

Agenda Item	A5
Application Number	22/00341/FUL
Proposal	Change of use of land for the siting of 19 static holiday caravans together with associated parking, access roads, drainage and landscaping and the retention of earthworks
Application site	Crook O Lune Holiday Park Lancaster Road Quernmore Lancaster
Applicant	Pure Leisure Group
Agent	Mr Alexis De Pol
Case Officer	Mrs Petra Williams
Departure	No
Summary of Recommendation	Refusal

1.0 Application Site and Setting

- 1.1 The site that forms the subject of this application is located to the north of an existing static caravan park, approximately 900 metres to the west of the village of Caton and approximately 1.5 miles to the east of the urban fringe of the city Lancaster. The Scarthwaite Hotel is located to the east of the site and utilises the same vehicular access from the A683. The proposal site is relatively level clearing within established wooded area although there are areas of concrete within it.
- 1.2 The site is bounded by mature trees and hedgerows. The site is covered by Tree Preservation Order (No.624(2017)) which largely relates to Eagles Nest Wood which is a substantial, mature woodland to the west of the site. Eagles Nest Wood has recently been designated by Natural England as Ancient Woodland. The area to the east of the wood proposed for the siting of caravans has largely regenerated since initial site clearing took place in 2020.
- 1.3 The site is located within the Forest of Bowland Area of Outstanding Natural Beauty (AONB) and the site is separated from the River Lune, which runs approximately 65 metres to the east, by the A683. The River Lune is covered by the River Lune Biological Heritage Site designation. Crook O Lune Wood lies between the western bank of the river and the A683 and this wood is designated as the Crook O Lune Wood Biological Heritage Site. There is a public footpath (FP15) which follows the western bank of the river and as the river tracks northwards, the track runs parallel to the river's southern bank. The site lies within a Mineral Safeguarding Area and is also located within a Site of Special Scientific Interest (SSSI) impact risk zone.

2.0 Proposal

- 2.1 The application proposal consists of 19 new static caravans, to be utilised for recreation and holiday purposes, sited on concrete bases, located along a central spine access road running through the centre of the site. This utilises the existing access. Each of the proposed caravans will be accessed

from the proposed spine road and will have its own dedicated gravel parking space. The submitted application confirms that as part of the proposal, one tree will be felled to allow for the proposed development and a further three trees require removal for arboricultural reasons to facilitate the development, although a further 27 trees will be planted as part of the submission.

3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. These include:

Application Number	Proposal	Decision
22/00390/EIR	Screening request for change of use of land for the siting of 19 static holiday caravans together with the retention of earthworks and associated parking, access roads, drainage and landscaping	ES Not Required
20/01240/FUL	Change of use of land for the siting of 19 holiday caravans together with the retention of earthworks	Refused
18/00643/CU	Change of use of woodland for the siting of 19 additional static holiday caravans.	Permitted but decision quashed following a legal challenge
17/01064/VLA	Variation of legal agreement attached to planning permission 02/01282/FUL to allow all year-round holiday occupancy	Permitted
13/00434/FUL	Installation of a buried sewage treatment plant and erection of a small kiosk	Permitted
10/01264/VCN	Operation of caravan site without compliance of condition 2 on application 95/00783/FUL and condition 2 on application 02/01282/FUL relating to occupancy restrictions	Permitted
02/01282/FUL	Modification of condition no. 2 on application no. 95/00783 to allow use of site from 14 February to 3 January in any subsequent year	Permitted
99/00655/CU	Change of use of land known as touring field to site static caravans	Permitted
98/01068/FUL	Construction of new service road within caravan park including associated landfill	Permitted
95/00783/FUL	Modification of condition to allow opening of site between 1 February and 30 November each year	Permitted

4.0 Consultation Responses

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

Consultee	Response
Environment Agency	No objection - satisfied that the plans clearly show the proposed foul drainage infrastructure and how it will relate to the existing infrastructure on site.
Lead Local Flood Authority	No objection – subject to conditions relating to a final surface water sustainable drainage strategy, a construction surface water management plan, a sustainable drainage system operation and maintenance plan, and a verification report of constructed sustainable drainage system.
Arboricultural Officer	Objection - Eagle's Nest Wood is identified as Ancient and Semi Natural Woodland (ASNW) on Natural England's Ancient Woodland Inventory and has a clear historical, landscape and environmental value. Ancient woodland is irreplaceable and any development which results in the loss or deterioration of such habitat should be refused, unless there are wholly exceptional reasons (NPPF paragraph 180c). placing 19 plots within an area of mature trees and woodland will put pressure on the trees to be pruned or felled in the future.

