

Agenda Item	A7
Application Number	21/00543/FUL
Proposal	Erection of 19 holiday chalets with associated access, car parking, landscaping, retention of existing soil mound and installation of a package treatment plant
Application site	Jackdaw Quarry, Capernwray Road, Capernwray, Carnforth
Applicant	Hack Enterprises Ltd
Agent	Mrs C Wilkinson
Case Officer	Mr David Forshaw
Departure	No
Summary of Recommendation	Approval - subject to Legal Agreement (However, delegate back to Head of Planning and Place to enable further publicity to expire on 15 October 2021, subject to no new material planning considerations being raised).

1.0 Application Site and Setting

- 1.1 This application relates to the established Capernwray Diving Centre at the flooded former Jackdaw Quarry. The site operates primarily as a diving and open water swimming centre, with an ancillary shop, café, changing facilities, office and holiday lodges. The centre is located east of Capernwray Road and northwest of the open water body. The location for this proposal is north and northeast of the water. South of the centre is a residential property and the existing holiday lodges.
- 1.2 The site boundary areas contain woodland of varying thickness with agricultural land beyond to the south, east and north. The nearest settlement is Over Kellet approximately 1.5km to the south. The surrounding area is characterised by agricultural fields separated by hedgerows, pockets of woodland and a number of other holiday accommodation sites of varying sizes including New England Caravan Park to the north and Old Hall Caravan Park to the southeast.
- 1.3 The site is located within the Open Countryside but outside any AONB. It is part of a larger Biological Heritage Site (Overhead Quarry) and many trees, both within and around the borders of the site are covered by Tree Preservation Order 664 (2018). It is within a mineral safeguarding area, class 4 radon protection area where basic measures are necessary, partly in the Shell Stanlow-Grangemouth ethylene pipeline outer zone and within a SSSI impact zone. A public footpath is located 130m to the east.

2.0 Proposal

- 2.1 The proposal has been amended at officer's request to improve the layout to protect existing trees and provide greater landscaping. An existing soil bund has been added to the description as it was unauthorised. As a result of the amendment, the number of chalets has been reduced by one and the locations of the outside row of chalets moved out of the TPO protected woodland. This does

push the front row further south along the edge of the quarry. The application is now for siting 19 no. holiday chalets around the northern and northeast of the quarry. 14 chalets will be situated on the cliff edge overlooking the water. The access track will run behind them beyond which will be the other 5 chalets. Two of these are proposed abutting the woodland in the northeast corner and three partially screened by the bund to the north. All chalets will be located at a higher level than the water and dive centre buildings. Towards the rear of the chalets the land falls away to the adjacent fields.

2.2 These chalets will be served by dive centre's existing access off Capernwray Road through its car park and via a new track leading to the chalets and dedicated parking spaces. Also proposed is a new sewage packet treatment plant to serve the new chalets.

2.3 The chalets will be a mix of 2 and 3 beds over 1 and 2 floors. The two floor chalets will make use of level changes. All chalets will be constructed of timber cladding (stained dark grey) and natural slate roofs overlain with a green roof of wildflower planting.

3.0 Site History

3.1 A number of relevant applications relating to this site have previously been received by the Local Planning Authority. In 2005 outline planning permission was granted on appeal for 15 holiday homes (application 04/00877/OUT). The first phase of this development, comprising 8 units south of the centre complex, was implemented following a reserved matters application (06/01077/REM) and the second phase of the development on part of the current site for the remaining 7 units was permitted under 08/01308/REM. This phase remains extant due to the ground works carried out and discharge of relevant conditions. The most relevant history is noted below.

Application Number	Proposal	Decision
21/00596/EIR	Erection of 20 holiday chalets with associated access, car parking and landscaping and installation of a package treatment plant	EIA not required.
20/00265/PRETWO	Tourism development	Advice provided
19/00675/VCN	Outline application for 15 holiday homes (pursuant to the variation of condition 9 on planning permission 04/00877/OUT to allow ground clearance and investigations to be undertaken in advance of the submission of foul and surface water details)	Approved
09/00490/FUL	Amendment to application 06/01077/REM to change the design of plots 6, 7 and 8 (Type C100)	Approved
08/01308/REM	Reserved matters application for the erection of 7 holiday units	Approved
06/01077/REM	Reserved matters application for the erection of 8 holiday units	Approved
04/00049/REF (04/0877/OUT)	Outline application for 15 holiday homes	Appeal allowed

