

**PROPOSED NEW SADDLEWORTH SCHOOL**

**SITE: FORMER WH SHAW PALLET WORKS, HUDDERSFIELD ROAD, DIGGLE OL3 5NX**

**WARD: SADDLEWORTH NORTH**

**LATE LIST REPORT OF THE HEAD OF PLANNING AND INFRASTRUCTURE**

**PLANNING COMMITTEE: 13<sup>th</sup> April 2016**

**Application A (PA/337931/15)**

A full planning application submitted by WRT Developments Ltd to demolish the existing buildings on the WH Shaw site within the red line boundary. It does not include the grade II listed office building and clock tower or link bridge.

Registration Date: 22/12/15

Agent: Mr Michael Brown, HNA Architects Ltd

**Application B (LB/337929/15)**

A listed building consent application submitted by WRT Developments Ltd to demolish the link bridge attached to the Grade II listed office building and clock tower.

Registration Date: 21/12/15

Agent: Mr Michael Brown, HNA Architects Ltd

**Application C (PA/337301/15)**

A full planning application submitted by Interserve Construction Ltd on behalf of the Secretary of State for Education to build a new secondary school and associated facilities.

Registration Date: 28/7/15

Agent: WYG

**Application D (PA/337930/15)**



A full planning application submitted by Oldham Council to provide a parental drop off facility plus residential car parking as part of the wider highways scheme on land off Huddersfield Road.

Registration Date: 21/12/15

Agent: Mr Paul Groves, Unity Partnership

## Contents

1. The Scheme and the Development Plan .....	4
Application A .....	4
Application B .....	9
Application C .....	14
Application D .....	25
2. Application C - Impact of the setting of the new school on the listed office building .....	33
3. Amended conditions .....	34
Application A .....	34
Application B .....	35
Application C .....	36
Application D .....	42
Application B .....	45
4. Typographical Errors .....	47
Executive Summary .....	47
Main Report: .....	47
5. Late commentary .....	48
Application B .....	48
Link Bridge Treatment .....	48
Application C .....	50
Flood Risk Update .....	50
6. Further Objectors Comments .....	51

## 1. The Scheme and the Development Plan

- 1.1 To be clear about the conclusion of the report, Officers have been advised to make it clear to Members:
- a) How the proposals meet or do not meet the tests of the Development Plan;
  - b) Outline other material considerations; and,
  - c) Summarise how Officers reached their conclusions on the basis of the above.
- 1.2 This has been done for each application below.

### Application A

- 1.3 In relation to the Development Plan, the demolition of the factory buildings application is in line or contrary to the following Development Plan policies as set out below:

#### ***Policy 1 Climate Change and Sustainable Development***

This is an overarching policy that states development should adapt to and mitigate against climate change and address the low carbon agenda, contribute towards sustainable development, help create a sense of place, improve the quality of life for residents and visitors, and enhance the borough's image. It also states that the Council will promote and support improvements in education and skills which contribute to Oldham as a university town.

The proposal is considered in line with this policy because the proposed demolition would ensure the effective and efficient use of land and buildings by promoting the re-use and conversion of this former industrial site and development on previously developed land and will involve the remediation of contaminated land.

The subsequent development does adapt to and mitigate against climate change, particularly in respect of reducing the risk of flooding on the site downstream. It would contribute to sustainable development by providing a school which is fit for purpose and will provide facilities which will help enable students to reach their potential. The proposed building is energy efficient in that it is highly insulated and maximises the use of daylight and natural ventilation. It makes prudent use of natural and man-made resources.

The new school buildings should give students and the community a sense of pride when compared to the existing buildings and this will improve the image of the area. The development would also promote educational improvement.

The potential impacts on amenity have been mitigated as far as possible and no major adverse impacts occur.

The sports facilities will provide higher quality facilities than existing and offer the opportunity to improve the health and well-being of the local community through increased participation in sport.

The site is not as centrally located to the wider Saddleworth community as the existing school. However, the proposed school is not a significant distance away and located in an accessible location to a built-up area and will be accessible by a choice of transport modes.

The development does not prejudice other regeneration plans.

Overall, the demolition would allow a high quality, sustainable development which respects its surrounding and enhances the Boroughs image and is in line with this Development Plan policy.

### ***Policy 2 Communities***

Because the demolition application is key to facilitating the development of new and improved education facilities, the scheme is considered in line with this policy because it will support improvements to the education and skills of the borough's population and also contributes to improving health and well-being.

### ***Policy 6 Green Infrastructure***

This policy states new developments must, where appropriate, promote and enhance and make a positive contribution to the borough's green infrastructure network (including nature conservation sites, strategic recreation routes, green corridors and links, canals and open spaces).

This policy is particularly relevant due to the presence of the Huddersfield Narrow Canal to the rear of the site and Diggle Brook.

Because the demolition would not detrimentally affect any element of Green Infrastructure, subject to conditions, the scheme is considered in line with this policy in parts a-e and h-l as there will be no major adverse impact on these and they will remain open, green, wildlife corridors. The scheme will not result in the loss of significant habitats and the scheme provides enhancements to the natural habitat through additional trees, sowing of native wildflower plants and creation of a bat-friendly habitat.

However, there will be some visual changes to the area and landscape in general. The proposal would therefore not enhance and reinforce the Boroughs landscape. As such, it is contrary to this element of the policy even though these will not be significantly adverse, particularly when seen in the wider landscape context.

### ***Policy 9 Local Environment***

This policy states that when determining planning applications, the Council will protect and improve local environmental quality and amenity and promote community safety across the borough. It states that development should not be located in areas where it would be adversely affected by neighbouring land uses. In addition, it adds development should not cause significant harm to the amenity of existing and future neighbouring occupants or users.

Because the demolition application will, subject to conditions, not materially affect neighbouring land uses, resident's amenity, have an unacceptable impact on the environment due to air quality, odour noise, vibration or light pollution issues, road users or community safety, it is considered in line with this policy.

The development will promote community safety by ensuring that the development minimises opportunities for crime, will help to reduce the fear of crime and provides for safety and security for all.

However, it is accepted that the demolition will have an adverse visual impact on the surrounding area and specifically on the setting of the grade II listed office building. As such it is contrary to part a iv of this policy, even though the assessment of landscape and visual impacts does not result in impacts which exceed moderate adverse.

### ***Policy 19 Water and Flooding***

The policy is about ensuring development does not result in unacceptable flood risk or drainage. Since this demolition application does not create any unacceptable flood risk or drainage implications, the demolition application is considered in line with this policy.

### ***Policy 21 Protecting Natural Assets***

This policy states that the Council will value, protect, conserve and enhance the local natural environment and its functions and provide new and enhanced Green Infrastructure. Its goes on to say that development proposals must protect, conserve and enhance biodiversity and geodiversity, designated nature conservation sites, legally protected species and their habitats and Local Nature Reserves.

This policy is relevant due to the location of the Huddersfield Narrow Canal SBI to the rear of the site and potentially a range of bats and birds on site. However, subject to conditions and mitigation, this scheme is considered acceptable and in line with this policy since it has no material impacts on these assets.

### *Policy 24 Historic Environment*

Having stated that proposals must have regard to policies including national and local guidance on the historic environment, this policy states that when determining applications the Council will seek to protect, conserve and enhance the architectural features, structures, settings, historic character and significance of the borough's heritage assets and designations. It goes on to say that development to, or within the curtilage or vicinity of, a listed building or structure must serve to preserve or enhance its special interest and its setting, also adding that the Council will support heritage-led regeneration, including the reuse of historic buildings such as mills, to achieve economic, community and regeneration objectives, where appropriate.

Since the proposed demolition of the factory buildings is considered to cause substantial harm to the setting of the grade II listed office building adjacent to the factory buildings, the scheme is contrary to this policy despite the fact that the demolition of the factory buildings would allow the re-use of this former industrial site as a school and subsequently help to achieve Council economic, community and regeneration objectives.

- 1.4 In conclusion, considering the Development Plan as a whole, Officers consider the proposal is compliant with the Development Plan except in relation to Policy 24 – Historic Environment.
- 1.5 As stated in the main report, other material considerations include:
- Because the demolition of the factory buildings causes substantial harm to a designated heritage asset's setting (the factory office), paragraph 133 of the NPPF applies here and the test that needs to be applied to this case is, where a proposed development will lead to substantial harm to the significance of a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm or loss.
  - Where the proposal results in less than substantial harm to other designated heritage assets, paragraph 134 of the NPPF applies and requires the Council to weigh harm against the public benefits of the proposal, including securing its optimum viable use.
  - S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 indicates that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the Council for the purpose of deciding whether there would be some harm, but should be given considerable importance and weight when the Council carries out the balancing exercise of judging the negatives of the scheme against the positives. Indeed, it is clear that even if the harm would be 'less than substantial', the balancing exercise must not

ignore the statutory duty imposed by S66(1) which requires considerable weight to be given to the desirability of preserving the setting of listed buildings.

- The NPPF is clear that planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system [Paragraph 19] and, where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the need for different land uses to support sustainable local communities [Paragraph 22].
- The joint policy statement 'Planning for School's Development' states the government's view that the creation of state-funded schools and their delivery through the planning system is strongly in the national interest and that planning decision makers can and should support that objective in a manner consistent with their statutory obligations.

