

APPLICATION NUMBER: 23/00645/FUL

DELEGATED DECISION CHECKLIST AND REPORT

APPLICATION NO.

23/00645/FUL

CASE OFFICER

Rosalind Gralton

DETERMINATION DATE 29.08.2023 EXT OF TIME 14.06.2024

Address: Rochdale Crematorium Rochdale Cemetery Bury Road Rochdale OL11 4DG

Proposal: Temporary permission for 5 years for the installation of additional flue above roof level, to west side of existing chimney tower

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

APPROVE SUBJECT TO CONDITIONS

CHECKED AND SIGNED OFF BY: LA DATE: 13.06.24

SITE

The application relates to the existing chapel that lies within Rochdale Cemetery, off Bury Road. Rochdale Cemetery is a Grade II Registered Park and Garden. The site is located within the Defined Urban Area (G/D/1). The site is located within a Coal Mining High Risk Zone.

PROPOSAL

The application relates to the erection of a 5.8m high temporary flue, sited to the west of the existing chimney tower, adjacent to the rear proposed extension; which is under construction.

The temporary metal flue would be coloured in RAL1000 Green Beige.

Amendments

The application initially was for a permanent flue. Following consultee responses from the Conservation Officer and comments from LPA Officers, the design was not considered acceptable on a permanent basis. Draft visualisations were submitted of a stone cladded flue; however despite this being officers' preference, this was not progressed by the applicant due to costs. A consensus was made that on a temporary basis only, the metal flue would be considered acceptable. The application was subsequently amended to a temporary flue for 5 years.

RELEVANT PLANNING POLICY

National Guidance

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Sub-Regional

JP-P1 Sustainable Places

JP-P2 Heritage

JP-P3 Cultural Facilities

Adopted Rochdale Core Strategy (CS):

- C8 Improving community, sport, leisure and cultural facilities
- P1 Improving image
- P2 Protecting and enhancing character, landscape and heritage
- P3 Improving design of new development
- G6 Enhancing green infrastructure
- G8 Managing water resources and flood risk
- G9 Reducing the impact of pollution, contamination and land instability
- DM1 General development requirements

Unitary Development Plan (UDP):

G/D/1 – Defined Urban Area

RELEVANT SITE HISTORY

15/00610/FUL - Removal of existing glazing from rear ground floor window to be replaced with aluminium louvres, formation of 2.1m high timber fenced enclosure and installation of steel access ladder. – Approve subject to conditions 11/08/2015

20/01553/FUL - Extension and refurbishment of existing Chapel and construction of new waiting area and associated canopy and external works – Approve subject to conditions

22/00276/DOC - Submission of details to comply with conditions 3 (materials), 4 (tree planting), 5 (coal mining) and 6 (coal mining declaration) on planning permission 20/01553/FUL – Request completed

22/00513/DOC - Submission of details to comply with condition 7 (Drainage) of planning permission 20/01553/FUL – Request completed

23/00405/VRCON – Section 73 application to vary condition 2 of planning permission 20/01553/FUL (Extension and refurbishment of existing Chapel and construction of new waiting area and associated canopy and external works) to alter eastern elevation fenestration. – Approved subject to conditions

CONSULTATION RESPONSES

Env Health - Noise/Odours

No comments received to date

Conservation And Design

First Comments – 03/08/2023

The application site lies within Rochdale Cemetery, a registered Park and Garden (grade II). The Cemetery was opened in 1855, and extended in the late 19th and 20th centuries. The construction of a cemetery was considered to be an urgent necessity in the late 1840s, given the lack of available plots with the town's existing burial grounds.

The Cemetery's entrance is marked by two lodges (grade II). The opening of the Cemetery was shortly followed by the construction of a Church of England Chapel and a Dissenter's Chapel. In 1868, a Catholic Chapel was also added to the Cemetery. This Catholic Chapel is the only one which remains in the Cemetery grounds, and is now in inter-denominational use.

The Cemetery also contains a unique series of stone pillars, dividing the consecrated and non-consecrated areas.

The Cemetery also houses the Crematorium. This austere stone building was constructed in 1938, designed by the Borough Surveyor and Architect, it consists of a tall Chapel, short rectangular Tower and a lower eastern range. It contributes positively to the character and appearance of the Park, is listed within the reasons for the Cemetery's designation and is considered to be a non-designated heritage asset in its own right.

Planning permission was granted in 2020 for the extension of the existing crematorium building. This current proposal is for a new flue, attached onto the existing chimney tower.

The flue is shown to be colour matched to the existing stonework. Nevertheless, it would appear poorly related to the host building, as a result of its height and industrial appearance. It is considered that it would result in less than substantial harm to the significance of the Crematorium and the designated heritage asset: the registered Park and Garden.

This harm does not appear to have been adequately justified or mitigated. The supporting heritage statement relates to the previous scheme for the extension and does not appear to reference the proposed flue? This should be updated.

The requirement for the flue needs to be explained and fully justified. In the first instance, the applicants should look to house the flue within the existing tower rather than exterior to it. If it can be demonstrated that this is not possible and that there is a functional need for the new flue, then alternative means of screening it should be put forwards.

Comments following the amendment of the application to a temporary basis only

The proposal would result in less than substantial harm to the significance of the designated and non-designated heritage assets, as a result of its industrial design, scale and height. However, it is acknowledged that there are also public benefits stemming from the proposal, as it is required as part of the functioning of the upgraded crematorium and these need to be accounted for in the planning balance.

The proposal has been revised and is for a temporary flue for a period of five years. It is understood that this is proposed to give opportunities for alternatives more appropriate schemes to be reviewed. As a result, the harm would be temporary and this is a material consideration in the planning balance.

Gardens Trust

No comments to make.

REPRESENTATIONS

The application was publicised by way of site notice, press notice and neighbour notification. No responses were received.

