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| Application No: 2008/0423 | Application Type: Full Application |
| Proposal: Erection of pigeon lofts | Location: Land off St Peter's Road rear of St Peter's School, Newchurch Road Newchurch, Rossendale |
| Report of: Executive Director of Regulatory Services | Status: For Publication |
| Report to: Development Control Committee | Date: 1 September 2008 |
| Applicant: Mr D Wilmore | Determination Expiry Date: 7 August 2008 |
| Agent: Ronald Shirley Architects | |

REASON FOR REPORTING

Three or more objections Yes

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

Background

This application has been submitted for a replacement building following the destruction of a similar building by fire that was approved on the 22 August 2007 on land at Bridleway, Newchurch. The previous building was constructed from stained timber under a tiled roof and sat on wooden supports owing to the sloping nature of the site. The building was erected on an elevated piece of land overlooking Bridleway and pedestrian access was also provided to the

application site. The building measured 15.5m in length by 2.8m in depth and 3.0m in height and was a similar appearance to that which is now proposed.

1. The Site

- 1.1 The site is situated to the north of St Peter's Primary School in an open area of land and to the south of the site is an area of land that is used for the storage of caravans and metal containers. There is an unsurfaced track providing access to the site. The site is located within the Countryside.

2. Relevant Planning History

- 2.1 2007/438 - Retention of pigeon lofts (Retrospective application) At land off Bridleway, Waterfoot, Rossendale – Approved 22/08/2007

3. The Current Proposal

- 3.1 This proposal seeks consent to construct a single storey timber building constructed on a concrete base with brick supporting walls. The building would be formed in three parts; a stock loft which would be 6.6m in length by 2.5m in depth. Additionally, a young bird loft is proposed which would be 5.0m in length by 2.5m in depth and a further old bird and racing loft which would be 6.6m in length by 2.5m in depth. The building has a height of 4.5m The site would be accessed by an unmade track which leads to the adopted highway and the applicant's agent has also proposed that the site is fenced off by means of a 1.8m green mesh fence surrounding the site to prevent vandalism and to provide a more open appearance to the area. The style of fence can be subject to a condition.

4. Policy Context

4.1 National Planning Guidance

PPS1 - Sustainable Development
PPS7 - Sustainable Development in Rural Areas

4.2 Development Plan Policies

Regional Spatial Strategy for the North West

Saved Policies - Joint Lancashire Structure Plan

Policy 1 - General Policy
Policy 5 - Development Outside of Principal Urban Areas
Policy 20 - Lancashire's Landscapes

Rossendale District Local Plan (Adopted 1995) Saved Policies

Policy DC1 - Development Criteria
Policy DC4 - Materials
Policy DS5 - Development Outside the Urban Boundary

5. CONSULTATIONS

5.1 INTERNAL CONSULTATIONS

Environmental Health Officer - No objection

5.2 EXTERNAL CONSULTATIONS

None necessary.

6. REPRESENTATIONS

6.1 A site notice was posted on 7 July 2008 as shown on the site plan. 29 neighbours were notified by letter on 26 June 2008 to accord with the General Development Procedure Order. The site notice has been posted to go above and beyond the regulatory requirement to ensure a high level of Community engagement to accord with PPS1.

6.2 Two letters of objection have been received that make the following points:

- The structure would be out of keeping with the area
- It is too near neighbouring property and the neighbouring school
- Potential for bird lime and smell

Additionally, a petition has been received which has been signed by 38 individuals. The points raised by the petition are as follows:

- The structure is out of keeping with the area
- It is too near to neighbouring residents and the neighbouring school
- Bird lime and potential smell
- The size is excessive
- Visual harm caused by the proposal and the existence of an unauthorised storage area detracts from the area
- The location is inappropriate and is poorly described

7. REPORT

7.1 The main issues for consideration are principle, visual amenity, residential amenity and highway safety.

7.2 This proposal is for a replacement building following the destruction of a similar building by fire that was approved on the 22 August 2007 on land at Bridleway, Newchurch. The location of the previous loft was on land allocated as Countryside in the Rossendale District Local Plan. Whilst the proposal is unacceptable in policy terms, the Council granted consent for the original building on land similarly allocated and in a much more prominent position. The new location would be located to the rear of some land which is being used for storage and the design of the building would be sat lower and less prominent. As such, the proposal is considered to be an appropriate use for a rural area and would, given the circumstances, accord with saved Policy DS5 (Development Outside the Urban Boundary and Green Belts)..

