

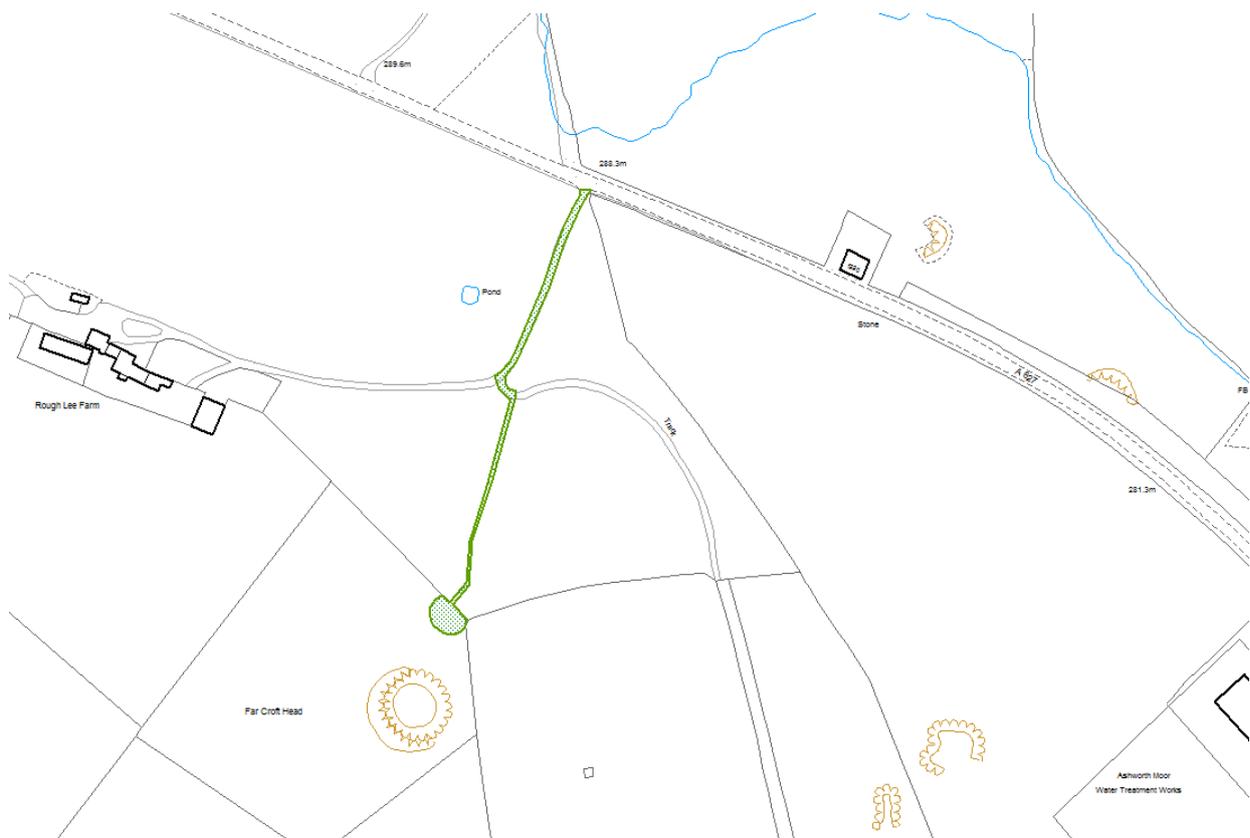
Report to Planning and Licensing Committee



Date of Meeting	30 th May 2018
Portfolio	Councillor Daalat Ali, Planning, Development and Housing
Report Author	Richard Elliott
Public/Private Document	Public

Application: 18/00368/FUL	Township: Rochdale	Ward: Norden
Applicant: Mr Stephen Nolan	Agent: N/A	
Site Address: Land at Roughlee Farm, Edenfield Road, OL12 7TY		
Proposal:	Erection of a cross sculpture (7m high in total) including formation of landscaped area with associated stone wall boundary treatment and the creation of an additional pathway from the existing public footpath - Resubmission of 17/00729/FUL	

SITE LOCATION



DELEGATION

- 1.1 The application is referred to the Planning and Licensing Committee as it has been called in by Councillor James Gartside, a Ward Councillor for the Norden Ward.

