

<b>Application Number:</b>	2023/0311	<b>Application Type:</b>	Full
<b>Proposal:</b>	Erection of a stable block consisting of three stables	<b>Location:</b>	Former Cams Mill Land East Of Holcombe Road Helmshore Rossendale
<b>Report of:</b>	Head of Planning	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	23.07.2024
<b>Applicant:</b>	Mr S Ward	<b>Determination Expiry Date:</b>	08.07.2024 EoT agreed to 26.07.2024
<b>Agent:</b>	Wignalls Chartered Surveyors		

<b>Contact Officer:</b>	<b>Claire Bradley</b>	<b>Telephone:</b>	<b>01706 238636</b>
<b>Email:</b>	<b>planning@rossendalebc.gov.uk</b>		

<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	
<b>Member Call-In</b> Name of Member: Reason for Call-In:	
<b>3 or more objections received</b>	Yes
<b>Other (please state):</b>	

## 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.

## 1. RECOMMENDATION

That the application be approved subject to the conditions specified in Section 10

### APPLICATION DETAILS

## 2. SITE

The site in question lies in an area designated as countryside to the west of Helmshore, and is accessed via an access track approximately 150m long leading off Holcombe Road (B6235).

Public Footpath No. 354 runs through the site and part way down the access track. It is understood that the site itself at one stage housed mill buildings, however the site has fully regenerated and is now largely covered in trees, grasses and other vegetation. As such, the site is considered as a greenfield site (not previously developed land).

The confluence of Ogden Brook and Swinnel Brook lies immediately to the west of the site, becoming the River Ogden which flows through the site in a north-south direction. The access track to the site crosses a concrete bridge over the river.

In addition to being designated as countryside, the site lies within a designated Greenlands.

## 3. RELEVANT PLANNING APPLICATION HISTORY

2017/0046/PREAPP - Construction of a single dwelling and associated landscaping and access works, including works to watercourse, weirs, ponds and woodland.

2017/0356 - Construction of a single dwelling and associated landscaping and access works, including works to watercourse, weirs, ponds and woodland (Refused)

## 4. PROPOSAL

The application is for the erection of an L-shaped block containing three stables, a feed and hay store, tack room, machinery store and an open grooming area.

The building measures 13.53 metres x 20.55 metres and has a depth of 4.56 metres including overhang. The building will be 2.7 metres to the eaves and 3,5 metres to the ridge.

In terms of materials, it is proposed to construct the side elevations in 100mm x 50mm treated timber shiplap boarding on the outside and plywood sheeting on the inside.

In terms of the roof, this is to be constructed with treated timber roof trusses, at a 23 degree pitch, with an overhang to the front elevation of between 0.9 metres and 1.5 metres, with roof coverings in bitumen based Onduline sheets.

The rainwater goods will be PVC-U.

## 5. POLICY CONTEXT

### National Planning Policy Framework

Section 2 Achieving Sustainable Development

- Section 4 Decision Making
- Section 11 Making Effective Use of Land
- Section 12 Achieving Well Designed Places
- Section 15 Conserving and Enhancing the Natural Environment
- Section 16 Conserving and Enhancing the Historic Environment

**Development Plan**

**Local Plan Policies**

- Policy SS: Spatial Strategy
- Policy SD1: Presumption in Favour of Sustainable Development
- Policy SD2: Urban Boundary and Green Belt
- Policy ENV1: High Quality Development in the Borough
- Policy ENV2: Historic Environment
- Policy ENV3: Landscape Character and Quality
- Policy ENV6: Environmental Protection
- Policy ENV10: Tree and Hedgerows
- Policy LT5: Equestrian Development

**Other material considerations**

National Planning Practice Guidance

**6. CONSULTATION RESPONSES**

<b>Consultee</b>	<b>Summary of Comments</b>
LCC Highways	No objection subject to conditions
GMEU	No objection subject to conditions
LCC Archaeology	No objection subject to conditions
RBC Environmental Health	No objection subject to conditions
Environment Agency	No objections

**7. REPRESENTATIONS**

To accord with the General Development Procedure Order a site notice was posted on 19.07.2023 and again on 15.05.2024 and the proposed development was advertised in the Rossendale Free Press on 21.07.2023 and again on 31.05.2024. Neighbour letters were posted out on 15.05.2024.

Seven objections have been received on the following grounds:

The land has been subject to planning refusal previously for dwelling construction and if planning were to be passed by RBC for stabling horses and foals as suggested on the planning statement, this would subsequently lead to the right of application for further dwelling proposals. This is due to the nature of horses and foals needing permanent supervision on site.

The access is a public footpath and the development will impact on users of the footpath and is not suitable for vehicular access.

There is an old weak bridge of historical interest that crosses the river and is not suitable for vehicles or even heavy foot traffic.

