

RIBBLE VALLEY BOROUGH COUNCIL

Department of Development

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Town and Country Planning Act 1990

PLANNING PERMISSION

APPLICATION NO: 3/2009/0706

DECISION DATE: 18 December 2009

DATE RECEIVED: 12/08/2009

APPLICANT:

Mr John Carlisle
The Garage
Stonebridge Mill
Preston Road
Longridge
Lancs

AGENT:

Janet Dixon Town Planners Ltd
10A Whalley Road
Clitheroe
Lancs
BB7 1AW

DEVELOPMENT Construction of Fishing Lake for personal use only. Re-submission.

PROPOSED:

AT: land off Fleet Street Lane Dutton Preston Lancashire

Ribble Valley Borough Council hereby give notice that **permission has been granted** for the carrying out of the above development in accordance with the application plans and documents submitted subject to the following condition(s):

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.

2. The proposed fishing lake shall inure for the benefit of Mr John Carlisle and accompanied friends/family only and not for the benefit of the land nor any other person or persons, whether or not having an interest in the land, and there shall be a maximum of only two vehicles allowed to visit the site at any one time.

REASON: In order to comply with Policy G1 of the Ribble Valley Districtwide Local Plan, in that permission has been granted based on the individual circumstances applying in this case, and its use separate from the above could be injurious to the amenities of the neighbouring occupiers, to the character of the area and to highway safety. It would also require further consideration by the Local Planning Authority.

3. Any tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds shall only be carried out between the beginning of August and the end of February inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections.

REASON: In order to prevent the unnecessary loss of habitats, in accordance with Policy ENV7 of the Districtwide Local Plan.

P.T.O.

4. Prior to the commencement of development, further details of the proposed earthworks involved in the creation of the two mounds, the pipe and sluice elements and the 'silt trap', shall have been submitted to and approved in writing by the Local Authority, in consultation with specialist advisors.

REASON: In order to fully assess the earthworks involved and the implications of the use of a 'silt trap', with regards to restricting sediment movements through the lakes.

5. Prior to the commencement of development, details of a method statement for the protection of Page Brook during the construction of the personal fishing lake hereby approved shall have been submitted to and approved in writing by the Local Planning Authority, in consultation with specialist advisors.

REASON: In order to prevent the unnecessary loss of habitats, in accordance with Policy ENV7 of the Districtwide Local Plan.

6. No site clearance, site preparation or development work shall take place until a detailed habitat creation/enhancement and management plan for the site shall be submitted to and approved in writing by the Local Planning Authority, in consultation with specialist advisors. The approved management plan shall be implemented in full, in accordance with the approved scheme.

REASON: In order to protect and provide aftercare and long-term habitat management of the site in accordance with Policy ENV7 of the Districtwide Local Plan.

7. All mitigation and enhancement for biodiversity shall be implemented in the first twelve months following completion of the engineering works involved in the development and maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority. All mitigation/enhancement measures shall be in accordance with the details identified in the Bowland Ecology 'Extended Phase 1 Survey report'.

REASON: In accordance with Policy ENV7 of the Ribble Valley Districtwide Local Plan, in order to protect, enhance and mitigate for biodiversity on the site.

8. The landscaping scheme submitted with the application shall be implemented in the first planting season following completion of the development, whether in whole or part and shall be maintained thereafter for a period of not less than 5 years to the satisfaction of the Local Planning Authority. This maintenance shall also include the replacement of any tree or shrub on site that is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted.

REASON: In the interests of the amenity of the area and to comply with Policies G1 and ENV3 of the Ribble Valley Districtwide Local Plan.

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9. Prior to commencement of any site works, including delivery of building materials and excavations for foundations or services, all trees identified shall be protected in accordance with the BS5837 [Trees in Relation to Construction] and which shall be agreed in writing.
During the proposed works no excavations or changes in ground levels shall take place and no building materials/spoil/soil/rubble shall be stored or redistributed within the protection zone, in addition no impermeable surfacing shall be constructed within the protection zone.
No tree surgery or pruning shall be implemented without prior written consent, which will only be granted when the local authority is satisfied that it is necessary, will be in accordance with BS3998 for tree work and carried out by an approved arboricultural contractor.

REASON: In order to ensure that any trees affected by development and considered to be of visual, historic or botanical value are afforded maximum physical protection from the adverse affects of development, and in order to comply with planning policies G1 and ENV13 of the District Wide Local Plan

Relevant planning policy

Policy G1 - Development Control.
Policy G5 - Settlement Strategy.
Policy ENV3 - Development in Open Countryside.
Policy ENV7 - Species Protection.
Policy ENV9 - Important Wildlife Site
Policy ENV10 - Development Affecting Nature Conservation.
Policy ENV13 - Landscape Protection.
The Wildlife and Countryside Act 1981

SUMMARY OF REASONS FOR APPROVAL

The proposal represents an appropriate form of development and given its design, size and location would not result in visual detriment to the surrounding countryside, nor would its use have an adverse impact on highway safety.

Note(s)

1. For rights of appeal in respect of any condition(s)/or reason(s) attached to the permission see the attached notes.
2. The applicant is advised that should there be any deviation from the approved plan the Local Planning Authority must be informed. It is therefore vital that any future Building Regulation application must comply with the approved planning application.
3. Grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act. Footpaths 9 and 10 in the parish of Ribchester run through the site.
4. The applicant should ensure that there is no possibility of contaminated water entering and polluting surface or groundwater, both pre-/post-construction. Only clean surface water from the roof should be discharged to any surface water soakaway or watercourse. Any contaminated surface water-run off must be disposed of in such a way as to prevent any discharge to any borehole, well, spring, soakway or watercourse. It is the responsibility of the landowner to ensure that any activities undertaken on site do not cause pollution of the adjacent watercourse.

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5. Under the terms of the Water Resources Act 1991, an Impounding Licence may be required from the Agency for the impounding of any watercourse, ditch or stream (e.g. by dam, weir etc).
6. Under the terms of the Water Resources Act 1991, the abstraction of more than 20 cubic metres of water per day from a surface water source (e.g. stream or drain) or from underground strata (via borehole or well) for any particular purpose will require an Abstraction licence from the Environment Agency. There is no guarantee that a licence will be granted as this is dependant on available water resources and existing protected rights.
7. Any fish introduced to a lake in this location would need to be native species already established within the catchment. Any fish stocking requires prior written consent from the Environment Agency.
8. Any works to the watercourse including construction of the bunds and sluicès and any temporary works will require Land Drainage consent under Section 23 Land Drainage Act 1991. The Applicant is advised to contact Mr J. C. Welsby (Development Control Engineer) on 01772 714016 to discuss the need to apply for Land Drainage Consent. In applying for consent, the applicant would need to demonstrate that any structures would not adversely affect river flows and lead to an unacceptable risk of flooding elsewhere.
9. Excavated material generate during any lake construction should only be placed in areas of semi-improved grassland of low biodiversity value. Advice must be sought from the Environment Agency to check whether or not an exemption from Environmental Permitting is needed to dispose of the material in this manner.

STEWART BAILEY
DIRECTOR OF DEVELOPMENT SERVICES