

Agenda Item A8	Committee Date 3 May 2016	Application Number 16/00265/CU
Application Site Allotment Gardens Exeter Avenue Lancaster Lancashire	Proposal Change of use of land for the retention of a cabin	
Name of Applicant Mrs Joan Houghton	Name of Agent Mr Richard Grant	
Decision Target Date 12 May 2016	Reason For Delay N/A	
Case Officer	Mrs Kim Ireland	
Departure	No	
Summary of Recommendation	Refusal	

(i) Procedural Matters

This form of development would normally be dealt with under the Scheme of Delegation. However, the land is in the ownership of Lancaster City Council, and as such the application must be determined by the Planning Committee.

1.0 The Site and its Surroundings

1.1 The land which forms the subject of this application relates to allotment gardens located on Exeter Avenue in Lancaster. The surrounding area consists of residential properties to the north, west and south of the site and Lancaster Leisure Park is located to the east of the site.

1.2 The site is allocated as an Urban Greenspace in the Lancaster District Local Plan proposals map.

2.0 The Proposal

2.1 The application proposes the change of use of land for the retention of a cabin. The cabin is sited to the north west of the site. It has a length of 6.8m, 2.7m in width, 2.3m in height and raised 0.550m from ground level. The cabin is made up of metal with a green paint finish.

2.2 The cabin is to be used to provide shelter for members of the allotment that are without sheds or greenhouses and to serve as a meeting space for training, learning activities, including seed swapping and plant service. In addition the cabin will be used to store several community tools, in a secure place. It is proposed for long term use that the allotments will increase the interaction with the local community through event days, in which the allotment members can share knowledge.

2.3 The location of the cabin was decided upon, as the plot of land is currently an un-allocated allotment plot and due to the position of the plot the north west corner of the allotments is immediately adjacent to the main site entrance. The land gradient of the allotment gardens, slopes from the north down to the south and the cabin requires a level surface, otherwise excavation of land would be required. To the south of the site is Burrow Beck, which reportedly experiences drainage problems. To the east of the site are mature trees, which line the boundary.

2.4 It is proposed the front of the cabin will be covered in trellises with flowering climbers and year round foliage. It has also been suggested that additional landscaping can be carried out between the boundaries of Exeter Avenue and Coulston Road with the addition of bamboo screening if necessary.

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
Public Realm Officer	Supports the principle of the proposed building, providing it complies with planning.
Policy Group Lancashire County Council- Mineral Safeguarding	No observations made

5.0 Neighbour Representations

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

- The retention of the cabin is considered as tidy and is being put to good use.
- Creating a central place for allotment holders to meet.
- The cabin is not out of keeping and does not detract from neighbouring properties garages and outbuildings.

5.2 Four pieces of correspondence of objection have been received. The reasons for opposition include the following:

- Due to the siting of the cabin it has a negative visual impact as it is a large metal green shipping container.
- It is not in keeping with the surrounding properties
- It is visible from Exeter Avenue and Coulston Road properties.
- It creates visual and noise pollution
- It is not accessible to elderly/disables people as it is raised from the ground.
- The green paint finish has made the cabin an eyesore
- There are windows which overlook nearby residents
- It is un-neighbourly due to the height and proximity of the cabin.

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:

Paragraph **14** – Presumption in Favour of Sustainable Development Criteria
 Paragraph **17 - 12** Core Principles
 Paragraphs **56, 57 and 64** – Requiring Good Design

6.2 Development Management DPD

DM25 – Green Infrastructure
DM28 – Development and Landscape Impact
DM35 – Key design principles

6.3 Lancaster District Core Strategy (adopted July 2008)

E1 – Environmental Capital

7.0 Comment and Analysis

- 7.1
- Principle of Development
 - Design and Impact on Character of the Area
 - Residential Amenity

7.2 Principle of Development

The site is located within the urban area of Lancaster, it is currently used as allotment gardens. Therefore it is within a sustainable location that the provision of new allotment facilities and other food growing places are encouraged, where opportunities arise and a clear need is demonstrated.

