

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.	CASE OFFICER	DATE
23/00906/FUL	Chelsea Petrillo	3 rd May 2024

Extension of Time: 3rd June 2024

Address: Falinge Park, Falinge Park, Rochdale OL12 6LB

Proposal: Erection of 3m high and 2m high temporary security fencing around an existing compound for a period of up to 3 years

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

DELEGATION	Significant departure from local plan?	No	Contrary to national policy?	No
	Applicant a Council Member or officer?	Yes	Contrary to previous decision?	No
	Major with 10 or more objections and recommending approval?	No	Called in or Planning Panel objection?	No

COMMENTS	Planning Panel comments received?	No
	Neighbour comments received?	No

EIA	Screening opinion completed and saved to Onbase?	No
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CONDITIONS	Pre-commencement conditions proposed?	Yes
	Pre-commencement conditions agreed (or notification period expired)?	Yes

RECOMMENDATION	Approve
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CHECKED AND SIGNED OFF BY: TH

DATE: 03/06/2024

SITE

Falinge Park is a Grade II registered Park and Garden located in the Spotland and Falinge ward of Rochdale approx. 0.8km northeast of the town centre. Located centrally within the park lies a Grade II structure - Falinge Hall and its associated buildings and pavilion, built in the late 18th century. To the north of the Hall is an

enclosed structure currently in use as a store for garden equipment and a community bus. The enclosed walls of the compound form part of the historic structures associated with the park.

PROPOSAL

Permission is sought for the erection of a 3m and 2m high security fence of utilitarian design to be maintained for a temporary period of up to three years around the enclosed compound which has been the subject of on-going anti-social behaviour. The 3m fence is to be sited to the north and east of the compound and the 2m high palisade fence is to be sited to the rear of the compound.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Local Guidance

Places for Everyone Joint Development Plan (PfE)

The Places for Everyone Joint Development Plan was adopted and became part of the statutory development plan for each of the 9 authorities covered by the plan on 21st March 2024. The following policies are relevant:

JP-G1 Landscape Character

JP-P1 Sustainable Places

JP-P2 Heritage

JP-P3 Cultural Facilities

Adopted Rochdale Core Strategy (CS):

SO3 Improving design, image and quality of place

P1 Improving Image

P2 Protecting and enhancing character, landscape and heritage

P3 Improving Design of New Development

DM1 General Development Requirements

Unitary Development Plan (UDP):

G/D/1 Defined Urban Area

RELEVANT SITE HISTORY

19/01504/LBC Repair of Gate Posts

Granted March 2020

CONSULTATION RESPONSES

Conservation and Design 13.12.2023

The installation of a new fence for a temporary period would result in less than substantial harm to the significance of both the Registered Park and the grade II listed Falinge Park Façade. However, it is acknowledged that the fence is proposed for a temporary period only and that there is a known issue with security and anti-social behaviour in this area of the Park. Without further measures, there is a real risk of further damage to the historic structures with the Park.

On balance therefore the fence is considered to be acceptable for a temporary period only. A longer term solution needs to be found, which provides the necessary security alongside being sympathetic to the historic character of the park and its buildings.

A condition will be required to ensure that the fencing is removed at the end of the three year period and the land restored to its former condition. To remove the need

for a pre-commencement condition, the applicant should provide a plan for the restoration of the land once the fencing has been removed.

Conservation and Design 10.04.2024

Following receipt of amended plans to incorporate the proposed 2m high fence into the scheme, the Conservation Officer was re-consulted for comments on the revised scheme:

The revised scheme includes an additional area of fencing. This additional area of fencing would be similar in terms of the level of harm. It would be an alien feature within the Registered Park and Garden and as a result would cause less than substantial harm to this heritage asset, as well as the grade II listed Falinge Mount.

That being said, it is acknowledged that the Park has been the subject of vandalism over the years and this has resulted in damage to important features. As a temporary measure, the fencing should provide additional security and prevent unauthorised access and damage. It is not however acceptable on a long term basis and the consent should be restricted to a temporary period only. In the interim, more appropriate measures to secure the Park should be considered.

Greater Manchester Ecology Unit

No ecological information appears to have been submitted with the application. It is not clear from the submitted plans if the proposals will impact on any trees or scrub. If so we would recommend that the following condition be attached to any permission, should it be granted:

No removal of or works to any hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

The Garden Trust

Thank you for consulting the Gardens Trust in its role as Statutory Consultee on the above application which affects Falinge Park, an historic designed landscape of national importance which is included by Historic England on the Register of Parks and Gardens of Special Historic Interest at Grade II.

We have considered the information provided in support of the application and on the basis of this confirm we do not wish to comment on the proposals at this stage. We would however emphasise that this does not in any way signify either our approval or disapproval of the proposals.

