

**PROPOSED NEW SADDLEWORTH SCHOOL**

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

**WARD: SADDLEWORTH NORTH**

**APPLICATION REPORTS OF THE HEAD OF PLANNING AND DEVELOPMENT MANAGEMENT**

**PLANNING COMMITTEE: 28<sup>th</sup> FEBRUARY 2019**

**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

## **Table of Contents**

1.	INTRODUCTION AND BACKGROUND.....	9
2.	THE SITE.....	11
	Policy Designation .....	12
3.	THE PROPOSALS.....	14
	Application A (PA/337931/15) - Planning application for demolition of existing buildings.....	14
	Application B (PA/337929/15) - Listed building consent application to demolish the link bridge.....	14
	Application C (PA/337301/15) - Planning application for new school, sports pitches, playing fields and areas for play and parking.....	15
	Application D (PA/337930/15) - Planning application for an off-site parental drop off facility, two residents' parking areas, highways alterations and works to the access road to the former factory site .....	16
	Residents Parking (20-44 Huddersfield Road Residents) .....	16
	Residents Parking (29-43 Huddersfield Road Residents) .....	17
	Drop-off Area and Parental Parking .....	18
	Residents parking and Drop-off area boundary treatments and lighting.....	18
	Traffic Signals.....	19
	Widened footways .....	19
	Access Road .....	19
4.	RELEVANT PLANNING HISTORY .....	20
	Judicial Review [JR].....	20
	Recent Planning History and JR .....	20
	Judicial Review Summary.....	20
	The latest application.....	28
	Planning Decisions .....	29
5.	CONSIDERATION OF ALTERNATIVE SITES .....	31
	The ESFA Position.....	37
	Scheme Benefits.....	38
	Saddleworth School's Headteacher's Position .....	39
	View of Oldham Council's Education and Early Years Department .....	44
6.	ENVIRONMENTAL STATEMENT .....	48
7.	PLANNING POLICY BACKGROUND .....	50
	National Planning Policy Framework.....	50

	“2. Achieving sustainable development” .....	50
	“6. Building a strong, competitive economy” .....	51
	“8. Promoting healthy and safe communities” .....	51
	“9. Promoting sustainable transport’ .....	52
	“11. Making effective use of land” .....	53
	“12. Achieving well-designed places” .....	54
	“13. Protecting Green Belt land” .....	55
	“14. Meeting the challenge of climate change, flooding and coastal change” .....	56
	“15. Conserving and enhancing the natural environment” .....	57
	“16. Conserving and enhancing the historic environment’ .....	59
	National Planning Policy Guidance .....	60
	Policy Statement - Planning for Schools Development.....	62
	Joint Core Strategy and Development Management Policies DPD Policies .....	63
8	CONSULTATIONS .....	73
	Application A (PA/337931/15) – Demolition Application .....	73
	December 2015 Consultation .....	73
	Comments following the revised Environmental Statement (27 <sup>th</sup> September 2017).....	76
	Application B (LB/337929/15) – Listed Building Application .....	78
	December 2015 Consultation .....	78
	Comments following the revised Environmental Statement (27 <sup>th</sup> September 2017).....	79
	Application C (PA/337301/15) – School Planning Application .....	80
	December 2015 Consultation .....	80
	Comments following the revised Environmental Statement (27 <sup>th</sup> September 2017).....	93
	Application D (PA/337930/15) – Highways Application.....	107
	December 2015 Consultation .....	107
	Comments following the revised Environmental Statement (27 <sup>th</sup> September 2017).....	110
9	REPRESENTATIONS.....	113
	COMMUNITY CONSULTATIONS.....	113
	REPRESENTATIONS RECEIVED AGAINST THE FOUR APPLICATIONS.....	114
	Application A (PA/337931/15) – Demolition of 5 buildings .....	114
	Application B (LB/337929/15) – Demolition of Link Bridge .....	117
	Application C (PA/337301/15) - New school, sports pitches and associated works.....	118
	Application D (PA/337930/15) – Car park drop-off facility and associated works .....	129

	REPRESENTATIONS RECEIVED IN SUPPORT OF THE FOUR APPLICATIONS.....	134
	Letters of support following the revised Environmental Statement (dated August 2017) .....	135
	Application A (PA/337931/15) – Demolition of 5 buildings .....	135
	Application B (LB/337929/15) – Demolition of Link Bridge .....	136
	Application C (PA/337301/15) - New school, sports pitches and associated works.....	136
	Application D (PA/337930/15) – Car park drop-off facility and associated works .....	141
	ORIGINAL REPRESENTATIONS AGAINST APPLICATION C (PA/337301/15) .....	142
	ORIGINAL REPRESENTATIONS IN SUPPORT OF APPLICATION C (PA/337301/15) ...	147
10	PLANNING CONSIDERATIONS - APPLICATION A (PA/337931/15) - The planning application 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. ....	151
	a) Impact of the proposed demolition .....	151
	Policy Background.....	151
	Case Law / Legal Background .....	155
	Relevant Assets.....	157
	Effects of the Proposal.....	168
	Effects on the Setting of Adjacent Heritage Assets .....	174
	Extent of Harm.....	184
	The Balancing Exercise .....	186
	b) Concerns raised by Objectors .....	192
	Use of the Listed Office Building .....	192
	Importance of the industrial complex .....	193
	Architectural Interest.....	193
	Loss of Context.....	195
	Curtilage Listing.....	195
	Demolition Contrary to Act.....	196
	Impact on the Huddersfield Narrow Canal .....	196
	Demolition impacts on the canal retaining wall .....	197
	Lack of Survey Work .....	197
	Flooding	198
	Adverse Impact on Possible Archaeological Remains .....	198
	Visual Impact.....	198
	Poor Quality of Reports Submitted by the Applicant .....	199

	Impacts of demolition not defined .....	200
	Marketing of the Site.....	201
	EIA Issues .....	202
	c) Other Planning Considerations .....	203
	Landscape and Visual Impact.....	203
	Air Quality.....	209
	Flood Risk and Drainage .....	210
	Ecology 211	
	Waste 214	
	Highways.....	214
	d) Comparison of the scheme against Local Plan Policy .....	214
	e) Overall Conclusion.....	221
	Recommendation .....	222
11	<b>PLANNING CONSIDERATIONS - APPLICATION B (LB/337929/15) - Listed building consent application to demolish the link bridge .....</b>	<b>228</b>
	Proposal .....	228
	Applicants View .....	228
	Officers Views .....	232
	Objectors Concerns.....	238
	Ecology 241	
	Other objections .....	242
	Comparison of the scheme against Local Plan Policy.....	242
	Conclusion.....	248
	Recommendation .....	249
12	<b>PLANNING CONSIDERATIONS - APPLICATION C (PA/337301/15) - Planning application for new school, sports pitches, playing fields and areas for play and parking .....</b>	<b>254</b>
	Policy Background .....	254
	The Development Plan .....	254
	Policy Allocation .....	254
	Policy Considerations .....	255
	Principle of Development, including Green Belt .....	255
	Sports provision.....	276
	Landscape and Visual Impact.....	281

Trees	288
Design	288
Crime Prevention and Security .....	307
Transport, Access, and Highway Safety .....	310
Use of Canal towpaths.....	318
Amenity	319
Air Quality.....	321
Ecology	322
Lighting	330
Flood Risk and Drainage .....	330
Ground conditions .....	343
Waste	345
Energy / Sustainability .....	345
EIA	346
Public Opinion .....	346
Comparison of the scheme against Local Plan Policy .....	347
Conclusion .....	359
Recommendation.....	362
13. PLANNING CONSIDERATIONS - APPLICATION D (PA/337930/15) - Planning application for an off-site parental drop off facility, two residents' parking areas, highways alterations and works to the access road to the former factory site .....	382
Background .....	382
Principle of Development, including Green Belt .....	383
Landscape and Visual Amenity.....	386
Design and Heritage.....	387
Crime Prevention.....	393
Archaeology .....	393
Transport, Access, and Highway Safety .....	393
Amenity	403
Air Quality.....	405
Ecology	406
Lighting	406
Flood Risk and Drainage .....	407

Comparison of the scheme against Local Plan Policy .....	407
Conclusion.....	416
Recommendation.....	418
Appendix 1 – Relevant Development Plan Policies.....	427
Appendix 2 – Photomontages of site .....	573
Appendix 3 – Approved Judgement on case no: CO/2815/2016 (Save Action Diggle Group v Oldham Council).....	587



## 1. INTRODUCTION AND BACKGROUND

- 1.1. The proposed development relates to the proposed new Saddleworth School at the former WH Shaw Pallet Works, Huddersfield Road, Diggle.
- 1.2. The proposal comprises of four separate, but related applications as follows:
  - Application A (PA/337931/15) - A 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;
  - 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;
  - Application C (PA/337301/15) - A 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; and,
  - Application D (PA/337930/15) - A 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.
- 1.3. The demolition of existing buildings, construction of the new school, and associated highway works have been submitted under separate planning applications, with each application having its own supporting documents. In addition, an over-arching planning statement, covering all four applications, has been submitted to ensure that the impact of the project as a whole is considered.
- 1.4. The Environmental Statement previously submitted for the school application (PA/337301/15) has been revised to provide an assessment of all four applications, the last occasion being in August 2017.
- 1.5. It has been recognised for a number of years that the existing Saddleworth School in Uppermill is in a poor state of repair and requires rebuilding. In particular:
  - All of the school's present classrooms are draughty with poor acoustics;
  - Classrooms on the top floor suffer from water ingress;
  - There is no effective regulation and control of lighting and heating;
  - All of the electrical safety systems require replacing; and,
  - There is no single fire management system.

- 1.6. Furthermore:
- The school is situated on a constrained site, thereby limiting its potential for improvement;
  - Disabled children are not able to fully access the school curriculum because of the buildings constraints and condition;
  - The dining room does not have sufficient capacity for the current amount of students; and,
  - The number of places to be provided at the school is to increase from 1,350 to 1,500 to meet increasing demand for spaces.
- 1.7. A site appraisal and selection process for a new school was undertaken by the Education and Skills Funding Agency (ESFA) and Oldham Council which entailed, amongst other things, a site comparison process to evaluate alternative sites (14 locations) to ensure clear and due consideration was made as to the most suitable new school site based on a variety of factors including elements such as Green Belt issues, feasibility, availability, engineering and cost. The conclusion was that the new school should be put forward to be built on the application site.
- 1.8. Construction activity is proposed to be undertaken over a period between 2019 and 2021, subject to approval of the applications. In summary:
- Demolition forms the first phase and is estimated to take 12 weeks.
  - The school would be built in a single phase with work expected to commence in late 2019, completing in early 2021 with the school becoming operational in 2021.
  - The highways works and drop-off and residents car park areas would be completed prior to the opening of the school.
  - The residents' car parking areas would form an early stage of the highways works so as to free up parked cars from the highway which would be advantageous during the construction period of the school.
  - The construction of the car park is estimated to take 10-12 weeks, the footway widening 6-8 weeks and the works to the access road 6-8 weeks.

## 2. THE SITE

- 2.1. The development site ('the Site') for the proposed new Saddleworth School is located in the village of Diggle, Saddleworth.
- 2.2. Diggle is a linear village and is predominantly located along the lower valley sides between Standedge Road and Huddersfield Road in the Saddleworth area of Oldham. The junction of Huddersfield Road and Standedge Road (A640) is located approximately 530m from the site entrance. The village comprises of houses ranging from traditional multi-storied mill weavers cottages to modern estates of family housing. There is no predominant style or material of buildings in the village itself, although stone faced buildings predominate close to the site. The village also historically comprises of manufacturing uses, particularly woollen manufacture and evidence of this can be seen on various sites within the village, including Wrath Mill.
- 2.3. The whole site (of the four applications) is bounded by Huddersfield Road to the west, a public footpath to the north, the Huddersfield Narrow Canal and railway line to the east and further grazing land to the south.
- 2.4. The site partly comprises former manufacturing premises used for a variety of purposes over the years. It was originally built as a mill, but subsequently used as a pallet works (WH Shaw) and more recently used for an injection moulding business. That part of the site is now vacant and many of the factory buildings are in a poor state of repair. This part of the site is also extensively covered in hard standing and it is here where it is proposed to accommodate the new school, parking areas and outdoor teaching and hard play space.
- 2.5. The school site will be accessed by an existing road which leads from Huddersfield Road. The road passes over a bridge across Diggle Brook into the WH Shaw site.
- 2.6. The playing fields for the new school are proposed to the south of the school on land which is currently greenfield and used as grazing land.
- 2.7. The proposed school site and playing fields are approximately 5.87 hectares in size, comprising 2.3 hectares of previously developed land and 3.57 hectares of greenfield land.
- 2.8. A link bridge which connects an existing factory building on the site to the Grade II listed office building is also required to be demolished. The link bridge is considered to be listed by virtue of its attachment to the listed office building (which is to be retained but is not in the application site).

