

Agenda Item A5	Committee Date 5 February 2018	Application Number 17/00965/VCN
Application Site Land At The Hayloft Barn Ashton Road Ashton Lancashire		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 (pursuant to the variation of conditions 4, 6, 7 and 15 on planning permission 12/00212/CU to delay the creation of wildlife pond and cycle link and for the addition of a vehicle barrier)
Name of Applicant Mr Roger Clark		Name of Agent Simon Gillespie
Decision Target Date 8 February 2018		Reason For Delay N/A
Case Officer		Mrs Eleanor Fawcett
Departure		None
Summary of Recommendation		Approval subject to amendments to the vehicle barrier and a Deed of Variation

(i) Procedural Matters

This form of development would normally be dealt with under the Scheme of Delegation. However, a request has been made by Councillor Charles for the application to be reported to the Planning Committee due to concerns about the increase in vehicle movements as a result of the cycle link not being in place, which was fundamental to approval being originally granted.

The application was proposed to be reported to the Planning Committee on 13 November 2017. However, the Council was made aware that notice had not been served on everyone with an interest in the land and the incorrect certificate had been signed. This has now been undertaken and, as a result, the application timescale has been restarted.

1.0 The Site and its Surroundings

1.1 The site is located to the south east of Ashton Hall and is accessed via a private road off Ashton Road, which also serves a number of residential dwellings, a garden centre and leisure complexes. It comprises an irregular shaped parcel of land (approximately 2.15 hectares) occupying the eastern portion of a field adjacent to Long Plantation (mixed woodland), together with a smaller triangular parcel of land (approximately 0.09 hectares) around 230 metres further west towards the estuary. The private road also forms part of the application site. An access, areas of hardstanding and a facilities building have been created as part of the previously approved consent for a touring caravan site. It is understood that the site is now operational.

1.2 The main part of the site is bound by the private road to the north, dense mature woodland to the east (Long Plantation), and open undulating agricultural land to the south and west. The woodland is protected by a Tree Preservation Order (TPO). There are also a number of individual and groups of trees along the access road that are covered by TPOs. The smaller parcel of land relates to the

south western corner of an existing field which lies adjacent to the private road and the Lancaster to Glasson foot/cyclepath. Beyond the field to the north and east is Meldham Wood, which is identified as a Biological Heritage Site. The site is also within the District's Countryside Area, and is close to the Lune Estuary Site of Special Scientific Interest (SSSI). This SSSI is part of the Morecambe Bay Special Area of Conservation (SAC), Special Protection Area (SPA), and Ramsar site.

2.0 The Proposal

2.1 Planning permission has been previously granted for the change of use of the larger parcel of land from agriculture to a touring caravan site comprising 26 pitches. This proposal involved:

- Cutting and filling of the land to provide appropriate levels for the proposed pitches;
- The construction of a single storey facilities building to provide ancillary toilets and showers for visitors;
- The construction of an access road within the site;
- The formation of lay-bys along the private road linking the 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 (this is proposed within the smaller parcel of land).

2.2 The current application seeks to vary several of the conditions on the original consent. This is to allow the installation of an automatic vehicle barrier and a delay in the implementation of the highway signage, the creation of the pond and the cycle link. The vehicle barrier and associated railings, kerb and operating console have already been installed at the entrance to the main part of the caravan site and are set back slightly from the private road. Adjacent to this was a timber enclosure to provide storage for bins and was also to be covered by the current application. However, this has now been removed. The highway signage, pond and cycle link were all conditioned to be provided prior to first use. Confirmation has been provided from the Highway Authority that the signage should be implemented within October. In terms of the pond, the agent has requested that 2 years be given to create this. The cycle link has not been created as there is a tenant who has rights to the land and the applicant is in the process of legal proceedings. A two-year timescale to create this has been requested.

3.0 Site History

3.1 There is an extensive planning history relating to the Ashton Hall Estate, but the most relevant to this proposal is planning consent 12/00212/CU for the 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. This was approved following the refusal of a previous application for a similar scheme (11/00548/CU). The resubmission involved minor changes to the vehicular access (which in fact showed the access as it existed on site), and additional detail in respect of the cycle track.

Application Number	Proposal	Decision
12/00212/CU	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 (Re-submission of 11/00548/CU)	Approved
11/00548/CU	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	Refused against Officer recommendation.
11/0043/TPO	Trees within W1 – trimming of branches overhanging driveway and removal of epicormic growth at base of trees	Approved

4.0 Consultation Responses

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

Consultee	Response
Parish Council	No comments received during the statutory consultation period.
County Highways	The signage has been agreed and should be installed by October 2017.
Environmental Health	No comments received during the statutory consultation period.
Tree Protection Officer	Delaying the cycle link would inevitably have an impact upon the delivery of the approved landscaping scheme (and the cycle link element especially). It is unclear whether the proposed addition of a vehicle barrier and bin compound would have potential for an adverse impact on existing trees and hedges.
Natural England	No comments to make.

