

Agenda Item A5	Committee Date 12 December 2011	Application Number 11/00548/CU
Application Site Land South of Ashton Hall Cottages, Ashton With Stodday, Lancaster LA2 0AJ	Proposal Change of use of land to touring caravan site, erection of a facilities building, associated re-grading of land, landscaping, formation of access road, lay- bys and cycle link, and creation of wildlife pond	
Name of Applicant Stodday Land Ltd	Name of Agent Mr Graham Salisbury	
Decision Target Date 5 October 2011	Reason For Delay Committee Cycle	
Case Officer	Mr Ian Lunn	
Departure	No	
Summary of Recommendation	Approval	

Procedural Matter

This application was previously reported to the Planning Committee on 14 November 2011. However, consideration of the proposal was deferred in order to allow Members the opportunity to first visit the site. This visit is to take place on Monday 5 December 2011.

1.0 The Site and its Surroundings

1.1 The land the subject of this application comprises two sites. The main site is an irregularly shaped plot of approximately 2.15 hectares which occupies the eastern portion of a field some 410 metres west of the junction of Ashton Road (A588) and the access road serving Ashton Garden Centre. The other site lies approximately 230 metres further west and comprises a triangular plot of predominantly agricultural land of approximately 0.09 hectares. Both sites lie within an area of open countryside.

2.0 The Proposal

2.1 Planning permission is sought to use the larger land area as a touring caravan site comprising 26 pitches. The proposals involve:

- Some cutting and filling of the land;
- the construction of a freestanding single storey facilities building to provide ancillary toilets and showers for visitors;
- The construction of an access road within the site to serve the development;
- The formation of lay-bys along the access road linking that site with Ashton Road;
- Landscaping (including the creation of a wildlife pond); and
- The creation of a link to the existing cycle path which occupies the former railway line to the west.

3.0 Site History

Application Number	Proposal	Decision
11/0043/TPO	Trees within W1 – trimming of branches overhanging driveway and removal of epicormic growth at base of trees	Approved 09/05/11

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objections
Environmental Health	No objections subject to conditions
United Utilities	No objections
Environment Agency	No objections
County Ecologist	No objections but recommend that as a safeguard the applicants be requested to assess the sites to ascertain whether or not they form a habitat for wading/overwintering birds, and if they are how they propose to ensure that such birds are not disturbed by the development.
Natural England	No objections subject to the implementation of the mitigation measures set out in the submitted ecological report.
The Wildlife Trust for Lancashire, Manchester and North Merseyside	Concerned that the proposal may affect overwintering birds.
Trees Officer	No objections subject to conditions
Parish Council	Object. Contend that the development would detract from the amenities currently enjoyed by local residents; concerned that an approval of the scheme would not be in the best interests of highway safety; and are concerned that should this application be approved the site may subsequently become a static caravan site.

5.0 Neighbour Representations

5.1 24 letters of objection, and two petitions containing 45 and 13 signatures respectively, have been received in respect of this proposal. The predominant objections are:-

- a) that the proposal is contrary to the Council's adopted planning policies relating to development of this nature and would set an undesirable precedent, perhaps for static vans,
- b) that the development would detract from the character and appearance of the former Ashton Estate and the surrounding area in general (which forms part of the Green Belt, an Area of Outstanding Natural Beauty, a Conservation Area, and which lies near to an SSSI),
- c) that the proposal would lead to the loss of a greenfield site and prime agricultural land,
- d) that an approval of this proposal would not be in the best interests of highway and pedestrian safety. It would lead to increased traffic on a dangerous road with a high accident record, the increased use by cars and caravans of other unsuitable roads in the vicinity (including the access road serving the development), and the increased vehicular use of the substandard access onto and off the A588,
- e) that noise and light from the development would adversely affect the amenities currently

enjoyed by nearby residents, and the proposal would adversely affect the level of privacy that they currently enjoy,

- f) that the development would adversely affect the setting of nearby Listed Buildings,
- g) that the development would adversely affect the ecology of the area, including tree and hedgerow loss
- h) that there is no suitable infrastructure in the area to serve the development,
- i) that the development would put undue strain on the existing drainage infrastructure,
- j) that the application site is located within an area that is prone to flooding and as such the applicants should have submitted a Flood Risk Assessment with this application,
- k) that the proposals may affect the existing mains water pressure. Should this application be approved a condition should be imposed requiring the provision of a new water main to serve the development,
- l) that the development would affect an existing public right of way and rights of access,
- m) that the proposal would lead to increased pollution and excessive litter in the area and that the development would also constitute a security risk,,
- n) that the business is unlikely to be viable enough to create the three full-time and 2 part time jobs that the applicants claim it will create,
- o) that whilst the applicants are proposing to form a link to the cycle path they have no legal right of access to do so,
- p) that there is no need for further touring pitches in this area, and
- q) that the applicants have allegedly breached the planning legislation in the past.

