

Development Control Committee

Meeting to be held on 9th December, 2020

Electoral Division affected: Thornton and Hambleton
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Wyre Borough: application number. LCC/2020/0039

The infilling of a lake, and change of use of land to allow the siting of 40 static caravan pitches for holiday use and associated infrastructure. Highfield Farm Fisheries, Gants Lane, Hambleton.

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Executive Summary

Application - The infilling of a lake, and change of use of land to allow the siting of 40 static caravan pitches for holiday use and associated infrastructure. Highfield Farm Fisheries, Gants Lane, Hambleton.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, design of development, works to infill the lake, landscaping, highways matters, occupancy controls, and ecological mitigation.

Applicant's Proposal

The application is for the infilling of an existing carp fishing lake and the subsequent development of the infilled area for 40 static caravans and associated infrastructure.

The infilling of the lake would require the importation of approximately 10,000 m³ of inert fill materials. These materials would be imported over a one month period with a maximum of 20 heavy goods vehicle movements per day.

Following the lake being infilled to the surrounding land levels, the static caravan units would be developed and would be arranged around a new circular access road. The existing vegetation on the perimeter of the site would be retained.

Each lodge unit would be single storey with a pitched roof and would measure approximately 12 metres by 6 metres. The units would be used to provide holiday accommodation. The development would create 3 – 4 full time equivalent jobs. An existing building on the site currently used to service the fishing facility would be retained.

Description and Location of Site

The application site relates to an existing lake located at Highfield Farm Fisheries, a coarse fishing facility, situated off Ghants Lane approximately 1km east of Hambleton village centre.

To the south and north of the application are other fishing lakes, to the east are agricultural fields whilst to the west is Ghants Lane beyond which are further agricultural fields.

Ghants Lane is an unclassified road which links to the A588 via a number of other unclassified roads.

A public footpath runs along the southern and eastern sides of the lake subject to the application.

The nearest residential properties are located at Highfield Farm itself immediately adjacent to the application site and at Cottage Field Farm 120 metres to the north west.

Background

History: Planning permission was granted on the application site and adjacent land in 2002 for the excavation and exportation of clay to form fishing lakes (ref 2/02/486).

Planning Policy

National Planning Policy Framework: The following paragraphs of the National Planning Policy Framework are considered relevant to the development: 7 -11 (definition of sustainable development), 54 -55 (planning conditions), 80- 84 (economic development and rural economy), 109 (transport considerations), 127 (design) and 174 - 175 (biodiversity).

Joint Lancashire Minerals and Waste Local Plan

Policy DM2 – Development Management

Wyre Borough Local Plan

Policy SP2 – Sustainable Development

Policy SP4 – Countryside Areas

Policy CDMP1 – Environmental Protection

Policy CDMP3 – Design

Policy CDMP4 – Environmental Assets

Policy CDMP6 – Accessibility and transport

Policy EP9 – Holiday Accommodation

Consultations

Wyre Borough Council: Initially raised objection on the basis that the applicant has not demonstrated that the proposed business is viable in the long term. Therefore insufficient information has been submitted to assess the proposal against policy EP9. Without this information, the proposal would represent unjustified development in the countryside contrary to policies SP4 and EP9. Wyre Council have considered further information from the applicant including a business plan and viability statement and now consider that the development is acceptable subject to conditions relating to an infill materials validation strategy, drainage scheme, construction environmental management plan, dust management plan, external lighting scheme, limitation of the units to holiday use only and details of building materials

Hambleton Parish Council : No observations received

Lancashire County Council Ecology Service: Objects to the application on the basis of the loss of pond habitats. Ecology maintain that the applicant's ecology surveys have not fully identified the value of the pond for protected species including common toads and therefore it is not possible to properly establish the impacts of the development. Ecology consider that the fishing lake will be used as breeding habitat for toads which are a priority species and therefore mitigation needs to be provided which adequately replaces the lost pond habitat.

Environment Agency: No objection subject to a condition regarding compensatory habitat creation.

Lancashire County Council Highways Development Control: No objection subject to conditions relating to vehicle routing / traffic management plan and requirement for a pre development highway condition survey.

