

Agenda Item A5	Committee Date 22 August 2016	Application Number 16/00665/FUL
Application Site Ashton Golf Centre Ashton Road Ashton With Stodday Lancaster		Proposal Change of use of golf driving range (D2) for the siting of 14 holiday chalets (C1) and creation of a new access point
Name of Applicant Mr & Mrs Lake		Name of Agent Mr Avnish Panchal
Decision Target Date 26 August 2016		Reason For Delay N/A
Case Officer	Mr Mark Potts	
Departure	No	
Summary of Recommendation	Refusal	

1.0 The Site and its Surroundings

- 1.1 The proposed development is located at Ashton Golf Centre, located approximately 4.75 km to the south of Lancaster City Centre with the driving range being located on the south side of the golf centre. The application site covers an area of roughly 1.25 hectares and is currently used as a golf driving range with a defined stone wall marking the boundaries together with tree planting along the boundaries. The ground is quite level. Access to the site would be afforded off the A588 (Ashton Road) then via a private road which serves Ashton Road garden centre, the golf centre, a touring caravan site (approved under 12/00212/CU and currently being implemented) and a number of residential properties, including Ashton Barns.
- 1.2 The application site is adjacent to a significant copse of woodland to the west, with the golf course located beyond this. To the north and east lies further tree planting and the golf club's greens beyond this. To the south is further tree planting leading to an unclassified road with Seafield Plantation beyond this. The nearest residential dwelling to the proposal is approximately 100 metres to the east of the site.
- 1.3 The site is not within a protected landscape, although it is located approximately 200 metres from the Morecambe Bay Special Area of Conservation (SAC), Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and a RAMSAR site. There are no listed buildings on the site, although Ashton Hall is a Grade I listed building and is located some 300 metres to the east of the proposal. The wider golf centre complex is allocated as 'PPG17 Open Space' land, however, only the golf driving range shelter falls within this designation. The land is allocated as Countryside Area as part of the adopted Local Plan.

2.0 The Proposal

- 2.1 The proposed development consists of the siting of 14 holiday chalets on the current golf driving range of Ashton Golf Centre. The scheme proposes three different types of units being the Cresta (4.73m x 12.23m), the Tirol Annexe (6.84m x 10.65m) and the Sherwood (6.9m x 10.97m) - all single storey and of timber construction. New planting is also proposed as part of the scheme, with provision for an emergency vehicle access point located on the south west corner of the proposed

development site. Access to the site would be afforded via the existing site entrance to the golf course with an internal track to access each of the chalets.

3.0 Site History

3.1 There is no relevant site history affecting this proposal.

4.0 Consultation Responses

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

Consultee	Response
Natural England	No objection
Thurnham Parish Council	Objection , on the basis: <ol style="list-style-type: none"> 1. Over provision of holiday accommodation in the area 2. Local objections voiced to the Parish Council 3. Previous objections to similar developments in the vicinity.
County Highways	No objection. Recommends conditions associated with covered and secure cycle storage and off site highway works including stop and give way lines.
Environmental Health	No observations received
Lead Local Flood Authority	Objection to the development. A Flood Risk Assessment is required in support of the application.
Tree Protection Officer	No objection , subject to the submission of a tree survey, tree constraints plan and tree protection plan to be submitted before the application is determined.
Sport England	Given the scale of the development has no comments to make.
Public Realm Officer	No objection however requests that an open space assessment is provided for consideration.
Lancashire Police	No objection

5.0 Neighbour Representations

5.1 To date there has been **6** letters of representation received in response to the scheme all of which raise objection with the proposal based on the following concerns:

- Issues of ownership (not a planning consideration);
- Concerns with respect to foul and surface water;
- No evidence of need;
- Harm to Ashton Hall;
- Detrimental impact on landscape and ecology;
- Highway Safety concerns; and
- Unsustainable location.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 14 and 17 – Sustainable Development and Core Principles
 Section 3 – Supporting a prosperous rural economy
 Section 4 – Promoting Sustainable Transport
 Section 8 – Promoting Healthy Communities
 Section 11 – Conserving and Enhancing the Natural Environment

6.2 Lancaster District Core Strategy Policies

SC5 – Achieving Quality in Design
 ER6 – Developing Tourism

6.3 Development Management DPD

DM7 – Economic Development in Rural Areas
DM9 – Diversification of the Rural Economy
DM14 – Caravan Sites, Chalets and Log Cabins
DM20 – Enhancing Accessibility and Transport Linkages
DM26 – Open Space, Sports and Recreational Facilities
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM29 – Protection of Trees, Hedgerows and Woodland
DM35 – Key Design Principles
DM38 – Development and Flood Risk
DM39 – Surface Water Run-Off and Sustainable Drainage
DM40 – Protecting Water Resources

6.4 Lancaster District Local Plan Saved Policies

E4 – Development within the Countryside

7.0 Comment and Analysis

7.1 The application raises the following main issues:

- Principle of development;
- Flooding and drainage;
- Open space;
- Ecology; and
- Highways.