- 7.3 The previous building was 15.5m in length by 2.8m in depth and was of a similar design to that which is now proposed. The current proposal measures 18.2m in length and would be divided up into three parts; a young bird loft, a further old bird loft and a racing loft and is larger due to the requirements for improved conditions for the birds. The applicant has again agreed to stain the building to assist it to blend in with the surrounding area. A condition can be imposed to secure a timescale to implement this. The site is in an open area of land which is hidden in part by an area of land that is used for storage of van bodies and other associated structures.
- 7.4 The site would be to the rear of the school and would be 30.0m away from the nearest residential property. As such, it is not considered that that the structure has an adverse effect in terms of residential amenity.
- 7.5 Having regard to the distance the pigeon loft stands from the adjacent housing, the Council's Environmental Health Officer is satisfied that it will not unacceptably result in noise or smell or potential for bird lime or other disturbance and does not object to the application.
- 7.6 The site is accessed by means of a pedestrian route and there are no highway safety issues to be addressed in this regard.
- 7.7 In relation to the points raised by residents, the building is considered to be in an appropriate location and would be stained to blend in with the locality. Further, the structure would be located 30.0m away from the nearest residential property and there are no objections from the Council's Environmental Health Officer. A petition has also been received which comments on the appropriateness of the building in the locality. This point has been addressed above.
- 7.8 With regard to the issue of proximity of the structure to neighbouring property and the school and the number of birds to be housed, the Council's Environmental Health Officer has not raised any objection to the proposal.
- 7.9 With regard to the point raising concerns over the harm to the visual impact by the unauthorised siting of containers etc, this issue can be addressed by the Council's Enforcement Officers.
- 7.10 With regard to the point suggesting that the loft could be rebuilt in its previous location, this is at the applicant's discretion and would require a further planning application to be submitted.
- 7.11 The application was described, based upon information provided upon the application form. Notices were posted on St Peter's Road in accordance with statutory requirements and residents informed by letter on the 26 June 2008.

8. CONCLUSION

The proposed structure is considered acceptable in terms of its siting and its appearance.

9. RECOMMENDATION

That Committee approve the application subject to the recommended conditions.

10. REASONS FOR APPROVAL

The Council considers that the pigeon lofts will not detract to an unacceptable extent from the essentially open and rural character of the area, for neighbours, highway safety or any other material consideration

11. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: Required by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with plans received on 24 July 2008.

Reason: To ensure the development complies with the approved plans and for the avoidance of doubt.

3. Within two months of the date of this permission, the structure hereby permitted shall be stained dark brown and shall remain as such for the duration the building is in use.

Reason: In the interests of visual amenity and to accord with the criteria of Policy DC1 of the Rossendale District Local Plan.

4. The building which is the subject of this permission shall be removed and the land restored to its former condition if it ceases to be used for the keeping of pigeons for a period of nine consecutive months.

Reason: In the interests of visual amenity and to accord with the criteria of Policy DC1 of the Rossendale District Local Plan.

5. 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 shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason: To safeguard the amenities of nearby residential properties in accordance with policy DC.1 of the Rossendale District Local Plan.