4.0 Consultation Responses

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

Consultee	Response
Environmental Health Officer	No objection – conditions requested covering EV (4 bays), contamination, construction in accordance with the submitted management plan to minimise dust
Arboricultural Officer	No objection to revised layout
Parish Council	Concerns over incremental increase in tourist accommodation in the Parish and effect on Biological Heritage Site
Environment Agency	Condition requested for approval of foul water drainage system
County Highways	No objection

GMEU	Welcomes removal of the chalets that would cause further BHS habitat loss. Accepts the conclusion of the updated Biodiversity Metric that a net gain will occur. Would prefer improvement of the grassland than as much additional tree planting but this can be conditioned. A nest on the quarry face is located well away from the site and would not be impacted.
Natural England	No Objection and agrees with Habitat Regulation Assessment/Appropriate Assessment – homeowner packs to be conditioned
Fire Officer	Standard advice
CSTEP	Further detail required by condition
Shell UK & BPA	Pipeline unaffected
LLFA	No objection subject to standard conditions
Canal and River Trust	No comments to make
County Minerals and Waste	No comments received
United Utilities	No comments received
Waste and recycling	No comments received
Woodland Trust	No comments received
RSPB	No comments received
Engineering	No comments received
Policy	No comments received
County Ecologist	No comments received

4.2 The following responses have been received from members of the public:

3 objections

- Planning Permission already exists for 15 holiday homes, of which 7 are on this site
- Disproportionate increase
- Scale and design inappropriate and detrimental to character of area
- Clearance under previous permission went beyond to clear way for this development
- Potential pollution of canal if sewage plant fails
- Potential worsening of surface water flooding on Capernwray Road and canal
- Similarly designed chalets used in area fit better into natural landscape as not in elevated positions
- Planting inadequate
- Light pollution
- Chalets should be controlled as holiday homes only
- Traffic already queues on country lane trying to access site at weekends and at opening times
- Noise nuisance
- Effect on wildlife and BHS
- Loss of property value

1 support

- Well considered extension to residential facilities.
- However, safety of Capernwray Road / Borrone Lane should be reviewed due to large and speeding vehicles

5.0 Analysis

5.1 The key considerations in the assessment of this application are:

- Principle of the development
- Design, scale, massing and landscape considerations
- Impact of development on nearby residential amenity
- Traffic/parking management and impacts on the highway network
- Impact upon trees, Biodiversity net gain and habitats protection requirements
- Utilities, drainage and mineral safeguarding.

5.2 **Principle of Development** SPLA policy: EN3; DMDPD Policies: DM47, DM52; NPPF Chapter 6

5.2.1 Within the open countryside development should be carefully managed through application of DMDPD policies DM47 and DM52 to ensure that it is of an appropriate scale and does not adversely affect the wider rural character.

5.2.2 Extant permission exists on the majority of this site for 7 chalets, so the principle to consider is of the additional 12 chalets and slightly larger site area required. The proposal represents development that would maintain and enhance the existing business and therefore rural vitality and character overall. Being located on the site of the implemented extant development it is being suggested by the applicant that the site is previously developed. In any case, the development is directly linked to the existing business and so this is the appropriate site to benefit from combined management and linked trips by customers. As discussed below it is considered the scale, design and materials are appropriate to the locality, there will be no adverse landscape or highways impact and a net gain in biodiversity will be achieved. Overall, the development complies with the relevant requirements of policies DM47, DM52 and EN3 and is acceptable in principle.

5.3 **Design, scale, massing and landscape considerations** DMDPD Policies DM29, DM30; DM46; NPPF Chapter 12

5.3.1 There are three chalet designs with the following dimensions:

	Type A (2 floors/3 bed)	Type B (2 floors/2 bed)	Type C (1 floor/2 bed)
External Footprint	14m x 7.1m	10.4m x 6m	14m x 6.95m
Internal Floorspace	140m ²	129m ²	97m ²
Eaves height	3m	3.5m	2.3m
Ridge height	6m	6m	5m

All will have 2 dedicated parking spaces and a sitting out terrace or patio.

5.3.2 There will be 14 no. type A chalets will be located close to the cliff edge, slightly overhanging the lower surface level before the rock face falls vertically into the water. Each chalet will have its narrow, glazed elevation facing the water and the longer elevations running back away from the edge. A terrace to the side will allow external seating overlooking the water. These will not be visible outside the site due to woodland surrounding the whole former quarry. They will be readily visible from the residential and holiday properties across the opposite side of the open water, as those properties will be from the new development. However, although visible, especially at night when internally lit, the appearance would not have such a detrimental impact within the former quarry justifying refusal.