7.2 Principle of Development

7.2.1 The proposed development involves the siting of wooden chalets on a golf driving range associated with the Ashton Golf Centre. Policy DM14 of the Development Management DPD is therefore relevant which concerns the siting of caravans, chalets and log cabins, and generally proposals should seek to utilise brownfield land first and the local highway network should be capable of accommodating the development. In addition, the points below require special consideration:

- (Development should) Be of a scale and design appropriate to the locality and does not have any detrimental impacts on the local landscape;
- (Development) should Make use of appropriate materials which are sympathetic to its locality.

Priority will generally be given to utilising previously developed sites and when greenfield sites are considered it should be demonstrated that no alternative suitable brownfield sites exist locally. The site has a historic use as a golf driving range and therefore whilst it is greenfield (with manicured greens) it is considered to be potentially capable of accommodating this form of development, assuming issues of the loss of recreational open space can be fully addressed (see section 7.4). It is the applicant's intention that the chalets would likely be used by people wishing to take a golfing holiday and that the provision of the chalets would enhance the attraction to users and boost the income of the business. The Highway Authority raises no objection in highway terms.

7.2.2 The application seeks to utilise wooden chalets of single storey build and the site is enclosed, so views into the site would be limited and only really be gained by golfers and perhaps those using the private lane to the south of the site in the winter time when the trees are not in leaf. It is therefore considered to be of a scale and design that is appropriate to its surroundings and the wooden chalets would be sympathetic to the rural location. There are concerns with respect to accessing the development via the existing golf course and this requires further thought, as is noted in paragraph 7.6.2, but overall the principle of this development could be found acceptable (assuming other issues such as the loss of recreational open space, access and drainage can be overcome).

7.3 Flooding and Drainage

7.3.1 The site area is over 1 hectare, and whilst in Flood Zone 1, the Lead Local Flood Authority has objected to the development as a Flood Risk Assessment has not accompanied the proposed development, and the scale of development may present risks of flooding on or off site if surface water is not effectively managed. The need for this assessment was relayed to the applicant's agent early in the determination process (June 2016). However, despite several requests this has not been received. It is also unclear how foul water will be dealt with (i.e. mains or a package treatment plant) and therefore it is unclear whether the development would have an adverse impact on the groundwater in the locality. The Local Authority has sought to work proactively with the applicant, however, despite requests the required information has not been forthcoming. In the absence of an assessment to determine whether the site can be drained appropriately the scheme fails to comply with Policies DM38 and DM39 of the Development Management DPD.

7.4 Open Space

7.4.1 The Ashton Golf Centre is identified in the Council's PPG17 study on open spaces (however the allocation only covers the driving range shelter and not the area where the chalets are proposed to be sited, even though these are on the driving range greens). Notwithstanding this it is clear in the specification of the PPG17 study that the driving range is part of the make-up of the allocation. Sports facilities such as the golf driving range are a source of recreation and amenity and therefore in line with Policy DM26 of the Development Management DPD the applicant has submitted an Open Space Assessment for consideration. This concludes that the Lancaster Golf Club (located less than 500m away) has recently developed their own driving range and this has had a detrimental effect on the existing facility. However, whilst full consent was granted under 13/01295/HYB for the change of use of land to a driving range further north along Ashton Road and outline consent for the associated building, this has not been implemented, so it would appear that the Open Space Assessment is flawed. It is also claimed since the approval of 12/00212/CU which was for the change of use of land for the siting of 26 pitches for touring caravans, immediately to the south of this site that golf balls do stray out of the application site onto the adjacent touring caravan site and it is considered a risk in future once the adjacent site is fully occupied. However the Assessment fails to consider that the driving range is still in use (see 7.4.2. below), albeit there is signage preventing golfers from using longer clubs on the driving range due to the possibility of golf balls entering neighbouring land. The Golf Centre could theoretically erect new netting preventing balls from entering neighbouring land. Other golf centres (and driving ranges) exist in places where stray golf balls could be problematic, such as adjacent to motorways, and thus with appropriate netting/screening, the golf use can continue without detriment.

7.4.2 The supporting information does state that the use of the main 9-hole course golf would not be affected by the proposed development. The open space statement submitted with the scheme is relatively brief (at 1 page long) and there has been no consultation with key stakeholders and the local community as to whether the driving range has a value. The case officer understands that the driving range is still available for use open 7 days a week between the hours of 09.00 and 20.30 during the summer months. No compensation for the loss is provided as part of the scheme, however, in general it is not considered that the applicant has justified the loss of the driving range to the satisfaction of the Local Planning Authority to allow for an informed decision to be made. The open space assessment was only submitted in late July and therefore at the time of writing this report the views of the Public Realm Officer have not been received in response to the application. Overall it is considered that a lack of justification has been put forward to allow the loss of the driving range and therefore the scheme fails to comply with Policy DM26 of the Development Management DPD and Paragraph 74 of the NPPF.

