

<b>Agenda Item</b> A8	<b>Committee Date</b> 17 October 2016	<b>Application Number</b> 16/00764/FUL
<b>Application Site</b> Land At Canal Bank Stables Ashton Road Lancaster Lancashire	<b>Proposal</b> Erection of a detached dwelling (C3) and associated access	
<b>Name of Applicant</b> Miss Emma Wilson	<b>Name of Agent</b> Mr Andrew Tait	
<b>Decision Target Date</b> 12 August 2016	<b>Reason For Delay</b> Committee Cycle	
<b>Case Officer</b>	Mrs Kim Ireland	
<b>Departure</b>	No	
<b>Summary of Recommendation</b>	Refusal	

**(i) Procedural Matters**

The proposed development would normally fall within the scheme of delegation. However, Councillor Helme has requested that the application be referred to the Planning Committee for a decision on the grounds that the proposed dwelling is sited in an acceptable position and the proposal is a positive move to the welfare of the horses in the riding school and the community facilities in the area.

**1.0 The Site and its Surroundings**

- 1.1 The site 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 current 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 fairly significantly from the Ashton Road frontage 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 mature trees and hedges forming the boundaries. The land follows a similar topography rising steeply east to west from Ashton Road. Land to the south of the site has a small group of residential properties known as Ashford Avenue – a small complex of large dwellings served off a short cul-de-sac, again rising steeply to the west.
- 1.3 A stone track runs between the application site and the boundaries of the residential properties to the south, which is accessed off Ashton Road to the east and provides access to the equestrian development further to the west. This access also serves a small car parking area developed to serve the equestrian business.
- 1.4 Relatively new housing development lies further east on the other side of Ashton Road. This housing area contains modern housing built over the last decade.

1.5 The site is allocated as a Countryside Area, a Key Urban Landscape and an Urban Greenspace in the Lancaster District Local proposals map. To the north and east boundaries of the site include a number of mature trees subject to a tree preservation order.

## **2.0 The Proposal**

2.1 The proposal is seeking to develop a detached two storey dwelling set into a large garden plot. The footprint of the property measures approximately 142.75 sq.m. This includes a classroom and an office. The plot sits on rising ground some 50m from the site frontage with Ashton Road. The overall site red edge site curtilage measures 30m deep (west-east) and 54m deep (north to south), totalling 1620 sq.m in area. The external walls are to be clad in a sage green horizontal weather boarding under dark grey interlocking concrete tiles. Windows and rain water goods are to be grey UPVC.

2.2 A new driveway is to lead off the existing stone access track, 80m from Ashton Road, in the form a tarmac driveway and turning area to the south of the proposed dwelling. The driveway is approximately 7m in width and the turning head measuring 15m in depth. No sections or constructional details are provided for the drive/turning area and its relationship to existing ground level. Boundaries are to remain as existing, which are lined by hedgerows.

## **3.0 Site History**

3.1 There has been one planning application refused in 2015 for the erection of a detached dwelling and associated access. There have been three other applications approved in association with the equestrian use.

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
<b>15/01372/FUL</b>	Erection of a detached dwelling and associated access	Refused
<b>14/00313/FUL</b>	Retrospective application for the retention of a menage, stables and floodlights	Permitted
<b>08/00088/FUL</b>	Retrospective application for the retention of an access track, pedestrian path, hardcore areas, fences and concrete yard	Permitted
<b>05/01171/CU</b>	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:

<b>Consultee</b>	<b>Response</b>
<b>County Highways</b>	<b>No objections</b>
<b>Environmental Health Officer</b>	<b>No objections</b>
<b>Tree Protection Officer</b>	<b>No objections</b> subject to the submission and agreement in writing pre-determination of a details tree/hedge survey, tree/hedge constraints plan and tree/hedge protection plan in relation to onsite hedges and off-site trees subject of Tree Preservation Order.
<b>Natural England</b>	<b>No comments to make</b>
<b>United Utilities</b>	A water main/trunk main crosses the site so a maintenance easement is required measuring at least 5 metres either side of the centre line of the pipe. This should be taken into account in the final site layout, or a diversion will be necessary, which will be at the applicant's expense.

