

Development Control Committee
Meeting to be held on 26 April 2023

Electoral Division affected:
Thornton and Hambleton

Wyre Borough: application number LCC/2022/0043

The infilling of a lake and change of use of land to allow the siting of an additional 28 static holiday caravan pitches and associated infrastructure at Highfield Fishery. Highfield Farm Fisheries, Ghants Lane, Hambleton

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Brief Summary

Application - The infilling of a lake and change of use of land to allow the siting of an additional 28 static holiday caravan pitches and associated infrastructure at Highfield Fishery. Highfield Farm Fisheries, Ghants Lane, Hambleton.

Recommendation – Summary

That planning permission be **granted** subject to conditions controlling time limits, working programme, construction details, design and details of compensation area.

Applicant's Proposal

The application is for the infilling of an existing carp fishing lake and the subsequent development of the infilled area for 28 static caravans and associated infrastructure.

The infilling of the lake would require the importation of approximately 11,000 m³ of inert fill materials. These materials would be imported with a maximum of 20 heavy goods vehicle (HGV) movements per day. Approximately 9,000 m³ of the infill materials would be sourced from the creation of a new off-site wildlife pond which the applicant is proposing to construct as ecological mitigation as part of this overall proposal.

Following the lake being infilled to the surrounding land levels, the static caravan units would be developed and would be arranged around a new 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.

Description and Location of Site

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

To the north of the application site is an area that has recently been developed as a holiday accommodation site with a fishing lake further to the north. To the east and south 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 northern and eastern sides of the area 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.

The application also includes proposals for a compensatory wildlife pond. This would be located in an existing agricultural field adjacent to the Sower Carr Lane and the A588, 1.4 km north west of the main application site.

History

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

Planning permission (ref LCC/2020/0039) was granted in 2020 for the land immediately north of the current application site for the infilling of a carp fishing lake and the subsequent use of the land as holiday accommodation. This permission has now been implemented and the accommodation units are in use.

Planning Policy

National Planning Policy Framework (NPPF): The following paragraphs of the National Planning Policy Framework (NPPF) are considered relevant to the development: 7-11 (definition of sustainable development), 54-55 (planning conditions), 80-84 (economic development and rural economy), 111-112 (transport considerations), 130 (design) and 174-180 (biodiversity).

Joint Lancashire Minerals and Waste Local Plan (JLMWLP)

Policy DM2 – Development Management



Wyre Borough Local Plan 2011 - 2031

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: No objection subject to conditions requiring that the units only be used for holiday accommodation, the development being restricted to 28 static caravans, submission of a landscape and habitat creation management plan, drainage details for foul and surface waters and control of external lighting.

Hambleton Parish Council: Object on the following grounds:

- Loss of wildlife habitat.
- The number of other local holiday accommodation sites in the area has been understated by the applicant.
- The proposal would result in an increase in traffic on rural roads.
- There are concerns over the public right of way running through the site.
- The applicant has previously disregarded the conditions on a previous permission showing disregard for the planning process.

Ecology Service: The applicant has submitted an ecological appraisal of the land for the off-site compensatory water feature. However, it does not appear that any such information has been submitted for the holiday accommodation site. This information is required to assess whether the proposed new wetland site would fully compensate the impacts of the loss of the existing fishing lake. Natural England should be consulted regarding the impacts on statutorily designated sites. The applicant needs to demonstrate sufficient mitigation for habitat losses. This includes trees, some of which would appear to be affected by the development. The new compensatory water body is acceptable. However, it needs to be ensured that it is designed and managed for wildlife purposes. It would be better if a series of smaller ponds were created rather than a single large pond. The pond margins also need to be designed with wildlife in mind. There are also concerns that the new ponds that were constructed as part of the earlier permission are now stocked with fish contrary to the planning permission.

Environment Agency (EA): Originally objected to the proposal to dispose of waste water using a non mains system. Given that a foul sewer connection exists in this area, there is no justification for the use of a non mains system. There is a greater risk of failure in a non mains system which can lead to pollution of the water environment. The Environment Agency (EA) have also raised an issue with regard to the Flood Risk Assessment (FRA). They agree with the Flood Risk Assessment (FRA) conclusions that the development would be safe without increasing flood risk elsewhere but are concerned about the design of the mitigation lake, part of which is located within their access area to the adjacent main river. To overcome their objections, the proposed



plans should be revised to preserve an 8-metre-wide strip between the top of the river bank and any pond mitigation works or associated landscaping.

United Utilities (UU): Request that details are submitted of floor levels and an indicative foul and surface water drainage strategy. United Utilities (UU) request that a condition is attached to any permission requiring details of a surface and foul water drainage strategy to be submitted.

Lancashire County Council (LCC) Highways Development Control: No objection as the development would not have a significant impact on highway safety, capacity or amenity in the vicinity of the site. Conditions should be attached relating to a highway condition survey and a traffic management plan.

Lead Local Flood Authority: Object due to the absence of an acceptable surface water sustainable drainage strategy and site-specific flood risk assessment.

