

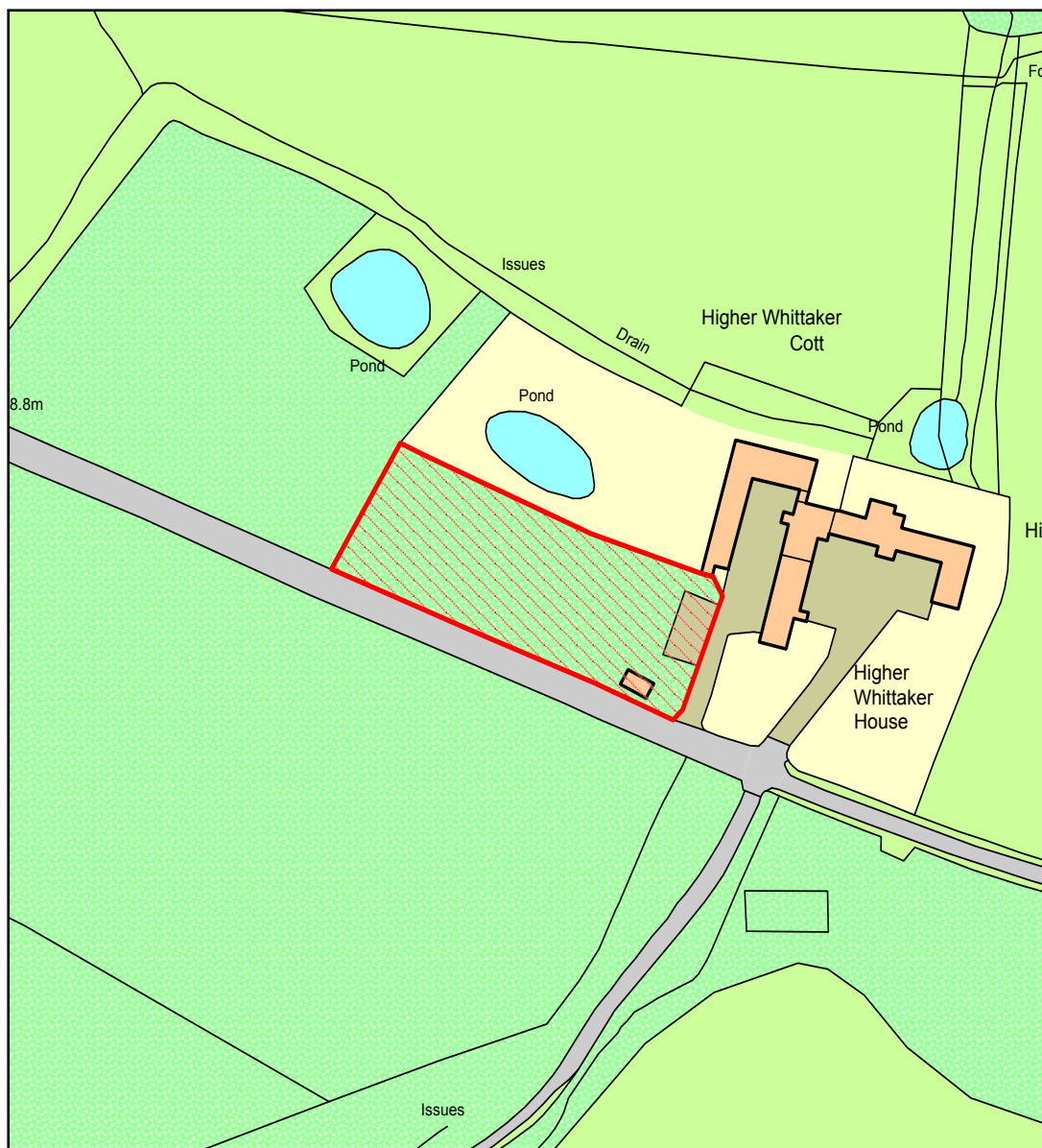
Proposed development: Full Planning Application for construction of a stable block for up to 6 horses with storage and tack room. Menage area and timber boundary fence (resubmission of 10/15/0912)

Site address: Higher Whittaker House, Longworth Road North, Belmont, BL7 8BH

Applicant: Mr Matthew Garnett

Ward: West Pennine

**Councillor Colin Rigby
Councillor Jean Rigby
Councillor Julie Slater**



1.0 SUMMARY OF RECOMMENDATION

1.1 APPROVE – subject to conditions

2.0 KEY ISSUES/SUMMARY OF PLANNING BALANCE

- 2.1 This application is before the committee for consideration as part of the development is retrospective, and the Chair has agreed for the application to be determined by the Committee through the Chair Referral process. The proposal provides for a new stable block, ménage and timber boundary fence on a parcel of previously undeveloped land, positioned to the north of Longworth Road North. The site is situated within open countryside and includes a county biological heritage site. The site lies in close proximity to the West Pennine Moors SSSI
- 2.2 The proposal relates to equestrian development and is identified as an appropriate use within the countryside setting given the access to suitable riding routes in the locality. The proposed stable block is not considered to be harmful to the openness and character of the setting due to a combination of the area's topography, the relationship with the existing group of buildings, its design. Consideration of the most appropriate facing materials is a matter that can be controlled via planning condition. The proposal is otherwise satisfactory from a technical point of view, subject to conditions.
- 2.3 The most contentious element of the application is the impact of the development upon ecological interests as the development will, in part, overlap with a county biological heritage site and is close proximity to the West Pennine Moors SSSI. The land has been previously affected by works related to planning application 10/15/0912, which stripped much of the site and partly remodelled land levels; that application was subsequently refused due to the damage to habitats and an absence of appropriate mitigation, compensation or other justification for the works. However, the current proposal is supported by both Capita Ecology and Natural England, subject to planning conditions. Central to that position is the submission of an ecological management plan, which the consultees indicate would, if strictly adhered to, eventually restore and retain the features for which the biological heritage site was designated; as well as safeguarding the sensitivities of the SSSI.