1.6 In weighing these key considerations, Officers consider a refusal of this application would result in an outcome that runs directly contrary to the principle aims of the Development Plan and NPPF that seek to encourage sustainable economic growth and sustainable communities. They take this view particularly in the context of the potential use of the site as a school and the significant economic, social and environmental benefits it would create if approved in Application C.

1.7 Taken as a whole, there is substantial harm to the setting and context of the listed office building and less than substantial harm to other designated heritage assets that mean paragraphs 133 and 134 of the NPPF have been engaged in the assessment of the application. The strong presumption in favour of protecting, conserving and enhancing the settings of heritage assets set out in the Development Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 has also been given proper weight.

1.8 However:

- The advice that it is the government's view that the creation of state-funded schools and their delivery through the planning system is strongly in the national interest and that planning decision makers can and should support that objective in a manner consistent with their statutory obligations.
- The evidence of unsuccessful marketing of the site over many years and therefore the unlikely reuse of the buildings going forward;
- The significant benefits for future generations of use of the development site and potentially as a new school;
- Stopping anti-social behaviour on site;



- The potential blighting of the site for any realistic future use if the buildings are not demolished;
- The likely deterioration of the site surrounding the listed building, thus detracting to the character of the area and the setting of a listed building, plus,
- The lack of direct harm to designated heritage assets themselves,

means that officers consider that the demolition of the five buildings presents a list of planning benefits that weigh in favour of approving the application.

- 1.9 On balance, having weighed the proposal against the relevant Development Plan policies, legislation and guidance and the NPPF, Officers recommend that the demolition application should be approved as the planning benefits to the area that are a consequence of the demolition and subsequent redevelopment of the site (and potentially as a new school) outweigh the strong legislative and plan presumption against the demolition of the factory buildings and subsequent harm to the setting and context of the Grade II listed office building.
- 1.10 In relation to landscape and visual amenity impacts, none of impacts resulting from the demolition are considered to be significant enough to sustain a reason for refusal that outweigh the benefits of demolishing the factory buildings and opening it up for positive development.
- 1.11 The scheme is not considered to be contrary to the Development Plan elsewhere.

## Application B

- 1.12 In relation to the Development Plan, the link bridge demolition application in question is in line or contrary to the following Development Plan policies as set out below.

### ***Policy 1 Climate Change and Sustainable Development***

This is an overarching policy that states development should adapt to and mitigate against climate change and address the low carbon agenda, contribute towards sustainable development, help create a sense of place, improve the quality of life for residents and visitors, and enhance the borough's image. It also states that the Council will promote and support improvements in education and skills which contribute to Oldham as a university town.

The proposal is considered in line with this policy because the proposed link bridge demolition would ensure the effective and efficient use of land and buildings by promoting the re-use and conversion of this former industrial site and development on previously developed land.

It would contribute to sustainable development by allowing to be built a school which is fit for purpose and will provide facilities which will help enable students to

reach their potential. The new school buildings allowed by the link bridge demolition should give students and the community a sense of pride when compared to the existing buildings and this will improve the image of the area. The development would promote educational improvement.

The potential impacts on amenity have been mitigated as far as possible and no major adverse impacts occur.

The development does not prejudice other regeneration plans.

Overall, the listed link bridge demolition would allow a high quality, sustainable development which respects its surrounding and enhances the Boroughs image. It is therefore in line with this Development Plan policy.

### ***Policy 2 Communities***

Because the demolition application is key to facilitating the development of new and improved education facilities, the scheme is considered in line with this policy because it will support improvements to the education and skills of the borough's population and also contributes to improving health and well-being.

### ***Policy 6 Green Infrastructure***

This policy states new developments must, where appropriate, promote and enhance and make a positive contribution to the borough's green infrastructure network (including nature conservation sites, strategic recreation routes, green corridors and links, canals and open spaces).

This policy is particularly relevant due to the presence of the Huddersfield Narrow Canal SBI to the rear of the site and Diggle. However, because the demolition would not detrimentally affect any element of Green Infrastructure, subject to conditions, the scheme is considered in line with this policy.

### ***Policy 9 Local Environment***

This policy states that when determining planning applications, the Council will protect and improve local environmental quality and amenity and promote community safety across the borough. It states that development should not be located in areas where it would be adversely affected by neighbouring land uses. In addition, it adds development should not cause significant harm to the amenity of existing and future neighbouring occupants or users.

Because the link bridge demolition application will, subject to conditions, not materially affect neighbouring land uses, resident's amenity, have an unacceptable impact on the environment due to air quality, odour noise, vibration or light pollution issues or affect road users or community safety, it is considered in line with this policy. The link bridge demolition, whilst causing substantial harm to the setting of

the grade II listed office building, does not cause significant adverse impact on visual amenity of the surrounding area and is therefore considered acceptable against part a iv) of this policy .

#### ***Policy 21 Protecting Natural Assets***

This policy states that the Council will value, protect, conserve and enhance the local natural environment and its functions and provide new and enhanced Green Infrastructure. It goes on to say that development proposals must protect, conserve and enhance biodiversity and geodiversity, designated nature conservation sites, legally protected species and their habitats and Local Nature Reserves.

This policy is relevant due to the location of the Huddersfield Narrow Canal SBI to the rear of the site and potentially a range of bats and birds on site. However, subject to conditions and mitigation, this scheme is considered acceptable and in line with this policy since it has no material impacts on these assets.

#### ***Policy 24 Historic Environment***

Having stated that proposals must have regard to policies including national and local guidance on the historic environment, this policy states that when determining applications the Council will seek to protect, conserve and enhance the architectural features, structures, settings, historic character and significance of the borough's heritage assets and designations. It goes on to say that development to, or within the curtilage or vicinity of, a listed building or structure must serve to preserve or enhance its special interest and its setting, also adding that the Council will support heritage-led regeneration, including the reuse of historic buildings such as mills, to achieve economic, community and regeneration objectives, where appropriate.

Since the proposed demolition of the listed link bridge is considered to cause substantial harm to the setting of the grade II listed office building and results in the part demolition of a listed building, the scheme is contrary to this policy despite the fact that the link bridge demolition would help allow the re-use of this former industrial site as a school and subsequently help to achieve Council economic, community and regeneration objectives.

- 1.13 In conclusion, considering the Development Plan as a whole, Officers consider the proposal is compliant with the Development Plan except in relation to Policy 24 - Historic Environment.
- 1.14 As stated in the main report, other material considerations include:
- Because the demolition of the link bridge causes demolition to part of a listed building and substantial harm to a designated heritage asset (the factory office),

paragraph 133 of the NPPF applies here and the test that needs to be applied to this case is, where a proposed development will lead to substantial harm to significance of a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm or loss.

- S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 indicates that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the Council for the purpose of deciding whether there would be some harm and should be given considerable importance and weight when the Council carries out the balancing exercise of judging the negatives of the scheme against the positives. Indeed, it is clear that even if the harm would be 'less than substantial', the balancing exercise must not ignore the statutory duty imposed by S66(1) which requires considerable weight to be given to the desirability of preserving the setting of listed buildings.
  - The NPPF is clear that planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system [Paragraph 19] and, where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the need for different land uses to support sustainable local communities [Paragraph 22].
  - The joint policy statement 'Planning for School's Development' states the government's view that the creation of state-funded schools and their delivery through the planning system is strongly in the national interest and that planning decision makers can and should support that objective in a manner consistent with their statutory obligations.
- 1.15 In weighing these considerations Officers consider that the demolition of the link bridge results in substantial harm to the significance of the designated heritage asset whilst noting that the link bridge is not an original element of the listed building and the office's specific special architectural and historic interest is not affected significantly by its removal.
- 1.16 As a consequence of this, Officers have weighed this scheme against paragraph 133 of the NPPF that requires the Council to refuse consent unless the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm.
- 1.17 Officers have given weight to the NPPF direction that planning should operate to encourage and not act as an impediment to sustainable growth and therefore

significant weight should be placed on the need to support economic growth through the planning system and, where there is no reasonable prospect of a site being used for an allocated employment use such as this site, applications for alternative uses of land should be treated on their merits having regard to market signals and the need for different land uses to support sustainable local communities .

1.18 Officers have also had regard to the strong presumption set out in legislation and the Development Plan to preserve listed buildings and the setting of heritage assets and given it significant weight. However, because of:

- The schools policy guidance that it is the government's view that the creation of state-funded schools and their delivery through the planning system is strongly in the national interest and that, subsequently, planning decision makers can and should support that objective in a manner consistent with their statutory obligations.
- The evidence of unsuccessful marketing of the site over many years and therefore the unlikely reuse of the link bridge going forward;
- The significant social and economic benefits for future generations of use of the site and potentially as a new fit for purpose school;
- Stopping anti-social behaviour on site;
- The potential blighting of the site for any realistic future use if the link bridge is not demolished;
- The likely deterioration of the site surrounding the listed building if left undeveloped, thus detracting to the character of the area and the setting of a listed building, plus,
- Because of the limited impact the demolition will have on the heritage assets' specific heritage significance,

Officers consider that the demolition of the five buildings presents a list of planning benefits that weigh in favour of approving the application.

1.19 It is Officers opinion that these considerations significantly outweigh the presumption against affecting the setting of a heritage asset and part demolition of a listed building in this instance. This approach of course is in line with paragraph 133 of the NPPF and Development Plan policies that support heritage-led regeneration, including the reuse of historic buildings such as mills, to achieve economic, community and regeneration objectives. Therefore, subject to conditions ensuring suitable treatment of the remains of the link bridge, the scheme is considered acceptable when balanced against all Development Plan policies.