Greater Manchester Ecology Unit	Neither object to nor supports but states that the application as currently submitted does not appear to be compliant with the Natural England's Standing Advice that a 15m buffer zone to protect Ancient Woodland and the woodland wildlife is supports should be provided. The standing advice states you should not approve development proposals, including gardens within a buffer zone.
Forest of Bowland Area of Outstanding Beauty Partnership	Objection – The proposal would have an adverse impact on the local landscape character.
Forestry Commission	Neither object to nor supports the application but provides advice on the potential impact that the proposed development would have on the ancient woodland. The proposed site includes part of Eagles Nest Wood which has been confirmed as ancient woodland by Natural England. Ancient woodlands are an irreplaceable habitat. They have great value as they have a long history of woodland cover, with many features remaining undisturbed.
Natural England	Neither object to nor supports the application but given the sensitive location there is the potential for this proposed development scheme to have an adverse impact on the purpose of designation of the AONB. Planning permission should be refused if development will result in the loss or deterioration of ancient woodland, ancient trees and veteran trees.
County Highways	No objection – The proposed development should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site.
Quernmore Parish Council	Objection - The proposed development will destroy a natural meadow within an 'Ancient Woodland' which should be retained for amenity and wildlife value. There would be a significant impact on local wildlife. Consideration should be given the plans for foul sewage and surface water removal from the area. The development will be close to the main A683 highway and will be visible from the road. This is considered to be incompatible with retaining the landscape character of the AONB. New planting is unlikely to completely screen the development. The existing entrance to the Caravan Park and other properties is considered to be unsuitable to cope with the additional traffic which will be generated by this development. This junction is already considered to be dangerous and any increase in traffic will exacerbate the issue. Questions whether there is a demand for additional static caravans at this location. This development is unlikely to increase employment in the area. 'Residents', will put an additional strain on local services and will significantly affect the rural character of the area and impact on existing residents and visitors.
United Utilities	No objections
Lancashire Fire and Rescue Service	Advice
Engineers	Neither object to nor supports the application but highlights concern in relation to the foul drainage.
Environmental Health	No comments received
Lune Rivers Trust	Objections - The proposed Drainage Strategy does not appear to adequately consider the risk of pollution to the nearby River Lune at a popular swimming spot. The treated effluent from this plant discharges into a tributary stream of the River Lune, via what sounds like a highways drain. Lune Rivers Trust would urge Lancaster City Council to include adequate provision in any planning permission to ensure that the developer is required to both adequately maintain the wastewater disposal/treatment system and to demonstrate that this is being complied with.
Mineral Safeguarding Lancashire County Council	No comments received
Cadent Gas	No comments received
Planning Policy	No comments received

4.2 At the time of writing this report a total of 58 items of public comments have been received in response to the application, all of which are objections. A summary of the main reasons of opposition are as follows:

Biodiversity and arboricultural impact

- Scheme would be harmful to local ecology credentials and cause undue disruption.

- Increased pressure on local systems is not necessary.
- Development is harmful to valued trees and does not adequately protect them.
- Site is considered Ancient Woodland and should not be lost.
- Ecological impact of development not appropriately considered.

Landscape impact

- Proposed development is harmful to the AONB and local character of area.
- Caravans do not enhance or preserve the AONB as policy dictates.
- Development is visible and thus invasive.
- Waste and rubbish from the site will be seen.
- AONB should remain undeveloped and accessible for all.
- Gateway site into AONB should be preserved.

Residential amenity

- 19 additional caravans in close proximity to existing dwelling would be harmful to amenity due to noise, headlights and overlooking.
- There is no provision for bins on the plans for the new development.
- Since the existing caravan park was granted 12-month occupancy there has been an enormous increase in vehicular movement on and off the site with many deliveries of post, online orders and supermarket grocery orders.

Drainage

- There are existing drainage problems at Crook O Lune Holiday Park which causes the outfall on the A683 to flood out a mixture of wastewater and surface water.
- Inconsistent drainage documents.

Need for development

- Due to the proximity of the existing site, the locality does not need more caravans.
- The existing caravans aren't used as holiday homes and are used by people as their main residence.

Highway matters

- Access and visibility are poor and safe access cannot be secured.
- Highway adjacent to site floods and this hampers safe access to and from public highway.
- Pedestrians at risk of vehicle strike.
- Insufficient passing places.
- Dangerous turning with long vehicles likely.

5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Principle
- Landscape impacts (including impact upon FOB AONB)
- Arboricultural implications
- Ecological implications
- Drainage
- Residential amenity
- Highway matters

5.2 **Principle:** NPPF Section 6 (Building a strong, competitive economy) Strategic Policies and Land Allocations (SPLA) DPD policies: SP8 (Protecting the Natural Environment); EN2 (Areas of Outstanding Natural Beauty); EN3 (The Open Countryside); EN7 Environmentally Important Areas

Development Management (DM) DPD Policies: DM47 (Economic Development in Rural Areas) and DM52 (Caravan Sites in the District).

- 5.2.1 The application site is located within the open countryside (Policy EN3) and is within the Forest of Bowland AONB with the settlement of Caton located approximately 900m to east of the application site. The site is undeveloped although the existing Crook O'Lune caravan park lies to the south as does the Scarthwaite Hotel. Undeveloped and undulating open countryside lies beyond the application site's northern and western boundaries with limited built form in the immediate vicinity.
- 5.2.2 Both national and local policy seek to deliver developments which are sustainable, and this requires schemes to deliver economic, social and environmental benefits. Broadly speaking, the 2021 NPPF and the development plan seek to steer development proposals towards sustainable locations where environmental impacts are limited and social benefits can be derived. However, there will, on occasions be instances where development proposals are potentially located away from main settlements and given the very nature of the district, are more difficult to access via public transport. This is particularly relevant to rural businesses and those ventures that are located in open countryside away from the district's main urban areas; and even more so when such businesses offer camping and rural holidays.
- 5.2.3 In this regard, paragraph 84 of the NPPF sets out that LPAs should support the growth of rural businesses. In particular, the NPPF also advises where sustainable rural tourism is proposed which respects the character of the countryside, it should be approved. Paragraph 85 of the framework however acknowledges that rural sites may not be well served by public transport but that it remains important to exploit opportunities to develop existing walking and cycling routes for example. Policy SP4 of the SPLA DPD provides that the Council will, where appropriate, seek to support sustainable economic growth to ensure that the needs of rural business can be met, and this is further bolstered by policy DM47.
- 5.2.4 Given that the site is located within the AONB, in terms of establishing the principle of development, paragraphs 176 and 177 of the NPPF must be considered. These advise that great weight should be given to conserving landscape designations such as AONBs and paragraph 177 specifically advises that 'major' development within AONBs should be refused unless a number of exceptional circumstances can be evidenced. For the purposes of paragraphs 176 and 177, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. In establishing whether development within the AONB is major, it is also useful to refer to the now generally accepted 'Maurici principle' as this sets a number of important factors that may be relied upon by decision makers.
- 5.2.5 In this instance, the scheme represents an extension to an existing caravan park and does not therefore represent a 'new' use within the AONB. The broad principle of caravan site extensions is also supported given the provisions of policy DM52 of the DM DPD and the nature of the development is not therefore such that the LPA would seek to refuse it on principle grounds alone. In terms of the scale, the proposal only seeks permission for 19 units and although the location plan encompasses the wider woodland, the caravans would be sited on a much smaller clearing amounting to approximately 0.3ha. This is not significant within the context of the wider caravan site. Long distance views of the site are not readily possible although transient users of the adjacent highway network immediately adjacent to the site will see glimpsed views into the complex until such a time as the proposed planting matures and thickens. The visual impact of the development is limited to users of the immediate area and views inwards from the wider AONB are not possible or significant to such an extent that the development is judged to adversely impact the AONB or undermine the key characteristics of its designation. Accordingly, given the modest scale of the development and lack of an unacceptable or adverse impact upon the wider AONB, the scheme is not judged to represent 'major' development within the context of paragraph 177 of the NPPF or when analysed with respect to the key components of the 'Maurici principle'.
- 5.2.6 The district contains a large number of touring and static caravan sites for visitors who are attracted by the unique character of the locality. Caravan sites provide a valuable source of visitor accommodation and can contribute significantly to the local economy and the sustainability of rural settlements. However, they can also have significant impacts on the local amenity of an area, through the creation of traffic or their intrusion on the local landscape. Accordingly, policy DM52 of