3.0 RATIONALE

3.1 Site and Surroundings

- 3.1.1 The application site comprises approximately 8,200m² of previously undeveloped land within the West Pennine Moors. The land is identified as a County Biological Heritage Site (BHS); Higher Whittaker Pasture (ref: 61NE10). The BHS designation dates back to 1993 (boundary modified in 1999) and was related to the presence of rare species rich grassland. The site also forms part of the 'West Pennine Moors' SSSI, which was formally designated on the 17th November 2016.

3.1.2 The site is currently used for the grazing of horses. It is bounded by Longworth Road North on its southern edge, with the land rising and undulating as it moves north. On the northern edge is a small ornamental pond (added in 1999 and the basis for the modification of the BHS boundary in the same year). A small cluster of domestic properties, including the applicant's own, lay in close proximity to the eastern edge of the site.

3.2 Proposed Development

3.2.1 The proposed stable block is to be sited in the south west corner of the site adjacent to Longworth Road North. The stable measures 10m x 15.6m and 4.8m to ridge; it comprises 6 stalls, a tack room and storage area. The stable block is to be constructed with rendered walling and slate roofing. The ménage measures 37m x 18m and is to be positioned in close proximity to the stable block. The site boundary and ménage are to be enclosed by a timber post and rail fence

3.2.2 The proposed development is, in part, retrospective. Ground works to strip the site and alter the land levels were undertaken prior to the submission of planning application 10/15/0912, though the site has now returned to a semi-natural state. The post and rail fencing has also been erected to the site boundary. A stable block has been erected in the south east corner since the application was lodged, though its form and size are not consistent with the proposed details provided with the application and the applicant has advised that this is a temporary measure necessary for animal welfare.

3.3 Development Plan

3.3.1 In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan, unless material considerations indicate otherwise.

3.3.2 The Development Plan comprises the Core Strategy and adopted Local Plan Part 2 – Site Allocations and Development Management Policies. In determining the current proposal, the following are considered to be the most relevant policies:

3.3.3 Core Strategy:

- CS13: Environmental Strategy
- CS15: Protection and Enhancement of Ecological Assets

3.3.4 Local Plan Part 2 (LPP2)

- Policy 5: Countryside Areas
- Policy 8: Development and the Environment
- Policy 11: Design
- Policy 41: Landscape
- Policy 42: Equestrian Development

3.4 Other Material Planning Considerations

3.4.1 National Planning Policy Framework (The Framework).

At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking. For decision taking, this means approving development proposals that accord with the development plan without delay (paragraph 11). The following sections are of particular relevance to the assessment of this application

- 12. Achieving well designed places
- 15. Conserving and enhancing the natural environment

3.5 Assessment

3.5.1 The key issues in relation to this application are:

- Whether the proposal harms biodiversity interests
- Whether any identified harm can be adequately compensated and/or mitigated
- Whether the development will harm landscape character/ visual amenity interests
- The impact of the development upon residential amenity

3.5.2 Paragraph 175 of the NPPF advises that LPA's should aim to conserve and enhance biodiversity by applying a set of principles, which include;

“if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused”;

“development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest”

3.5.3 This stance is respected within the Borough Local Plan, with Core Strategy Policy CS13 indicating development will only be permitted where it creates no unacceptable environmental impact. 7 examples are detailed of which Part (v) is of particular relevance;

“Development which results in the loss of or unacceptable damage to environmental resources including habitats and networks of habitats, landscapes and built heritage”.

Local Plan Part 2 policy 9, parts 6 to 9, advise;

“Development likely to damage or destroy habitats or harm species of international or national importance will not be permitted”.

“Development likely to damage or destroy habitats or species of principal importance, Biological heritage Sites, or habitats or species listed in the Lancashire Biodiversity Action Plan will not be permitted unless the harm caused is significantly and demonstrably outweighed by other planning considerations and an appropriate mitigation strategy secured”.

“Damage likely to damage or destroy habitats or species of local importance will not be permitted unless the harm caused is outweighed by other planning considerations and an appropriate mitigation strategy can be secured”.

Development that will result in the further fragmentation of, or compromises the function of, Blackburn with Darwen’s ecological network will not be permitted unless; (i) The harm caused is significantly and demonstrably outweighed by other planning considerations (ii) An appropriate mitigation strategy secured.

3.5.4 Ecology:

The application site is covered by the BHS: Higher Whittaker Pasture (ref: 61NE10). Prior to the works associated with the previously refused planning application 10/15/0912 the BHS formerly supported an upland type of Caltha meadow, referable to as the nationally scarce MG8 Cynosurus cristatus-Caltha palustris grassland. It was dominated by Caltha palustris, a flowering plant known most commonly in England as Marsh Marigold or Kingcup, though also supported a wider ecosystem of forbs, grasses, fungi, mosses, invertebrates and microbes. The site is also within 50m of the West Pennine Moor SSSI.