1.20 In relation to non-designated heritage assets, we have balanced the scale of harm created by the demolition of the link bridge and the limited significance of non-designated heritage assets that are the factory buildings. In this respect, Officers

consider that the demolition of the link bridge would not sustain a reason for refusal in relation to material harm to the factory buildings.

## Application C

- 1.21 In relation to the Development Plan, the new school application in question is in line or contrary to the following Development Plan policies as set out below:

### ***Policy 1 Climate Change and Sustainable Development***

This is an overarching policy that states development should adapt to and mitigate against climate change and address the low carbon agenda, contribute towards sustainable development, help create a sense of place, improve the quality of life for residents and visitors, and enhance the borough's image. It also states that the Council will promote and support improvements in education and skills which contribute to Oldham as a university town.

The proposal is considered in line with this policy because the proposed new school development would ensure the effective and efficient use of land and buildings by promoting the re-use and conversion of this former industrial site and development on previously developed land and will involve the remediation of contaminated land.

The subsequent development does adapt to and mitigate against climate change, particularly in respect of reducing the risk of flooding on the site downstream. It would contribute to sustainable development by providing a school which is fit for purpose and will provide facilities which will help enable students to reach their potential. The proposed building is energy efficient in that it is highly insulated and maximises the use of daylight and natural ventilation. It makes prudent use of natural and man-made resources.

The new school buildings should give students and the community a sense of pride when compared to the existing buildings and this will improve the image of the area. The development would promote educational improvement.

The potential impacts on amenity have been mitigated as far as possible and no major adverse impacts occur.

The sports facilities will provide higher quality facilities than existing and offer the opportunity to improve the health and well-being of the local community through increased participation in sport.

The site is not as centrally located to the wider Saddleworth community as the existing school. However, the proposed school is not a significant distance away and located in an accessible location to a built-up area and will be accessible by a choice of transport modes.

The development does not prejudice other regeneration plans.

Overall, the demolition would allow a high quality, sustainable development which respects its surrounding and enhances the Boroughs image and is in line with this Development Plan policy.

### ***Policy 2 Communities***

Because the scheme facilitates the development of new and improved education facilities, the scheme is considered in line with this policy because it will support improvements to the education and skills of the borough's population and also contributes to improving health and well-being.

### ***Policy 5 Promoting Accessibility and Sustainable Transport Choices***

This policy is concerned with directing development to the most accessible locations, stating that major developments should be located in areas of 'high' or 'very high' accessibility (within 400m of a frequent bus service). In addition, it requires schools to provide a Travel Plan and Transport Assessment. The policy also highlights the importance of ensuring that new development locations are accessible by a choice of travel modes, including public transport, walking and cycling.

The site represents the most accessible location which is available, suitable and viable to be developed for school purposes. This proposal is within distance of a frequent bus service. Furthermore, school buses also will help ferry students to and from the school. Acceptable parking levels are provided and the relevant Travel Plans and Assessments will ensure that the school can be accessed effectively as well as encouraging various modes of transport to and from the site. The proposal will not impede the strategic or local highways network or compromise pedestrian or highway safety. In these circumstances, the new school scheme is considered in line with this policy.

### ***Policy 6 Green Infrastructure***

This policy states new developments must, where appropriate, promote and enhance and make a positive contribution to the borough's green infrastructure network (including nature conservation sites, strategic recreation routes, green corridors and links, canals and open spaces). This policy is particularly relevant due to the presence of the Huddersfield Narrow Canal SBI to the rear of the site and Diggle Brook and because the canal is designated as a recreational route.

Because the new school proposal would not detrimentally affect any element of Green Infrastructure, subject to conditions, the scheme is considered in line with this policy as it will not detrimentally affect any of the elements identified in parts a-f and h-i of the policy.



However, the proposed school and playing fields will replace the existing mill buildings and fields on the site. Viewed from various viewpoints the proposed school buildings would be largely seen against the backdrop of existing built form or as a replacement for the factories and the sports pitches will remain predominantly open. Nevertheless, Officers acknowledge that landscape and visual impacts will occur and, whilst these will be mitigated wherever possible through the layout, form and design of the development, such as through the use of the proposed materials colour palette, retaining the openness of the sports fields, and retention of many of the existing boundary trees, the proposal is contrary to part g of this policy that seeks to enhance elements of the Boroughs landscapes.

#### ***Policy 7 - Sustainable Use of Resources - Waste Management***

This policy recognises the importance of sustainable waste management. It seeks to ensure that all facilities and new development are developed in line with the principles of the waste hierarchy set out in the Greater Manchester Waste Plan. This policy is relevant as it promotes the use of site waste management plans in major construction projects within Oldham.

A waste management strategy relating to construction and operation waste has been submitted and this meets the terms of this policy. As such, it is considered in line with this part of the Development Plan.

#### ***Policy 9 Local Environment***

This policy states that when determining planning applications, the Council will protect and improve local environmental quality and amenity and promote community safety across the borough. It states that development should not be located in areas where it would be adversely affected by neighbouring land uses. In addition, development should not cause significant harm to the amenity of existing and future neighbouring occupants or users.

This proposal is not located in an area where it would be adversely affected by neighbouring land uses; subject to conditions, does not have an unacceptable impact on the environment or human health caused by air quality, odour, noise, vibration or light pollution; does not cause significant harm to the amenity of the residents or future occupants in terms of loss of privacy, community safety and security, noise, pollution, the visual appearance of an area, access to daylight or other nuisances; does not result in unacceptable level of pollutants or exposure of people in the locality or wider area; is not located in areas where an identified source of potential hazard exists and development is likely to introduce a source of potential hazard or increase the existing level of potential hazard; minimises traffic levels and does not harm the safety of road users.



However, in some cases it does have an adverse impact on the visual amenity of the surrounding area, including local landscape and the setting of the grade II listed office building in particular. As such, the proposal is not always in line with part a iv of this policy.

### ***Policy 13 Employment Areas***

This policy designates employment areas, including the Saddleworth Employment Areas (SEAs).

In terms of the principle of development on the site, Policy 13 is pertinent. It highlights the Council's approach to existing employment areas as 'to keep the best and recycle the rest'. This policy refers specifically to the 'Saddleworth Employment Areas' (SEA) which consist of ten established employment areas in Saddleworth and Lees. The Policy goes on to re-allocate the former WH Shaw Pallet's site as SEA8 (historically allocated under reference PEZ 31).

Since the site is not proposed to be used for employment purposes, this element of the scheme is contrary to this policy.

### ***Policy 14 Supporting Oldham's Economy***

In summary, this policy outlines the types of uses that are permitted within the designated Employment Areas.

It then goes to outline circumstances that the Council may permit uses other than those uses listed. Specifically, Policy 14 recognises that it is important Oldham has a range of sites to support the local economy. It goes on that development proposals which would result in the loss of a site currently or most recently used for employment purposes to other uses should include measures to outweigh the loss of the site and support Oldham's economy and the regeneration plans of the borough.

The more detailed policy text lists the uses which would be permitted within the Saddleworth Employment Areas as:

- o B1 – Business,
- o B2 – General Industry,
- o B8 – Storage or Distribution'
- o A3 – Restaurants and Cafes'
- o A4 – Drinking Establishments,
- o A5 – Hot Food Takeaway (excluding SEAs 1 to 10),
- o C1 – Hotels,
- o Leisure facilities up to 1,000 square metres gross floor space,
- o Retail facilities up to 500 square metres gross floor space,

- o Building and construction related uses,
- o Transport and transport-related uses,
- o Waste management facilities, and
- o Garden centres.

The policy goes on to state that uses other than those listed above will be permitted on sites currently or most recently used for employment purposes, provided the applicant can clearly demonstrate that it is no longer appropriate or viable to continue the existing use:

- a) Through a marketing exercise which demonstrates that there is no market for the uses listed above. The marketing exercise should be agreed with the Council before commencing and be of a professional standard; or
- b) Through a viability exercise that the continued use/development of the site for the uses listed above is unviable; or
- c) That the development of the site for alternative uses would benefit the regeneration areas identified by the Council as being in need of investment or would benefit the community of an area.

This policy is relevant to this new school proposal because the site is located within a Saddleworth Employment Area.

The applicant has demonstrated via a marketing exercise that there is no market for the existing use. Furthermore, Officers consider the site is unlikely to be appropriate for an employment use and the use of the site as a school would have clear regeneration benefits that would benefit the community. As such, Officers consider that this proposal is acceptable as the proposed change of use can be justified against the terms of Policy 14.

#### ***Policy 16 – Local services and facilities***

Policy 16 ensures the need for leisure facilities are met by protecting existing premises and permitting new local services and facilities where appropriate within existing built up areas.

This policy is relevant because, whilst the leisure and sports provision proposed exceeds 1,000 square metres - and as such is not relevant for consideration under Policy 16 - the proposed development will provide locally available services that contribute towards vibrant communities and reduce the need to travel. The school's sports and leisure facilities are considered to contribute to the areas leisure facilities. As such, this proposal is considered to be in line with Policy 16 of the Development Plan.

### ***Policy 17 Gateways and Corridors***

This policy states that the Council will support the Sustainable Modes of Travel [SMoTS] (to school) Strategy, which includes proposals to improve existing infrastructure to facilitate more sustainable travel to school. This policy is relevant as, although SMoTS may no longer be in place, the Council still has a statutory duty in relation to this and the intention behind the policy remains.