- 2.9. The proposed residential car parking on land adjacent to Huddersfield Road is suggested in order to remove parked cars on the existing public highway. Due to access to the main school site being restricted, a parental drop off facility is proposed next to the residential car parking. The site of the drop-off facility and residential car parking is on greenfield grazing land. The site of the highway works also includes a section of Huddersfield Road and the site access road to the proposed school.
- 2.10. A culvert lies in the northern part of the previously developed part of the site, which will remain in situ.
- 2.11. The original Grade II listed office building associated with the mill lies adjacent to the previously developed part of the site and lies outside the site boundary.
- 2.12. A canal bridge and pedestrian tunnel under the canal, both listed, lie within close proximity of the site. Various listed buildings are situated on the hillsides around the site.
- 2.13. The Huddersfield Narrow Canal Site of Biological Importance is to the east of the site. The Peak District National Park boundary is some 860 metres to the east.
- 2.14. A public right of way passes the northern boundary of the proposed drop-off area, carries on over the Diggle Brook and then separates the proposed playing fields from the previously developed portion of the site.
- 2.15. Site boundaries currently comprise post and wire and post and rail fences, stone walls, natural vegetation, changes in ground level, and wire mesh fencing.

## **Policy Designation**

- 2.16. The previously developed W H Shaw mill part of the site is allocated for employment use in the adopted Oldham Council Joint Core Strategy and Development Management Policies DPD (November 2011) (Saddleworth Employment Area - SEA8).
- 2.17. The adjacent Diggle Brook is labelled as a flood zone and a green corridor and link.
- 2.18. The Canal to the rear of the site is designated as a recreational route.
- 2.19. The proposed playing field and area to be used for the residents' car park and Huddersfield Road drop-off area are designated as Green Belt land.

- 2.20. The land to be used to widen the existing access road is allocated as a Saddleworth Employment Area and for Business and Industry under reference B1.1.28.

### **3. THE PROPOSALS**

- 3.1. The four applications relating to the Saddleworth School 'Project' can be summarised as follows:

#### **Application A (PA/337931/15) - Planning application for demolition of existing buildings**

- 3.2. This application comprises the demolition of all buildings, structures and areas of hard standing on the previously developed part of the site.
- 3.3. All buildings, hard standings and foundations are proposed to be removed except for those associated with retaining the canal. The industrial water abstraction equipment and housing are to be carefully removed with the canal wash wall and footpath reinstated. The canal towpath will remain open during these works. The land is proposed to be graded down from the canal retaining wall in an East to West direction. 100 tonnes of clean demolition hardcore is to be crushed to an agreed grade and stockpiled on the site at a location to be agreed. All other arisings will be removed from the site.

#### **Application B (PA/337929/15) - Listed building consent application to demolish the link bridge**

- 3.4. It is proposed to demolish the footbridge attached to the former mill buildings and the Grade II listed office building, which lies outside the application site. Where the footbridge is to be removed, a cut will be made at the point of contact with the roof of the lower ground floor of the office building leaving a 2-3m length of footbridge remaining attached to the listed building. The form and context of the existence of the bridge would therefore remain visible.
- 3.5. The method for finishing the edge of the bridge after demolition consists of the end of the bridge being boarded with vertical timber boards painted black on the upper level and metal finish to the lower level [drawing 1073/SK001, option 2, April 16].

## **Application C (PA/337301/15) - Planning application for new school, sports pitches, playing fields and areas for play and parking**

- 3.6. This application is for the construction of a new Saddleworth School (for ages 11-16). The number of pupils to be accommodated in the new school will increase from 1,350 to 1,500.
- 3.7. The total built floorspace will equate to 10,500 sqm gross floorspace and will include:
- five 'home zones' (one for each year group);
  - specialist science, IT, art, music and food technology classrooms;
  - a hall;
  - dining facilities;
  - a sports hall; and,
  - studios and associated offices and supporting facilities.
- 3.8. The building will take the form of the letter 'E' and will have a predominantly single storey spine to the front elevation with three projecting fingers, which will be three storeys to the front elevation and two to the rear (due to levels differences). Above the ground floor spine plinth will be glass corridors connecting the fingers on the upper levels.
- 3.9. The proposed materials for the school building comprise insulated metal cladding panels to the three 'fingers', each with its own muted colour theme with contrasting horizontal bands of slightly darker panels between the window openings. The two building elements which project forward of the building line to the ground floor spine are proposed to be clad in stone, as is an area of the sports hall near to the main entrance of the school. The stone has been used to break up the mass of the front elevation, to emphasise the main school entrance and to respond to the adjacent listed building. The main and pupil entrances will be emphasised by a contrasting red entrance feature. The remainder of the sports hall is proposed to be clad in darker grey insulated metal cladding panels with contrasting configuration of smooth and textured finishes.
- 3.10. The proposed school grounds include:
- an all-weather pitch;
  - an U15-U16 grass football pitch;
  - grass practise cricket wickets;
  - a 100m grass running track;
  - a long jump;

- two shot put facilities;
  - three multi-use games areas;
  - a horticultural area and orchard;
  - a grass amphitheatre; and,
  - social areas for students.
- 3.11. The all-weather artificial grass pitch, together with associated fencing and floodlighting, is on the greenfield part of the site which is also designated as Green Belt. Some engineering works will be required on that part of the site to create a flat surface. This will involve the construction of retaining walls.
- 3.12. The rest of the green field portion of the site will be laid out as amenity grass. However, some further levelling will be required in order to accommodate a grass football pitch, running track, cricket wickets and athletic field facilities and this will also require the construction of a retaining wall. The retaining walls will be constructed of stone-filled, gabion baskets. Other areas will be seeded with wildflowers.
- 3.13. Parking will be provided for 122 cars with 5 disabled spaces and two minibuses. 30 bike hoops will also be provided, as well as a bus drop off facility for 14 buses.
- 3.14. The proposed boundary treatments will vary from 2.4m high weld mesh fencing to 1.2m high post and rail fencing with 3m high ball stop fencing enclosing some sports pitches.

### **Application D (PA/337930/15) - Planning application for an off-site parental drop off facility, two residents' parking areas, highways alterations and works to the access road to the former factory site**

- 3.15. This application seeks permission for:
- two separate areas of parking for residents;
  - an off-site parental drop off area;
  - highway alterations; and,
  - works to the access road to the school site.

#### **Residents Parking (20-44 Huddersfield Road Residents)**

- 3.16. The scheme seeks to introduce a residential car park for the properties at 20-44 Huddersfield Road.



- 3.17. The applicant's intention is that the land that would be designated for parking, would be gifted to each property owner and, through agreement, the residents would be able to enclose their own parking space with fencing and gates.
- 3.18. An access road where two-way traffic would be permitted would be provided to the south-east of this area of the car park and would be maintained in Oldham Metropolitan Borough Council's ownership.
- 3.19. Access to this section of resident's car park would be through the main drop-off car park and the exit point would be through the resident parking section, both sections of which operate on a one-way arrangement.
- 3.20. A minimum of two spaces will be provided per property. Space available for parking will be based on the width available between the boundaries of each property.
- 3.21. Signage will be installed to inform users that this area is for specific residents and their visitors only.

### **Residents Parking (29-43 Huddersfield Road Residents)**

- 3.22. The scheme seeks to introduce a 20 space residential car park for the properties 29-43 (8 properties) Huddersfield Road.
- 3.23. Access to this section of residents' car park would be through the main drop-off car park and the exit point would be directly onto Huddersfield Road. Both sections will operate on a one-way arrangement.
- 3.24. The car park spaces would not be allocated to individual properties.
- 3.25. The applicant envisages that residents would generally have free access to spaces as they require and they will predominantly be either parked up or have vacated the car park at the times when the demand from parents at the start and end of school day are present.
- 3.26. Signage will be installed to inform users that this area is for specific residents and their visitors only.
- 3.27. The operation of the car park will be monitored following the introduction of the works and the opening of the school. The school will be encouraged to advise all parents and pupils of the intended operation of the car park and drop-off area and will be encouraged to include these details as part of their School Travel Plan documents.

### **Drop-off Area and Parental Parking**

- 3.28. The scheme will introduce a layby along the eastern perimeter of the site (for up to 10 vehicles) for parents dropping off pupils similar to a “kiss and drop” arrangement typical at airports where waiting is prohibited.
- 3.29. Double yellow lines are proposed to enable enforcement of parents parking in this area.
- 3.30. Parking for parents needing to wait longer will be provided by the 15 additional spaces provided at the north western area of the site. Access would be directly from Huddersfield Road and the exit point would be through the residents’ car park. Both sections will operate on a one-way arrangement.
- 3.31. A mini-roundabout with significant circulatory space for vehicles to access and exit spaces is proposed to maintain efficient movement of traffic through the car park and ensure quick turnover of parents’ vehicles which will in turn ensure that the traffic signals proposed on Huddersfield Road operate efficiently.
- 3.32. Signage will be installed to inform users which area is to be used for drop off and which for parental parking.

### **Residents parking and Drop-off area boundary treatments and lighting**

- 3.33. A timber post and rail fence will be installed around the perimeter of the drop off and residents’ car park site to the north, south and east. A mixed native hedgerow is proposed along the eastern boundary of the drop off and residents’ car park. Additional landscaping is proposed in this area.
- 3.34. The lighting proposals for the drop-off facility and residents’ car park will be based on current lighting standards and guidance for minimising the effect of obtrusive light in line with ILP Guidance Notes for the reduction of obtrusive light (GN01) and requirements of the Oldham & Rochdale Street Lighting PFI Output Specification for the future adoption of the proposed apparatus.
- 3.35. The provision of the drop off and residents’ car park will require the existing bus stop adjacent to the site to be relocated nearby.

## **Traffic Signals**

- 3.36. A single file operation is proposed for the section of Huddersfield Road between properties 20-44, to positively control traffic to allow the creation of a wider footpath. Traffic signals will be required to allow the carriageway to be converted to footway as adjacent space is not available due to the properties on either side of Huddersfield Road.

## **Widened footways**

- 3.37. The footway on the eastern side of Huddersfield Road that links the drop-off car park and the school will be widened to improve safety for pupils walking either from the car park or from Wool Road and the nearby village of Dobcross.
- 3.38. The existing stone wall at the back of the eastern footway between 40 Huddersfield Road and the proposed school access road will be removed in part to enable the footway surface to be widened. This will be replaced with a close boarded timber fence to ensure the footpath is secure.

## **Access Road**

- 3.39. The existing access road from Huddersfield Road to the former WH Shaw Pallet works site will be resurfaced and widened to provide the vehicular and primary pedestrian access to the school with a new footway provided to the boundary of the school site.
- 3.40. The existing stone wall will be taken down to facilitate the widening and creation of the footway and replaced with a timber post and rail fence.
- 3.41. There is an existing bridge that allows traffic to cross the Diggle Brook that will be maintained to access the school site. The width of the bridge is not sufficient to provide two-way traffic. An informal shuttle working arrangement will be introduced with give way markings and signage introduced.
- 3.42. The new footway will continue along the access road over the bridge into the school site.