3.5.5 The current application is supported by an Ecological Appraisal produced by Ascerta. The document includes a habitat survey that grades the site’s ecological value as ranging between negligible and county level. It should be noted that the survey work informing the appraisal was undertaken post the unauthorised work associated with application 10/15/0912 and thus the baseline position reported in the document can be considered to be compromised. A point highlighted in the public objections received; as well as being recognised as a limitation in section 4.4 of the Ascerta document.

3.5.6 The applicant has maintained throughout the assessment of the previous application and in conjunction with the current one that the rare grassland had already been lost/harmed by actions associated with the previous owner of the land, which included the setting of fires. This position is difficult to verify, though it should be acknowledged that the last ecological audit of the land by the County Council was a number of years ago. Accordingly the definitive baseline position, immediately prior to any work at the site, is difficult to establish.

3.5.7 Notwithstanding the problems raised previously in relation to establishing the baseline ecological position, an assessment of the ecological impact of the development is required.

3.5.8 The applicant's own submission is supplemented by an ecological appraisal that includes both a desk study and field survey. Given the BHS designation, planning history and objections raised, the report's results on the 'semi-improved neutral grassland' are noteworthy;

"In 2015 only a small area (approximately 1,120m²) of this habitat remained after earthworks and overgrazing by horses. However, the habitat has recovered and a diverse sward of vegetation has re-established over much of the site. The grazing regime has been lessened since 2015 and the horses receive supplemental feeding as well as restricted access to the area. The vegetation has benefitted from this management regime and recovered well, with many species indicative of the BHS designation noted, including an orchid and wet flush species such as marsh marigold, marsh thistle and angelica. A full species list, including DOMIN values are presented in Appendix 2 and this grassland is considered to be species rich. The species rich grassland habitat can provide foraging habitat for amphibians, small mammals, birds and bats, and invertebrates but is unlikely to provide nesting bird habitat due to the occasional presence of horses grazing. It is listed as the citation feature of the BHS as it is scarce in Lancashire".

3.5.9 The report also offers comment in relation to the designated sites and habitats;

"The site is designated as 61NE10 Higher Whittaker Grassland Biological Heritage Site (BHS) (non-statutory designation) and part of the site is designated as the West Pennine Moors SSSI. The BHS is designated for the species rich semi-improved neutral grassland, including the wet flushes (citation is included in Appendix 4) and originally this habitat covered approximately 8,300m² (last surveyed in 2000). Currently there is approximately 6,540m² of the habitat on the site and approximately 1,000m² will be lost to the proposals. Policy CS15 of the Local Plan, ensures protection of Biological Heritage Sites and any loss of habitat is unlikely to be acceptable to the Council. Protection of SSSI habitat is also covered by policies within the Local Plan. The Lower Whittaker Pastures BHS (61NE10) is hydrologically connected to the Higher Whittaker Pastures, but measures will be taken to ensure the hydrological connectivity is unaffected by the proposals to include use of ménage surfacing with appropriate low pH and control of drainage from the ménage and stable area to ensure water does not drain into the surrounding BHS or SSSI".

3.5.10 The conclusion within the ecological appraisal is that the development will not harm local ecology. That position is disputed within the objections received (see section 9.0). Members are advised that even if the assessment is narrowed to the net loss of the BHS area alone, in the absence of appropriate mitigation and/or compensation the development is contrary to the

requirements of Paragraph 175 of the NPPF, Core Strategy Policies CS13 and CS15, and Policy 9 of the LPP2

3.5.11 However, as set out in sections 3.5.2 and 3.5.3 of this report, the national and local policy requirements allow for development that may harm ecological assets, subject to appropriate mitigation and or compensation. The applicant has sought to address the ecological harm by the submission of an Ecological Management Plan. The objectives of the Ecological Management Plan are:

- *Ensure protection of the retained BHS and SSSI onsite during construction;*
- *Control Invasive species within the BHS and SSSI;*
- *Ensure protected species are not harmed as a result of the works;*
- *Provide details of grazing regime to ensure the value of the BHS and SSSI habitats are not harmed as a result of the proposals; and*
- *Provide details for on-going management of the grazed area to ensure a reduction in species such as dock and thistle and an increase in species for which the BHS is designated.*

“The outcomes of the Management Plan would be to ensure restoration of the species rich grassland to include restoration of feature and species for which the grassland was originally designated as a BHS. Once restored, the Plan aims to ensure sustainable management of the grassland as a species rich sward that retains the features for which the BHS was designated”.

3.5.12 The Management Plan covers a period of 10 years, and includes a detailed maintenance schedule for the initial 5-year period. The recommendations from the ecological report are included in the management prescriptions. The management plan indicates that it should be reviewed after the first year and updated as necessary. Thereafter it should be reviewed on a 5-yearly basis and updated accordingly.

