

APPLICATION REPORT – LBC/350294/22
Planning Committee 20th December 2023

Registration Date 10th February 2023
Ward Saddleworth North

Application Reference LBC/350294/22
Type of Application Listed Building Consent

Proposal Conversion of retained West warehouse and office building, retention of chimney, along with demolition of the weaving shed, concrete link structure, Oldham Road warehouse, boiler house and remnants of the main mill, to facilitate the redevelopment of former mill site to create 60 no. dwellings and ancillary infrastructure and open space

Location Site of Bailey Mill, Delph New Road, Delph

Case Officer Graham Dickman
Applicant R Gledhill & Sons Ltd
Agent Jason Kennedy

1. INTRODUCTION

1.1 This application has been referred to Planning Committee for determination in accordance with the Scheme of Delegation as a Major Development.

2. RECOMMENDATION:

2.1 This application is subject to the provisions of the 'Arrangements for Handling Heritage Applications – Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2015' whereby if a written objection is received from either Historic England or a National Amenity Society, the application must be referred to the Secretary of State for Levelling Up, Housing and Communities.

2.2 The application is subject to objections from the Council for British Archaeology and Historic England, Therefore, if Committee resolves that it is minded to approve the application, it must be referred.

2.2 The Secretary of State has 28 days to determine whether to call in the application for their own determination.

2.3 Thereby it is recommended that the application be approved subject to:

1. the conditions set out in this report,
2. confirmation from the Secretary of State that it is not intended to call in the application for determination.
3. The Head of Planning shall be authorised to issue the decision following the satisfaction of the above matters.

3. SITE DESCRIPTION

- 3.1 The site comprises the disused Bailey Mill industrial complex which was statutorily listed Grade II as containing buildings and structures of special architectural and/ or historic interest in 2015. The development site is also contained within the New Delph Conservation Area boundary.
- 3.2 The principal main woollen mill was almost completely destroyed by fire in 2016. Various ancillary buildings survive. However, many of these structures are in a poor state of repair.
- 3.3 The remaining structures comprise:
- Small ancillary parts of the main mill building
 - Boiler house
 - Chimney
 - Blending shed
 - Weaving shed
 - Warehouse adjoining Oldham Road
 - Office building adjoining Oldham Road
- 3.4 Vehicular access is obtained from Delph New Road to the south which leads on to the cul-de-sac of Station Approach. Site levels then generally rise to the north where a retaining wall supports Oldham Road above.
- 3.5 On the south-east side of Station Approach is a modern residential development of two and three storey properties. To the north-east fronting Oldham Road are further residential properties.
- 3.6 When viewed from Oldham Road two buildings within the site, the aforementioned office and warehouse buildings, are visible. Each has stone facings and extends to a single storey on the road frontage. Further along Oldham Road to the north-west are two short terraces of residential properties which back onto the application site.
- 3.7 To the west, within the site boundary, is a naturally vegetated area of tree cover, beyond which is a field. The route of the 'Delph Donkey' a recreational path along the route of the former railway line, cuts through the site in a south-west/ north-east direction.
- 3.8 Across Delph New Road to the south is a modern industrial development.

4. THE PROPOSAL

- 4.1 The application seeks Listed Building Consent for works in relation to the existing buildings which form part of the Bailey Mills site. This includes works for the conversion of the retained west warehouse and office building to residential use. However, the proposal also includes the demolition of the weaving shed, concrete link structure, Oldham Road warehouse, boiler house and remnants of the main mill building.
- 4.2 These works are required to facilitate the redevelopment of the former mill site to create 60 no. dwellings with ancillary infrastructure and open space.
- 4.2 An associated application for planning permission (FUL/350293/22) for this

development also appears on this Committee agenda.

- 4.3 The resultant development will comprise 60 dwellings in a mix of new build properties and conversion of retained buildings. Vehicular access will be provided solely from Delph New Road via Station Approach. A new roadway will extend south-west/ north-east along the 'Delph Donkey' route.
- 4.4 Block 1 is a four-storey block designed to reflect the character of the original main mill structure. The building will be occupied by a mix of 7 four-bedroom houses with accommodation over all four floors, and 9 two-bedroom apartments on the three upper floors.
- 4.5 Block 2 involves a conversion of the former west warehouse which occupies a sloping site and varies in height between two and three storeys. The proposal will create a mix of 5 two-bedroom and 4 one-bedroom apartments.
- 4.6 Block 3 is a new four-storey block. It abuts the boundary with Oldham Road which is situated atop a retaining wall resulting in the building rising to only two storeys on this roadside elevation. The building will contain 4 two-bedroom and 9 one-bedroom apartments. This building will replace the present Oldham Road warehouse.
- 4.7 Block 4 involves the conversion of the former mill office building. It abuts the boundary with Oldham Road which is situated atop a retaining wall resulting in the building rising to only one storey on this roadside elevation and two storeys facing into the site. The building will contain 3 three-bedroom houses.
- 4.8 The remainder of the development will comprise individual or small groups of houses:
 - Plot 17 four-bedroom house with an attached driveway and garage.
 - Plots 18 and 19 are a pair of three-bedroom houses.
 - Plots 20 to 23 are a mews block of 2 three-bedroom and 2 two-bedroom houses.
 - Plot 24 is a four-bedroom detached house.
 - Plots 25 and 26 are a pair of three-bedroom semi-detached houses.
 - Plot 27 is a link detached four-bedroom house.
 - Plots 28 and 29 are a pair of three-bedroom semi-detached houses.
 - Plots 30 to 32 are a mews block of 3 three-bedroom houses.
 - Plots 33 to 35 are a three-storey block of 3 three-bedroom houses.

