

## CHAPTER 19: DESIGN AND THE BUILT ENVIRONMENT

### BE/3 – Advertisements (General)

Objections:	349/1	Outdoor Advertising Association
	349/202	Outdoor Advertising Association

#### Key Issue:

- **is the policy acceptable for inclusion in the plan - not least, taking into account national planning guidance?**

#### Inspector's Reasoning:

19.1 These objections relate to the last paragraph of BE/3. I share the objector's view that outdoor advertisements should only be controlled in the interests of "amenity" and "public safety", reflecting the intent of paragraph 9 to PPG19: Outdoor Advertisement Control. Further guidance is given on these matters at paragraphs 9 to 16 of the guidance, as well as at paragraphs 22 to 24. Advertisements are not totally prohibited in the areas set out in the last paragraph of the policy. I see little in the guidance that requires that advertisements should be related to the permitted use of the site. That would be unduly onerous. While the Council considers that protection is necessary for the locations set out in the second paragraph to the policy, and reasonable, sufficient control would be established by a) to d) of the policy, suitably reworded to indicate the type(s) of development proposals that would be permitted - the heading to the policy solely relating to advertisements.

#### Recommendations:

19.2 I recommend that the plan should be modified along the following lines:

- **At the heading to the policy delete: "(GENERAL)".**
- **Reword the policy as follows:**

**"Proposals for the display of signs or advertisements will be permitted provided that they:**

- a) would be compatible with the character of the surrounding area including, in terms of their scale and design;**
- b) would not dominate or adversely affect the appearance of buildings;**
- c) would not create a danger or distraction to road-users; and**
- d) would not obstruct the free passage of pedestrians."**

### **BE/5 – Advertisement Hoardings**

<b>Objections:</b>	349/2	Outdoor Advertising Association
	349/201	Outdoor Advertising Association

#### **Key Issue:**

- **should the policy be deleted from the UDP?**

#### **Inspector's Reasoning:**

19.3 I support the basis of this objection. Sufficient control would be established by Policy BE/3.

#### **Recommendation:**

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

- **Delete Policy BE/5 and paragraphs 19.9 and 19.10, with subsequent renumbering.**

### **BE/12 – Archaeology and Ancient Monuments**

<b>Objection:</b>	381/31	Government Office North West
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#### **Key Issue:**

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

#### **Inspector's Reasoning:**

19.5 I share this objector's concern. As worded, it represents a statement of intent rather than a statement of planning policy. It includes words/phrases such as "support", "seek to carry out", "encourage" and "where appropriate". It does not indicate the type(s) of development that would be permitted and provides limited basis for development control conditions. It conflicts with PPG 12 and the Development Plans Good Practice Guide. Here, a) to d) are, effectively, statements of the Council's intentions. They would be better located in the reasoned justification to the policy. That would also be the relevant place for a reference to BE/11. The Council brings forward Inquiry Change 32, but that does little to resolve the matters I have identified. I shall recommend a modification to the policy. The Council should also consider amplifying the reasoned justification.

**Recommendations:**

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

- Delete the policy statement and substitute: “The Council will permit development proposals that do not adversely affect sites and structures of archaeological importance, as well as Ancient Monuments and their settings.”
- The reasoned justification should be modified to reflect paragraph 19.5 above, this including a reference to BE/11 and the importance of a record of sites.

**BE/13 – Protection of Locally Important Buildings and Features of Architectural and Historic Interest**

**Objection:**

381/32

Government Office North West

**Key Issue:**

- is the policy acceptable for inclusion within a UDP?

**Inspector's Reasoning:**

19.7 At Revised Deposit Draft, the Council reworded the policy statement. It is still unsatisfactory. It is in 2 parts, reflecting its 2 sentences. The first is, effectively, a statement of the Council's intentions rather than a statement of planning policy. The second, referring to “..... encourage development proposals .....", is an aim/objective, not indicating the type(s) of development that would be permitted. The policy, neither clear nor precise, is too general to be implemented in that form.