3.5.13 The main recommendations addressed through the Management Plan are;

1. Retention of the pond habitat and a 3-5m margin along pond margin to be kept free from grazing as current;
2. Control of montbretia, dock and creeping thistle by spot spraying;
3. Reseeding and plug planting bare earth areas with an appropriate, native mix of meadow and wet flush species;
4. Avoiding vegetation and building removal during the bird breeding season (1 March to 31 August inclusive) or undertake a survey for breeding birds and ensure any active nests found are protected within a suitable buffer zone until they are no longer in use;
5. Lighting proposals sensitive to the needs of bats;
6. Habitat enhancement with the installation of 2 bird boxes, 1 bat box, and an amphibian hibernacula; and
7. Habitat creation to include tree planting using appropriate native species.

3.5.14 The submitted Ecological Management Plan has been appraised by the Council’s consultants, Capita Ecology, as well Natural England (NE). Indeed, in part, the document has been drawn together in conjunction with NE. Both

consultees have accepted the document and removed their earlier objections to the proposals.

3.5.15 In their response Capita Ecology are clear that in isolation the proposal fails the provisions of *Policy CS15: Protection and Enhancement of Ecological Assets*. However, it is advised that the submitted ecological management plan would, if strictly adhered to, eventually restore and retain features for which the BHS was originally designated. Providing that the management plan is conformed to, with a review of the site and plan on a yearly basis for the first five years, followed by a regular five year review for the remaining 20 years by a suitably qualified ecologist these measures should enable the site to be restored in keeping with its designated status. This matter can be controlled via planning condition and is set out in section 4.1 of this report.

3.5.16 NE, whilst principally concerned with the impact of the development upon the neighbouring SSSI, have also offered no objection to the revised application. That position is subject to conditions relating to (i) preventing the dispersal of the surfacing within the ménage in to the SSSI as this has potential to affect the pH level of the soil.; and (ii) drainage controls to again prevent surface water being discharged towards the grassland.

3.5.17 Visual Amenity:

Policy 41 of the LPP2; (part 1) sets out that development will be permitted provided there is no unacceptable impact on landscape character and the principal traits associated with it. Policy 42: Equestrian Development, amongst other considerations advises that proposals can be supported if they do not have an adverse impact on the character and visual amenity of the area. Policy 11 of the LPP2 relates to design and sets out a requirement to present a good standard of design; demonstrating an understanding of context and the need to make a positive contribution to the local area

3.5.18 The proposed ménage and stable block development could be perceived as intrusions in to a natural landscape, though both elements are relatively common forms of development within the borough's rural areas.

3.5.19 Although a new stable block that has been built on site since the application was lodged, it is different in size, form and materials to that set out within the application. Nonetheless, the development provides a useful reference to understand the likely visual impact of the proposed stable. The siting of the block on the lowest portion of the site serves to reduce its impact, as when viewed from distance the building is set against the rising land reducing its prominence. The proposed building, whilst approximately double the size of that currently in-situ, is considered to have a similar relationship with the landscape. A notable difference is the use of render on the proposed details, whereas the in-situ stable is constructed with timber. It is considered that the use of render is non-vernacular and likely to be incongruous within the setting. Either natural stone or timber are more acceptable solutions. The use of acceptable/appropriate facing materials could be successfully addressed by a

suitably worded planning condition, should the development be supported. The use of timber post and rail fencing raises no concern in this rural setting.

3.5.20 On balance, the changes to site levels and addition of ménage and stable block are not perceived as having an unacceptable impact upon landscape character or to be harmful to the visual amenity of the locality, more generally. The development in this regard is consistent with Policies 11, 41 and 42 of the LPP2, subject to a condition requiring materials to be submitted and agreed.

3.5.21 Residential Amenity:

Policy 8 (part ii) of the LPP2 seeks to secure satisfactory levels of amenity for surrounding uses, with reference to matters including; noise, odour, light, dust, other pollution or nuisance and the relationship between buildings.

3.5.22 The public objections received include reference to issues including overlooking and disturbance affecting the adjacent garden area, and loss of amenity from odours. There would appear no realistic prospect of significant harm from overlooking arising from the use of the ménage area. The land levels are such that a rider in the ménage would have little opportunity for overlooking; should this even be practical whilst handling/working a horse. In any event any such overlooking would be casual and relatively infrequent and would not substantiate refusal. The potential for animal effluent to significantly harm the amenity of neighbouring residents is addressed in the response of the Head of Public Protection. It is considered that the matter can be adequately addressed by the application of a planning condition requiring details of the storage and disposal of manure and or soiled bedding. Subject to the condition it is submitted to Members that the proposal would satisfy the requirements of Policy 8 (part ii) of the LPP2

4.0 **RECOMMENDATION**

4.1 **APPROVE** subject to the following conditions

- Commence development within 3 years
- Stable and ménage to be for personal use only
- Materials to be submitted and agreed
- Details of appearance and position of the kick board to western edge of ménage to be submitted and agreed
- Construction management plan to safeguard SSSI to be submitted and agreed
- Development to be in accordance with the Ascerta: Ecological Management Plan (dated January 2018)
- Following implementation of the planning permission an annual review of the site and ecological management plan to be submitted for the first 5 years, followed by a five-yearly review for the remaining 20 years.
- Drainage scheme to be submitted and agreed
- Prior to first occupation of the stable block a scheme detailing the storage and disposal of animal effluent to be submitted and agreed

5.0 PLANNING HISTORY

- 5.1 10/15/0912 - Construction of a stable block for up to 6 horses with storage and tack room, & ménage (Refused)

6.0 CONSULTATIONS

Public Protection

No objection subject to a condition relating to the storage and disposal of animal effluent in order to safeguard the amenity of neighbouring residents

Local Drainage Authority

No objection subject to a condition requiring a drainage scheme to be agreed

Capita Ecology

The application fails to comply with Policy CS15: Protection and Enhancement of Ecological Assets, where the borough's ecological assets will be protected, enhanced and managed with the aim of establishing and preserving functional networks which facilitate the movement of species and populations.

