a stone wall of over 2 metres tall.

7.3.2 Although the sloping land situates the proposed dwellinghouse above the existing equine building group, the location is visually within the context of this developed area, which is an improvement upon the previously refused application for a dwellinghouse sited on the crest of the drumlin on the site. However, the design of the proposed dwellinghouse is considered to be poor, and would appear incongruent to the existing buildings and surrounding open Key Urban Landscape and Urban Greenspace. The external walls of the proposed dwellinghouse are to be finished in a reclaimed brick and cream render with stone quoin walls under a slate roof with double glazed uPVC windows. Although these are common building materials for new build dwellinghouses, in this location the materials will contrast with the existing buildings and wider grassland site, and does not work with the sloping topography of the landscape. Furthermore, the contrasting roof pitches of the two storey and single storey structures from the north facing elevation would not be encouraged at any site, and particular not within such a sensitive location.

7.3.3 Alternative designs were suggested to the agent, with a split level approach to minimise the scale of landscaping required combined with a contemporary design to appear less conspicuous within the Key Urban Landscape would be more appropriate in this location. These suggestions were made to try to address concerns with the design concerns of the proposal, even though the principle of development could not be supported. No amended plans or further information has been received regarding this application.

7.3.4 The design of the proposed two storey dwellinghouse does not adequately relate to the existing buildings nor its environment. The property alone fails to meet this criteria, but the parking and garden paraphernalia associated with such a domestic use would further erode the character of the area. Therefore the application is considered to be contrary to policies DM35, DM41 and NPPF Section 11.

7.4 Need for the dwelling

- 7.4.1 The application proposes a dwelling to serve a rural enterprise, namely Canal Bank Stables. The location of the dwelling is not isolated in terms of its' rurality, but would still need to be assessed against Policy DM43 (accommodation for agricultural and forestry workers) and the associated Appendix C of the DM DPD. An agricultural worker's dwelling is only deemed acceptable where both the financial and functional tests are met.
- 7.4.2 The stable enterprise has been established (with the benefit of retrospective planning consents) since 2006. The application fails to set out any employment associated within the enterprise but is known to employ at least the applicant and another staff member on a full time basis. The stables appear to have been operating on a sound financial basis for all this period but the application has failed to provide any detailed financial background. However, notwithstanding the lack of information in this regard, given the longevity of the enterprise and continued employment of at least two people, it is considered that the financial requirements of policy DM43 and Appendix C are met.
- 7.4.3 The application is seeking to establish a permanent dwelling to serve the enterprise. This approach has been adopted giving the longstanding nature of the enterprise and a perceived lack of need to justify its financial soundness. This approach is considered reasonable, as a demand for a temporary dwelling is usually linked to newly established enterprises with an unknown economic footing.
- 7.4.4 Policy DM43 of the DM DPD sets out a number of criteria against which such development must be considered. Proposals would only be supported providing all the criteria are met:
- i. There is an identified functional need;
 - ii. Relates to a full time worker;
 - iii. Established for 3 years and met the financial tests;
 - iv. The functional need cannot be fulfilled by another dwelling on the land or in the area; and
 - v. The dwelling is sited to minimise the impact on the surrounding area, well designed and well-related to the enterprise or other dwellings.
- 7.4.5 In demonstrating a functional need for the development, the application makes direct reference to security issues at the site, including break-ins and thefts. Whilst clearly disturbing to the enterprise, it is recognised that security is not a justifiable material consideration in assessing such a need. The need to provide essential care at short notice and to deal with emergencies are identified as the necessary criteria. Additional information has been received from the applicant that states that there has been recent outbreak of strangles and loss of some animals due to illness, with a need to provide 24 hour care to monitor the animals. Recently the applicant has stayed overnight in the stables to provide such care. The proposed dwelling would enable motion and sound activated cameras to be installed, allowing the applicant to arrive at the stables immediately to assist the animals. It is considered that whilst the applicant has provided further justification for the need of the dwelling, the protection of livestock (in this case horses) from theft, injury or disease is not in itself sufficient to justify a dwelling as stated within Appendix C of the DM DPD. Therefore the application is considered to fail criteria i of the policy.
- 7.4.6 As stated in 7.4.2, criteria ii and iii appear to be met.
- 7.4.6 The applicant lives approximately 6 miles north of the site in the urban area of Morecambe. No justification or reasoning has been provided for the applicant's current location (a recent purchase). The information provided still does not justify why a dwelling in the immediate vicinity of the site would not meet the needs of the enterprise. Given the very close proximity of a wide range of dwelling styles, sizes and value and the availability of technology to overlook the enterprises, it is considered that the submission fails criteria iv of the policy. Upon writing this report, there are at least 7 dwellinghouses available to purchase within 250 metres of the application site, ranging in price from £60,000 for a shared ownership house up to a £500,000 property. With the installation of motion and sound activated cameras in the equine building group, a link to a dwellinghouse under 250 metres from the site would allow for almost immediate arrival at the equestrian facility.
- 7.4.7 Turning to criteria v, as addressed in paragraphs 7.3.1 to 7.3.4, the poor design and impact upon the surroundings and Key Urban Landscape does not meet this final criteria for agricultural worker dwellings.