the DM DPD clarifies that within the Forest of Bowland AONB (or its setting), proposals for new static or touring caravan development will not be permitted where it is concluded that such proposals will have an adverse impact on conserving the landscape and natural beauty of the AONB. As demonstrated in the next section, no adverse impact upon the landscape has been identified and this allows the broad principle to be considered favourably in this instance.

5.2.7 Accordingly, given the provisions within the NPPF, those within the development plan and the lack of an adverse impact upon the AONB designation, the principle of development with respect to a modest extension of an existing caravan park is something that can be supported. The landscape impacts are considered below.

5.3 **Landscape impacts (including impact upon FOB AONB):** NPPF paragraphs: 126-134 (Achieving Well-Designed Places), 174 (Valued Landscapes and the Countryside); Strategic Policies and Land Allocations (SPLA) DPD Policies SP8 (Protecting the Natural Environment), EN2 (Areas of outstanding natural beauty) and EN3 (The Open Countryside); Development Management (DM) DPD Policies DM29 (Key Design Principles) and DM46 (Development and Landscape Impact)

5.3.1 Given the verdant nature of the locality and the site's location within the Forest of Bowland AONB, the potential impact of the development upon the prevailing landscape is a key consideration. The importance of protecting and preserving valued landscapes is set out within paragraphs 130, 145, 174, 176 and 177 of the NPPF. This is consistent with policy EN2 of the SPLA DPD and policies DM29, DM46 and DM52 of the Development Management DPD.

5.3.2 Critically, the statutory purpose of AONB designation is to conserve and enhance the natural beauty of the areas. In the National Planning Policy Framework, the Government places great weight on conserving the landscape and scenic beauty of AONBs, which have the highest status of protection. If these characteristics are damaged, for example by insensitive development, then that will compromise the primary purpose of the AONBs and the enjoyment of the areas by the public. Where a development proposal would create conflict between the primary purpose of the AONB and other uses of the AONB, greater weight will be attached to the purpose of conserving and enhancing the landscape and natural beauty of the AONB.

5.3.3 Specifically, policy DM46 advises that development proposals should, through their siting, scale, massing, materials, landscaping, vernacular style and design seek to contribute positively to the conservation and enhancement of the protected landscape and its setting. Accordingly, the application is supported by a Landscape Visual Impact Assessment (LVIA) which has been undertaken in accordance with the GLVIA3 guidance. The LVIA has assessed the impact of the proposed development on the relevant landscape character within the AONB as outlined within the AONB 2009 Landscape Character Assessment with an overall conclusion that a significant adverse impact upon the landscape will not arise.

5.3.4 The submitted assessment identifies a range of relevant suitable receptors and considers the impacts on both the landscape character and the resultant visual effect arising from the development. This consideration sets out that the impact has been analysed from the point of construction, the point of completion and 15 years post completion. Given the scale of the development, this is considered appropriate. In terms of the landscape effect, it is duly noted that during the construction phase there is likely to be minor adverse impact but given the limited site size and the current derelict state, this is not a significant constraint or weight against the scheme. Upon completion and during operation, the submitted assessment considers the landscape impact within the context of the following:

5.3.5 Bowland Fringe and Pendle Hill - With regard to the Bowland Fringe and Pendle Hill, the NCA designation covers a relatively large area and as a result, the expected and likely magnitude of landscape change arising from the modest development would, in this case, be negligible; and this applies to the overall landscape effects too. Ultimately, in relation to this receptor, no material change to the key characteristics that define the Bowland Fringe and Pendle Hill have been identified.

5.3.6 Local Landscape impact based on Lancashire strategy for Landscape Character - In terms of the impact upon Langthwaite Ridge (LCA 7C), the site occupies a very small area of this and the key features within (woodland cover, rising topography) are not changed by the development. The

extension to the caravan site will not therefore adversely impact the LCA 7C landscape character and at the 15-year point, the impact is likely to be negligible.

