

CHAPTER 13: COMMUNITY FACILITIES AND PUBLIC SERVICES

G/CF/1 (Part One Policy) – Community Facilities and Public Services

Objection: 98/24 Countryside Agency North West

Key Issue:

- **does the policy reflect the needs of the rural community?**

Inspector's Reasoning:

13.1 This is a general policy setting out the Council's approach to community facilities and services in the Borough as a whole - clearly applying to its rural as well as urban areas. While - on the basis of the evidence before me - the Council does not appear to have undertaken a detailed survey of the needs of the rural community, the general principles established by this policy apply to both rural and urban areas. They are acceptable. The plan would need to be read as a whole - public transport concerns, for example, raised by the objector being the subject of other parts of my Report, mainly Chapter 18. On the basis of G/CF/1, the needs of rural areas would not be prejudiced.

Recommendation:

13.2 **I recommend that:**

- **no modification be made to the plan in response to this objection.**

CF/3 – Rochdale General Hospital

Objections: 381/4 Government Office North West
381/49 Government Office North West

Key Issue:

- **is the wording of the policy acceptable for inclusion within a UDP?**

Inspector's Reasoning:

13.3 I share the objector's concern on both objections. A development plan should indicate the type(s) of land-use proposals that would be permitted. That would be achieved by a rewording of the first sentence of the policy. The second sentence requires compliance, amongst other matters, with an approved masterplan and

planning decisions would clearly be based on it. The intent of paragraph 3.17 to PPG 12: Development Plans applies. The policy would, wholly or in part, delegate decisions on planning applications to a document that has not been the subject of public scrutiny in accordance with statutory procedures. It does not have the same status as an adopted development plan policy and should not form part of it. Any reference to it should be in the reasoned justification, acceptably worded. On these objections, I come to a similar conclusion on the policy requirement for 4 accompanying documents, 3 already referred to in the reasoned justification. They should be considered as providing information - the content of which may be a material consideration in determining planning applications. Here, the wording of the policy implies to me that the Council is not certain that the accompanying documents will be required - there being a reference to "where appropriate" (implying uncertainty) - while the reasoned justification only refers to the generality of likely future development at the hospital. The plan would need to be read as a whole, including the reasoned justification to policies. No convincing reason is before me why a reference to the 4 documents in the reasoned justification would prejudice a proper assessment of proposals. Finally, the reasoned justification does not refer to a Travel Plan - while the role of legal agreements/planning obligations should also be included within it.

Recommendations:

13.4 I recommend that the policy be modified along the following lines:

- **Delete the first sentence of the policy and substitute: "Development proposals will be permitted for hospital purposes and ancillary uses on: land bounded by Heights Lane; Quarry Street; Howard Street; Whitehall Street and Henley Street, Rochdale - as shown on the Proposals Map".**
- **Delete the rest of the policy and refer to the purposes of a masterplan in the reasoned justification.**
- **Modify the reasoned justification to explain the role and purpose of a Travel Plan, as well as legal agreements/planning obligations [these as documents that may be a material consideration in determining planning applications].**

CF/4 - Hopwood Hall College

Objections:	381/5	Government Office North West
	458/210	Council for the Protection of Rural England

Key Issues:

- **is the wording of the policy acceptable for inclusion within a UDP?**
- **should the reasoned justification refer to the relationship of buildings and their Green Belt setting?**

Inspector's Reasoning:

13.5 I have dealt with a similar objection to 381/5 at paragraph 13.3 of my Report on Policy CF/3. For similar reasons, I come to the same conclusion - with the first sentence being an aim/objective rather than a statement of planning policy. The need for a Design Statement and Travel Plan is already referred to in the reasoned justification.

13.6 Through Pre-Inquiry Change 16, the Council has - effectively - reinstated that part of paragraph 13.11 that was deleted, I am told, in error at Revised Deposit Draft. That has acceptably met the objection.

Recommendations:

13.7 I recommend that the plan be modified along the following lines.

- **Delete the policy and substitute: "Within this site, as shown on the Proposals Map, development proposals for the improvement and addition to educational facilities will be permitted - provided that: they are consistent with the College's Green Belt location; do not harm the character or setting of listed buildings; and are in accordance with Policy D/5."**
- **Modify the reasoned justification in accordance with Pre-Inquiry Change 16.**

CF/5 a) – Land at the Rear of Hereford Way, Boarshaw and Adjoining Middleton Cemetery

Objections:	68/1	Mr G Burrell
	220/1	A M Dawson & S R Barratt
	259/1	Mr H Robinson
	318/1	Mr J McDonagh
	319/1	Mrs M Tickle
	320/1	Mr I Bates
	321/1	Mr P Barber
	322/1	Mr & Mrs Stonehouse
	323/1	Mr R Holt

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324/1	Mr R Francis
326/1	Mr P Russon
328/1	Mr D Conroy
329/1	Mr L Holdaway
330/1	Me E Simkiss
373/1	Mr A Challenger
374/1	Mr Caine

Key Issue:

- **is there a need for a cemetery extension at Middleton and would an extension there be able to safeguard the living conditions of residents at, mainly, Hereford Way?**

Inspector's Reasoning:

13.8 The objectors have not materially disputed the view of the Council that the cemetery extension at Middleton is justified to meet a need for future internments. It is reasonable for the Council to make provision for that through an allocation in the UDP. The principle of an extension is, therefore, acceptable. Nonetheless, the allocation for the extension shown on the Proposals Map would be close to properties on Hereford Way. Concern has been expressed by residents over the potential implication of any footpath/landscaping adjacent to properties. Here, the design of the extension has yet to be progressed. That is not an unusual situation in a development plan allocation that establishes the principle of a use - whether, for example - for housing, employment, retail or cemetery purposes. A detailed proposal would need to be the subject of consultation. Any reasonable local planning authority would take into account the views of local residents. Their aspirations would not be prejudiced by the process. Nonetheless, it appears to me that the reasoned justification to the policy should indicate the process leading to the establishment of the extension to Middleton Cemetery - this in the interest of development plan clarity.

Recommendation:

13.9 I recommend that the plan be modified along the following lines:

- **Paragraph 13.15 of the reasoned justification be modified as follows:**

“13.15 Detailed proposals for the extension will be the subject of consultation that will take into account the living conditions of nearby residents.”

CF/6 – Overhead Power Lines

Objections:	93/1	National Grid
	93/202	National Grid
	98/25	Countryside Agency North West
	381/50	Government Office North West

Key Issue:

- **is the policy appropriate for inclusion within a UDP?**

Inspector's Reasoning:

13.10 A development plan prepared under the Town & Country Planning Act 1990 should indicate the type(s) of land-use development proposals that would be permitted. It should not duplicate other legislation. The Council would not be the decision-maker on these overhead power lines. The policy reflects, therefore, the Council's "good intentions" in respect of overhead lines. While understandable, they have no place in a UDP - albeit I see that the Council has made progress in meeting objections and it acknowledges that it would be consulted on proposals. The policy should be deleted from the plan and I do not need, therefore, to address other objections.

Recommendation:

13.11 I recommend that the plan be modified along the following lines:

- **Delete Policy CF/6 and paragraph 13.16, with subsequent renumbering.**

CF/7 – Telecommunications

Objections:	98/26	Countryside Agency North West
	238/1	Vodafone Ltd
	274/1	C Bennett
	297/4	BT Group Plc
	311/23	Highways Agency
	311/209	Highways Agency
	471/201	Orange PCS Ltd

Key Issues:

- **does the policy balance economic, social and environmental objectives?**
- **does it reflect public concern over health?**

- are the criteria to the policy acceptable, including planning obligations and accompanying document(s)?
- should the policy refer to consultation with the Highways Agency?

Inspector's Reasoning:

- 13.12 The generality of the policy reflects, broadly, national planning guidance in PPG 8: Telecommunications. Acceptable reference is made to environmental matters, such that a separate and criteria-based environmental policy is not justified. A developer is not required to establish that there would be a net gain arising from a proposal, rather that there would be no harm to an interest of acknowledged importance. Objector 98/26 has not indicated the wording of the separate policy it would support - not justified in any event. Economic and social considerations are fairly covered in the reasoned justification.
- 13.13 Telecommunications equipment frequently raises understandable public concern over health. Nonetheless, national planning guidance is clear - the planning system is not the place for determining health standards (PPG 8 at paragraph 98 to the Appendix). That paragraph also indicates that, subject to compliance with ICNIRP guidelines, it is not necessary for a local planning authority to further consider health aspects. That is fairly reflected in the policy at criterion d). Moreover, the guidance also requires that a local planning authority should consult with the relevant body of a school or college over a mast proposed to be established near them (PPG 8, page 8, 5th bullet point on the page). Any reasonable local planning authority would comply.
- 13.14 As to criteria c) and d) of the policy, I take the view that the changes at Revised Deposit Draft represent reasonable planning considerations, consistent with national planning guidance as a whole, and are to be supported. Next, planning conditions are imposed while planning obligations are offered by a developer - the former being preferable to the latter. This part of the policy (2nd paragraph) is, in my view, an elaboration of its implementation and properly located within the reasoned justification, reworded. Criterion f) seeks the removal of any redundant apparatus. That is a reasonable planning consideration, not least as other legislation may not be able to secure compliance. The second part of the criterion is, however, not relevant to a development plan policy.
- 13.15 A local planning authority is required to undertake necessary consultations on planning applications. There is no need for them to be specified in the policy - the role of Highways Agency being covered by paragraph 60 to the appendix to PPG 8.

Recommendations:

- 13.16 I recommend that the plan be modified along the following lines:**

- **At criterion f), add a full stop after the word “redundant” and delete the rest of the criterion.**
- **Delete the following sentence: Add a new sentence to the end of paragraph 13.18: “To implement the policy, the Council will make use of planning conditions and/or planning obligations offered by a developer.”**

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