In relation to the proposed school, pedestrian routes have been considered and will be improved on the wider routes to school. Cycling will also be encouraged and a school travel plan will be produced plus the use of public transport will be promoted with the retention of school buses to the new site. Overall, the proposal supports SMoTS as it improves existing infrastructure to facilitate more sustainable travel to and from the school. As such, it is considered in line with Policy 17.

### ***Policy 18 Energy***

The policy requires all development to follow the principles of the zero carbon hierarchy. All developments over 1,000 square metres or ten dwellings and above are required to reduce energy emissions in line with the targets set out in Table 8. These targets are based on reductions over and above Part L of Building Regulations 2010 or 2013.

The design is capable of meeting the requirements of this policy which in this case would require a 15% reduction in CO<sub>2</sub> emissions than part L of the Building Regulations. This is achieved by applying the principles of the zero carbon hierarchy - to maximise energy efficiency through design and fabric of the building, minimise carbon usage through energy efficient plant and low and zero-carbon technologies and other carbon reduction measures such as tree planting.

Subject to conditions, compliance with these energy targets is demonstrated within the application to the Council's satisfaction. As such, this scheme is considered to comply with this policy.

### ***Policy 19 Water and Flooding***

This policy is about ensuring development does not result in unacceptable flood risk or drainage. It states development proposals must carry out and pass the Sequential Test and, where necessary, the Exception Test and a site-specific flood risk assessment.

Consideration must be given to all sources of flooding and the vulnerability of development. An area of search must be agreed with the Council. Evidence must be submitted to demonstrate how the tests have been passed.

In addition it states that:

- where possible Sustainable Urban Drainage Systems [SUDS] should be implemented;
- culverting avoided and existing culverts removed, opened up or enhanced where appropriate;
- green corridors next to water courses retained where possible;
- new developments should have high standards of water efficiency; and,
- ensure potential capacity issues in the water supply and sewerage treatment works are taken into account.

The applicants Flood Risk Assessment demonstrates that the development complies with the sequential test and all relevant flood risk guidance. The impact of the development on surface water run-off has been minimised and SUDS are proposed. There is an existing culvert which runs through the site. However, it is not appropriate to open this up given the proposed use as a school. The scheme retains a green corridor next to the watercourse and it enhances them through the sowing of native wildflowers. Moreover, the proposal will reduce the consumption of water and have high water efficiency standards compared to the existing school. Finally, the development conserves water resources and does not adversely affect water quality or quantity and biodiversity.

Having assessed the relevant documentation and considered the responses of statutory and interested parties, Officers consider that the proposal will not result in unacceptable drainage or flood risk issues and that, as a consequence, the proposal is in line with this part of the Development Plan and its relevant tests.

### ***Policy 20 Design***

This policy states that the Council will promote high quality design and sustainable construction of developments that reflect the character and distinctiveness of local areas, communities and sites.

The proposal has been designed with local character, safety and inclusion, diversity, ease of movement, legibility, adaptability, sustainability and future maintenance in mind and creates good spaces and a well-designed building that is a sustainable construction. The proposed school is designed to acceptable standards of educational design in terms of layout, function, form, flexibility, adjacencies and efficiency.

The site has a history of large-floorplate, multi-storied industrial buildings. In this context, the mass of the school is considered appropriate, particularly as it is lower than the adjacent listed building in order for it to retain its prominence. The mass is not over-dominant along the canal and the school buildings are a greater distance from the listed building than the existing industrial buildings.

The proposed materials are considered appropriate and stone was introduced into the scheme to improve the setting of the listed building, to break up the mass of the elevations, add visual interest, emphasise the entrance and reflect local context.

In these circumstances, the scheme is considered to meet the tests set out in this policy and therefore complies with the Development Plan.

### ***Policy 21 Protecting Natural Assets***

This policy states that the Council will value, protect, conserve and enhance the local natural environment and its functions and provide new and enhanced Green Infrastructure. It goes on to say that development proposals must protect, conserve and enhance biodiversity and geodiversity, designated nature conservation sites, legally protected species and their habitats and Local Nature Reserves.

The development proposals seek to retain and enhance existing habitats where possible, with new habitats proposed to mitigate for unavoidable loss and to enhance ecological value in the long term. The cumulative impact of the development proposals with other nearby development will not result in major adverse impacts on ecology, but will allow for improvements to be made to habitats. Therefore, subject to conditions and mitigation, this scheme is considered acceptable since the local natural environment and Green Infrastructure, biodiversity and geodiversity are protected and designated conservation sites protected species and habitats will be unharmed by the proposal. As such, the new school scheme is in line with this policy since it has no material impacts on these assets.

### ***Policy 22 Protecting Open Land***

This policy states that development in the Green Belt will be permitted provided it does not conflict with national planning policy.

The proposed outdoor sports facilities themselves are considered to be appropriate development in the Green Belt by Officers. However, the addition of man-made features surrounding the sport facilities, such as fences, floodlights, goal posts and artificial surface are inappropriate development since they change parts of the Green Belt from a natural environment to one more intensively used that impacts on the visual amenity and openness of the Green Belt. Inappropriate development is normally not allowed unless very special circumstances exist that outweigh the harm to the Green Belt. Whether the proposal is acceptable therefore depends on whether Officers consider that very special circumstances exist that warrant Officers setting aside the normally presumption against inappropriate development in the Green Belt. If there are not, then the proposal is contrary to the Development Plan.

### ***Policy 23 - Open spaces and Sports***

This policy sets out how the Council will protect, promote and enhance existing open space in the borough, how new residential development will be expected to contribute to the provision of new open space, and the circumstances in which the loss of open space will be permitted.

The vision, set out in Chapter 3 of the Core Strategy, for Saddleworth and Lees does however state that:

*“We will continue to protect the good accessibility to most types of open space in the Saddleworth villages and by 2026 will have addressed the deficiencies in access to provision for children and young people in the villages and the deficiency to outdoor sport facilities in Denshaw. By 2026 deficiencies in the quantity of all open space typologies in the villages will have been rectified and all open spaces in the area will be of good or very good quality”.*

Policy 23 is relevant because it seeks to improve the provision of existing outdoor sports facilities within Diggle and Saddleworth. The proposal includes the provision of open space and new sporting facilities which are superior to those at the existing school. The introduction of sports uses will open up Green Belt land for use to a greater number of people, consistent with the Governments aims. It will also encourage greater participation in sports by both students and members of the general public therefore promoting better health and well-being.

Overall, this scheme is considered to comply with this part of the Development Plan.

### ***Policy 24 Historic Environment***

Having stated that proposals must have regard to policies including national and local guidance on the historic environment, this policy states that when determining applications the Council will seek to protect, conserve and enhance the architectural features, structures, settings, historic character and significance of the borough’s heritage assets and designations. It goes on to say that development to, or within the curtilage or vicinity of, a listed building or structure must serve to preserve or enhance its special interest and its setting, also adding that the Council will support heritage-led regeneration, including the reuse of historic buildings such as mills, to achieve economic, community and regeneration objectives, where appropriate.

Since the proposed demolition of the listed link bridge and factory buildings are considered to cause substantial harm to the setting of the grade II listed office building and involve the part demolition of a listed building, the scheme is contrary to this policy despite the fact that their demolition would help allow the re-use of this

former industrial site as a school and subsequently help to achieve Council economic, community and regeneration objectives.

- 1.22 In conclusion, considering the Development Plan as a whole, Officers consider the proposal is compliant with the Development Plan except in relation to Policy 22 – Protecting Open Land and Policy 24 – Historic Environment.
- 1.23 As stated in the main report, other material considerations include:
- Because the demolition of the factory buildings and link bridge to allow the development of the school causes substantial harm to a designated heritage asset's setting (the factory office), paragraph 133 of the NPPF applies here and the test that needs to be applied to this case is, where a proposed development will lead to substantial harm to significance of a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm or loss.
  - Where the school proposal results in less than substantial harm to other designated heritage assets, paragraph 134 of the NPPF applies and requires the Council to weigh harm against the public benefits of the proposal, including securing its optimum viable use.
  - S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 indicates that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the Council for the purpose of deciding whether there would be some harm, but should be given considerable importance and weight when the Council carries out the balancing exercise of judging the negatives of the scheme against the positives. Indeed, it is clear that even if the harm would be 'less than substantial', the balancing exercise must not ignore the statutory duty imposed by S66(1) which requires considerable weight to be given to the desirability of preserving the setting of listed buildings.
  - The NPPF is clear that planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system [Paragraph 19] and, where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the need for different land uses to support sustainable local communities [Paragraph 22].
  - The NPPF's Green Belt assessment criteria setting out, amongst other things, that inappropriate development is, by definition, harmful to the Green Belt and



should not be approved except in very special circumstances, needs to be taken into consideration.

- Paragraph 32 of the NPPF sets out that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- The joint policy statement 'Planning for School's Development' states the government's view that the creation of state-funded schools and their delivery through the planning system is strongly in the national interest and that planning decision makers can and should support that objective in a manner consistent with their statutory obligations.