- 5.3.7 Forest of Bowland AONB - Insofar as the Forest of Bowland AONB is concerned, the landscape visual impact assessment duly notes that the value of this landscape designation is high, and that the overall sensitivity is also high. However, as above, the site occupies a relatively small area within the AONB designation; as a result, the application site only shares a very minor number of key characteristics with the wider AONB designation and the resultant change to the land is not therefore significant. The site's location on the periphery of the AONB and the undulating landscape further mitigate the potential impact upon the AONB designation from a landscape perspective. The site's existing level of natural screening and the small development size therefore result in a minor impact upon completion with this ultimately diminishing to negligible after 15 years and it is extremely localised with long, distant views not possible.
- 5.3.8 Site and immediate visual context - In relation to the site and the immediate site, although the number of public objections which suggest that there would be a significant and unacceptable impact on the local landscape are noted, this is not a conclusion that the LPA have reached. Given the size and nature of the proposed development, it is not anticipated to have an extensive impact on the immediate context or the prevailing surrounding landscape. It is accepted that there will be a direct impact as a result of caravans being placed on a currently open site, however there are only 19 and the site will operate as an extension to the existing caravan park. Current, established landscape features will be retained and additional planting will provide further screening to the development. Despite being located within the AONB, the site lies on the periphery of the designation and will, in any event, be developed adjacent to the existing caravan park. The existing topography and screening vegetation limit the wider impact with the majority of change being noticed within the site as opposed to being from receptors outside the site looking in.
- 5.3.9 In addition to the landscape impacts, the LVIA also considers the potential visual impacts arising from the development. This is achieved by identifying surrounding land and vantage points from within which views towards any part of the application site may be achieved or secured; this is the visual envelope of the development (VE). It should be noted however that the VE is not an indicator of the effect of the proposed development on a particular view; it merely confirms the visible extent in the surrounding landscape.
- 5.3.10 As with the impacts on the landscape, it is duly noted that during the construction phase there would be some unavoidable visual impact; but these would be limited and, given the scale of the development, relatively minor in scale. Although the initial short-term impact of the construction phase would likely be 'moderate adverse' these would be limited to a small number of receptors such as transient users of the A638 and visitors to the existing caravan park. The submitted impact assessment further sets out the impact of the development, post completion, upon the following receptors:
- 5.3.11 Nearby residential properties and settlement - Given the lack of long-distance views from the locality's existing settlements, an adverse impact in terms of visual amenity is not considered to arise. However, due to the introduction of additional caravans onto the site, existing users of the site will experience a degradation in their view. Such views, however, are only glimpsed and given the existing vegetative screening and the proposed planting schedule, they will not be significant in any event.
- 5.3.12 Public rights of way and footpaths in locality - The area benefits from an extensive number of footpaths and PROW connections. However, given that these are predominately along the River Lune and at a lower level compared to the site, a significant visual adverse impact is not judged to arise. The site's existing screening and vegetative boundaries further seek to protect visual amenity and the experience of those using the area's footpath network is not judged to be compromised to such an extent that a refusal on visual grounds could be defended.
- 5.3.13 Road and transport users - The site lies adjacent to the A638 and as a result, those who drive past the site or enter the complex will, to a degree, notice and see elements of the development. However, views inwards are limited due to the existing, mature tree screening that tracks along the site's eastern boundary.

5.3.14 Accordingly, having considered the proposed development's likely impacts upon the prevailing landscape and the resultant visual impact, a conflict with policy EN2, DM46 and DM52 has not been identified. Ultimately, given the existing vegetation, the natural topography, the presence of the A638, the existing holiday park and the modest scale of the development, the proposal is not considered to give rise to unacceptable visual or landscape effects.

5.3.15 In considering the visual impact of the development and in particular the effect upon the immediate character, it should be noted that although the scheme seeks permission to change the use of the land (as opposed to seeking permission for operational built development), the colour of the caravans used on the site has the potential to cause adverse impacts. Jarring, strident and bright colours for example would be more evident even with the glimpsed views available and this would likely be unacceptable. As such, had the application been recommended for approval, a condition would have been imposed on the permission that required the applicant to agree the colour and external appearance of the proposed static units with the LPA prior to their installation on the site. It would also be necessary to condition the approved locations of the units to prevent them being re-positioned in a poor layout which may also be harmful to wider visual amenity receptors.

5.4 **Arboricultural implications: (NPPF paragraphs: 174 and 179-182 (Habitats and biodiversity); Strategic Policies and Land Allocations (SPLA) DPD policies: SP8 (Protecting the Natural Environment and EN7 (Environmentally Important Areas); Development Management (DM) DPD policies DM43 (Green Infrastructure), DM44 (Protection and Enhancement of Biodiversity) and DM45 (Protection of Trees, Hedgerows and Woodland).**

5.4.1 During the course of the previously refused application 20/01240/FUL, the status of the site's woodland was contested at length. However, Eagle's Nest Wood (which is within the red edge but not proposed for the siting of caravans) is now identified as ancient semi-natural woodland on Natural England's Ancient Semi-natural Woodland Inventory indicating that the site has had a continuous woodland cover since at least 1600 AD and should therefore be afforded the full protections under paragraph 180 of the National Planning Policy Framework. Ancient woodland takes hundreds of years to establish and is defined as an irreplaceable habitat. The NPPF recognises the importance that trees make in contributing towards a locality's sense of character (paragraph 131, 174 & 180) and policy DM45 echoes this by confirming that the LPA will seek to retain trees, hedgerows and important landscape features where possible. The submitted Arboricultural Assessment (which does not acknowledge Eagles Nest Wood as ancient woodland) proposes the removal of 4 trees to accommodate the development and landscaping proposals provide new tree planting in the form of 27 heavy standard trees and areas of mixed native species tree and shrub planting across the site. The Arboricultural Assessment does not highlight any conflict between the development and the existing habitat but recommends that the ancient woodland flora which has developed along the woodland margin be protected and the woodland proactively managed. No acknowledgment is made of the importance of open space within a woodland setting and the impact of changing the use of the site, with increased pressure on the woodland and wildlife from recreational activity. However, as highlighted by the LPA's Arboricultural Officer, open areas and edge habitat are an important component of ancient woodland and diversify the woodland structure, providing valuable habitat.