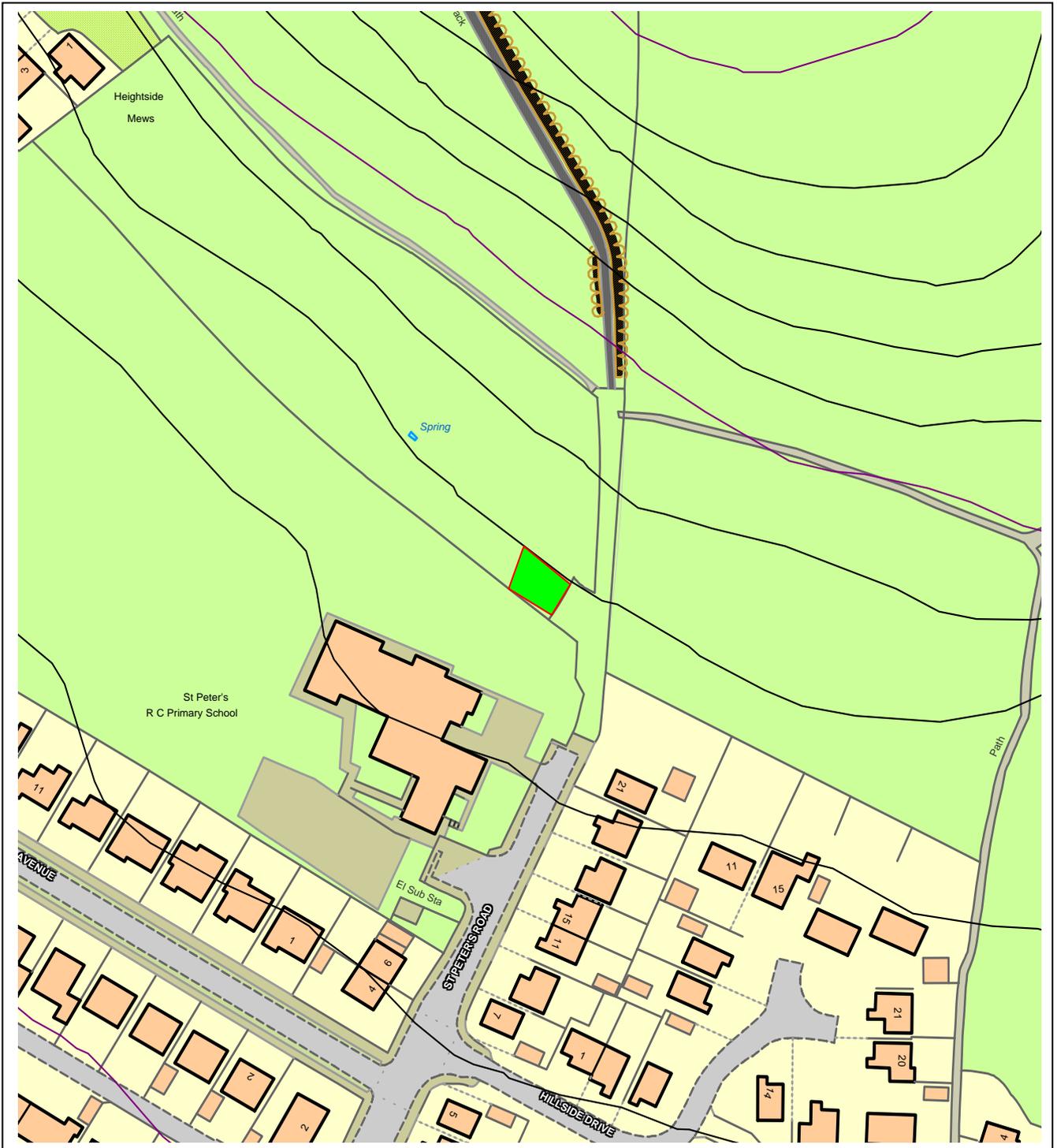
6. Prior to the commencement of development on site, the applicant shall submit to the Local Planning Authority for their approval, details of the means of enclosure to the pigeon loft hereby approved. The approved scheme shall be implemented prior to the loft first being brought into use and shall thereafter be maintained.

Reason: In the interests of visual amenity and to accord with the criteria of Policy DC1 of the Rossendale District Local Plan.