One resident has indicated that they are not prepared to allow them legal access over their land to form the new cycleway link.

A letter has also been received from the Lancaster Branch of the Ramblers Association. They have requested that if permission is granted for this proposal, and there is to be access to the site from Greenway, then a public right of way should be created between Greenway and the main road.

5.2 Five letters of support have been received in respect of this proposal stating:-

- a) that the development will benefit the local economy,
- b) that an approval of this proposal will help to meet the demand for quality tourist facilities in the locality,
- c) that locating the development on this secluded site should ensure that it does not detract from the appearance of the locality, and
- d) that there is good access to the site.

6.0 Principal Development Plan Policies

6.1 Government Policy, including Planning Policy Statements (PPS)

PPS1 ('Delivering Sustainable Development') sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.

PPS4 ('Planning for Sustainable Economic Growth') sets out the Government's comprehensive policy framework for planning for sustainable economic development in urban and rural areas.

PPS7 ('Sustainable Development in Rural Areas') sets out the Government's overall aim of protecting the countryside for the sake of its intrinsic character and beauty, for the diversity of its landscapes, for its heritage and wildlife, for the wealth of its natural resources, and so it may be enjoyed by all.

PPS9 ('Biodiversity and Geological Conservation') sets out the planning policies on protection of biodiversity and geological conservation through the planning system.

DCLG '**Good Practice Guide on Planning for Tourism** (May 2006)' identifies the strong role tourism has to play in the national, regional and local economy. It indicates that tourism can be the focus of regeneration in both urban and rural areas, can assist in the provision of local employment, and can help to support local shops and services. Overall it seeks to maximise the benefits of tourism for local communities in optimal locations provided that in so doing it does not

adversely impact upon those areas.

The **Draft National Planning Policy Framework (NPPF)** signals the Government's intention to replace PPS and PPG Notes with a new framework which indicates a presumption in favour of sustainable development. The NPPF consultation period has concluded and Government will report shortly on the final document. Its formal introduction will be enacted under the provisions of the Localism Act (granted Royal Assent in November 2011). However, although the final content of the post-consultation NPPF is not yet known, the current Draft NPPF remains a material consideration in planning decisions. The extent of weight attributed to the draft document is a matter for the decision-maker – in this case the local planning authority. It is the view of Officers that the application as submitted is in general conformity with the provisions of the Draft NPPF.

In March 2011 Government advised all local planning authorities to plan positively for growth and economic development via their Ministerial Statement – '**Planning for Growth**'. Applications that secure sustainable growth should be treated favourably and appropriate weight given to the need to support the economic recovery. Reconsideration of previous planning contributions may also be required.

6.2 Lancaster District Local Plan (saved policies) - adopted April 2004

The application site is identified as forming part of a Countryside Area.

Saved Policy **E4** sets out the general criterion against which proposals for development in Countryside Areas will normally be judged.

Saved Policy **T07** sets out the general criterion against which proposals for new touring caravan sites, and proposals to extend such sites, will normally be judged.

6.3 Lancaster District Core Strategy - adopted July 2008

Policy **SC1** seeks to ensure that new development proposals are as sustainable as possible, that they minimise greenhouse gas emissions, and that they are adaptable to the likely effects of climate change.

Policy **SC5** essentially seeks to achieve high quality development.

Policy **E1** seeks to safeguard the District's Environment by applying national and regional planning policies.

Policy **ER6** seeks to maximise the potential for tourism to regenerate the local economy.