Representations – The application has been advertised by press and site notice, and neighbouring residents informed by individual letter. Three representations objecting to the application have been received which are summarised as follows: -

- Is the infrastructure on site sufficient to accommodate surface water run off?
- How will foul water be disposed of?
- The site is clearly visible from the footpath that runs alongside the northern boundary of the site.
- The expansion of the site would provide a total development of 68 lodges which is unjustified and unnecessary.
- The development would lead to further traffic on Ghants Lane.
- There are highway safety issues on Ghants Lane which would be considerably increased by the additional traffic to the development site – the speed limit should be reduced to 30 mph.
- There is no pedestrian provision on Ghants Lane.
- The developer did not comply with the planning conditions on the previous holiday accommodation site. There is a static caravan on the site which does not have permission.
- The infilling of the lake is a great loss to wildlife.
- The additional holiday accommodation will not assist the local economy.
- The application is over-development.

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 28 lodge/caravan units.

Three fishing lakes were created on this site in 2002/03 under a planning permission granted by the county council for the extraction and export of clay. The central lake was then infilled using imported materials and developed as a holiday accommodation site under a planning permission granted in 2020 (ref LCC/2020/0039). This planning



permission has now been implemented and the caravan/chalet units are now in use. The current application relates to the southern most lake at Highfield Fisheries.

The planning application raises two main issues:

- i) The environmental impacts arising from the infilling of the fishing lake and development of the site for a tourism use.
- ii) The relationship of the proposed tourism accommodation to the policies in the Wyre Local Plan.

Infilling of the fishing lake

The key environmental impacts raised by the infilling proposals relate to traffic and 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 11,000 m³ of inert fill materials. The majority of these materials would be sourced from the construction of a wildlife pond that the applicant is proposing to construct on a nearby site to provide ecological mitigation for this proposal. The source of the infill materials would therefore be readily available, and it is likely that the infilling operation would be completed relatively quickly. In any event, the volumes of material 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 the three lakes were excavated, and that operation generated significantly more heavy goods vehicles (HGVs) than currently proposed. Additionally, the central lake was recently infilled as part of planning permission LCC/2020/0039 and the highway impacts arising from that operation were managed acceptably.

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 heavy goods vehicles (HGVs) over a prolonged period. Lancashire County Council (LCC) Highways have raised no objection but have requested that any permission be subject to a traffic management plan. 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 heavy goods vehicle (HGV) traffic with a requirement that the developer make good any damage to the highway. Similar issues were raised with application LCC/2020/0039. 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 reasonably demonstrate that the developer's traffic has resulted in damage to the highway. It does not appear that the operations to infill the central lake caused any major damage to the local highway network. However, in view of the nature of the roads in the vicinity of the site, it is considered that a condition should be imposed requiring a construction traffic management plan to be submitted to include provision for the establishment of a one-way system to avoid heavy goods vehicles (HGVs) having to pass on these roads. Matters such as wheel cleaning and hours of operation can be the subject of separate planning conditions.

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 35 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 (NPPF) requires that planning policies and decisions minimise impacts on and provide net gains for biodiversity. Paragraph 180 requires that impacts on biodiversity should first be avoided, adequately mitigated or, as a last resort, compensated for. Opportunities to improve biodiversity in and around developments should be integrated as part of their design especially where this can secure measurable net gains.

The planning application includes an ecological survey of the fishing lake 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 lake itself as they considered that it would not have particularly high conservation value due to high levels of stocking with introduced 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 but there was no evidence of any roosting features in any of the trees that would be removed as part of the proposal. The applicant has carried out an assessment of the value of the habitats that would be lost as part of a Biodiversity Net Gain calculation. It is calculated that the proposed infilling of the lake would give rise to a loss of 1.73 habitat units amounting to a 29.3% reduction of natural capital. There is no space on site to mitigate for these losses and therefore the applicant proposes to create a new pond on a nearby area of land off Sower Carr Lane, Hambleton. The pond creation and landscaping works on this site would provide an increase of 1.7 habitat units compared to the current condition of both sites which amounts to a 28.8% increase overall and therefore would provide a net gain. It is probable that the level of gain would be increased further with the additional landscaping measures that have been agreed since the applicant's ecologist carried out the original net gain assessment.

The Lancashire County Council (LCC) Ecologist notes the ecological surveys that have been submitted for the off-site compensation area but that no such surveys have been submitted for the tourism accommodation site itself. However, the proposed tourist accommodation site is an existing carp fishing lake surrounded by mown lawn areas with only scattered trees and shrub planting, most of which is non-native. The mitigation hierarchy in Paragraph 180 of the National Planning Policy Framework (NPPF) requires impacts to be first avoided and compensated for as a last resort. In this case, it is not possible to avoid the impacts by retaining the lake alongside the proposed caravan/chalet development. However, given the relatively low ecological value of the existing lake and the proposed development of a new water body dedicated to a nature conservation use, it is considered that the proposal would have net gains for biodiversity compared to the existing situation. Subject to conditions relating to the design and landscaping of the mitigation area, the proposal is considered acceptable in relation to the requirements of Paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) and Policy CDMP4 of the Wyre Local Plan.



The proposed tourist accommodation

The proposal is for the development of 28 chalet/caravan units that would be marketed as holiday accommodation.