1.24 In weighing the elements of the scheme that were contrary to the Development Plan, Officers consider:

- The loss of employment land is acceptable as the applicant has shown the site is no longer appropriate as an employment use and the new school would benefit the community.
- Whilst the use of the Green Belt for outdoor sport and recreation purposes is generally considered appropriate, the addition of man-made features surrounding the sport facilities such as fences, flood lights, goal posts and artificial surfaces are inappropriate development since they change parts of the Green Belt from a natural environment to one more intensively used and one that impacts on the visual amenity and openness of the Green Belt. However, the substantial social and economic benefits of delivering a new school and its playing fields on this site and the lack of alternative sites for such a use mean that there are very special circumstances that clearly outweigh the harm to the Green Belt land by reason of inappropriateness. This is particularly since none of the overarching purposes of the Green Belt are significantly affected by this proposal.
- It is acknowledged that landscape and visual impacts will occur, but these will be mitigated wherever possible and the impact on the landscape and visual amenity will not be significantly detrimental to sustain a reason for refusal. Similarly, the proposed setting of the school will not create material harm that would support a reason for refusal.
- The historic relationship between the office building and original loom works buildings will be removed as a result of the demolition of the existing factory buildings and link bridge and construction of the school, resulting in substantial harm to the setting of the listed office building. There is a strong legislative presumption against harming the setting and context of a Grade II listed building



as set out in S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Development Plan Policy. However, in this unique instance, the significant benefits that delivering a new, fit for purpose school would deliver and the shortage of alternative sites to develop a new school on outweighs the normal presumption against a scheme affecting the setting of a listed building. The proposal is therefore considered to comply with paragraph 133 of the NPPF that says that where a proposed development will lead to substantial harm to the significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm.

- In highways terms, Officers accept that congestion will occur during peak periods when the school is open. However, the short periods of time during which this will occur are outweighed by the benefits that the proposed highway improvements will bring to the surrounding highway network at all other times and allowing the new school to function effectively. Moreover, the cumulative impact of the scheme on the highways network is not 'severe'. As such, there are no grounds that would sustain a reason for refusal in this instance.

- 1.25 Overall, having weighed the new school proposal against the range of Development Plan considerations where the proposal was either in line with or contrary to the Development Plan, the scheme is considered, on balance, acceptable.

## Application D

- 1.26 In relation to the Development Plan, the highways works application it is in line or contrary to the following Development Plan policies as set out below:

### ***Policy 1 Climate Change and Sustainable Development***

This is an overarching policy that states development should adapt to and mitigate against climate change and address the low carbon agenda, contribute towards sustainable development, help create a sense of place, improve the quality of life for residents and visitors, and enhance the borough's image. It also states that the Council will promote and support improvements in education and skills which contribute to Oldham as a university town.

The proposal is considered in line with this policy because the proposed highways works would help to ensure the effective and efficient use of land and buildings by promoting the re-use and conversion of this former industrial site and development on previously developed land and will involve the remediation of contaminated land.

It would contribute to sustainable development by helping provide highways works which would allow a school which is fit for purpose to be provided and facilities which will help enable students to reach their potential. The new school buildings should give students and the community a sense of pride when compared to the

existing buildings and this will improve the image of the area. The development would promote educational improvement.

The potential impacts on amenity have been mitigated as far as possible and no major adverse impacts occur.

The site is not as centrally located to the wider Saddleworth community as the existing school. However, the proposed school is not a significant distance away and located in an accessible location to a built-up area and will be accessible by a choice of transport modes.

The development does not prejudice other regeneration plans.

Overall, the highways works would enable a high quality, sustainable development which respects its surrounding and enhances the Boroughs image and is in line with this Development Plan policy.

### ***Policy 2 Communities***

Because the highways works application is key to facilitating the development of new and improved education facilities, the scheme is considered in line with this policy because it will support improvements to the education and skills of the borough's population and also contributes to improving health and well-being.

### ***Policy 5 Promoting Accessibility and Sustainable Transport Choices***

This policy is concerned with directing development to the most accessible locations, stating that major developments should be located in areas of 'high' or 'very high' accessibility (within 400m of a frequent bus service). In addition, it requires schools to provide a Travel Plan and Transport Assessment. The policy also highlights the importance of ensuring that new development locations are accessible by a choice of travel modes, including public transport, walking and cycling.

The highways works are within distance of a frequent bus service. Furthermore school buses also will help ferry students to and from the school and the new drop-off points will also help parents and students move efficiently to and from the site. Acceptable parking levels are provided for residents displaced by the proposed new highways works and the relevant Travel Plans and Assessments will ensure that the school can be accessed effectively as well as encouraging various modes of transport to and from the site. In these circumstances, the new school scheme is considered in line with this policy since they will ensure the safety of pedestrians, cyclists and road users as well catering for a mix of travel modes.

### ***Policy 6 Green Infrastructure***

This policy states new developments must, where appropriate, promote and enhance and make a positive contribution to the borough's green infrastructure network (including nature conservation sites, strategic recreation routes, green corridors and links, canals and open spaces). This policy is particularly relevant due to the presence of open space adjacent to the new drop-off and parking areas.

Because the highways works proposal will not detrimentally affect any element of Green Infrastructure, subject to conditions, the scheme is considered in line with this policy in the elements identified in parts a-f and h-i of the policy. However, as stated in the main report, views of the highways development are likely to be available from surrounding viewpoints and particularly from Huddersfield Road. Once the demolition and construction activities have been completed, the effects are likely to reduce, with just the drop-off area, residents parking areas and lighting viewed as new features within views. Nevertheless, these new features are contrary to part g of the policy that seeks to enhance elements of the Boroughs landscapes.

### ***Policy 9 Local Environment***

This policy states that when determining planning applications, the Council will protect and improve local environmental quality and amenity and promote community safety across the borough. It states that development should not be located in areas where it would be adversely affected by neighbouring land uses. In addition, development should not cause significant harm to the amenity of existing and future neighbouring occupants or users.

This highways works proposal is not located in an area where it would be adversely affected by neighbouring land uses; subject to conditions, does not have an unacceptable impact on the environment or human health caused by air quality, odour, noise, vibration or light pollution; does not cause significant harm to the amenity of the residents or future occupants in terms of loss of privacy, community safety and security, noise, pollution, the visual appearance of an area, access to daylight or other nuisances; does not result in unacceptable level of pollutants or exposure of people in the locality or wider area; is not located in areas where an identified source of potential hazard exists and development is likely to introduce a source of potential hazard or increase the existing level of potential hazard; minimises traffic levels where practical and does not harm the safety of road users.

However, it does have an adverse impact on the visual amenity of the surrounding area by building in a currently open field. As such, the proposal is not in line with part a iv of this policy.

### ***Policy 13 Employment Areas***

This policy designates employment areas, including the Saddleworth Employment Areas (SEAs) and goes on to re-allocate the land used to widen the existing access road for business and industrial use as B1.1.28.

Since a small part of the site is not proposed to be used for these purposes, this element of the scheme is contrary to this policy.

### ***Policy 16 – Local services and facilities***

Policy 16 permits new local services and facilities where appropriate within existing built up areas.

This policy is relevant because it creates facilities for residents in the form of new parking areas for residents and a new drop-off point for parents dropping students off at school. These facilities are considered to contribute positively to the locality. As such, this proposal is considered to be in line with Policy 16 of the Development Plan.

### ***Policy 17 Gateways and Corridors***

This policy states that the Council will support the Sustainable Modes of Travel [SMoTS] (to school) Strategy, which includes proposals to improve existing infrastructure to facilitate more sustainable travel to school. This policy is relevant as although SMoTS may no longer be in place, the Council still has a statutory duty in relation to this and the intention behind the policy remains.

In relation to the highways works, pedestrian routes have been considered and will be improved on the wider routes to school. Cycling will also be encouraged and a school travel plan will be produced plus the use of public transport will be promoted with the retention of school buses to the new site. Overall, the proposal supports SMoTS as it improves existing infrastructure to facilitate more sustainable travel to and from the school. As such, it is considered in line with Policy 17.

### ***Policy 19 Water and Flooding***

This policy is about ensuring development does not result in unacceptable flood risk or drainage. It states development proposals must carry out and pass the Sequential Test and, where necessary, the Exception Test and a site-specific flood risk assessment.

The applicants Flood Risk Assessment demonstrates that the development complies with the sequential test and all relevant flood risk guidance. The impact of the development on surface water run-off has been minimised and SUDS are

proposed. The development also conserves water resources and does not adversely affect water quality or quantity and biodiversity.

Having assessed the relevant documentation and considered the responses of statutory and interested parties, Officers consider that the highways proposal will not result in unacceptable drainage or flood risk issues and that, as a consequence, the proposal is in line with this part of the Development Plan and its relevant tests.

### ***Policy 20 Design***

This policy states that the Council will promote high quality design and sustainable construction of developments that reflect the character and distinctiveness of local areas, communities and sites.

Officers consider that the use of Grasscrete will lessen the visual impact of the car park. In Officers view the design also help reduce the impact on the openness and visual amenity of the scheme to the Green Belt. Officers consider generally that the proposal respects the local character; considers safety and inclusion; ease of movement; legibility; and is properly designed for future maintenance as well as providing properly designed parking and drop-off spaces. However, the proposed loss of the stone walls fronting the highway, because of the widening of the highway and access road, results in a loss of local character and distinctiveness. As such, this element of the scheme is contrary to this part of the Development Plan.

### ***Policy 21 Protecting Natural Assets***

This policy states that the Council will value, protect, conserve and enhance the local natural environment and its functions and provide new and enhanced Green Infrastructure. Its goes on to say that development proposals must protect, conserve and enhance biodiversity and geodiversity, designated nature conservation sites, legally protected species and their habitats and Local Nature Reserves.

