

<b>Application No:</b> 2008/604	<b>Application Type:</b> Full
<b>Proposal:</b> Replacement amenity building, creation of new pond, new footbridge, increase in parking facilities & improvements to access track (Retrospective)	<b>Location:</b> Existing fishing lodges, off Dunnockshaw
<b>Report of:</b> Planning Unit Manager	<b>Status:</b> For Publication
<b>Report to:</b> Development Control Committee	<b>Date:</b> 20 January 2009
<b>Applicant:</b> Mr A Cairns	<b>Determination Expiry Date:</b> 26 December 2008
<b>Agent:</b> N/A	

REASON FOR REPORTING	Tick Box
<b>Outside Officer Scheme of Delegation</b>	<input type="checkbox"/>
<b>Member Call-In</b>	<input type="checkbox"/>
<b>More than 3 objections received</b>	<input checked="checked" type="checkbox"/>
Other (please state) .....	

## HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

### Article 8

The right to respect for private and family life, home and correspondence.

### Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

## **APPLICATION DETAILS**

### **1. SITE**

The application site lies to the north and west of the small settlement of Loveclough. A gated access track leads upwards from the village towards an existing lodge. There are also 2 lodges to the east of Limy Water. The lodges have been used by anglers for many years both as a day fishery and by a local angling club. The surrounding land is unused although it has previously been used for grazing.

### **2. RELEVANT PLANNING HISTORY**

2007/32

An application by a previous owner proposed a much more ambitious scheme for the fisheries, including holiday chalets and camping and caravan sites. There were numerous objections from residents of the village, mainly about vehicular access and activities that might be detrimental to residential amenity. It was withdrawn before a decision had been reached.

### **3. THE PROPOSAL**

It is proposed to improve the facility to attract a maximum of 40 anglers at any one time, supervised by a bailiff. Works include improvements to the access road and 2 car parks, one at the upper level and one close to Limy Water. A new building would contain toilets and brewing facilities, plus a disabled toilet at the lower level. A new pond would be excavated on the flat area of the site near to the river to accommodate disabled and junior anglers.

Work has already commenced to improve the access track and create the car parks and a wooden bridge across the river has been installed. Trees have recently been planted by the previous owner with grant aid. Additional planting is proposed.

The applicant consulted the Environment Agency before the application was submitted and there was no objection in principle. A contaminated land survey has not identified any problems.

Revised plans have been submitted moving the proposed amenity building to a less conspicuous location and showing existing tree planting.

### **4. POLICY CONTEXT**

#### **National**

PPS1 – Delivering Sustainable Development

PPS7 – Sustainable Development in Rural Areas

PPS9 – Biodiversity and Geological Conservation

PPG17 – Planning for Open Space, Sport and Recreation

#### **Development Plan**

Regional Spatial Strategy for the NW of England Plan (2008)

DP1-9 Spatial Principles

RDF 2 Rural Areas

W 6 Tourism and the Visitor Economy

Rossendale District Local Plan (1995)

DS5 – Development Outside the Urban Boundary and Green Belt

DC1 – Development Criteria

DC4 – Materials

**5. CONSULTATIONS**

RBC (Environmental Health)

No comments/objections.

RBC (Drainage)

Conditions are recommended.

LCC (Highways)

No objection.

Environment Agency

A letter to the applicant prior to submission confirms it has no objection in principle, subject to an 8 metre wide access strip being maintained next to Limy Water, an ecological survey being carried out and statutory requirements being met.

A letter of objection has now been received pointing out that it is not clear from the plans whether the 8 metre strip would be maintained and that an ecological survey has not been carried out. The applicant has submitted a revised plan confirming that the access strip would be maintained and that it would not be obstructed by any excavated material from the new pond. An Ecological Survey & Assessment has now been carried submitted by the applicant and Environment Agency comments on it are awaited.

**6. REPRESENTATIONS**

Three site notices were posted on 9 December 2008 including one at the junction of Commercial Street with Burnley Road. Neighbours were notified by letter on 12 November 2008 to accord with the General Development Procedure Order.

