

Agenda Item A7	Committee Date 3 May 2016	Application Number 16/00114/FUL
Application Site Land At 3 Tithebarn Hill Glasson Dock Lancaster	Proposal Erection of 3 holiday units raised on timber struts and creation of access and parking	
Name of Applicant Mrs C Woodward	Name of Agent Mr Avnish Panchal	
Decision Target Date 19 April 2016	Reason For Delay Committee Cycle	
Case Officer	Mrs Kim Ireland	
Departure	No	
Summary of Recommendation	Refusal	

(i) Procedural Matters

The proposed development would normally fall within the scheme of delegation. However, Councillor Charles has requested it be referred to the Planning Committee for a decision on grounds of the development's increased level of traffic on access roads, effect on wildlife in the vicinity, inappropriate design in relation to the existing properties in the area and on the Conservation Area and the visual impact on the area.

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 nos. 3 to 11 Tithebarn Hill in Glasson Dock. The surrounding area consists of residential properties to the north and west of the site and Glasson Dock Marina is located to the south and east of the site.
- 1.2 The site is allocated as a countryside area in the Lancaster District Local proposals map and is situated within the Glasson Dock Conservation Area. It also falls immediately adjacent to a Biological Heritage Site (marina and canal).

2.0 The Proposal

- 2.1 The application proposes the erection of three holiday units raised on timber struts and creation of access and parking. The three holiday units are to be sited to the south of the site, all overlooking the Glasson Dock Marina. They are to be 13.7m in length, 7m in width, 3.3m in height to the eaves and 5.85m in height to the ridge, including 0.9m high timber struts. The holiday units are to be made up of vertical cladding/treated timber composite, under a dark grey powder coated aluminium profiled roof, with dark grey upvc windows. The proposed access is to be established from Bowland View, which leads to the proposed holiday units with a car parking space for each holiday unit and a turning head.

3.0 Site History

- 3.1 There is no relevant planning history related to this application.

4.0 Consultation Responses

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

Consultee	Response
Thurnham Parish Council	Objection on the grounds of increased traffic; disturbance and noise during construction; adverse impacts on wildlife; contrary to open space policies; increased foul and surface water drainage on existing “overloaded” infrastructure; inappropriate design/visual impact in relation to the existing properties; saturation of existing holiday accommodation in the immediate vicinity; and visual impact and possible precedent.
County Highways	No objection. It is noted that the holiday park be defined as holiday accommodation only, as the surrounding lengths of highway network are not conducive to anything other than the movements of low volumes of traffic, and that further details are required for communal secure and lockable cycle rack facilities and measures are included to formalise the point of access.
Environmental Health	No objections , subject to condition restricting the hours of construction.
Conservation Officer	Objection - It has not been defined in the heritage statement the character of the area or analysed to what extent the character will be implicated by the proposed development. Additionally the design, siting, scale, height and materials of the holiday units do not respect the surrounding built characteristics of the Conservation Area and the waterside chalets would ultimately appear incongruous with this historic industrial interest, contrary to DPD Policy DM31.
Environment Agency	No objections , subject to condition requiring the finished floor levels are set no lower than 7.23m Above Ordnance Datum
Public Open Space Officer	No comments to make on the application as the site is not within an area of public open space.
Canal and River Trust	No objection
Lancaster Canal Trust	No objection
Tree Protection Officer	No objections , subject to conditions requiring an Arboricultural Implications Assessment, a scheme indicating type and distribution of all new trees, a tree works schedule and an arboricultural method statement.
Natural England	No objection
The Wildlife Trust for Lancashire	No objection
Ramblers	Objection on the grounds that the proposed holiday units will impact on the public footpath application round the basin; and the design is inappropriate to the location in both structural design and materials.

5.0 Neighbour Representations

5.1 Seven pieces of correspondence supporting the application have been received. The reasons for support include the following:

- The holiday accommodation is suitable for disabled people, due to its accessibility;
- The site lends itself to this business venture and development;
- It would be a great benefit to Glasson Dock;
- They would bring more support to local businesses; and,
- It is unlikely to cause any disruption with increased traffic once the units have been built.