With regard to the area of grassland affected by the proposed new car park drop-off facility and residents' parking area, Officers consider they are not of substantive value and have no objections on nature conservation grounds to the proposals for this area. There are no trees within the area of the highways works site due to be cleared. Trees along the northern and southern boundary are to be retained and additional tree planting is proposed.

Overall, the scheme is considered in line with Policy 21 parts a-c and e as it affects none of the natural environmental assets outlined in the policy detrimentally. However, the development does have some impact on the visual amenity of the area as stated in the report. As such, the development is contrary to part d of the

policy that seeks to enhance the visual amenity of the area through conserving the distinctiveness of the landscape character.

### ***Policy 22 Protecting Open Land***

This policy states that development in the Green Belt will be permitted provided it does not conflict with national planning policy.

The proposed drop-off facility and car park are inappropriate development since they change parts of the Green Belt from a natural environment to one more intensively used that impacts on the visual amenity and openness of the Green Belt. Inappropriate development is normally not allowed unless very special circumstances exist that outweigh the harm to the Green Belt. Whether the proposal is acceptable therefore depends on whether Officers consider that very special circumstances exist that warrant Officers setting aside the normally presumption against inappropriate development in the Green Belt. If these circumstances do not exist then the scheme is contrary to the Development Plan.

### ***Policy 24 Historic Environment***

Having stated that proposals must have regard to policies including national and local guidance on the historic environment, this policy states that when determining applications, the Council will seek to protect, conserve and enhance the architectural features, structures, settings, historic character and significance of the borough's heritage assets and designations. It goes on to say that development to, or within the curtilage or vicinity of a listed building or structure must serve to preserve or enhance its special interest and its setting, also adding that the Council will support heritage-led regeneration, including the reuse of historic buildings such as mills, to achieve economic, community and regeneration objectives, where appropriate.

The proposed highways works are considered to cause less than substantial harm to the setting of three designated heritage assets<sup>1</sup>. Nevertheless, the scheme is contrary to the Development Plan in this respect since it does not protect, conserve and enhance their settings.

- 1.27 In conclusion, considering the Development Plan as a whole, Officers consider the proposal is compliant with the Development Plan except in relation to Policy 22 – Protecting Open Land and Policy 24 – Historic Environment.
- 1.28 As stated in the main report, other material considerations include:
- Where the highways works result in less than substantial harm to designated heritage assets, paragraph 134 of the NPPF applies and requires the Council to

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<sup>1</sup> 25 and 45.47 and 49 Huddersfield Road plus the listed office building

weigh harm against the public benefits of the proposal, including securing its optimum viable use.

- S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 indicates that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the Council for the purpose of deciding whether there would be some harm, but should be given considerable importance and weight when the Council carries out the balancing exercise of judging the negatives of the scheme against the positives. Indeed, it is clear that even if the harm would be ‘less than substantial’, the balancing exercise must not ignore the statutory duty imposed by S66(1) which requires considerable weight to be given to the desirability of preserving the setting of listed buildings.
- The NPPF is clear that planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system [Paragraph 19] and, where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the need for different land uses to support sustainable local communities [Paragraph 22].
- The NPPF’s Green Belt assessment criteria setting out, amongst other things, that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, needs to be taken into consideration.
- Paragraph 32 of the NPPF sets out that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- The joint policy statement ‘Planning for School’s Development’ states the government’s view that the creation of state-funded schools and their delivery through the planning system is strongly in the national interest and that planning decision makers can and should support that objective in a manner consistent with their statutory obligations.

1.29 In weighing the elements of the scheme that were contrary to the Development Plan, Officers consider:

- The highways works, new drop-off area and resident’s car parks are all considered acceptable, subject to conditions. Paragraph 32 of the NPPF states that development should only be refused on transport grounds where the residual cumulative impacts of development are “severe”. Despite the fact that



officers acknowledge that there will be some minor delays and congestion in the area during very concentrated periods of time, this can be managed and mitigated effectively.

- The very minor loss of business and employment land will not prejudice the potential use of the adjacent site for these purposes.
- There are very special circumstances that outweigh the limited impact of the proposal would have on the visual amenity and openness of the Green Belt.
- The proposal's limited impact on landscape and visual amenity would not sustain a reason for refusal when weighed against the positives of the works to ensure highway safety, the efficient use of the highway and the operation of the new school.
- No concerns are raised on design grounds, subject to a condition ensuring the retention of stone walls to Huddersfield Road and to the access road to the factory site.
- Officers have had regard to the strong presumption set out in legislation and in the Development Plan to preserve the setting of designated heritage assets. However, because of the limited impact the works will have on the settings of the designated heritage assets, the minor impact on their heritage significance, the benefits of providing parking for residents and removing vehicles from the public highway that will allow access to and from the proposed new school and though the area generally, plus the significant social and economic benefits the highways works would create in allowing a fit for purpose school to be delivered and operate efficiently, it is Officers opinion that these considerations outweigh this presumption in this instance. Furthermore, the scheme complies with paragraph 134 of the NPPF that states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset (as it does in this application), this harm should be weighed against the public benefits of the proposal. In these case officers consider that the public benefits of the proposal outweigh the less than substantial harm created by this application, notwithstanding the requirement to give very significant weight to the presumption against causing harm to the designated heritage asset.

1.30 Overall, having weighed the new school proposal against the range of Development Plan considerations where the proposal was either in line with or contrary to the Development Plan, the scheme is considered, on balance, acceptable.



## 2. Application C - Impact of the setting of the new school on the listed office building

- 2.1 For the avoidance of doubt, whilst the setting of the proposed school sits along approximately the same line of the existing factory buildings (albeit 3m back), the loss of the factory building and the erection of more modern school buildings would cause substantial harm to the listed office buildings setting that arises from introducing non-industrial, modern school buildings in close proximity to it.
- 2.2 As a consequence, S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is applicable that indicates that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the Council for the purpose of deciding whether there would be some harm, but should be given considerable importance and weight when the Council carries out the balancing exercise of judging the negatives of the scheme against the positives. Furthermore, Paragraph 133 of the NPPF is also relevant to the assessment of this part of the application. It states that where a proposed development will lead to substantial harm of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm. Policy 24 of the Development Plan also similarly applies.
- 2.3 As stated in the main report, Officers feel the historic relationship between the office building and original loom works buildings will be removed as a result of the demolition of the existing factory buildings and link bridge and the construction of the new school. This results in substantial harm to the setting of the listed office building. There is a strong legislative presumption against harming the setting and context of a Grade II listed building as set out in S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Development Plan Policy. However, in this unique instance, the significant benefits that delivering a new, fit for purpose school would deliver and the shortage of alternative sites to develop a new school on outweighs the normal presumption against a scheme affecting the setting of a listed building. The proposal is therefore considered to comply with paragraph 133 of the NPPF that says that where a proposed development will lead to substantial harm to the significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm.

### 3. Amended conditions

- 3.1 Following discussions with the applicant and having taking legal advice, the following conditions wording have been amended. However, the purposes of the conditions remain the same:

#### Application A

2. The development hereby approved shall be fully implemented in accordance with the approved plans and specifications which are referenced as follows:

- Drawing number: 1073/DEM-001 Rev.A – “Building References for Demolition Purposes” – Received 21 December 2015;
- Drawing number: 1073/SLP Rev.B – “Site Location Plan” – Received 21 December 2015; and,
- Drawing number: 1073/DEM-003 – “Description of Demolition Works” – Received 21 December 2015.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.

5. No development shall commence unless and until a site investigation and assessment in relation to the landfill gas risk has been carried out and the consultant's report and recommendations have been submitted to and approved in writing by the Local Planning Authority. Thereafter any recommended works shall be carried out in full and in accordance with any approved scheme of works.

Reason: In order to protect public safety, because the site is located within 250m of a former landfill site.

6. No development shall commence unless and until a site investigation and assessment to identify the extent of land contamination has been carried out and the consultant's report and recommendations have been submitted to and approved in writing by the Local Planning Authority. Thereafter any recommended works shall be carried out in full and in accordance with any approved scheme of works.

Reason: In order to protect public safety and the environment.

9. Notwithstanding the plans hereby approved no vegetation clearance or groundworks shall take place in the months of March, April, May, June and July since this is the optimum period for bird nesting unless under the supervision of a suitably qualified person, the method of which is to be expressly agreed in writing with the Local Planning Authority.

Reason: To minimise the impact of the proposed development on breeding birds.

13. No works for the demolition of the building(s) or any part thereof shall commence on site until a valid agreement has been entered into under which one of the parties is obliged to carry out and itself complete the school development of the site for which planning permission has been granted under application reference PA/337301/15) or such other application(s) approved by the Local Planning Authority; and; evidence of the agreement has first been submitted to and approved by the Local Planning Authority.

Reason: In the interests of the visual amenity of the locality and public benefits are delivered.

## Application B

3. The development hereby approved shall be fully implemented in accordance with the approved plans and specifications, which are referenced as follows:
- Drawing number 1073/LO-201 – ‘Existing rear elevation’ – Received 21 December 2015
  - Drawing number 1073/LO/501 – ‘Proposed Works to Bridge – Details’ – Received 21 December 2015
  - Drawing number 1073/LO-202 – ‘Listed Office Building: Proposed Elevation Works’ – Received 21 December 2015

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.