However, an ecological management plan has been submitted which if strictly adhered to would eventually restore and retain features for which the BHS was designated. Providing that the management plan is conformed to, with a review of the site and plan on a yearly basis for the first five years, followed by a regular five year review for the remaining 20 years by a suitably qualified ecologist these measures should enable the site to be restored in keeping with its designated status.

We recommend that the implementation of the ecological management plan and a summary report of the annual monitoring to be submitted to yourselves is enforceable by condition.

Natural England

The application has answered a number of concerns raised during the pre-application phase. They have addressed drainage issues from the ménage and stables, as it is important for any nutrient rich water to be drained away from the protected sites. They have also addressed concerns about the ménage surface and the potential this may have to affect the pH of the SSSI (the grassland being low nutrient and low-neutral pH)

Additional responses from the applicant relating to (i) the use of a kickboard on the western edge of the ménage; (ii) the raising of the kick board to the middle strut of the post and rail fence; and (iii) storage of waste away from the SSSI boundary sufficient to remove any objection

Highways

No objection to the principle of the stable development provided the development is for personal use only.

Public Consultation

3 neighbouring properties have been individually consulted by letter and a site notice displayed. The consultation exercise was repeated following the receipt of amended details. 8 letters of objection have been received; they are set out in section 9.0 of this report

North Turton Parish Council

No objection to the proposed stable and ménage, but concerns with the very narrow roads that feed in to the site

7.0 CONTACT OFFICER: Martin Kenny, Principal Planner

8.0 DATE PREPARED: 31st October 2018

9.0 SUMMARY OF REPRESENTATIONS

9.1 Representations from Peter Jepson, Chartered Ecologist and The Wildlife Trust for Lancashire, Manchester, and North Merseyside.

Peter Jepson, Chartered Ecologist, 17th June 2018:

I have not had chance to read in detail, but a quick scan through the Ecology Report and the Management Plan leaves me with significant concerns.

First and foremost the documents mention you both and give the impression that you are in agreement with the contents and support the application. Please confirm whether or not this is the case.

In terms of habitat, as a BHS it was designated under Guideline Gr1, for grassland type NVC 8 - Caltha meadow, the need to restore it as this habitat gets no mention. The survey in September is totally inappropriate for this habitat, the Management Plan does not state who should receive the monitoring reports nor how these reports would be actioned should the desired (but unstated aim of Caltha meadow) not being delivered.

If for no other reasons this application needs to be refused.

I will give the application more detailed consideration in the next few days, and why given my and others previous objections over the development here, without planning permission, that BwD did not feel fit to notify the local experts.

Philip Reddell, South Pennines Grasslands Project Officer, The Wildlife Trust for Lancas hire, Manchester and North Merseyside, 18th June 2018 (response to Peter Jepson):

“Hello Peter

I don't support the application and shouldn't be included in the Ecology report and Management plan.

I visited the site in September 2017 and met with the landowner at Karen's request. I made some recommendations for restoration of the stripped areas of the site to Karen. Looking back through emails; these were that attempting to seed the bare areas wouldn't be successful due to standing water and compaction from heavy machinery, a recommendation on herbicide for control of dock and thistle, and plug planting to increase the numbers of certain species.

I've had no contact with the landowner since.

Thanks

Phil”

- 9.2 The issues and comments referred to above by Mr Jepson and Mr Reddell, have been addressed in paragraphs 3.5.8, and 3.5.11 – 3.5.16 above.

Objection Dominic Middlehurst, Higher Whittaker Cottage, Longworth Road North, Belmont, Bolton. - Rec 06/06/2018

Planning Application 10 /18 / 0154 - Higher Whittaker House, Longworth Road North, Belmont

Formal Observations / Objection

Martin,

In line with your letter requesting observations on the revised / amended plans and our telephone conversations please find below our observations / concerns / and formal objections to the planning application.

Note:- We are direct neighbours to the applicant and the South elevation of our private garden directly overlooks the land of the proposed development, as shown on the planning drawings.

1. Land where Development is Proposed:-

The land is designated as a Biological Heritage Site which the planning applicant was and is currently aware of.

This land was severely excavated prior to obtaining the relevant consent in July / August 2015 by the planning applicant, which has changed its appearance and ecology dramatically beyond recognition.

During this destruction a council enforcement officer, Mr. Alastair Phillips visited site and halted all work via an enforcement notice.

Unfortunately, major damage had been caused by this time with the following important countryside features being destroyed / removed:-

- **Number of trees**
- **Hedges**
- **Large pond has been completely filled in which was close to the road**

- **Destroyed habitat area for many, birds, ground nesting birds, insects, wild flowers, pond life including amphibians**

At the time the local residents were advised that this land would be returned to as near as possible, its original state. To date this has not been done or requested by the Council to our knowledge.

Subsequently two wooden stables and hardcore standing and surround have been constructed where the existing pond was situated.

