

DELEGATED REPORT

Report by Jennie Townsend	Date of report: 11/09/2024	Ref: 70856/FUL
Registration: 26/07/2024	LDfC: 23/08/2024	Expiry Date: 20/09/2024
Site Visit: 15/08/2024	Site Notice: 15/08/2024	Press Date: 01/08/2024
Objections: 0	Con Area: HOLC	Adv Type: CA
Reason for Delay: N/A		EIA: NA
		Dec Level: DEL
		Stat Class: MIOT

Proposal: Relocate stable block to land at the rear and addition of a memorial clock tower to existing stable block

Location: Margaret Haes Riding Centre Ltd, Moor Road, Ramsbottom, Bury, BL8 4NX

Description

The application site relates to a riding centre which is located on the edge of Holcombe Village and is within the Green Belt, Special Landscape Area and West Pennine Moors and the Holcombe Conservation Area. The site is accessed via Moor Road, an unmade and unadopted access road which is a designated bridleway and leads to residential properties, Higher Barn House and Higher Barn being the closest to the north of the site. To the east and at a lower level is the Emmanuel C of E Primary School which fronts Helmshore Road and to the south is Higher House Cottage and Higher House at the lower end of Moor Road. To the west, the land rises steeply from the site and is part of Holcombe Hill.

The riding school comprises a number of buildings and facilities, namely an outdoor riding arena which is located centrally within the site. Directly adjacent to the north is the indoor arena and a hay barn, inside of which is a small stable block and there are 2 other stable blocks and tackroom to the east. To the south of the outdoor arena is a larger stable block for 5 horses.

There is a concrete surfaced stable yard which leads from the access off Moor Road into the site.

It is proposed to relocate the stable block from inside the hay barn to the south of the site, behind the outdoor arena and the larger stable building.

The relocated stables are L7.2m x W3.6m x H2.7m.

It is also proposed to erect a memorial clock tower to the roof of the larger stable block. The clock would be constructed of wood and would be 1.2m high and 0.7m wide.

Relevant Planning History

47759 - Erection of building to include new loose boxes, equipment store and disabled wc' s
- Withdrawn by Applicant 01/05/2007

48135 - New loose boxes plus w.c. for the disabled - Approve with Conditions 27/06/2007

64955 - Retention of welfare unit with associated landscaping to form welfare and security accommodation (Temporary consent for 5 years) - Approve with Conditions 29/07/2020

65533 - Retention of tack room and its proposed cladding/roofing. - Approve with Conditions 11/11/2020

Publicity

Letters sent on 30/7/24.

Press advert 1/8/24

Site notice 15/8/24

No responses received

Statutory/Non-Statutory Consultations

Conservation Officer - No objection

Greater Manchester Ecology Unit - No objection subject to conditions.

Traffic Section - No response received

Public Rights of Way Officer - no response received

Borough Engineer - Drainage Section - No response received.

Environmental Health - Contaminated Land - No comments to make.

Pre-start Conditions - Not relevant

Development Plan and Policies

NPPF	National Planning Policy Framework
EC4/1	Small Businesses
EN1/2	Townscape and Built Design
EN2/1	Character of Conservation Areas
EN2/2	Conservation Area Control
OL1/2	New Buildings in the Green Belt
OL4/7	Development Involving Horses
OL7/2	West Pennine Moors
HT2/4	Car Parking and New Development
HT5	Accessibility For Those With Special Needs
HT5/1	Access For Those with Special Needs
EN7/2	Noise Pollution
PFE	Places for Everyone
JP-P1	Sustainable Places
JP-P2	Heritage
JP-P7	Sport and Recreation
JP-P6	Health
JP-P3	Cultural Facilities
JP-S1	Sustainable Development
JP-S2	Carbon and Energy
JP-S4	Flood Risk and the Water Environment
JP-S6	Resource Efficiency
JP-G1	Landscape Character
JP-G2	Green Infrastructure Network
JP-G5	Uplands
JP-G8	A Net Enhancement of Biodiversity and Geodiversity
JP-G9	The Green Belt
JP-C1	Our Integrated Network
JP-C2	Digital Connectivity
JP-C5	Streets For All
JP-C6	Walking and Cycling
JP-C8	Transport Requirements of New Development
SPD8	DC Policy Guidance Note 8 - New Buildings in the Green Belt
SPD10	Planning for Equestrian Development

Issues and Analysis

The following report includes analysis of the merits of the application against the relevant policies of both the National Planning Policy Framework (NPPF), the adopted Places for Everyone Joint Development Plan Document (PfE) and the saved policies within the adopted Bury Unitary Development Plan (UDP), together with other relevant material planning considerations.

The policies of the UDP that have been used to assess this application are considered to be in accordance with the NPPF and as such are material planning considerations. For

simplicity, just the UDP and PFE Policies will be referred to in the report, unless there is a particular matter to highlight arising from the NPPF where it would otherwise be specifically mentioned.