5.0 Neighbour Representations

5.1 Six pieces of correspondence were originally received objecting to the proposal and raise the following concerns:

- Inappropriate design of vehicle barrier;
- The original application was only granted because of the proposals to create the pond and access to the cycle track/ footpath and these should be required before the site is brought into use;
- No guarantee that the cycle link can be created because of a tenant on the land and this will result in an increase in vehicle movements, with the only access via Ashton Road.;
- An application for a single dwelling has been recently refused because of lack of amenity and no access to the cycle track;
- Concerns whether the lake will be created;
- The applicant has had adequate time to provide the highway signage; and
- Little landscaping has been undertaken and some trees have been removed at the roadside.

5.2 Neighbour notifications were sent following the amended ownership certificate. A further piece of correspondence has been received objecting to the proposal and sets out the following concerns:

- Slow moving traffic will potentially exacerbate existing dangerous highway conditions;
- There is no guarantee that the cycle link can be created; and
- Interests in the land were not previously declared

5.3 Two pieces of correspondence have been received in relation to the notice that has been served on them as a party with an interest in part of the site. One raises an objection on behalf of the tenant of the land where the footpath link is proposed. The other is in support of the proposal on behalf of Ripway Properties Ltd. who own the south west corner of the field and the adjoining private roadway.

5.4 One piece of correspondence has been received in support of the application from the operators of Ashton Hall Caravan Park.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs 7, 14 and 17 – Sustainable Development and Core Principles
Paragraph 28 – Supporting economic growth in rural areas
Paragraph 32 – Access and Transport
Paragraphs 56, 58 and 60 – Requiring Good Design
Paragraph 109 – Protecting valued landscapes and minimising impacts on biodiversity
Paragraph 118 – Conserving and Enhancing Biodiversity

6.2 Local Planning Policy Overview – Current Position

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

- (i) The Strategic Policies and Land Allocations DPD; and,

(ii) A Review of the Development Management DPD.

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

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

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

6.3 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC5 – Achieving Quality in Design

6.4 Lancaster District Local Plan - saved policies (adopted 2004)

E4 – Countryside Area

6.5 Development Management Development Plan Document (DM DPD)

DM7 – Economic Development in Rural Areas
DM14 – Visitor Accommodation
DM20 – Enhancing Accessibility and Transport Linkages
DM21 – Walking and Cycling
DM27 – Protection and Enhancement of Biodiversity
DM28 – Development and Landscape Impact
DM35 – Key Design Principles
DM39 – Surface Water Run-Off and Sustainable Drainage

7.0 Comment and Analysis

7.1 The main issues to be considered in the determination of this application are:

- Highway Safety Issues
- Landscape and Visual Impact
- Residential Amenity
- Ecological Issues

7.2 Highway Safety Issues

7.2.1 The application seeks to vary the timescales for the implementation of signage on Ashton Road, to direct visitors to the site, and the creation of the link to the cycleway. The Highway Authority have confirmed that the payment has been made by the applicant in relation to the signs, and these will be attached to the existing directional signs for Ashton Hall. In an email on 11 October 2017, they set out that they have the signs in the depot and they should be displayed within 2 to 3 weeks. It is therefore likely that they will be in place prior to determination of the application. If this is not the case, then an appropriate timescale could be added to the relevant condition.

7.2.2 The original application proposed a link to the footpath and cycleway adjacent to the Lune Estuary from the private road which provides access to the site. The link is proposed approximately 230 metres to the west of the part of the site where the caravans will be accommodated and would utilise a triangular piece of land owned by the applicant. This link was required prior to the first operation of the site but has not yet been provided as legal proceedings are ongoing with a tenant of the land. Many concerns have been raised by the neighbours in terms of the delivery of this link and the implications in terms of additional vehicle movements with it not being provided before the site is brought into use. However, whilst a formal link to the cycleway is desirable, it was not considered essential to make the original proposal acceptable.

7.2.3 The original Committee report considered in detail the suitability of the access to the site. Given the relatively small-scale nature of the proposal, it was considered unlikely that the additional traffic movement associated with the development would cumulatively generate unacceptable traffic levels using the access and private road. Subsequently it was considered that the increase in vehicle conflict would also be low. It was recognised that there may be vehicle conflict at the junction and that the visibility does not meet the “*desirable minimum*” standards, and that the Local Planning Authority, in consultation with the Highway Authority, must make a balanced judgement whether this would warrant a refusal of planning permission on highway grounds. The proposal was assessed against paragraph 32 of the National Planning Policy Framework (NPPF) which states:

‘...development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe’.

Despite the concerns to the contrary, the proposed development, which involves the provision of lay-bys to improve traffic flows on the access road, was considered acceptable from a planning point of view and could not be described as having a ‘severe’ impact. The provision of the cycle track was not a material consideration in reaching this view.

