

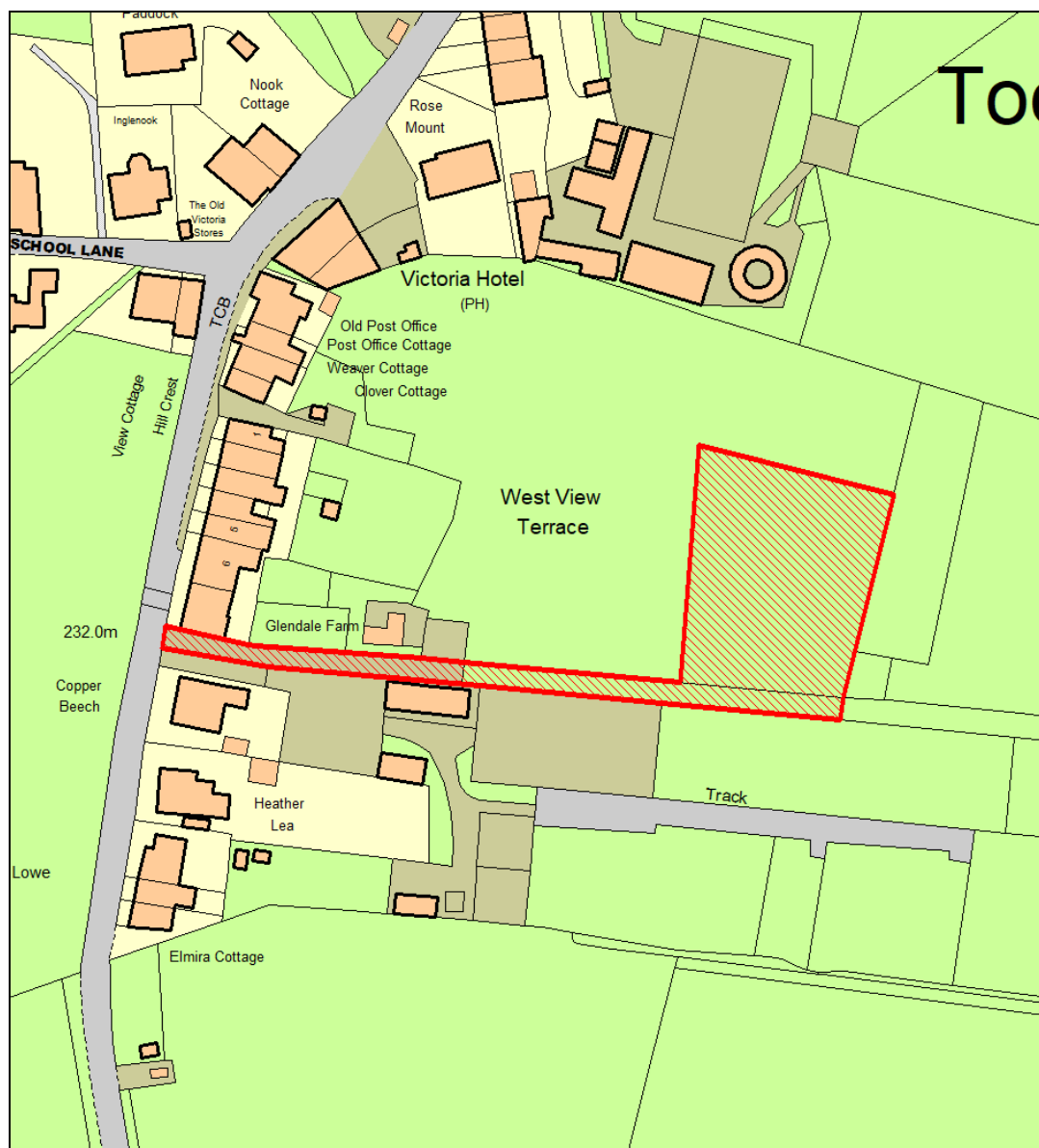
Proposed development: Proposed all-weather equestrian riding surface with timber post and rail fence

Site address: Glendale Farm, Tockholes Road, Tockholes, Darwen, BB3 0NR

Applicant: Mr Lee Thompson

Ward: Darwen West

**Councillor Brian Taylor
Councillor Dave Smith
Councillor Stephanie Brookfield**



1.0 SUMMARY OF RECOMMENDATION

- 1.1 The proposed development is recommended to be granted planning permission, subject to the conditions detailed in Section 5.