There are trees and lots of vegetation supporting a myriad of birds and much depleted insect life would which would be lost there could be NO net gain and only net loss.

Leaving any horses or stables unsupervised is a risk particularly in an area such as this where damage has been frequently caused in the past. There are many reported incidents of vandals mounting and riding grazing horses and ponies in the area and putting foals in the mix would be unthinkable.

Intrusion into an area of peace and nature which is much appreciated by the general public. General destruction of tranquillity

This area is part of a wild life corridor and as such is of major importance to Rossendale's increasingly threatened wild life. It is important that it is left intact undisturbed and fully accessible to wildlife.

The site is almost fully surrounded by the river There would inevitably be water contamination from horse droppings as the river banks are part of the fields The land is wet and usually quite boggy There would be seepage from the fields into the river The muck heap (dung heap) run off no matter where placed or on what would contribute to river contamination The topic of water contamination is very much under the microscope at this present time as water run offs/rivers tend to meet drinking water at some point. Also the natural life of the river would be impacted and this would have a knock on effect for food chains.

One neutral comment has been received as follows:

Grane Residents Association does not object to this application subject to inclusion of the following conditions:

The association would not object to the above application on the basis of the inclusion of the following conditions being imposed:

1. That the site is for personal use only and will not be used as a commercial livery yard or letting of stables.
2. That a condition be imposed stating that if the use is abandoned any structures and infrastructures will be removed from the site and it returned to its existing condition.
3. That the historical remains of Camms Mill are preserved.
4. That the public footpath is not affected in any way and should not be used for parking of vehicles.
5. That any other remnant timber buildings and stables on the site are removed.
6. That all necessary ecology surveys be conducted in relation to newts, bats, owls and other species.

## **8. ASSESSMENT**

The main considerations in this case are as follows:

- 1) Principle;
- 2) Visual Amenity;
- 3) Neighbour Amenity;
- 4) Access, Parking and Highway Safety
- 5) Ecology

## 6) Archaeology

### **Principle**

Policy SD2 states that “All new development in the Borough will take place within the urban boundaries defined on the Policies Map, except where development specifically needs to be located within a countryside location and the development enhances the rural character of the area

The application site lies outside of the Urban Boundary, as identified by the Council’s adopted development plan, and wholly within the Countryside area, where it would not be inappropriate or unusual to develop equestrian facilities such as the building proposed.

As such, the proposed development is acceptable in principle.

### **Visual Amenity**

The Framework states that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

Policy LT5 relates to equestrian development and includes a number of criteria against which an application is also assessed, including impact on visual amenity and character of the area, size of development, a scale proportionate to that proposed, meets national standards of horse welfare amongst others.

In terms of visual amenity, the building has an overall height of 3.5 metres, with an L-shaped footprint with dimensions of 20.55 metres x 13.53 metres. The proposed materials are treated timber, with an Onduline sheeted roof.

Whilst introducing built form into an area, the design, scale and massing of the proposed building is acceptable and will not be overly prominent.

The building contains tack rooms, and a hay and feed store in addition to three stables. The building also contains a machinery store. There is no hardstanding proposed as part of this application.

The development is not considered to have a detrimental impact on the visual amenity of the site and on the wider landscape character. The development is therefore in accordance with Policy ENV1 and LT5 of the Rossendale Local Plan and the NPPF

## **Residential Amenity**

Policy ENV1 (c) requires development to be sympathetic to surrounding land uses, avoiding demonstrable harm to the amenities of a local area; and (d) states that the scheme should not have an unacceptable adverse impact on neighbouring development by virtue of it being over-bearing or oppressive, overlooking, or resulting in an unacceptable loss of light;-nor should it be adversely affected by neighbouring uses and vice versa;

The nearest dwellings are located over 90 metres away on Mercer Crescent.

The proposed buildings due to their height and their use will not impact on the residential amenity of surrounding dwellings.

In terms of the access there are dwellings on Holcombe Road, located close to this. However, it is not considered that the level of traffic will have an impact on the residential amenity of the area.

In view of the above it is considered that the proposals are acceptable in terms of the residential amenities currently enjoyed by the occupiers of nearby properties. It is therefore considered that the proposal is in accordance with Policies ENV1, and ENV6 of the Rossendale Local Plan in neighbour amenity terms.

## **Access, Parking and Highway Safety**

It is not envisaged that the proposals will give rise to any undue highway safety concerns.

The Highway Development Control Section of Lancashire County Council has no objections to the planning application and is of the opinion that the proposal should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site and have commented that a condition should be added restricting the use to personal and not livery.

## **Ecology**

The Framework contains a requirement that all new developments demonstrate a net gain in biodiversity potential, and that any adverse impacts on habitats are avoided, mitigated or adequately compensated.