Representations have been received from 5 residents objecting for the following reasons:

- Commercial Street is not suitable for additional traffic as it is narrow and congested.
- It has become busier due to new housing development.
- Improvements need to be made to its alignment plus resurfacing and waiting restrictions, possibly via a S106 Agreement.
- There are existing parking problems when there is an event at the CPA Bowling and Social Club next to the site access.
- The landscaping would be inadequate and unsuitable.
- There may be drainage problems.
- There would be no positive effect on the local economy.

- The existing signage is criticised and better signage is requested.
- Work has already commenced.
- There will be problems of noise, smell, privacy, safety and appearance.

## **7. ASSESSMENT**

The main issues are : 1) principle of the development; 2) visual amenity; 3) neighbour amenity; & 4) access and car parking.

### Principle

The fishing lodges are existing and have previously been used by anglers on a commercial basis. Unlike the last application, the works proposed (and partly implemented) are limited in extent. They are mainly concerned with improving access to and making better use of the existing facilities, including a new fishing pond with disabled access. The development is appropriate to a rural area and in accordance with Local Plan Policy DS5 and also PPS7. Fishing is an acceptable activity in the countryside. The building is of limited size and associated with the outdoor sport and recreational activity of angling.

### Visual Amenity

Taken as a whole, the works will improve the appearance of the site. As amended in siting and constructed in stone and slate, the new amenity building will replace an existing portable building and be less prominently sited. The upper car park will be on an area that had been tipped and was unsightly. The new fishing pond will add to the ecological diversity of the area; Environment Agency comments on the applicants Ecological Survey & Assessment will be reported verbally to the Meeting. Additional landscape planting is proposed.

### Neighbour Amenity

There are a limited number of houses that closely overlook the site although the land can be seen from longer views. The other objections from neighbours, which are mainly concerned with access and parking, have been considered. They would not justify refusal but it is accepted that additional information on landscaping is needed (see recommended condition 5).

### Traffic and Parking

The applicant estimates that there will be a maximum of 40 anglers at any one time and provision is being made for 30 car spaces. With the provision of car parking spaces close to the lodges there will be no need for cars to park on the highway, a distance of several hundred metres from the lodges themselves. They say traffic will be spread over the day even at weekends, when the facility is likely to be at its busiest, and the effect on existing roads would not justify either refusal of the application or the need for improvements.

The Highway Authority has no objection to the proposal.

### Other Matters

Objectors have criticised the existing signage. The applicant will be approached to discuss the signs that have been erected next to the site and at the Commercial Street/Burnley Road junction and encouraged to submit an application for an acceptable scheme of signage.

## 8. SUMMARY REASON FOR APPROVAL

The proposed development is appropriate in principle within the countryside and will not unduly harm the character and appearance of the area, nor significantly affect the amenities of neighbours or highway safety. The proposed development is in accordance with PPS7 / PPS9, and Policies DP7 and RDF2 of the Regional Spatial Strategy for the North West (2008), and saved Policy DS5 and the criteria of saved Policy DC1 of the adopted Rossendale District Local Plan (1995)

## 9. RECOMMENDATION

That permission be granted.