5.2 Twenty nine letters of correspondence objecting to the application have been received. The reasons for opposition include the following:

- The existing drainage cannot cope with the added pressure of more properties;
- There would be an increase on traffic on Bowland View that could make the street unsafe;
- The appearance is out of character with the surrounding properties and Conservation Area;
- The units are large in structure and obstruct views/outlook onto Glasson Dock Marina;
- Overdevelopment of site;

- Overlooks into the neighbouring properties;
- There will be increase in noise and light pollution from the units;
- Adversely affect the wildlife within the basin;
- Close proximity to historic monuments; and
- The site is within a geological heritage site.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

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:

Paragraphs 7 and 17 – Sustainable Development and Core Principles

Paragraph 28 – Supporting a prosperous rural economy

Paragraph 29 – Promoting Sustainable Transport

Paragraphs 56, 57, 58, 59 and 64 – Requiring Good Design

Paragraphs 100, 101, 102 and 103 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

Paragraphs 115 and 118 – Conserving and Enhancing the Natural Environment

Paragraphs 126, 128, 131 and 133 – Conserving and Enhancing the Historic Environment

6.2 Development Management DPD

DM7 – Economic Development in Rural Areas

DM14 – Caravan Sites, Chalets and Log Cabins

DM20 – Enhancing Accessibility and Transport Linkages

DM27 – Protection and Enhancement of Biodiversity

DM28 – Development and Landscape Impact

DM31 – Development Affecting Conservation Areas

DM32 – The Setting of Designated Heritage Assets

DM34 – Archaeological Features and Scheduled Monuments

DM35 – Key Design Principles

DM38 – Development and flood Risk

6.3 Lancaster District Core Strategy (adopted July 2008)

SC5 – Achieving Quality in Design

ER6 – Developing Tourism

6.4 Lancaster District Local Plan Saved Policies

E4 – Development within the Countryside

7.0 Comment and Analysis

7.1

- Principle of development
- Landscape and Visual Impact
- Impact on Heritage Assets
- Flooding
- Access and highway impacts
- Ecological Impacts
- Impact on residential amenity
- Drainage

7.2 Principle of Development

7.2.1 The application relates to a relatively small area of land for which permission is sought for the siting of three holiday units.

- 7.2.2 Policy DM14 of the Development Management DPD sets out that proposals for chalets, log cabins and purpose built holiday accommodation will be supported in principle within the District, subject to the following criteria:
- Be of a scale and design appropriate to the locality and does not have any detrimental impacts on the local landscape, particularly in Areas of Outstanding Beauty;
 - Makes use of appropriate materials which are sympathetic to its locality;
 - Priority is given to previously developed sites and, where greenfield sites are identified, it should be demonstrated that no alternative, suitable brownfield sites exist in the locality;
 - The proposal does not have an adverse impact on surrounding residential amenity; and
 - The proposal is in an accessible location and has no adverse impact on the capacity of the highway network or on highway safety.

7.2.3 Therefore holiday units will be supported where they satisfy the above criteria, and this report now seeks to assess the characteristics of the proposal in turn. It is acknowledged that the site is in a particularly sensitive location, given it is within the Conservation Area and is on the edge of marina. It does comprise greenfield land and there has been no evidence put forward to demonstrate that there are no suitable alternatives in the locality. However, the local authority is not aware of any such sites in Glasson.

7.3 Landscape and Visual Impact

7.3.1 There are six trees and three hedges to the north west and north east boundaries of the site. In addition, there is only a post and wire fence along the south and west of the site, which makes the site very open to various views points around the marina.

7.3.2 The DPD Policy DM28 also states that the development proposals should, through their siting, scale, massing, materials and design seek to contribute positively to the conservation and enhancement of the protected landscape. The site is located within Glasson Dock's Conservation Area and is therefore considered as a protected landscape, as it positively contributes to the wider local area.

7.3.3 There are no high boundary treatments along the boundary of the site and therefore it is highly visible from within viewpoints. The design and appearance of the holiday units are not in keeping with the surrounding properties and consequently the proposed holiday units are thought to have a detrimental impact upon the visual amenity when viewed from various viewpoints, both within and beyond the Conservation Area. The proposed holiday units are not thought to through the siting, scale and materials to contribute positively to the conservation and enhancement of the protected landscape and therefore is contrary to Policy DM28.

7.4 Impact on Heritage Assets

7.4.1 The site is located within Glasson Dock's Conservation Area and is in close proximity to areas of archaeological interest, such as the Canal Basin which dates from 1823-25. The historic and architectural interest of Glasson Dock relates to its 18th century development as a dock and many of its buildings are characterised by their construction in traditional materials, such as sandstone and slate. The setting of the Conservation Area comprises a flat relief with views along the canal and of the Lune estuary.

7.4.2 In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Listed building, a Conservation Area or their setting, the Local Planning Authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the heritage asset or its setting. At the local level, Policy DM31 sets out that new buildings within Conservation Areas will only be permitted where it has been demonstrated that:

- Proposals respect the character of the surrounding built form and its wider setting in terms of design, siting, scale, massing, height and the materials used; and,
- Proposals will not result in the loss or alteration of features which contribute to the special character of the building and area; and,
- Proposed uses are sympathetic and appropriate to the character of the existing building and will not result in any detrimental impact on the visual amenity and wider setting of the Conservation Area.