The first question which needs addressing / answering by the council is why they are considering a planning application on land which by rights should have been returned to its natural state before the excavations in July 2015.

I enclose 2 No. aerial views of the land prior to the excavation of the land.

Picture 1 – Details the land in 2006

Picture 2 – Details the land in 2009

2. Previous Planning at Higher Whittaker Location

Over the past 10 years there has been development, via approved Planning, at Higher Whittaker Cottage and at Higher Whittaker House. On both occasions a concern from the planning department was the visibility from the road which due to the location of the developments and the use of natural stone was deemed acceptable. Also both developments were replacing existing structures.

The proposed plans for the stables and ménage under this application are adjacent to the road therefore clearly visible and also visible across the valley from residents in Belmont village. Also, the construction details rendered exterior walls which is not natural random stone in line with the existing structures visible from the road.

3. Specific Concerns and Objections

Environmental Impacts:-

Given the history of this site and the destruction of habitat 3 years ago we have seen the decline in the ground nesting birds, lapwings, curlews and pheasants, on this land. This land is now just starting to recover providing cover and protection for nesting birds and habitat for mammals crucial for the local kestrels, barn owls and short eared owls. Covering this land with two man-made structures will further damage the land and again destroy the habitat for the wildlife listed above which is starting to recover.

Amenity Impacts:-

Our private garden South border directly overlooks the whole area where the new stables and ménage is proposed. The proposed development will effectively cover approx. 80% of our overall outlook on this particular border.

This will therefore impact on our views down to the valley.

The ménage location is adjacent to our private garden South border and is shown only 3 metres from our border. The ménage is shown running over a length of 37 metres, which is over half the length of our garden border. This development will impact on our privacy and air quality as horse and riders will be visible given the height of horse and rider. This land as stated in the environmental impacts text above is now recovering and attracting wildlife. Construction a man-made artificial ménage will therefore destroy the habitat again. **We therefore object to the construction of the ménage (See attached Picture 1).**

Visually the proposed stable block is too large and the land mass is unable to support the number of stables / horses proposed. We appreciate the need for stables and would support a smaller structure typically providing:-

4No. stables, tack room and store room and reduced roof overhang. This would decrease the roof length from approx. 18.68 metres to 14 metres. The roof ridge height, (i.e. stables overall height), to not exceed the current stables height which is 3 metres from ground level, refer to Topographical drawing. See attached hand marked-up drawing. **We therefore object to the number of stables and physical size of the structure.**

We will support a smaller structure as detailed above and as shown on hand marked-up attached drawing, Proposed Stables Elevations and Plans (This has been discussed with the applicant).

We request confirmation that:-

- The stables and grazing will be restricted to horses owned by the residents of Higher Whittaker House.
- The stables and grazing will be for private use only by the residents of Higher Whittaker House and will not be used as a business / equestrian facility.
- External lighting will be **limited to the stable structure ONLY** and be in line with the submitted datasheet i.e. downward lighting, only providing access lighting levels which are typically 10 lux.

The applicant currently stables 2No. horses on the land.

This results in smells as the prevailing wind carry's smell to our property. Any increase in the number of horses / stables will impact on our right for good air quality

There has also been a dramatic increase in vermin, typically rats, with the council and private vermin control contractors called out. This issue has only become a problem since the introduction of horses and associated feed at the property.

We are concerned that the Planning Department are considering this application given the history of the site and are confused with regard to lack of enforcement to re-establishing the land to provide the required habitat as the proposed development will again destroy the recovering land / habitat with man-made structures.

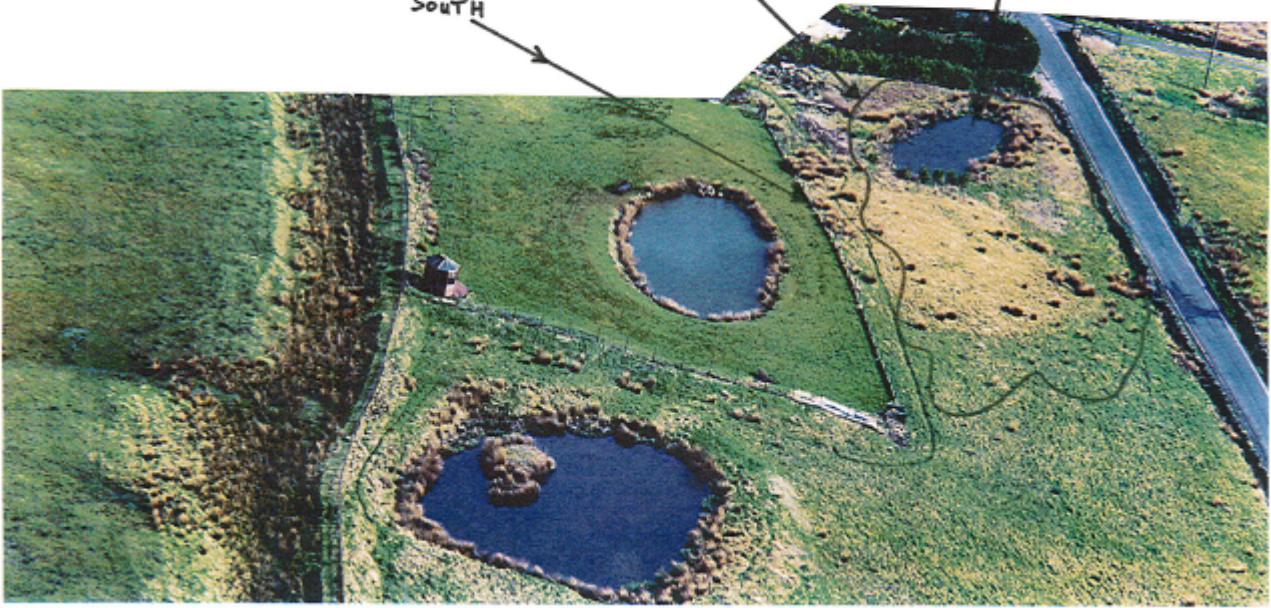
As our local council we rely on you to enforce any issues and also to ensure that the local area is preserved and looked after correctly.