5.4.2 With respect to the current proposal, the arboricultural impacts associated with the development can be categorised into:

- Direct impacts arising from proposed drainage infrastructure
- Impact upon Ancient Woodland

With regard to drainage infrastructure, although the red edge of the submitted site location plan incorporates the wooded area to the west of the site, (Eagle's Nest Wood) the caravans and access road are confined to a smaller development parcel of approximately 0.3Ha. As demonstrated through the submitted tree survey work, the site is significantly constrained by the adjacent woodland with a number of large, mature and healthy trees present on the periphery of the site. These trees make a significant contribution to the locality's character, and they are also subject to an extant preservation order: TPO 624(2017). The submitted tree survey plots the location of each tree and clarifies the likely root protection areas (RPA) and it acknowledges the important value of the trees in this location. Following the submission of a revised Drainage Strategy the Arboricultural Officer is now satisfied that the proposed drainage layout can be implemented without undue impact on tree

roots. However, the overriding objections raised by the Arboricultural Officer remain and will be discussed in the following paragraphs.

5.4.3 With regard to the impact of the proposed development upon ancient woodland, the NPPF states that such woodlands should be seen as irreplaceable habitats and where development results in the loss or deterioration of such habitats, proposals should be refused unless there are “wholly exceptional” reasons (paragraph 180c). Development can affect ancient woodland, ancient and veteran trees, and the wildlife they support on the site or nearby. Direct impacts of development on ancient woodland or ancient and veteran trees include:

- damaging or destroying all or part of them (including their soils, ground flora or fungi)
- damaging roots and understorey (all the vegetation under the taller trees)
- damaging or compacting soil around the tree roots
- polluting the ground around them
- changing the water table or drainage of woodland or individual trees

In addition, nearby development can also have an indirect impact on ancient woodland or ancient and veteran trees and the species they support. These can include:

- breaking up or destroying connections between woodlands and ancient or veteran trees
- reducing the amount of semi-natural habitats next to ancient woodland
- increasing the amount of pollution, including dust
- increasing disturbance to wildlife from additional traffic and visitors
- increasing light or air pollution
- increasing damaging activities like fly-tipping and the impact of domestic pets
- changing the landscape character of the area

The submitted application fails to illustrate how the above risks will be satisfactorily avoided. The standing advice from Natural England states that where development is permitted, an appropriate buffer of at least 15 metres should be secured. However, in this instance, the submitted layout plan demonstrates that this cannot be achieved as at least 9 of proposed locations for the static caravans fall significantly below the required buffer zone. The submitted layout plan indicates that the caravans would have a dimension of 8.5 metres by 3 metres and associated hardstanding. Static caravans can vary in size, including smaller single unit caravans at around 3 metres by 8 metres and larger twin unit caravans at around 6 metres by 12 metres. In all cases they would meet the definition of a caravan in the Caravan Sites and Control of Development Act 1960.

5.4.4 It is considered that the proposal has the potential to lead to the intensification of the recreational activity of humans and their pets which can result in vegetation damage, trampling, litter, and fire damage. Noise, light and dust pollution occurring from the development, during both construction and operational phases are also points of concern. Furthermore, where the woodland edge overhangs a development site (as in this case), trees can become safety issues and be indiscriminately lopped/felled, resulting in a reduction of the woodland canopy and threatening the long-term retention of such trees.

5.4.5 With regard to habitats and biodiversity the National Planning Policy Framework (NPPF) paragraph 180c states: -

“development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists.”

Footnote 63 gives the example of wholly exceptional reasons as being infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.

In addition, the Forestry Commission has prepared joint Standing Advice on ancient woodland which provides information on how to access planning applications that have potential to cause loss or deterioration to ancient woodland. When making planning decisions, the following should be considered:

- conserving and enhancing biodiversity
- avoiding and reducing the level of impact of the proposed development on ancient woodland and ancient and veteran trees

The advice goes on to state that planning permission should be refused if development will result in the loss or deterioration of ancient woodland, ancient trees and veteran trees unless both of the following applies:

- there are wholly exceptional reasons
- there's a suitable compensation strategy in place (this must not be a part of considerations of wholly exceptional reasons) in line with paragraphs 033 and 034 of the Planning Practice Guidance on compensation guidance.

5.4.6 Paragraph 033 states that local planning authorities need to consider both the direct and indirect impacts on ancient woodland and ancient or veteran trees when assessing development proposals and the scope for avoiding or mitigating adverse impacts. Their existing condition is not something that ought to affect the local planning authority's consideration of such proposals (and it should be borne in mind that woodland condition can usually be improved with good management). In terms of compensation paragraph 034 states that where development that results in the loss or deterioration of ancient woodland is exceptionally permitted in line with the Framework, a suitable compensation strategy should be secured and implemented via planning conditions or obligations. Compensation measures need to be decided on a case-by-case basis and be appropriate to the scale, nature and impacts of the development, but it is desirable for them to be provided as close to the development site as possible. Appropriate compensation might include restoring or improving other nearby ancient woodland. However, it is considered that although there are likely to be some economic benefits arising from the proposal, there are no wholly exceptional reasons to permit the development as the proposal does not meet the criteria set out within footnote 63 of the NPPF. Furthermore, although the submission suggests that management of the ancient woodland would improve its ecological value, and that this could be secured by s.106 if permission were to be granted, this does not form part of the considerations of wholly exceptional reasons as set out within the Forestry Commission's Standing Advice. It is also noted that although the Woodland Trust is generally supportive of sensitive ancient woodland management, they advise that this should be undertaken for the purposes of improving biodiversity, and not as a condition of an approved planning application which is likely to result in the deterioration of the ancient woodland habitat.

5.4.7 It is acknowledged that the scheme proposes to plant 27 additional trees. Given the ratio of felling to planting this would be suitably compliant with policy DM45. The value that these trees would create is of course noted but given the above discussion, this is not sufficient to negate the likely harm identified.