ANALYSIS

Principle

The application seeks to erect an external flue to the approved extension to the Rochdale Crematorium. The proposed flue would be in addition to the recently approved extension on the building.

The building is located within the Defined Urban Area, and the principle of extensions / additions to the building is acceptable.

Impact on heritage and visual amenity

Rochdale Cemetery is a Grade II listed registered Park and Garden opened in 1855 to a design by Abraham Stansfield with further extensions taking place in the late 19th and 20th centuries. The need for a public cemetery to serve the town had been raised eight years earlier, within the Pilot and Rochdale Reporter, which noted that all but one of the fourteen existing burial grounds were either 'loathsome' or nearly

filled. The site is formally included on the National Heritage List for England (NHLE) and therefore comprises a designated heritage asset.

The Cemetery's southern entrance is marked by two lodges, both listed at grade II. The opening of the Cemetery was shortly followed by the construction of a Church of England Chapel and a Dissenter's Chapel. In 1868, a Catholic Chapel was also added to the Cemetery. This Catholic Chapel is the only one which remains in the Cemetery grounds, and is now in inter-denominational use. The Cemetery also contains a unique series of stone pillars, dividing the consecrated and non-consecrated areas.

Paragraph 203 of the NPPF states that in determining planning applications [which would directly affect a heritage asset or its setting], local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets (*inter alia*).

Paragraph 205 of the NPPF states that in considering the impact of a proposed development, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration of a heritage asset and as they are irreplaceable, paragraph 206 requires that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. Substantial harm to or loss of a grade II listed building should be exceptional.

Paragraph 207 of the NPPF directs that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The Court of Appeal decision in the case of *Barnwell vs East Northamptonshire DC* [2014] (2) clarified that decision makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise'.

The application site is located with a Grade II Registered Park and Garden. Comments from the Garden Trust have been requested but no comment has been received.

Where a development would lead to less than substantial harm to a designated heritage asset, paragraph 208 of the NPPF requires Local Planning Authorities to consider this harm against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Core Strategy policy P2 states that the Council will conserve, promote and enhance key heritage assets and their wider settings, including listed buildings, conservation areas, registered parks and scheduled ancient monuments.

The site is Rochdale Crematorium, located within Rochdale Cemetery, a Grade II listed registered Park and Garden. As such the erection of the flue would therefore impact upon the setting of the Registered Park and Garden and the impact of which must be assessed.

The proposal would result in less than substantial harm to the significance of the designated and non-designated heritage assets, as a result of its industrial design, scale and height.

Supplementary information and a justification statement was provided by the applicant in relation to the need for the additional flue over and above the approved extension. It was explained by the applicant that the previously approved extension was envisaged with the flue operating internally. It was discovered later that this

would not be possible and in order to accord with environmental emissions regulations, a new, external chimney would be required. The Case Officer, concurring with the view of the Conservation Officer, queried if the new chimney created could be stone clad. This was drafted up as an option but not progressed or agreed by the applicant. The applicant stated the financial cost of the stone cladding would be estimated £41,000 over the non-cladded metal flue.

Conversely a material consideration also relevant is the proposal would be for a temporary period only; of up to 5 years.

While the metal flue is not the preferred design by the LPA, and would result in less than substantial harm, the applicant has set out justification for this harm and, through discussions with the Council's Conservation Officer, has demonstrated that no alternative options were available. The refusal of the application would result in the loss of a flue at the facility and would be at a detriment to the public, as stated in Paragraph 97 (c) of the NPPF *'to provide the social, recreational and cultural facilities and services the communities need, planning decision should ... guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet it's day-to-day needs'*. It is also acknowledged that additional public money is required to clad the flue. Thereby approving a temporary permission only, it is expected the budget for a stone cladding can be prepared alongside the operation of the flue, and continued operation of the crematorium at full capacity.

As such, the public benefits proposed would outweigh the less than substantial harm caused by the flue in this location. Conditions are secured to the decision notice relating to the temporary nature of the flue.

Residential Amenity

Core Strategy policy DM1 requires all development proposals to demonstrate that they will not have a negative impact upon the amenity of future residents and occupiers. Policy G9 requires that sensitive new developments such as housing are not adversely affected by existing sources of pollution, including noise, from certain types of industry. Paragraph 135 of the National Planning Policy Framework advises that planning decisions should result in places with a high standard of amenity for existing and future users.

The proposed site of the flue is located away from neighbouring buildings and would operate akin to the existing chimney on the site. As such, it is not considered the proposed flue would result in an unacceptable impact.

The proposed development would therefore be in accordance with the requirements of Core Strategy Policies P1, P3 and DM1, and the policies within the NPPF.

Conclusion

The proposed development would result in less than substantial harm to the heritage asset. Paragraph 208 of the NPPF is subsequently engaged. The proposed temporary flue would result in public benefits including the continued function of the crematorium facility. The loss of a functioning crematorium would be detrimental to the daily life of the community and general public that this serves. Whilst less than substantial harm has been identified, this has been appropriately justified and mitigated as needed and in assessing this harm, officers believe it has been clearly and demonstrably outweighed by the public benefits associated with the scheme. On the completion of the 5 year period, it would be expected a design for a cladded chimney would come forward for the Local Planning Authority to assess.

RECOMMENDATION

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:-
 - Proposed elevations – 20.115 dwg no 101 F
 - Existing elevations – 20.115 dwg no 003 A
 - OS plan – 20.115 dwg no 001 Eand 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.

3. The flue hereby approved shall be removed from the building on or before five 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.

4. The materials used in the construction of the exterior of the development hereby permitted shall match those detailed within the application form and the Proposed elevations – 20.115 dwg no 101 F.

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.

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.

Report Author Rosalind Gralton