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application is presented to the Planning and Highways Committee, in accordance with the Scheme of Delegation, and following a request for the application to be brought before Committee by the Committee Chairman. Objections have been raised by two members of the public and concerns have also been raised from Tockholes Parish Council in relation to the level of information that was initially provided in support of the application. A summary of the consultee responses received and public comments made is provided below, in Section 7.
- 2.2 The proposed development has been publicised through letters to residents of the nearest 19 adjacent properties and a site notice was also posted on the site access point on 17th March 2021.
- 2.3 The Council's Development Plan supports new equine and outdoor recreational developments, provided they constitute sustainable development, and accord with the Development Plan when read as a whole.
- 2.4 The proposal will deliver a sand surfaced all-weather riding area for the exercising of horses on a non-commercial basis. Post and rail timber fencing is also proposed enclosing the riding area together with two access gates. On balance, the proposal would be satisfactory from a technical point of view, with all issues having been addressed through the application process, or capable of being controlled or mitigated through appropriately worded planning conditions.
- 2.5 The key issues to be addressed in determining this application are;
- Establishing the principle for development at this rural site;
 - Assessing spatial implications for the Green Belt allocation;
 - Design and minimising any landscape impacts;
 - Assessing the potential for adverse residential amenity impacts;
 - Flooding and ensuring the development is adequately drained;
 - Ensuring the development does not adversely contribute to pluvial flooding locally;
 - Assessing the potential for adverse highways impacts;
 - Assessing the potential for adverse ecological impacts.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site forms part of a small farmstead located within the hamlet of Tockholes and the Green Belt. The wider site, as defined by the blue edge

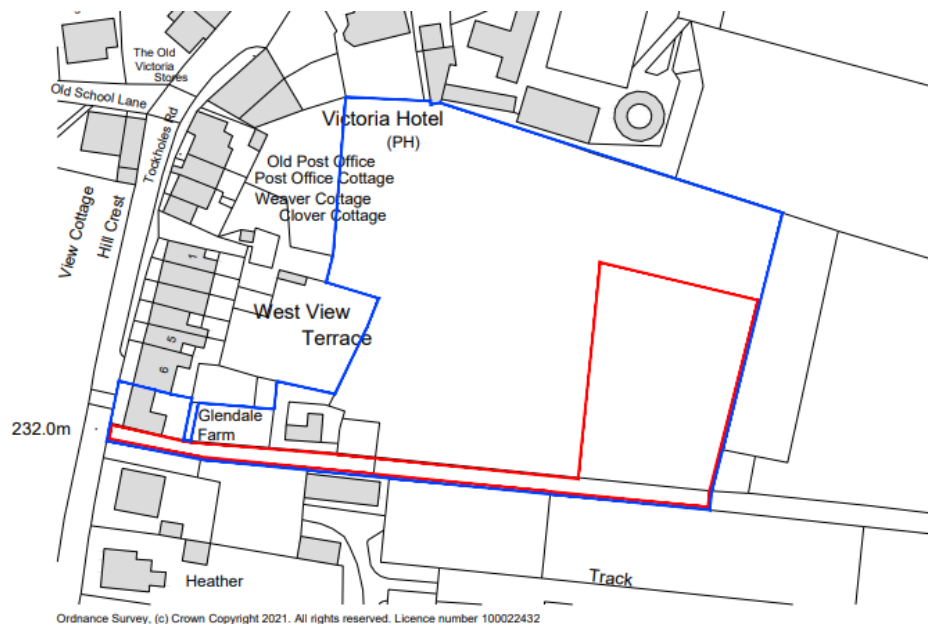
shown below in Figure two, comprises of a dwelling, stabling buildings and grazing land. Fields surround the site to all sides with existing equine facilities and buildings of various uses also found further afield.