## 4. RELEVANT PLANNING HISTORY

### Judicial Review [JR]

#### Recent Planning History and JR

- 4.1. The three planning applications and one application for listed building consent that are the subject of this report were considered at Planning Committee meetings held on 25<sup>th</sup> February and 13<sup>th</sup> April 2016. All were granted planning permission by the Council.
- 4.2. However, a later Judicial Review (Case No: CO/2815/2016) based on the submission of nine grounds of challenge by the claimant 'Save Diggle Action Group' (SDAG) was heard on 23<sup>rd</sup> and 24<sup>th</sup> January 2017. It quashed all four permissions on just one ground (no. 1 and no. 2 combined) on the 3<sup>rd</sup> March 2017.

#### Judicial Review Summary

- 4.3. The judge's approved judgement stated the following.
- 4.4. Mr Justice Kerr stated that the core of the JR challenge was that it was wrong in law for the local planning authority to rule out leaving the school on its existing site as an alternative to granting the school applications.
- 4.5. In summary, he noted that the Council outlined that it had already lawfully ruled out this option on non-planning grounds, in its capacity as education authority for the area and that it was lawful, when acting as local planning authority, to treat that prior non-planning decision as a fait accompli.
- 4.6. The JR claimant, by contrast, argued that relocating the school to Diggle would cause substantial damage to heritage assets that it had not acknowledged when it made its decision as education authority to prefer the Diggle site to the existing site. Furthermore, redeveloping the school on its existing site was viable and affordable, albeit a more expensive alternative. Moreover, they argued that there was never any direct weighing exercise measuring the damage to heritage the proposals entail, against the benefits (from a planning perspective) of leaving the school where it is and redeveloping it on that site, thereby avoiding that harm to heritage.
- 4.7. The Council, in response, contended that such a weighing exercise was unnecessary and that the alternative of redeveloping the school on its existing site was rightly treated as an immaterial consideration which Members could disregard.

- 4.8. The judge then set out “*an outline of the facts*”. These can be viewed in detail in Appendix 3 of this report that contains the JR decision. In summary, it sets out:
- How the decision to support the Diggle school site was reached from 2008.
  - Details of the Diggle resident’s case opposed to relocating the school to the site now proposed.
  - The meeting that Diggle resident’s opposed to relocating the school had with the ESFA’s Head of Capital (Mr Mike Green) in Manchester on 16th January 2015.
  - Details of the ESFA’s January 2015 feasibility study which recommended that the pallet works site as the preferred option to build a new school since it was “*the option offering the best value for money to the public purse*” (paragraph 3.1).
  - That on 30<sup>th</sup> March 2015, the Council’s cabinet met to consider an education officer’s report recommending that the ESFA’s preferred option be adopted and the pallet works site for the new school be selected. They resolved to agree the pallet works site as the location for the replacement school, in accordance with the report.
  - Details of the planning applications, consultation comments, planning report and JR claim.
- 4.9. The judge then set out his consideration of the grounds of challenge.
- 4.10. To begin with, whilst noting that the JR claimant lamented that planning report was “*in important places unclear, inconsistent and contained some fundamental defects of approach*” he concluded that:
- “In my view it is not correct to characterise the main report (or the ES) as defective in the general senses asserted by the claimant. The report is lengthy but it is not unclear, nor factually misleading” [paragraph 59].*
- 4.11 It is therefore clear that the planning report was found to be generally sound.
- 4.12 He then sought to deal with concerns about the ES, but found:
- “In the present case, the objectors had access to the ES and the main report (and its February 2016 predecessor) and were able to address those documents” [paragraph 61].*
- 4.13. He then considered if the nine grounds of challenge had merit.

**Grounds 1 and 2: failing to have regard to the alternative site at Uppermill**

- 4.14. He started by taking the first two grounds together as he did not regard the second ground as separate from the first.
- 4.15. The first ground was that the Council was obliged to have regard to, as a material consideration, the availability of the alternative existing Uppermill site.
- 4.16. The second ground was that the Council's earlier consideration of alternative sites in March 2015 was undertaken at a time when it was under the misapprehension that the harm to the heritage asset if the pallets site were chosen, would be "*less than substantial*" rather than, as was later conceded, "*substantial*".
- 4.17. He concluded that:
- "I conclude that the plainly relevant question that was never addressed by members was whether it was worth incurring the additional financial, educational and construction burdens of keeping the Uppermill site, to avoid the substantial harm to the setting of the heritage asset. They were wrongly told ..... to ignore Mr Brooks' argument and not ask themselves that question. I therefore uphold the claim on the first ground, to which the second ground does not add anything" [paragraph 102].*
- 4.18. It is therefore clear that the Members must consider carefully whether it is worth incurring the additional financial, educational and construction burdens of keeping the Uppermill school site, to avoid the substantial harm to the setting of the heritage asset at this site detailed in this report.
- 4.19. The judge then went on to deal with the other grounds of challenge.

**Ground 3: the marketing exercise**

- 4.20. The judge noted the Claimant's argument that the Council failed to take into account defects in the marketing exercise undertaken from 2008 to 2013.
- 4.21. In summary, the Claimant's submission was that:
- the industrial buildings at the pallet works site were marketed at too high a price; and,
  - the site was marketed only as a vacant site, on the basis that the existing buildings would be demolished and not as buildings suitable for employment use.

It was therefore misleading for Members to be told in the main report that the marketing exercise had demonstrated that the industrial buildings at the site were unsuitable for renewed employment use and that Members should have been told about the defects in the marketing exercise.

- 4.22. The judge did not think there was any merit in this argument. The Council pointed out that details of the marketing exercise were included in the main report and that it also included a fair summary of the objectors' case. The passages that followed took issue with some of the Claimant's criticism, saying that sign boards had been erected and that three advertisements had been placed in local newspapers.
- 4.23. Moreover, at paragraphs 10.186 to 10.188, it was pointed out that the relevant policy (Policy 14 of the Joint DPD [Joint Core Strategy and Development Management Policies]) did not require a marketing exercise at all. In fact, it was sufficient that officers had formed the view through a "*viability exercise*" that continued use or development of the site for employment purposes was not viable; or the view that development of the site for alternative uses would benefit a regeneration area identified as in need of investment or would benefit the community of an area.
- 4.24. In concluding, the judge did not agree with the Claimant's argument that members were misled about the adequacy of the marketing exercise. Instead he indicated that the paragraphs in the main report relied on by the Council showed that the Council had properly considered whether use of the industrial buildings for employment purposes was viable and had properly recorded the objectors' case that the marketing exercise was inadequate. He therefore concluded that it could not be said that the issue was not properly placed before the committee members.

***Ground 5: failure to include "non-Green Belt harm" in the weighing exercise***

- 4.25. The Claimant's argument was that Officers failed to include "*non-Green Belt harm*", namely harm to cultural heritage, in the weighing exercise, when considering whether the Green Belt "*very special circumstances*" threshold was reached.
- 4.26. The Council countered that there was evidence that Members were made aware of, and were alive to, the need to weigh cultural heritage in the balance when considering whether to approve the applications. The Council pointed, in particular, to passages in the main report drawing Members' attention to the issue of cultural heritage, and submitted that it did not matter that those passages did not appear in the section of the main report dealing specifically with harm to the Green Belt and the "*very special circumstances*" test.
- 4.27. The Council submitted that the claimant's argument owed too much to an unduly forensic approach to the language of the main report, and overlooked the inference



that relevant policies mentioned in the report had been complied with and properly taken into account. The Council submitted that, on a fair reading of the main report at a whole, it could not be said that Members were invited to exclude cultural heritage from the weighing exercise when considering harm to the Green Belt.

- 4.28. The Claimants countered that it was wrong that there was no acknowledgment in the main report that the playing fields were, in and of themselves, “*inappropriate development*” of the Green Belt. They argued that the proposed school playing fields included associated buildings, not just marked out pitches. Therefore, they would not fall within the list of exceptions to inappropriate development in paragraph 89 of the NPPF. Playing fields are provision of “*facilities for outdoor sport*” and “*outdoor recreation*” and therefore not inappropriate in the Green Belt but provided the provision “*preserves the openness of the Green Belt and does not conflict with the purposes of including land within it*”. They argued that proviso cannot apply in this case because the playing fields are to be accompanied by associated buildings. However, Officers treated the playing fields as appropriate development, but the addition of “*man-made features*” surrounding them as inappropriate. The playing fields themselves were not condemned as “*inappropriate*” development in the Green Belt.
- 4.29. The Council pointed out that the terms of NPPF paragraph 89 had been expressly and correctly set out in the main report and submitted that the claimant’s criticism was of no substance, since there was ample material in the report to alert members to the impact on the Green Belt of the proposed playing fields and surrounding associated buildings.
- 4.30. The judge agreed with the Council since there was a detailed section in the report bearing the sub-heading “*Heritage / Demolition impact*” which was one of the sub-headings under the heading “*Design*”. The “*Design*” section formed part of section 12 of the main report, dealing with the planning considerations applicable to consideration of the application for a new school, sports pitches, playing fields and areas for play and parking (Application C). Within section 12 of the main report, detailed consideration was given to the relevant policies contained in the NPPF, including paragraphs 87-90<sup>1</sup> dealing with development in the Green Belt.
- 4.31. The judge did not think there was any substance in the Claimants point. He regarded it as arid and technical that the playing fields ought to have been considered inappropriate per se; nor in the broader argument that the Council failed to weigh cultural heritage in the scales when considering whether the “*very special circumstances*” test was met.

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<sup>1</sup> Now paragraphs 143-146 in the 2018 NPPF.



- 4.32. The judge added that it is true that, in the context of the Green Belt weighing exercise, cultural heritage was not specifically mentioned as a counterweight to the benefits of the proposals to build the new school and playing fields. But it was dealt with in the context of the proposals generally. He did not think it was material here that cultural heritage considerations were considered outside the specific “Green Belt” part of the overall weighing exercise. Thus, the report dealt adequately with the Green Belt issues generally. Paragraphs 12.204 to 12.237 dealt in detail with the heritage concerns that would arise if the applications were approved. The judge did not think it matters that, as technically should have happened, the latter were specifically weighed in the “Green Belt” part of the exercise, rather than more widely, in the context of the proposals generally. He therefore rejected the claimant’s case.

**Ground 6: irrationality in relation to industrial use of buildings**

- 4.33. The Claimants contended that the Council adopted an irrational approach to the impact on local amenity of the school. The criticism was that in the main report, Officers excluded any such impact, reasoning that the new school would preclude industrial use of the site buildings; while at the same time saying, inconsistently, that industrial use of those buildings was not viable.
- 4.34. This ground of challenge was founded, in particular, on what is said to be a contradiction within the executive summary at the start of the main report, between paragraph 1.13 (“*loss of employment land is acceptable as the applicant has shown the site is no longer viable as an employment use...*”) and paragraph 1.25 (“*[i]t is not considered that the school will create any amenity issues that will affect residents to such an extent that it would sustain a reason for refusal, particularly in view of the fact that the proposal could potentially replace an unrestricted industrial use*”).
- 4.35. The Council submitted that the point is a minor one and that the contradiction is more apparent than real. Industrial use in the future was described as “*unlikely*” rather than impossible (paragraph 1.2); while paragraph 1.25 (quoted above) included the qualification “*potentially*”. Those features of the narrative were repeated in the body of the report.
- 4.36. The judge agreed with the Claimant that it is in principle irrational to report to committee members that buildings will not be used for industrial purposes, and then to report that the new school will prevent use for industrial purposes which would otherwise occur. But he agreed with the Council that the tensions within what are said to be those inconsistent statements are not as stark as the claimant says.
- 4.37. Overall, in the judges view, read in the context of the exercise as a whole, the element of irrationality relied on was, even taken at its highest in the claimant’s

favour, nowhere near significant enough in itself to induce the court to quash the permissions. He therefore rejected ground 6.