5. PLANNING HISTORY

LBC/350294/22 - Conversion of retained West warehouse and office building, part retention of chimney, along with demolition of the weaving shed, concrete link structure, Oldham Road warehouse, boiler house and remnants of the main mill, to facilitate the redevelopment of former mill site to create 60 no. dwellings and ancillary infrastructure and open space. Pending determination

LB/339098/16 – Demolition of mill buildings. Refused 4th October 2017

PA/336787/15 – Demolition of mill buildings. Approved 27th August 2015

PA/334863/13 – Construction of new vehicular access roadway. Approved 12th February 2014

PA/058738/10 – Construction of new vehicular access roadway. Approved 24th December 2010

PA/052280/06 – Construction of new vehicular access roadway. Approved 4th September 2007

CA/046894/04 – Demolition of buildings. Refused 17th June 2004

PA/046670/04 – Formation of a new vehicular access following demolition of existing buildings. Refused 2nd June 2004

PA/038882/99 - Outline application for partial demolition of mills and redevelopment for residential purposes, including erection of new dwellings and formation of new access. Means of access to be considered, all other matters reserved. Withdrawn

On adjacent site (Station Approach):

CA/42878/02 - Demolition of goods warehouse. Approved 4th July 2002

PA/42362/01 - Erection of 21 dwellings comprising 15 houses and 6 apartments. Approved 23rd May 2002

6. RELEVANT PLANNING POLICIES

- 6.1 The Joint Core Strategy and Development Management Policies Development Plan Document adopted in 2011 (the Local Plan) is the relevant document for this type of proposal within the adopted Development Plan for Oldham.
- 6.2 On the proposals map associated with this document, the site largely comprises a Phase 1 Housing allocation. However, the western section is located within the Green Belt on the Proposals Map.
- 6.3 As such, the following policies are considered relevant to the determination of this application:
- Policy 3 – An Address of Choice;
Policy 11 – Housing; and,
Policy 24 – Historic Development
- 6.4 Bailey Mills is a Grade II listed building (listing date 21st December 2015) and is within the New Delph Conservation Area. The provisions of Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas Act 1990 are also applicable.

7. CONSULTATIONS

Conservation Officer	Considers that the applicant has failed to provide sufficient information to demonstrate that the Oldham Road warehouse is in a condition which would present its effective conversion.
Historic England	There are concerns regarding the implications on heritage grounds and the Council should ensure consideration is given to addressing the requirements of the NPPF and statutory duty to protect heritage assets.
Council for British Archaeology	Object to the proposals on the grounds that they fail to have adequate regard to the site's historic significance and lead to the loss of existing heritage buildings.
Association for Industrial Archaeology	Consideration should be given to the retention of other surviving structures on the site.
GM Archaeological Advisory Service	The Heritage Statement advocates a programme of historic building recording prior to demolition. It is strongly recommended that this comprises a Level 3 survey.

8. PUBLICITY AND THIRD-PARTY REPRESENTATIONS

- 8.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015, and the Council's adopted Statement of Community Involvement, the application has been advertised by neighbour notification letters, display of site notice, and publication of a press notice as a major development, as a Departure, as affecting the setting of a listed building and the character and appearance of a Conservation Area.
- 8.2 In response, 13 letters of objection, 2 neutral comments, and 4 letters of support have been received raising the following (summarised) issues:

Support comments

- 8.3 The development provides more housing in Saddleworth (discussed at paragraph 19.5 below)
- 8.4 It ensures maintenance of the Delph Donkey (discussed at paragraph 13.4 below)
- 8.5 It will allow redevelopment of a dangerous site in a state of disrepair for 8 years and

removes the danger of children playing on the mill site. (discussed at paragraph 19.4 below)