Figure one – Satellite image of the site



- 3.1.2 Together with the access track, the site covers an area of 0.65 acres. Access would be gained directly from Tockholes Road between the dwellings Glendale Farm and Copper Beech. Trees and shrubs of various heights line the south and east site boundaries and the land is currently used for the grazing of horses.

Figure two – Location Plan showing extent of ownership and access arrangements



3.2 Proposed Development

- 3.2.1 This planning application involves the installation of an all-weather equestrian riding surface for the exercising of horses. The installation would have an area of 800 square meters with natural sand and fibre used as surfacing materials. Slight levels alterations would be applied to create a flat surface for the installation and the extent of those works can be seen below, in Figure four.
- 3.2.2 A 1.5m high timber post and rail fence is also proposed to all four sides with access gates proposed to the north and south sides. The plans submitted suggest that trees and shrubs would be removed on the south boundary to provide access to the installation in the form of a field access track.

Figure three – Proposed site plan

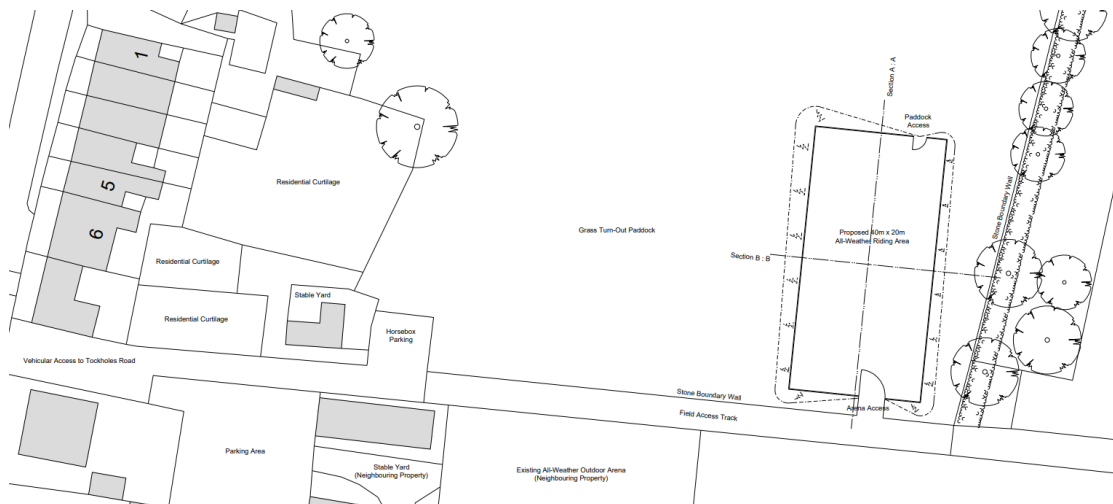
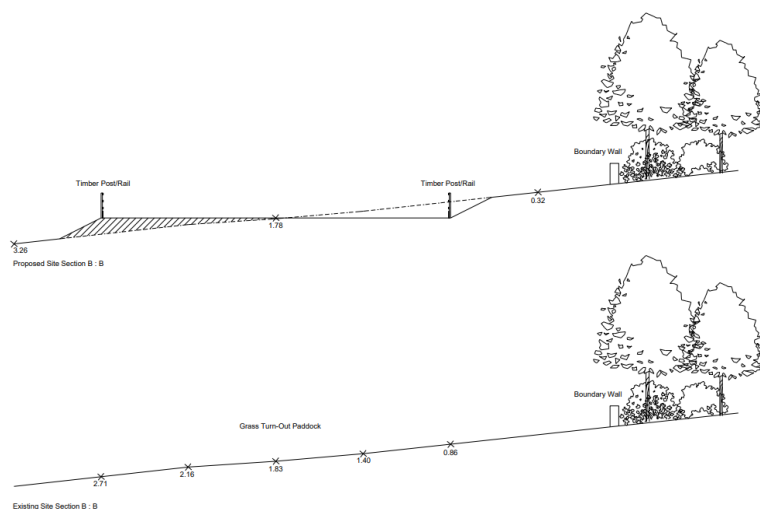