Reason for Call-in:

The Committee is requested to consider the impact of the proposed development upon the following issue(s): Although the application is in green belt there are very special circumstances to justify this very modest structure, viz. its design, the requirement for a site which is visible but not dominating, and its relationship to other much larger structures nearby which are also in greenbelt.

PROPOSAL SUMMARY

- 2.1 Erection of a cross sculpture (7m high in total) including formation of landscaped area with associated stone wall boundary treatment and the creation of an additional pathway from the existing public footpath.

RECOMMENDATION

- 3.1 It is recommended that the Planning and Licensing Committee resolves to **REFUSE** this application for planning permission.

REASON FOR RECOMMENDATION

- 4.1 The proposal constitutes inappropriate development within the Green Belt which is by definition harmful. Furthermore, the sculpture would detract from the openness of the Green Belt and by reason of the size and siting of the sculpture in an area of high landscape sensitivity characterised by open and expansive views, detract from the visual amenities of the area and landscape character to an unacceptable extent. No very special circumstances have been advanced to outweigh the harm that would arise. Accordingly the proposal is considered contrary to the National Planning Policy Framework and Policies DM1, P1, P2, P3 and G4 of the adopted Rochdale Core Strategy.

SITE

The application site forms part of an area designated as Green Belt to the north west of the settlement of Rochdale. The site is in an elevated and prominent position located to the north of Edenfield Road, a gateway area into the Borough characterised by its openness and surrounded by an expansive public footpath network with wide ranging views and scattered farmsteads. Scout Moor windfarm is visible to the north and there are other wind turbines to the south east. The site is accessed off Edenfield Road along an unadopted lane that is also a public right of way and which leads to Rough Lee Farm.

PROPOSAL

This application has been submitted as part of a 'Churches Together' project, a project by the local religious community to celebrate Christianity through the symbolic nature of the cross to unite local parishes and provide the community with the opportunity to worship in the solitude of the moors.

Accordingly planning permission is proposed for a cross totalling 7m in height including a 1m high stone plinth. The cross, which would be a timber construction, would be positioned within a newly formed enclosure including a seating area located approximately 200m to the south of Edenfield Road. Boundary treatment for the enclosure would use locally sourced natural stone to a height of 1.5m, with a part of an existing stone wall taken down to allow for a newly formed access taken from the existing public footpath to the north.

The application is accompanied by a supporting planning statement and drawings including cross sections of the sculpture in relation to Edenfield Road to the north east and Rough Lee Farm to the north west. These cross section drawings demonstrate that the landform falls to the north and west and that the base of the sculpture would be approximately 12m higher than No.1220 Edenfield Road located on the north side of Edenfield Road approximately 240m away, and would be approximately 16m higher than the buildings at Rough Lee Farm approximately 180m to the north west.

RELEVANT PLANNING POLICY

National

National Planning Policy Framework (NPPF) - Published March 2012

- The NPPF sets out the Government's planning policies for England and how these are expected to be applied.

National Planning Practice Guidance (NPPG) - Published March 2014

- The guidance is intended to complement the NPPF and provides a single resource for planning guidance.

Local

Adopted Rochdale Core Strategy (RCS):

The Core Strategy was formally adopted by the Council on 19th October 2016 and partially replaces the 2006 Unitary Development Plan. The following policies are relevant:

SD1	Delivering sustainable development
DM1	General development requirements
SO2	Creating successful and healthy communities
C6	Improving health and wellbeing
C8	Improving community, sport, leisure and cultural facilities
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
SO4	Promoting a greener environment
G1	Tackling and adapting to climate change
G4	Protecting Green Belt
G6	Enhancing green infrastructure
G7	Increasing the biodiversity and geodiversity
SO5	Improving accessibility and delivering sustainable transport
T2	Improving accessibility

Rochdale Unitary Development Plan (RUDP):

A number of policies contained within the Unitary Development Plan have been saved following the adoption of the Core Strategy. The following saved policies are relevant:

RE/6 Recreational Rights of Way

Other Material Considerations:

Julie Martin Associates Landscape Capacity Study for Wind Energy Developments in the South Pennines (2010)

RELEVANT SITE HISTORY

17/00729/FUL Erection of a cross sculpture (7m high in total) including formation of landscaped area with associated stone wall boundary treatment and the creation of an additional pathway from the existing public footpath – withdrawn.