Objection comments

- 8.6 4 storey building will overlook houses, with balconies will cause overlooking, and lead to loss of light. (discussed at paragraph 15.3-15.5 below)
- 8.7 Traffic will add to existing highway danger at entrance. There is a need to improve the visibility splay to the right and the creation of pavement on Delph New Road would help. (discussed at paragraph 14.1 below)
- 8.8 Inadequate parking (discussed at paragraph 14.3 below)
- 8.9 All development should be within the footprint of the mill, not including Green Belt. (discussed at Section 10 below)
- 8.10 Impact of new residents on primary school and doctors (when added to other developments in the area) (discussed at paragraph 19.8 below)
- 8.11 Too homogenous, modern looking design (discussed at paragraph 11.42 below)
- 8.12 Demolition of historic buildings will affect historical outlook (discussed at Section 11 below)
- 8.13 Loss of mature trees and impact on habitats (discussed at paragraph Section 16 below)
- 8.14 No provision of affordable or accessible housing (discussed at paragraphs 12.11 and 15.3 below)
- 8.15 Risk of subsidence (discussed at paragraph 17.7 below)
- 8.16 Poor local transport links (discussed at paragraph Section 14 below)
- 8.17 Driveways onto Station Approach will be a danger concern (discussed at Section 14 below)
- 8.18 Plots 17, 18, 19 will cause loss of privacy (discussed at paragraph 15.6 below)
- 8.19 Disruption during building phase and clearing site would cause health risks. (discussed at paragraph 15.7 below)
- 8.20 Potential flood risk (discussed at paragraph 17.1-2 below)
- 8.21 Impact on garages to the north-east (discussed at paragraph 17.7 below)
- 8.22 Saddleworth Parish Council oppose the construction of the dwellings in the Green Belt (discussed at Section 10), require further information on access plans during construction (15.7), have concerns regarding the use of 'corten' steel cladding (13.4), and require an assessment of impacts on NHS services (19.8).
- 8.23 Delph Community Association has commented that there appears to be no access from the development onto the Delph Donkey Line Bridleway for walkers or cyclists

(14.4), and concerns were also raised about the visibility from the exit from Station Approach onto Delph New Road with the increased traffic that the new housing will generate (Section 14).

- 8.24 Debbie Abrahams MP has drawn attention to the concerns of a local resident and requested that those concerns are fully considered in assessment of the application.

ASSESSMENT OF THE PROPOSAL

9. PRINCIPLE OF DEVELOPMENT

- 9.1 The application site has a historic use within the textile industry dating from the mid-19th century. Local Plan Policy 14 states that the loss of an employment site to other uses will only be permitted where the applicant can clearly demonstrate that it is no longer appropriate or viable to continue the existing use. However, the Local Plan also designates the site as a Phase 1 Housing Allocation. In addition, it has also been included in the Council's Strategic Housing Land Availability Assessment (SHLAA).
- 9.2 The adjacent residential development on Station Approach similarly represents a former industrial site granted permission for new housing in 2002.
- 9.3 These factors recognise the long-standing presumption that continued industrial use of the site, having regard to its condition, topography, and relationship with neighbouring land uses, would be inappropriate.
- 9.4 As the remaining buildings on the site are subject to statutory listing and the site is located within the New Delph Conservation Area, it is also necessary to consider how and whether the historical fabric of the site can be incorporated into a development scheme. This matter will also be addressed below.
- 9.5 In respect of considering this specific planning application; it is noted that in addition to the former industrial site, part of the proposed development site lies within the Green Belt. This aspect will be addressed separately below.

10. HISTORIC ENVIRONMENT

- 10.1 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development that affects 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.
- 10.2 Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that with respect to conservation areas special attention should be paid to the desirability of preserving or enhancing the character or appearance of the area.
- 10.3 In addition, NPPF Part 16 sets out guidance on the approach to be taken in considering proposals which would affect heritage assets.
- 10.4 Paragraph 195 states that "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal

(including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal".

- 10.5 At paragraph 196 it cautions that "Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision".
- 10.6 Paragraph 197 requires local planning authorities to take account of:
 - "a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness"
- 10.7 It continues at paragraph 198, stating that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance".
- 10.8 At paragraph 200 it states 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...grade II listed buildings...should be exceptional."
- 10.9 Paragraph 201 states that "Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
 - a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use".
- 10.10 Finally at Paragraph 204, it concludes that "Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred".
- 10.11 The Bailey Mills site has a strong historic significance in the development of the Delph area as reflected in the statutory listing of the existing buildings. It is recognised that little of the principal building on the site, around which later structures will have developed, presently exists.
- 10.12 However, as the heritage amenity bodies have commented, this can give greater emphasis to those buildings which remain and the contribution they can make to an understanding of that historic importance.

- 10.13 The New Delph Conservation Area is located just to the south of the village of Delph and encompasses the site. The conservation area today has seen many changes, not least with the loss of substantial railway infrastructure and the introduction of 20th century residential development.
- 10.14 The existing traditional vernacular buildings' still exhibit architectural qualities, such as stone mullion window openings. Nearly all properties are constructed in stone (with some brickwork where evident is later 20th. /21st century buildings'), with either slate or stone flag roofs.
- 10.15 A series of structural condition surveys have been periodically undertaken in 2016 and recently updated in 2021 and 2022 to support this planning application and the associated listed building consent application.
- 10.16 It should be noted that the listing description acknowledges that many of the buildings on site were inaccessible due to their condition. That situation is unlikely to have improved.
- 10.17 Each of the remaining structures can be considered in turn.