***Ground 7: failure to take into account increased transport costs***

- 4.38. The Claimant asserted that officers failed to draw any attention in the main report to a saving if the school remained on the Uppermill site, estimated in March 2015 at a sum in the region of £200,000 per annum, in the cost of providing additional bus transport that would have to be met if the school were to relocate to the pallet works site.
- 4.39. The Council submitted that there was no requirement to reiterate this point in the main report. It was already known to the Council as a result of the ESFA's feasibility study a year earlier; it was not an obligatory material consideration by virtue of any provision in legislation or in any policy document; and it was lawful for the Council to treat it as a factor to which no weight need be attached; and that if the point had been expressly drawn to Members' attention, their decision would surely have been the same.
- 4.40. Again, the judge preferred the submissions of the Council on this issue. The question of cost was considered in the main report, but in the context of a comparison between the construction (and associated) costs of, respectively, relating the school to the pallet works site, and redeveloping it on the existing Uppermill site (see, in particular, paragraph 4.9 of the main report, and footnote 1).
- 4.41. The judge accepted that the estimated annual saving in transport costs was not included in that account of the comparative costs of the two competing sites. But he did not accept that it needed to be included. He felt it would not clearly be a saving to the Council; there was a suggestion that the additional transport costs, or some of them (presumably, in so far as provision was of community bus transport rather than school transport) would fall on Transport for Greater Manchester rather than on the Council.
- 4.42. He also felt it was open to the objectors to draw attention to the omission from the calculations of the transport element, if they wished to. They did not do so or, if they did, the issue was there for the Members to consider. He therefore did not think there was any merit in this ground of challenge.

***Ground 8: inadequacy of the consultation process***

- 4.43. The Claimants submitted that the public was unlawfully deprived of its right to participate in the decision making process on a properly informed basis. They contended that the participation in the consultation exercise (which, as extended, ran from 23<sup>rd</sup> December 2015 to 31<sup>st</sup> March 2016) was made excessively difficult; and that there were breaches of obligations to provide information, creating directly

effective rights, arising under the EU directive 2011/92/EU on assessment of the effects of certain projects on the environment (the EIA directive), and under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (the 2011 Regulations), which implemented predecessor directives.

- 4.44. The Council's riposte to these submissions was that the complaints were minor and, in so far as made out, not such as to impair the substance of the right of objectors to participate in the process, which they had exercised to the fullest extent and over a long period without difficulty. The Council did not accept that the consultee responses were documents falling within the scope of article 6(3) (d) of the EIA directive. The Council accepted that they were not placed on the statutory portal; but pointed out that the claimants had access to them in late October 2015, and they were made available as part of the ES, which became publicly available in December 2015.
- 4.45. The Council also pointed out that the limit of 100 characters - which for a time inhibited the length of comments placed directly onto the planning website - in no way prevented the sending of lengthy and detailed letters to the Council by email or post, which had been done many times in 2015 and 2016. They also asked the judge to note that the late list report was not said to have misrepresented the late addendum to the ES; it was the latter that was criticised, and the objectors were or should have been able to deal with it.
- 4.46. The judge agreed with the Council's submissions. He did not accept that the responses of statutory consultees were "*main reports and advice issued to the competent authority*" within article 6(3) (d) of the EIA directive. Nor was this a case in which he found that there was evidence that there was a substantial denial of rights of access to documents or other impediments to intelligent participation in the decision making process. The Action Group was astute to assert its Members' right to participate. Although the objectors complained that they were being hampered for procedural reasons from putting forward their best case, he did not find that they were prevented from putting it forward.
- 4.47. The consultation exercise, which evoked responses from the objectors, was comprehensive, articulate and intelligent. Every point they could have wished to take was taken. The only possible exception was that Ms Skelhorn's complaints about the late revisions to the project and the inaccuracy of the plans purporting to represent them, were not available to her for deployment in support of objections as early as they should have been, due to the lateness of the addendum to the ES and the summary thereof in the late list report.
- 4.48. The judge felt that deficiency in the consultation exercise was slightly more substantial than the other criticisms, but did not come close to persuading him that

the case is a proper one for the court to grant relief rather than to withhold it in the exercise of its discretion. He therefore rejected the claimant's challenge.

### **Ground 9: inadequacy of reasons**

4.49. Finally, the Claimant advanced as an alternative, the argument that the Council "failed to set out clearly its approach" to "the above matters (in particular the materiality of alternative sites)", and to the inconsistency between acceptance of "substantial harm" to the setting of the heritage asset, and use of the phrase "limited harm" in paragraph 1.10 of the executive summary.

4.50. The judge was satisfied that there is nothing in this argument stating that:

*"the main report was unusually full in its treatment of all the issues. It is idle to pluck one phrase from the mass of detail and attempt to topple the entire edifice of reasoning by reference to it. The reasons are not only adequate to inform the reader why the applications were granted; they are open to criticism, if at all, more for being too detailed than too brief" [paragraph 150].*

### **JR Conclusion**

4.51. In conclusion, the judge found ground 1 and ground 2 combined of the claim was well-founded, but none of the other grounds had any merit.

4.52. He felt that the direction to given to Members, that they were required to disregard the option of redeveloping the school at its existing site at Uppermill, was incorrect. He felt that if this direction had not occurred, the Members would have considered whether the Uppermill site was preferable as an alternative to the pallet works site (notwithstanding that the latter had been preferred in the ESFA feasibility study) as a means of avoiding the substantial harm that would be done to the setting of the grade 2 listed office building by demolishing the link bridge leading to it. He did not accept that the Committee's conclusion would necessarily have been the same if they had considered this.

4.53. Furthermore, he noted that the Secretary of State, though served as an interested party, had not sought to contradict the Complainant's account of their contact with the ESFA and the indication that it would be willing to fund redevelopment of the school on the existing site should the Council choose that option.

### **The latest application**

4.54. In summary, the applicant resubmitted the Environmental Statement [ES] in a more up-to-date form given the passing of time since the first submission and to ensure it remained robust. The ES was therefore reviewed for regulation or guidance

changes and updated to ensure it is up-to-date and relevant for the purposes of re-considering the applications.

- 4.55. A table list of any changes was submitted with this revised ES for inspection. However, the changes shown in this table were considered to be no significance specifically for the purposes of EIA. The variety of new guidance checked and referenced has not affected the findings of the Environmental Impact Assessment (EIA) procedure or the conclusions within this ES significantly.
- 4.56. Where more detail has come to light in this procedure (e.g. flood level data), the scheme has provided additional betterment in the scheme (i.e. suitable flood capacity) to ensure mitigation remains appropriate.
- 4.57. It should be noted that Mr Justice Kerr, in his judicial review judgement, did not find the ES previously 'defective' [paragraph 59] in any way.

## Planning Decisions

- 4.58 The following previous applications are considered relevant to the site:

DM/337134/15

- Demolition of various buildings.
- Withdrawn 24<sup>th</sup> July 2015.

LB/337133/15

- Demolition of the link bridge connected to the office building.
- Withdrawn 18<sup>th</sup> December 2015.

PA/054698/08

- Change of use from pallet works to building materials supplier for trade and public.
- Approved 9<sup>th</sup> May 2008.

PA/054352/07

- Siting of a temporary building to be used as a private vehicle hire booking office and erection of 5.8m high aerial on existing building.
- Refused 29<sup>th</sup> April 2008.

PA/032957/95

- Installation of two drying kilns.
- Approved 2<sup>nd</sup> June 1995.

PA/032639/95

- Extension to existing retaining wall to accommodate future drying kiln and tipping of excavated material.
- Approved 4<sup>th</sup> April 1995.

PA/025353/90

- Warehousing, storage, turning, parking, plant facilities.
- Approved 12<sup>th</sup> April 1990.

PA/23481/89

- Installation of a proposed kiln.
- Approved 17<sup>th</sup> February 1989.

PA/019495/86

- Erection of a covered pallet store canopy.
- Approved 29<sup>th</sup> May 1986.

## 5. CONSIDERATION OF ALTERNATIVE SITES

- 5.1. The rural nature of the Saddleworth area means that there is generally a short supply of sites which are large enough to accommodate a new secondary school. The Saddleworth area comprises a number of tightly defined and separate villages which are surrounded by Green Belt land. Most of the roads in the area are relatively small and rural in nature such that most sites would result in the need for substantial off-site highway improvements in order to provide satisfactory access. In some cases adequate access would not be feasible. The area is historically industrial, although most of the historic mill sites have been redeveloped for alternative uses. Those that remain are generally still in active use, lend themselves to higher value uses, or are difficult to redevelop.
- 5.2. As part of the BSF programme commencing in 2008, Oldham Council carried out an options appraisal and concluded that redevelopment of the school on the existing site would be expensive and disruptive.
- 5.3. In March 2013, the Council was advised by the ESFA that funding would be made available to develop a replacement Saddleworth School under the Priority Schools Building Programme. The Council undertook a further site identification and appraisal exercise and a series of sites were considered but subsequently discounted for a variety of reasons. These are summarised below.

<b>SITE</b>	<b>APPRAISAL SUMMARY</b>
<b>Land at Oldham Road, Lydgate</b>	<p>Located within the Green Belt and considered to play an important function of it by providing open space between East Oldham and Saddleworth.</p> <p>The layout also made it difficult to develop sports facilities.</p>
<b>Land at Huddersfield Road / Platting Road, Scouthead</b>	<p>Located in the Green Belt.</p> <p>The land was not available to purchase on the open market.</p> <p>It is also close to Waterhead Academy.</p> <p>The site is however flat and situated on a hill top.</p>
<b>Gatehead Mill / Oakdale Mill / Cribbstones, Delph</b>	<p>This option is made up of three small, separate sites which are segregated by the</p>

	<p>A6052 Delph New Road. As such, the site was not ideal.</p> <p>Gatehead Mill (2 hectares) was on the market but had three commercial leases, one not expiring until 2017.</p> <p>Oakdale Mill (0.4 hectares) has subsequently been sold.</p> <p>Cribbstones (0.4 hectares) is split into three small plots and the owner of Bailey Mills was seeking residential value for the site. It also lies in a flood plain, is a site of biological interest and in the Saddleworth Employment Area.</p>
<p><b>Diggle Fields Site / land at Huddersfield / Sam Road, Diggle</b></p>	<p>Partly within council ownership, with the remainder - Warth Mills - in multiple ownership and several third-party leases.</p> <p>The location is an important recreational space in Diggle.</p>
<p><b>Fletchers Mill, Greenfield</b></p>	<p>In private ownership and the owners were unwilling to sell.</p> <p>The site is located in a peripheral location around 750 metres away from existing bus routes, although its location could have allowed educational links with Dovestone Reservoir.</p> <p>There are some contamination issues on the site.</p> <p>However, the site is allocated as a 'Major Developed Site in the Green Belt'.</p>
<p><b>Wall Hill Road, Dobcross</b></p>	<p>This site is in private ownership and was not available for sale on the open market.</p> <p>The site is small site at 3.2 hectares and allocated as Protected Open Land. Whilst the inclusion of the former Cunnington and Cooper site could have made the site size acceptable, the two parcels of land do not adjoin and the additional site was on the open market at residential land values.</p>



	<p>The site slopes significantly which would make developing sports pitches difficult and access to the site is poor as this would have come from the steeply-sloping Wall Hill Road.</p>
<p><b>Churchill Playing Fields, Greenfield</b></p>	<p>The site is well located to central Saddleworth.</p> <p>However, it is Green Belt land; forming an important function in preventing Uppermill and Greenfield from merging into one another.</p> <p>The site is an important recreational area and the loss of such facilities would need to be replaced.</p> <p>There are also significant flood-plain issues.</p>
<p><b>Broad Meadow / Wham Lane, Denshaw</b></p>	<p>In the Green Belt.</p> <p>Poor access.</p>
<p><b>Bailey Mills and Gatehead Mill, Delph</b></p>	<p>Both sites were available to purchase on the open market.</p> <p>Gatehead Mill (2 hectares) was on the market but had three commercial leases, with one not expiring until 2017.</p> <p>Bailey Mills is a high density housing site. Consequently, it would be expensive to acquire.</p>
<p><b>Broad Meadow / Wham Lane, Denshaw</b></p>	<p>This site is situated in the Green Belt and was in unknown private ownership.</p> <p>The site would have required a new access road from Delph / Denshaw Road.</p>
<p><b>Land at Dobcross New Road, Dobcross</b></p>	<p>This site comprises the existing council-owned sports pitches, Newbank Garden Centre and a council-owned former tip adjacent to the Brownhill Centre.</p> <p>The site is in the Green Belt and entirely within a flood plain.</p> <p>Assembling the site would have required the acquisition of an operational business -</p>

	Newbank Garden Centre - which would likely to have proved expensive.
<b>Land at Dale Lane, Delph</b>	<p>This site adjoins Delph Cricket Club, in the Green Belt and is in a peripheral village location.</p> <p>It would have significant difficulty in gaining planning permission because of its sensitive and isolated location.</p>
<b>Land to the North and South of Pingle Lane (Brookland Lodge / Swan Meadow)</b>	<p>These two sites are within unknown private ownership and were therefore not considered deliverable.</p> <p>Both sites are wholly in the Green Belt.</p> <p>Both sites have poor access along narrow roads.</p>

5.4. In July 2014, the ESFA carried out a feasibility study to consider the four sites that were shortlisted following the above appraisal. They were:

- Diggle greenfield site;
- Former WH Shaw Pallet Works site;
- Uppermill existing location; and
- Uppermill playing field.