7.5 Ecology

7.5.1 The scheme is supported by an ecological appraisal of the site. Whilst the site itself is not deemed to be of high value the surrounding woodland is deemed as high value woodland and there are a number of ponds in close proximity to the application site. Given the age of trees bats are known to forage locally, but the trees in question would remain as part of this development proposal, and therefore there would be no loss of habitat. The ponds in close proximity to the site have been assessed as not being suitable for Great Crested Newts. Notwithstanding the above, a condition is

recommended for ecological enhancement of the site (including a control on external lighting) should Members determine to approve the scheme. Officers are satisfied that the proposed development could, through the use of planning conditions, be beneficial to the natural environment.

7.5.2 The Tree Protection Officer has no objections subject to the provision of a detailed tree survey, tree constraints plan and tree protection plan before the application is determined. These details have not been submitted. At present it is unclear whether the concrete slabs to site the chalets on would encroach within the root protection zones and therefore in the absence of such detail the case officer cannot be certain that trees on the boundary of the site would not be affected by the development proposals. Therefore in the absence of a tree survey, constraints and protection plan it is unclear if the proposed layout would be harmful to any trees.

7.6 Highways

7.6.1 The site is accessed off Ashton Road, and via a private road that also serves a number of dwellings, the garden centre, golf centre, touring caravan site (currently under construction) and the application site. The Highway Authority raises no objection to the scheme on the understanding that the scheme is for holiday accommodation only and that cycle parking is provided on the site. Conditions are recommended requiring white-lining at the junction of Ashton Road and private road. These are all considered acceptable.

7.6.2 Whilst the Highway Authority does not object to the proposals there is concern as to how the site would be accessed as there would be a need to cross the existing golf club. However, no detail is provided for this within the scheme. Additional information was requested in this regard but no details have been forthcoming. It is unclear whether users would use the existing car park at the front of the site and walk or take a golf buggy with luggage to access the holiday chalets, or whether a road would be needed (which would require the benefit of planning permission).

7.7 Other Considerations

7.7.1 The proposed development is close to a Grade I listed building in the form of Ashton Hall which is a 14th century mansion now owned by Lancaster Golf Club. Given the screening between the listed building and the proposed development it is not considered that the setting would be unduly harmed due to this development.

7.7.2 Many of those who have objected to the scheme have raised land ownership as an issue. However, the agent has signed the necessary certificate to state that they are the owner of the site. This is a legal declaration and has to be relied upon. Notwithstanding this, the concern has been relayed back to the applicant, but the Local Authority has not been informed of any changes to their previous declaration.

7.7.3 Concern has also been raised regarding the sustainability credentials of the scheme. However, the Ashton Golf Centre has a small club house serving food and drink. The nearby garden centre provides a similar service. Overall it is considered that a use such as that proposed could indeed be complementary to the offer already present and assist with maintaining rural businesses.

8.0 Planning Obligations

8.1 Should Members support the scheme against the advice of officers then the applicant should enter into a section 106 legal agreement to limit the site solely to chalets and to prevent the residential occupancy of the chalets.

9.0 Conclusions

9.1 The proposal contains insufficient information, notably with regard to the loss of recreational open space, drainage, trees and how users would access the site. Members are therefore advised that the scheme should be refused.

Recommendation

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

1. The applicant has failed to demonstrate to the satisfaction of the Local Planning Authority that the golf driving range no longer has an economic, recreational and community value. Therefore the proposed development is contrary to Policy DM26 of the Development Management Development Plan Document and Paragraph 74 of the National Planning Policy Framework.
2. The applicant has failed to fully demonstrate how the proposal will be accessed as the point of access on the north boundary does not currently connect to any off site infrastructure, and the red edged application site excludes land to the north, so no off-site development of tracks or roads are proposed. Furthermore, the provision of an access across the existing outdoor recreational facility (the golf course) could potentially adversely affect its recreational and environmental value, and therefore the proposed development is contrary to Policies DM26, DM27 and DM35 of the Development Management Development Plan Document.
3. The application is not accompanied by a Flood Risk Assessment and insufficient detail is contained within the application as to how surface and foul water drainage will be appropriately managed. The application therefore fails to comply with Policies DM38, DM39 and DM40 of the Development Management DPD.
4. There is a lack of consideration of the development's impact on trees given the insufficient supporting documentation submitted as part of the application. In the absence of adequate tree information it can only be concluded that the scheme has the potential to adversely impact the health of the trees in the vicinity of the application site and therefore the scheme fails to accord to Policy DM29 of the Development Management DPD.

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.