The mill building

- 10.18 Small parts of the former mill building, including the remnants of the water and stair tower and the connection to the Oldham Road warehouse remain. However, the Structural Survey indicates that they have been open to the elements and a substantial amount of moisture damage has occurred.
- 10.19 As a consequence, it is not considered that a genuine potential for the renovation and re-use of these structures exists, either individually or as part of the new construction. Therefore, it is considered appropriate that they be removed without significant loss to the value of the heritage asset or the wider site.
- 10.20 The redevelopment proposals acknowledge the former mill's scale and prominence within the mill site and therefore seeks to recreate that significance with a building of similar siting and magnitude, and with fenestration to reflect the vertical emphasis of its predecessor.

Buildings to be retained

- 10.21 The former office building which also adjoins Oldham Road. Neither the masonry walls nor the roof have been identified as having obvious defects.
- 10.22 The building is currently the earliest structure on the site following the construction of the main mill and therefore has a historic significance in the development of the site. The building also exhibits subtle architectural relief and detail. Whilst little of the interior survives, the building is considered to have a high significance and is worthy of retention and repurposing.
- 10.23 The 'west warehouse' is a 19th century structure which the listing notes as being largely obscured by later structures. The removal of those structures will enhance the building's presence on the site. New window openings will be formed to reflect the scale and style of the existing fenestration.
- 10.24 The chimney is a visible landmark on the site and comprises two parts, an original

stone lower section and a later upper brick section. The applicant's survey indicates that this does not appear to be adequately tied together and may pose a future management risk at the site.

- 10.25 A more detailed investigation will be required to determine if any specialist remedial work would be required. This may include intrusive investigation to ensure the chimneys foundations are sufficient, along with a level survey to determine if the structure is plumb. The top of the chimney may require sealing to prevent water ingress which may cause issues to the inside of the chimney.
- 10.26 Subject to such assessment, the proposals have been amended to retain this structure at its present height.

Buildings to be removed

- 10.27 The boiler house, engine house and coal shed represent an important historical element of the site's development. The building itself has been found to be in a poor state of repair and was largely inaccessible at the time of listing. Necessary repairs have been identified as including a new roof and first floor. There are no retained elements which evidence the former power system and given the condition of the structures, an accurate assessment of the significance of any remaining features is difficult to establish.
- 10.28 Given the condition of the structures there is little scope for renovation and re-use. Furthermore, the practical reconfiguration and retention of the buildings would be difficult to achieve within the context of ensuring the effective functioning of the wider site layout.
- 10.29 At the western edge of the complex is the former blending and weaving sheds. This has been identified as a considerably altered 20th century structure. This would require various remedial measures to bring it to practical residential use. It is proposed that this building will be replaced with a mews block which incorporates a roofline to reflect its predecessor.
- 10.30 The warehouse building which adjoins Oldham Road has a particular visual prominence due to its presence on the road frontage, albeit sited at a lower level to the highway with a single floor visible. Several issues with masonry were noted, including the need to make good the gables, with the roof trusses being decayed. The proposals envisage a replacement to this building covering a similar footprint and roof design to reflect the style of its predecessor.
- 10.31 The Oldham Road warehouse replaced a former weavers house and is early 20th century in construction. The building is single storey to the roadside and three storeys to the yard side, taking account of the fall of the land. The building is stone construction with a tin roof and is wedge shaped in plan form.
- 10.32 The applicant indicates that the condition of the building is poor and re-use would require a number of structural interventions. Nevertheless, the building would be capable of retention and conversion. However, this would result in additional costs, which would be likely to further undermine the viability of the site. Consequently, it is proposed to replace the building with a contemporary structure.
- 10.33 The Council for British Archaeology, whilst not objecting to the principle of the residential re-use of the site, has objecting to the quantum of demolition and replacement of buildings. It considers that the proposed layout fails to now retain the

historic layout and show how those structures have contributed to the industrial processes.

