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| Agenda Item A13 | Committee Date 12 December 2016 | Application Number 16/01180/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) | |
| Name of Applicant Mr & Mrs Lake | Name of Agent Mr Avnish Panchal | |
| Decision Target Date 27 December 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 0.85 hectares and is currently used as a golf driving range with a defined stone wall and tree planting marking the boundaries. The ground is relatively 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 there are curtilage Listed walls associated with Ashton Hall), 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, though 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. Access to the site would be afforded via the existing site entrance to the golf course, and users would park in

the existing car park and will be transported by golf buggies to their chalet with an internal track to access each of the chalets.

2.2 The scheme also proposes a temporary access that crosses the existing golf course to facilitate the delivery of the chalets which is likely to be a temporary roadway way made up of heavy duty matting.

3.0 Site History

3.1 The recent withdrawn application noted below is the most relevant history:

| Application Number | Proposal | Decision |
|---------------------------|---|-----------------|
| 16/00665/FUL | Change of use of golf driving range (D2) for the siting of 14 holiday chalets (C1) and creation of a new access point | Withdrawn |

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 | No comments received during the statutory consultation period |
| County Highways | No objection , subject to conditions associated with covered and secure cycle storage and off site highway works including stop and give way lines |
| Environmental Health | No objection , subject to conditions associated with contaminated land and bunding of tanks |
| Lead Local Flood Authority | No comments received during the statutory consultation period |
| Tree Protection Officer | Objection due to insufficient submitted information to assess the effectiveness of the proposed Tree Protection Plan |
| Sport England | Given the scale of the development have no comments to make |
| Public Realm Officer | Initially raised concerns regarding the lack of information contained within the applicant's open space assessment. Following the receipt of additional information is satisfied that the applicant has demonstrated that there is no longer a need for the facility |
| Lancashire Police | Advise that measures should be employed such as CCTV, use of barriers on accesses and low energy dusk to dawn lighting should be used |
| Planning Policy | Raise concerns over a lack of information with respect to landscape impacts |
| Greater Manchester Ecological Unit | No objection , and recommends informative's regarding Great Crested Newts, Nesting Birds and for a condition to be added regarding ecological enhancement |
| Historic England | No comments received during the statutory consultation period |
| Conservation Officer | No comments received during the statutory consultation period |

5.0 Neighbour Representations

5.1 4 letters of objection have been received raising the following points:

- Issues of ownership (not a planning consideration);
- Concerns with respect to foul and surface water;
- No evidence of need;
- Harm to Ashton Hall;
- Lack of suitable netting on the site leading to stray golf balls leaving the site;
- 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
Section 12 – Conserving and Enhancing the Historic 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
DM30 - Development affecting Listed Buildings
DM32 – The setting of designated heritage assets
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

6.5 Other Material Considerations

PPG17 – Open Space Study

7.0 Comment and Analysis

7.1 The application raises the following main issues:

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

7.2 Principle of Development

7.2.1 The proposed development involves the siting of wooden chalets on the 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 regarding 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, and in general terms this is something which is to be encouraged by the Local Planning Authority. 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 (both during the construction and during operation) via the existing golf course and this requires further thought, as is noted in paragraphs 7.6.2 and 7.6.3, 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 Compared to the previous iteration of the scheme when the red edge plan occupied an area in excess of 1 hectare it has since been reduced so now occupies 0.85 hectares in area and therefore falls under the threshold which would require the submission of a Flood Risk Assessment (FRA) to accompany the scheme. However, one has been submitted (admittedly brief) which discusses that the site is within Flood Zone 1 and that surface water will be discharged by each chalet having a rainwater harvesting system in addition to providing an allowance for infiltration into the ground via a soakaway. With the withdrawn application there is no detail submitted of how surface water would be managed, and whilst the applicant states that a soakaway would be used, there is no evidence before officers as to whether this solution would indeed be practical as this would be entirely dependent on the ground makeup (of which no detail has been provided). The Lead Local Flood Authority (LLFA) previously raised an objection on the premise that no FRA was submitted with the application, though this was when there was a requirement to submit one given the area was over 1 hectare. There are concerns that the applicant's temporary access crosses a drain. The views of the LLFA are awaited and will be reported verbally at the Committee meeting. However, it is considered that surface water can be appropriately controlled and would not lead to flooding elsewhere – it is a matter of how this will be achieved.