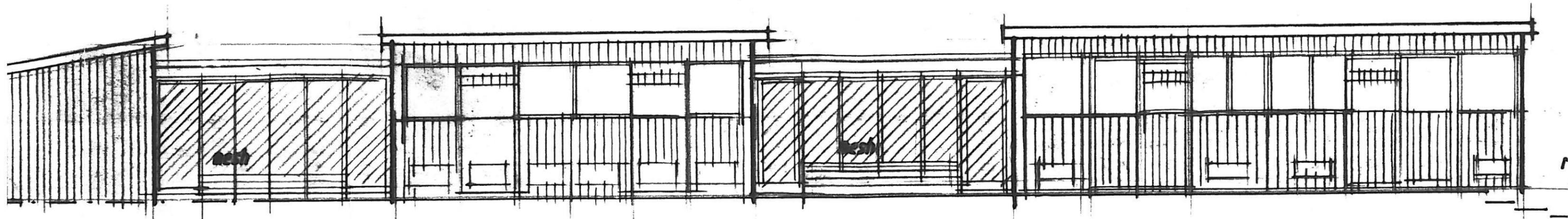
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*LOCATION PLAN TO BE PROVIDED
ATTACH ALL APPENDICES*

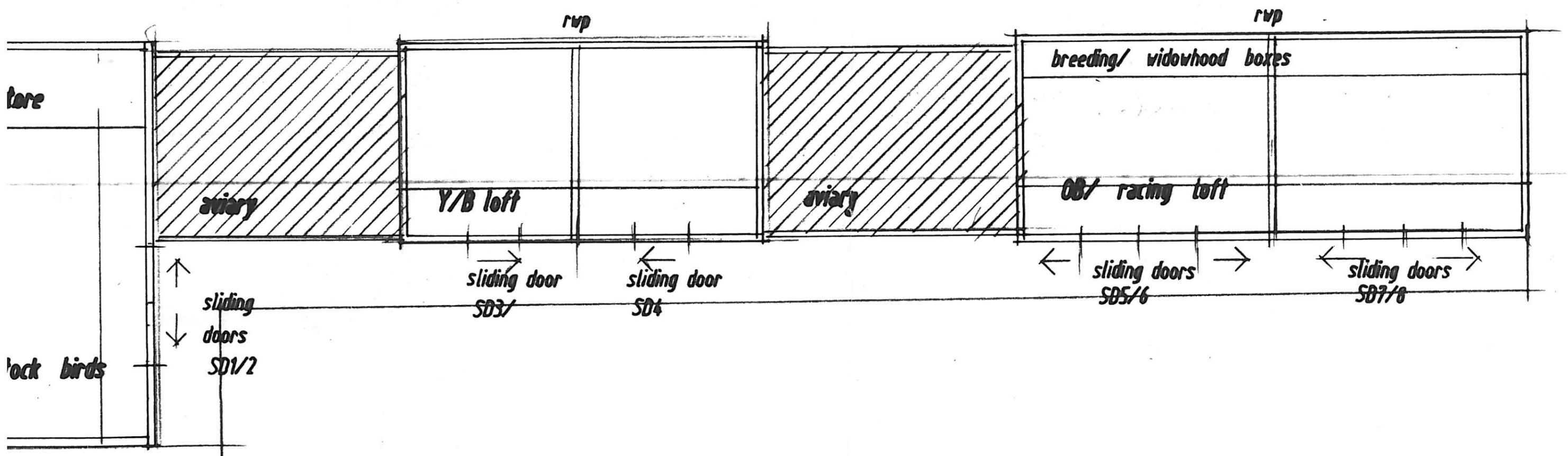
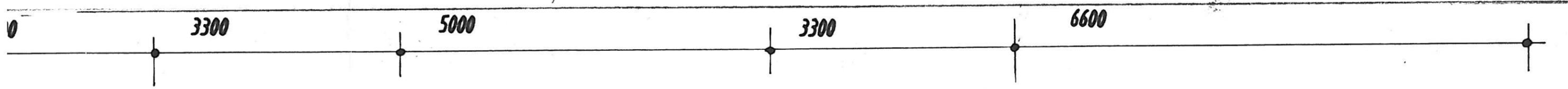
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lofts/ aviaries aviary each panel/door to have vent aviary



fence

lock birds

layout

existing boundary fence