Figure four – Existing and proposed site sections



3.3 Case Officer Site Photos



3.4 Development Plan

3.4.1 Local Plan Part 2 (2015):

- Policy 3: The Green Belt
- Policy 7: Sustainable and Viable Development
- Policy 8: Development and People
- Policy 9: Development and the Environment
- Policy 10: Accessibility and Transport
- Policy 11: Design
- Policy 41: Landscape
- Policy 42: Equestrian Development

4.0 **ASSESSMENT**

4.1 Principle of Development and Impacts on the Green Belt

- 4.1.1 In relation to development within the Green Belt, Policy 3 is relevant and the principle of this development is thus initially considered under that policy. Within such locations, planning permission will not be granted for inappropriate development, except in very special circumstances. Those exceptions include the provision of appropriate facilities for outdoor recreation, so long as the development acceptably preserves the openness of the Green Belt allocation. Public concerns have been raised regarding the proposed use and losses of agricultural land.
- 4.1.2 The proposed development would fall within the outdoor recreation facilities exception detailed as part of Policy 3. It could not be argued that a sand riding surface would adversely diminish the openness of the green belt with fencing alone proposed as upright structures. Moreover, the site is accessible to suitable riding routes given the network of bridleways available locally. On that

basis, the proposed development is acceptable in principle, in accordance with Policies 3 and 42.

- 4.1.3 Losses of this relatively small site to equestrian development would not have a profound impact on the availability of agricultural land in the area. The information submitted with the Design and Access Statement suggests the land is currently not in use for such a purpose. Moreover, there are no direct provisions in the Development Plan that seek to ensure such land uses are not developed for non-agricultural purposes.
- 4.1.4 In accordance with the presumption in favour of sustainable development detailed in the Framework, and Policy 7, development proposals should proceed without delay, unless impacts which significantly and demonstrably outweigh the benefits of the proposal are identified; subject to assessment of the following matters;

4.2 Design and Landscape Quality

- 4.2.1 In general terms, Policy 11 requires development proposals to represent a good standard of design through demonstrating an understanding of the sites wider context, and making a positive contribution to visual amenity. In relation to developments that have the potential to compromise landscape quality, Policy 41 states that unacceptable impacts on landscape character, or the principle traits associated with it should be avoided. With specific reference to equine developments, adverse impacts on the character and visual amenity of the area should also be avoided, as per the requirements of Policy 42. Public concerns have been raised on various visual grounds.
- 4.2.2 The riding surface itself would be a low-profile installation with the proposed type of fencing being a common feature to the immediate area. A number of similar structures are found locally and the addition of another such facility would not alter the rural character of the immediate area to a point where a refusal would be justified. As detailed in consultee comments, losses of a stretch of multi-species hedgerow in order to accommodate the development is perhaps the most visually intrusive part of the scheme.
- 4.2.3 It should be noted that the hedgerow to be removed is not protected by any specific designation and the landowner could remove it at any point. That being said however, its presence currently provides a positive contribution to the aesthetical character of the local area and its loss must be compensated for. An appropriately worded condition is therefore recommended to ensure a supplementary landscaping scheme is provided prior to the development being brought into use. A further condition is also recommended to ensure adequate tree protection measures are in place for the trees to be retained on the east boundary. Such measures would ensure adequate screening is maintained and provided for the development thereby minimising any visual impacts caused.
- 4.2.4 Subject to compliance with those conditions, the proposed development would be acceptable in visual design terms and no harmful impacts on

landscape quality would be caused, in accordance with Policies 11, 41 and 42.

4.3 Residential Amenity

4.3.1 Policy 8 states that all development proposals should secure a satisfactory level of amenity for surrounding occupants in relation to light, privacy, noise, and general disruptions. Public concerns have been raised regarding the potential for light pollution. The development would not appear overbearing or cause any losses of privacy given its nature. In addition, use of the existing access point for the proposed use would not lead to any unacceptable disruptions for the immediate residential neighbours.

