

Agenda Item A8	Committee Date 16 November 2015	Application Number 15/00626/FUL
Application Site Riverside Caravan Park Lancaster Road Heaton With Oxcliffe Morecambe		Revised Proposal Use of land for siting static caravans for holiday occupation 12 months of the year
Name of Applicant Britaniacrest Ltd		Name of Agent Mrs Rachel Whaley
Decision Target Date 20 November 2015		Reason For Delay Implications of draft Tree Preservation Order 559 (2015) on the proposed development.
Case Officer		Mr Philip Megson
Departure		No
Summary of Recommendation		Refusal

(i) Procedural Matters

This planning application was considered by the Committee at the September meeting. Officers advised that as a draft Tree Preservation Order (No. 559 – 2015) had been served a few days prior to the meeting, that the application should be deferred to allow full consideration of the implications for trees and landscaping. In response the applicant has submitted a revised layout for the proposed development; and has formally objected to the imposition of the TPO. The latter will be dealt with via the separate TPO process. However, notwithstanding that, the planning application should now be determined.

1.0 The Site and its Surroundings

- 1.1 Riverside Caravan Park is on the outskirts of Heaton-with-Oxcliffe located off the Lancaster Road adjacent the River Lune. It is approximately mid-way between Morecambe (3.5 miles to the west) and Lancaster (3 miles to the east) and has good access from the M6 motorway via the A683 and Lancaster Road.
- 1.2 The Park is bounded to the south by Lancaster Road and the River Lune and is surrounded by agricultural land. In front of the park, immediately west of the site entrance is the Golden Ball Inn which is in separate ownership. Adjoining the eastern boundary of the park is Oxcliffe Hill farm (through which there is a right of access). There is existing boundary planting along all boundaries, particularly along the Lancaster Road frontage.
- 1.3 The current layout of the site is that the existing planning permissions allow for up to 75 static caravans and provision for 50 touring pitches. The current site licence permits the static caravans to be occupied from 1st March to 31st January inclusive and permits touring caravans to be sited from 1st March to 14th January inclusive.

1.4 The River Lune is a site that benefits from international designations, including Ramsar status, Special Area of Conservation (SAC), and Special Protected Area (SPA). It is also a Site of Special Scientific Interest (SSSI), whilst part of it benefits from County Biological Heritage Site (BHS) status.

2.0 The Proposal

2.1 The original proposed layout shows the potential for redevelopment of the park, incorporating the touring caravan area, to accommodate a total of 129 holiday static caravans plus a sales area with 4 units. A recreation area is proposed to the east of "Lunecroft", an existing bungalow near the centre of the site. A proposed recreational building, the subject of a separate planning application, would be located to the rear of the reception building.

2.2 The amended proposed layout plan proposes a total of 130 holiday static caravans across the site, plus a sales area with 4 units. The amended layout would result in the loss of a static caravan pitch from the current touring caravan area, whilst the proposed recreation building, no longer planned, has resulted in the release of land to accommodate two additional static caravan pitches. In relation to trees, the amended layout seeks to address the following points:

- Repositioning caravans along the southern boundary of the site to avoid the root protection area of boundary trees and hedgerows;
- Repositioning the reception building to avoid the root protection area of a tree (identified as T2 in the submitted Arboriculture Report);
- Repositioning of caravans on the sales area in order to retain a tree (T6);
- Additional planting on the southern boundary of the site immediately to the east of the site access to compensate for the loss of existing trees in the site.

2.3 Surface water drainage would be by soakaway. Foul water drainage would be via existing and new drainage. Proposed external works comprise gravel paths on compacted hard core; parking bays with the front edge delineated by stone setts; and new post and rail fencing to a height of 0.55m in treated timber incorporating access points at a minimum 15m along its length.

2.4 The majority of the site is currently restricted to a 10.5 month season with the remainder of the site having an 11 month season. The applicant initially sought a holiday occupancy of 11 months (1st March to 31st January inclusive) for the caravan park as a whole. The applicant is now seeking a holiday occupancy of 12 months for the caravan park as a whole.

3.0 Site History

3.1 There have been a number of planning applications relating to the Riverside Caravan Park. In summary these have involved progressively increasing the number of touring caravans; progressively increasing the number and proportion of static caravans and extending the period of occupancy of touring caravans and static caravans.

4.0 Consultation Responses

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

Consultee	Response
County Highways	No objection.
Environmental Health Officer	No objection.
Tree Protection Officer	Objection: the proposed development would result in the loss of several large swathes of trees from within the site. Currently, those trees represent valuable landscape features, visible from the public domain. Their loss, either by direct removal, or through indirect means, as a result of inadequate protection provision and increased future pressure to inappropriately manage or remove retained trees, has sufficient potential to result in an immediate and lasting adverse impact upon the character and appearances of the site and that of the wider locality.