- 10.34 It is recognised that the buildings which remain represent the culmination of change over time during the operation of the mill. Given the deterioration in condition of the buildings, there are practical difficulties in ensuring their re-purposing and continued incorporation into the redevelopment scheme.
- 10.35 The focus of the site would have been the main mill building. As noted above, little of this structure now exists. The proposals however seek to retain this focus through the development of a replacement residential block reflecting a similar footprint, scale, and design emphasis within the fenestration.
- 10.36 Of the structures which linked the mill to the remainder of the operational buildings, including the engine and boiler houses and associated small structures, it is acknowledged that these will be lost as features of the redevelopment. In condition/structural terms, difficulties in retention and re-use are evident, it is also difficult to envisage how the layout and scale of the structures could be incorporated without restricting the potential for satisfactory access and servicing of the redeveloped neighbouring buildings. Whilst the overall retention of these buildings would be preferred, it is considered that this would be likely to further undermine the viability of the development.
- 10.37 The chimney however will be retained as an important element of the redevelopment scheme. This structure acts both as a prominent visual focus and as a representation of the site's industrial past. The open areas around the chimney have the potential to incorporate interpretation information into the scheme.
- 10.38 The removal of these structures nevertheless allows views to be achieved towards the retained blocks 2 and 4, along with the redeveloped block 3 which will continue to reflect the scale and design of its predecessor.
- 10.39 The replacement dwellings occupying the site of the western warehouse have similarly been sited and designed to re-create the presence of the present building.
- 10.40 The remainder of the site's development occupies either land which would have featured the former railway line and sidings which no longer exist, although reflecting in the line of the recreational 'Delph Donkey' path, or in the undeveloped Green Belt land to the west. The layout of new buildings in these areas, whilst not directly reflecting the site's industrial past, are of a scale and layout which do not overwhelm the buildings within that more historic core of the site.
- 10.41 It is considered that, in accordance with NPPF paragraph 197, the scheme has had due regard to "the desirability of sustaining and enhancing the significance of heritage assets", whilst creating a development which will re-use a site which presently fails to contribute positively to the conservation of heritage assets or to local character and distinctiveness.
- 10.42 Throughout it is considered that the development provides a variety of property and building sizes and styles, whilst reflecting the character of local vernacular, and the adjacent modern development.

11. VIABILITY

- 11.1 The application is accompanied by a Viability Appraisal which considers the financial viability of the scheme particularly in the context of establishing the desire to secure the retention and re-use of existing historic buildings where this is feasible. It compares the costs with a scheme which proposes retention of more of the historic structures.
- 11.2 The assessment also considers the financial viability of the development and whether policy compliant contributions towards affordable housing and open space could be achieved.
- 11.3 Policy 10 requires 7.5% of the total development sales value to go towards the delivery of affordable housing. In most cases, on average, 7.5% of GDV is usually around 10-20% of the site capacity. In this location, which is identified as a high value area, it is expected that this would be more than 10% of the site capacity. There is a need for affordable housing within Saddleworth.
- 11.4 From a calculation of the proposed bedspaces, it is anticipated that a financial contribution of c.£317,000 would be required.
- 11.5 The submitted assessment concludes that a percentage return on development of the proposed scheme would be 11.67% dropping to 9.59% for a scheme involving a greater degree of original building retention and conversion.
- 11.6 The financial report and the conclusions therein have been independently re-assessed having regard to RICS Guidance Note 94/2012 and Historic England's 'Enabling Development and Heritage Assets' guidance.
- 11.7 The review considers that there will be an uplift in costs due to general specification of external materials that will be required (external stone, natural roof slates) to ensure compliance with the heritage and conservation area, but also the costs currently experienced on residential projects and to achieve current more stringent Building Regulations requirements.
- 11.8 In conclusion, the review has anticipated that there will be a 16% uplift on the budget allowed for by the applicant.
- 11.9 Despite an increased GDV and reduced costs relating to amendments made to contingency, marketing/sales fees and land value, the increase in construction costs in line with the associated construction costs assessment means that the residual profit reduces from 11.67% to 7.62%.
- 11.10 Ultimately the proposed scheme provides a higher residual profit, albeit reduced in comparison with the submitted Viability Statement. This is well below an expected target of 15-20% of gross development value set out in national Planning Practice Guidance. It also shows that the alternative scheme to retain and convert additional buildings on the site would reduce this margin further.
- 11.11 It is evident that the proposal will provide the best possible option for securing the practical re-use of the site which takes into consideration the importance of retaining as much of the building's heritage value as possible. However, the provision of affordable housing and open space could not be achieved due to the development's viability position.

12. DESIGN AND APPEARANCE

- 12.1 The proposed development includes a mix of property types, designs, and heights. This is primarily influenced by the need to recognise the historic heritage of the main site. This is reflected in the siting of the buildings in this part of the site and in the fenestration detail and use of materials.
- 12.2 A significant amount of variation in design has been achieved through the layout providing visual interest when passing through the site.
- 12.3 Facing materials will focus on the use of sandstone walling and natural slate roofing. The Conservation Officer has commented that the majority of the existing buildings consist of coursed square sandstone, and therefore, to respect the existing stone masonry, it would be expected that the new development also consists of coursed square sandstone rather than the proposed random laying.
- 12.4 The use of corten steel panels, intended to reflect the industrial aesthetic of the site, has been questioned by the Parish Council. This is proposed primarily around the ground levels of the proposed buildings. Although there are concerns about the ultimate colour, this is deemed acceptable in this context.
- 12.5 All these details will be subject to condition for the provision of samples to be submitted for approval in advance of the development commencing. This will cover all facing materials, windows and doors, and rainwater goods.