Policy ENV3 of the Local Plan advises that:

*“The Council will expect development proposals to conserve and, where possible, enhance the natural and built environment, its immediate and wider environment, and take opportunities for improving the distinctive qualities of the area and the way it functions.”*

Policy ENV4 Biodiversity, Geodiversity and Ecological Networks states:

*“Development proposals that have potential to affect a national or locally-designated site, as shown on the Policies Map and its immediate environs, or on protected habitats or species, will be expected to be accompanied by relevant surveys and assessments detailing likely impacts. A sequential approach should be followed to avoid harm and where possible enhance biodiversity, and where not possible, provide*

*appropriate mitigation and, as a last resort, on and off-site compensatory measures to offset the impact of development”.*

*“All development proposals should seek to protect and enhance biodiversity, and will be requested to quantify any net gains”.*

The Council’s ecology consultant has commented that subject to conditions and informative, the development will not have a detrimental impact on the biodiversity on the site and in relation to biodiversity enhancement have stated as follows:

*The application would not be subject to the new statutory biodiversity net gain requirements. The development will however result in loss of tall ruderal grass, modified grassland and 1 young sycamore tree. We would expect any such scheme to include measures to enhance biodiversity at the site and to provide a net gain for biodiversity, in line with the requirements of the National Planning Policy Framework.*

*The surveying ecologist has suggested “To compensate for the loss of a potential nest site two ‘woodcrete’ nest boxes are recommended to be fixed to trees beyond the site boundary within the landowners curtilage. Vivara Pro Seville or Schwegler 1B are suitable for this purpose. The boxes should be fixed at a minimum height of 2m from the ground facing east. Northerly and south-eastern aspects are also acceptable.” I would also suggest that a hedgebox box be installed into a secure location as well.*

*In terms of the loss of the tree, tall ruderal grass and modified grass I would suggest that a native species rich hedgerow created along the access track or a green roof on the stables would mitigate for the loss of habitat and could be secured through a landscape condition.*

Subject to appropriate conditions, the development is therefore in accordance with Policies ENV4 and ENV4 of the Rossendale Local Plan and the NPPF.

### **Archaeology**

The former Cams Mill is a non-designated heritage asset, recorded on the Lancashire Historic Environment Record, PRN7326. Originally built as a fulling mill in 1785, it was converted to waste bleaching in 1915, with that ceasing in the 1920s, after which the site was gradually demolished piecemeal until the chimney and last remaining buildings were pulled down in 1977.

A comparison of the proposed location plan with the 1st Edition 1:2500 Ordnance Survey (Lancashire Sheet 71.16, surveyed 1891) would suggest that the proposals have a potential to encounter buried structural remains, of an unknown function, that probably date to the mid-late 19th century.

Final comments received from LCC Archaeology are as follows:

*Following my recent site meeting with the applicant on 12th June, and the receipt of some further details concerning the proposed method of construction from the agent, I would like to provide the Council with the following comments & further advice:*

*i) Having now been to site and received construction details from the agent I no longer consider there a need for the Heritage Statement to be revised as I now have enough first-hand knowledge of the site to reach a decision,*

*ii) Although the site is overgrown, I still consider that the proposed development has the potential to encounter below-ground archaeological remains of buildings that are recorded on Ordnance Survey mapping of the 1890s,*

*iii) It is however unlikely that the proposed development works will cause serious damage or destruction of the site, and I would therefore advise the Council of the need for all ground disturbance in the area of those structures that can be seen on the above-mentioned Ordnance Survey mapping to be the subject of an archaeological watching brief.*

*Should the Council be minded to grant planning permission for this, or any similar scheme, it is my advice that an archaeological watching brief be secured by means of a planning condition:*

Subject to the inclusion of the condition for a watching brief, the proposed development will not have a detrimental impact on the archaeological remains at the site and is in accordance with Policy ENV2 of the Rossendale Local Plan and the NPPF.

### **Conclusion**

The proposed development is acceptable and in accordance with the Rossendale Local Plan

## **9. RECOMMENDATION**

That planning permission be approved subject to the following conditions

## **10. CONDITIONS**

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

*Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act 1990.*

2. The development hereby permitted shall be carried out in accordance with the application form and the following drawings and documents, unless otherwise required by the conditions below:

Drawing No: C50-3 Location Plan received 29.06.2023

Drawing No: C50-3 Existing Site Plan received 29.06.2023

Drawing No: C50-3 Proposed Site Plan received 29.06.2023

Drawing C50-3 - Proposed Elevations, Floor Plan & Roof Plan received 29.06.2023

C50-3 Planning Statement received 29.06.2023

Preliminary Ecological Appraisal received 13.05.2024

Heritage Appraisal received 13.05.2024

*Reason: To define the permission and in the interests of the proper development of the site.*



3. Construction works shall not take place outside the following hours:  
Monday to Friday 08:00 to 18:00  
Saturday 08:00 to 13:00  
Construction hours shall not take place on Sundays or Bank or Public Holidays.  
Access and egress for Construction deliveries shall only be accepted between the hours of (9.30am) and (2.30pm) Monday - Friday, to avoid peak traffic on the surrounding highway network.