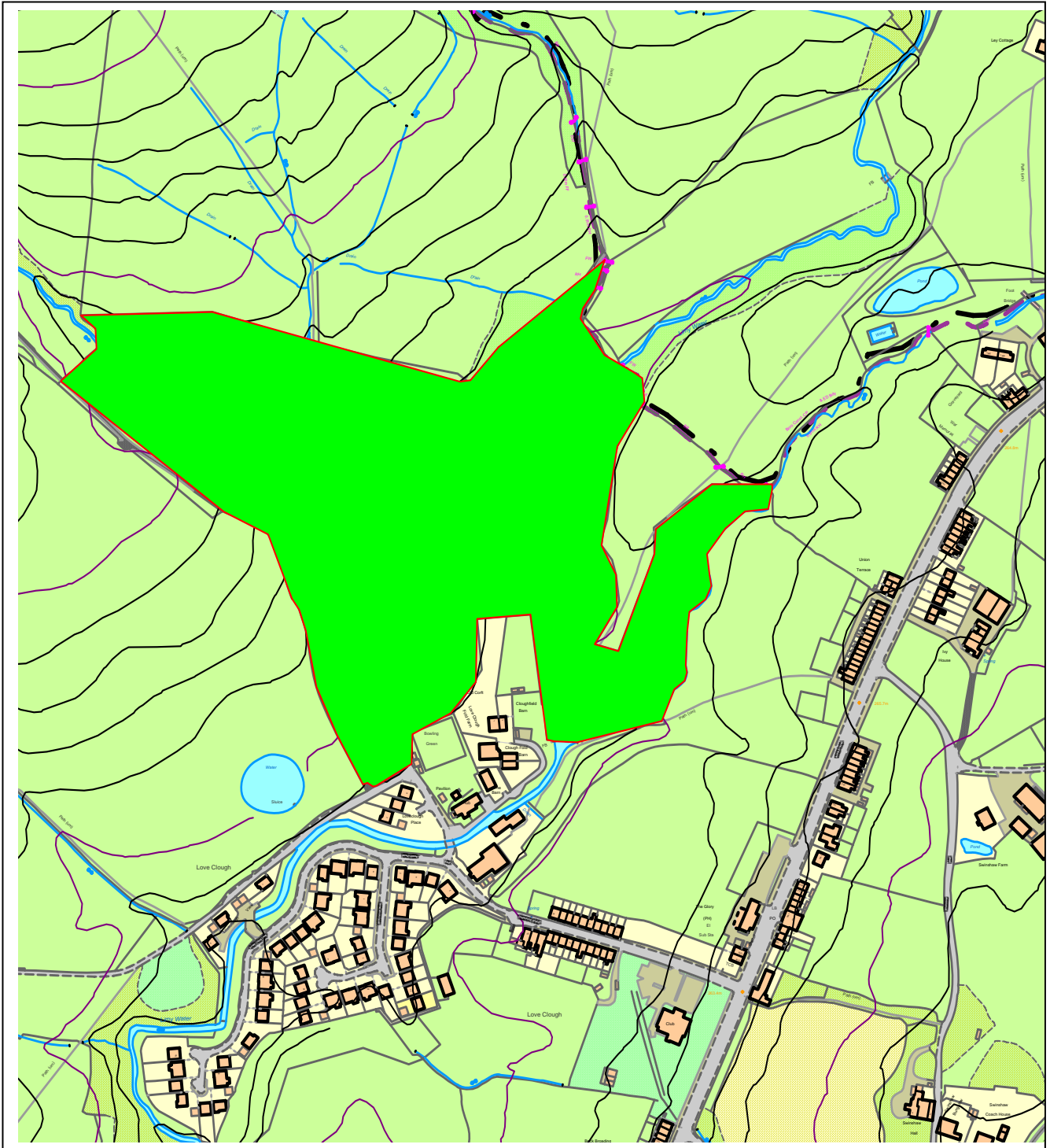
## 10. CONDITIONS

1. The proposed development shall be completed in accordance with the plans (revision B) received on 5 January 2009, unless otherwise required to comply with the conditions below or as subsequently amended and approved in writing by the Local Planning Authority. Reason : To ensure that the development complies with approved plans and for the avoidance of doubt.
2. Samples of the facing materials to be used in the elevations and roof of the proposed amenity building shall be submitted to and agreed in writing with the Local Planning Authority before work commences on its construction. It shall be constructed in accordance with the approved materials, unless otherwise agreed in writing with the Local Planning Authority. Reason : To ensure that the development will be of satisfactory appearance, in accordance with the criteria of saved Policy DC1 of the adopted Rossendale District Local Plan.
3. Before work commences on the construction of the proposed amenity building a scheme for the provision of foul drainage shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to first use of this building, unless otherwise agreed in writing with the Local Planning Authority. Reason : To ensure the provision of a satisfactory means of foul sewage disposal, in accordance with the criteria of saved Policy DC1 of the adopted Rossendale District Local Plan.
4. Before any further work takes place on site details of the suitability of the culverted watercourse crossing the access road to carry the proposed traffic loadings, including any necessary strengthening works and a timetable for their completion, shall be submitted to and approved by the Local Planning Authority. The works shall be constructed and completed in accordance with the approved scheme and timetable. Reason : To ensure a satisfactory form of development and in the interests of land drainage, in accordance with the criteria of saved Policy DC1 of the adopted Rossendale District Local Plan.