7.0 Comment and Analysis

7.1 Principle of Development

Given the nature of the proposed development, and its location within a Countryside Area, it is considered that it needs to be judged in particular against the requirements of Government Guidance PPS4, PPS7 and the DCLG 'Good Practice Guide on Planning for Tourism (May 2006)'; Saved Policies T07 and E4 of the Local Plan; and Policies E1 and ER6 of the Core Strategy. It is contended that it will essentially meet the aims and requirements of these for the following reasons:-

- a) the proposal is seeking to assist tourism in the area and benefit the local economy essentially by providing a form of accommodation in the countryside, by proposing a link to an existing cycling route and by proposing to create additional employment;
- b) the development is considered to be acceptable in terms of its design and scale and it should not significantly impact upon the appearance of the surrounding countryside (for reasons given below);
- c) the proposal should not unduly impact upon the amenities currently enjoyed by the occupiers of nearby properties (for reasons given below);
- d) the proposal should not give rise to any undue highway safety concerns (for reasons given below) and pedestrians and cyclists should be able to reasonably access the site from public

- roads and rights of way; and
- e) it is not envisaged that the proposal will unduly affect nature conservation or geological interests (again, for reasons given below).

In view of the above, despite concerns to the contrary, the proposal is considered to be acceptable in principle.

7.2 Design/Scale/Impact on surrounding landscape

Concern has been expressed by local residents about the likely impact that this development may have upon the surrounding countryside. However, this is not accepted. First of all it should be made clear that despite claims to the contrary none of the land in question forms part of the Green Belt, an Area of Outstanding Natural Beauty or a Conservation Area. Furthermore, the caravan site itself will occupy a quite secluded position located against a thick belt of trees on a field that is enclosed on two sides by trees and on the third by a hedge. It may initially be visible from parts of the cycle path to the west and from Conder Green to the south. However, in the latter case this will be at a distance of approximately 640 metres and new tree and shrub planting proposed along the western and southern side boundaries of the development should, in time, soften and help to provide some screening of it especially in the summer months. The proposed cycle link and lay-bys will also occupy secluded positions, the former within the corner of a field and the latter on the existing estate road where they will largely be screened by trees. With the above in mind it is considered that the proposals will ultimately have little impact upon the character or openness of the surrounding countryside.

The development is also considered to be acceptable in terms of its design and scale, or can be rendered so through the use of suitable planning conditions. The proposed 'facilities' building will be a relatively modest single-storey structure constructed using a combination of oak and green coloured weatherboarding under a natural slate roof. These are materials that are considered to be acceptable for this location. Details of the means of surfacing the access road, lay-bys, cycle path and hardstandings have not been supplied but these details can be reserved for consideration by condition.

7.3 Highway Safety Issues

Significant concerns have been expressed by local residents about the likely effect that this proposal may have upon highway safety. In response County Highways have made the following statement:-

"The A588 is recognised as an important traffic route and in functional road hierarchy terms it is classed as a primary distributor. It is recognised that the A588 in general has a poor accident record and over the years there have been a number of Local Safety Schemes introduced over various sections with a view to reducing the accident rate. When considering this application the most up to date traffic accident data was used, which showed that in the past 5 years there had been 2 injury accidents recorded at or close to the development site access. In addition to this there have been a number of injury accidents within a relatively short distance of this junction. Damage only accidents are not recorded as there is no legal requirement to report them to the Police. It is accepted that there may be a number of unreported accidents on the A588; this is no different to any other road.

On examination of the causation factors of the two injury accidents at this junction, it is found that neither of these related to turning traffic. Both of these accidents involved single vehicles and excessive speed or inappropriate speed for the prevailing road conditions were the primary factors. Excessive speed or inappropriate speed is a common factor in the majority of the accidents along the A588.

The level of traffic that a development such as this would generate is relatively low. The nature of the development would suggest that car and caravan movements will be very limited and unlikely to take place at the busiest hours for traffic on the A588. The length of stay on a touring caravan site can vary considerably and for assessment purposes the Highway Authority (HA) considers the following to be a reasonable scenario. The average length of stay of 4 days (this takes into account stays varying from overnight up to fortnightly) and the average number of pitches occupied throughout the season unlikely to be greater than 80%, this would then equate to around 10 movements per day (5 in and 5 out).