7.3.2 Foul water is proposed to be handled by the use of a package treatment plant on the site and the applicant has provided amended plans to reflect this. United Utilities has made no comment on the planning application and it has to be assumed that foul water can be handled appropriately on the site. Officers do have concerns in this regard, though in terms of how access would be afforded to any ongoing maintenance of any package treatment plant it is unclear from the submission how this would be delivered in practice. The applicant's proposed route of accessing the site would also cross a drain, though no detail has been provided to demonstrate how this will indeed be crossed.

7.4 Open Space

7.4.1 The Ashton Golf Centre is identified in the Council's PPG17 study on open spaces (though the study 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. The withdrawn submission provided weak justification for the loss of the driving range and initially this was the case with this application. However, the applicant has submitted additional information in support of the scheme. This concludes that the current driving range was in profit until September 2014, though following this date has been operating at a loss. The applicant suggests that this is in part due to the approval of application 12/00212/CU (situated just south of the site) which was for the change of use of land to a touring caravan site with associated infrastructure and a legal dispute that has occurred between the owners of the Golf Centre and caravan site due to concerns regarding golf balls travelling from the driving range onto the caravan development site. The applicant has taken measures such as purchasing 20,000 reduced flight golf balls, repairing the netting at the southern edge of the driving range and banning the use of drivers and woods to ensure that balls entering third party land does not occur which is said to represent a health and safety concern especially when the adjacent site will be fully occupied.

- 7.4.2 Unlike with the withdrawn planning application the applicant acknowledges the loss of the driving range and the applicant proposes to offset this by the creation of a short game practice area on the range outfield opposite the proposed chalets. This is made up of a large practice putting green, chipping area with bunkers near the range building and will be used by the teaching professional, users of the lodges and the public. The existing driving range shelter is proposed to remain, however, there is the longer term possibility to use the structure by tunnel netting this to create an “indoor” range and teaching area.
- 7.4.3 The applicant contended in their original statement that the Lancaster Golf Club (located less the 500m away) had recently gained consent for their own driving range and this is likely to have a detrimental effect on the existing facility at the Ashton Golf Centre. 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, and furthermore they only have a further 5 months to implement this consent before permission lapses.
- 7.4.4 Additional information has been provided that Lancaster Golf Course does have their own small scale driving range and were granted planning permission under application 15/01572/FUL to build a shelter over their existing practice area to create a driving range, with users purchasing tokens from the club shop (at a lower cost than Ashton Golf Course). One fundamental benefit is that any size club can be used here unlike the situation at Ashton Golf Course, but this is not open to the public to use; only members of the Ashton Golf Club.
- 7.4.5 The supporting information does state that the use of the main 9-hole golf course would not be affected by the proposed development. A weakness of the submission, however, is that unfortunately there has been no consultation with key stakeholders and the local community as to whether the driving range has a value – no information on demand or no detail on the number of users. The case officer understands that the driving range is still available for use 7 days a week between the hours of 09.00 and 20.30 during the summer months and 09.00 till dusk during the winter months. A decision on the loss of the driving range needs to be considered against the backdrop of falling revenues, the provision of other driving ranges locally (Ashton Golf Club) and justification that the applicant has put forward. On balance whilst Officers are satisfied that the applicant has demonstrated that special circumstances could apply here to justify the loss of the golf driving range, this should be on the basis of a replacement similar facility. Unfortunately the plans do not provide any evidence of this replacement. Amended plans in this regard are required before determination as this would constitute development in its own right. The public realm officer had reservations initially regarding the scheme but on balance now raises no objection to the development. Likewise Sport England have no adverse observations to make on the proposal.
- 7.4.6 The decision is finely balanced with plausible arguments on both sides but fundamentally details of the replacement facility are required before the application can be determined and whilst the applicant has committed to these in writing these are not shown on plan. This has been conveyed to the applicant’s agent, however, no response has been forthcoming. Whilst it can be considered that a solution can be found, further work is required to enable a positive recommendation in this regard. It is therefore considered that the applicant may well have provided sufficient justification to allow for the loss of the driving range on the provision of what is contained within their written submission, but a plan detailing the replacement facility is required before the scheme can be positively recommended and therefore the application 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 significant biodiversity interest the surrounding woodland is considered 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). Officers are satisfied that the proposed development could, through the use of planning conditions, be beneficial to the natural environment, this is echoed by the Council's ecological advisors Greater Manchester Ecology Unit. A response from Greater Manchester Ecology Unit has not been received with respect to the applicant's temporary access and will be reported verbally to the Committee meeting.
- 7.5.2 With the withdrawn application there was a requirement for the applicant to provide a detailed tree survey and tree constraints plan in support of the application given the application proposes chalets in close proximity to mature trees. The applicant has sought to address this concern by providing a 5m buffer from the existing canopy, with all of the units being located outside of this buffer. The Tree Protection Officer recommends that the application is refused as the applicant has failed to provide a tree survey. The effectiveness of the proposed root protection area cannot be assessed in sufficient detail as the root protection area is calculated on a tree-by-tree basis, not a generic distance of 5m. Whilst no trees are proposed to be lost the submission fails to provide adequate certainty that existing trees would not be damaged due to this development and therefore the scheme fails to conform to the requirements of Policy DM29 of the DM DPD.