5.5. The four sites were assessed against a number of criteria including:

- Estimated Cost;
- Build-ability / Construction;
- Teaching / Learning;
- Programme – timelines of delivery;
- Statutory Issues;
- Ecology;
- Operational Issues; and,
- Public Perception and Opinion.

5.6. The environmental considerations against which the 4 sites were considered against included:

- Acoustics;
- Flood Risk;
- Ecology;

- Ground Investigation;
- Contamination; and
- Traffic.

5.7. The ESFA's feasibility study was released in January 2015 and this provided a comprehensive analysis of the four potential options and identified the Shaw Pallet Works site as its preferred option. A period of public consultation took place prior to Oldham Council's Cabinet formally approving the proposed site as the location for the replacement Saddleworth School in March 2015, as required in accordance with section 14 of the Education Act 1996. The cabinet report refers to the need for planning permission to be granted for the new school.

5.8. To aid the site selection process information was shared with local communities and groups and feedback was taken into consideration in making the final decision. Such information sharing included:

- press releases;
- a list of frequently asked questions on the Council's website;
- technical groups;
- letters to selected residents on Huddersfield Road;
- discussions at the Saddleworth and Lees Executive committee;
- correspondence between the Council and ESFA and various groups and individuals; and,
- public consultation by Oldham Council to gauge public opinion.

5.9. The decision was taken not to develop the school on the existing site (when compared to the Shaw Pallet Works site), primarily for the following reasons:

- A higher level of disruption to education during construction.
- Higher build cost (exceeding ESFA budget)<sup>2</sup>;
- A new school building which would be compromised in its design;
- Issues regarding build complexity and programming.

5.10. The replacement school could be rebuilt on the existing site but:

- the phasing required;
- provision of temporary accommodation; and,

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<sup>2</sup> The ESFA fixed funding allocation is £19,259,834. The proposed development at the WH Shaw Pallet Works Site would be £18,460,905. Developing the existing Uppermill school site [option 3] would cost £20,176,128 well above the available budget of the ESFA (by £916,294) and over £1,715,223 more than developing a school at the WH Shaw Pallet Works Site. The decision to take forward the site was based upon the costs as included in the feasibility study undertaken in 2015. [source: Saddleworth School Priority School Building Programme Feasibility Study – January 2015].

- requirement for several decants,

means that the construction period would be prolonged and problematic.

- 5.11. It would also be challenging in terms of noise, dust and loss of facilities, resulting in significant disruption to the school and consequently a detrimental effect on the education and attainment of students.
- 5.12. It also presents a safety risk as the main site access would be shared between school and construction traffic. Equally, the ESFA have concerns regarding the safety of staff and students during the construction of a new school on the existing site.
- 5.13. The complexity of the build and the costs were projected to be significantly higher.
- 5.14. Nevertheless, technically a new 1,500 place school could fit on the existing school site, However, its design would be compromised due to the layout and topography of the site and practically it is not possible to transplant the school building proposed at Diggle on to the existing school site because of this. In comparison, the proposed school building in Diggle has been assessed by the ESFA and has received the highest grading of design possible in terms of educational provision.
- 5.15. The existing Saddleworth School site measures 4.5 hectares although this includes several areas that would be unusable due to site levels and topography, particularly towards Pickhill Brook. This site would provide up to 7.2 hectares of usable space, although the application proposals comprise of 5.8 hectares.
- 5.16. The applicant also points out that, as part of the deal for the Diggle site being made available to the Council for the development of the school, the current landowner of the Diggle site will receive the existing Uppermill school site as part of a land swap. The Council will receive a capital receipt, in addition to taking ownership of the Diggle site. This capital receipt is to be used to assist in the mitigation of the development of the Diggle site, primarily in respect of off-site highways works. Any funds remaining following such works will be given to the school and will be available for enhancements to the school building and / or for new furniture, facilities and equipment.
- 5.17. The ESFA funding provides monies solely for the new school building but does not provide funding for resources and facilities to be used by the school, such as school furniture and IT equipment. If the school was to remain on the existing site in Uppermill, there would be no land deal. Therefore, the applicant claims that additional funds that might be open to the school on this site for other types of educational improvement would not be available.

- 5.18. Furthermore, if the school were to remain on the existing site, off-site highways improvements would likely be required which, in the absence of a capital receipt, would fall on the Council to provide funding from existing budgets.
- 5.19. Although there are a greater number of environmental considerations to be addressed at this site when compared to the existing school site, it is anticipated that these could be mitigated appropriately. Overall, it was considered by the applicant that the factors weighing in favour of the Diggle site outweighed those in favour of the existing school site in Uppermill.
- 5.20. It is acknowledged that a high number of the objections received as a result of the planning consultation process state that the school should be re-built on the existing site in Uppermill.
- 5.21. The Judicial review judgement, as noted above, clearly states that the Members have to consider whether the existing Uppermill school site is preferable as an alternative to the proposed pallet works school site as a means of avoiding the substantial harm that would be done to the setting of the grade 2 listed office building by demolishing the link bridge leading to it. For the reasons stated in the reports on each of the four applications, having balanced the various planning considerations raised by these applications, the significant benefits of delivering a new, fit-for-purpose school, amount to substantial public benefits that outweigh the strong presumption against a scheme affecting the setting of a listed building, particularly when taking into account the issues and practical difficulties created by building a new school on the existing site. It is concluded in relation to NPPF paragraph 195 that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm.

## The ESFA Position

- 5.22. Finally, the ESFA wrote to the Council on 17<sup>th</sup> October 2017, outlining the following.
- 5.23. They noted that following consideration of the JR judgement:

*“..... the EFSA continues to support the Project going ahead as previously planned and remains of the opinion that the most suitable location (of those made available by the Council) for the Project is at the Diggle sites”.*

They then went on to justify their reasons for this view.

- 5.24. They firstly outlined that, having considered the judgement in respect of harm identified to the sites heritage assets and setting, they did not consider that it was *“proportionate or necessary”* for them to reassess the 2015 feasibility study

considering the location of the school. They noted that information on heritage harm is considered in detail in chapter 15 of the new ES.

5.25. They concluded that it was their view that:

*“... the very substantial educational advantages of the Project going ahead at the Diggle Site outweigh the heritage harm”.*

5.26. They continued that:

*“The ESFA has considered Mr Justice Kerr’s comments as to the uncertainty surrounding the funding of the different estimated financial costs between the Diggle Site and the current site of the school. Subject to project specific contractual terms being agreed the ESFA in principle covers reasonable additional external works and abnormals. This applies to either the Diggle Site or works on the current school site. The ESFA does not fund unreasonable costs or off-site costs associated with discharging obligations under for example S106 Town and Country Planning Act or under S278 of the Highways Act.*

*It is a significant benefit from the ESFA’s perspective that the construction project costs on the Diggle site are estimated to be the lowest cost option. However, a decision as to which site represents best value for money is not limited to financial considerations. In this case the ESFA’s reasons also include the substantial educational benefits of the Diggle Site and as compared to a new school on the current site (including the construction challenges on that site and that the resultant layout would not be as good for delivery of the school vision where the Diggle Site is much better). It is the ESFA’s view that in all the circumstances the ESFA’s preferred option is the Diggle site”.*

5.27. What the above clearly shows is that there is as much certainty as can be expected, without the permissions being granted, that the new school will be delivered if the Members consider that the applications that are the subject of this report are acceptable.

5.28. Furthermore, it is clear the ESFA has a clear preference of the Diggle Site compared to building a new school on the current site.

## **Scheme Benefits**

5.29. The applicant has set what they consider to be the benefits arising from the proposed development of the new school (Application C), including the following:

- Development of a new school which is fit for purpose;
- Provision of much needed secondary school places;
- Provision of school and supporting external facilities which are consistent with the school's aspirations;
- Provision of significantly more comfortable and inspiring learning environment which will encourage improved educational attainment;
- Allow students and staff to have pride in their school buildings thereby reflecting values of the school;
- Provision of a modern, efficient, low maintenance and sustainable building;
- Removal of a derelict site which is subject to anti-social and criminal behaviour, and bringing the site back into use;
- Regeneration of a site which presently detracts from the character of the area;
- Decrease the built footprint of buildings and hardstanding on the site and increased landscaping;
- Removal of contamination and invasive species;
- Enable redevelopment of a site which forms an important part of the setting of a Grade II listed building;
- Deliver highway improvements;
- Provision of construction and education related jobs, plus additional jobs through the supply chain;
- Provision of new and improved habitats and biodiversity;
- Potential to halve the amount of rainwater run-off from the site lowering flood risk;
- Greater participation in sport due to new and improved sports facilities and students and the community; and,
- Allow the school to develop its role and involvement in the wider community.

## **Saddleworth School's Headteacher's Position**

5.30 Matthew Milburn, the Headteacher at Saddleworth School, also wrote to the Council on 11<sup>th</sup> September 2017 with the aim of adding a clear opinion on the benefits that would accrue from approving this proposal.

5.31 His letter is broken into three sections and sought to outline:

- The challenges the school faces in the current Saddleworth School building;
- Why the Diggle site provides the best available site for the new school; and,
- An outline of some of the problems that would need to be overcome if the school were forced to build on the Uppermill site.

5.32 The Headteacher indicated that these points reveal why he believes there would be short and long term positive impacts in creating a modern, fit-for-purpose



educational facility in Diggle for the children of this area and why reusing the current Uppermill site would fail to achieve the standard required for modern education.

***The challenges of the current school***

- 5.33. The Headteacher outlined that the current Saddleworth School was established in 1911 as a small village school.
- 5.34. As the School has grown, it has been developed and extended on several occasions, but in a haphazard manner. This means that there are sixteen buildings of variable size and quality spread out across the site in an inefficient manner. He argues that moving around the school is complicated for pupils, but especially onerous for disabled pupils. Furthermore, the ad hoc nature of the schools design is difficult to monitor and ensure that bad behaviour is prevented.
- 5.35. He continues that the current condition of the school is worthy of comment since part of the question of the schools location depends on whether it extends the time that pupils learning will be affected by the current environment and whether the new school site will enable better facilities and increase the quality of the learning environment beyond mere replacement.
- 5.36. The Headteacher feels that the current school building presents challenges, particularly for wheelchair users. The existing school is built on the side of a valley and has a very narrow and potentially dangerous entrance from Uppermill High Street. The bus turnaround that serves the school is accessed via a very steep footpath that is not accessible to wheelchair users or anyone with mobility issues. The buildings are also spread across the site and many of the classrooms are inaccessible to those on crutches or in wheelchairs. He argues that adequate and accessible school provision should be open to all in the locality, irrespective of ability, to ensure it does not preclude any children and their integration to Saddleworth School.
- 5.37. The Headteacher also considers that the quality of the rooms that the students use is an issue. Many of the classrooms leak, some are damp and others have old fashioned windows that trap heat in the summer and let it out in the winter. These are issues that affect students learning environment currently and mean the current school is expensive to run due to needing to fund high heating costs. This money could be better spent investing in better learning facilities.
- 5.38. He adds that valuable resources have also had to be spent on ensuring that the schools electrical system is secure.
- 5.39. Furthermore, the fire brigade have expressed reservations about the reliability of the alarm system, particularly as it serves several separate buildings.
- 5.40. Also, the school has water rising from the floor in the sports hall due to significant drainage issues.