3. Notwithstanding the approved drawings, no works shall commence until details and drawings of the following matters have been submitted to and approved in writing by the Local Planning Authority:
  - i) Full details of the proposed timber boards, metal lower half, damp proof treatment at the end of the link bridge, ventilation and its finish.

The works shall be carried out in accordance with the approved details.

Reason: In the interests of preserving the character and appearance of the listed building and its setting.

## Application C

2. The development hereby approved shall be fully implemented in accordance with the approved plans and specifications, which are referenced as follows:

5334\_L(0)001 Rev J - Location Plan – JM Architects

5334\_L(0)010 Rev R - Proposed Ground Floor Plan - JM Architects

5334\_L(0)011 Rev Q – Proposed First Floor Plan - JM Architects

5334\_L(0)012 Rev P – Proposed Second Floor Plan - JM Architects

5334\_L(0)013 Rev P – Proposed Roof Plan - JM Architects

5334\_L(0)050 Rev K – Proposed Elevations 1 - JM Architects

5334\_L(0)051 Rev F – Proposed Elevations 2 of 2 - JM Architects

5334\_L(0)060 Rev E – Section 1 - JM Architects

5334\_L(0)061 Rev J – Section 2 - JM Architects

5334\_L(0)062 Rev E – Section 3 - JM Architects

5334\_L(0)063 Rev E – Section 4 - JM Architects

5334\_L(0)064 Rev E – Section 5 - JM Architects

5334\_L(0)100 Rev A – Proposed 3D Visuals 01 - JM Architects

5334\_L(0)101 Rev B – Proposed 3D visuals 02 – JM Architects

L-1283-EXP-002 Rev 03 - Existing Block Plan - Colour Urban Design Limited

L-1283-PRP-003 Rev 15 – Site Access, Security and Boundary Treatments- Colour Urban Design Limited

L-1283-PRP-004 Rev 11 – Site Access and Circulation - Colour Urban Design Limited

L-1283-PRP-005 Rev06 – Landscape Strategy – Colour Urban Design Limited

L-1283-PRP-006 Rev 15 – Landscape Masterplan – Whole Site – Colour Urban Design Limited

L-1283-PRP-007 Rev 16 – Landscape Masterplan Area around the Building - Colour Urban Design Limited

L-1283-PRP-012 Rev 04 – South Courtyard Site Section - Colour Urban Design Limited

L-1283-PRP-013 Rev 04 - North Courtyard Site Section - Colour Urban Design Limited

L-1283-PRP-015 Rev 07 – Event Parking and Circulation - Colour Urban Design Limited

L-1283-PRP-016 Rev 08 – Landscape Masterplan Areas beneath 1st floor teaching wings- Colour Urban Design Limited

L-1283-PRP-021 Rev 07 – Site Sections Sheet 3 - Colour Urban Design Limited

L-1283-PRP-025 Rev 01 – Site Sections Sheet 4 - Colour Urban Design Limited

L-1283-SOP-001 Rev 05 – Detailed Site Levels 1 of 5 - Colour Urban Design Limited

L-1283-SOP-002 Rev 06 – Detailed Site Levels 2 of 5 - Colour Urban Design Limited

L-1283-SOP-003 Rev 05 – Detailed Site Levels 2 of 5 including trees to be retained and removed - Colour Urban Design Limited

L-1283-SOP-004 Rev 05 – Detailed Site Levels 3 of 5 - Colour Urban Design Limited

L-1283-SOP-005 Rev 05 – Detailed Site Levels 4 of 5 - Colour Urban Design Limited

L-1283-SOP-006 Rev 03 – Detailed Site Levels 5 of 5 - Colour Urban Design Limited

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.

8. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the buildings or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in

accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

11. The development hereby approved shall not be brought into use until the bus turnaround area and car parking spaces have been provided in accordance with the approved plan received on 21 December 2015 (Ref: Dwg No. L-1283-PRP-006). The details of construction, levels and drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development. Thereafter the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.

Reason: To ensure that adequate off-street parking facilities are provided and remain available for the development so that parking does not take place on the highway to the detriment of highway safety.

14. The development hereby approved shall not commence until a detailed scheme of the highway improvements to Huddersfield Road outside properties 20-44, including the provision of footways, carriageway narrowing and associated traffic signal control and parking spaces for the residents at 20-44 Huddersfield Road has been submitted to and approved in writing by the Local Planning Authority. Thereafter, such works that form that approved scheme shall be completed before any part of the development is brought into use and shall be retained thereafter.

Reason: To facilitate the movement of traffic and all other users of the highway generated by the development in the interests of highway safety.

27. No ventilation and extraction equipment within the site should be installed until full details of the equipment (including its position, appearance and measures to prevent noise emissions) have been submitted to and approved in writing by the Local Planning Authority. The ventilation/extraction equipment shall be installed prior to the occupation of the building hereby approved and shall be maintained thereafter in accordance with the approved details.

Reason: In the interests of adjacent resident's amenity.

30. Prior to their installation, details of external cowls, louvers or other shields to be fitted to the floodlights to reduce light pollution should be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be put in place before the floodlights are first brought into use and shall be maintained in accordance with the approved details.

Reason: To minimise light pollution and in the interests of the amenity of the area.

34. No development shall commence on site until details of the works for the disposal of sewerage have been submitted to and approved in writing by the Local Planning Authority. No development shall be occupied until the approved sewerage details have been fully implemented in accordance with the approved plans.

Reason: To ensure that the proposal is provided with a satisfactory means of drainage.

35. The mitigation measures detailed in the approved Flood Risk Assessment (FRA) (Interserve on behalf of the Secretary of State for Education July 2015) shall be carried out in full prior to occupation of the development.

Reason: In the interests of flood prevention.

36. No surface water from this development shall be discharged either directly or indirectly to the combined sewer network.

Reason: To ensure that the proposal is provided with a satisfactory means of drainage.

38. No development shall commence unless and until a site investigation and assessment in relation to the landfill gas risk has been carried out and the consultant's report and recommendations have been submitted to and approved in writing by the Local Planning Authority. Thereafter any recommended works shall be carried out in full and in accordance with any approved scheme of works

Reason - In order to protect public safety, because the site is located within 250m of a former landfill site.



39. No development shall commence unless and until a site investigation and assessment to identify the extent of land contamination has been carried out and the consultant's report and recommendations have been submitted to and approved in writing by the Local Planning Authority. Thereafter any recommended works shall be carried out in full and in accordance with any approved scheme of works.

Reason - In order to protect public safety and the environment.

42. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To protect the water environment and comply with the National Planning Policy Framework.

44. The mitigation measures detailed in the Ecological Assessment [Chapter 6 of the ES) shall be carried out in full prior to the first occupation of the development.

Reason: To mitigate against the loss of existing biodiversity and nature habitats.

51. An inspection of the retaining structures and embankments following the demolition works, prior to the occupation of the site, shall be carried out to ascertain the extent to which improvements or strengthening are necessary to cope with the impact of the new school and recommendations submitted to and approved in writing by the Local Planning Authority. Thereafter any recommended works shall be carried out in full and in accordance with any approved scheme of works.

Reason: In order to protect public safety and the environment.

58. A full inspection and maintenance schedule of the drains throughout the site shall be submitted to and approved in writing by the Local Planning Authority, along with an agreed operating procedure. The development shall thereafter be carried out strictly in accordance with the approved schedule.

Reason: To ensure drain blockages do not occur and the drains are properly maintained.

60. No development shall take place until a detailed condition survey of the culvert passing under the canal to establish its condition and a schedule of any appropriate remedial works necessary has been submitted to and approved in writing by the Local Planning Authority to ensure that there is no restriction to the flow in the culvert during or after construction which could impact on the structural integrity of the canal. Any works should be carried out in full accordance with the approved details prior to completion of the development.

Reason: To establish whether mitigation works are necessary in order to ensure that the development does not adversely affect the structural integrity of the Huddersfield Canal by restricting flow in the culvert either during or after construction.

61. Prior to the commencement of development, details of appropriate mitigation measures to prevent pollution of the Huddersfield Narrow Canal or other damage to the waterway or its use during the construction of the proposed development shall be submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the agreed details.

Reason: In order to prevent any detriment to the canal and its users and avoid damage to, or contamination of the waterways from wind blow, seepage or spillage.

## Application D

2. The development hereby approved shall be fully implemented in accordance with the approved plans and specifications, which are referenced as follows:
- 1068035-100-B-01 rev A Planning Location Plan – Received 21 December 2015
  - 1068035-100-B-02 rev B Planning General Arrangement - Received 21 December 2015
  - 1068035-100-B-03 rev A Existing Survey - Received 21 December 2015

- 1068035-100-B-04 rev A Cross Sections Details Sheet 1 of 3 - Received 21 December 2015
- 1068035-100-B-05 rev A Cross Sections Details Sheet 2 of 3 - Received 21 December 2015
- 1068035-100-B-06 rev A Cross Sections Details Sheet 3 of 3 - Received 21 December 2015
- 1068035-100-B-07 rev A General Details Sheet 1 of 2 - Received 21 December 2015
- 1068035-100-B-08 rev A General Details Sheet 2 of 2 - Received 21 December 2015
- 1068035-100-B-09 rev B Drainage Layout - Received 21 December 2015
- 1068035-100-B-10 rev A Vehicle Tracking - Received 21 December 2015
- 1068035-100-B-11 rev B Location of Sections & Key Dimensions - Received 21 December 2015
- 1068035-100-B-14 rev A Access Road Vehicle Tracking & Visibility Distances - Received 21 December 2015
- 1068035-100-B-15 rev B Landscaping - Received 21 December 2015
- P0067-17-1301-03 Proposed Road Lighting Layout - Received 21 December 2015

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.

