

<b>Agenda Item</b>	<b>Committee Date</b>	<b>Application Number</b>
A5	31 May 2016	16/00265/CU
<b>Application Site</b> Allotment Gardens Exeter Avenue Lancaster Lancashire	<b>Proposal</b> Change of use of land for the retention of a cabin	
<b>Name of Applicant</b> Mrs Joan Houghton	<b>Name of Agent</b> Mr Richard Grant	
<b>Decision Target Date</b> 12 May 2016	<b>Reason For Delay</b> Deferred for a Site Visit	
<b>Case Officer</b>	Mrs Kim Ireland	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	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.

The planning application was presented to 3<sup>rd</sup> May Planning and Highways Regulatory Committee, whereby Members voted to defer the application to allow a site visit to take place. At the time of drafting this report, the site visit was scheduled for 23<sup>rd</sup> May.

**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.

**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, 2.85m in overall height and was raised 0.55m from ground level. The cabin is made up of metal with a green paint finish.

2.2 Since the application was submitted, the overall height of the cabin has been lowered by 20cm and consequently the cabin is now raised 0.35m from ground level and it has been finished with a dark green paint, rather than the previous light green paint finish. The windows of the cabin have been frosted to alleviate any privacy concerns that have been raised with the cabin and the proximity to the neighbouring properties. A secure coded keybox has been attached to the locked entrance gate on Exeter Avenue to allow for emergency access and this is to alleviate health and safety concerns.

- 2.3 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.
- 2.4 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.
- 2.5 It is proposed the front of the cabin will be covered in trellises with flowering climbers and year round foliage, and Lancaster City Council's property group has stated that there are no restrictions on heights of hedges within the site. 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:

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

### **5.0 Neighbour Representations**

- 5.1 Nine 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.

5.3 A letter has been submitted as part of the applicant's planning application submission, and it includes local representations that the applicant has collated as part of their submission. There are thirty eight pieces of correspondence of support and two pieces of correspondence of objection.

## **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**

**E1** – Environmental Capital

### **6.4 Lancaster District Local Plan**

Saved Policy **E29** – Urban Greenspace

## **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 siting 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 At the time of drafting this report 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 indeed the other outbuildings that are within the allotment gardens. Consequently the proposed cabin is thought to have a detrimental impact upon the visual amenity of the street scene. Because of the siting, scale and materials, the cabin does not enhance the Urban Greenspace. Essential education and community related development will be permitted under saved Local Plan policy E29 in such green spaces where it does not spoil the open character of the area. Whilst the proposal is deemed to fall within a community/education use, it fails to preserve the character and openness of the space and therefore is considered to be contrary to saved Local Plan policy E29. Furthermore it is also contrary to Development Management DPD policies DM28 and DM35 and the provisions of Paragraph 17 of the National Planning Policy Framework.
- 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 where the provision of new allotment facilities and other food growing places are encouraged.
- 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, 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 Urban Greenspace. The proposed development is therefore considered contrary to saved Local Plan Policy E29, Development Management DPD Policies DM28 and DM35 and the provisions of Paragraph 17 of the National Planning Policy Framework.
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 Development Management DPD Policy DM35 and the provisions of Paragraph 17 of the National Planning Policy Framework.

### **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