PICTURE 1
LAND IN 2006

POND REMOVED/DESTROYED
BY APPLICANT IN 2015

NEIGHBOURS
FENCE LINE
SOUTH

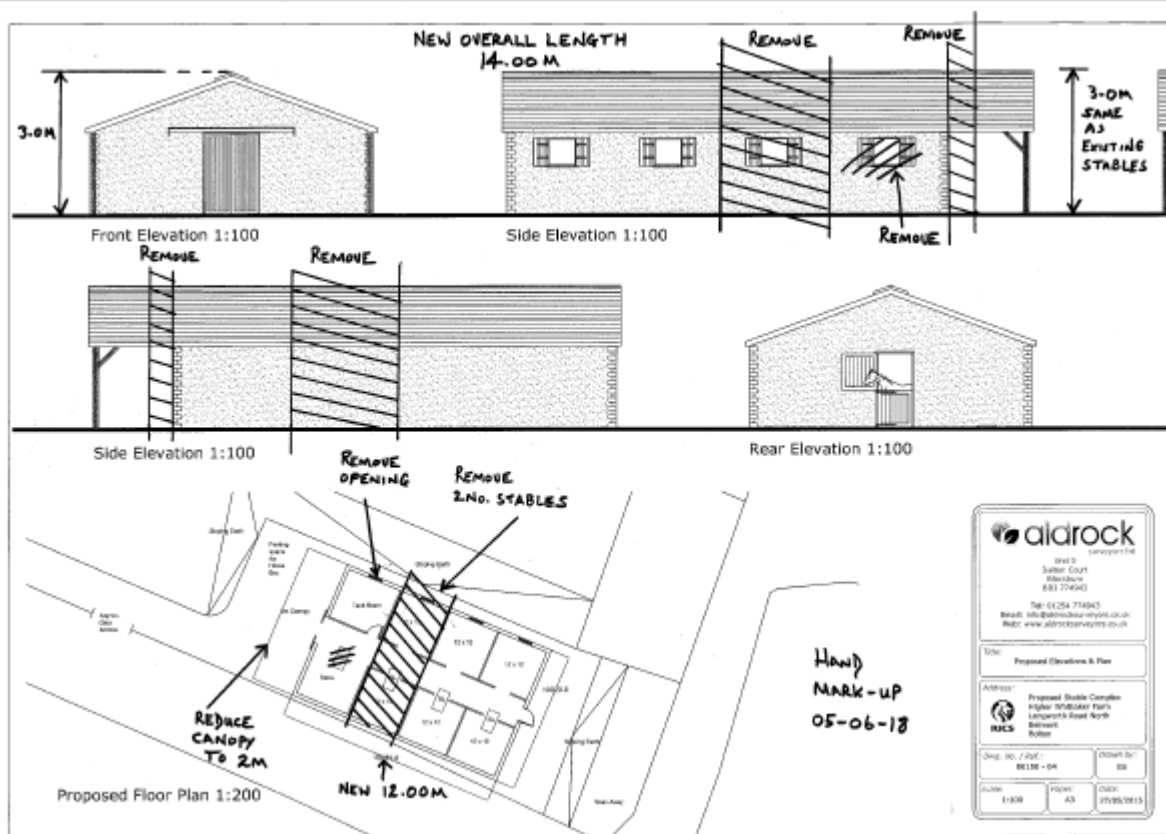
AREA UNDER
PLANNING
APPLICATION



Dilton, BL7 8BH, UK

PICTURE 2
LAND IN 2009

POND
DESTROYED IN
2015 BY
APPLICANT



Objection Eileen & Steve Gallagher, Higher Whittaker Farm, Longworth Road North, Belmont, Bolton. - Rec 04/06/2018

Dear Martin Kenny

We do have a number of comments that we wish to make on the application by our neighbours at Higher Whittaker House for a stable block and menage on land adjacent to Higher Whittaker House.

Firstly we wish to point out that the drawings accompanying the application have an area outlined in blue which are referred to as "other lands owned by the applicant" which include our property and land. We hold a 999 year lease at a peppercorn rent on our property and land and we are the owners of it.

Our second regards the number of stables to be constructed, which causes us to be concerned about the possibility that there will be a livery and/or equine business developed, which we would not wish to see because of the impact on our residence. Currently there are two horses belonging to our neighbours that are stabled on the land and we would consider that a maximum of four stables should be allowed.

We are also concerned about the lighting on the menage because of the impact on the Owls and Bats which are resident in the area and which contribute to our enjoyment of life in our property.