- 5.41 He continues that the sewers in the art block are damaged and this causes an unpleasant smell which colleagues and children have to contend with throughout the working day.
- 5.42 He concludes that replacing the school on the current site will address these points and stop pupils using “antiquated facilities”.

***The benefits of a new school in Diggle***

- 5.43 The Headteacher argues that limited resources available for the new school should be spent on classrooms and facilities that benefit the children.
- 5.44 If Uppermill were chosen, then money would go elsewhere and not be spent on improved facilities for children. Instead, it would be “wasted” on such things as:
- temporary accommodation,
  - the construction of an access road,
  - off-site parking for construction workers and staff of the school.
- 5.45 Moreover, the new school project would also miss out on the money that is being paid for the Uppermill site by the owner of the Diggle site. This money is ring-fenced to support the development of the new school and would mean improved facilities over and above the standard Priority School Building Programme (PSBP) specification. If the school is built on the application site, children will benefit from:
- a resource wall in every standard classroom,
  - additional retractable seating in the movement room,
  - an upgraded floor in the main hall,
  - as well as a demountable wall that creates an additional drama space.
- 5.46 The Headteacher considers that a new building at Uppermill would not be as good as the one planned for Diggle since there would not be the same amount of money going into achieving a more modern and positive learning environment.
- 5.47 Additionally, the generally flat topography of the Diggle site is far better for children and their learning than the steep slope at Uppermill. Playing fields would be located adjacent to and on the same level as the changing areas and the site would benefit from far more usable land on which, if necessary, the school could grow further into if the need arose in the future.
- 5.48. The design of the new building is bespoke to the topography at Diggle and would remove the inefficiency of the present ad-hoc design and enable a more efficient use of space with all the accommodation spread over three floors in a single building.
- 5.49 Moreover, as a consequence of this, the school would be able to propose a ‘Home School’ model whereby children will be taught for the majority of their lessons in a particular ‘Home Base’ which is managed by a Home School Leader. This means

that, although the school will have 1500 pupils, children will spend most of their time located in one smaller area providing a “human scale” learning environment. This design helps to build a sense of community and investment with each group able to stamp their identity on their Home Base. One consequence of this approach means that the teachers will generally move to the children and not the other way around. This saves the large movement of people and the disruption that such movement can cause.

- 5.50 Each standard classroom will benefit from a learning wall which will accommodate an interactive whiteboard, standard whiteboard and shelving for exercise books and resources.
- 5.51 Overall, the Headteacher argues that the Diggle scheme represents a full rebuild which in turn means that the vision for how learning will be enabled is both focussed and coherent. Conversely, the Uppermill proposal includes the retention of some already dilapidated facilities. This would be an unnecessary compromise both in terms of the Home School vision as well as the quality of buildings.
- 5.52 The Diggle site will also be constructed with a priority given to keeping children safe. The Uppermill site has a footpath that runs up the school drive and along the length of the main school building. This means anyone can wander along the drive and in between staff cars within ear shot of classrooms. This would not be the case at Diggle.
- 5.53. The bus turnaround at the Uppermill site is some distance from the school, down a steep hill and not at all visible from any part of the building. At Diggle, the proposal is for buses to come onto site and to turnaround in a shared area that is used as a turning circle at the beginning and end of each day and as a playground for the rest of the time.
- 5.54 The new energy efficient building at Diggle will also ensure that emissions are significantly reduced.
- 5.55 Due to the location of the Diggle site, it may well mean that more children catch the bus to school or ride bikes.
- 5.56 As they approach the new site, students will enjoy the location, with the views to moorland and the adjacency of the canal and railway line that run through the back of the site. Such features will also provide perfect reference points for learning about history, art and the natural environment. Overall, the location at Diggle will present curriculum opportunities that are not available as immediately on the Uppermill site.
- 5.57. The Diggle scheme has been worked up and is ready to be delivered. Were an alternative option considered, the school will have to go back to the drawing board, and children would have to put up with sub-standard educational facilities that inhibit learning.

- 5.58. The listed office building is planned to be developed as a community resource. Working in partnership with the Council, Historic England and local community and business groups, the School intend to find a sustainable future for this building. Whilst they don't yet have a final plan, they feel a viable future for the building is more likely to be secured with a thriving new school standing next to it than it is with a back drop of derelict mills and industrial waste land.

***The problems that would need to be overcome if the school were forced to attempt to build in Uppermill.***

- 5.59. The Headteacher considers that a negative impact on education and achievement will occur if the new school were to be built on the existing site for over two years.
- 5.60. There are numerous health and safety issues associated with trying to build on the same site as a school where 1370 pupils are trying to learn and 160 staff are seeking to help them.
- 5.61. Significant disruption will be caused by:
- noisy machinery;
  - pile driving;
  - phased demolition; and,
  - the movement of materials
- required for a £20m build.
- 5.62. The dirt, dust and disturbance that will be caused on site and a much longer build programme due to the challenges of the steep site will have a long term and negative affect on learning and the opportunity for outdoor healthy participation in sports on the site. The pupils and staff would have to decant to temporary accommodation that would mean even more disruption to teaching and learning. The only place that the temporary accommodation could be located is on the playing pitches which would mean that the school would not be able to deliver the full PE curriculum, another obvious disadvantage for our pupils.
- 5.63. For those students for whose education would coincide with the construction of the new school, there is a clear risk of disturbance and disadvantage at Uppermill when compared to building in Diggle.

***Other matters***

- 5.64. The school recognise that moving Saddleworth School will change the nature of Diggle. However, the school feels it can help the village to become a hub for the wider Saddleworth community and, with the renovation of the clock tower, provide facilities that support young people whilst respectfully acknowledging the past.

- 5.65. They consider the benefits that could come from the brand new facilities in drama, music and sport that would be of a much better standard and available to the entire community.

### **Conclusion**

- 5.66 In summary, the School feel that the Uppermill site is only 'technically' able to withstand a new school being built while maintaining an adequate school for the pupils at the same time. They have concerns regarding the deterioration of the schools quality for the pupils in their education and development for several generations.
- 5.67 The loss of investment opportunities made available by the new school being located at Diggle mean that a replacement school at Uppermill would not be of the best quality available now and in the future. In effect, a school at Uppermill would detract from the quality of education for current and future pupils and this is not what they feel should be offered to future generations of children.

## **View of Oldham Council's Education and Early Years Department**

- 5.68 The Council's Education and Early Years Department have provided a statement that outlines the educational benefits of the new school. It states the following.

### **Teaching and Curriculum Benefits**

- 5.69 They argue that:
- i) The curriculum at the new Saddleworth School will be organised predominantly, but not exclusively, around five year groups (7-11). Pupils will study all of the areas of the National Curriculum and a range of curriculum enrichment.
  - ii) The new school will have 1500 pupils and, because of this scale, the school will be able to offer a comprehensive range of qualifications at 16. This will ensure that all pupils have a broad and balanced curriculum that is taught and assessed at the right level for them. The vast majority will follow traditional Level Two qualifications. A minority of pupils will follow Level One qualifications and a handful may access courses with partner colleges and / or training providers. The school will continue to teach a number of vocational qualifications that a small number of pupils will follow. A new modern building will significantly widen the offer to pupils, parents and the local community.
  - iii) It is envisaged that a new building would enable each year group to have an identified 'home base' in which general teaching areas and form spaces are located. Pupils would only leave these 'home bases' to be taught for practical lessons in areas such as science, technology and PE.

- iv) New structures allow for greater interaction with pupils and better more active engagement between pupils leading to more effective learning and achievement and attainment.
- v) Improved classrooms will lead to better teaching due to more effective use of space and greater access to modern ICT and IWB.
- vi) Leaders in the school will be dispersed across the building with each home base hosting a year leader and a senior leader. There will be staff work areas in each 'home base'. Internal walls will be glazed, enabling passive supervision and a sense of openness, mutual respect and learning together.

### ***Effective Use of Space to Enhance Learning and Development***

- i) The 'homes base' model will improve the learning experience for children. A modern design lends itself to being adapted in response to changes in curriculum or the need for future changes to the timetable or teaching model.
- ii) Each 'home base' would look and feel different - becoming increasingly adult and sophisticated in feel, providing pupils with a sense of progression as they move up through the school. For example, the Year 7 base might feel enclosed, supportive and homely whereas those designed for Years 10 and 11 might be more open plan and business-like. There will be opportunity for pupils to personalise their space by using art work, photography and artefacts that hold significance to that year group.
- iii) Resource walls will be used to divide each learning space. These walls will include appropriate space for an IWB (Interactive White Board) as well as an easily accessible recessed cupboard providing space for stationery and text books. The use of 'home bases' will enable staff to go to pupils rather than pupils going to teachers' rooms. The implication of this is that subjects that do not have specialist facilities will not have departmental bases but will instead be dispersed across general classrooms in each 'home base'.
- iv) A new building with a 'home base' arrangement will reduce movement time and ease congestion and with the development of more computer based teaching resources. The need for a centralised stock of text books is less of a priority. Stationery and hand held technologies will be contained securely in each base area.
- v) A new building will, with improved use of space, enable children to work in pairs / fours and have the flexibility to move around the space to share their thoughts and develop their thinking. New portable and stackable furniture will also enable maximum use of space.

- vi) It is envisaged that examinations will be accommodated in the Sports Hall. With this in mind, along with a desire for community access, it is envisaged that the sports buildings will be set apart from the main school building. This would mean candidates could complete exams without disturbance and good access to playing fields.
- vii) Flexible learning spaces of varying sizes means that spaces can be used for more than one purpose or method of teaching. A new school will allow for the building to be flexed at minimal cost.

### ***Effective Use of ICT to enhance Learning***

- i) Modern ICT facilities will support learning on demand right across the school. For example, all pupils will be expected to keep a record of what they are learning via an individual e-portfolio that they will regularly share with each other, their teachers and parents. For this to happen, access ICT will be integral to the new build and the learning environment. A new purpose built school makes this much easier to arrange, utilize and develop.
- ii) Pupils in such a modern environment will have the opportunity to take greater responsibility for their own learning supported by enhanced and modern ICT equipment available throughout the school.
- iii) Interactive white teaching boards in each teaching space along with one piece of kit capable of registering pupils and serving the lesson will further streamline teaching and learning and the monitoring of attendance.

### ***Behaviour, Pastoral Care, Health, Community and Well-being***

- i) In the new school, pupils will be organised into year groups and each year will have its own 'home base'. As well as the general classrooms, in each home base there will be a Learning Coordinator for the year, a senior leader office, a staff work room, access to water and toilets (monitored by CCTV) for pupils and staff to use.
- ii) There will be a central provision to serve the whole school carefully designed to support pupils who struggle to maintain the standards of behaviour the school expect. In the current school there is an exclusion area - where pupils are isolated and follow an alternative school day, a counselling space where agencies can work alongside pupils whose behaviour is cause for concern and a learning support base where pupils can follow an alternative curriculum if they have been withdrawn from a particular subject. In the new school there would be a similar arrangement but carefully located to be accessible to external agencies and parents in a modern, warm and supportive environment.

- iii) Saddleworth has a tradition of sporting success and the full range of sports leisure activities will be organised at the school for pupils and the wider community. The sporting facilities (and indeed other areas) will be capable of separation from the main school building to enable the community to access them without compromising the security of the wider school. A large classroom, which could double as a function room with catering options, may be available providing a key income stream to the school.
- iv) Break out spaces and areas where pupils can access learning resources and conduct research should feature in each of the home bases. In order to manage behaviour, ensure safeguarding and promote openness it should be possible to see in and out of classrooms. Large vision panels in all classrooms will enable passive supervision, but with the facility to draw a blind to enable privacy when necessary.