CONSULTATION RESPONSES

Highways and Engineering – It is not envisaged that the sculpture would attract great volumes of traffic. The provision made is suitable for the attraction. There are no highway objections.

The Ramblers Association – No objection

Rights of Way – No comments received to date

Peak and Northern Footpaths Society – No comments received to date

REPRESENTATIONS

A notice has been posted near to the site and a press notice has been published in the Rochdale Observer. There has been one letter of representation received from Cllr James Gartside, commenting as follows:

- There is huge support from local churches, including complete financial help;
- Many of the supporters live in the Green Belt themselves so are very conscious of the need to preserve it;
- Relative to windmills close by it is a small structure, designed to be visible but not to dominate the landscape. When one of the nearby windmills was approved by the Planning Inspector after refusal by our Planning they said it was not significant in the context of the present wind farm. After that decision the next nearby windmill was approved by Planning on the grounds it would also have been approved by the Inspector;
- It will cause no noise or shadowing or scaring to horses;
- It will cause no hazard to birds nor to wildlife;
- Although there may be some parking on the lane leading to the farm the intention is that it will encourage walkers and walking groups to see it as a destination - the design also includes complimentary (and complementary) seating - so has potential health and recreation benefits;
- It is a wooden structure supported by local rocks etc. and a lovely design sympathetic and beneficial to the landscape.
- There is a Cross on the hills above Oldham, I appreciate a completely different Authority of course, but I am not aware that that has caused any concerns.

ANALYSIS

Principle of Development

The application site lies within the Green Belt. The NPPF state that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 80 of the framework states that the Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 87 clarifies that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 89 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation

- and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
 - limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”

The definition of a building is contained within S.336 of the Town and Country Planning Act 1990 and it is defined as including “any structure or erection”. The sculpture therefore constitutes a building.

Accordingly, in applying the provisions of paragraph 89 of the Framework it is considered that proposed sculpture does not fall within any of the exceptions. One of the exceptions is ‘the provision of appropriate facilities for outdoor recreation’. There is no definition as to what constitutes an ‘appropriate facility’, and therefore this is a matter for the decision maker. However, it is considered that the sculpture itself cannot be described as an appropriate facility for outdoor recreation, and in any case it must also preserve the openness of the Green Belt as will be discussed below.

Impact on Openness

Openness is an essential characteristic of the Green Belt. Any built development impacts on openness by the fact that it exists. In this regard the sculpture is no different. By reason of its overall size, reaching a height of 7m (just short of the height of a standard house) and a width of 3m it would have a moderate impact on the openness of the Green Belt. The other aspects of the development, including the access to it are not considered to detract from the openness of the Green Belt. However, the scheme is considered to constitute inappropriate development.

Policy G4 of the adopted Rochdale Core Strategy states that: “Development will be restricted to those limited types of development which are deemed not to be inappropriate by national planning policies unless very special circumstances can be demonstrated.”

Paragraph 88 of the Framework states that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Very special circumstances

In their supporting planning statement the applicant has not advanced any very special circumstances. However, the letter of support from Cllr Gartside does put forward reasons why the application should be looked upon favourably:

- There is huge support from local churches, including complete financial help;
- Many of the supporters live in the Green Belt themselves so are very conscious of the need to preserve it;
- Relative to windmills close by it is a small structure, designed to be visible but not to dominate the landscape. When one of the nearby windmills was approved by the Planning Inspector after refusal by our Planning they said it was not significant in the context of the present wind farm. After that decision the next nearby windmill was approved by Planning on the grounds it would also have been approved by the Inspector;
- It will cause no noise or shadowing or scaring to horses;
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Whilst the above are noted, it is not considered that, either individually or cumulatively, these would constitute very special circumstances.

Visual Impact

Understandably the proposed location has been chosen in part to provide a prominent visual location for the sculpture. The site is prominent and elevated, surrounded by an expansive public footpath network and is visible when travelling in either direction along Edenfield Road. Whilst the Scout Moor Wind Farm is clearly visible to the north and there are other wind turbines to the south east, the landscape still retains its inherent openness.

The site lies within the Moorland Fringes/ Upland Pastures Landscape Character Type as identified within the Landscape Capacity Study for Wind Energy Developments in the South Pennines (2010) undertaken by Julie Martin Associates. The document was prepared having regard to Wind Energy Developments but those sections relating to landscape characters areas are relevant.