Other matters applicable to the wider re-development scheme

13. GREEN BELT

- 13.1 As noted above, the bulk of the application site lies within the defined urban area. The proposals however incorporate a section of land, amounting to appropriately 25% of the overall site area and extending 50 metres from the western boundary of the urban area, which is located within the designated Green Belt. This area is shown to accommodate 8 new dwellings.
- 13.2 NPPF Paragraph 149 states that a local planning authority should regard the construction of new buildings or other development as inappropriate in the Green Belt. A list of exceptions is defined; however, the proposed residential development would not comprise one of those types of development and would therefore present inappropriate development.
- 13.3 Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 13.4 The NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, noting that the essential characteristics of Green Belts are their openness and their permanence.
- 13.5 The Green Belt serves five purposes:
 - a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and

- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 13.6 The settlement of Delph is small and self-contained. Although the development would extend the built area further along the north side of Delph New Road towards Dobcross, given the retained separation and extent of existing built development along the south side of Delph New Road, the merging of settlements would not be at risk.
- 13.7 The proposal will clearly result in encroachment of built development into the Green Belt in conflict with the third purpose.
- 13.8 In its favour, it can be argued that the proposal would (subject to the assessment of viability below) lead to redevelopment of a derelict urban site.
- 13.9 The applicant has commented that even though the land is contained within green belt, it had formed part of the former Bailey Mill operations site and railway sidings. However, there is no present evidence of such use on site and the area has become largely naturally vegetated. Nor does such development appear to be shown on historical maps. Therefore, little weight can be given to this factor.
- 13.10 Consequently, the proposals will comprise inappropriate development in the Green Belt. NPPF paragraph 147 states that inappropriate development is by definition harmful to the Green Belt and should not be approved unless very special circumstances exist which demonstrate that the harm to the Green Belt is clearly outweighed by other considerations.

14. HIGHWAY ISSUES

- 14.1 A Transport Assessment has been submitted with the application and has been considered by the Council's Highways Officer. It is concluded that the levels of traffic generation to and from the site, including the use of the site entrance, would be at a level which would not result in adverse impact on the surrounding highway network.
- 14.2 An originally proposed car park access from Oldham Road has not however been deemed necessary and has been deleted from the proposals.
- 14.3 On-site car parking of one space for two-bed units and 2 spaces for larger units has been incorporated. The highway layout is acceptable with good pedestrian infrastructure and an acceptable level of car parking provision.
- 14.4 The 'Delph Donkey' recreational route continues to pass through the site. Measures to ensure safe crossing of the route will be incorporated in association with the adoption of the highway.

15. RESIDENTIAL AMENITY

- 15.1 The application is accompanied by an Acoustic Assessment which considers any potential impact from noise sources in the vicinity of the site and concludes that with the incorporation of upgraded glazing, trickle ventilation, and acoustic barriers to properties which may be affected by traffic noise, the scheme will create an acceptable living environment for future residents.

- 15.2 In respect of the Nationally Described Space Standards, a checklist has been submitted which demonstrates that all house and apartment types either meet or exceed the required overall space standard, which applies equally to bedroom sizes.
- 15.3 All properties will be required to satisfy Part M of the Building Regulations in ensuring accessibility to properties.
- 15.4 In respect of the relationship with neighbouring residential properties, the dominant structure on the site will be replacement for the former mill of new block 1. As this will have a similar bulk and form to its predecessor it is not considered that it will result in an unacceptable degree of overshadowing of the neighbouring properties to the south on Station Approach or those to the north and east on Oldham Road.
- 15.5 In terms of impact on privacy, bedroom accommodation on the upper floors will face towards Station Approach, a number of which have window openings on the northern elevation. Those aspects of the properties face the street and are open to public views. Balconies originally proposed to face these properties have nevertheless been removed from the design in order to reduce any potential adverse impact.
- 15.6 Two rows of existing houses on Oldham Road will face towards the development site, albeit from a significantly elevated vantage point. The new dwelling at Plot 27 will be situated in close proximity to the rear of 29 to 33 Oldham Road. However, this new property occupies a lower site level, and has been designed to create a single storey aspect to the rear with no facing windows.
- 15.7 Other relationships between the proposed houses and existing dwellings secure satisfactory standards of amenity with appropriate separation distances.
- 15.8 Whilst there inevitably may be some disturbance to neighbouring properties during the construction period, this would be temporary. A Construction Management Plan will be required as a condition of any approval to control access arrangements and manage potential issues associated with noise and dust.