Representations – The application has been advertised by press and site notice and neighbouring residents informed by individual letter. Three representations have been submitted raising the following issues:-

- Is the development for caravans or lodges and over what times of year is the accommodation to be open.
- The need for more holiday accommodation in this area is questionable and the contribution made to the local economy is doubtful.
- The accommodation will increase the amount of traffic along Ghants Lane.
- The ecology survey has not noted barn and tawny owls and bats that are present in the area and the lakes are almost certainly used by great crested newts. The increase in human activity will be detrimental to these species.
- Ghants Lane is already a very busy road and the development would lead to a large increase in traffic which cannot be accommodated on this road without unacceptable highway safety impacts. Two speed humps are required on the corner at Bickerstaff House to avoid an accident at this location.
- The fishing lakes will not be safe for children.
- The site is too far from Hambleton to reach the site by public transport.

Advice

The application is for the infilling of an existing carp fishing lake with imported soils and clays and for the development of the created land as a tourist accommodation site for 40 lodge / caravan units.

There are three fishing lakes on this site which were created in 2002/ 03 under a planning permission granted by the County Council for the extraction and export of clay. The current application relates to the central lake at Highfield Fisheries and the other two lakes would remain in their current form.

The planning application raises two main issues: 1) the environmental impacts arising from the infilling of the fishing lake and 2) the relationship of the proposed tourism accommodation to the policies in the Wyre Local Plan.

Infilling of the fishing lake

The key issues raised by the infilling proposals relate to the traffic impacts arising from the importation of the infill material and the impacts on ecology due to the loss of the fishing lake.

In relation to highway impacts, the applicant estimates that infilling of the existing lake would require approximately 10,000 m³ of inert fill materials. The applicant states that these materials would be imported over a one month period with 20 HGV movements per day. It is considered that importation of these volumes of fill would take longer to import or would require more frequent HGV's than the applicant's estimate but in any event, the volumes or duration of works are not significant and the highway impacts have to be assessed in that regard. It does not appear that any unacceptable highway impacts occurred when these lakes were excavated and that operation generated significantly more HGVs than currently proposed.

The site is located off Ghants Lane which links to the A588 via a number of other unclassified rural lanes. These roads are not generally suitable to take large volumes of HGVs over a prolonged period. Lancashire County Council Highways have raised no objection but have requested that any permission be subject to a traffic management plan. In view of the nature of the roads in the vicinity of the site, it is considered that the traffic management plan should include provision for the establishment of a one way system to avoid HGVs having to pass on these roads. Matters such as wheel cleaning and hours of operation can be the subject of separate planning conditions.

Highways have also requested a condition requiring a pre and post development survey of Ghants Lane and the other local roads that would be used by HGV traffic with a requirement that the developer make good any damage to the highway. This requirement is noted but it is considered that it should not be imposed due to the difficulties of adequately enforcing the condition and being able to demonstrate that the developer's traffic has resulted in damage to the highway.

In relation to ecology, the lake subject to this application was constructed in 2002 / 2003 and has three islands with peripheral landscaping that was planted after the lake was excavated. It has approximately 40 fishing stations which are accessed off a stone

track running around the perimeter of the lake. The margins of the lake are generally comprised of mown grass but there is some marginal vegetation on the lake edge.

Paragraph 174 of the National Planning Policy Framework requires that plans should promote the conservation, restoration and enhancement of priority habitats and the protection and recovery of priority species and identify and pursue opportunities for securing measuring net gains for biodiversity. It states that if significant harm to biodiversity cannot be avoided, adequately mitigated or as a last resort, compensated for, then planning permission should be refused.

The planning application includes an ecological survey of the pond that would be infilled. This was based upon a phase 1 survey of the site to map habitats and record presence or potential for protected species. Amphibian surveys were also undertaken of a number of field ponds in the land around the site. The applicant did not carry out amphibian surveys of the fishing lakes themselves as they considered that any potential was limited due to predation by fish. In the ponds around the site, no great crested newts were found with limited numbers of other amphibians. No survey for bats was undertaken around the lake but there was no evidence of any roosting features in the trees or buildings around the lake. Given the findings of the survey and the high numbers of fish in the lake, the applicant considers that the fishing lake is not a priority habitat and that the infilling of the lake would not have any unacceptable ecological impacts.

The Lancashire County Council Ecologist notes the findings of the applicant's ecology survey. However, she considers that the applicant has not adequately determined the use of the fishing lake for common toads and the use of the lake for this species cannot be discounted as fish do not predate toad eggs or tadpoles. Toads are a priority species and their presence would result in the fishing lake being a priority habitat. Adequate mitigation would therefore need to be demonstrated to compensate for the loss of priority habitat.