*Reason: To ensure that site working only takes place during normal working hours in order to restrict the times during which any disturbance and nuisance may arise.*

4. All external materials to be used in the elevations and roof of the proposed development shall be as stated on the application form and approved drawings and shall not be varied.

*Reason: In the interests of visual amenity of the area and ensuring that the appearance of the development is acceptable.*

5. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

*Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the site.*

6. The buildings hereby permitted shall be used for, or ancillary to, the stabling of horses owned by or leased by the occupier of Holden Lane Barn, Holcombe Road, Helmshore, Holcombe, Rossendale only, and shall not be used for livery, equestrian events or any commercial purpose whatsoever at any time.

*Reason: In the interest of highway safety.*

7. The equine use of the land shall not commence unless and until a pasture management plan and details of management and disposal of manure have been submitted to and approved in writing by the Local Planning Authority. The use shall at all times thereafter be managed in strict accordance with the approved details.

*Reason: To protect the character and visual amenity of the area, controlled waters from pollution and the amenity of neighbouring residential properties from odours and flying insects.*

8. No lighting shall be installed or erected at the site without the submission and approval of a further application for planning permission for that lighting.

*Reason: To protect the ecology and biodiversity of the site.*

9. No development, site clearance, or earth moving shall take place or material or machinery brought on site until a method statement via a Construction Environmental Management Plan (CEMP) to protect the River Ogden from accidental spillages, runoff, dust and debris has been supplied to and agreed by

the LPA. All measures shall be implemented and maintained for the duration of the construction period and for future operations in accordance with the approved details.

*Reason: To protect controlled waters and the ecology of the area from pollution.*

10. Prior to any earthworks, vegetation clearance or demolition a method statement detailing eradication or avoidance measures for Himalayan balsam shall be supplied to and agreed in writing to the LPA. The development shall thereafter be implemented in strict accordance with the approved details.

*Reason: To ensure proper management of plant species otherwise harmful to the built environment*

11. Prior to any earthworks, vegetation clearance or demolition a reasonable avoidance measures method statement for amphibians, reptiles and small mammals shall be supplied to and agreed in writing by the Local Planning Authority. The proposed works shall proceed in accordance with the approved method statement

*Reason: In order to satisfy the requirements of the NPPF, the Wildlife and Countryside Act 1981, the Natural Environment and Rural Communities Act 2006, and The Conservation of Habitats and Species Regulations 2010.*

12. Any vegetation clearance including trees, shrubs and undergrowth (eg bramble) shall avoid the bird breeding season (March-August inclusive) unless it has been demonstrated to the satisfaction of the Local Planning Authority (which has provided its agreement in writing) that there is no nesting activity present.

*Reason: To ensure that there is no harm to nesting birds which are protected by the Wildlife and Countryside Act 1981.*

13. Prior to development commencing full details of the type and location of the two 'woodcrete' nest boxes recommended by the surveying ecologist shall be submitted to and approved in writing by the Local Planning Authority. The boxes should be fixed at a minimum height of 2m from the ground facing east. Northerly and south-eastern aspects are also acceptable. The approved details shall be implemented in full prior to bringing the development into use.

*Reason: In order to mitigate for any loss of biodiversity at the site.*

14. Prior to development commencing full details of the type and location of a hedgehog box within the site shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to bringing the development into use.