5. All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the buildings or the completion of the development whichever is the sooner; All

shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

8. Prior to their installation, details of external cowls, louvers or other shields to be fitted to the floodlights to reduce light pollution should be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be put in place before the floodlights are first brought into use and shall be maintained in accordance with the approved details.

Reason: To minimise light pollution and in the interests of the amenity of the area.

19. The site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to the watercourse as detailed on the planning application.

Reason: to promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

22. Notwithstanding the plans hereby approved no vegetation clearance or groundworks shall take place in the months of March, April, May, June and July since this is the optimum period for bird nesting unless under the supervision of a suitably qualified person, the method of which is to be expressly agreed in writing with the Local Planning Authority.

Reason: To minimise the impact of the proposed development on breeding birds.

- 3.2. Following legal advice, the following additional conditions are recommended:

## Application B

### Demolition

6. No demolition shall commence on site until a Demolition Method Statement, which shall include the following:
- a) the parking of vehicles of site operatives and visitors;
  - b) loading and unloading of plant and machinery;
  - c) storage of plant and materials used in demolition;
  - d) wheel washing facilities;
  - e) measures to control the emission of noise, vibration, dust and dirt during demolition;
  - f) a scheme for recycling / disposing of waste resulting from demolition works;
  - g) measures for the protection of the natural environment; and,
  - h) hours of construction, including deliveries;

has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the demolition period. It shall not be carried out otherwise than in accordance with the approved demolition method statement without the prior written permission of the Local Planning Authority.

Reason: To minimise detrimental effects to the neighbouring residents and the area in general and the detriment to the natural environment through the risks of pollution and dangers to highway safety, during the demolition phase.

7. Demolition works shall be limited to the hours of 8am and 7pm on Mondays to Fridays, 8am and 1pm on Saturdays, and at no time on Sundays and Bank or Public Holidays.

Reason: To ensure an environment free from intrusive levels of noise and activity and in the interests of the amenity of the area.

### **Construction Agreement**

8. No works for the demolition of the building(s) or any part thereof shall commence on site until a valid agreement has been entered into under which one of the parties is obliged to carry out and itself complete the school development of the site for which planning permission has been granted under application reference PA/337301/15) or such other application(s) approved by the Local Planning Authority; and; evidence of the agreement has first been submitted to and approved by the Local Planning Authority.

Reason: In the interests of the visual amenity of the locality and to ensure public benefits are delivered.

### **Protection of Listed Building**

9. No works shall commence on site until a scheme for the protection of the adjacent historic office building has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: In the interests of preserving the character and appearance of the listed building and its setting.

## **4. Typographical Errors**

4.1 The following typographical amendments are required:

### **Executive Summary**

1.37: The ante-penultimate line - the word “is” should be removed in front of the word “overall”.

### **Main Report:**

10.25: The penultimate line - “*were*” should read “*was*”.

10.28: The penultimate line - “*it was*” should read “*they were*”.

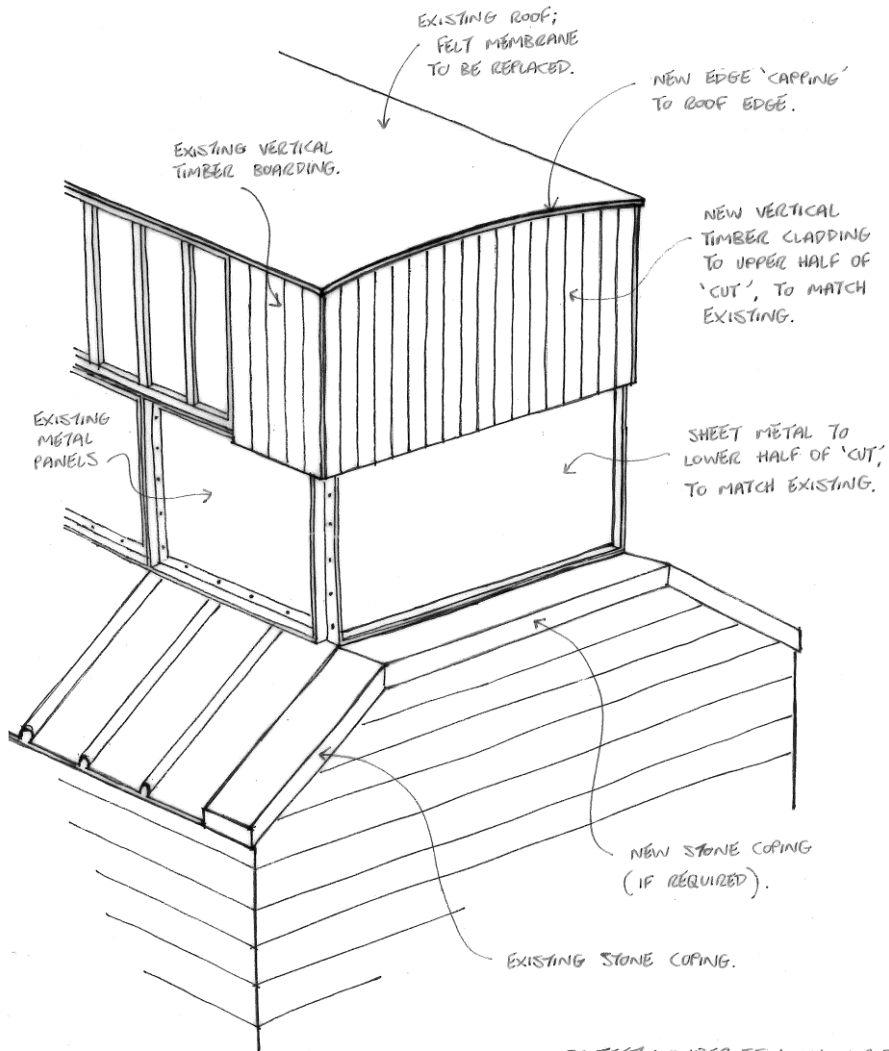


## 5. Late commentary

### Application B

#### **Link Bridge Treatment**

- 5.1. In discussion with the applicant, four options for the treatment of the link bridge have been presented and discussed with Officers.
- 5.2. Officers consider that close boarded timber upper level and metal finish to the lower level set out in option 2 would give the board a more finished appearance to the end, particularly if a dense high quality timber could be used at the upper level with appropriate damp proofing and ventilation. This arrangement matches the existing materials in use on the bridge exactly and helps reduce the impression that this is a 'cut' to what was here previously. This option is shown below.
- 5.3. Overall, this alteration is considered to be sensitive to the remaining link bridge and as such is considered acceptable, subject to the revised wording of condition 3 of this application outlined in the amended wording conditions section of this late list report.



PROJECT: DOBCROSS LOOM WORKS

1073/SK001

LINK BRIDGE - OPTION 2

APRIL '16 - SCALE: NTS

Figure 1 - Link Bridge Treatment - Option 2

## Application C

### Flood Risk Update

- 5.4. The applicant has prepared a report to review the implications on the Flood Zone 3 areas associated with Diggle Brook as impacted by the final layout and location of the proposed sports pitches within the southern part of the development.
- 5.5. Within the original Flood Risk Assessment and Section 2 of the WYG report titled "Response regarding flooding and sports use" dated 8<sup>th</sup> February 2016, the assessment of the impact on the Diggle Brook Flood Zone was based on a previous site layout. When noticed, the applicant has updated their report, reviewing the impact of the new layout and identifying if any additional mitigation measures required.
- 5.6. The top of the southern sports pitch area incorporates an all-weather pitch, a grass football pitch, a 100m running track and grass cricket wicket. As part of these works along the western boundary, a 2.65m high earth embankment is to be formed with 1 in 5 slopes set back varying from 35m to 6m from the bank of Diggle Brook.
- 5.7. Within the lower area immediately adjacent to Diggle Brook, two shot putt areas and a long jump pit are proposed beyond which is a 9m wide area of ecological improvement (incorporating wildflower planting) along the banks of the brook.
- 5.8. The new layout compared to the old one resulted in approximately 40m<sup>3</sup> of flood water being displaced which would result in a potential minor increase in flood risk further downstream of the site.
- 5.9. In order to ensure that there is no increase in flood risk downstream of the application site the applicant has proposed to provide flood compensatory measures within the site. These flood compensatory measures are required to be provided outside of the existing flood zone 3 flood plain and are directly linked to the existing flood plain.
- 5.10. The flood compensatory area is to be provided by locally lowering the area within the shot putt area by approximately 100mm (which is all located outside the flood plain). By adopting this approach this will provide this approach will provide 50m<sup>3</sup> of flood compensatory storage which is in excess of the 40m<sup>3</sup> required and therefore will provide an element of betterment to the existing flooding issues which occur during more extreme flood events (i.e. greater than the 1 in 100 year flood event).
- 5.11. Officers have reviewed this minor change and consider it acceptable since it will provide an element of betterment to existing flooding issues which occur during more extreme flood points. As such, Officers still consider the scheme to be acceptable in flood risk terms.

## **6. Further Objectors Comments**

6.1. To date, no further objections have been received.



**Oldham**  
Council