Some concern has been raised regarding the adequacy of the access. The access has been established for many years with regular vehicle movements occurring. Although the access is narrower than would be ideally suited for large vehicles, the HA is under the impression that widening may be difficult to achieve. Therefore the HA has to consider whether or not the additional traffic movements here would be detrimental to highway safety. When approaching the access from the north, forward visibility for the turning vehicle is good and visibility into the access is good, therefore the HA accepts that this manoeuvre can be carried out safely.

When approaching the access from the south, there is restricted visibility into the access and the left turn would be tight for the longer car and caravan, however, the HA considers it unlikely the swinging onto the wrong side of the road to be necessary, nonetheless forward visibility is reasonable and this manoeuvre can be performed with care.

The condition of the access is poor, with a number of potholes beginning to form. However, its current condition does not necessitate immediate work but it is likely that remedial works will be required in the not too distant future.

The HA's overall conclusions on this matter are that whilst the development proposal will lead to an increase in traffic on a principal road with a documented injury accident record, the level of traffic that the development will generate is unlikely to be sufficient to have a noticeable impact on highway safety and therefore (the HA) does not consider there to be sufficient strength in the argument to refuse the development on highway safety grounds and defend such a reason for refusal at appeal."

Given the above, and as the application proposes the provision of lay-bys along the access road to allow vehicles to pass each other, it is considered that, despite the concerns to the contrary, a refusal of this proposal on highway safety grounds could not reasonably be substantiated.

7.4 Amenity Issues

Concerns have been raised by local residents to the effect that the proposal will generate unacceptable levels of noise and light pollution and will reduce the level of privacy that they currently enjoy. However, whilst accepting that the proposal will clearly lead to increased vehicular (and possibly cycle and pedestrian) movements along the access road, and whilst accepting that this road passes some dwellings, given the nature and scale of the development it is not envisaged that it will generate a level of noise, or reduce privacy levels, to the extent that a refusal of this application could reasonably be justified. Likewise, whilst lighting is to be provided as part of the proposal, a condition can reasonably be imposed on any approval controlling its design, location and intensity so as to minimise its impact upon local residents, the surrounding countryside and local wildlife. The Environmental Health Service, Lancashire County Council Ecologists and Natural England have all considered this proposal and raise no objections to it.

7.5 Tree Issues

It is not proposed to remove any trees or hedgerows in order to make way for this development. Furthermore, significant additional tree and shrub planting is proposed as part of the scheme, primarily along the southern and western boundaries of the caravan site, in order to soften the impact of the development and provide a degree of screening. The Council's Tree Officer has considered the proposal and raises no objections to it subject to appropriate measures being undertaken to ensure that the trees and hedges are suitably protected during the construction works and the proposed planting is carried out and subsequently maintained. Conditions to this end are therefore recommended.

7.6 Ecological Issues

The application has been accompanied by a Baseline Ecological Survey Report and a Method Statement. These conclude that the proposals may lead to the loss of a small area of habitat and may have a minor impact upon the neighbouring woodland. However, they also add that the habitat in question is of limited value to wildlife and that its loss can reasonably be compensated for by the introduction of wildlife-friendly species as part of the proposed landscaping scheme, by limiting light spill from any lighting, and by creating new aquatic habitats on the site. The report has been considered by Lancashire County Council Ecologists and Natural England who accept its findings

and recommendations.

The Wildlife Trust for Lancashire, Manchester and North Merseyside are concerned that the development may affect overwintering/wading birds and have therefore recommended:-

- a) that a wintering/non-breeding bird survey is undertaken to establish the likely impact of the proposal on those birds, and
- b) that a restriction is imposed on any approval preventing caravans from being occupied during the 'vulnerable period' (i.e. between September and March).

This issue has been raised with the applicant's agent. However, in response they argue that wintering/wading birds, especially pink footed geese and swans, prefer flat wide open spaces that are not enclosed by trees so that they are able to see potential hazards/predators and act accordingly. Since the sites in question have a slight slope, are relatively narrow and are enclosed by trees they contend that it is highly unlikely that they will be used by such birds. Both Natural England and the County Council Ecologists have considered this proposal and neither has raised any such concerns in their consultation responses. Furthermore neither of the application sites form part of any 'protected site' and although there are such sites in the vicinity they are physically separated by open pasture, woodland and a track. With this in mind it is contended, on the balance of probability, that the proposal will not adversely impact upon overwintering/wading birds and that as such an occupancy restriction of the type recommended by the Wildlife Trust could not reasonably be justified.