16. ECOLOGY AND LANDSCAPING

- 16.1 The application is accompanied by a Preliminary Ecological Assessment, Tree Impact Report, a Biodiversity Net Gain Report and BNG Metric Calculation, along with on-site landscaping proposals.
- 16.2 GM Ecology Unit has considered the impact on ecology and protected species has raised no objections subject to various conditions which will be included within any approval recommendation.
- 16.3 GMEU has however commented that replacing woodland with hedgerows or individual trees does not provide adequate compensation for the loss, and the Trees Officer has similarly noted that it will be necessary for off-site compensation to be provided for the loss of trees.
- 16.4 Having regard to these factors, it will be necessary for the developer to demonstrate how appropriate compensation will be provided to satisfy Local Plan Policy and the requirements of NPPF paragraph 174. This will be required by means of a planning condition.

17. DRAINAGE AND GROUND CONDITIONS

- 17.1 The entire site is situated in Flood Zone 1 as per the Environment Agency's flood map for planning, which indicates a low probability of a flood event (less than 1 in 1,000 annual probability). Notwithstanding this, the NPPF requires proposals for sites of 1 hectare or more that are in Flood Zone 1 to be accompanied by a site-specific flood risk assessment (FRA). A Flood Risk Assessment has been prepared and accompanies the application.
- 17.2 The report concludes that there is a low probability of flooding and therefore, the proposed development doesn't result in an unacceptable risk of flood or drainage problems.
- 17.3 The details have been considered by United Utilities which has confirmed that the drainage proposals are acceptable in principle, subject to a planning condition for submission of a detailed scheme.
- 17.4 A Geo-environmental Appraisal incorporating a 'Phase 1' Desk Study and has been undertaken. A number of potential contaminants have been identified having regard to the historic use of the site and measures are recommended in order to ensure the site is suitable for the proposed residential use.
- 17.5 The Coal Authority has confirmed that the site is not within a high-risk area.
- 17.6 On the basis of this information, the Environmental Health Officer has raised no objections to the development subject to detailed assessments being carried out and the results and any necessary remedial measures submitted for approval.
- 17.7 Both the construction of new dwellings and conversion works will be subject to approval under the Building Regulations to ensure the development can be constructed safely. Notwithstanding, full details of proposed site levels and any retaining structures will be required as a condition of the approval.

18. ENERGY

- 18.1 Policy 18 of the Local Plan requires all major developments to reduce energy emissions based on reductions over and above Part L of the Building Regulations 2010 or 2013.
- 18.2 A condition will be imposed requiring submission of a statement to demonstrate how the necessary targets will be met.

19. PLANNING BALANCE AND CONCLUSION

- 19.1 Assessment of this application requires careful consideration and a balancing of a range of significant factors. Principal amongst these is the Council's statutory responsibilities under the Listed Buildings & Conservation Areas Act.
- 19.2 Having regard to the present condition of the site, and specifically the previous loss of the principal mill building to fire, it is considered that the proposals would lead to 'less than substantial harm' to the significance of the heritage asset.
- 19.3 In such circumstances, NPPF paragraph 202 requires that "where a development

proposal will 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 including, where appropriate, securing its optimum viable use”

- 19.4 The primary public benefit from the development would be the practical re-use of the site which would overcome the continuing blight of the local area and would prolong the serious problems of visual harm, the continuing eroding of the structural condition of the remaining listed structures and potential for anti-social behaviour which exist.
- 19.5 The proposal will also secure the provision of an additional 60 properties providing improved housing choice, with a mix of property types, in the Delph area.
- 19.6 Nevertheless, the concerns of the heritage amenity bodies and the Council's Conservation Officer, that the justification for the loss of existing buildings on the site has not been adequately evidenced remains. In particular, the Oldham Road warehouse is proposed for demolition. Additional costs would result from the retention and conversion of this building.
- 19.7 The viability appraisal and its independent review have concluded that the development is on the cusp of viability. It is questionable whether the introduction of additional costs from retention of the Oldham Road warehouse would push the scheme below a viable threshold.
- 19.6 In order to achieve a viable scheme, it has been demonstrated that the retention of more of the remaining building fabric would not be achievable without further compromising viability.
- 19.8 In addition, it has been necessary to propose a quantum of development to allow for the retention of existing heritage buildings as proposed, development within an adjoining area of Green Belt would be required, including the loss of an area of existing tree cover.
- 19.9 Furthermore, it is apparent that the scheme would not be capable of providing contributions towards affordable housing or education/health facilities.
- 19.10 Ultimately, this is a matter of planning judgement and assigning weight to these various factors. The additional costs associated with the site make re-development a challenge. The site has lain vacant and in an increasing state of dereliction since the fire to the main mill in 2016. There is little prospect for a development which would secure the retention of a greater extent of the existing buildings or be achieved in the confines of the previously developed site, that is, those areas not in the Green Belt.
- 19.11 This is a difficult decision, as approval of the scheme conflicts which planning policies in relation to green belt and heritage protection. Nevertheless, the public benefits of facilitating a viable redevelopment scheme are determined to outweigh those harms.
- 19.12 On balance therefore, it is recommended that the application should be approved as the benefits of securing a viable re-use of the site, which includes the retention of the office building, west warehouse, chimney, and opportunities to allow for the continued interpretation of the site's heritage, would represent significant public benefits sufficient to outweigh the harm through loss of those buildings sought for removal. This would be subject to a range of conditions including the phasing of the development, and ensuring that materials are used throughout which are appropriate to the site's setting and heritage.