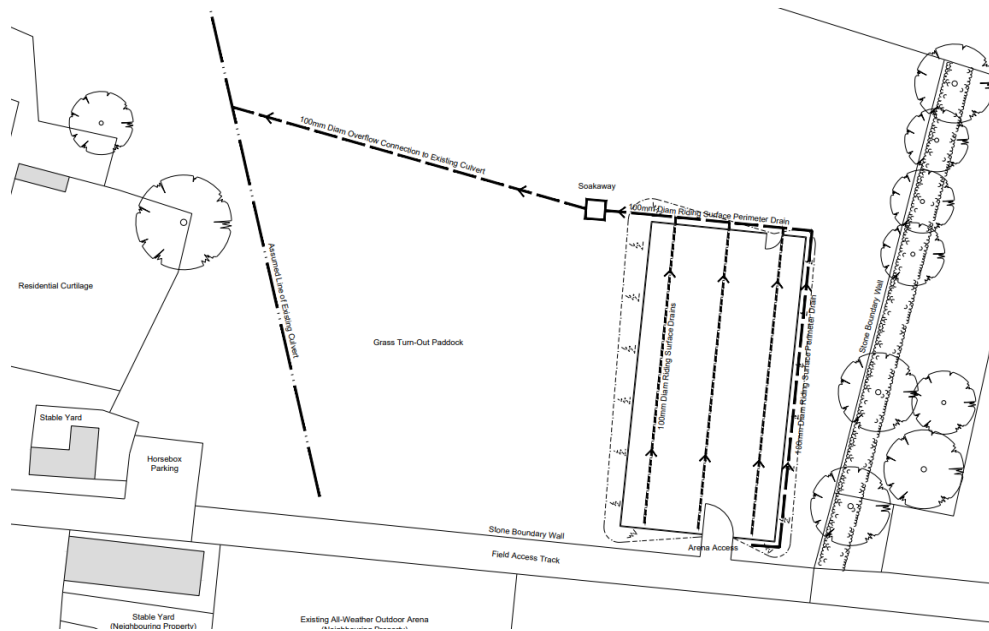
4.3.2 An appropriate condition is recommended to control any external light sources in the interests of safeguarding residential amenity and minimising light pollution for neighbours. A further condition is also recommended to ensure the riding surface is used only for private purposes in order to minimise disruptions for neighbours. Subject to compliance with those conditions, the proposed development would be acceptable in relation to residential amenity, in accordance with Policy 8.

4.4 Flooding and Drainage

4.4.1 Within Policy 9, there are overarching requirements to ensure development proposals are not subject to an unacceptable risk of flooding, or adversely contribute to the risk of off-site flooding. Numerous public concerns have been raised on surface water flooding grounds. The site is wholly within Flood Zone 1 yet information has been provided by the public confirming that pluvial flooding has been an issue previously. A standard approach to addressing such matters would be to impose a condition to control surface water drainage. Typically, the installation of a soakaway system, or similar, is adequate to attenuate any runoff created from such forms of development.

4.4.2 It should be noted that the initial comments made by BwD Drainage suggest that the riding surface would likely alleviate pluvial flooding in the area through improving infiltration rates. In order to remove the need for a condition to control drainage details, during the assessment process a surface water drainage scheme was provided by the Agent, which can be seen below in Figure five.

Figure five – Proposed surface water drainage scheme



4.4.3 As shown in Figure five, the proposed drainage system would utilise a network of 100mm wide pipes to drain the riding area. Outflow would initially drain into a soakaway system with any excess waters diverted to an existing culvert that runs to the west of the site. BwD Drainage have reviewed the proposals and they are satisfied. A condition is recommended to ensure the scheme is drained in accordance with the submitted details. Subject to compliance with that condition, the proposed development would be acceptable in relation to surface water drainage.