In conclusion, given the above, as proposals for new planting and a pond are included within the proposed landscaping scheme, and as a condition can reasonably be imposed designed to control proposed lighting, it is considered that, despite the concerns of local residents and The Wildlife Trust to the contrary, there are no reasonable ecological grounds for opposing this proposal in this instance.

7.7 Other Issues

The objections received in respect of this proposal have been fully considered before coming to a decision on this application. However they are not accepted for the reasons given earlier in this report and for the additional reasons below and overleaf:-

i) It is contended that the development will have no effect upon the setting of any Listed Building. It is proposed to form a lay-by approximately 130 metres from Ashton Hall, which is listed, but given the nature and scale of this element of the proposal, and given its proposed position in relation to that building, it should have no significant effect upon its setting. The remainder of the development is to be located at least 350 metres away from that building and will be wholly screened from it by existing trees and buildings.

ii) It is contended that the development is capable of being satisfactorily drained. Waste water is to be discharged into a new bio-disk treatment plant which is to be provided as part of this development. Surface water is to be drained into the adjoining dyke. Mains water is to be supplied either by connecting into the existing services at Ashton Hall Cottages (subject to capacity) or by providing new metered supplies from Penny Hill Road. Ultimately the applicants will need to obtain the formal approval of the relevant drainage/mains water authorities under their legislation before being able to implement these proposals. However, in planning terms both United Utilities and the Environment Agency have indicated that they have no objections to them.

iii) The lower (western) part of the larger site is prone to flooding. However the caravan site is to be located on the higher ground adjacent to the eastern boundary which is not. In view of this it is contended, on the balance of probability, that future users of the caravan site will not be at risk from flooding and that as such the submission of a Flood Risk Assessment is unnecessary. For Members information, the Environment Agency has not required the submission of such an Assessment.

iv) A planning application cannot legitimately be refused on the grounds that the applicants may have allegedly carried out other work without planning permission. Such breaches can be pursued independently under national planning legislation.

v) It is not envisaged that a development of this nature will lead to undue problems of pollution.

vi) Concerns about litter generation and any legal rights of access are not matters that can be taken into consideration when determining a planning application. The first is a matter that can be controlled via other more direct legislative means whilst the second is a private matter that the local planning authority cannot arbitrate upon.

vii) It is accepted that should this application be approved planning permission would not normally be required to create additional touring pitches, or to site static holiday caravans, within the defined application site. In order to retain a degree of control over this development therefore it is proposed, in this instance, to impose restrictions which essentially would require such proposals to be the subject of further planning applications. Should such applications then subsequently be submitted they would be judged on their individual merits.

8.0 Planning Obligations

8.1 Given the nature of these proposals, and their proposed location, it is considered appropriate in this instance to require the applicants to enter into a Section 106 Obligation in order to reinforce certain of the recommended planning conditions and provide an additional level of control over the development. To this end it is recommended that the obligation should incorporate the requirements to limit the use of the site solely to touring caravans, to limit the number of pitches to the 26 proposed, to prevent unoccupied touring caravans from being stored on the site, and to prevent the residential occupancy of those caravans. The agent has been made aware of this and has agreed in principle to sign such an agreement should the recommendation to approve this application be supported by Members.

9.0 Conclusions

9.1 It is considered that the proposed development will be acceptable subject to conditions and to the applicants first entering into a Section 106 Obligation designed to control the matters described in paragraph 8.1 above.

Recommendation

That **PLANNING PERMISSION BE GRANTED** subject to the signing and completion of a Section 106 Obligation and the following conditions:-

1. Standard Planning Permission Timescale
2. Amended Plans
3. Development to accord with approved plans
4. Submission of samples of wall and roof materials for facilities building and surfacing materials for access road, lay-bys and hardstandings
5. Provision of lay-bys
6. Details of proposed cycle link
7. Details of lighting
8. Details of Bio-disk treatment plant
9. Unforeseen contamination condition
10. Submission of an Arboricultural Method Statement
11. Implementation of approved landscaping scheme
12. No removal of/works to trees/hedges without approval
13. Caravan site limited to 26 touring caravans
14. No storage of caravans
15. No residential occupation of caravans; bound register to be kept with evidence of site users main residences

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

Background Papers

None.