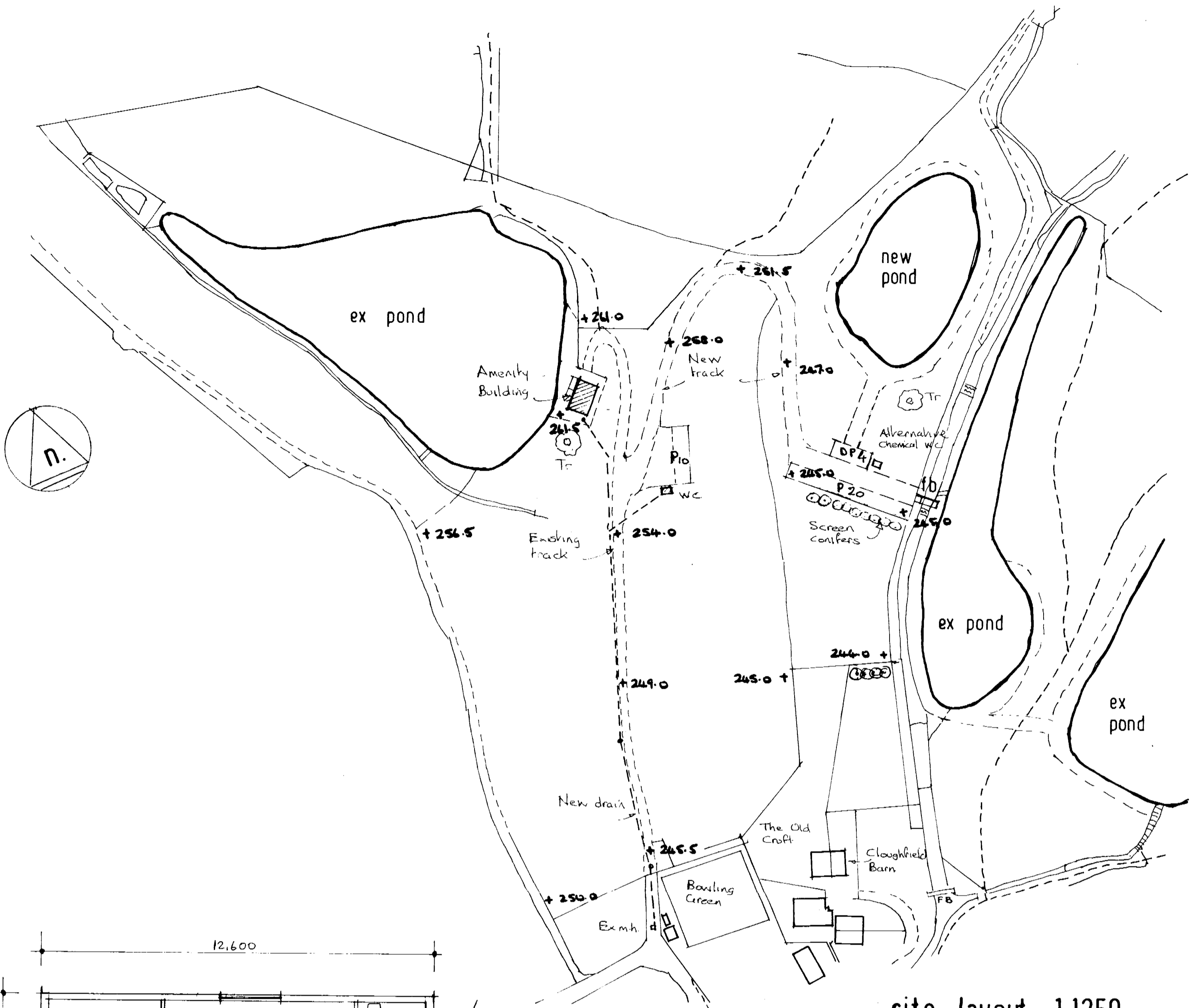
5. No further work shall take place on site until a scheme for landscaping and screen planting has been submitted to and agreed in writing by the Local Planning Authority, together with a timetable for its implementation. The approved scheme shall be implemented in accordance with the approved timetable, and any trees or plants which within a period of five years of planting die, are removed or become diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives consent to any variation. Reason : To secure the satisfactory development of the site in the interests of visual amenity, in accordance with the criteria of saved Policy DC1 of the adopted Rossendale District Local Plan.
  