The applicant does not hold any information at present to be able to demonstrate that the fishing lake is not habitat for toads. He considers that the nature of the lake with its mown margins reduces its value including for toads. However, in order to progress the planning application, mitigation has been proposed. This includes ceasing the fishing activities on the northern lake so that it becomes a dedicated wildlife pond and developing three additional new pond features on the application site and on adjacent land. The Lancashire County Council Ecologist considers that this mitigation would still be inadequate as the area of the new ponds would be less than the area of the fishing lake that would be lost and would not be the single large area of water which is preferred by toads. However, it must be remembered that the lake feature being lost is a commercial fishing lake which has been constructed relatively recently and which is heavily disturbed by anglers with carefully managed peripheral areas to preserve fishing access. While these factors do necessarily prevent use by toads, they reduce the value of the lake for wildlife in general. The mitigation that is being put forward including the cessation of fishing on the northern pond would increase its value for ecology in general provided that it is subject to suitable controls in relation to creation and management. With conditions relating to habitat creation and management the proposal is considered acceptable in relation to the requirements of paragraphs 174

and 175 of the National Planning Policy Framework and policy CDMP4 of the Wyre Local Plan.

The proposed tourist accommodation

The proposal is for the development of 40 chalet / caravan units that would be marketed as holiday accommodation.

Paragraph 83 of the National Planning Policy Framework states that planning decisions should support sustainable rural tourism and leisure developments which respect the character of the countryside.

The application site lies within a countryside area in the Wyre Local Plan. Policy SP4 of the Local Plan deals with development within the countryside area and states that the open and rural character of the countryside will be recognised for its intrinsic character and beauty and that development which adversely impacts on the open and rural character of the countryside will not be permitted unless it is demonstrated that the harm to the open and rural character is necessary to achieve substantial public benefits that outweigh the harm. Policy SP4 states that development within the countryside area will only be granted for certain specified types of development including holiday accommodation in line with policy EP9.

Policy EP9 states that holiday accommodation proposals will be permitted where they meet the requirements of the core development management policies and provide they satisfy the following criteria:

- The totality of the development including on site services is of appropriate scale and appearance to the local landscape.
- Any new building and supporting infrastructure is necessary.
- New tourism accommodation site incorporating new build accommodation will need to be supported by a sound business plan demonstrating long term viability.
- Proposal for extensions to sites which include new built accommodation outside settlement boundaries will need to be supported by a viability assessment of the existing and proposed businesses.

The site is located in the open countryside where a policy of general development restraint applies in line with policy SP4 of the Local Plan. Development should therefore only be approved in such locations where it is for certain specified purposes and where, in the case of holiday accommodation, it is demonstrated that the development would be viable in the long term and would not lead to derelict or disused built development in the countryside.

Wyre Borough Council originally raised objection to the application as they did not consider that the applicant had demonstrated long term viability. The applicant submitted a business and financial plan setting out the projected costs and income from the development which the Borough Council considered was adequate in terms of the requirements of Policy EP9.

The proposal would provide a small number of new jobs and would create a demand for rural services such as shops. The proposal would therefore give rise to some local economic benefits. The principle of the holiday accommodation on this site is therefore acceptable and would meet the rural development objectives of paragraph 83 of the National Planning Policy Framework.

In terms of environmental impacts, the site is well screened from Ghants Lane and from the surrounding land including local footpaths by the perimeter vegetation which would be retained. The chalet / caravan units would be relatively small and would not be visible in the wider landscape. Subject to a condition controlling the levels of the infilling, the retention of the existing perimeter landscaping and the design and materials of each chalet unit, the development is considered acceptable in terms of visual impacts.

The use and occupation of the chalets would give rise to some traffic impacts. However, this would be set against the traffic impacts arising from the existing fishing activity which would be confined to a single lake compared to the three lakes which are currently used. The traffic impacts from the operation of the units would be largely confined to private cars and given the relatively small number of chalet units, it is considered that these impacts are acceptable.