If you have any further queries, please contact us, and we would be grateful to be advised of the outcome of the application in due course.

REPRESENTATIONS

Letters of notification were sent to surrounding premises, two site notices were posted and a press notice was published. No public comments were received.

DELEGATION

The applicant is an officer of the Council acting on behalf of the Council in relation to a Council-owned property. However, the applicant does not deal with any planning matters, and in accordance with paragraph 7.1 of part 3 (Responsibility for Functions) of the Council's Constitution, the application can therefore be determined under delegated authority.

AMENDMENTS

Amended plans were obtained from the applicant to clarify the exact siting of the fence in relation to existing park structures. It has also been verbally clarified by the applicant to the officer that the fence is to be sited around the existing park structures (planters, retaining wall, York stone wall)

ANALYSIS

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in considering whether to grant permission for works which affect a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

‘Significance’ with regard to heritage assets is defined by the NPPF as: ‘The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.’

In accordance with paragraph 200 of the NPPF, the applicant has submitted a heritage statement in support of the application. The building was designated as a Grade II listed building on 3rd April 1985. The listing description notes both the architectural and historical interests of the building.

In determining whether works to the setting of a listed building and registered park and garden constitute harm, an important consideration is whether the works seriously affect a key element of its special architectural or historic interest. It is the degree of harm to the asset’s significance rather than the scale of the development that is to be assessed. Harm may arise from alteration to the assets or from development within its setting. In the case of this application, the proposed fencing is in the interest of deterring ongoing anti-social behaviour within the park therefore in the interest of protecting the listed assets from further damage, the proposal is justified.

With regards to sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended), the proposed works would not result in the loss of any features of special architectural or historic interest, and would not harm the significance of the listed building. The proposal therefore complies with Sections 16 and 66 of the Act, the relevant requirements of the NPPF and the Rochdale Core Strategy.

Arboriculture Impacts: G6

A supporting report has been accompanied with the application which confirms there are to be removal or alteration to existing trees within the park to accommodate the development. The recommended condition from GMEU has therefore not been attached to the decision notice.

RECOMMENDATION: GRANT Subject to 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. The fencing hereby approved shall be removed from the site and the land shall be restored, in accordance with a scheme that shall first have been

submitted to and approved in writing by the Local Planning Authority/with the approved scheme (A1/287/001), on or before three years from the date of this decision.

Reason: In accordance with Policies P2, P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework, the proposed fencing is of a utilitarian appearance, which is harmful to the significance of the designated heritage assets and is only justifiable on a temporary basis.

3. This permission relates to the following plans:-
- A1/287/001 Location Plan
 - A1/287/001 Amended Site Plan (Additional Fence) (Received on email 02.05.2024)
 - A1/287/001 Site Plan
 - Vintage Development Worx note (Dated 16.02.2024)
 - Heritage Statement Issue 01 (Dated 09.10.2024)
- and the development shall be carried out in complete accordance with these drawings hereby approved.

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.

4. The materials used in the development hereby permitted shall match those detailed within the application form and drawing number A1/287/001 (Site Plan and Amended Site Plan Additional Fence).

Reason: In order to ensure a satisfactory appearance in the interests of visual amenity in accordance with policies P3 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

5. No development or works of site preparation shall take place until all trees that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.

Reason: In order to protect the existing trees on the site in the interests of the amenities of the area and in accordance with policy G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

6. No construction materials, fencing panels, equipment, tools or any other items to be used in association with the development hereby approved shall be brought onto site before a plan indicating the location for the storage of all such items has been submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

Reason: In order to preserve the existing park fabric and landscaping features on-site, ensure no damage as a result of the proposed works as well as the setting of a Grade II Listed Building and in accordance with policies P2, P3 and DM1 of the adopted Rochdale Core Strategy, JP-G1 and JP-P2 of the adopted Places for Everyone JDP and the National Planning Policy Framework.

7. Prior to the commencement of the temporary fence, details, to include a full method statement, of how the fence is to interact with the existing York stone slabs, hedgerows, paths and walls is to be submitted and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: In order to preserve the existing park fabric and landscaping features on-site, ensure no damage as a result of the proposed works as well as the setting of a Grade II Listed Building and in accordance with policies P2, P3 and DM1 of the adopted Rochdale Core Strategy, JP-G1 and JP-P2 of the adopted Places for Everyone JDP and the National Planning Policy Framework.

Reason for pre-commencement condition: To clarify the relationship with the fence and existing features of the park prior to implementation

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.

	Date	Officer
Report Completed	10.04.2024	Signed: C.Petrillo
Authorisation	03.06.2024	Signed: TH

Report Author Chelsea Petrillo