5.3.3 There will be 2 no type B chalets are proposed against the woodland edge on the other side of the access road from the type A chalets. These are the smallest chalets of single storey and present their long elevations to the road and woodland. These two chalets are closer to the boundary than those approved under the extant permission and will be visible from outside the site with some views filtered by existing woodland, even in winter. This woodland is proposed to be densified through additional planting which, over time, will further filter views.

5.3.4 There are 3 no type C chalets are proposed rear of the type A's against the retained bund. A bund was approved as part of the 08/01308/REM phase 2 scheme. However, this bund has been created further north than approved and is unauthorised. The bund has been created from soil and rubble arising from clearance of the site to implement the second phase reserved matters permission. It is located at the top of an existing slope which falls away to the north to adjacent fields. It appears from outside the site as a natural extension of the slope. It will be planted up as part of the overall significant new landscaping scheme set out below and is considered acceptable in landscape terms. The bund will screen the rear elevations of the chalets from the north. The chalet roofs will be visible above the bund but because they are green roofs they will appear from distance as an extension of the slope. As the new planting on the downward slope north of the chalets establishes this view will be filtered then screened over time.

- 5.3.5 The timber and slate/green roof materials are appropriate for the location. Although the buildings on the opposite side of the quarry are predominantly stone, the proposed chalets are seen against the backdrop of trees and timber is therefore a softer, more sympathetic material. The chalets fronting the water would be acceptable with those facing elevations in stone but timber is not inappropriate and stone cannot be insisted on. A fabric first approach has been taken to efficient thermal design and these materials will provide a minimum 30% improvement on current Building Regulation standards. Heating of space and water will be by air source heat pumps and controlled with low water volume settings.
- 5.3.6 The proposed landscaping scheme is significant. In total 176 trees and a 366m length of new hedge will be planted made up of native broadleaf species appropriate to hedgerows, woodland and whips as required. This will suitably boost the existing woodland cover, filling in gaps and providing new where not currently present to further assimilate the chalets into the landscape when viewed from outside, providing a net gain in green infrastructure and making a positive contribution to the character of the area.
- 5.3.7 The submitted landscape and visual impact assessment identifies visual receptor groups within a 3km radius made up of residents and those using local roads and PRoWs, including within the Silverdale and Arnside AONB. In all, 7 sample viewpoints have been assessed which are between 106m and 3.45km from the site. The scale of landscape effect ranges from small within 500m of the site reducing to negligible beyond. The scale of visual effect would be between minor/negligible adverse, small and neutral in the medium term while the planting establishes to permanent effects of negligible/neutral to moderate/minor adverse once planting has matured. It is not considered these effects are sufficient to justify refusing permission.
- 5.4 **Impact of development on nearby residential amenity DMDPD Policy DM29; NPPF Chapter 12**
- 5.4.1 The only residential property within influencing distance of the proposal is south of the dive centre on the opposite side of the water. Further south of this are 8 holiday lodges extending along the edge of the quarry away from the site. Such is the distance there will be no undue loss of amenity for occupiers of these properties from noise, disturbance or overlooking. When internally lit, the chalets will be very obvious from the house but light levels are not expected to cause nuisance. Environmental Health raise no objections on amenity grounds.
- 5.5 **Traffic/parking management and impacts on the highway network DMDPD Policies DM29, DM60, DM62; NPPF Chapter 12**
- 5.5.1 The existing dive centre access off Capernwray Road will be used. Each chalet will have two dedicated parking spaces close to it and an additional 9 overspill spaces will be provided adjacent the access road. The amount of traffic is not expected to be significant and County highways raise no objections.
- 5.6 **Impact on Ecology, Trees and Biodiversity Net Gain DMDPD Policies DM44 and DM45; NPPF Chapter 15**
- 5.6.1 The site is part of a larger Biological Heritage Site (BHS) identified for its grassland. The implementation of reserved matters approval for the second phase of chalets has cleared the vast majority of the site's surface already. This has had a significant effect on the BHS which the current proposal will worsen slightly by extending into the woodland edge. The base line position for calculating biodiversity net gain is primarily the bare ground as existing. Some areas around the chalets will be planted with neutral semi-improved grassland and amenity grassland although the precise proportion of trees and grassland is proposed to be conditioned to result in planting better reflecting the original BHS designation. The chalet roofs will be planted with a wildflower mix. Significant new tree, hedgerow and woodland enhancement planting will take place which will create new habitats on site. All areas will be subject to long term management. The overall biodiversity net gain amounts to a 32.5% better ecological position post development than pre-development.
- 5.6.2 All protected species have been reasonably discounted with risks for badger and reptiles able to be dealt with by reasonable avoidance method statements required by condition. A neighbour has highlighted the existence of an important nest in the quarry. However, this is located some distance