There are a number of other issues that would need to be subject to planning conditions. Firstly, the chalet units would require foul drainage and therefore a condition is required to control the detail of the location and design of such works. Secondly, the proposal is not in a location where the development of residential accommodation would normally be supported and therefore a condition is also required controlling the use of the chalet units so that they are only used for holiday accommodation and not for permanent residences. The Borough Council have also requested a condition in relation to lighting of the site. This is considered acceptable. The Borough Council have also requested a condition requiring a dust management plan and air quality emissions assessment. However, it is not considered that the proposal would have any particular dust or air quality impacts. Dust impacts during the infilling of the lake can be controlled through a simple condition requiring mitigation to be undertaken. With such conditions, the proposed chalet development is considered to be acceptable in relation to policies CDMP1, CDMP3, CDMP4, CDMP6 and EP9 of the Wyre Local Plan.

In view of the scale, location and design of the development, it is considered that no Convention Rights set out in the Human Rights Act 1998 would be affected.

Recommendation

That planning permission be **Granted** subject to the following conditions:

Time Limits

1. The development shall commence not later than 3 years from the date of this permission.

Reason: Imposed pursuant to Section 91 (1)(a) of the Town and Country Planning Act 1990.

2. The development shall be carried out, except where modified by the conditions to this permission, in accordance with the following documents:
 - a) The Planning Application and supporting statement received by the County Planning Authority on 22nd June 2020
 - b) Submitted Plans and documents:

Drawing GA3290-WHP-01B - Location plan

Drawing GA3290-WHP-01B - Wildlife Habitat Plan accompanying email from Graham Anthony Associates dated 17th November 2020
 - c) All schemes and programmes approved in accordance with this permission.

Reason: For the avoidance of doubt, to enable the County Planning Authority to adequately control the development and to minimise the impact of the development on the amenities of the local area, and to conform with policies CDMP1 and CDMP4 of the Wyre Local Plan.

3. Written notification of the date of commencement of the development shall be sent to the County Planning Authority within 7 days of such commencement.

Reason: To enable the County Planning Authority to monitor the development to ensure compliance with this permission and to conform with Policy DM2 of the Lancashire Minerals and Waste Local Plan and Policy of the Wyre Plan.

4. No materials other than clean soils and clays shall be used to infill the lake.

Reason: To control the development in the interests of local amenity and ecology and to conform with Policy CDMP4 of the Wyre Local Plan.

5. The operations to infill the lake shall be completed within three months of the date of commencement as notified to the County Planning Authority under the provisions of condition 3 above.

Reason: In the interests of the amenities of the area and to conform with Policy CDMP1 and CDMP3 of the Wyre Local Plan.

6. No development shall take place until a details of the final levels of the infill materials have been submitted to and approved in writing by the County Planning Authority. No materials shall be tipped either temporarily or permanently above the approved levels.

Reason: In the interests of visual amenity and to conform with Policy SP2 and CDMP3 of the Wyre Local Plan.

Design

7. No development of the chalet units shall be undertaken until a scheme and programme including details of the following matters has been submitted to the County Planning Authority for approval in writing:
- a) The building materials to be used for the external elevations including walls and roof.
 - b) The materials to be used for the access roads
 - c) Details of any external lighting to be erected including location, design and light output
 - d) Details of the measures to be installed for dealing with waste and surface water including the location and design of any treatment facility and locations of outfalls.

The development shall thereafter be undertaken in accordance with the approved details, the facilities for waste and surface water shall be installed before any of the chalet units are occupied.

Reason: In the interests of the visual amenities of the area and to ensure the proper treatment of waste water and to conform with policies CDMP1 and CDMP3 of the Wyre Local Plan.

Highway Matters

8. No development shall commence until a Construction Management Plan has been submitted to the County Planning Authority and approved in writing. The Construction Management Plan shall contain details of the following:-
- a) The measures to prevent HGVs associated with the importation of fill materials from passing on Ghants Lane. The measures shall include signage or other measures to inform all hauliers of the approved HGV routes.
 - b) The hours of operation that will apply to HGVs importing fill materials to the site.
 - c) The measures to be employed during the infill operations to prevent mud and debris being deposited on the public highway by HGVs leaving the site.

The proposals contained in the approved Construction Management Plan shall be complied with at all times during the infilling operations.

Reason: In the interests of highway safety and local amenity and to conform with policy CDMP3 of the Wyre Local Plan.

9. Measures shall be employed at all times during the infilling operations to prevent mud, dust and other debris from being deposited on the public highway by HGVs leaving the site.

Reason: In the interests of local amenity and highway safety and to conform with Policy CDMP3 of the Wyre Local Plan.