6. No further work shall take place on site until an Ecological Survey & Assessment has been submitted to and agreed in writing by the Local Planning Authority, to include recommendations for the protection and enhancement of the ecological interest of the site. The recommendations of the approved scheme for protection and enhancement of the ecological interest of the site shall be implemented in accordance with a programme to be agreed in writing with the Local Planning Authority. Reason : To protect and enhance the wildlife interest of the site, in accordance with PPS9, Policy EM1 of the Regional Spatial Strategy for the NW of England (2008) and the criteria of saved Policy DC1 of the adopted Rossendale District Local Plan.
  
7. An unobstructed 8 metre wide access strip shall be provided/maintained next to the Limy Water. Reason : For maintenance and emergency access to “main river” to prevent flooding/pollution, to accord with the wishes of the Environment Agency and accord with the criteria of saved Policy DC1 of the adopted Rossendale District Local Plan.
  
8. Any construction works associated with the development hereby approved shall not take place except between the hours of 7.00 am and 7.00 pm Monday to Friday and 8.00 am and 1.00 pm on Saturdays. No construction work shall take place on Sundays, Good Friday Christmas Day or Bank Holidays. Reason : To safeguard the amenities of neighbours, in accordance with the criteria of saved Policy DC1 of the adopted Rossendale District Local Plan.

