

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00401/FUL	Claire Ringwood	30 th August 2023

Address: The Stables, Shawfield Lane, Norden, Rochdale, OL12 6BP

Proposal: Change of use of land to manège for a recreational riding arena together with alterations to land levels and erection of perimeter fencing and gabion retaining wall

PUBLICITY	Weekly list expired?	Y	Site notice expired?	Y
	Neighbour letters expired?	Y	Press Notice expired?	Y

DELEGATION	Significant departure from local plan?	N	Contrary to national policy?	N
	Applicant a Council Member or officer?	N	Contrary to previous decision?	N
	Major with 10 or more objections and recommending approval?	N	Called in or Planning Panel objection?	N

COMMENTS	Planning Panel comments received?	N
	Neighbour comments received?	N

EIA	Screening opinion completed and saved to Onbase?	N/A
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CONDITIONS	Pre-commencement conditions proposed?	N
	Pre-commencement conditions agreed (or notification period expired)?	N

RECOMMENDATION	GRANT subject to conditions
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CHECKED AND SIGNED OFF BY: RG

DATE: 30 August 2023

SITE

The application site is located within the hamlet of Shawfield and is a large two storey property with large gardens. The site has a barn, stables for up to 5 horses and over 12 acres of grazing land.

To the north of the proposal, running through the land of the application site, is a public right of way.

The site is located within the Green Belt and an SSSI Impact Risk Zone.

PROPOSAL

The application is for the construction of a horse riding arena (manège) on grassed land to the west of the existing stables. The manège is for the applicant's own private use. The manège measures 30m x 21m and will be enclosed with a post and rail timber fence measuring approximately 1.675m in height.

The proposal will involve significant engineering works to level the site, with a 3m level difference proposed across the site. A cut and fill operation is proposed so the manège is raised to the south and cut into the land to the north. The land will be graded and grass seeded to the north and west. A gabion retaining wall measuring 1.45m in height is proposed along the north east corner of the manège.

PLANS AND DOCUMENTS SUBMITTED

Drawing No: 2023-004-003 – Plan as Existing
Drawing No: 2023-004-004 – Sections A and B as Existing
Drawing No: 2023-004-005 – Plan as Proposed
Drawing No: 2023-004-006 – Sections as Proposed
Drawing No: 2023-004-007 – Menage elevations and details
Drawing No: 2023-004-008 – Menage Drainage details
Planning Statement
Received 20th April 2023

Drawing No: 2023-004-001 – Existing Site Plan
Drawing No: 2023-004-002 – Location Plan
Drawing No: 2023-004-006 – Sections as Proposed
Received 13th May 2023

Drawing No: 2023-004-006 – Sections as Proposed
Received 18th July 2023

Drawing No: 2023-004-005 Rev A – Plan as Proposed
Planning and Heritage Statement
Received 19th July 2023

The following updated plans were submitted on 19th August 2023:

Drawing No: 2023-004-001 – Existing Site Plan
Drawing No: 2023-004-002 – Location Plan
Drawing No: 2023-004-003 – Plan as Existing
Drawing No: 2023-004-004 – Sections A and B as Existing
Drawing No: 2023-004-005 Rev B – Plan as Proposed
Drawing No: 2023-004-006 – Sections as Proposed
Drawing No: 2023-004-007 Rev A – Menageel elevations and details

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF) – July 2021

National Planning Practice Guidance (NPPG)

Adopted Rochdale Core Strategy (CS):

- P2 Protecting and enhancing character, landscape and heritage
- G4 Protecting Green Belt
- G8 Managing water resources and flood risk
- T2 Improving accessibility
- DM1 General development requirements

Unitary Development Plan (UDP):

G/D/2- Green Belt

EM/7- Development and Flood Risk

Supplementary Planning Documents (SPD):

Supplementary Planning Guidance note 'Guidelines and Standards for Residential Development' (June 2016).

RELEVANT SITE HISTORY

16/00363/FUL - Erection of agricultural building for the storage of machinery. Refused 02/06/2016.

16/00936/FUL - Erection of agricultural building for the storage of machinery (resubmission 16/00363/FUL). Approved 28/09/2016.

16/01273/DOC - Submission of details to comply with conditions 3 (materials) and 5 (coal mining site investigations) of planning permission 16/00936/FUL. Discharged 25/11/2016.

CONSULTATION RESPONSES

The Coal Authority

*The Coal Authority Response: **Material Consideration***

I have reviewed the site location plan, the proposals and supporting information submitted and available to view on the LPA website and can confirm that part of the application site falls within the defined Development High Risk Area.