10. Works to infill the lake and to construct the accommodation units shall only be undertaken between the following hours:

08.00 - 17.30 Mondays to Fridays

08.00 - 13.00 Saturdays

No such works shall be undertaken at any time on Sundays or Public Holidays

Reason: In the interests of local amenity and to conform with Policy CDMP3 of the Wyre Local Plan.

11. Measures shall be taken at all times during the duration of infilling works to minimise the generation of dust.

Reason: In the interests of the amenities of the area and to conform with Policy CDMP1 of the Wyre Local Plan.

Occupancy Controls

12. The accommodation units shall be used for the purposes of holiday accommodation only and not as a permanent residence.

Reason: To ensure that the development is only occupied for tourism purposes and to conform with policy SP4 of the Wyre Local Plan.

13. An up to date register of the names and home addresses of all owners / occupiers of each accommodation unit shall be maintained and retained at the site office. The register shall be made available to the County Planning Authority on request.

Reason: To ensure that the accommodation units are only occupied as holiday accommodation and to conform with Policy SP4 of the Wyre Local Plan.

Landscaping and Ecology

14. Any tree and shrub removal shall only be undertaken outside of the bird breeding season between 1st March and 31st August unless surveys by a suitably qualified and experienced ecologist have determined that nesting birds are not present.

Reason: In the interests of ecology and to conform with Policy CDMP4 of the Wyre Local Plan.

15. All vegetation of the boundaries of the site including those trees labelled 'existing trees' on drawing GA3290-WHP-01B shall be protected from damage and retained during the works to infill the lake. Any trees and shrubs damaged or removed during those operations shall be replaced with trees and shrubs of the same species in the first planting season following the date of their removal.

Reason: In the interests of the landscaping of the site and to conform with policy CDMP4 of the Wyre Local Plan.

16. The accommodation units shall only be sited in the locations shown on drawing GA3290-WHP-01B.

Reason: In the interests of the visual amenities of the area and to conform with Policy CDMP3 of the Wyre Local Plan.

17. No development shall commence until an ecological mitigation plan has been submitted to the County Planning Authority for approval in writing. The mitigation plan shall include the following details:

- a) Details for the creation of the new pond features as shown on drawing GA3290-WHP-01B including the exact dimensions, depths and cross sectional details and landscaping.
- b) Details for the landscaping and management of the areas on the periphery of the new ponds.
- c) Details of tree and shrub planting to mitigate for the loss of vegetation from the infilling of the lake including locations, layout, species, planting methods and protection methods.
- d) A method statement for the draining down of the existing fishing lake labelled FP1 including techniques to relocate any amphibians. The draining down works shall only take place between September and January inclusive.
- e) Details for the erection of a minimum of 10 bird boxes.
- f) Details of amphibian hibernacula to be created.

The pond creation, tree and hedge planting works and other ecological mitigation measures contained in the approved scheme shall be completed in the first planting season following the commencement of the development.

Reason: To secure the ecological mitigation works and to conform with Policy CDMP4 of the Wyre Local Plan.

18. Within six months of any accommodation units being developed at the site, an ecological enhancement and management scheme for the northern fishing lake and the mitigation measures required under condition 17 of this permission shall be submitted to the County Planning Authority for approval in writing. The scheme shall include details of the following:

- a) The works proposed to remove all fish from the lake.

- b) Works to improve the biodiversity potential of the lake including removal of the fishing pegs and habitat creation works on the pond margins and peripheral areas.
- c) A management plan for the lake and the other ecological ponds required by condition 17 including measures to exclude public access.

The mitigation works including landscaping works contained in the approved scheme shall be completed within six months of the approval of the scheme.

The northern lake and mitigation works undertaken under the provisions of condition 17 shall thereafter be managed in accordance with the management plan approved under c) above for the duration of the development.

Reason: In the interests of ecology and to conform with Policy CDMP4 of the Wyre Local Plan.

Definitions

Heavy Goods Vehicle: A vehicle of more than 7.5 tonnes gross weight.

Planting Season: The period between 1 October in any one year and 31 March in the following year.

Notes

The grant of planning permission does not remove the need to obtain the relevant statutory consents/licences from the Environment Agency.

Local Government (Access to Information) Act 1985 List of Background Papers

None

Reason for Inclusion in Part II, if appropriate
N/A