4.5 Highways

4.5.1 Policy 10 outlines a general requirement for development proposals to not prejudice road safety, or the safe and convenient movement of all highway users. Public concerns have been raised regarding the access arrangements. Access to the site would be maintained via an existing and appropriate access point, which currently serves numerous sites in the immediate area. The levels of traffic movements a private riding surface would lead to would not result in any unacceptable implications for the safety or capacity of the local highway network.

4.5.2 Ample land is provided within the site for the storage of plant and materials and the imposition of a condition to further control the logistics of the construction phase is not necessary on that basis. A condition is recommended to ensure the riding surface is operated in a non-commercial way in order to minimise highways disruptions moving forward. Subject to compliance with that condition, the proposed development would be acceptable on all highways grounds, in accordance with Policy 10.

4.6 Ecology

- 4.6.1 Further requirements within Policy 9 state that development proposals must avoid unacceptable impacts on environmental assets or interests, including habitats and species. Public concerns have been raised regarding losses of trees and shrubs. It should be initially noted that the BwD Tree Officer regards the trees and shrubs to be removed as being low quality. It is highly doubtful that such features would sustain ecological populations of any level of significance.
- 4.6.2 As detailed above, the landowner could clear fell the site without requiring any form of permissions. Although slight concerns are raised in the comments made by the BwD Tree Officer, it must be noted that losses of unprotected species and habitats are controlled by non-planning legislation. An informative note is recommended to raise attention to the risks associated with removing trees during the bird-breeding season. Subject to the uptake of that advisory note, the proposed development would not lead to any unacceptable implications for local ecological populations, and compliance with Policy 9 as a whole is thus achieved.

4.7 Wider Considerations

- 4.7.1 Concerns have been raised in the Tockholes Parish Council comments suggesting the application was a foregone conclusion in the respect of an approval. Early telephone discussions took place with some local residents. It was explained through those discussions that the application was a relatively common form of development in such locations and a number of similar developments already existed locally.
- 4.7.2 It was never directly suggested through those discussions that the application has already been approved as it was still in its infancy. The assessments made above have all taken place following receipt of all of the relevant pieces of information. A recommendation for approval has been made based on all of the planning merits of the case, and having reviewed all of the information provided.

4.8 Summary

- 4.8.1 This application involves the installation of a sand all-weather riding surface. The installation of timber post and rail fencing is also included as part of the proposal together with a field access track.
- 4.8.2 Subject to appropriate conditions, the proposed development would be acceptable in relation to design, residential amenity, and highways, in accordance with the policies detailed in Section 3.4.

5.0 RECOMMENDATION:

- 5.1 That delegated authority is given to the Strategic Director of Place to approve planning permission, subject to the following conditions. A specific informative is also recommended that raises awareness in relation to the protection of nesting birds, as per the provisions of the Wildlife & Countryside Act 1981 (as amended).**

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

REASON: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings: Location Plan (L100), L101, L102, L103 and L104.

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. The external materials to be used for the construction of the development hereby approved shall be as stated on the application form and approved drawings and they shall not be varied within the prior written consent of the Local Planning Authority.

REASON: Those materials are acceptable for this development and site, in the interests of visual amenity, and to comply with the requirements of Policy 11 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

4. The development hereby approved shall be drained fully in accordance with the drainage measures shown on the approved plan 'L104' and those details shall not be varied unless first being agreed in writing by the Local Planning Authority.

REASON: In order to ensure adequate surface water drainage provisions are in place to service the development, in the interests of minimising the risks of surface water flooding, and to comply with the requirements of Policy 9 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

5. Prior to the commencement of any above ground works on site, a detailed landscaping scheme shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:

- a) Details of proposals for new native species boundary hedges on the site boundaries;
- b) A supplementary planting scheme around the sand paddock;

- c) Details indicating the location, arrangement, species, sizes, specifications, numbers, and planting densities of all new planting;
- d) Details confirming the colour of the surfacing material to be used for the sand paddock.