*Reason: In order to mitigate for any loss of biodiversity at the site.*

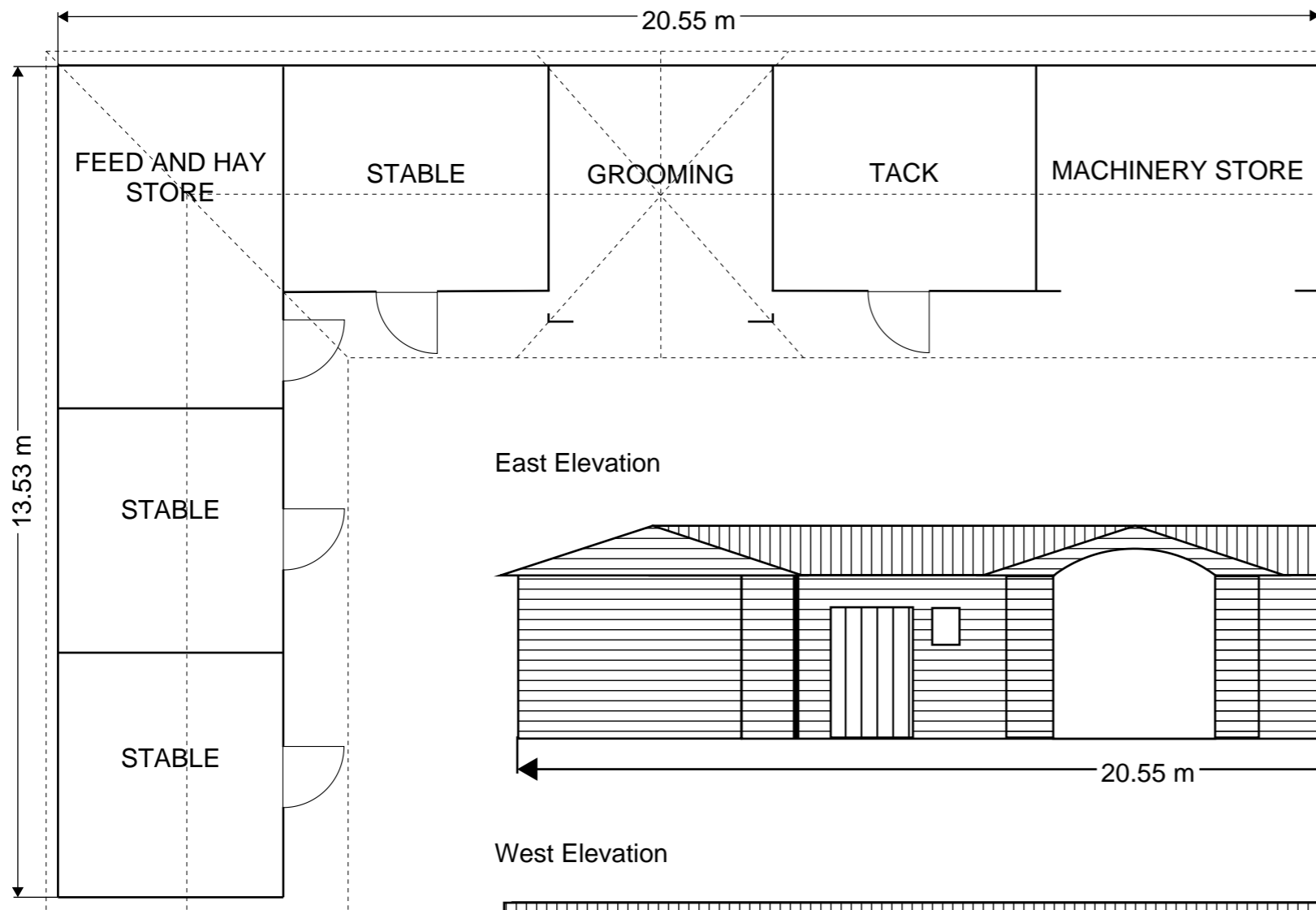
## 11. INFORMATIVES

1. 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

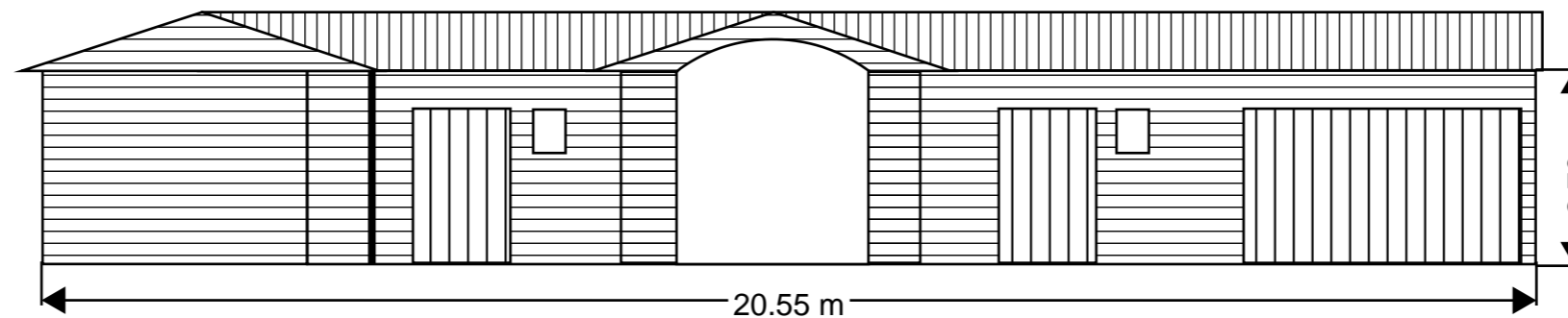
positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.