19.8 Nonetheless, PPG 15: Planning and the Historic Environment does indicate that many buildings which are valued for their contribution to the local scene do not merit listing. Planning authorities may formulate local plan policies for their protection (paragraph 6.16). The principle of this policy is, therefore, acceptable. I shall recommend, however, that the policy be recast to give developers a clear guide as to how the protection is to be exercised. Here, Inquiry Change 33 has not resolved my concern. The previous sentence (dealing with potential threat) already forms part of the reasoned justification at paragraph 19.31 (including the Building Preservation Notice procedure), amplifying one part of the way in which the Council would seek implementation of the policy. It is acceptable there. BE/13, should indicate the type(s) of development that would be permitted, reflecting the approach of the second sentence. The modification I shall

recommend represents a reasonable level of control. As the policy does not relate to either, listed buildings or, specifically conservation areas, a requirement to preserve and enhance would be unduly onerous.

**Recommendation:**

**19.9 I recommend that the UDP be modified along the following lines:**

- **Delete the policy statement and substitute:**

**“The Council will permit development proposals that do not adversely affect buildings and features which are of local interest and which contribute to the character of an area and/or are important in townscape terms.”**

**BE/18 – Designation of Conservation Areas (Deposit Draft)**

<b>Objections:</b>	418/13	Littleborough Civic Trust
	459/201	English Heritage

**Key Issues:**

- **has the boundary of the Littleborough Town Centre Conservation Area been incorrectly shown on the Proposals Map?**
- **should the plan include a reference to a planning authority's duty to designate and review Conservation Areas?**

**Inspector's Reasoning:**

19.10 To begin, Deposit Draft Policy BE/18 was deleted at Revised Deposit. The objector has not disputed the evidence of the Council that the boundary of the conservation area had been correctly defined, taking into account the Town Centre Map for Littleborough. Any proposal arising at the railway station/riverside car park would be assessed under other plan policies.

19.11 The designation and review of conservation areas proceeds under a different statutory regime to that on the preparation of development plans under the 1990 Act - this through Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Policy BE/18 was correctly deleted at Revised Deposit Draft. In response to 459/201, the Council - through Pre-Inquiry Changes 21, 22 and 23 - proposes to add to the reasoned justification to Policy BE/22 a factual statement of the Council's duty and its intention to establish a programme of conservation area appraisals (confusingly, however, 21 and 22 appear to have similar wording). I recommend, however, the deletion of Policy BE/22. Nonetheless, the intent of

the changes is supported - assisting public understanding. I see no reason why they should not be incorporated into the reasoned justification to Policy BE/20.

**Recommendation:**

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

- **Modify the plan in accordance with Pre-Inquiry Changes 21, 22 and 23 at the reasoned justification to Policy BE/20.**

**BE/20 – New Development Affecting Conservation Areas**

<b>Objections:</b>	238/2	Vodafone Ltd
	381/64	Government Office North West

**Key Issue:**

- **does the wording of the policy reflect statutory requirements and national planning guidance?**

**Inspector's Reasoning:**

19.13 Reflecting the objections, and notwithstanding the Council's changes at Revised Deposit Draft, the policy is unsatisfactory. It is intended, apparently, to be a development control policy for the control of proposals affecting conservation areas. The statutory test is set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires special attention to be paid to the desirability of preserving **or** enhancing the character **or** appearance of a conservation area (my emphases). That requirement is carried forward in PPG 15: Planning and the Historic Environment (notably paragraphs 4.14 and 4.19). The policy should reflect those requirements. It does not. The second line of the policy does not refer to appearance. Further, paragraph 19.48 does not reflect the tests, while the generally reasonable criteria to the policy need rewording - in the light of the objections - to give clearer advice to developers. They include words/phrases such as "high standard" and "sympathetic" - whatever they may mean - and in the reasoned justification "significantly injure" and "visibly obvious". Further, a literal reading of criterion e) appears to me to suggest that the replacement of an unsatisfactory shop front within a conservation area would need to be replaced with one similarly unsatisfactory - this to be in keeping with the style of the host building. I share the view of the Council that there is no need for the policy to refer to "positively" enhance. That being the case, the word should be deleted from paragraph 19.47. A simplified policy is necessary reflecting the statutory test - there being no need to refer in the policy statement to buildings adjacent to a conservation area. This is already reflected in PPG 15 and would be taken into account by the decision-maker.