The approved scheme shall be implemented in its entirety within the first available planting season following the substantial completion of the development. Any tree/shrub or other planting that is lost, felled, removed, uprooted, dead, dying or diseased or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

REASON: To ensure that the development is adequately landscaped so as to integrate with its surroundings, in the interests of visual amenity and landscape quality, and to comply with Policies 11 and 41 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

6. Prior to their installation, details overviewing the types, positions and heights of any new external light sources to be incorporated as part of the development hereby approved, shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in strict accordance with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In order to minimise light pollution from the development, in the interests of residential amenity and landscape quality, and to accord with the requirements of Policies 8, 11, 41, and 42 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

7. The development hereby approved shall only be used for the riding of horses owned or leased by the owners of Glendale Farm and no commercial operations shall take place from the site at any point in the future following the development being brought into use.

REASON: In order to minimise disruptions for neighbours and the local highway network, in the interests of residential amenity and highway safety, and to accord with the requirements of Policies 8 and 10 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

8. The development hereby approved shall proceed in strict accordance with the tree protection measures detailed within the submitted document 'General Tree Protection Considerations' and all the trees and shrubs to be retained within or directly adjacent to the application site shall be protected using the measures detailed within that document.

REASON: In order to minimise damage to trees and shrubs on site, in the interests of maintaining landscape quality, and to accord with the requirements of Policies 11, 41, and 42 of the Blackburn with Darwen Borough Council Local Plan Part 2, Site Allocations and Development Management Policies (Adopted 2015).

Case Specific Informative

1. The active nests of all wild birds are protected under the Wildlife & Countryside Act 1981 (as amended). An active nest is one being built, containing eggs or chicks, or on which fledged chicks are still dependent. All clearance, conversion and demolition work in association with the approved scheme shall be carried out outside of the bird nesting season which runs from March to September inclusive. If it is necessary for work to commence in the nesting season then a pre-commencement inspection of the vegetation and buildings for active bird nests should be carried out. If vegetation cannot be clearly seen to be clear of bird's nests then an experienced ecologist should be called in to carry out the check. Only if there are no active nests present should work be allowed to commence.

6.0 PLANNING HISTORY

- 6.1 No relevant planning history

7.0 CONSULTATIONS

- 7.1 BwD Drainage – In our opinion, the proposals will not add to any flooding, if they connect a drain to the culvert as proposed. A connection to the culvert will actually improve the drainage of the field. Therefore, our position is that we have no objections to the proposals, but would require the imposition of a suitably worded condition to effectively manage surface water runoff.
(Update) We would be satisfied with the proposal if the drainage is installed in accordance with the details submitted.
- 7.2 BwD Tree Officer – As we discussed, there is a lot of vegetation to be removed in the form of an established mixed species hedge. The tree survey submitted does not show a list of species like it should. My opinion is that while it is a large area to be removed, there is not a lot of quality individually. However, it does seem a shame that it all needs to come out. It will be difficult for the Applicant to mitigate the loss of the hedge, as they would need to submit a substantial landscaping scheme. It is also felt that it would detract from any screening of the proposed building and would open the site up to all the properties around. The bottom line is that we probably could not stop its removal anyway. If you are minded to approve the application, a word of caution would be offered in relation to removing the hedge during the bird nesting season.
- 7.3 Tockholes Parish Council – The Parish Council felt unable to make a decision to support the planning application until there was further information regarding the effect on neighbouring properties in terms of drainage and the road that would be compounded should the application go ahead. In addition, the Parish Council raised concerns re the septic tank which is to the left of the

land on Glendale Farm as to whether it was still in use and whether this itself would cause drainage problems. Concerns also raised re the planning department informing a resident that it was a forgone conclusion it would be passed as they are promoting health and leisure.

7.4 Ward Cllrs

7.5 Summary of Public Responses – two objections have been received from local residents as a result of the public consultation. The objections can be summarised as follows, and the full representations are contained in Section 10.

