

<b>Agenda Item</b> A14	<b>Committee Date</b> 12 December 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 site visit and awaiting additional information and plans
<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. The application was deferred from October's Planning Committee meeting for a site visit and to allow the applicant a chance to try and address the reasons for refusal cited within the report.

**1.0 The Site and its Surroundings**

- 1.1 The land 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 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 the land following a similar topography and boundaries formed of mature trees and hedges. Land to the south of the site has a small group of residential properties known as Ashford Avenue. This is a small complex of large dwellings served off a short cul-de-sac, again rising steeply to the west.
- 1.3 A stone access track runs between the application site and the boundaries of the residential properties to the south. The current access off Ashton Road, which is a stone track, serves the equestrian development further to the west on the other side of the ridge line. This access also serves a small car parking area developed to serve the equestrian business, which is located close to Ashton Road.

- 1.4 Relatively new housing development lies further east and a little north of the application site on the east side of Ashton Road. These residential areas contain 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. The north and east boundaries of the site include a number of mature trees which are subject to a Tree Preservation Order.

## **2.0 The Proposal**

- 2.1 The proposal is seeking to develop a detached dormer bungalow set in a large garden plot. The footprint of the property measures approximately 253sq.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 curtilage measures 30m deep (west-east) and 54m deep (north-south), totaling 1,620sq.m. The external walls are to be finished in a smooth lime mortar finish with quoins under a grey natural slate roof. Windows and rainwater goods are to be white UPVC.
- 2.2 Additional plans have been received from the applicant that show a dormer bungalow, though no information has been provided regarding a driveway or if a turning head is to be provided. No sections or constructional details are provided for the drive/turning area and its relationship to existing ground level. Plot boundaries are to remain as existing. Furthermore, plans are await to address a number of inconsistencies with the plans, most critically that the proposed dwelling is shown to fall outside the application (red edged) site.

## **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 has been three applications that are associated 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 of a detailed tree/hedge survey, tree/hedge constraints plan and tree/hedge protection plan, in compliance to BS 5837 (2012), in relation to onsite hedges and off-site trees subject of TPO no.269, required pre-determination.
<b>Natural England</b>	<b>No comments to make</b>
<b>United Utilities</b>	A water main/trunk main crosses the site. Access is required to operate and maintain it, so no development would be permitted within 5 metres either side of the centre line of the pipe.

## **5.0 Neighbour Representations**

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

- Loss of privacy 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
- The dwelling will cause an invasion of privacy, as it will look directly into neighbouring properties

## **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

### 6.4 Saved policies of the Lancaster District Local Plan

**E4** – Countryside Area

**E29** – Urban Greenspace

**E31** – Key Urban Landscape

## **7.0 Comment and Analysis**

7.1 The key considerations arising for the proposal are:

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

## 7.2 Principle of Housing in this Location

- 7.2.1 The application site falls within the District's Countryside Area, a Key Urban Landscape and an Urban Greenspace. Whilst residential development within the Countryside Area is not prevented by saved Local Plan policy E4 (which seeks to manage the landscape impacts through appropriate design, scale, materials and external appearance, the access and parking arrangements, and the nature conservation impacts), saved policies E29 and E31 are far more restrictive, protecting the site from development unless it is essential education or community related development and it preserves the openness, character and appearance of its surroundings.
- 7.2.2 In developing the Land Allocation DPD the area of land running to the west and south of Haverbreaks has been reviewed and further landscape assessment work undertaken. The allocation is to be reconfirmed and it is proposed to be allocated as Key Urban Landscape only. Policy DM28 of the DM 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.
- 7.2.3 The site location is generally considered to be relatively sustainably, located within walking distance of a number of services (0.9km from Hala crossroads) 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, E4, E29 and E31 of the LDLP and DM28 of the DMPDP. These policies seek to safeguard the land, recognising its importance in protecting the setting of the urban area. Currently, the land is open pasture seen rising west from Ashton Road to the ridge line. 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, which is on lower land to the west of the ridge. Despite the plans being amended to propose a dormer bungalow rather than a 2 storey house, which reduces the impact slightly, the scale and location of the proposal fail to meet the requirements of the aforementioned policies and adversely affect the openness and character of the local environment.
- 7.2.4 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 is debatable whether this is deemed to be "essential education" as required by saved policy E29, but even assuming it meets this requirement of the policy (which given the context it would probably be difficult to argue otherwise), it still fails to meet other requirements, such as maintaining the openness of the area, preserving the environment's character and proposing appropriate development in terms of scale and siting. Furthermore, the scale of development proposed could not be deemed to be a "limited expansion" of the existing use, again as required by E29. The proposed siting of the dwelling has been moved west compared to the previous application, to the brow of the land which significantly rises 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.
- 7.2.5 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 proposing a dwelling to serve a rural enterprise, namely Canal Bank Stables. The location of the dwelling is not regarded as rural (despite being located within the Countryside Area)

but would need to be assessed against policy DM43 (accommodation for agricultural and forestry workers) and the associated Appendix C of the DM DPD. An agricultural worker's dwelling is only deemed acceptable where both the financial and functional tests are met.