from the site and the birds have flourished in close proximity to activity at the dive centre so the additional development is not considered likely to have an adverse effect on it. Effects from additional recreational pressure on the Morecambe Bay designated areas can be adequately mitigated by provision of homeowner packs to each chalet.

5.6.3 Objections were originally raised to siting of 4 chalets extending into the woodland. The amended scheme moves the whole development closer to the quarry edge and reduces the number of chalets against the woodland to two. Furthermore, these would not extend into the woodland in the same way, now only requiring removal of a small section of hawthorns on the woodland edge. Removal of this type of vegetation and replacement with heavier native trees will improve the structure and long term value of the woodland. There are a number of ash trees suffering from die-back which will need to be removed irrespective of the development.

5.6.4 Although the development is within a BHS, the site has already been cleared in accordance with the previous reserved matters approval. The proposed development will result in a small area of further habitat clearance comprising woodland edge hawthorns. Replacement planting will significantly improve overall ecological value and the woodland from which the hawthorns are being removed. The development is therefore acceptable and complies with policies DM44 and DM45.

5.7 **Utilities, drainage and mineral safeguarding** DMDPD policies DM34, DM35; NPPF chapter 14

5.7.1 A packaged treatment plant is proposed to treat foul water before infiltration into the ground at the bottom of the slope north of the site. The site is within the River Keer catchment and could potentially impact the water quality of Morecambe Bathing Waters. There is an existing permit in place for the discharge of sewage from 8 properties, any change to this permitted discharge would need to be assessed by the Environment Agency and a permit application or application to vary the existing permit made. A condition is proposed requiring further details to be submitted.

5.7.2 The site is within flood zone 1 (lowest risk of flooding). Surface water is proposed to be dealt with by SuDS techniques using green roofs and permeable paving to the access and parking areas. This will maintain the pre-development run off rate. The LLFA has no objection to the principle of this and requests standard conditions covering final design and maintenance.

5.7.3 The site is served by power and telecommunications but a new water main is required from Over Kellet. The site is within a minerals safeguard zone. However, given that minerals have been extracted from the former quarry it is considered unlikely this will be carried out in the future.

6.0 Conclusion and Planning Balance

6.1 The benefits of the proposal arising from enhancement of the tourism business and rural economy and increase in biodiversity are considered to outweigh the negatives from slight loss of further BHS habitat and some external visual impact on the landscape. Accordingly, on balance the development is considered acceptable.

6.2 Further publicity has taken place due to inclusion of the unauthorised bund in the application description. The deadline for comments is Friday 15 October so the recommendation is to delegate the decision to approve to the Head of Planning and Place on the 15th October, subject to no additional issues being raised that have not been addressed in this report.

Recommendation

That Planning Permission BE GRANTED subject to a Legal Agreement controlling occupancy and the following conditions below;

Condition no.	Description	Type
1	Standard timescale 3 years	Standard
2	Approved Plans	Standard
3	Foul Drainage Details	Prior to Commencement
4	Protected Species Method Statement	Prior to Commencement

5	Eradication of Invasive Species	Prior to Commencement
6	Submission of Employment and Skills Plan	Prior to Commencement
7	Contaminated Land	Prior to Commencement
8	Sustainable Drainage Scheme	Prior to Commencement
9	Construction SW Management Plan	Prior to Commencement
10	Materials Samples	Above Ground
11	Finished Floor levels	Above Ground
12	External Lighting	Above Ground
13	Landscape Details and Management Plan	Above Ground
14	Drainage Management Plan/Verification Report	Prior to Use/Occupation
15	Homeowner Pack	Prior to Use/Occupation
16	Electric Vehicle Charging Points	Prior to Use/Occupation
17	Access and Parking	Prior to Use/Occupation
18	Landscaping Implementation	Time Specific
19	Nesting Birds	Time Specific
20	Development in Accordance with FRA	Control
21	Approved Tree Details	Control
22	Approved Biodiversity Enhancements	Control

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

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 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 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