## **5.0 Neighbour Representations**

5.1 Two pieces of correspondence objecting to the application have been received. The reasons for opposition include the following:

- The dwelling will cause an invasion of privacy, as it will look directly into neighbouring properties, especially during winter and autumn months
- Additional noise and disturbance caused by vehicles and pedestrians
- Loss of view over the green fields
- The development is not in keeping with the character of the properties on Ashford Avenue and Ashton Road
- The existing entrance to the stables is close to the roundabout on Ashton Road and currently vehicles park on the road and this causes a road hazard.
- The application contains insufficient details on the size, scale, location and outlook of the proposed dwelling

## **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

**E1** – Environmental Capital

6.4 Saved policy Lancaster District Local Plan

**E29** -Urban Greenspace

**E31** - Key Urban Landscape

## **7.0 Comment and Analysis**

7.1

- Principle of Housing in this Location
- Need for the Dwelling

7.2 Principle of Housing in this Location

7.2.1 The submission seeks to promote the development on various levels:

- it is within the Lancaster City area;

- it incorporates a classroom, office and shower room for use in connection with the adjacent Canal Bank Stables; and
- the dwelling has been moved further west than previously proposed to provide surveillance to the stables and to be near the stables if health incidents occur to the horses.

7.2.2 It is considered that the development lies within Lancaster close to its southern edge. The site is undeveloped and is protected from development by designations contained within the saved policies of the Lancaster District Local Plan (LDLP), namely policy E29 Urban Green Space and E31 Key Urban Landscape. This forms part of the area of key landscape that is situated between Ashton Road, Lancaster Canal and the housing estate known as Haverbreaks, though excluding the housing opportunity site that exists around the Royal Albert (as known as Pathfinder House).

7.2.3 LDLP policy E29 (Urban Green space) seeks to safeguard land from development and where appropriate enhance its appearance, only exceptionally essential education or community related development could be supported. Policy E31 (Key Urban Landscape) recognises the areas of land which are particularly important to the setting of the urban area and great importance is placed to maintain the open nature of these areas. In developing the Land Allocation DPD the area of land running to the west and south of Haverbreaks (Area 4) has been reviewed and a further landscape assessment undertaken. The allocation is to be reconfirmed and allocated as Key Urban Landscape only. Policy DM28 of the Development Management 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.

7.2.4 The site location is generally considered to be relatively sustainably, located within walking distance of a number of services and also serviced by a limited public bus service. However, despite the sustainable location of the development, the principle of developing the land needs to be considered against the current Development Plan policy and emerging allocation, 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, in this case when viewed west from Ashton Road and the canal towpath. Currently, the land is open pasture seen rising west from Ashton Road to the ridgeline. A strong hedgerow runs along the Ashton Road frontage with mature protected trees forming the northern boundary of the site. The only intrusion to this area of land has been the introduction of a car parking area hidden behind a retained hedgerow which serves Canal Bank Stables.

7.2.5 The principle of development with such allocations is resisted, exceptions only being considered for essential education or community related development. The application has introduced a classroom, office and shower room to be used in connection with the Canal Bank Stables for people visiting their horses and those taking part in training events. It has been suggested in the planning statement that this is essential education. However, LDLP Policy E29 states that where limited development is appropriate, expansion may be permitted provided that it does not spoil the open character of the area. The proposed siting of the dwelling has been moved west of the site, compared to the previous application, to the brow of the land which rises fairly significantly from the Ashton Road frontage. Therefore the proposed dwelling will be highly visible from various points within Ashton Road and as such it is considered that the proposal fails to meet these criteria and in principle could not be supported, as it is deemed to spoil the open character of the area, despite the tree planting proposed around the dwelling.

7.2.6 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 in this location which does not comply with the Council's approach to sustainable development across the district.

7.3 Need for the dwelling

- 7.3.1 The application is seeking to justify the dwelling as one which is to serve a rural enterprise, namely Canal Bank Stables. The application is supported by an additional statement which whilst not set out in a structured layout, seeks to address the financial and functional test required for a rural enterprise worker's dwelling. Whilst the location of the dwelling is not regarded as rural the submission has been assessed against policy DM43 and the associated Appendix C of the DM DPD.
- 7.3.2 In terms of the financial test the stable enterprises 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 of a full time basis. The stables appear to have been operating on a sound financial basis for all this period but again the application has failed to provide any detailed financial background. Notwithstanding the shortcomings of the submission, given the longevity of the enterprise and continued employment of at least two people, is considered to meet the financial requirements of the policy and Appendix.
- 7.3.3 As for the functional test, 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 is considered reasonable, as a demand for a temporary dwelling is usually linked to newly established enterprises with an unknown economic footing.
- 7.3.4 Policy DM43 of the DMDPD sets out a number of criteria against which such development must be considered. Proposals would only be supported providing the criteria are met, these include:-
- 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.

