

Agenda Item	Committee Date	Application Number
A12	16 September 2019	17/00965/VCN

Application Site	Proposal
Land At The Hayloft Barn Ashton Road Ashton Lancashire	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 2, 4, 6, 7 and 15 on planning permission 12/00212/CU to vary the timescales for the creation of the wildlife pond and implementation of the landscaping scheme, to amend the location of the link to the cycleway/footpath and for the addition of a vehicle barrier and bin compound)

Name of Applicant	Name of Agent
Mr Roger Clark	Simon Gillespie

Decision Target Date	Reason For Delay
Extension of time agreed	Amended details and description

Case Officer	Mrs Eleanor Fawcett
Departure	No
Summary of Recommendation	Approval following the signing of a Deed of Variation

(i) **Procedural Matters**

This form of development would normally be dealt with under the Scheme of Delegation. However, a request was made in respect of the original application 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 reported to the Planning Committee on 5 February 2018 and it was resolved that consent be granted for the proposal following the signing of a legal agreement in relation to the occupation of the caravan site. Whilst waiting for the legal agreement to be finalised and signed it has been confirmed that the applicant does not have full control of the land where a link to the path along the Lune Estuary was proposed. As a result, the applicant cannot comply with this condition so the application is being reported back to the Committee in order to consider the removal of this requirement and an alternative link.

**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 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 landscaping, 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 pond and cycle link were all conditioned to be provided prior to first use, with the landscaping provided in the first planting season following completion of the development or first occupation/use. The pond has now been created and some of the landscaping but not all.

2.3 The cycle link has not been created as there is a tenant who has rights to the land. The application, as previously reported to committee, proposed a delay of two years for the creation of this link to allow for legal proceedings. Unfortunately, the applicant will not be able to create the link over this land and as such is proposing a link across other land within his ownership. This adjoins the south west corner of the site and goes through a field and woodland area. No development is proposed to create this link and as such it has not been included within the red line site boundary.

## 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
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#### 4.0 Consultation Responses

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

Consultee	Response
<b>Parish Council</b>	No comments received during the statutory consultation period to the original or amended proposal.
<b>County Highways</b>	The signage has been agreed and should be installed by October 2017. No comments received during the consultation period in relation to the amended cycle link.
<b>Environmental Health</b>	No comments received during the statutory consultation period.
<b>Tree Protection Officer</b>	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.
<b>Natural England</b>	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 an amended ownership certificate, before the application was previously reported to committee. A further piece of correspondence was 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 was 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.

5.5 Further neighbour notifications were sent in relation to the amended proposal, incorporating the changes to the link to the Lune Estuary cycle and footpath, and the amended description. No comments have been received in relation to the proposed changes.

## **6.0 Principal National and Development Plan Policies**

### **6.1 National Planning Policy Framework (NPPF)**

Paragraphs 83 and 84 – Supporting a prosperous rural economy  
Paragraph 109 - 110 – Access and Transport  
Paragraphs 124 and 127 – Achieving well-designed places  
Paragraph 170 – Protecting valued landscapes  
Paragraphs 170,175 and 176 – Protecting and enhancing biodiversity

### **6.2 Local Planning Policy Overview – Current Position**

On 15 May 2018, and in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), Lancaster City Council submitted the following documents to the Secretary of State (Planning Inspectorate) for examination:

The Strategic Policies and Land Allocations DPD; and,  
(A Review of) The Development Management DPD

The Examination Hearing Sessions commenced on 9 April 2019.

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.

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.

Given the current stage of both DPDs, it is considered that significant weight can be attributed to the policies contained therein subject to the extent to which there are unresolved objections to the relevant policies and their consistency with the National Planning Policy Framework.

### **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

## **6.0 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 originally sought 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. In relation to the signage, this has now been implemented. As set out above, the applicant is now seeking to provide a different link to the Lune Estuary path through other land in his ownership. The previous link was proposed approximately 230 metres to the west of the main part of the site, off the existing access road, across a triangular piece of agricultural land. It involved the laying approximately 60 metres of hardstanding at a width of 3 metres.
- 7.2.2 The proposed alternative link would extend from the southwest corner of the caravan site and cross through the fields and woodland, for approximately 130 metres. This is not proposed to be hard surfaced, however there is a clear footpath through the fields and wooded area to the west of the caravan site. The path is outside the red edge of the application submission, however as no development is proposed and it is within the applicant's ownership, it can be conditioned that this link is retained in a clear and useable condition at all times. Whilst this would be more akin to an informal footpath than a hard-surfaced, fully accessible path, given the relatively small scale of the caravan park and the reasonably short distance, this is considered to be sufficient to serve the proposed development and will give people staying at the site a suitable off road alternative to accessing the Lune Estuary path. As was set out in the previous committee report, whilst a formal link to the cycleway is desirable, it was not considered essential to make the original proposal acceptable.

## 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, but have already been considered in the previous committee report for the current application. 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 were red, and the railings light grey. There were concerns that these alterations are quite formal and give an urban appearance to the site's entrance, in contrast to its rural location. In this location a timber barrier or field gate would be most appropriate, and could still be automated.
- 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 given the limited views of the site access.

## 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 alteration of the cycle link and the delay in creation of the pond and implementation of the landscaping, 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 175 of the NPPF in relation to biodiversity. The current application sought to vary the implementation of this to allow it to be created within the next two years rather than before operation. Given the time since the application was previously reported to Planning Committee, this has now been created, although the landscaping has not been fully implemented. In terms of the landscaping, it would be reasonable to condition that this is planted within 6 months of the consent, given that it is almost the next planting season.

## **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 alternative link to the Lune Estuary path is considered to be acceptable as a suitable, alternative off road route to this recreational route, given the relatively small scale of the caravan site. It is considered that the scheme as amended would not have a detrimental impact to highway safety, residential amenity, biodiversity or character and appearance of the area.

## **Recommendation**

That Planning Permission **BE GRANTED** subject to 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. Retention of bio-disk treatment plant
5. Creation/ retention of cycle link with information on this link clearly available/visible to people staying at the site.
6. Implementation of approved landscaping scheme including maintenance
7. Caravan site limited to 26 touring caravans
8. No storage of caravans
9. 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, Lancaster City Council 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 made having had regard to the impact of development, and in particular to the relevant policies contained in the Development Plan, as presented in full in the officer report, and to all relevant material planning considerations, including the National Planning Policy Framework, National Planning Practice Guidance and relevant Supplementary Planning Documents/ Guidance.

## **Background Papers**

None