5.0 Neighbour Representations

5.1 No neighbour representations have been received.

6.0 Principal National and Development Plan Policies

6.1 The National Planning Policy Framework (NPPF)

- Paragraphs 7, 14 and 17 – Sustainable Development and Core Planning Principles;
- Paragraph 28 – Supporting a Prosperous Rural Economy; and,
- Section 11 – Conserving and Enhancing the Natural Environment

Lancaster District Core Strategy (LDCS)

- Policy SC1 – Sustainable Development
- Policy ER6 – Developing Tourism
- Policy E1 – Environmental Capital

Development Management DPD

- Policy DM14 - Caravan Sites, Chalets and Log Cabins
- Policy DM28 – Development and Landscape Impact
- Policy DM29 – Protection of Trees, Hedgerows and Woodland
- Policy DM35 – Key Design Principles

7.0 Comment and Analysis

7.1 The proposed development is considered in two parts: the proposed redevelopment of the site for static caravans for holiday use, and the extension to provide an all-year round (12 months) opening season

7.2 Static Caravans for Holiday Use

Policy DM14 supports proposals for new static caravan sites, or extensions of existing sites in principle outside areas of designated landscape importance, in appropriate locations and to an appropriate scale, subject to criteria. That criteria is as follows:

- That priority is given to the re-use of previously developed sites; provided that it is not of a high environmental value. Where greenfield sites are identified it should be demonstrated that no alternative, suitable brownfield sites exist in the locality;
- The proposed development has no adverse impact upon the landscape character or significant detrimental impact on the visual amenity of the locality, and includes satisfactory proposals for additional landscaping where required. Proposals will also be assessed against the requirements of Policy DM28;
- That the layout retains on-site features and provides compensatory planting and other nature conservation measures within or near to the site;
- The proposal maintains and enhances existing areas of recreational open space or create new areas of recreational open space which are of a proportionate scale;
- The proposal does not have an adverse impact on biodiversity and where appropriate seeks to raise the environmental value of the locality;
- The proposal does not have an adverse impact on surrounding residential amenity; and,
- That the proposal is in an accessible location and has no adverse impact on the capacity of the local highways network, highway safety and other important local infrastructure.

7.3 The proposed development would be located outside areas of designated landscape importance and would be in an appropriate location, as it is within the existing footprint of an existing caravan site. The site is also in an accessible location having good access from the M6 motorway via the A683 and Lancaster Road. Therefore, taking this into account, the proposal needs to be assessed against

the bullet-pointed criteria in Policy DM14.

- 7.4 The site is already in use as a caravan site and the proposal would not create unacceptable impacts upon the highway network, nor would it adversely affect residential amenity. However the proposal would involve significant changes to the localised landscape character and the visual amenity of the locality, by virtue of the considerable loss of existing trees. These natural features are an intrinsic part of this site, and they aid screening of the caravan development from the sensitive areas associated with the River Lune.
- 7.5 A Tree Survey submitted by the applicant identifies a total of 17 individual trees and 35 groups of trees across the site. Four individual trees (T3, T11, T40 and T41) and 4 groups of trees (G10, G12, G38 and G39) are identified for removal to facilitate the development, either because they impinge upon the developable area or because they are so close to the new development that their retention and protection is not feasible.
- 7.6 As part of the assessment of the proposals, the Council's Tree Protection Officer has made a separate visit to the site. She advises that three Hawthorn groups (G10, G38 and G39) are significant landscape features, comprising of early-mature and mature specimens. In addition, G38 and G39, along with T40 and T41 (both Ash) provide significant greening and screening within the site. Elements of the trees are visible from a range of locations within the public domain, notably from Lancaster Road to the south-west and from the A683 to the north-west. These trees are entirely in keeping with the character and appearance of the site and that of the wider area, and aside from their important greening and screening role they perform, they provide habitat and foraging opportunities for protected species (bats and nesting birds).
- 7.7 There are other tree-related concerns. New caravan units are proposed close to the Root Protection Areas (RPAs) of existing trees. In particular, encroachment occurs on T6 and T7, and in groups G4, G5 and G27-G32. This will lead to impacts during construction phases if adequate protection (at least 1m buffer zone) is not in place, and potentially there will be impacts post-development through management issues and pressures to remove species that cause a problem to the caravans.
- 7.8 Trees have already been removed from the group of trees (G52) on the northern boundary. There appears to be construction work in progress. The submitted Arboriculture Implications Assessment fails to show the loss of trees in this area. They were removed before the provisional TPO was served. It also appears that there were no measures in place to safeguard existing trees during the construction of new caravan plots along the northern boundary.
- 7.9 In addition to these concerns, the proposed tree planting on the southern boundary immediately to the east of the site access is considered wholly inadequate to compensate for the scale of tree loss.
- 7.10 Given these concerns, it is considered that the proposal fails to comply with DM14. As a consequence of its impact upon the local landscape and quality of tree cover, it is considered that the development would also fail to accord with DM28 (particularly with regard to coastal landscape/Lune Estuary) and DM29 (failure to adequately justify the loss of trees).
- 7.11 Extended Season
- The caravan park has developed incrementally and it currently has different length of seasons. The majority of the site is currently restricted to a 10.5 months season with the remainder of the site having an 11 months season. The applicant initially sought a holiday occupancy of 11 months (1st March to 31st January inclusive) for the whole caravan park. This would extend the duration for holiday occupancy for parts of the caravan park. The applicant argued that as the proposal involved a closed period (1st February–28th February inclusive), holiday occupancy could be controlled by condition only. The Council's current practice is not to seek to control occupancy by condition. Policy DM14 clause XIII requires a proposal to extend the duration and occupancy of caravan sites to be accompanied by a legal agreement which states that the accommodation will remain in a visitor use only and not be used for permanent residential accommodation. The Applicant has therefore amended the planning application to seek holiday occupancy for a 12 month period instead.
- 7.12 Policy DM14 is sympathetic towards proposals to extend opening seasons, subject to specific criteria, namely:

- There will be no significant impacts on the surrounding visual amenity or on nature conservation interests;
- There are no adverse impacts on local infrastructure and highway safety;
- Appropriate on-site improvements, including improved facilities and recreational provision of an appropriate scale, are agreed with the local planning authority and implemented before the extended opening season begins, subject to landscaping improvements; and,
- The proposal is accompanied by a legal agreement which states that the accommodation will remain in a visitor use only and not be used for permanent residential occupation.

7.13 Whilst the extension of the opening season would not, by itself, be adverse to visual amenity, it would be adverse if the extent of tree removal proposed in the application occurred. A greater number of larger, static vans would – when combined with tree loss – be visible all-year round in a location that is noted for its sensitivity given its close proximity to the River Lune. This therefore leads the local planning authority to conclude that year-round vans in a landscape affected by reduced tree cover would be inappropriate and fail to comply with Policy DM14.

7.14 The amended plan indicates that the recreational building has been omitted from the scheme. Whilst this is regrettable, the proposals still include a recreation area which would represent a modest improvement in on-site facilities. If the scheme were reduced to retain the trees covered by the provisional TPO, then the area given over to recreation/open space could increase still further.

7.15 Other Matters

The proposal is considered acceptable in terms of highway impact. It is also considered that a satisfactory drainage scheme could be secured by planning condition (Surface water drainage would be via soakaways. The submitted plan indicates that the existing drainage is to be located and the status of it (separate or combined) to be determined

8.0 Planning Obligations

8.1 If the application is approved, the Applicant would be required to enter into a section 106 agreement restricting occupation of the static caravans to holiday occupancy only.

9.0 Conclusions

9.1 The proposed development would result in the loss of several large swathes of trees from within the site. Currently, those trees represent valuable landscape features, visible from the public domain. Their loss, either by direct removal as part of the scheme, or through indirect means as a result of inadequate protection provision during construction/implementation, means that the scheme has an unacceptable and adverse impact upon this sensitive locality, and the character of this part of the district close to the Lune Estuary. Additionally, an increased number of static vans (compared to the current numbers on site) would be visible as a result of the proposed works to trees. Therefore, the application is recommended for refusal.

Recommendation

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

1. The proposed development would result in the significant loss of several large swathes of trees from within the site. These trees represent valuable landscape features and perform a much-needed screening and greening role within this sensitive riverside landscape. As a consequence of the proposed tree loss, the proposal would be detrimental to the character and appearance of the landscape, and would therefore be contrary to Development Management DPD Policies DM14, DM28 and DM29, and Lancaster District Core Strategy Policies SC1 and E1. The proposal would also fail to accord with all three dimensions of sustainable development as advocated by NPPF Paragraph 7, and the Core Planning Principles as defined in NPPF Paragraph 17.
2. The increase in the number of static caravans would, when combined with the year-round nature of the proposed use, and the proposal to remove significant numbers of trees, adversely affect the visual amenity of the wider locality, particularly in views from adjacent to the Lune Estuary. It is considered

that the replanting proposals are inadequate to mitigate against these adverse impacts. As such the proposal is contrary to Development Management DPD Policies DM14, DM28 and DM29, and Lancaster District Core Strategy Policies SC1 and E1. The proposal would also fail to accord with all three dimensions of sustainable development as advocated by NPPF Paragraph 7, and the Core Planning Principles as defined in NPPF Paragraph 17.

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

In accordance with the above legislation, the City Council can confirm the following:

Lancaster City Council takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Regrettably the applicant has failed to take advantage of this service and the resulting proposal is unacceptable for the reasons prescribed in the Notice. The applicant is encouraged to utilise the pre-application service prior to the submission of any future planning applications, in order to engage with the local planning authority to attempt to resolve the reasons for refusal.

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.