

DECISION DATE 25 September 2007	APPLICATION NO. 07/01014/FUL A7	PLANNING COMMITTEE: 3 September 2007
DEVELOPMENT PROPOSED RETROSPECTIVE APPLICATION TO RETAIN LAND REMODELLING AND PROPOSED RAISING OF EXISTING GROUND LEVELS AT SOUTH WEST CORNER OF SITE		SITE ADDRESS REDWELL FISH FARM KIRKBY LONSDALE ROAD OVER KELLET CARNFORTH LANCASHIRE LA6 1BQ
APPLICANT: Mr Kenneth Hall Redwell Fish Farm Kirkby Lonsdale Road Over Kellet Carnforth Lancashire LA6 1BQ		AGENT: Derek Hicks And Thew (Kendal) Ltd

REASON FOR DELAY

Not applicable.

PARISH NOTIFICATION

Over Kellet Parish Council - Observations awaited.

LAND USE ALLOCATION/DEPARTURE

Countryside area.

STATUTORY CONSULTATIONS

County Council Highways - Observations awaited (did not object to the earlier application involving this development).

Environmental Health - Support the proposal. There are problems with the safety of the perimeter of the waterside in its present form and one of the purposes of the application is to address these, by providing a clearly defined and stable edge to the areas of water. This will improve the safety of the lakes.

Environment Agency - No comments to add to those associated with the earlier application; if the site is used for any form of waste tipping a Waste Management Licence will be required.

OTHER OBSERVATIONS RECEIVED

None, at the time this report was prepared.

REPORT

This application has been submitted following an earlier refusal of consent (Reference 06/01410/FUL); of which a copy of the relevant Committee report is attached. Redwell Fish Farm occupies an area to the south of the Carnforth to Kirkby Lonsdale Road. As well as a recreational fishery, with four linked lakes which were constructed in the late 1980s, the site contains a small seasonal touring caravan site.

The purpose of the application is to reduce problems associated with the tarns being flooded from adjoining land, something which could have a serious adverse effect on the fish stock. At the same time it recognises the need to safeguard the interests of children staying in the camp site who might be tempted to stray close to the edge of the water.

As before, the retrospective proposal involves remodelling the south west corner of the lake complex, increasing the size of the embankments. The original version of the scheme would have resulted in the loss of a substantial part of the tree cover, exposing the caravans to long distance views from the south. Measures have now been taken to protect some of the trees concerned with a Tree Preservation Order.

The current application is accompanied by a Landscape Survey and a Management Plan. This draws attention to the wildlife habitat offered by the woodland part of the site, as well as the fish and wildfowl accommodated by the lakes. It recommends a programme of management for the woodland which includes gradual removal of the conifers and the planting of new trees in appropriate places. It suggests the provision of bird and bat boxes to enhance the attraction of the site for wildlife.

It was indicated at the time of the earlier application that the developer's intention was to use clean fill rather than waste material to raise the level of the embankments. The site owners have every incentive to do this as the use of any polluted material could adversely affect water quality in the fishing lakes.

As before the policy in the Lancaster District Local Plan most relevant to the development is Policy E4, which states that within the area identified as countryside, development will only be permitted which:

- Is in scale and keeping with the character and natural beauty of the landscape
- Is appropriate to its surroundings in terms of siting, scale, design, materials, external appearance and landscaping
- Would not result in a significant adverse effect on nature conservation or geological interests, and
- Makes satisfactory arrangements for access, servicing, car and cycle parking.

The earlier application was open to serious objection as it would have resulted in the loss of part of the tree cover which conceals the caravans from views to the south. The current scheme addresses this issue. The impact on long distance views of the site will be minimal once the additional tree planting included in the scheme has become established. It appears that the site owners are now well aware of the seasonal restriction on the caravan site, and are abiding by its requirements.

It is therefore recommended that permission should be granted.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to two sections of the Human Rights Act: Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). There are no issues arising from the proposal which appear 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. Standard three year condition.

2. Development to be carried out in accordance with the approved plans.
3. Trees to be protected from damage while development work is in progress.
4. Landscape to be managed in accordance with the submitted management plan.