2. The 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. The applicant should be advised to contact Lancashire County Council's Public Rights of Way section by email on [PROW@lancashire.gov.uk](mailto:PROW@lancashire.gov.uk), quoting the location, district and planning application number, to discuss their proposal before any development works begin.
3. Whilst the shed, trees and shrubs on land to be developed have been assessed as negligible for bats, the applicant is reminded that under the Habitat Regulation it is an offence to disturb, harm or kill bats. If a bat is found all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.
4. The work should be carried out by an appropriately qualified and experienced professional archaeological contractor to the standards and guidance set out by the Chartered Institute for Archaeologists. Relevant archaeological standards and lists of potential contractors can be found on: the ClfA web pages, <http://www.archaeologists.net> and the BAJR Directory: <http://www.bajr.org/whoseWho/>.
5. The River Ogden, which runs through the application site, is a designated statutory main river. In addition to any planning approval, the Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:
  - on or within 8 metres of a main river (16 metres if tidal)
  - on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
  - on or within 16 metres of a sea defence
  - involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
  - in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permissionFor further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

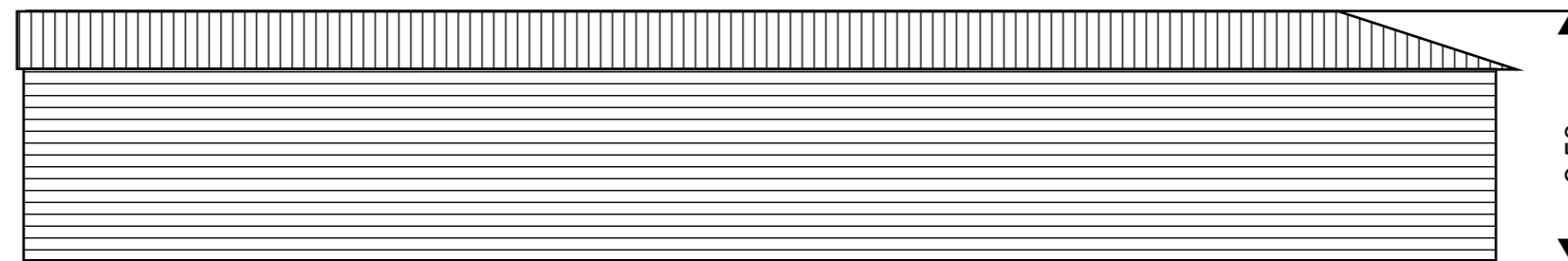
Plan View



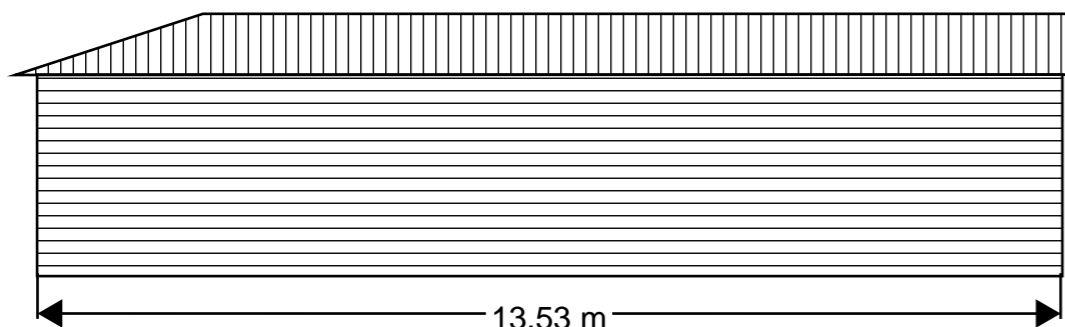
East Elevation



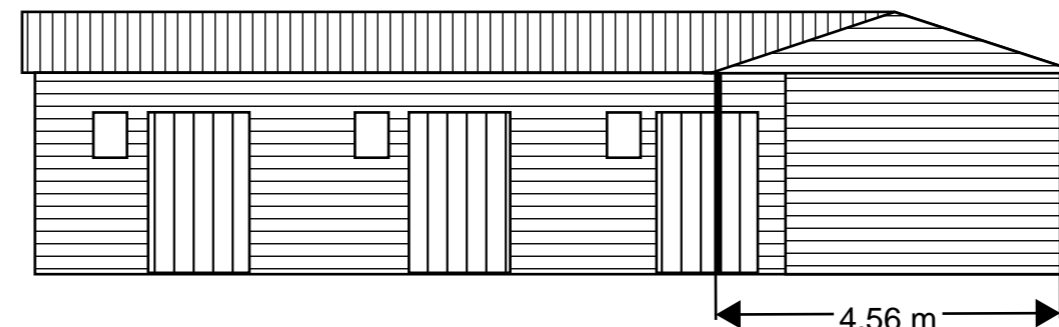
West Elevation



South Elevation



North Elevation



Do Not Scale From This Drawing

Notes:

THIS DRAWING IS STRICTLY FOR THE PURPOSE OF ASSISTING THE PLANNING AUTHORITY TO MAKE A DECISION ON THE PROPOSED DEVELOPMENT. THE PLANNING DECISION NOTICE SHOULD BE CONSIDERED AS BEING THE DEFINITIVE DOCUMENT WITH REGARD TO THE DIMENSIONS OF THE BUILDING. UNDER NO CIRCUMSTANCES SHOULD THIS DRAWING BE USED AS DEFINITIVE AND ALL CRITICAL MEASUREMENTS MUST BE CHECKED ON SITE.