7.4.3 Given the relative openness of the site, it is considered that the proposal as it currently stands will have a detrimental impact on the setting and visual amenity of the Conservation Area. Many of the heritage assets in the Conservation Area are characterised by their sandstone construction, slate roofs and close verge gable ends. Whilst contemporary design is to be encouraged, the applicant's Heritage Statement has failed to satisfactorily define the character of the area or successfully analysed the extent that the character of the area will be implicated by the proposed development. This view is shared by the Conservation Officer, who has objected to the proposal on the grounds that the design, siting, scale, height and materials of the holiday units do not respect the surrounding built characteristics of the Conservation Area, and the waterside chalets would ultimately appear incongruous with the historic heritage assets built for the area's industrial growth. As a result the proposal is contrary to DPD Policy DM31, and it will neither preserve nor enhance the character of the area.

7.4.4 This proposal fails to meet these requirements and therefore is contrary to the provisions of the Act, relevant paragraphs of the National Planning Policy Framework and the policy requirements of DM31 of the Development Management DPD.

7.5 Flooding

7.5.1 The site is located within Flood Zone 3 which is defined as having a high probability of flooding in the National Planning Practice Guidance (NPPG). Given the location of the proposed scheme, a Sequential Test is required to assess whether more appropriate locations for the proposed development exist which are in areas which are at lower risk of flooding. The need and importance of the Sequential Test is set out in NPPF Paragraph 101, which states that "*The aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development with a lower probability of flooding*". The NPPG is clear in Paragraph 33 that for individual planning applications where there has been no previous sequential testing via the local development plan that a Sequential Test will be required. If it is not possible for the development to be located in zones with a lower probability of flooding, the Exception Test should be applied. For this to be passed, it must be demonstrated that: the development provides wider sustainability benefits to the community that outweigh flood risk; and that it will be safe for its lifetime taking account of the vulnerability of its users, without increasing use elsewhere, and, where possible, will reduce flood risk overall.

7.5.2 It is for the Local Planning Authority to determine whether or not the proposals satisfy the Sequential Test as defined in paragraph 101 of the NPPF and, where necessary, the requirements of the Exception Test as set out in paragraph 102. A Sequential Test has been included in the Flood Risk Assessment. However, the sites that have been identified as comparable, are for large scale development and land that has been deemed acceptable for housing, and consequently are not seen as equivalent. Given that there are many locations within the District which are on land outside Flood Zones 2 and 3, it is considered unlikely that there would not be reasonably available sites elsewhere at a lower risk of flooding which could accommodate the proposed development. Even within the locality there are areas within Flood Zone 1 located approximately 170 metres to the west. It is therefore not considered that the proposal satisfies the Sequential Test.

7.5.3 It is the role of the Environment Agency to consider whether or not the proposals satisfy the requirements of the second part of the Exception Test and paragraph 103 of the NPPF. They have advised that their comments are only applicable if the Local Planning Authority is satisfied that the Sequential Test has been met. The response sets out that the development would be acceptable, in terms of its flood resilience and resistance, providing that the finished floor levels are set no lower than 7.23m Above Ordnance Datum (AOD) and this is secured by condition.

7.6 Access and highway impacts

7.6.1 The application proposes access is to be established from Bowland View, which leads to the proposed holiday units with a car parking space for each holiday unit and a turning head. Given the road is currently used by a number of properties on Bowland View, it is considered that the addition of 3 holiday units would not have an adverse impact on highway safety. This is echoed by County Highways who have raised no objections to the proposal, given that the proposal is for holiday accommodation only, parking is provided on site, and visibility can be achieved from the site onto Bowland View.

7.6.2 There have been a number of objections received from neighbouring properties on the grounds that there will be an increase of traffic on Bowland View and consequently this will make the street unsafe. It is acknowledged there is likely to be a limited impact upon the highway, however, given that the proposal is for holiday accommodation and the units will be accessed on a minimal basis, the proposal is not thought to a detrimental impact on the highway.

7.7 Ecological Impacts

7.7.1 The site is in close proximity to the Morecambe Bay Special Protection Area (SPA) and Special Area of Conservation (SAC) and Ramsar site and Lune Estuary Site of Special Scientific Interest (SSSI). The European designated sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). Given the proximity of the application site, there is the potential for the proposal to impact the European designated sites. The Local Planning Authority has a duty to assess the proposal under the habitats regulations. Natural England has advised they are satisfied that the proposal will not damage or destroy the interest features, providing the proposed development is carried out in strict accordance with the details of the application.