- 7.3.2 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 on a full time basis. The stables appear to have been operating on a sound financial basis for all this period but the application has failed to provide any detailed financial background. However, notwithstanding the lack of information in this regard, given the longevity of the enterprise and continued employment of at least two people, it is considered that the financial requirements of policy DM43 and Appendix C are met.
- 7.3.3 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 approach 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 DM DPD sets out a number of criteria against which such development must be considered. Proposals would only be supported providing all the criteria are met:
- 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.
- 7.3.5 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. Additional information has been received from the applicant that states that there has been recent outbreak of strangles and loss of some animals due to illness. Therefore there is the need to provide 24 hour care and recently the applicant has stayed overnight in the stables to monitor the animals. The proposed dwelling would enable motion and sound activated cameras to be installed, allowing the applicant to arrive at the stables immediately to assist the animals. It is considered that whilst the applicant has provided further justification for the need of the dwelling, the protection of livestock (in this case horses) from theft, injury or disease is not in itself sufficient to justify a dwelling as stated within Appendix C of the DM DPD. Therefore the application is considered to fail criteria i of the policy.
- 7.3.6 As stated in 7.3.2, criteria ii and iii appear to be met.
- 7.3.6 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 applicant's current location (a recent purchase). The information provided still does not justify 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 range of dwelling styles, sizes and value and the availability of technology to overlook the enterprises (both inside and outside) it is considered that the submission fails criteria iv of the policy.
- 7.3.7 Turning to criteria v, the revised proposal is seeking to develop a large four bedroom dormer bungalow with 2 substantial projections – a conservatory on the west elevation and a double garage with accommodation in the roofspace on the east elevation. Whilst the revised plans are an improved design from the previous two storey dwelling (initial proposal under this application) and large bungalow (proposed under 15/01372/FUL) the scale and siting of the proposal remain unacceptable and contrary to policy. It is too large and does not adequately relate to either its environment or the stables to which it is due to serve. The property alone fails to meet this criteria, but the parking and garden paraphernalia associated with such a domestic use would further erode the character of the area in such a prominent location.
- 7.3.8 An amended site plan has also been submitted to show why other areas within the applicant's ownership are unacceptable to site the dwelling. However, Officers have noted a number of

discrepancies with this plan and amendments in this regard are awaited. Nevertheless, this does not alter Officers' opinion that the current siting of the dwelling is not seen to minimise the impact of the surrounding area and a more appropriate location for the dwelling is not to be considered by the applicant, which would address the siting requirements of the relevant policies. The location would be to the south of the unauthorised agricultural building, within the applicant's ownership and is away from the easement of the water pipe. It would not be visible from Ashton Road and would be screened from the Lancaster Canal. Furthermore it would relate well to the existing operation of the enterprise. This site could potentially accommodate a well-designed 2 storey house and still preserve and maintain the openness and character of its environment.

7.3.9 Overall it is considered that whilst the design of the proposed dwelling has improved, it still has not addressed the policy requirements. This includes Core Strategy policy SC5, DM35 of the DM DPD, and relevant paragraphs of Section 7 of the NPPF, all of which promote high quality design. In addition, due to the proposed siting of the dwelling, the scheme has failed to minimise its impact on the surrounding area, and given its isolation is not well related to either the operation of the enterprise or other dwellings. Therefore the application is considered to fail criteria v. of the policy, as well as saved policies E4 and E31 of the Local Plan and policy DM28 of the DPD.

#### 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 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, and the applicant has submitted an arboricultural impact assessment and method statement that concludes that the proposed location of the dwelling will not affect or require the removal of any trees. Therefore the requirement of a tree survey and tree works schedule is no longer required.

##### 7.4.2 Water main

The site is affected by the line of a 0.3m diameter cast iron water main which runs close to the southern boundary of the site in an east west direction before veering west north west. United Utilities 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 saved Local Plan policies E4 (Countryside Area), E29 (Urban Green space), E31 (Key Urban Landscape) and DM28 of the DM DPD that seek to safeguard the character of 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 on balance is deemed to be an acceptable education use in this context (in line with E29), though the scale of development proposed could not be deemed to be a "limited expansion". Furthermore, the other 3 policies are more restrictive in order to preserve the openness and character of the area. The proposed siting of the dwelling on the brow of the land is deemed inappropriate as it is the most prominent location within the applicant's ownership and it neither relates to the enterprise nor nearby dwellings. The scale of the building is also deemed to be excessive. For this reason it also fails to meet some of the criteria within DM43 of the DPD.

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 applies, the principle of the proposed private single dwelling in this location is not supported as the harm which has been identified in respect of the openness and character of the landscape outweighs the presumption.

9.3 Officers have worked with the applicant throughout the determination period, and has advised the applicant again of the application's shortcomings in terms of scale, location and siting, and how these could be overcome. Any amendments received will be verbally reported to the Committee meeting.

### **Recommendation**

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

1. The proposal seeks to develop a new dwelling within areas designated as 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. Whilst limited expansion of existing uses will be permitted for exceptional essential educational and community related facilities the submission has failed to propose a development, by reason of its scale, location and form, that safeguards and preserves the open nature and landscape value of the area to the detriment the character and appearance of the area. As such the proposal is considered to be contrary to saved policies E4, E29 and E31 of the Lancaster District local Plan, policy SC5 of the Core Strategy, and policies DM28 and DM35 of the Lancaster District Development Management DPD and Section 7 of the National Planning Policy Framework.
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 DM43 of the Development Management DPD and the provisions of the National Planning Policy Framework, in particular paragraph 55.

### **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