The Coal Authority's information indicates that parts of the existing access route to the site of the propose manège crosses areas of probable historic unrecorded shallow coal mining. Such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

As you will be aware, the Coal Authority's general approach in cases where development is proposed within the Development High Risk Area is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support the planning application.

However, the part of the site where the manège and associated works are proposed lies outside of the defined High Risk Area. Therefore, we do not consider that a Coal

Mining Risk Assessment is necessary to support this proposal and we **do not object** to this planning application.

Although the development proposed will be located outside the Development High Risk Area, as the site lies within an area where coal mining activity has taken place, it is requested that an Informative Note is attached to any planning permission granted.

Highways

The proposed construction of the ménage would appear to have no impact on the adopted highway network but is quite close to a public right of way so the views of the Rights of Way Officer would be essential.

Although the Planning Statement indicates a private use we would ask that the ménage itself remains ancillary to the existing building and is not used for public or commercial use as this would require extensive parking provision which is not available.

The servicing arrangements for the Stables itself would remain unchanged.

If approved the development should not have any impact on road safety or highways capacity.

Highways raise no objection to this application subject to the non-commercial use planning condition.

Drainage Officer

Original comments

Although the Applicant has submitted a Manège Drainage Details drawing, which shows an 'attenuation water storage tank' with an outlet to an 'outfall connection' there is no text explanation of the drawing to explain whether the land-drainage system is existing or additional.

The Drainage Officer has looked at historical maps and there is no indication that there is a formal stream at the 'outlet location'. If this is correct, then there is no legal 'right' to discharge land-drainage to a ditch on someone else's land. From the research done by the Drainage Officer, it looks as though the proposed 'discharge point' is on council owned land, managed by the Council Estates dept. Therefore, estates would have to agree formally to permit the discharge onto their land.

Taking a step back, I am wondering why the Manège designer thinks that land-drainage is necessary, because it involves the drainage of a large area of land to another point.

One would have thought that the Designer should just build up the horse exercise area with an open-graded subbase which allows for infiltration of rainwater straight down into the ground rather than sending it elsewhere to be a nuisance. Although the link below, also seems to suggest that you need to add 'drainage' this is not necessary. <https://geotextilemembranes.co.uk/blog/post/basics-of-horse-arena-or-menage-construction.html>

The same principle applies to permeable paving for parking areas. I have included a link to this because it explains the principles of the sub-base allowing infiltration to occur. <https://www.pavingexpert.com/perma11>

SUMMARY

The current proposal to drain a large area of field and send it to a location which is not even a stream at land belonging to a third party does not appear to meet Sustainable Drainage standards, which are now part of National Planning Policy framework.

As such, until the Applicant addresses the issues raised above, I am not able to suggest any drainage conditions.

The Applicant or their Manège designer can contact me to discuss further.

Updated comments

The Applicant originally submitted a Manège Drainage Details drawing, which showed an 'attenuation water storage tank' with an outlet to an 'outfall connection'. However, there was no text explanation of the drawing to explain whether the land-drainage system is existing or additional.

The Drainage Officer has looked at historical maps and there is no indication that there is a formal stream at the 'outlet location'. After advising the Applicant that there was no legal 'right' to discharge land-drainage to a ditch on someone else's land. Following these considerations, the applicant withdrew the land-drainage proposals. As such, the revised design is a sustainable drainage design.

DRAINAGE OFFICER CONCLUSION

The Planning Officer can refer to the above drawings and note that there is no land-drainage proposal associated with the development. As such, no drainage condition is required.

Environmental Protection

No comment to make.

Environmental Health (Noise)

No objection.

Conservation Officer

The application site is a field to the west of Shawfield, a historic fold to the west of Rochdale. Some of the buildings appear to survive from the 19th century and are shown on the first edition OS map from 1851. The majority of the buildings which form part of the fold are now in residential use, having been converted from previous agricultural uses. Buildings are predominately two to three storeys and constructed of coursed local stone.

The adjacent buildings within the fold are considered to be non-designated heritage assets, due to their age and their significance as examples of local vernacular architecture.

The application site lies to the west of this historic fold, adjacent to a modern timber stable block. The land has permission for equestrian uses, granted in 1986. The proposal is for the construction of a manège, with a timber post and rail fence. The site slopes towards the road to the south. As a result of this, significant engineering works are required, including the installation of a retaining wall construction of gabion baskets.