7.4.8 Overall, it is considered that whilst the siting of the proposed dwellinghouse is now better related to the equine building group, which is an improvement upon that in previously refused applications, it still has not addressed the policy requirements. The overall design of the property is still poor in terms of its' relationship with the landscape . The scheme has failed to minimise its impact on the surrounding area through design, nor has satisfactory justification for the agricultural dwellinghouse been provided. Therefore, the application is considered to fail criteria i. iv. and v. of policy DM43, as well as saved policies E29 and E31 of the Local Plan and policy DM28 of the DPD.

7.5 Other Matters

7.5.1 Trees

The north and east boundaries of the site include a number of mature trees subject to a Tree Preservation Order. The applicant has submitted an arboricultural impact assessment and method statement that concludes that the proposed location of the dwelling will not affect or require the removal of any trees. Therefore, the requirement of a tree survey and tree works schedule is no longer required, and subject to a scheme for new tree planting to be submitted, there are no concerns regarding impact upon trees.

7.5.2 Water Main

The wider site is affected by the line of a 0.3m diameter cast iron water main which runs close to the southern boundary of the site in an east west direction before veering west north west. United Utilises raised no objection to the proposal subject to recommendations.

8.0 Planning Obligations

8.1 There are no planning obligations to consider as part of this application.

9.0 Conclusions

9.1 The proposal fails to satisfy saved Local Plan policies E4 (Countryside Area), E29 (Urban Green space), E31 (Key Urban Landscape) and DM28 of the DM DPD, which seek to safeguard the character of the land and recognise its importance of protecting the setting of the urban area. The principle of development with such allocations is resisted with the exception of essential education or community related development. The application has introduced a classroom and toilet to be used in connection with the Canal Bank Stables, which on balance is deemed to be an acceptable education use in this context (in line with E29), though the scale of development proposed could not be deemed to be a "limited expansion". Furthermore, the other 3 policies are more restrictive in order to preserve the openness and character of the area. The design and scale of the dwellinghouse does not take account of the characteristics of the location, and is considered to relate poorly to the existing buildings and the wider Key Urban Landscape (in terms of proposed design and land levels). For this reason it also fails to meet some of the criteria within DM43 of the DPD.

9.2 Whilst the Local Planning Authority acknowledges that it lacks a 5 year housing supply of deliverable sites and the presumption in favour of sustainable development applies, the principle of the proposed private single dwelling in this location is not supported, as the harm which has been identified in respect of the openness and character of the landscape outweighs the presumption.

Recommendation

That Planning Permission **BE REFUSED** for the following reasons:

1. The proposal seeks to develop a new dwelling within areas designated as Key Urban Landscape and Urban Greenspace as defined within the development plan which seek to safeguard these areas of land, protecting natural features and only supporting development that preserves the open nature of the area and the character and appearance of its surroundings. Whilst limited expansion of existing uses will be permitted for exceptional essential educational and community related facilities the submission has failed to propose a development, by reason of its scale, location and form, that safeguards and preserves the open nature and landscape value of the area to the detriment the character and appearance of the area. As such the proposal is considered to be contrary to saved policies E4, E29 and E31 of the Lancaster District local Plan, policy SC5 of the Core Strategy, and policies DM28 and DM35 of the Lancaster District Development Management DPD and Section 7 of the National Planning Policy Framework.

2. The proposal seeks to develop a rural enterprise dwelling to support the neighbouring Canal Bank Stables. In the opinion of the local planning authority the proposal as submitted fails to fully consider or demonstrate a functional need for the dwelling. The development is therefore considered to be contrary to Policy DM43 (and Appendix C) of the Development Management DPD and the provisions of the National Planning Policy Framework, in particular paragraph 55.

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

In accordance with the above legislation, the City Council can confirm the following:

Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Regrettably the applicant has failed to take advantage of this service and the resulting proposal is unacceptable for the reasons prescribed in the Notice. The applicant is encouraged to utilise the pre-application service prior to the submission of any future planning applications, in order to engage with the local planning authority to attempt to resolve the reasons for refusal.

Background Papers

None