SPEC:

Side elevations: 100mm x 50 mm treated timber shiplap boarding to outside and plywood sheeting to inside

Roof details: Treated timber roof trusses, at a 23 degree pitch, with an overhang to the front elevation of between 0.9 metres and 1.5 metres. Roof coverings in bitumen based Onduline sheets. PVC-U black rainwater gutters and downpipes.

Client:

MR. S. WARD

Drawing Title:

Proposed L-Shaped Stable Block

Project Address:

Land East of the B6235 (Holcombe Road)  
BB4 4RA

DRG No.

C50-3

Scale

1:200 @ A3

Drawn

RNS

Checked

TW

Approved

TW

**WIGNALLS**

Chartered Surveyors, Planning  
Consultants & Land Agents

Date

28/06/2023

www.wignalls.land

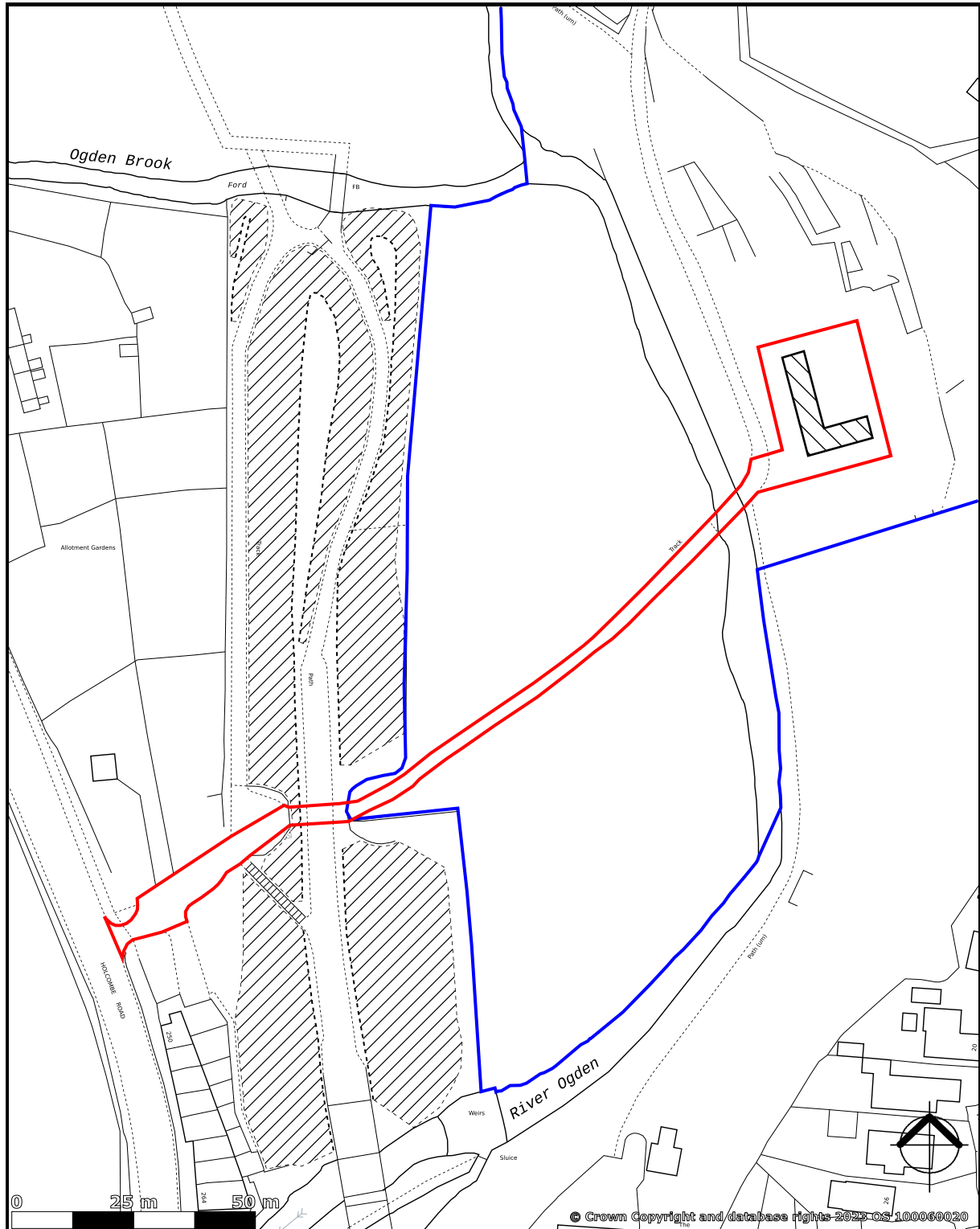
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Revision