5.4.8 It is concluded that, given the lack of space available to incorporate a sufficient buffer zone between the proposed development and the ancient woodland, and notwithstanding the suggested management of the ancient woodland, the submission has not satisfactorily demonstrated how harm to this important feature is to be avoided. This therefore represents a significant conflict with paragraph 180c of the NPPF, policy SP8 of the SPLA DPD and policies DM44 and DM45 of the DM DPD.

5.5 **Ecological Implications:** (NPPF paragraphs: 174 and 179-182 (Habitats and biodiversity); Strategic Policies and Land Allocations (SPLA) DPD policies: SP8 (Protecting the Natural Environment and EN7 (Environmentally Important Areas); Development Management (DM) DPD policies DM43 (Green Infrastructure), DM44 (Protection and Enhancement of Biodiversity) and DM45 (Protection of Trees, Hedgerows and Woodland).

5.5.1 As required by the National Planning Policy Framework at paragraphs 8c, 174 and 179 the Local Planning Authority has a duty to consider the conservation of biodiversity when determining planning applications. The NPPF indicates that when determining planning applications, Local Planning Authorities must aim to conserve and enhance biodiversity and that opportunities to incorporate

biodiversity in and around developments should be encouraged (Paragraph 179). This is underpinned by Paragraph 8 of the Framework, which details the three overarching objectives that the planning system should try to achieve, and it is here that the Framework indicates that planning should contribute to conserving and enhancing the natural environment. At a local level, this requirement is reflected through policies SP8 and DM44.

- 5.5.2 Accordingly, the application is supported by a phase 1 Habitat Survey and Ecological Impact Assessment dated February 2022, which suggests that there is insufficient evidence to suggest that the main block of woodland is of ancient origin. The Survey and Assessment considers the potential impact of the development upon a range of species and in particular it focuses on breeding/nesting birds, badgers, otters, brown hares, bats and newts.
- 5.5.3 There were no conclusive signs of protected species such as badger within the woodland or other parts of the site though this species is known to occur within the wider area, albeit relatively sparsely. There are no water courses within 100m of the site that are suitable for water vole or otter, so no impact is reasonably likely. Likewise, there are no ponds on site or within 250m of the site boundaries where there is direct habitat linkage so the presence and likelihood of any adverse impact upon great crested newts and common toad is also highly unlikely.
- 5.5.4 The Survey sets out that the large mature, broadleaved trees within the woodland have bat roosting potential which ranges from moderate to high, though no conclusive signs of roosting were found during the night-time emergence surveys, nor were any conclusive signs of roosting found during the daytime inspection. Although the Survey advises that there will be no loss of roosting potential, it goes on to say that to ensure there is no impact upon foraging bats, the site should be designed to ensure that no lighting falls on adjacent habitat such as trees, woodland and mature shrubs. Given the position of the proposed caravans it is considered that it would be difficult to avoid light spill towards the adjacent woodland.
- 5.5.5 The survey concludes that with a suitable package of mitigation measures (predominately related to nesting and breeding birds) the scheme would not be harmful to the site's ecological credentials. The LPA's ecological advisor (GMEU) have raised no objection or concern over this broad conclusion subject to conditions but has highlighted an inconsistency between the Habitat Survey & Ecological Impact Assessment and the Arboricultural Assessment. The Habitat Survey & Ecological Impact Assessment references that only two trees are proposed for removal, however the Arboricultural Assessment identifies 4 trees to be felled. From the Arboricultural Assessment some of the features described on the trees for removal, such as pruning wounds and deadwood can (but don't necessarily) provide potential roost features. The agent has confirmed that there are four trees proposed for removal as per the AIA. Where the Habitat Survey and Ecological Impact Assessment refers to two trees being removed it means the number of trees being removed that are suitable for bat roosting. The other two trees identified for removal were found to not be suitable for bat roosting. The agent has also advised that all trees on site were checked during the preliminary bat survey and were either dismissed as being unsuitable for bat roosting or checked for signs of bats. Furthermore, despite a number of the trees on site having potential for roosting, none had any conclusive signs of roosting such as staining around potential access points or droppings. No bats were recorded emerging or returning to any of the trees during any of the nighttime emergence or roost return surveys (both retained trees or those proposed for removal).

The GMEU consultee has advised that further clarification is still required. For example, in section 4 of the executive summary, which is discussing the impact of the proposal on the plantation (rather than bats) the loss of two non-native trees is mentioned as an impact, and in paragraph 7 of this summary, the two non-native trees proposed for felling are again referenced but it states that these have limited potential to support roosting bats. No mention of additional trees proposed for felling which had moderate/high bat roost potential is made here. The residual impact table for bats in section 4.2.4 also states that 'there will be no loss of roosting potential' implying that no trees with bat roost potential will be lost as part of the proposal. Where moderate/high potential trees will be impacted, clarification and the results of appropriate further survey work for these trees should also be provided, followed by emergence/re-entry surveys to ensure that sufficient survey work has been undertaken. Locations of surveys will also need to be provided.

In order to provide clarity and ensure that sufficient survey information has been provided for each tree that will be impacted by the proposals, the GMEU consultee has advised that the ecology report should be updated with sufficient information for the 4 trees that are proposed to be felled, as per the Bat Conservation Trust guidelines.

5.5.6 Notwithstanding the above, the GMEU consultee has suggested that in the event of the application being approved a condition should be used to secure an appropriate lighting scheme, along with a light spill plan, in order to demonstrate that the woodland edges and areas used by foraging bats will not be adversely impacted by lighting. The Habitat Survey and Ecological Impact Assessment outlines a precautionary activity survey for bats, to be carried out prior to felling of trees within the active bat season, which could be secured through a suitable condition. A scheme for artificial bat boxes to be placed within the retained trees on the site could also be conditioned. The GMEU consultee has also advised that a condition should be used to ensure that no site clearance, tree or vegetation removal (including of undergrowth/bramble) is undertaken in the main bird nesting season (March – August inclusive) and a compensatory nest box scheme should be secured to ensure no negative impact on nesting birds due to the loss of the trees on the site. The GMEU consultee goes on to advise that if planning permission were to be granted, then a condition should be used to secure a pre-commencement badger survey to ensure no change in the status of badgers on the site. Appropriate mitigation measures to reflect the updated badger survey results will also be required. A method statement for reasonable avoidance measures (RAMMS) for terrestrial mammals (e.g. badgers and hedgehogs) should also be secured during work on the sites, for example, to ensure no trenches or excavations are left open over night without a ramp or other suitable means of escape are provided.