Equality Act 2010: All planning applications are considered in light of the Equality Act 2010 and associated Public Sector Equality Duty, where the Council is required to have due regard for:

The elimination of discrimination, harassment and victimisation;

The advancement of equality of opportunity between persons who share a relevant protected characteristic and person who do not share it;

The fostering of good relations between persons who share a relevant protected characteristic and person who do not share it; which applies to people from the protected equality groups.

Human Rights: All planning applications are considered against the provisions of the Human Rights Act 1998.

Under Article 6 the applicants (and those third parties who have made representations) have the right to a fair hearing and to this end full consideration will be given to their comments.

Article 8 and Protocol 1 of the First Article confer a right to respect private and family life and a right to the protection of property, ie peaceful enjoyment of one's possessions which could include a person's home, and other land and business assets.

In taking account of the Council policy as set out in the Bury Unitary Development Plan 1997 and all material planning considerations, it is concluded on balance that the rights conferred upon the applicant/ objectors/ residents/ other interested party by Article 8 and Article 1 of the First Protocol may be interfered with, since such interference is in accordance with the law and is justified in the public interest. Any restriction of these rights posed by refusal/ approval of the application is legitimate since it is proportionate to the wider benefits of such a decision, is based upon the merits of the proposal, and falls within the margin of discretion afforded to the Council under the Town & Country Planning Acts.

The Crime and Disorder Act 1998 imposes (without prejudice to any other obligation imposed on it) a duty upon the Council to exercise its functions and have due regard to the likely effect of the exercise of its functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. In so doing and on making planning decisions under the Town and Country Planning Acts, the material Planning considerations shall have due regard to the provisions of the Crime and Disorder Act 1998 and its implications in the exercise of its functions.

Paragraph 154 of the NPPF states that development for outdoor sports and recreation is appropriate development in the Green Belt as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

UDP Policy OL4/7 - Development Involving Horses states that the keeping of horses for recreational purposes or as part of commercially based equestrian activities will be considered acceptable where it would not have an adverse effect on the appearance of the rural areas. In particular, high standards of design, construction and maintenance will be expected as part of any development proposals.

SPD 8 - New Buildings and Associated Development in the Green Belt states that essential facilities for sport and outdoor recreation can be viewed as being an appropriate use in the Green Belt.

Siting and layout - The relocated stables would be positioned in the southern area of the site. The proposed stables would be L7.2m x W3.6m x H2.7m and of a wooden

construction. The proposed stables would be located behind the larger stable block and as such the building would be mostly screened from views from the north. From the south and east, the site boundary is heavily planted by mature established trees and vegetation and as such would not be widely visible.

The proposed stable block is a relatively small and temporary structure which could be removed from the site at any time. The building and its use would be an appropriate addition in principle on the Green Belt and it is considered the siting, scale, height and appearance would not have a greater impact on openness or conflict with the purposes of including land within it.

The proposed relocated stables would therefore be acceptable and comply with the principles of the NPPF, JP-G1 and JP-G9.

The proposed clock tower would be erected on the roof of the larger stable block. It would be a relatively minor addition and not protrude excessively from the ridge of the stables. The clock would be constructed of timber and would match the existing stables and would be of a temporary nature and could be removable.

It is considered the proposed development would not have a significantly harmful impact to the openness of the Green Belt and would therefore be acceptable.

Heritage

The site is located in the Holcombe Conservation Area.

Para 200 of the NPPF states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Para 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

EN2/1 - Character of Conservation Areas and EN2/2 - Conservation Area Control policies only support proposals where it can be demonstrated that development would preserve or enhance the special character of the area. In the case of re-use of buildings or the introduction of new uses, the impact of the proposal on the character or appearance of the area and the fabric of the building will be considered.

A Heritage Statement has been submitted with the application which is considered to be proportion to the application proposals.

It is considered the character and scale of development would not cause harm to the Holcombe Conservation area and would preserve the character of the Conservation Area.

The Conservation officer has raised no objection.

As such the proposal would accord with the principles of the NPPF.

Ecology

GMEU have been consulted on the proposals

Summary

Potential ecological issues include bats, nesting birds and biodiversity net gain

Bats

There is a theoretical risk of bats being present in the building to be relocated and the building to have the addition of a clock tower. It is an offence under regulation 43 (1) of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 to deliberately capture, kill or disturb a bat or destroy a breeding site or resting place of a bat. It is also an offence under schedule 5 & 6 of the Wildlife & Countryside Act (1981) (as amended).

The photographs of the stable to be moved however indicate a relatively small timber structure which is to be simply moved a short distance. GMEU are satisfied that any risks can be dealt with through an informative. Similarly the photographs of the clock tower indicate a very minor disturbance during installation. Again an informative would suffice. GMEU therefore recommend an informative along the following lines is applied to any permission.

Whilst the building works have been assessed as negligible risk for bats, the applicant is reminded that under the 2019 Regulations it is an offence to disturb, harm or kill bats. If a bat is found during demolition all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s).

Nesting Birds

The buildings provide potential nesting habitat for swallow and other species such as house sparrow. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. GMEU therefore recommend a condition along the following lines is applied to any permission.