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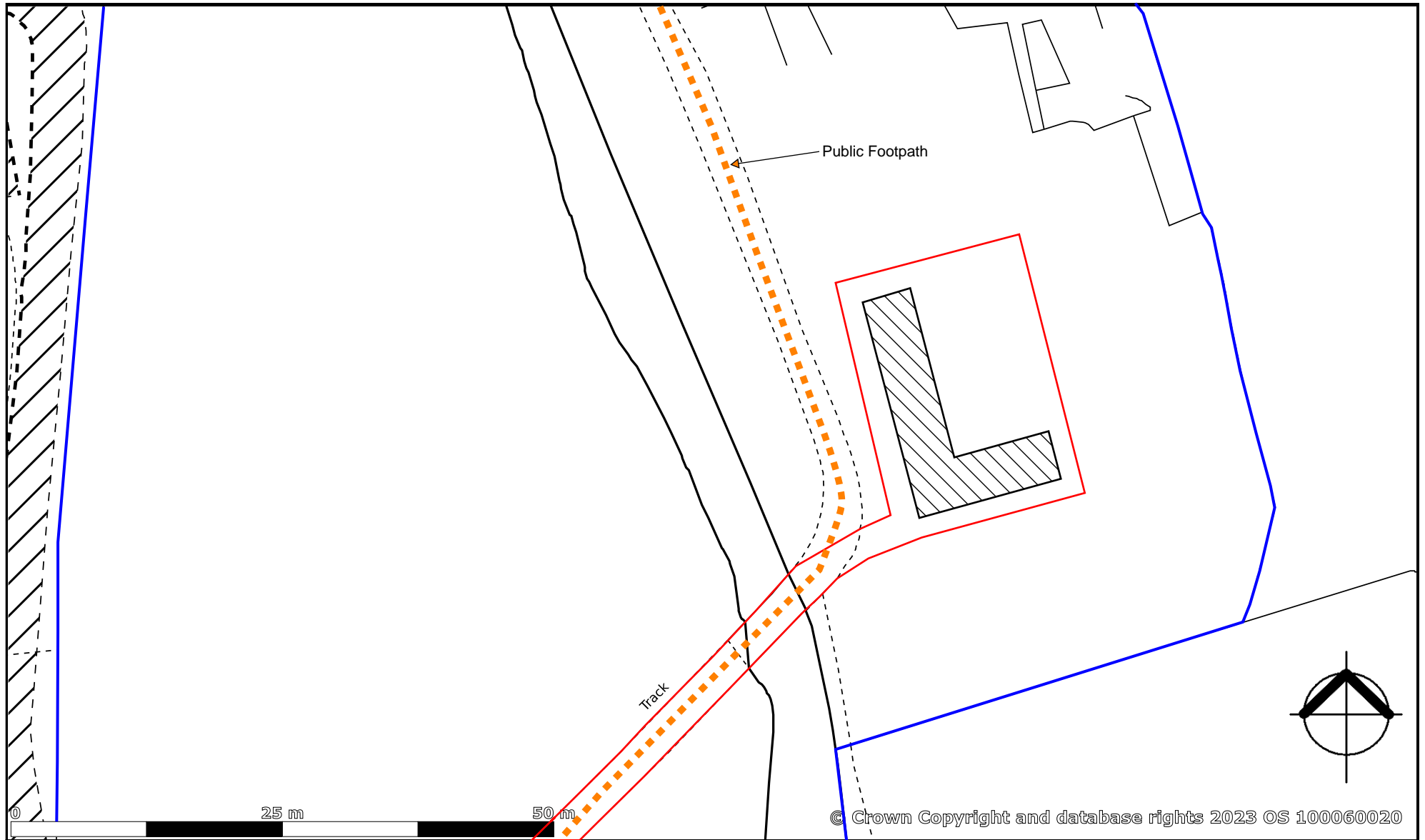
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## Location Plan Land off Holcombe Road, Haslingden

This map is published for convenience of identification only and although believed to be correct, is not guaranteed and it does not form any part of any contract

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Plotted Scale - 1:500

## Proposed Site Plan Land off Holcombe Road, Haslingden

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