- Adverse visual implications will be caused;
- The area does not need any further riding areas;
- Surface water drainage issues will be exacerbated;
- The site has constrained access arrangements;
- Light pollution may be caused from floodlights;
- Trees would be lost to the development;
- Local wildlife may be harmed;
- Agricultural land would be lost to the development;

8.0 CONTACT OFFICER – Christian Barton, Planner

9.0 DATE PREPARED – 3rd June 2021

10.0 SUMMARY OF REPRESENTATIONS

Objection – Hugh Doyle, Old Post Office, Top O’th Low, Tockholes

Dear Mr Barton,

I am resident at the Old Post Office, Top O’th Low, Tockholes and have lived at this address for over 20 years, over this time we have seen a significant increase the flooding of the

field behind us where the proposed horse arena is set to be located. This is in part due to the building of three other arenas within 300m of the proposed development, increasing

the rate of water flow which has nowhere to go but into surrounding properties as the field drains can no longer cope with the constant development.

I have attached four videos of the last storm we had and as you can see the area where the “Menage” is to be situated is heavily flooded and because of the 10% gradient, the water

is flooding down and into adjacent properties. It has also affected properties lower down the village at Shirley Gardens and at one point flooding the Chapel.

By approving this “Green Belt” development it will significantly increase the flood risk to the surrounding area, in addition the continued environmental impact of these developments

are having on the village, which has over 15 of these arenas, to the landscape, removal of trees and destabilizing of the ground, a line needs to be drawn. You just have to look at the

number of properties listed on this application impacted if this non essential development were to go ahead, if it were a tennis court proposed, I dare say it would be turned down

immediately and I see no difference here.

Finally I have attached a photo taken today, which I believe shows the intended use of the “Green Belt” agricultural field, with sheep grazing on it and not a manufactured scared landscape.

I fervently hope that this planning application is rejected and this rural farming village can keep more of its heritage and not be transformed by somebodies hobby.

Yours Sincerely

Hugh Doyle



Objection – Michael Brown, 3 West View Terrace, Tockholes, Received 05.03.2021

Dear Mr Barton,

Further to the email below from Hugh Doyle to Mrs Judith Finney, Tockholes Parish Clerk, I would also like to register my objection to the proposed 40m x 20m “Dressage Arena”, “Menage” or “All weather riding area” to the rear of West View Terrace.

There are a number of reasons which I put forward in support of my objections:

1. An 800m² (8,611 sq. ft) facility is much too large a development for the location in the field – this will be a major change to the appearance of the land and it will be visible to the whole of West View Terrace, properties further down Tockholes Road and Weasel Lane. This in my opinion will drastically impair the visual amenity currently enjoyed.
2. If you make a change in structure of that size to the field, where is the rainwater going to go? You are removing nearly 0.2 acre of natural grassland which may result in the physical condition of the land below the proposed all weather riding area to deteriorate further due to increased water erosion. The field is horrendous during heavy rain and there are videos in existence which show the severe level of flooding that can occur.
3. How will plant and machinery access the site? – limited access.
4. How are the developers going to deliver tonnes of base aggregates, sand and equestrian surface topping to the site? – limited access.
5. Any potential future lighting added will be detrimental to the area and increase light pollution. I understand it is not in the original proposal.

6. There are two Menages to the left and right of the proposed development and one to the rear (see attached pdf) – I believe there are approximately 15 currently in Tockholes. Why do we need another?
7. The tree survey shows that the trees and bushes on the adjacent track are to be removed. This will have a negative impact on the wildlife that shelters there and also on the visual amenity.

I hope this will be taken into consideration prior to making your decision.

Yours Sincerely

Michael Brown

Comments – Judith Finney, Tockholes Parish Clerk, Tockholes Parish Council, Received 17.03.2021

Re the above Planning application re Glendale Farm Tockholes Rd Tockholes Parish Council wish to make the following points –

The Parish Council felt unable to make a decision to support the planning application till there was further information from the Environmental Agency re the effect of the drainage on neighbouring properties and the road which would be compounded should the application go ahead. Also the Parish Council raised concerns re the septic tank which is to the left of the land on Glendale Farm as to whether it was still in use and whether this itself would cause drainage problems.

Concerns also raised re the planning department informing a resident that it was a forgone conclusion it would be passed as they are promoting health and leisure.

Judith Finney (Tockholes Parish Clerk)