No works to buildings shall occur between the 1st March and 31st August in any year unless a nesting bird survey method statement by a suitably experienced ecologist has been supplied to and agreed in writing by the LPA.

Contributing to and Enhancing the Natural Environment & Biodiversity Net Gain (BNG)

Section 180 of the NPPF 2023 states that the planning policies and decisions should contribute to and enhance the natural and local environment. 10% BNG is mandatory under Schedule 7A of the Town & Country Planning Act 1990 (as inserted by schedule 14 of the Environment Act 2021).

The development would result in the loss of 30sqm of low ecological value grassland, just triggering the need for 10% biodiversity net gain. Three goat willow trees are proposed. GMEU are satisfied that these will achieve significantly more than 10% biodiversity net gain. Therefore whilst no metric has at this stage been provided, GMEU are satisfied that all details can be submitted in order to discharge the statutory biodiversity condition. ie statutory metric, finalised HMMP and biodiversity gain plan.

GMEU would not regard the on-site measures as significant and therefore no legal agreement is in their opinion required to secure the on-site proposals for 30 years. Rural trees are however medium distinctiveness habitat and therefore the LPA could require the survival of the trees for 30 years via a legal agreement.

Assuming the LPA agrees that a legal agreement is unreasonable for three trees, then a condition should be applied to ensure implementation and maintenance.

Given the scale of development and that BNG would be significantly achieved on site and is deliverable, a legal agreement is considered unnecessary in this case.

With regards wildlife, GMEU recommend provision of one bird box. This can be conditioned.

Carbon and energy

The applicant has submitted an energy statement. The relocated stables would have

energy efficient stable LED lights only in use when staff need access on dark nights/early mornings, otherwise lights would be switched off. The Riding Centre has had an Independent Energy Assessment in March 2024 as part of the VCSE Energy Efficiency Scheme funded by Government and subject to funding, will be implementing some of the recommendations.

Given the scale and character of development the proposals are considered acceptable and would comply with policy JP-S2.

Digital connectivity

The applicant states that they are not aware that the Riding School have access to super fast full fibre at any time soon.

Given the location of the site, the existing use and scale and type of development proposed it is considered digital connectivity would not be essential to facilitate the site or the development.

Highways

The character of the development would not result in any additional activity or trips to the site and there would be no traffic or public highway safety considerations.

Statement in accordance with Article 35(2) Town and Country Planning (Development Management Procedure) (England) (Amendment) Order 2015

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

Recommendation: Approve with Conditions

Conditions and Reasons:

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason. Required to be imposed by Section 91 Town & Country Planning Act 1990.
- 2 This decision relates to drawings numbered -
Red edge site plan received 17/6/24;
Project - MHRC-RYD-ZZ-))-DR-A -
Existing site plan 1000 P1
Proposed site plan 1002 P4
Relocated stable elevations 3603 P1
Stable elevations existing 3601 P1
Stable elevations proposed 3602 P1
Biodiversity plans existing 3100 P2
Biodiversity plans proposed 3101 P2

Places for Everyone Statement

and the development shall not be carried out except in accordance with the drawings hereby approved.

Reason. For the avoidance of doubt and to ensure a satisfactory standard of design pursuant to the policies of the Bury Unitary Development Plan listed.

- 3 No works to buildings shall occur between the 1st March and 31st August in any year unless a nesting bird survey method statement by a suitably experienced ecologist has been supplied to and agreed in writing by the LPA
Reason. In order to ensure that no harm is caused to a Protected Species pursuant

to policies EN6/3 - Features of Ecological Value of the Bury Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 4 Prior to the first use of the development hereby approved, a bird box shall be installed in a location in accordance with best practice and shall thereafter be maintained.

Reason. To secure the satisfactory ecological enhancement of the site and pursuant to policies EN6/3 - Features of Ecological Value of the Bury Development Plan and National Planning Policy Framework Section 15 - Conserving and enhancing the natural environment.

- 5 The Biodiversity Gain Plan must include:

- information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- the pre-development biodiversity value of the onsite habitat;
- the post-development biodiversity value of the onsite habitat, including an amended Biodiversity Net Gain Metric Calculation that ensure that the loss of units should be replaced with the same broad habitat or with a more higher distinctive habitat.;
- any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;
- any biodiversity credits purchased for the development; and
- any such other matters as the Secretary of State may by regulations specify.

Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.

- 6 The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:

1. a non-technical summary;
2. the roles and responsibilities of the people or organisation(s) delivering the HMMP;
3. the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
4. the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
5. the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority,

has been submitted to, and approved in writing by, the local planning authority.

Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.

- 7 The development hereby approved shall not be occupied unless and until:

1. the habitat creation and enhancement works set out in the approved HMMP have been completed; and
2. a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority

The created and/or enhanced habitat specified in the approved HMMP shall be

managed and maintained in accordance with the approved HMMP.

Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.

- 8 Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason. To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and policy JP-G8 A Net Enhancement of Biodiversity and Geodiversity.

<u>Case Officer</u>	<u>Date</u>	<u>Sign off Officer</u>	<u>Date</u>
JT	11/9/24	DM	11/09/2024