

Agenda Item A6	Committee Date 5 February 2018	Application Number 17/01196/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 installation of a package treatment plant
Name of Applicant Mr & Mrs Lake		Name of Agent Mr Jake Salisbury
Decision Target Date 15 February 2018		Reason For Delay Not Applicable
Case Officer		Mr Mark Potts
Departure		No
Summary of Recommendation		Approval (subject to no objections being raised by the Local Lead Flood Authority and the applicant entering into a Unilateral Undertaking to restrict occupancy to holiday accommodation)

1.0 The Site and its Surroundings

- 1.1 The proposed development is located at Ashton Golf Centre, 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 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, 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 to be available all year round. 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. The scheme proposes a chipping and putting green within the centre of the site measuring 65m x 20m.

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 There is a wealth of planning history associated with the Ashton Hall Golf Course, however the most relevant planning applications are noted below.

Application Number	Proposal	Decision
16/01180/FUL	Change of use of golf driving range (D2) for the siting of 14 holiday chalets (C1)	Withdrawn
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
Conservation Officer	No objection
Fire Safety Officer	No objection
Tree Protection Officer	No objection subject to the development being carried out in accordance with AIA and a detailed scheme for landscaping to be submitted
Sport England	No objection
Greater Manchester Ecological Unit	No objection recommends that a condition is attached for landscaping and that the package treatment plant drains to a new balancing pond.
Thurnham Parish Council	No observations received within the statutory timescales
County Highways	No observations received within the statutory timescales
Environmental Health	No observations received within the statutory timescales
Lead Local Flood Authority	No observations received within the statutory timescales
Public Realm Officer	No observations received within the statutory timescales
Lancashire Police	No observations received within the statutory timescales
Planning Policy	No observations received within the statutory timescales
Historic England	No observations received within the statutory timescales

5.0 Neighbour Representations

5.1 4 letters of objection have been received:

- 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;
- Unsustainable location; and
- Inaccuracies within the planning application.

- 5.2 **9** letters of support have been received (mainly from outside the District):
- The new development is supported and would enable the golf course to remain viable;
 - Sustainability credentials given the close proximity of the site to the cycle and walking paths would enhance the tourism in the area;
 - Greater benefit to Ashton Golf Centre;
 - Valuable asset to the local community; and
 - Golf has to adapt to a changing environment and this type of development enhances the surroundings and enables the golf course to remain viable.

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 Local Planning Policy Overview – Current Position

At the 20 December 2017 meeting of its Full Council, the local authority resolved to publish the following 2 Development Plan Documents (DPD) for submission to the Planning Inspectorate:

- (i) The Strategic Policies and Land Allocations DPD; and,
- (ii) A Review of the Development Management DPD.

This enables progress to be made on the preparation of a Local Plan for the Lancaster District. The DPDs will be published in February, after which there will be a 6 week period for representations prior to the submission of the documents to the Planning Inspectorate for independent Examination. If an Inspector finds that the submitted DPDs have been soundly prepared they may be adopted by the Council, potentially in late 2018.

The **Strategic Policies and Land Allocations DPD** will replace the remaining policies of the Lancaster District Core Strategy (2008) and the residual 'saved' land allocation policies from the 2004 District Local Plan. Following the Council resolution in December 2017, it is considered that the Strategic Policies and Land Allocations DPD is a material consideration in decision-making, although with limited weight. The weight attributed to this DPD will increase as the plan's preparation progresses through the stages described above.

The **Review of the Development Management DPD** updates the policies that are contained within the current document, which was adopted in December 2014. As it is part of the development plan the current document is already material in terms of decision-making. Where any policies in the draft 'Review' document are different from those adopted in 2014, and those policies materially affect the consideration of the planning application, then these will be taken into account during decision-making, although again with limited weight. The weight attributed to the revised policies in the 'Review' will increase as the plan's preparation progresses through the stages described above.

6.3 Lancaster District Core Strategy Policies

SC5 – Achieving Quality in Design
 ER6 – Developing Tourism

6.4 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

6.5 Lancaster District Local Plan Saved Policies

E4 – Development within the Countryside

6.6 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; and
- Heritage.

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 (since the early 1990s) 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 has yet to provide observations on this planning application but with respect to the withdrawn applications they raised 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 were concerns with respect to the previous applications as to how access would be afforded for the delivery of the chalets, however, two points of access have now been proposed by the applicant and it is considered that this can be suitably controlled by means of planning condition to ensure no adverse impact on the integrity of the greens. It is considered that 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 A flood risk assessment 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, 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) has been consulted on the planning application but to date has yet to provide observations on the planning application. The views of the LLFA are awaited and will be reported verbally at the Committee meeting. Assuming there is no objection from the LLFA and assuming surface water can be appropriately controlled and would not lead to flooding elsewhere, it is considered from a surface water management perspective the scheme is acceptable.

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 plans to show this discharging to the pond that is located on the southern extent of the site. Further consultation has occurred with GMEU who have stated that rather than connect to the existing pond a new pond should be created to take the drainage from the sewage outfall, and this can be conditioned. 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. The associated maintenance with the package treatment plant could be afforded by the emergency access point or the delivery access position.

