

DECISION DATE 20 February 2007	APPLICATION NO. 06/01410/FUL A5	PLANNING COMMITTEE: 22 January 2007
DEVELOPMENT PROPOSED RETENTION OF 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 K Hall Redwell Fisheries Kirkby Lonsdale Road Arkholme Carnforth LA6 1BQ		AGENT: Derek Hicks And Thew

REASON FOR DELAY

Not applicable.

PARISH NOTIFICATION

Over Kellet Parish Council - Observations awaited.

LAND USE ALLOCATION/DEPARTURE

Countryside area.

STATUTORY CONSULTATIONS

County Council Planning - No objections, but the applicant may need to register the activity and obtain a Waste Management Licence from them.

County Council Highways - Observations awaited.

Environment Agency - Observations awaited.

OTHER OBSERVATIONS RECEIVED

Any representations received will be reported orally at Committee.

REPORT

Redwell Farm occupies an area on the south side of the Carnforth to Kirkby Lonsdale Road, to the east of Over Kellet. As well as a recreational fishery, with four linked lakes, the site contains a small seasonal touring caravan site.

The present proposal is for alterations to the south west part of the site, increasing the size of the embankments around the south western part of the lake complex. Some of the work has already started and the application is therefore partly retrospective in nature. At the time the enforcement complaint was investigated there was some concern that the proposal could involve waste tipping, which is a County Council responsibility, but it has been established that it is an engineering operation because inert fill is being used. The need to protect water quality in the fishing lakes means that the developer has every incentive to ensure that only "clean" fill is used.

The statement accompanying the application indicates that the fisheries were restocked in 1997 with carp. The lake also contains other species including bream, tench and rudd. It argues that remodelling of the embankments is necessary to reduce the risk of flooding from the lake into the adjoining field.

Policy E4 of the Lancaster District Plan 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, cycle and car parking.

The problem with the scheme as submitted is that building up the embankment as shown would result in the loss of a substantial part of the existing tree cover, which consists of a mix of species including alder, ash, silver birch, cypress, poplar, sycamore and willow. This would expose the caravan site to long distance views from the south, where it would be visible from the Halton to Redwell Road. In particular the layout shown on the plans involves the removal of a small peninsula of land in the south western lake which is quite densely planted. Because of their role in screening the caravans the trees have a significance outside the site and measures are now being taken to protect them with a Tree Preservation Order.

At the same time it is apparent that the applicant has been disregarding the condition attached to the 1998 consent which requires that the touring caravans should be present on the site only between 1 March and 31 October of each year. A site visit on 8 December revealed around 12 caravans on the site, some of which were clearly being used on a year basis. This matter has been referred to the enforcement team.

It should be possible to design an alternative scheme protecting most of the existing trees at the southern end of the site, and incorporating additional planting to replace any that were lost. This would enable sufficient tree cover to be retained to screen the caravan site in the summer months. However the proposal in its present form is unacceptable, and it is recommended that it should be refused consent.

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 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 REFUSED** for the following reasons:

1. Contrary to policy E4 of the Lancaster District Local Plan - loss of tree cover, detrimental to the amenities of the area.
2. Contrary to policy T07 of the Lancaster District Local Plan - loss of trees would expose the seasonal touring caravan site to view during the summer.

ADVICE

1. The developer's attention is drawn to the condition attached to the consent for the touring caravan site, which allows its use only between 1 March and 31 October of each year.
2. The developer is recommended to discuss an alternative design for the engineering works proposed retaining and reinforcing the existing tree cover along the south side of the site.
3. Depositing material on the site may require a Waste Management Licence from Lancashire County Council.