<b>Contact Officer</b>	
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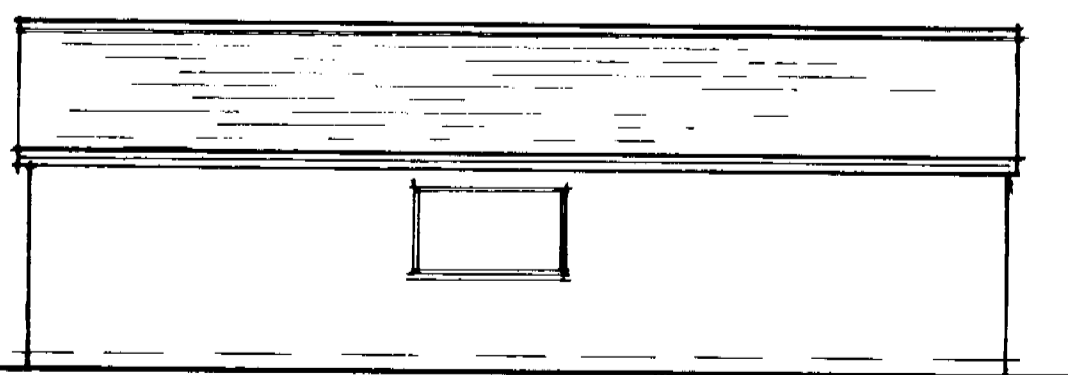
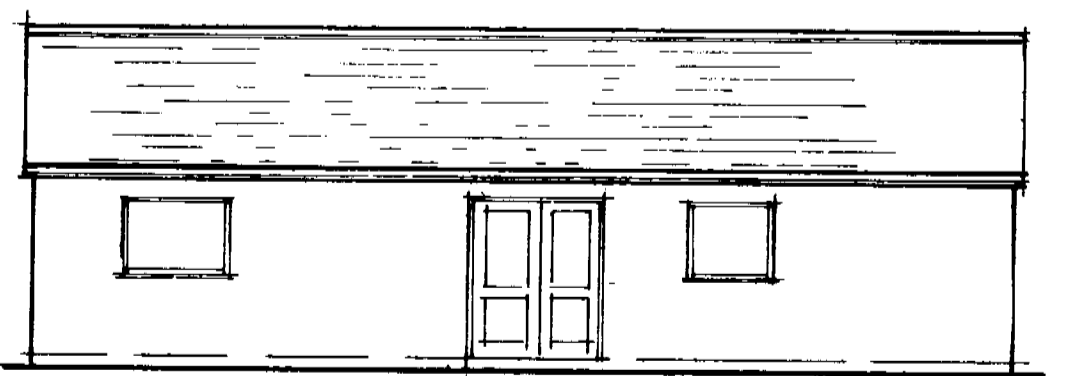
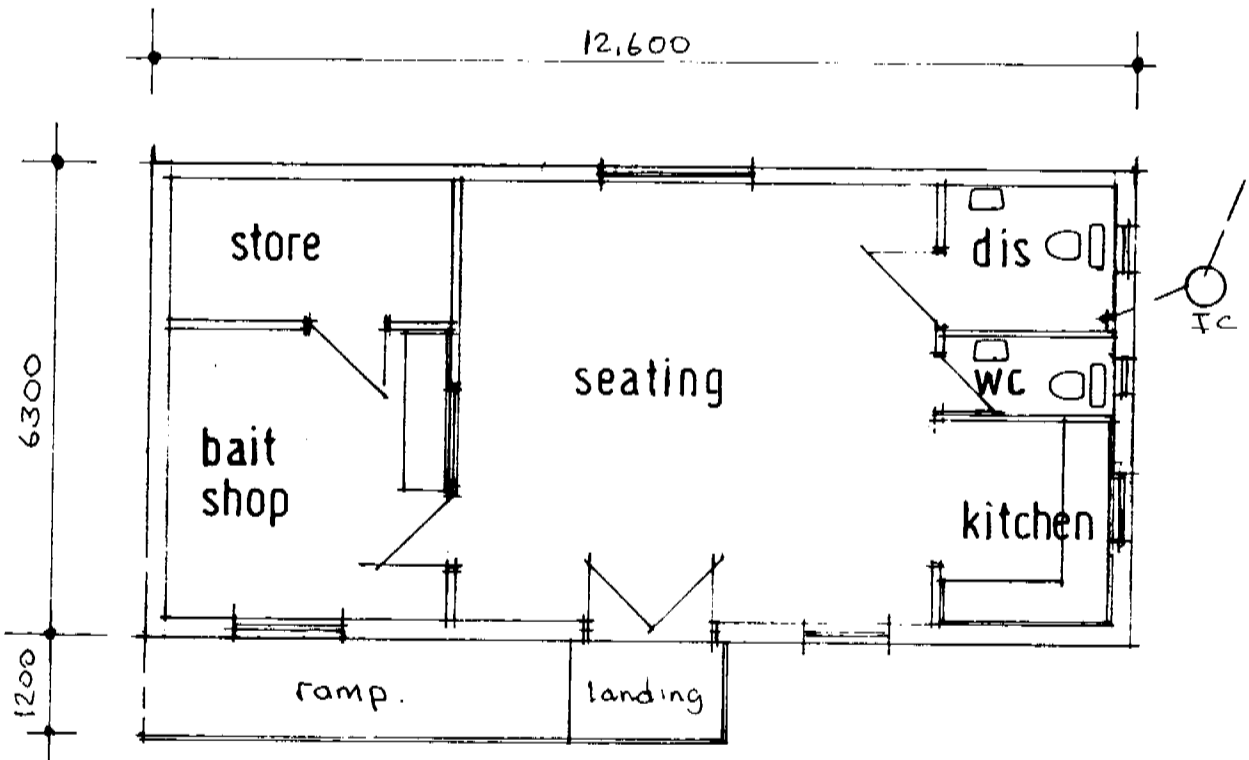
# Location Plan 2008/0604