7.2.4 The application does not seek to remove the condition requiring the link to the cycle path, but does seek to change the date for implementation. Due to the number of concerns raised regarding the implementation, confirmation has been sought from the agent that the link could be created, with the legal issues resolved, and the timescale for this. In response, it has been set out that ‘Notice to Quit’ has been served on the tenant and arbitration proceedings are underway with a hearing date scheduled for later this year, although it is understood that the initial date has now been pushed back. The agent has also stated that there are already links to the cyclepath. However, the link closest to the application site is very informal and is not within the red line of the application boundary, so can be given little weight. It has been advised that the cycle link could be provided within two years. There is no reason to believe that this could not be achieved and it is therefore considered to be a reasonable timescale for its implementation given the above. It would be unreasonable, given the relatively small scale of the site, to not allow the applicant to operate the site until the link is in place. It might be difficult to resist the removal of the condition altogether, as it is not considered absolutely fundamental to make the scheme acceptable from a highway or sustainability perspective, given the small scale of the site. If the formal link can be created, as set out by the agent, then it would be a strong benefit of the scheme, and therefore the two year timescale would be the best option rather than the removal of this altogether.

7.3 Landscape and Visual Impact

7.3.1 Some alterations have been made to the access off the private road to the main part of the caravan site that were not covered by the original consent. These include the installation of a vehicle barrier and operating consoles on either side, in addition to associated kerbs and railing, and a timber enclosure for bin storage. The barrier is red and white, the posts for the barrier and consoles are red and the railings are light grey. These alterations are quite formal and give an urban appearance to the site’s entrance, in contrast to its rural location. Some limited landscaping has been planted to soften this, and clarification has been sought in relation to the species. In this location a timber barrier or field gate would be most appropriate, and could still be automated. However, given the limited views of this, it may be acceptable in its current form if painted in a more subtle colour, such as black or green. There is also a hard surfaced path adjacent to the railings which adds to the urban appearance and the approved landscape plan showed grass verge up to access. The timber structure is also visible from the access, but could be softened by being painted and additional landscaping implemented.

7.3.2 In response to the concerns, the metal railings and most of the infrastructure in relation to the barrier has been painted a matt black colour which has softened its appearance. The vehicle barrier is still red and white and the top of the control box is white. Whilst not ideal, this has significantly reduced the visual impact. The agent raised concerns about painting it a more subdued colour as it may not be visible to people accessing the site and could cause accidents. Therefore on balance, it is considered acceptable. The bin store has now also been removed. There is still landscaping that needs to be implemented as part of the approved scheme.

7.4 Residential Amenity

7.4.1 The private road, which provides access to the site, passes a number of residential properties, but the main part of the site does not lie immediately adjacent to these. It is considered that the alterations to the scheme, including the delay in the implementation of the cycle link, pond and signage, would not have an unacceptable impact on the amenities of these residential properties.

7.5 Ecological Issues

7.5.1 The landscaping scheme, approved as part of the previous application, also included the creation of a new wetland habitat which went beyond mitigation and would constitute an enhancement to the local biodiversity. This element of the scheme fully accords with paragraph 118 of the NPPF in relation to biodiversity. The current application seeks to vary the implementation of this to allow it to be created within the next two years rather than before operation. It does appear that at least part of the site is operational, but the rear section has not been fully completed. Given that the pond was to provide for an enhancement rather than as direct mitigation for the proposal, it would be unreasonable to insist that it was provided before the site is brought into use and two years is a reasonable alternative timescale for this.

8.0 Planning Obligations

8.1 In relation to the previous consent, the applicant entered into a Section 106 Obligation in order to control the use of the development and the number of pitches within it. As such, a Deed of Variation will be required to link it to this consent.

9.0 Conclusions

9.1 The amended timescales to provide the habitat pond and cycle link are considered to be acceptable and would not have a detrimental impact to highway safety, residential amenity or biodiversity. The concerns regarding the colour and design of the barrier at the entrance of the site have now been addressed. In term of the highway signage, this is proposed to be provided soon, and is dependent on the Highway Authority.

Recommendation

That Planning Permission **BE GRANTED** subject to amendments to the entrance barrier, completion of the Deed of Variation to the original Section 106 Obligation and the following conditions:

1. Development to accord with approved plans
2. Approved details – finish to facilities building, surfacing materials for access and hardstanding, external lighting, boundary treatments
3. Retention of laybys in accordance with plan
4. Provision/ retention of bio-disk treatment plant
5. Approved details of cycle link and creation/ brought into use within 2 years
6. Protection of existing trees, Arboricultural Method Statement and Tree Works Schedule
7. Implementation of approved landscaping scheme including maintenance – timescale of 2 years for pond
8. Caravan site limited to 26 touring caravans
9. No storage of caravans
10. No residential occupation of caravans; bound register to be kept with evidence of site users main residences.

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

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

Background Papers

None