Manèges are not uncommon within the countryside, and in itself the manège and post and rail fencing would not appear out of keeping in the rural setting. However, the levels change is significant and there is a risk that the retaining wall could appear as an overly engineered and urban feature in the landscape. To prevent this and mitigate any harm, a condition should be imposed requiring the submission of a landscaping plan. Subject to the submission of an acceptable scheme, it is likely that a neutral impact on the setting of the non-designated heritage assets could be achieved.

Rights of Way Officer

I have observed the paperwork in respect of Planning Application number 23/00401/FUL and it does affect a right of way labelled as RocBFp9. If there are no plans to alter it in any way then they must ensure it is accessible at all times, prior, during and following completion of the development, no additional structures should be erected than is currently in place and the route should not be obstructed with vehicles, machinery or materials at any time. Any disturbance of the route should be reinstated immediately to avoid any injury to members of the public using the footpath.

REPRESENTATIONS

The application was publicised by way of neighbour notification letters, a site notice and an advert in the newspaper. No letters of representation have been received.

ANALYSIS

Principle of Development

The application site is allocated as Green Belt under the Rochdale Unitary Development Plan. Policy G/D/2 is therefore relevant to any future application on the site and in the supporting text to this policy it is established that the Green Belt will be protected from inappropriate development in order to maintain the framework of open land separating and surrounding the urban areas of the borough. Policy G4 of the adopted Rochdale Core Strategy seeks to restrict development within the Green Belt to the limited types of development which are deemed appropriate by national planning policies unless very special circumstances can be demonstrated.

Paragraph 147 of the NPPF states that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 states that *‘a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are: b) the provision of appropriate facilities (in connection with the existing use of land or the change of use) for outdoor sport, outdoor recreation....as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.’*

Case law confirms that whether a development would preserve the openness of the Green Belt cannot mean that a proposal can only be regarded as not inappropriate development if openness would be left entirely unchanged. On this basis, in assessing any application, rather than treating any change as having a greater impact on openness of the Green Belt, the approach the Local Planning Authority would be required to take is consider the impact of harm, if any, brought by the change. The factors that may have an impact would include, but are not limited to, the scale of the development, its locational context and its spatial / visual implications.

The proposal constitutes a change of use of the land to outdoor sport and recreation, which is accepted as an appropriate use in the Green Belt. There are level changes proposed with a 3m level difference across the site. The installation of a retaining wall constructed of gabion baskets is proposed to the north-west corner of the manège.

Manèges are not uncommon within the countryside, and in itself the manège and post and rail fencing would not appear out of keeping in the rural setting. With regards to openness, the development would introduce new structures in the forms of the retaining structures and fencing. In spatial terms these are minor interventions, whilst visually these are set away from existing public viewpoints and would not be clearly viewable from any vantage points. As such it is considered that the proposals would preserve the openness of the Green Belt. Given the location of the application site, its context, and the scale of the development, it would not conflict with the purposes of Green Belt.

The Council's Conservation Officer has requested a landscape condition be attached to the decision to ensure the retaining wall would not appear as an overly engineered and urban feature in the landscape however, the submitted plans show the land to be regraded primarily as grassed areas with a small section of gabion wall that would not be visible from public vantage points and officers consider this is acceptable in the existing landscape setting and that this alone would ensure a neutral impact on the setting of the non-designated heritage assets could be achieved.

The principle of development is therefore considered acceptable as the proposed development is not considered inappropriate in the Green Belt and would not impact on the openness of the Green Belt subject to other material considerations detailed below. The proposed development is therefore in accordance with Policies P2 and G4 of the Core Strategy, Policy G/D/2 of the UDP and paragraph 149 of the NPPF.

Visual Amenity

Policy DM1 of the Council's Core Strategy requires all development proposals, including changes of use of land and buildings, extensions and alterations, to demonstrate that they are of a high quality design and take the opportunity to enhance the quality of the area. Policy P3 of the Core Strategy acknowledges that good design will improve the image and attractiveness of the borough as a place to live, work and visit. This policy requires all new developments to adhere to high quality design and enhance the borough's identity and sense of place, by respecting context where it is positive and having regard to the scale, density, massing, height, layout, landscape, materials and access of surrounding buildings and areas in general.

In addition, Core Strategy policy C3 requires a high standard of development and layout that produces attractive places. Furthermore, Paragraph 130 of the National Planning Policy Framework states that planning decisions should ensure that developments are sympathetic to local character and visually attractive as a result of good architecture, layout and effective landscaping.

Paragraph 134 of the NPPF states that in determining applications, significant weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

The manège will have post and rail timber fencing and no external lighting is proposed. There are no changes proposed to the existing accesses or the right of way which runs to the north of proposal.