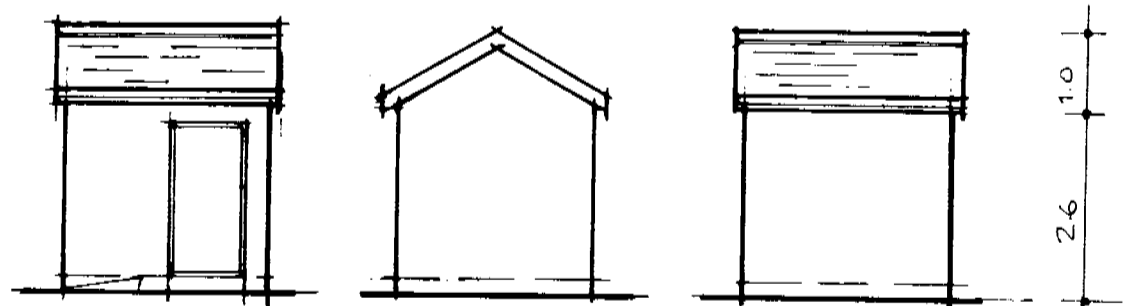
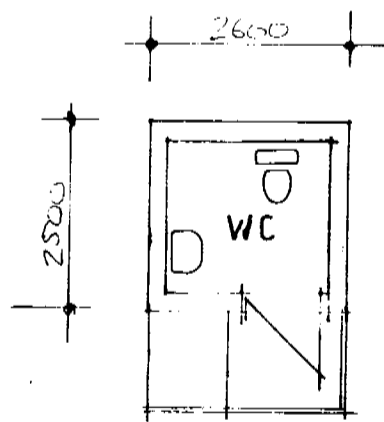
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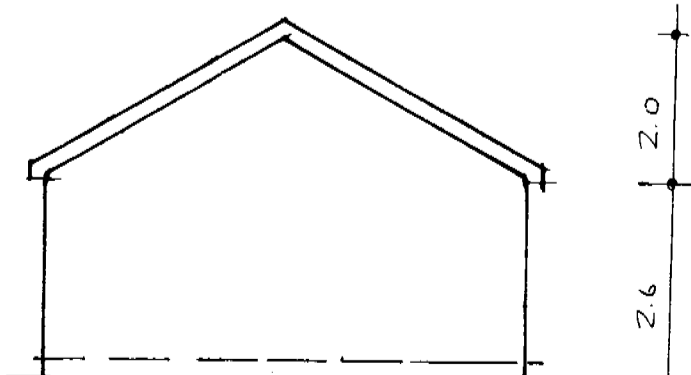
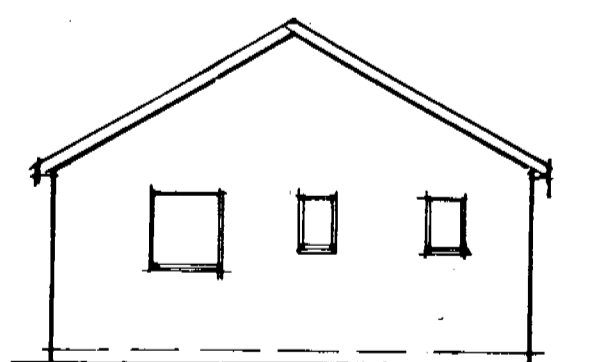
site layout 1:1250



amenity building



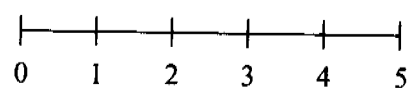
disabled toilet



EXISTING LEVELS.

FISHING LAKES,  
DUNNOCKSHAW

PROPOSED WORKS.  
scales: 1:1250, 1:100



Rosendale Active Borough Council CM

2008/604

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