Finally there has been a very significant increase in the number of rats both in our garden and in the surrounding area since the horses were stabled in the adjacent field. I understand that this may be an inevitable outcome when there are stables in the Countryside, but there may be a further increase in numbers of rats if there are more horses and stables.

We hope you will take our views in to account when considering this Application.

Objection Michael & Dorothy Saville, Lower Whittaker Farm, Longworth Road North, Belmont, Bolton. - Rec 21/06/2018

Regarding Planning Application 10 / 18 / 0154 - Higher Whittaker House, Longworth Road North, Belmont BL7 8BH

Objection

Martin,

We have been informed by our neighbours that a planning application has been submitted at the above property address.

We are listed on the council website as direct neighbours however we have **NOT** received a letter informing us of the application, which is odd as we have lived here most of our life.

The above said we are now aware of the application and have reviewed the plans on the council website.

We send this letter by recorded delivery to formally object to the complete planning application.

The land is part of the West Pennine Moors and is a Biological Heritage Site.

This land was damaged by the current owner some 3 years ago and a pond was removed both of which destroyed habitat for wildlife and plant life. The council was involved at the time, **please check your records.**

Local residents were advised that this land would be returned to its original state **however this has not happened.**

Some 3 years later the land is now recovering however the pond has not been reinstated. The land is now again supporting wild flowers and wildlife including mammals, and ground nesting birds.

This is why we are astonished that the council is considering a development on the site which will again destroy the habitat for wildlife and moorland plants and flowers.

The owner has already erected wooden stables and hardstanding where the pond used to be situated, **which I assume the council are aware of.**

The current wooden stables, hardstanding and horse box are very unsightly and stand out on the landscape. These are very visible can even be seen from the other side of the valley.

This proposed planning application development will be a blot on the moorland landscape and will be clearly visible from the village and the road.

We would request that the council:-

Firstly, explain to the residents of Belmont why they have not enforced the reinstatement of the land

Secondly, explain why they are considering a planning application which will again destroy the land and habitat for wildlife and plant life.

The objection is based on all the above criteria.

I trust the council will enforce the protection of this land.

Objection Belmont Residents. – Rec 09/04/2018

Planning Application 10 /18 / 0154 - Higher Whittaker House, Longworth Road North, Belmont

Formal Objection

Martin,

The residents of Belmont Village have been made aware of a new / re-submitted planning application at Higher Whittaker House on the green belt land which was destroyed by the applicant back in 2015.

There has been no notification posted at the address to allow residents to view the plans and pass comment as of today 6th April 2018.

From Belmont Village we have views of the land and also use Longworth Road North for daily exercise walks.

A great number of residents are very surprised given the history of this site that the council are even considering an application.

We have previously written to Alastair Phillips in 2015 regarding the works being carried out via letter which detailed the items which have been destroyed or removed, typically a wildlife pond, hedges, trees as well as the meadow which was used by ground nesting birds. This letter was sent by recorded delivery and acknowledged verbally.

Over the past 10 years there has been development, via approved Planning, at Higher Whittaker Cottage and at Higher Whittaker House. On both occasions when Planning was challenged on development in the area they stated that this would be the last development allowed, however we now see a **new application submitted**.

This application is for a building which will be very visible, locally from the road and from the village below, and built on land which we were advised was green belt and of interest environmentally.

The proposed stables and ménage will be seen as unsightly and a blot on the landscape.

The new planning application for stables and a ménage will have a great impact with regard to the environment as the landscape, meadowland and moorland, will be changed. Furthermore this new landscape will not support the wildlife requirements for this type of specific land.

This land mass has insufficient area for the 2No. horses which are currently on the site. The application calls for 6No. stables.

Also as previously stated the residents of the village were advised at no other development would be granted at the properties at Higher Whittaker.

As our local council we rely on you to enforce any issues and also to ensure that the local area is preserved and looked after correctly.

We are confused at the Planning Department for considering this application and have concerns on how this is being managed given the history of the site.

As local community we are relying on you, the Council, to enforce any development and return the land to as near as possible its original state.

Could you please post this letter on the planning website so all the residents can be assured that an objection has been raised and received by the planning department.

Objection Roy W Rhodes, The Rough Lee, Naylor's Terrace, Belmont, Bolton. - Rec 28/06/2018.

Dear Mr Kenny,

I wish to submit a formal objection to the above planning application on the grounds that a previous almost identical application was refused and since that date Blackburn with Darwen Council has failed to ensure that the reinstatement specifically required in relation to the refusal has been carried out. Monitoring of the grazing regime also seems to have been neglected. As a matter of principle it surely cannot be Council Policy to allow development to nibble away at the edges of sites of local and now national importance (part SSSI). Wildlife Trust and Natural England staff are mentioned as having been consulted about various aspects but they have not endorsed the proposals.

I did not see any mention in the ecological report of the precise grassland vegetation community for which the site was notified. The surveys were not conducted at the most appropriate time to assess Marsh Marigold abundance and distribution (April/May). Specific actions are detailed in the text together with the assertion that the management plan will contain "some" of them. A far from inspiring document.

The development was started without planning permission and should have been completely rejected for ever in view of the partial destruction of a Biological Heritage Site. I cannot believe that no one told the purchaser of the site that it was a designated BHS.