7.6 Highways

- 7.6.1 The site is accessed off Ashton Road 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 development 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 the private road. These are all considered acceptable and could be imposed should members resolve to support the scheme.
- 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 requirement to cross the existing golf club to access the chalets. A plan has been provided showing buggy access from the existing car park to the site but it is unclear whether this would need to be hard surfaced given the width of the current access is very narrow. The applicant's agent maintains it would remain as is the current situation and no further hard surfacing, which would constitute an engineering operation, would indeed be required.
- 7.6.3 The withdrawn application included an emergency vehicular access point to the south of the proposal which has been excluded from the red edge plan as part of this planning application, though the plan clearly shows an improved access. There is concern as to how the chalets would be delivered to the site though the applicant is proposing that these would be delivered in 2 or 3 sections to the existing car park and then to the site via the existing service road serving the driving range. Temporary matting across the golf course is proposed by the applicant. The applicant maintains the existing driving shelter was constructed this way but the applicant's proposal would appear to cross a drain. No detail has been provided as to how this will be crossed. In short whilst this may be a feasible suggestion there are significant concerns as raised within Section 7.7 of this report.

7.7. Heritage

- 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. In accordance with the Listed Building and Conservation Areas Act, when considering any application that affects a Listed building 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. This is reiterated by policies DM30 and DM32. 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.

However, as part of the application process and following concerns raised by the case officer in respect of accessing the site for the delivery of the chalets there is likely to be the need to remove a small section of an existing stone wall which Officers feel would be curtilage Listed in association with Ashton Hall. No detail has been provided to show the amount of wall that would need to be removed, and Listed Building Consent would be required. An application should have been made for Listed Building Consent to fully assess the implications associated with the loss of the wall. In view of the uncertainty raised and the lack of assessment to establish the significance of the wall it has to be considered that there is insufficient information to assess the impact and therefore the development fails to comply with Policies DM30 and DM32 of the Development Management DPD.

7.8 Other Considerations

7.8.1 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.

7.8.2 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. This weighs in favour of support to the proposal.

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 for holiday purposes only to prevent the residential occupancy of the chalets.

9.0 Conclusions

9.1 The Local Planning Authority has tried to approach the decision making process in a positive way and has proposed solutions to the applicant to allow for a scheme to be supported. However, the proposal contains insufficient information, notably with regards to the loss of recreational open space, together with impacts on trees and how the development would be delivered on the site. Therefore whilst the principle of development is acceptable, Members are advised that the scheme should be refused for these reasons.

Recommendation

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

1. The applicant has not provided the necessary information to show the replacement facility which they propose in their supporting written submission and therefore it is considered that this information is required to enable the decision maker to come to an informed decision on the loss of the driving range. It is also considered that insufficient information has been supplied in respect to the delivery of chalets, how users would access them, together with associated maintenance, due to the potential need to cross the existing Golf Course, which could potentially adversely affect the recreational and environmental value of Ashton Golf Centre. The scheme therefore fails to comply with Policy DM26 of the Development Management Plan DPD and Paragraph 74 of the National Planning Policy Framework.
2. There is a lack of a coherent strategy as to the delivery of the chalets to the site which would appear to involve the loss of some curtilage Listed wall associated with Ashton Hall which is Grade I Listed. Due to the lack of information in this regard it is not possible to assess the impact of the development on the significance of the heritage asset, and therefore the scheme fails to conform to Policies DM30 and DM32 Development Management Plan DPD and Paragraph 128 of the National Planning Policy Framework
3. 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 Plan 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.

Background Papers

None