

<b>DECISION DATE</b> 12 February 2009	<b>APPLICATION NO.</b> 08/01308/REM A8	<b>PLANNING COMMITTEE:</b> 12 January 2009
<b>DEVELOPMENT PROPOSED</b>  <b>RESERVED MATTERS APPLICATION FOR THE ERECTION OF 7 HOLIDAY UNITS</b>		<b>SITE ADDRESS</b>  <b>CAPERNRWAY DIVING CENTRE CAPERNWRAY ROAD CAPERNWRAY CARNFORTH LANCASHIRE LA6 1AD</b>
<b>APPLICANT:</b>  Mrs C Hack c/o Mason Gillibrand Architects 16 Willow Mill Caton Lancashire LA2 9RA UK		<b>AGENT:</b>  Ms Angela Cade

#### REASON FOR DELAY

Not applicable.

#### PARISH NOTIFICATION

**Over Kellet Parish Council** - Observations to follow (because of the dates of their meetings, they have asked for extra time in which to comment on the proposal).

#### LAND USE ALLOCATION/DEPARTURE

Countryside Area as defined by the Lancaster District Local Plan. The land surrounding the diving centre is identified by Lancashire County Council as a Biological Heritage Site.

#### STATUTORY CONSULTATIONS

**County Council Highways** - The proposal uses the main site access rather than the southerly one serving the previously approved eight units and it is important that the visibility splays either side of this are kept clear of obstruction.

**County Council Ecology** - Comments are as for the first reserved matters application for this development. It is indicated that the green roofs will be vegetated with species that already occur on the site. They support the use of limestone as paving for the access road. In order to reduce the risk of inappropriate species being accidentally imported, they recommend that the existing seed bank from surface horizons of soils affected by the development should be reused on the green roofs. They also ask for details of the tree species to be planted.

**United Utilities** - No objections to this application.

## **OTHER OBSERVATIONS RECEIVED**

The occupiers of one of the nearby dwellings object on the following grounds:

- Full details of the arrangements for foul drainage have not been provided with the application;
- Soakaway arrangements for surface drainage are inadequate;
- The Diving Centre's owners have failed to address the problems associated with queues of vehicles outside the site first thing in the morning, especially at weekends;
- Insufficient information has been supplied about the level of the bedrock on the site;
- The development will lead to unnecessary loss of trees and shrubs on the site; and,
- Mud is spread on the road by construction vehicles creating a hazard for drivers.

They consider that more information should be provided in support of the application and that unless it is forthcoming, permission should be refused.

## **REPORT**

### **INTRODUCTION**

Capernwray Diving Centre occupies a disused limestone quarry to the north of Over Kellet. In 2005 outline planning permission was granted on appeal for 15 holiday homes (Ref: 04/00877/OUT). The first phase of this development, comprising 8 units, was the subject of a reserved matters application the following year (Ref: 06/01077/REM). Work has now started on this. The present application covers the remainder and is located at the northern end of the site as a whole.

### **THE CURRENT APPLICATION**

The holiday units are to be built into the side of the edge of the quarry and, as originally envisaged, they will have grass covered roofs to minimise their impact on the landscape. The exposed external walls will be constructed of natural stone. Each is to be a two storey, three-bedroomed dwelling. Space standards are generous. As the accommodation is intended primarily for divers, they are well provided with showers, storage and changing space.

The Design Statement accompanying the proposal points out that existing ground levels dictate the level of the access track to the accommodation, which unlike that for the first phase of the development will be taken from the diving centre car park. It will be surfaced with limestone gravel rather than tarmac in order to reduce its impact on the site. The external materials of the walls will be natural stone and timber.

The application is also accompanied by a Nature Conservation Management Plan, which records species of plant found on the site and makes recommendations intended to safeguard their future. At the time of the outline application reference was made to the possibility of great crested newts being present on the site. A survey has been carried out but no evidence of them has been found. Nor have any bat roosts been identified.

### **PLANNING POLICIES**

Policy **ER6** of the Core Strategy addresses tourism related issues and specifically refers to the need to monitor the availability and quality of the District's stock of visitor accommodation and provide new accommodation where necessary.

The following "saved" policies of the Lancaster District Local Plan are also relevant to the proposal:

- **TO4**, which sets out criteria for the development of large scale tourism developments in rural areas;
- **TO8**, which allows extended seasons for caravan sites (and by implication chalet sites as well) where the proposal would have no significant adverse impact on its surroundings or on nature conservation interests, a programme of on-site improvements is agreed and implemented, the site remains restricted to holiday use only, and it remains closed for a six week period between 1 January and 31 March;
- **E4**, which requires that development within the countryside should be in scale and keeping with its character, is appropriate to its surroundings, would not have an adverse effect on nature conservation or geological interests, and makes satisfactory arrangements for access, servicing and cycle parking; and,
- **E17**, which protects County Council Biological Heritage Sites from development which might damage or destroy them unless the need for the development outweighs the need to protect the site.

## **PLANNING CONSIDERATIONS**

The policy issues associated with the development of the site by the provision of holiday accommodation were addressed in the Inspector's decision letter, a copy of which appears at the end of this report. This concluded that the proposed siting and design would have a minimal impact on the vegetation and appearance of the site.

People living near the site have suggested that more details of the planting and the foul and surface water drainage arrangements should be supplied before consent is granted. However the level of information supplied at this stage is the same as for the first reserved matters application, which has already been approved.

In the past a great deal of concern has been expressed by local residents about the volume of traffic associated with the Diving Centre. It will be seen that this issue has been raised by the objectors to the current application. There is considerable competition to be the first divers in the water at weekends; this is because divers are keen to access the site before the silt in the bottom of the quarry is disturbed, as it restricts visibility. It must be pointed out that this is a site management issue. It is irrelevant to the current proposal which is purely for the details of the design of holiday units which already have the benefit of outline planning permission.

The issues raised by the County Council's ecology service can be addressed by appropriately worded conditions, as with the previous reserved matters consent.

Overall the scheme is a high quality one and the architects responsible have taken some trouble to minimise its impact on the surrounding area. It is consistent with the terms of the outline permission for the development.

## **CONCLUSIONS**

The proposal meets the requirements of the outline consent granted by the Inspector. It is recommended that consent should be granted subject to conditions similar to those attached to the Reserved Matters Consent previously granted for the first phase of the scheme.

## **HUMAN RIGHTS IMPLICATIONS**

Two sections of the Human Rights Act are relevant: Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). There are no special issues arising from the proposal which are of such significance as to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

## RECOMMENDATIONS

That **PERMISSION BE GRANTED** subject to conditions as follows:

1. Development to be carried out in accordance with the approved plans.
2. Units of living accommodation to be holiday accommodation only, for stays not exceeding 28 days - not to be used as sole or main residence.
3. No building operations to take place during March to July (the nesting season for breeding birds).
4. Scheme to prevent access to sensitive undeveloped parts of the site to be agreed.
5. Details of arrangements for foul and surface water drainage to be agreed.
6. Permeable driveways and footpaths to be surfaced with limestone chippings.
7. Landscaping scheme including species to be used to be agreed and implemented.
8. Plant species for grass roofs to be based on those found on the site.
9. Secure cycle parking facilities to be provided.