As stated previously there are significant changes to the levels across the application site however, as the land is to be regarded and grassed as noted above, officers do not consider that the proposal will harm the surrounding landscape or the visual amenity of the area and it is in accordance with the Policies P3 and DM1 of the Rochdale Core Strategy and the NPPF.

Residential Amenity

There is likely to be some noise and disturbance from the construction of the proposal however, this is unavoidable and would only last whilst the development is under construction. The use of the manège is within the grounds of the dwelling and for the applicant's personal use and would be unlikely to result in any adverse impacts on neighbouring resident's amenity. No external lighting is proposed and therefore there is no impact in terms of light disturbance. The proposal is considered in accordance with Policy DM1 of the Core Strategy and the NPPF.

Highways

Policy T2 of the Core Strategy sets out that development and infrastructure proposals are required to satisfy the Council's accessibility hierarchy and in all circumstances, the safety, accessibility and amenity of those who live or have business in the area will have priority, while providing reliable journey times for those travelling through.

As the proposed manège is for private use it is unlikely there would be any adverse impacts on highway safety. A right of way does run directly to the north of the proposed site but this is not proposed to be altered. A informative will be included in the decision advising the application to ensure that it remains accessible at all times, prior, during and following completion of the development and any disturbance of the route reinstated immediately to avoid any injury to members of the public using the footpath.

The proposed development is considered in accordance with Policy T2 of the Core Strategy.

Drainage

Policy G8 of the adopted Rochdale Core Strategy, seeks to promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. The Policy aims to prevent an increased risk of flooding as a result of the development and to ensure satisfactory disposal of surface water from development sites.

Drainage details were originally submitted with the application however, the Council's Drainage Officer questioned the drainage design proposed as it involved the drainage of a large area of land to another point and did not appear to meet Sustainable Drainage standards, which are now part of National Planning Policy framework.

Amended drainage details were submitted on 19th August 2023 which now show a permeable surface consisting of sand on a geotextile membrane and free draining sub base which is now a sustainable drainage design. The Council's Drainage Officer noted that as there is now no land-drainage proposal associated with the development no drainage condition is required and the proposed development therefore complies with Policy G8 of the adopted Rochdale Core Strategy.

RECOMMENDATION

GRANT subject to the following conditions:

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 of the Town and Country Planning Act 1990 (as amended).

2. This permission relates to the following plans and documents:

Drawing No: 2023-004-002 – Location Plan

Drawing No: 2023-004-005 Rev B – Plan as Proposed

Drawing No: 2023-004-006 – Sections as Proposed

Drawing No: 2023-004-007 Rev A – Menageel elevations and details

Received on 19th August 2023

and the development shall be carried out in accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the adopted Rochdale Core Strategy, the saved Rochdale Unitary Development Plan and the National Planning Policy Framework.

3. The materials to be used in the construction of the external surfaces of this development shall be as specified on the plans and/or application forms unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity and ensuring the new development responds positively to the local context and character in accordance with Policy P3 of the Rochdale Core Strategy.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no external lighting shall be installed on the development hereby approved without prior written approval of the Local Planning Authority through a planning application made for that purpose.

Reason: To ensure the proposed development would not have an adverse impact on the openness of the Green Belt by significantly increasing the prominence of the proposed development in accordance with Policy G4 of the Core Strategy, Policy G/D/2 of the UDP and the NPPF.

5. The development hereby permitted shall not be used or occupied at any time other than for purposes ancillary to the residential use of the main dwelling known as The Stable, Shawfiled Lane.

Reason: To accord with the terms of the application, and to ensure that the site is not used for public or commercial use as this would require extensive parking provision which is not available in accordance with Policy T2 of the Rochdale Core Strategy.

Procedure Statement

The Local Planning Authority worked proactively with the applicant to identify various solutions during the application process to ensure that the proposal comprised sustainable development and would improve the economic, social and environmental conditions of the area and would accord with the development plan. These were incorporated into the scheme and/or have been secured by planning condition.

Notes for Applicant:

Coal Mining

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0800 288 4242. Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Rights of Way

The applicant is advised that the development affects a right of way labelled as RocBFp9. If there are no plans to alter this right of way then the applicant must ensure it is accessible at all times, prior, during and following completion of the development, no additional structures should be erected than is currently in place and the route should not be obstructed with vehicles, machinery or materials at any time. Any disturbance of the route should be reinstated immediately to avoid any injury to members of the public using the footpath.