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 last withdrawn submission provided some justification for the loss of the driving range and this concluded 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 The applicant acknowledges the loss of the driving range and 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 and will be used by the teaching professional, users of the lodges and the public. The existing driving range shelter is proposed to remain, though 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 had contended in their original statement that the Lancaster Golf Club (located less than 500m away) had recently gained consent for their own driving range and was likely to have a detrimental effect on the existing facility at the Ashton Golf Centre. However, whilst consent was

granted under 13/01295/HYB for the change of use of land to a driving range further north along Ashton Road this permission has now lapsed and therefore they would need to re-apply.

7.4.4 Additional information has been provided that Lancaster Golf Club has 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 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. Officers understand 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 (the 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 has to be on the basis of some form of compensation and the whilst the putting green is very different compared to the driving range it is considered that should market demands change over time then the driving range is capable of reverting back to its former use should market conditions and trends change. Sport England has no adverse observations to make on the proposal and observations are still awaited from the Public Realm Development Manager, though no objection was previously raised.

7.4.6 The decision is finely balanced with plausible arguments on both sides but in the opinion of Officers whilst the loss of the driving range will occur this is being proposed to be replaced by a putting and chipping green (65m x 20m). It is therefore considered that whilst the replacement facility is not of the same standard as existing, and taking into account other material considerations such as the decline of use of the facility, on balance the applicant's proposal can be found acceptable. It is therefore considered that the development complies 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, although an informative note is recommended drawing the applicant's attention that it would be an offence to disturb, harm or kill great crested newts. The applicant had sought to connect the package treatment plant to the existing pond but this is not appropriate and therefore a compensatory pond feature should be utilised – the detail of which can be controlled by means of planning condition. Notwithstanding the above, a condition is also recommended for ecological enhancement of the site via landscaping (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.

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, which they failed to do. One has been submitted with this application and no objection has been offered by the Tree Officer on the basis that a landscaping scheme has been submitted and that the development is carried out in accordance with the applicants Arboricultural Implications Assessment, these conditions are reasonable.

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 and the application site. The Highway Authority has yet to provide their observations on this planning application but they raised no objection to the previous 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. A plan has been provided showing buggy access from the existing car park to the site and this would appear to work in principle as would the use of matting to facilitate access the delivery of chalets across the greens.

7.6.2 Officers previously had concerns 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. However, they could utilise an existing access to the east of site and this has been recently reinstated. Temporary matting across the golf course is proposed by the applicant. The applicant maintains the existing golf driving shelter was constructed in a similar way but the applicant's proposal would appear to cross a drain and therefore a condition is recommended which details the arrangements for the delivery of the chalets to ensure that the integrity of the greens are not adversely affected.

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 considered that the setting would not be unduly harmed due to this development, a view shared by the Conservation Officer.

7.7.2 With respect to the withdrawn application there was concern that part of the wall that the applicant intended to remove could have been curtilage Listed. However, from discussions with the Conservation Officer it is concluded that this would not be the case. Notwithstanding this a condition is recommended as part of the Construction Management Plan as the wall is quite distinctive.

7.8 Other Considerations

7.8.1 It is important that there is a restriction on the site to prevent the cabins being used as permanent residential units and that it should remain in holiday use. Policy DM14 of the Development Management DPD recommends the use of legal agreement, so the applicant has been asked to provide a Unilateral Undertaking to control the use of the site for holiday occupation only.

7.8.2 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 and notice has been served on the owner of the private road stretching from Ashton Road to 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.

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

8.0 Planning Obligations

8.1 It is considered necessary for the applicant to enter into a legal agreement to control the following:

- Shall be occupied for holiday purposes only;
- Shall not be occupied as a person's sole, or main place of residence; and,
- Shall require the applicant to maintain an up-to-date register of the names of all occupiers of the chalets on the site, and of their main home addresses, together with an up to date Council Tax bill (or alternative means of identification of main residence) and shall make this information available at all reasonable times to the Local Planning Authority.

9.0 Conclusions

9.1 The Council would ordinarily seek to retain all open space where it was concluded to have a value, either to the local community that it serves or other environmental values. However, as part of this planning application it has been demonstrated by the applicant that the diversification of the business can be found acceptable on the provision that the replacement putting and chipping facility is implemented. Issues associated with highways, the natural environment, and layout can all be addressed by means of planning condition and therefore it is recommended that subject to no objection arises from the Lead Local Flood Authority that Members support the applicant's proposal.

Recommendation

That subject to no objection from the Lead Local Flood Authority and the applicant entering into a planning obligation to control the obligations listed in 8.1 Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard 3 year timescale
2. Approved plans
3. Submission of surface water drainage scheme to include maintenance
4. Materials for the cabins including hard landscaping.
5. Foul water arrangements including pond
6. Development in accordance with the AIA
7. Landscaping scheme to be submitted and to be implemented.
8. Construction Management Plan to include form of access to the site (and associated materials for the on-site access/walkways).
9. Implementation of putting and chipping green
10. Off-site highway works
11. Cycle provision
12. Lighting details

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

In accordance with the above legislation, the City Council can confirm that it has made the recommendation in a positive and proactive way to foster the delivery of sustainable development, working proactively with the agent to secure development that improves the economic, social and environmental conditions of the area. The recommendation has been made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

Background Papers

None