RECOMMENDED CONDITIONS

1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission. REASON - To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. The development hereby approved shall be fully implemented in accordance with the Approved Details Schedule list on this decision notice. REASON - For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.
3. No development shall commence until a scheme for the phasing of the works, including the conversion or demolition of existing buildings as proposed, has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details. REASON – In order to ensure the development is undertaken in a manner which enhances the heritage of the site through the conversion and re-use of existing listed buildings can be secured having regard to Policy 24 of the Oldham Local Plan, Part 16 of the NPPF and provisions of Section 66(1) and Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
4. Prior to the commencement of the development hereby approved, the following information shall be submitted to and approved in writing by the Local Planning Authority: A full site survey showing: (i) the datum used to calibrate the site levels (ii) levels along all site boundaries (iii) levels across the site at regular intervals (iv) floor levels of adjoining buildings, and full details of the proposed ground and finished floor levels of all buildings and proposed levels for external areas, including any retaining structures. The development shall be implemented only in full accordance with the approved details. REASON - Prior approval of such details is necessary as they are fundamental to the initial site preparation works and to ensure that the details of the development are satisfactory having regard to Policies 9 and 20 of the Oldham Local Plan.
5. No development hereby approved shall commence until a scheme for the provision, landscaping, and future management and maintenance of the areas of public open space and retained chimney within the site has been submitted to and approved in writing by the Local Planning Authority. The open space shall be provided in accordance with the approved scheme and shall be retained thereafter. REASON - To ensure satisfactory retention of the amenity spaces having regard to Policy 21 of the Oldham Local Plan.
6. No development comprising the erection of any external walls shall take place until samples of the materials to be used in the construction of the external surfaces of the development, including coursing of stonework, pointing, windows, doors, lintels and cills, and rainwater goods, and for the roof, have been submitted to and approved in writing by the Local Planning Authority. The masonry shall consist of coursed square sandstone and windows shall be recessed. The Development shall be carried out in accordance with the approved details. The materials to be used throughout the development shall be consistent in terms of colour, size, and texture with the approved details. REASON - To ensure that the appearance of the development is acceptable in the interests of the visual amenity of the area having regard to Policies 20 and 24 of the Oldham Local Plan.
7. No cleaning of the stonework of any existing buildings shall be undertaken until a detailed specification for the cleaning method and materials to be used has been

submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken thereafter solely in accordance with the approved methods. REASON – To protect the fabric of the historic building having regard to Policy 24 of the Oldham Local Plan.

8. No development shall commence until a scheme of measures for the provision of on-site historic interpretation to reflect the site's heritage has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in full accordance with the approved details. REASON – In order to ensure the development is undertaken in a manner which ensures that the enhancement of the heritage of the site through the conversion and re-use of existing listed buildings can be secured having regard to Policy 24 of the Oldham Local Plan, Part 16 of the NPPF and provisions of Section 66(1) and Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
9. Notwithstanding the details indicated on the approved hardworks plans ref 283-REL-XX-XX-DR-L-4/03 and 283-REL-XX-XX-DR-L-4/04, samples or a detailed specification for the facing materials to be used, to include boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details. REASON – In order to ensure the development is undertaken in a manner which ensures that the enhancement of the heritage of the site having regard to Policy 24 of the Oldham Local Plan.
10. No demolition or development works shall take place until the applicant or their agents or their successors in title has secured the implementation of a programme of archaeological works in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved in writing by the local planning authority. The WSI shall cover the following:
 1. A phased programme and methodology of investigation and recording to include:
 - a historic building investigation (Level 3) of the former mill prior to demolition;
 - pending the results of the above, an intra-demolition watching brief;
 - archaeological evaluation trenching following the demolition works;
 - pending the results of the above, targeted open-area excavation.
 2. A programme for post-investigation assessment to include:
 - analysis of the site investigation records and finds
 - production of a final report on the significance of the heritage interest recorded.
 3. Deposition of the final report with the Greater Manchester Historic Environment Record.
 4. Dissemination of the results of the site investigations commensurate with their significance, including a permanent heritage display / information panel.
 5. Provision for archive deposition of the report, finds and records of the site investigation.
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.

REASON - To record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) and to make this evidence (and any archive generated) publicly accessible having regard to Policy 24 of the Oldham Local Plan.

SITE LOCATION PLAN (NOT TO SCALE)