Within the Study, the Moorland Fringe/Upland Pastures landscape has been given an overall sensitivity of High (locally moderate – high), and it is stated that it is of “high sensitivity over much of its area, due to its close relationship to the adjoining open moorland plateaux, as well as its small scale, complex land cover, wide visibility, high scenic quality, natural and cultural heritage features, and nationally or regionally important recreational interests.”

There has been very little information or supporting documentation, i.e. photomontages and maps showing zones of theoretical visibility, however, notwithstanding this, in my opinion the area is highly sensitive to new development, and this development by reason of the size and siting of the sculpture would have a

negative impact on the open character of the area, visible from both short and long distance views and from the expansive footpath network in the surrounding area.

Accordingly the scheme is considered unacceptable in terms of visual amenity and landscape impact and moderate weight is attached to this finding in the overall Green Belt balance.

Neighbour Amenity

The development would not be noise generating and any noise associated with people visiting the sculpture would not be such to cause undue disturbance to any properties in the locality. The structure would not harm outlook from any nearby properties to an unacceptable degree and therefore accords with Policy DM1 of the Adopted Rochdale Core Strategy.

Ecology and Biodiversity

Core Strategy Policy G7 seeks to ensure that sites and features of biodiversity and geodiversity importance are given full and appropriate recognition and protection.

Opportunities for enhancing biodiversity and geodiversity, creating new sites and features of interest and improving opportunities for public enjoyment will be supported. Development should not result in a net loss of biodiversity or geodiversity interest in the borough and overall development in the borough should result in a net gain.

Paragraph 118 of the NPPF and RCS Policy G1 require new developments to retain existing trees wherever possible and take appropriate opportunities to plant trees and other suitable vegetation on site. Policy G6 requires developments to take opportunities to improve access to, and the provision of, natural greenspace in accordance with local strategies and standards and replace trees on a 2:1 basis.

It is noted that there are some newly planted trees in the area of the proposed enclosure that may be lost, with no replacements proposed. However, it is not proposed to change ground levels and the newly formed access to the site would not be significant. It is therefore considered that the development would not cause harm to ecology and biodiversity interests in the area, but would not result in a net gain. Given the nature of the development proposed, the planting of replacement trees would not be possible. However, on balance this is not considered to be to such a degree to warrant a refusal of the application and in this particular instance the lack of a net gain to biodiversity and ecology interests would attract negligible weight in the overall Green Belt balance

Access and Highways

The Council's Highway Officer considers that the sculpture would not attract great volumes of traffic and has therefore raised no objection to the scheme. I concur with this view. Parking is very limited off Edenfield Road leading up to the site, and no parking is proposed as part of the application. However, the development would be unlikely to generate significant volumes of vehicular traffic and many people would take advantage of the existing footpath network. The NPPF states that "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe". This is not considered to

be the case here. Accordingly the scheme is considered acceptable in terms of highway safety and complies with policy T2 of the Adopted Rochdale Core Strategy. Nevertheless the absence of identified harm affords a neutral position in the overall Green Belt balance.

Conclusion

The scheme constitutes inappropriate development within the Green Belt which is by definition harmful. Furthermore, the sculpture would detract from the openness of the Green Belt and by reason of the size and siting of the sculpture in an area of high landscape sensitivity characterised by open and expansive views would detract from the visual amenities of the area and landscape character to an unacceptable extent. No very special circumstances have been advanced to outweigh the harm that would arise. Whilst the scheme would provide benefits in terms of providing an additional attraction and point of interest, encourage people to visit the countryside areas and contribute to health and wellbeing, this is not considered to be to such a degree that would outweigh the harm identified or comprise very special circumstances.

RECOMMENDATION

REFUSE planning permission for the following reason:

The proposal constitutes inappropriate development within the Green Belt which is by definition harmful. Furthermore, the sculpture would detract from the openness of the Green Belt and by reason of the size and siting of the sculpture in an area of high landscape sensitivity characterised by open and expansive views would detract from the visual amenities of the area and landscape character to an unacceptable extent. No very special circumstances have been advanced to outweigh the harm that would arise. Accordingly the scheme is considered contrary to the National Planning Policy Framework and Policies DM1, P1, P2, P3 and G4 of the adopted Rochdale Core Strategy.