### ***Safeguarding, SEN and Disabilities***

- i) Saddleworth School has a commitment to inclusion and those pupils with SEN will be offered effective differentiated teaching that, for the most part, will see them learning alongside others in the school.
- ii) Any specialist provision for pupils with SEN will be accommodated in the heart of the new school as a statement of the school's commitment to all children.
- iii) Each home base will have a pastoral office in which will be located the learning coordinator and the pastoral support assistant for the year group. As well as serving as offices, these spaces will be used for coaching and mentoring of children and staff.
- iv) At the front of the school, meeting rooms will be available for colleagues and pupils to meet with parents and those from external agencies who are supporting children with SEN and other needs. The new school will be safe and yet accessible to all. A clear secure line with a single point of entry that can be easily managed to ensure a welcoming space for visitors and a secure point of entry to the school.
- v) The new building will enable high levels of internal visibility and external social areas that are covered and provide space for children to relax, be served and consume food in comfort. Visibility is key to ensuring that the school is a safe environment for all pupils.



## 6. ENVIRONMENTAL STATEMENT

- 6.1 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (EIA Regulations) require certain planning applications to be accompanied by an Environmental Impact Assessment (EIA). Schedule 1 of the EIA Regulations outlines developments that always require an EIA. Schedule 2 of the EIA Regulations outlines developments that may require an EIA should it be considered that it gives rise to significant environmental impacts. Given the scale of the proposed development and the sensitivity of the site, it was agreed that the planning application for the new school should be accompanied by an Environmental Statement (ES).
- 6.2 The applicant voluntarily submitted a request for an EIA Scoping Opinion in May 2015, and, following consultation with a number of statutory and non-statutory consultees, the Local Planning Authority adopted a Scoping Opinion in July 2015. This document advised the applicant on the scope of the information to be gathered during the Environmental Impact Assessment (EIA) preparation process. The findings of the EIA process have been reported through the Environmental Statement which is submitted with this planning application.
- 6.3 Following submission of the planning application and associated ES relating to the new school in July 2015 (Application C), a revised ES was submitted in December 2015, which superseded the previous ES, and incorporated consideration of the potential impacts arising from Application C, together with the potential impacts of the other three related applications (Applications A, B and D).
- 6.4 Following the March 2017 Judicial Review, the 2nd revision of the ES was submitted in August 2017 in a more up-to-date form given the passing of time since the first submission. This ES was reviewed for regulation or guidance changes and updated to ensure it is up-to-date and relevant for the purposes of re-considering the applications. It has been advertised and available since 27<sup>th</sup> September 2017.
- 6.5. In summary, the ES consists of:
- An EIA Volume 1: Non-Technical Summary (NTS) document that is a summary of the Environmental Impact Assessment (EIA) process in non-technical language.
  - The main Environmental Statement (ES) (Volume 2); and,



- The supporting appendices (Volume 3) containing reports on the EIA process in 'Chapters' which contain detailed information on the proposal and each of the environmental topics considered.

## 7 PLANNING POLICY BACKGROUND

### National Planning Policy Framework

- 7.1. The revised National Planning Policy Framework (NPPF) was published in July 2018 and sets out the Government's planning policies for England and how these should be applied. This establishes a presumption in favour of sustainable development, encompassing, amongst other things, building a strong competitive economy, delivering a wide choice of high quality homes and good design.

The NPPF contains an extensive range of policies. The following are considered particularly relevant to these applications.

#### “2. Achieving sustainable development”

- 7.2 The purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 goes on to set out the three dimensions to sustainable development which give rise to the need for the planning system to perform a number of roles including:
- a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
  - b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
  - c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 7.3 It continues in paragraph 9 that these objectives should be delivered through the application of the policies in the Framework and that they are not criteria against

which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

7.4. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

7.5. The relevant parts of the NPPF in relation to this application are set out below.

### **“6. Building a strong, competitive economy”**

7.6. Paragraph 81 states that planning policies should amongst other things to be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.

### ***“Supporting a prosperous rural economy”***

7.7. Paragraph 83 states that planning policies and decisions should enable the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

### **“8. Promoting healthy and safe communities”**

7.8. Paragraph 91 states that planning decisions should aim to achieve healthy, inclusive and safe places which promote, amongst other things, places are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion; enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure and sports facilities.

7.9. It continues at Paragraph 92 that to provide the social, recreational and cultural facilities and services the community needs, planning decisions should, amongst other things:

- a) plan positively for the provision and use of community facilities and other local services to enhance the sustainability of communities and residential environments;
- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;

- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- d) ensure that established facilities and services are able to develop and modernise, and are retained for the benefit of the community; and,
- e) ensure an integrated approach to considering the location of community facilities and services.

7.10. Importantly at Paragraph 94, specifically relating to schools, it states:

***“It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:***

***a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and***

***b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted”.***

**“Open space and recreation”**

7.11 Paragraph 96 identifies that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. It continues that information from the open space assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.

7.12 It goes on that planning decisions should protect and enhance public rights of way [paragraph 98]

**‘9. Promoting sustainable transport’**

7.13. Paragraph 102 states transport issues should be considered at the earliest stage of proposals, so that the impact of development on the transport network can be addressed and the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account amongst other things.

7.14 In considering development proposals, paragraph 108 states it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and,
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

7.15 Paragraph 109 clearly reminds Local Planning Authorities that:

*“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”.*

Within this context, paragraph 110 states that applications for development should:

- a. give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b. address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c. create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d. allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e. be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

7.16. At paragraph 111, it states that development that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so the likely impacts of a proposal can be assessed.

## **“11. Making effective use of land”**

- 7.17. Paragraph 117 states decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 7.18. It goes on at paragraph at Paragraph 118 that decisions should:
- Encourage multiple benefits and take opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;
  - Recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
  - Give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land; and,
  - Promote and support the development of under-utilised land and buildings, especially if available sites could be used more effectively
- 7.19 Paragraph 119 states that local planning authorities should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, using the full range of powers available to them.
- 7.20. Importantly, in relation to this application it makes it clear at Paragraph 121 that:
- “Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:***
- ..... b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space”.***

## **“12. Achieving well-designed places”**

- 7.21. Paragraph 124 states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. It adds that good design is a key aspect of sustainable development as it creates better places in which to live and work and helps make development acceptable to communities.
- 7.22 Specifically, Paragraph 127 states planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change;
- d) establish or maintain a strong sense of place, using the arrangement of spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

7.23. Importantly for any Planning Committee, it sets out in Paragraph 130 that permission should be:

*“... refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development”.*

### **“13. Protecting Green Belt land”**

7.24 Paragraph 134 sets out the main purposes of the Green Belt, which are to:

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

- 7.25 Paragraph 143 defines '*inappropriate development*' as being harmful to the Green Belt and should not be approved except in very special circumstances.
- 7.26 Paragraph 144 goes on to say that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. '*Very special circumstances*' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 7.27 The construction of new buildings is inappropriate in Green Belt. Paragraph 145 outlines the exceptions to this policy which include the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
- 7.28 Paragraph 146 sets out other forms of development also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These include local transport infrastructure which can demonstrate a requirement for a Green Belt location.

#### **“14. Meeting the challenge of climate change, flooding and coastal change”**

##### ***‘Planning and Flood Risk’***

- 7.29 Paragraph 155 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk but, where development is necessary, it should be made safe for its lifetime without increasing flood risk elsewhere.
- 7.30 Following principles of the 'Sequential Test', paragraph 158 goes on to state that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. The Strategic Flood Risk Assessment will provide the basis for applying this test. A sequential approach should be used in areas known to be at risk from any form of flooding.
- 7.31 If, following application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, paragraph 159 states that the Exception Test can be applied if appropriate.
- 7.32 For the Exception Test to be passed:



- it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, and,
- the development must be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Both elements of the Exception Test will have to be passed for development to be permitted.

7.33 Paragraph 163 states that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and,
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

7.34 Finally, paragraph 165 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a. take account of advice from the lead local flood authority;
- b. have appropriate proposed minimum operational standards;
- c. have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d. where possible, provide multifunctional benefits.

## **“15. Conserving and enhancing the natural environment”**

7.35 Paragraph 170 states that planning decisions should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

- recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland ..... ;
- minimising impacts on and providing net gains for biodiversity;
- preventing new development from contributing to unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality; and,
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

### ***Habitats and biodiversity***

7.36. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles amongst other things:

- If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- Development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest; and,
- Development resulting in the loss or deterioration of irreplaceable habitats should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

7.37. It adds in paragraph 177 that the presumption in favour of sustainable development does not apply where development requiring appropriate assessment, because of its potential impact on a habitats site, is being planned or determined.

### ***Ground conditions and pollution***

7.38. Paragraph 178 states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.

- 7.39. It continues at Paragraph 180 that decisions should also ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life;
  - identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and,
  - limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

## **“16. Conserving and enhancing the historic environment”**

### ***Proposals affecting heritage assets***

- 7.40. When determining applications, paragraph 189 states that LPAs should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 7.41 Paragraph 192 then sets out the factors that LPAs should take account of when determining applications. These are:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and,
  - c) the desirability of new development making a positive contribution to local character and distinctiveness.

### ***Considering potential impacts***

- 7.42 When considering the impact of a proposed development on the significance of a designated heritage asset, paragraph 193 states that great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- 7.43 It continues at paragraph 194 that any harm to, or loss of, the significance of a designated heritage asset should require a clear and convincing justification and that substantial harm to or loss of grade II listed buildings should be exceptional.
- 7.44 Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, paragraph 195 states that LPAs should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site;
  - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
  - conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and,
  - the harm or loss is outweighed by the benefit of bringing the site back into use.
- 7.45 Paragraph 196 states:
- “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.*
- 7.46 Paragraph 197 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 7.47 Paragraph 198 goes on to say that LPA’s should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

## National Planning Policy Guidance

- 7.48 The National Planning Practice Guidance (NPPG) was launched in March 2014 and provides guidance to assist in applying NPPF and planning legislation. It covers a range of topic areas including, of relevance to this proposal:
- Air quality,

- Climate change,
- Conserving and enhancing the historic environment,
- Design,
- Environmental impact assessment,
- Flood risk and coastal change,
- Health and wellbeing,
- Land affected by contamination,
- Light pollution,
- Natural environment,
- Noise,
- Open space, sports and recreation facilities, public rights of way and local green space,
- Planning obligations;
- Renewable and low carbon energy;
- Transport evidence bases in plan making and decision taking;
- Travel plans, transport assessments and statements,
- Use of planning conditions;
- Viability;
- Waste, and
- Water supply, wastewater and water quality.

Specifically in relation to the ‘*Conserving and enhancing the historic environment*’ section, the guidance explains that ‘*significance*’ is important in decision-taking as heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals.

A thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

The guidance explains that:

*“The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places.”*

(Paragraph 013 Reference ID:18a-013-20140306)

Disrepair and damage and their impact on viability can be a material consideration in deciding an application. Any deliberate damage is not a material consideration.

In terms of considering future viable uses the planning guidance recognises that:

*“By their nature, some heritage assets have limited or even no economic end use...*

*It is important that any use is viable, not just for the owner, but also the future conservation of the asset”.*

(Paragraph 015 Reference ID:18a-013-20140306)

The guidance states that the evidence needed to demonstrate there is no viable use includes appropriate marketing to demonstrate the redundancy of a heritage asset. The aim of such marketing is to reach all potential buyers who may be willing to find a use for the site that still provides for its conservation to some degree. If such a purchaser comes forward, there is no obligation to sell to them, but redundancy will not have been demonstrated.

In terms of demonstrating public benefits the guidance states:

*“Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress...*

*Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and should not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits”.*

(Paragraph 020 Reference ID:18a-020-20140306)

## **Policy Statement - Planning for Schools Development**

7.49 In August 2011, the Secretaries of State for Communities and Local Government and Education published a joint policy statement to set out the Government’s commitment to support the development of state-funded schools and their delivery through the planning system. The document states that the Government is firmly committed to ensuring there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state-funded education and raising educational standards, thus transforming children’s lives by helping them to reach their full potential.

7.50 The opening of new schools is considered integral in achieving this. The document states:

*“It is the Government’s view that the creation and development of state-funded schools 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.”*

- 7.51 There is an expectation for all parties to work together proactively from an early stage to help plan for state-school development and to shape strong planning applications. The document goes on to stress that:
- there should be a presumption in favour of school development;
  - local authorities should make full use of their planning powers to support state funded schools applications;
  - any refusal of consent or the imposition of conditions will have to be clearly justified by the local planning authority.