Paragraph 83 of the National Planning Policy Framework (NPPF) 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 are 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.

The applicant has submitted a business and financial plan setting out the projected costs and income from the development. The proposal would provide a small number of new jobs and would create a demand for services including supporting local 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 (NPPF). Wyre Borough Council have not objected to the application and therefore must be satisfied that the proposal is acceptable in relation to policies SP4 and EP9 of the Local Plan.



In terms of environmental impacts, the site is well screened from Ghants Lane by existing vegetation. The chalet/caravan units would be relatively small and low in height and would not be visible in the wider landscape. The development would be visible from an existing public footpath which runs along the northern edge of the application site. An existing hedgerow separates the footpath from the application site and provides some screening. It is considered that a condition should be imposed requiring all existing vegetation to be retained apart from that which requires removal to infill the lake. 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 should be set against the traffic impacts arising from the existing fishing activity. The traffic impacts from the occupation 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 and would not be significantly greater than generated by the existing fishing lake use.

In relation to foul drainage, as part of the holiday accommodation development on the central lake, a pumping station was installed which permits foul water to be pumped into an existing sewer located under Ghants Lane. It is proposed that the foul water from the currently proposed development would also link into those services. The Lead Local Flood Authority have objected to the application due to the lack of a drainage strategy. Subsequently the applicant has submitted a Flood Risk Assessment (FRA) incorporating site drainage proposals. The area of new hard surfacing that would be constructed is quite limited being confined to a circulatory road. There would be no formal surface water drainage from the individual units or parking areas. There is an existing water course running along the eastern edge of the site and surface water drainage can be discharged into that feature after passing through two on-site ponds which can act as balancing features to control rates of discharge. The details of the surface water drainage facilities can be the subject of a planning condition.

There are a number of other issues that would need to be subject to planning conditions. Firstly, the proposal is not in a location where the development of residential accommodation would normally be supported and therefore a condition is 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. With such conditions, the proposed chalet development is considered to be acceptable in relation to Policies SP4, 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 three 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 received by the County Planning Authority on 5 July 2022

- b) Submitted Plans and documents:

Drawing GA3210-LP-TG-01 Location Plan

Drawing GA3210-PP-001A Proposed plan

Drawing GA3290-ELSP-0001A - Proposed site plan

- 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 SP2, SP4, CDMP1, CDMP3, CDMP4, CDMP6 and EP9 of the Wyre Borough Local Plan.

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

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 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.

7. No development of the chalet/caravan 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 dimensions of the chalet/caravan units and 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 areas to be actively drained, means of attenuating surface water flows from the site to ensure the green field rate is not exceeded, location of discharge to surface water courses and proposals for management of waste water.
 - e) Details for landscaping of the development including details of hedge and tree planting locations, details of sizes and types or species, planting techniques and protection measures.

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

All landscaping measures approved under Part e) of this condition shall be implemented in the first planting season following the completion of the development and thereafter maintained for a period of five years including replacement of failures, weed control and maintenance of protection measures.

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

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 heavy goods vehicles (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 heavy goods vehicle (HGV) routes.
- b) The hours of operation that will apply to heavy goods vehicles (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 heavy goods vehicles (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. No more than 10 heavy goods vehicles (HGVs) shall leave the site in one day associated with the import of fill materials to the site.

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

- 11. Works to infill the lake and to construct the development 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.

- 12. 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.

- 13. 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 SP13 of the Wyre Local Plan.

14. 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 SP13 of the Wyre Local Plan.

15. Any tree and shrub removal shall only be undertaken outside of the bird breeding season between 1 March and 31 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.

16. All vegetation on the boundaries of the site including the hedgerow between the site and the public footpath 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.

17. No more than 28 accommodation units shall be located at the site which shall only be sited in the locations shown on drawing GA3290-ELSP-0001A.

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

18. No development shall commence until a scheme and programme for the provision of the ecological compensation land has been submitted to the County Planning Authority for approval in writing. The scheme and programme shall contain the following details:

- a) Details for the creation of the new pond in the location shown on drawing GA3210-PP-001A including the exact dimensions, depths and cross-sectional details.
- b) Details of landscaping including provision to maintain an 8-metre-wide access strip to the watercourse on the northern boundary of the compensation area.



- c) Details of tree and shrub planting on the compensation area including gapping up along Sower Carr Lane. The details shall include information on locations, layout, species, planting methods and protection methods.
- d) Details for seeding of the areas around the perimeter of the new water body.
- e) Details of management of the compensation area for a period of ten years following its construction including management of surrounding grassland habitat and measures to control invasive species.

The compensation pond shall only be used for the purposes of ecological compensation. The pond shall not be stocked with fish or used for angling purposes at any time.

The compensation pond shall be constructed within three months of the date of commencement as notified to the County Planning Authority under the provisions of condition 3. The 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.

Definitions

Heavy Goods Vehicle (HGV): 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

Paper	Date	Contact/Directorate/Ext
LCC/2022/0043	April 2023	Jonathan Haine Planning and Environment 01772 534130

Reason for Inclusion in Part II, if appropriate

N/A