5.5.7 Some areas of the landscaping do not appear to be appropriate for the site. For example, the area indicated as wildflower grassland creation at the north of the site is currently where there are large areas of woodland ground flora. Also, some of the species included with the proposed planting mix are not locally native (for example dog wood and field maple) and should therefore not be included with the scheme, given the proximity to ancient woodland. In the event of an approval, a revised landscaping scheme could be conditioned.

5.5.8 Whilst it is accepted that mitigation measures could be relied upon as suggested in the report with respect to the protection of nesting and breeding birds, the ecological survey does not adequately consider the potential impact upon bats (which are an EPS) due to the conflict with the submitted Arboricultural Assessment. As such, it is concluded that based on the submitted information the LPA cannot be satisfied that there would be no undue impact on protected species. This therefore prevents the scheme being able to adequately satisfy the advice contained within the NPPF, policy SP8, DM44 and DM52.

5.6 **Drainage: NPPF paragraphs: 159-165, 167 and 169 (Planning and Flood Risk); Development Management (DM) DPD Policies DM33 (Development and Flood Risk), DM34 (Surface Water Run-off and Sustainable Drainage) and DM35 (Water Supply and Wastewater).**

5.6.1 In accordance with DM34 Surface water should be managed sustainably within all new developments. The Council expects that proposals for all new development will use Sustainable Drainage Systems in accordance with the Surface Water Drainage Hierarchy. Proposals for all new development are expected to implement sustainable drainage systems and alternatives will only be permitted where it has been demonstrated to be inappropriate or impracticable. The Surface Water Drainage hierarchy for new development is as follows:

1. Into the ground (infiltration at source);
2. Attenuated discharge to a surface water body, watercourse or the sea;
3. Attenuated discharge to surface water sewer, highway drain or another drainage system; and as a last resort
4. Attenuated discharge to a combined sewer (only in exceptional circumstances where it can be demonstrated that no other options higher up the hierarchy are feasible).

5.6.2 The submitted drainage report confirms that percolation testing was undertaken in 2022 to confirm whether the site would be suitable for infiltration. Based on the poor drainage results obtained, the submitted drainage strategy concludes that the site is not appropriate for the use of soak-away

systems for the disposal of surface water run-off or the dispersal of foul effluent from a new sewage treatment plant. Accordingly, the scheme intends to rely upon the 2nd option in the hierarchy of attenuated discharge into the River Lune via an existing outfall located to the east of the application site. The rate of discharge into the water course will equate to an attenuation rate of 4.6l/s. It is proposed that foul drainage will be served by a new sewage pumping station that will discharge into the existing foul drainage serving the existing park lodges. Although the Lead Local Flood Authority have raised no objections in respect of the latest submitted Drainage Strategy, they have raised concerns that it appears to contradict all previous versions of the strategy. As such, while the Lead Local Flood Authority is satisfied that their previous concerns regarding a suitable outfall location have now been addressed, they require evidence of the dye testing and CCTV surveys as suggested that have been carried out within the Drainage Strategy in order to ensure robust evidence is provided to clarify the consistent contradictions between the various versions of the drainage strategy to date.

5.6.3 In response to the submitted planning application, queries have been raised regarding the capacity and locations of parts of the proposed drainage systems that will serve the new caravans post development. Concerns specifically relate to the attenuation capacity of the surface water system and foul drainage and the potential for the proposed development to exacerbate these concerns. The Environment Agency have raised no objections to the proposed foul drainage infrastructure, and how it will relate to the existing infrastructure on site. The proposed new development will connect to the existing sewage treatment plant located in Queens Well Wood. However, due to ongoing concerns raised by a nearby resident the site was visited by the LPA's Drainage Engineer who met with the agent. The Drainage Engineer advises that although the proposals for the surface water are acceptable and can be dealt with through suitable conditions, there are concerns in relation to the foul drainage as the most recent version Drainage Strategy does not accurately represent the existing systems. Although a new system from the proposed development is proposed, this would rely on the existing system within Crook O Lune Holiday Park to convey foul water to the discharge point. It is specifically this existing system that needs to be investigated to ensure that it is fit for purpose, in size and condition to ensure that no water will be lost from the system (which would increase flood risk). The agent is seeking to investigate and address these concerns but at the time of writing this report the LPA is not confident that foul drainage can be dealt with satisfactorily.

5.7 **Residential amenity:** NPPF paragraphs: 92 (Promoting Healthy and Safe Communities), 130 (Achieving Well-Designed Places), 183-189 (Noise and Pollution); Development Management (DM) DPD policies DM29 (Key Design Principles), and DM57 (Health and Well-Being).

5.7.1 In conjunction with the National Planning Policy Framework, the development plan (DM29 in particular) requires proposals to protect existing levels of amenity whilst ensuring the amenity of those who may also use the new development.

5.7.2 The site lies adjacent to an existing residential property known as Scarthwaite Lodge. The existing dwelling sits at the entrance to the main site and all vehicular traffic entering the complex is routed to the immediate north of the dwelling. However, the dwelling benefits from a good degree of screening and boundary treatments to mitigate against disruption, noise and head light glare. In this regard, although the applicant has not provided any information with respect to likely traffic volumes, the additional movements created by 19 caravans within the context of the wider site is not judged to be significant. There may be occasions when vehicle noise and activity associated with the site is audible given the low background noise levels but due to the extension only relating to 19 units, this impact is not judged to be significant or so detrimental that the LPA would wish to refuse the application on this basis.