- 7.3
- Policy DM25 states that allotments are an important element of open space and offer a significant range of benefits for people, communities and environments. They provide recreational value, contribute towards the urban landscape, support local biodiversity, contribute towards physical and mental well-being, provides the opportunity to grow fresh produce and contributes towards a healthy lifestyle that is active, sustainable and socially inclusive.

- 7.4
- Therefore the principle of the cabin is looked upon favourably as it provides a shelter for members of the allotment community that are without sheds or greenhouses and to serve as a meeting space for training, learning activities, including seed swapping.

7.5 Design and Impact on Character of the Area

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.

- 7.6
- 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.

- 7.7
- The proposed cabin is located 3.2m from the neighbouring property of 11 Exeter Avenue and is set back 13.5m from the road. There are no high boundary treatments along the boundary of the allotment gardens and therefore it is highly visible from within the street scene. The design and appearance of the cabin is not in keeping with the surrounding properties or outbuildings that are within the allotment gardens and consequently the proposed cabin is thought to have a detrimental impact upon the visual amenity of the street scene. The proposed cabin is 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, DM35 and the provisions of the National Planning Policy Framework, Paragraph 17.

- 7.8
- It was discussed with the agent that if the cabin was to be re-located to the north east of the site, that the application would be looked upon more favourably, as it would be away from any neighbouring properties and would not be in a prominent location, which could be viewed from within the street scene. However due to the allotment land gradient, drainage problems to the south of the site and mature trees to the east of the site this was not feasible. Evidence was provided by the agent that the existing paths/tracks of the allotment have no foundations and therefore they would not be suitable for the use of heavy vehicles, which would be required to re-locate the cabin.

7.9 Residential Amenity

There have been a number of objections received from neighbouring properties on the grounds that due to the siting of the cabin it has a negative visual impact as it is a large metal green shipping container, not in keeping with the surrounding properties, it is visible from Exeter Avenue and Coulston Road properties, creating visual and noise pollution, it is not accessible to elderly/disabled

people as it is raised from the ground, the green paint finish has made it an eyesore, there are windows which overlook nearby residents, it is un-neighbourly due to the height and proximity of the cabin.

- 7.10 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.
- 7.11 The proposed development is seen to have an adverse and detrimental implications upon the residential amenity. The site is overlooked by a number of properties from within Exeter Avenue and Coulston Road as it is sited to the North West of the site. The cabin is sited 3.2m away from the neighbouring property of 11 Exeter Avenue and 5m away from the neighbouring property of 106 Coulston Road. The design and appearance of the cabin is thought to have an unduly detrimental visual impact upon the residential amenity, given the close proximity to the neighbouring properties and is consequently contrary to the provisions of the National Planning Policy Framework, Paragraph 17.

8.0 Planning Obligations

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

9.0 Conclusions

- 9.1 The proposed change of use of land for the retention of a cabin is within a sustainable location that the provision of new allotment facilities and other food growing places are encouraged, where opportunities arise and a clear need is demonstrated.
- 9.2 However this has to be assessed against the design, siting and appearance of the cabin and the impact upon the visual amenity of the street scene. As well as the siting of the cabin being in close proximity to the neighbouring properties and the unduly detrimental visual impact upon the residential amenity.
- 9.3 It is concluded that whilst the Council welcomes improvement to allotment facilities, but the site-specific reasons outlined above outweigh the benefits that would accrue and therefore the scheme does not wholly comply with the relevant policies. Therefore the application is recommended for refusal.

Recommendation

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

1. The design and appearance of the proposed cabin is not in keeping with the surrounding properties or outbuildings within the allotment gardens and is sited in close proximity to the entrance of the allotment gardens in a highly visible location. As a consequence the development would have a detrimental impact upon the visual amenity of the street scene and is not thought to positively contribute and enhance the protected landscape. The proposed development is therefore considered contrary Policies DM28, DM35 Development Management DPD and the provisions of the National Planning Policy Framework, Paragraph 17.
2. The proposed development, by reason of its proximity to the boundary, siting and appearance, would have an overbearing and unduly detrimental impact on the amenity of the occupants of the neighbouring properties and is therefore contrary to Policy DM35 Development Management DPD and the provisions of the National Planning Policy Framework, Paragraph 17.

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