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 inconvenient and disturbing to the enterprise, it is recognised that security is not a 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. It is considered that whilst the application makes reference to the need for animal husbandry on occasions such as mares giving birth, the need for a worker to be on hand day and night at short notice has not been fully satisfied, the application is considered to fail criteria "i" of the policy. Criteria "ii" and "iii" appear to be met.

- 7.3.4 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 applicants' current location (a recent purchase) or indeed 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 varied of dwelling styles, sizes and values and the availability of technology to overlook the enterprises (both inside and outside) it is considered that some justification needs to be provided to set out why the functional need of the enterprise has not been explored or cannot be met by a local neighbouring property. It is considered that the requirements demanding under criteria "iv" have not been fully explored or justified and as such the submission fails criteria "iv" of the policy.
- 7.3.5 Turning to criteria "v", the proposal is seeking to develop a large three bedroom, two storey property over 285.5 sq.m floor area. In addition to the scale of the dwelling, the dwelling is to be sited 80m from the site frontage in an elevated position. In the opinion of the local planning authority the scale of the dwelling and its associated curtilage appears excessive. The scale of the development including the large access/turning area is exacerbated by the location in an elevated position above Ashton Road. The general appearance, design and external finish of the dwelling are considered to further erode the amenity of the area. Overall it is considered that the scheme has failed to minimise its impact on the surrounding area, is not well designed and given its position is not well related to either the operation of the enterprise or other dwellings. The application is considered to fail criteria "v" of the policy.

## 7.4 Other Matters

- 7.4.1 Trees – The north and east boundaries of the site include a number of mature trees subject to a tree preservation order. The application involves the development of a building and hardstanding areas with a large overall footprint relatively close to the northern boundary of the site and the mature trees which follow the boundary line. The application has acknowledged that there are protected trees on the proposed site plans. However, to ensure that the trees are not adversely affected by the development due pre-determination consideration should be given as part of the submission. This should take the form of a tree survey, tree works schedule and arboricultural method statement. The current submission fails to provide any information contrary to aims of policy DM29 of the DM DPD.
- 7.4.2 Water main – The site is affected by the line of a 12 inch diameter cast iron water main which runs close to the southern boundary of the site in an east-west direction. United Utilises has sought the provision of a 10m easement (5m on either side of the pipeline) to ensure access for maintenance, replacement and the like. Other than the new driveway/access the development is sited clear of the easement.

## **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 LDLP policy E29 (Urban Green space), policy E31 (Key Urban Landscape) and DM28 of the DM DPD that seek to safeguard the land and recognise its importance in 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, office and shower room to be used in connection with the Canal Bank Stables and it has been suggested in the submission that this is essential education. However, LDLP E29 states that limited development is appropriate, providing that the development does not spoil the open character of the area. The proposed siting of the dwelling is at the brow of the land which rises significantly from the Ashton Road frontage and as a consequence will be highly visible from various points within Ashton Road. The proposed development is thought to spoil the open character of the area, despite the tree planting proposed around the dwelling.
- 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 therefore applies, the harm caused by the proposed private single dwelling on the natural environment outweighs this.
- 9.3 The application has sought to justify that the proposed dwelling is to serve a rural enterprise of Canal Bank Stables, but the proposal fails to comply with 3 out of 5 of the criterion set out in policy DM43 and the associated Appendix C of the DMDPD. The proposed dwelling has failed to minimise its impact on the surrounding area, is not well designed and given its isolation is not well related to either the operation of the enterprise or other dwellings, and any functional need could be met by another nearby dwelling.

## **Recommendation**

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

1. The proposal seeks to develop a new dwelling within areas designated as a 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. Exceptional essential educational and community related facilities may be acceptable. The submission has justified that the proposed development includes elements that provide essential education, however in the opinion of the local planning authority the development in the manner proposed by reason of its scale, location and form fails to safeguard and preserve the open nature and landscape value of the area to the detriment of the character and appearance of the area. As such the proposal is considered to be contrary to saved policies E29 and E31 of the Lancaster District local Plan and policies DM28 and DM35 of the Lancaster District Development Management DPD.

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 DM42 Lancaster District Development Management DPD and the provisions of the National Planning Policy Framework, in particular paragraph 55.
3. The proposal involves the development of a building and hardstanding areas with a large overall footprint relatively close to the northern boundary of the site and the mature trees which follow the boundary line and are subject to a tree preservation order and form part of a wider linking corridor of mature trees. The application submission has not considered the presence of trees along the site boundary, their protected status or value within the wider landscape and the potential for development to affect/undermine their longevity. As such the proposal is considered to be contrary to aims of policy DM29 of the Lancaster District 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