19.14 As to Objector 238/2, it reasonably expresses concern over the implications of the policy for its telecommunications interests. The policy should be a clear statement of the Council's approach to development potentially affecting conservation areas. Here, I do not understand why the Council has included the second paragraph to the policy. It includes an unnecessary level of detail on matters dealt with elsewhere in the plan. In my view, it should be deleted from the policy statement - there already being a general reference in the reasoned justification.

**Recommendations:**

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

- **Delete the policy statement and substitute:**

**“Development proposals will be permitted that preserve or enhance the character or appearance of a conservation area. In assessing a proposal, the following principles - where relevant - will be taken into account:**

- a) its relationship to existing buildings, the site and its surroundings;**
- b) its design - including elevations, roof form, materials, finishes and detailing;**
- c) the retention, replacement and restoration of historic features and details of buildings and - in the public realm - walls, paving and street furniture;**
- d) the retention and enhancement of landscaped areas, trees and natural features;**
- e) the design of new shop fronts (and replacements and/or alterations to those existing) should reflect the character or appearance of the conservation area, consistent with the provisions of Policy BE/6;**
- f) the design and siting of advertisements, new street furniture, paving and other highway surfaces and related structures (eg lighting and signs); and**
- g) the design and siting of car parking and servicing facilities.**

**Development proposals should include detailed plans and drawings enabling its implication(s) for the character and appearance of the conservation area to be established.**

- **The reasoned justification should be amended to reflect the statutory test and that in national planning guidance at PPG 15. In the light of paragraph 19.14 above, the Council should reconsider whether the**

**examples in paragraph 19.48 of the plan, and indeed the paragraph itself, are necessary. In my view they add little to the clear intent of the policy.**

#### **BE/21 – Changes of Use to Buildings in Conservation Areas**

**Objection:** 298/30 Greater Manchester Ecology Unit

#### **Key Issue:**

- **should the policy refer to Policy NE/4?**

#### **Inspector's Reasoning:**

19.16 PPG 12 advises against over-detailed plans. In assessing a proposal for a change of use of a building within a conservation area, the Council would need to take into account all relevant policies - including NE/4. They would establish sufficient control.

#### **Recommendation:**

#### **19.17 I recommend that:**

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

#### **BE/22 – Enhancement of Conservation Areas**

**Objection:** 381/35 Government Office North West

#### **Key Issue:**

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

#### **Inspector's Reasoning:**

19.18 I, again, share this objector's concern. As worded, the policy represents a Council aim/objective rather than a statement of planning policy. It includes words/phrases such as "support", "seek additional powers", "promote" and "place a high priority on". It does not indicate the type(s) of development that would be permitted and provides little basis for development control decisions or the conditions to be imposed on planning permissions. I give, therefore, limited weight to the view of the Council that the policy is land-use related. It conflicts with PPG 12 and the Good Practice Guide. In this case, I am not able to recommend any reasonable modification to the policy that would result in an acceptable development control tool. It should be deleted. While the plan fairly

represents an elaboration of the Council's overall approach to conservation areas (that would be "user-friendly" to the public at large) that intent should be included within the reasoned justification to Policy BE/20. That would include Pre - Inquiry Changes 21, 22 and 23 that I have dealt with at paragraph 19.11 of my Report.

**Recommendations:**

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

- **Delete Policy BE/22 and paragraphs 19.51 to 19.53.**
- **Modify the reasoned justification to Policy BE/20 to reflect paragraph 19.18 above.**

**Chapter 19 – Hopwood Hall and Chapel (Omission)**

**Objection:** 84/2 Middleton Environment Group

**Key Issues:**

- **Is there a need for a policy for Hopwood Old Hall and Chapel?**

**Inspector's Reasoning:**

19.20 The general intention of Chapter 19 is to protect listed buildings in the Borough (mainly through Policies BE/14 to BE/17) and, where relevant, their re-use - reflecting the overall intent of PPG 15: Planning and the Historic Environment. There are a substantial number within the Borough and the UDP establishes a planning context against which to assess proposals. I see no convincing reason to support a specific policy for these 2 buildings alone - not least as the Council's evidence is that work is underway to establish a conservation plan and an acceptable and viable use(s). In summary, sufficient control would be established by other policies of the UDP and the aspiration(s) of the objector would not be prejudiced.

**Recommendation:**

**19.21 I recommend that:**

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

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**Rochdale Unitary Development Plan Review: 2001-2016: Inspector's Report**