5.7.3 It is suggested by objectors that the use of the units will be harmful to the existing levels of amenity enjoyed by the property (Scarthwaite Lodge) adjacent to the site which is approximately 16 metres to the east of the site boundary. However, as noted above, the objecting property benefits from existing boundary treatments that appear to be in a good state of repair and the eastern flank of the application site benefits from a large degree of mature, verdant screening. These features will serve to reduce potential noise disruption and preserve existing levels of amenity. It is noted that no objective noise data has been provided but given the nature of the site, whilst there may be some noise emanation from the use of 19 caravans (particularly during arrival and departure), this is not likely to be excessive during occupation. Such sites rely on the attractive qualities of tranquillity and

the open countryside; users will typically spend time walking or relaxing as opposed to engaging in disruptive or anti-social behaviour that may otherwise be harmful to amenity. Of course, the management of guest behaviour is beyond the remit of the planning system's jurisdiction but on balance, given the site's facilities, a significant and demonstrably adverse impact upon the existing amenity enjoyed by Scarthwaite Lodge is not considered likely.

5.8 **Highways:** NPPF paragraphs: 104-106 and 110-113 (Promoting Sustainable Transport); Strategic Policies and Land Allocations (SPLA) DPD policy: SP10 (Improving Transport Connectivity); Development Management (DM) DPD policies DM29 (Key Design Principles), DM57 (Health and Well-being), DM60 (Enhancing Accessibility and Transport Linkages), DM61 (Walking and Cycling) and DM62 (Vehicle Parking Provision).

5.8.1 From a National Planning Policy perspective, paragraph 110 of the NPPF advises that where appropriate, schemes should secure safe and suitable access to the public highway for all applicable users. The NPPF further advises that sustainable transport modes should, where possible and relevant, be taken up and encouraged although this will of course depend on the type of development and its location. This requirement is reflected in policy DM29 (Key Design Principles) which requires proposals to deliver suitable and safe access to the existing highway network whilst also promoting sustainable, non-car dominated travel where possible.

5.8.2 The proposed development will utilise an existing vehicle access point onto A683 which has a 50mph speed limit. As demonstrated through the comments from the County Highway consultee, they have raised no objection or cited any concern over the safe operation of the existing Highway network and are satisfied with the proposed internal layout (including vehicle parking) as shown on the submitted plans.

5.8.3 Whilst the public objections relating to perceived highway safety issues are noted, it must be noted that this scheme is only for 19 caravans and a significant increase in traffic is not therefore likely to arise. Officers accept that local residents benefit from local knowledge and that users of the vicinity may notice a minor increase in traffic volume, but this is not judged to be so significant or adverse that a refusal could be defended on highway grounds. This is verified through the lack of an objection from the Highway Authority.

6.0 Conclusion and Planning Balance

6.1 This application proposes a modest extension to an established caravan park within the Forest of Bowland AONB. As set out above, given the degree of compliance with policy DM47 and DM52 and the lack of an adverse visual impact, the principal of development is established as being something which can be supported. Although the proposal suggests the potential for the management of the ancient woodland within the redline boundary, this does not form part of the considerations of wholly exceptional reasons as to why development should be permitted within the 15-metre buffer zone which is contrary to the standing advice provided by Natural England.

6.2 It is acknowledged that the proposal would support a rural enterprise and has the potential to benefit additional local businesses too. However, weighing against the proposal is the harmful impact of the development upon existing, ancient woodland through the lack of an appropriate separation buffer. In addition, the scheme fails to adequately address foul drainage.

6.3 Accordingly, when the support offered to the scheme is balanced against the degree of policy conflict identified, the application is recommended for refusal.

Recommendation

That Planning Permission BE REFUSED for the following reasons:

1. The application site includes an area of ancient woodland. The standing advice offered by Natural England with respect to ancient woodlands advises that a buffer of at least 15 metres should be installed between development and ancient wooded areas. In addition, paragraph 180c of the NPPF states that where the loss or deterioration of irreplaceable habitats such as ancient woodland may arise, development should be refused. In this instance, the application proposes to site nine caravans

on associated hardstandings within 15 metres of the ancient woodland. The scheme layout fails to incorporate a suitable buffer between the proposed development and the existing woodland as required by the standing advice offered by Natural England. Given their contribution towards the landscape, their amenity value and their remaining lifespan, inflicting harm upon trees believed to comprise ancient woodland is not acceptable and represents a material conflict with policy SP8 of the Strategic Policies and Land Allocations DPD and policy DM45 of the Development Management DPD, paragraph 180c of the NPPF and the standing advice offered by Natural England.

2. Policies SP8 of the SPLA DPD and DM44 of the DM DPD seek to ensure undue ecological harm is avoided and mitigated where appropriate. The application does not provide sufficient information within the Habitat Survey & Ecological Impact Assessment regarding the 4 trees that are proposed to be felled. As such the LPA cannot reasonably conclude that harm to bats has been sufficiently avoided or mitigated. Accordingly, the scheme fails to satisfy the advice within the NPPF at paragraphs 8c, 174 and 179 whilst also representing a material conflict with policies SP8 of the Strategic Policies and Land Allocations DPD and policies DM44 and DM52 of the Development Management DPD (insofar as ecology and species impact is concerned).
3. The application fails to demonstrate to the satisfaction of the LPA that foul water arising from the development can be adequately managed as required by the development plan. Consequently, the LPA cannot be satisfied that the provisions of policy DM35 (wastewater) of the Development Management DPD can be adequately achieved, and this also conflicts with paragraph 169 of the NPPF.

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

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. Although the applicant has failed to take advantage of this service, they have previously been made aware of the issues of concern regarding the proposal which the submission does not satisfactorily address. Consequently, 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