7.7.2 The application site is adjacent to the marina, a Biological Heritage Site. However, the proposed development is unlikely to impact directly on the Biological Heritage Site during its operational phase, but could potentially contaminated the water basin during the course of ground and construction works. As such, a condition would be required to ensure that appropriate measures are put in place to prevent this from occurring.

7.8 Impact on residential amenity

7.8.1 There have been a number of objections received from neighbouring properties on the grounds that the holiday units are unsightly and out of character with the surrounding properties and the Conservation Area, they are large structures and will obstruct views and outlook onto Glasson Dock Marina, they overlook into the neighbouring properties, there will be an increase in noise and light pollution from the units, and they are an overdevelopment of the site.

7.8.2 The NPPF Paragraph 17 states that one of the twelve principles of planning should be to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 57 of the NPPF reiterates this by stating it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

7.8.3 The DPD Policy DM35 states that new development should make a positive contribution to the identity and character of the area through good design, having regard to local distinctiveness, appropriate siting, layout, palette of materials, separating distances, orientation and scale. DM35 carries on to say that development should make a positive contribution to the surrounding landscape or townscape and that it should ensure that there is no significant detrimental impact in relation to overshadowing, visual amenity, privacy, overlooking, massing and pollution.

7.8.4 The site is overlooked by a number of properties from within Bowland View, Tithebarn Hill, Wyresdale Crescent and Pennine View, as the land is on the outskirts of Glasson Dock Marina. The holiday unit furthest to the west of the site is sited 19m away from the neighbouring property of 11 Bowland View. There are two windows to the south east elevation of the proposed holiday unit, however, given the distance between the neighbouring property and the holiday unit, it is not considered to have a detrimental impact upon the residential amenities. Nevertheless, the design and height of the holiday units is considered to have a detrimental impact on the character and appearance of the site, especially given its open nature, and is consequently contrary to the provisions of paragraph 17 of the National Planning Policy Framework.

7.9 Drainage

7.9.1 It is proposed that foul water will be collected by a piped system that will discharge into the existing public foul water sewer along Bowland View and Tithebarn Hill. Proposed surface water will be collected by a surface system of swales adjacent to the access drive and discharged into the marina via a 150mm diameter pipe. The surface water drainage has the potential to have implications upon

the Biological Heritage Site and therefore drainage interceptors could be introduced to the scheme to protect the water quality of the marina. United Utilities has made no comment on the application. However, it is acknowledged that the current foul water sewer experiences problems and the added pressure of more properties, could have the potential to exacerbate the issues.

8.0 Planning Obligations

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

9.0 Conclusions

9.1 The general principle of the proposed erection of three holiday units and creation of access and parking is supported within DM14, dependent upon the criteria listed in this report.

9.2 However, the proposed development fails to preserve or enhance the character of the area, especially given the current relative openness of the site, and it is considered that the proposal will have a detrimental impact on the setting and visual amenity of the Conservation Area.

9.3 The proposal fails to satisfy the Sequential Test, as the sites that have been identified as comparable, are for large scale development and land that has been deemed acceptable for housing, and consequently are not seen as equivalent. Particularly as there are many reasonably available sites elsewhere at a lower risk of flooding which could accommodate the proposed development.

9.4 It is concluded that the scheme does not wholly comply with the relevant policies and the application is therefore recommended for refusal.

Recommendation

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

1. Given the relatively open nature of the site and its limited screening, it is considered that the siting of the holiday units and their associated parking would have a detrimental impact on the character and appearance of the site and the local landscape. As a consequence, the proposal is contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles, Section 7 and Section 11, Saved Policy E4 of the Lancaster District Local Plan and Policies DM14, DM28 and DM35 of the Development Management Development Plan Document.
2. As a result of the location of the site within the Conservation Area, the relative openness of the site and its existing character and appearance, it is considered that the erection of three holiday units on this land is not sympathetic, will not preserve or enhance the character of the area and, as a result, will have a detrimental impact on the setting and visual amenity of the Conservation Area. The proposal is therefore contrary to the aims and objectives of the National Planning Policy Framework, in particular the Core Planning Principles, and Section 12, Policy SC5 of the Lancaster District Core Strategy and Policy DM31 of the Development Management Development Plan Document.
3. The site is located within Flood Zone 3 and it is not considered that the submission demonstrates that the proposal satisfies the requirements of the Sequential Test, as required by paragraph 101 of the NPPF. As such, the proposal represents an unacceptable form of development, within an area defined as having a high probability of flooding, and is therefore contrary to Section 10 of the NPPF and Policy DM38 of the Lancaster District Development Management Development Plan Document.

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.

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

Background Papers

None