- 7.52 Of particular note, the document states that:

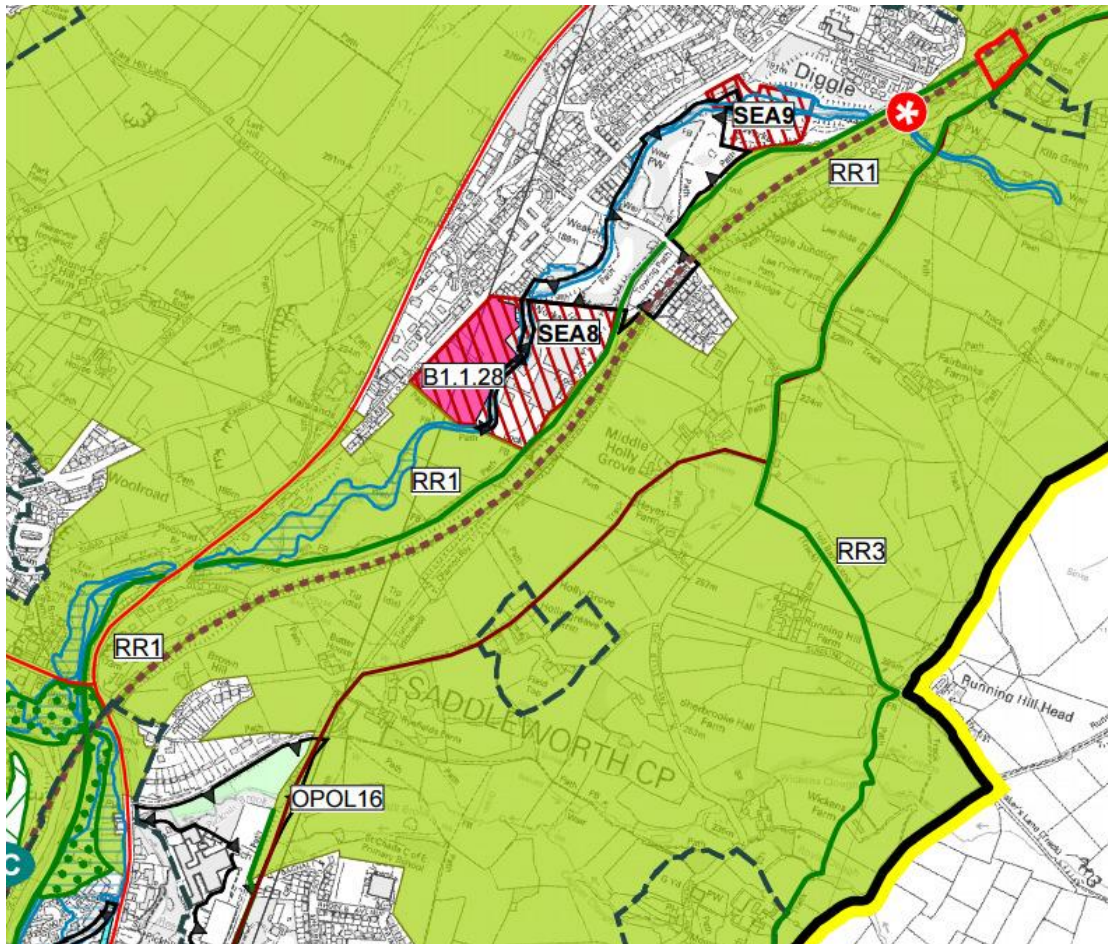
*“Given the strong policy support for improving state education, the Secretary of State will be minded to consider such a refusal or imposition of conditions to be unreasonable conduct, unless it is supported by clear and cogent evidence.”*

## **Joint Core Strategy and Development Management Policies DPD Policies**

- 7.53 Since the Joint DPD policies and the saved policies predate the publication of the NPPF, these were assessed against it to assess their conformity. Oldham’s Conformity Statement was subsequently produced in March 2013. This document assesses the policies and concludes that they are considered to be in line with the Principles set out in the NPPF and its ‘presumption in favour of sustainable development’
- 7.54 The Joint DPD was adopted in November 2011 and sets out a long-term spatial vision, objectives and the planning and development strategy for the borough up to 2026, core policies and development management policies and a monitoring and implementation framework.
- 7.55 Figure A shows the relevant extract of the proposals map for this site.



**Figure A - Proposals Map Extract**



- 7.56 The area of the site to be developed for the school buildings is allocated for employment use as 'SEA8'.
- 7.57 The area proposed for the access road widening is allocated for business and industry use under former UDP Policy B1.1.28 in addition to the SEA8 allocation.
- 7.58 The areas proposed to be used as school playing fields and for the drop-off and residents car park is allocated as Green Belt.
- 7.59 The Diggle Brook and some of the adjacent areas are designated as 'flood zones'. In the northern part of the Site, the Diggle Brook is designated as a 'green corridor and link'.
- 7.60 To the east of the Site, the canal is designated as a 'recreational route' and Site of Biological Interest.



- 7.61 The railway is designated as 'railway network'. The fields between the northern, previously developed part of the site and Huddersfield Road are designated for business and industry uses.
- 7.62 The boundary of the Peak District National Park is demarcated by the black and yellow line to the south-east and the black dashed line to the south of the Site identifies the Holly Grove Conservation Area. The Pennine Bridleway is denoted by the purple line running parallel to the canal to the south.
- 7.63 Paragraph 2.54 describes how, by 2026, education and skills levels will be improved across Oldham through transforming the education agenda for secondary and primary schools. It describes capital investment in secondary school buildings and facilities, changing the way children are taught and the way facilities are used.
- 7.64 The overall vision for Oldham sets out (Vision F) that Oldham will have well educated and highly skilled children and young people. It clearly states that the Council will provide sites for new schools.
- 7.65 The Local Authority's Vision for Saddleworth and Lees includes the following:
- Green Belt and 'Other Protected Open Land' will be maintained.
  - Closeness to the Peak Park and the South Pennine Moors makes this the most rural part of the borough with its picturesque landscapes. The South Pennine Moors will be protected from development. The landscape character of South Pennine Moors, Moorland Fringe, Tame Settled Valley and Wharnton Undulating Uplands will be protected, conserved and enhanced.
  - Development levels will be appropriate to that which the area can sustain and must be sensitive to the character of the local landscape, either side of the Peak Park boundary.
  - Existing local business and employment areas will be maintained at Greenfield, Delph and Diggle.
  - The Huddersfield Narrow Canal will continue to develop as a tourist attraction.
  - The Council 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. 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.
- 7.66 Detailed Policies which are relevant to the application are listed 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.

This policy relates to all types of development.

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

This policy states that the council will support improvements to the education and skills of the borough's population by working with a range of partners to facilitate the development of new and improved education facilities.

This policy is relevant as the application is for the development of a new school.

### ***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 (so as a minimum no less than within 400m of a frequent bus service or 800m of a train or metrolink stop). In addition it requires schools 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.

This policy relates to all types of development.

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

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

This policy is relevant due to the presence of the Huddersfield Narrow Canal SBI to the rear of the site.

### ***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 ([http://www.gmwastedpd.co.uk/doclib.html#Adopted\\_Waste\\_Plan\\_Documents](http://www.gmwastedpd.co.uk/doclib.html#Adopted_Waste_Plan_Documents)).

This policy is relevant as it promotes the use of site waste management plans in major construction projects within Oldham.

### ***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 policy relates to all types of development.

### ***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. This 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).

### ***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:

*“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:

- B1 – Business,
- B2 – General Industry,
- B8 – Storage or Distribution’
- A3 – Restaurants and Cafes’
- A4 – Drinking Establishments,
- A5 – Hot Food Takeaway (excluding SEAs 1 to 10),
- C1 – Hotels,
- Leisure facilities up to 1,000 square metres gross floor space,
- Retail facilities up to 500 square metres gross floor space,
- Building and construction related uses,
- Transport and transport-related uses,
- Waste management facilities, and
- 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.’

The policy goes on to state that development proposals which result in the loss of an employment site to other uses should include measures to outweigh the loss of the site and support Oldham’s economy. Measures will include:

*“D. supporting employment opportunities, including:*

- i) providing or funding the construction of incubator units, managed workspace, and workshops of small and medium sized businesses; or*

- ii) providing discounted rental agreements within mixed-use developments; or*
- iii) employment initiatives; or,*
- iv) contributions to new bus services and/or additional capacity on existing public transport routes, where appropriate, to support residents in travelling to employment locations; or,*
- v) funding / sponsoring / training initiatives to raise skill levels within the workforce and the unemployed.*

*E. creating mixed-use development, that includes employment uses and/or live/work units;*

*F. assisting in the relocation and expansion of existing businesses displaced from the site;*

*G. assisting the consolidation of businesses operating from multiple sites on to a single location;*

*H. providing grants to assist businesses to improve their sites/premises; and*

*I. a commuted sum towards supporting the above measures to be agreed with the council.*

*The council will provide further advice and guidance on this policy.”*

UDP Policy B1.1.28, which is carried into the current Proposals Map, provides an allocation for offices, general industrial, warehouse and distribution use development. The widening of the access road over a small part of this allocation will not affect the ability of such uses to be delivered in the future.

This policy is relevant as part of the site is a Saddleworth Employment Area.

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

Policy 16 ensures the need for local shops, leisure facilities and offices are met by protecting existing premises and permitting new local services and facilities where appropriate within existing built up areas. Where appropriate and within existing built up areas the policy permits the following uses outside of Oldham Town Centre and the borough’s other centres provided they satisfy the requirements of national and local policies:

- i. Local shops with a gross floorspace of 500 square metres or less*
- ii. Leisure facilities with a gross floorspace of 1,000 square metres or less*
- iii. Office, business and industrial developments with a gross floorspace of 1,000 square metres or less.*

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.

### ***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.

### ***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 (until such time that all development is required by the Code for Sustainable Homes (63) to achieve zero carbon) 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.

Compliance with the targets must be demonstrated through an energy statement which must be assessed to the Council's satisfaction.

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

The 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.

This policy is relevant to all types of development and is especially relevant here as a school is a “*more vulnerable*” use and part of the site lies within Flood Zones 2 and 3.

### ***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.

This policy relates to all types of development.

### ***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.

In addition developments should have regard to the principal landscape objective for the relevant landscape character area and type found within the Oldham Landscape Character Assessment.

This Policy is relevant due to the location of the Huddersfield Narrow Canal SBI to the rear of the site and also according the Planning Statement there is also a range of bats and birds on site.

In addition developments should have regard to the principal landscape objective for the relevant landscape character area and type found within the Oldham Landscape Character Assessment.

### ***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.

This policy is relevant as part of the site is Green Belt.

### ***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”.*

This policy 23 is relevant because it seeks to improve the provision of existing outdoor sports facilities within Diggle and Saddleworth.

### ***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.

This policy is relevant as there is a Grade II listed building on site and a number of other listed building in the vicinity.



## 8 CONSULTATIONS

### Application A (PA/337931/15) – Demolition Application

#### December 2015 Consultation

Consultee	Comments
Saddleworth Parish Council	Recommend approval, subject to the status of the listed building being resolved
Greater Manchester Ecology Unit	<p><i>Protected Species – Bats:</i></p> <p>No objections to the application on the grounds of impacts on bats.</p> <p>From the survey results provided it would seem that small numbers of common species of bat use parts of the building complex for (likely) occasional roosting. Before any work can commence that may disturb bats a licence may be required from Natural England. The three tests set out in the Habitats Directive and the Conservation of Habitats and Species Regulations 2010 (as amended) must be satisfied before planning permission is granted.</p> <p>The bat roosts found are small and of a relatively common bat species. Impacts on bats will therefore be low level and mitigation for any possible disturbance to bats will be straightforward.</p> <p>Condition recommended requiring a fully comprehensive method statement giving details of measures to avoid possible disturbance to bats during demolition and construction of new school.</p>
Natural England	No comments to make on this application.
United Utilities Asset Protection	No comments received.
Greater Manchester Archaeological Advisory Services	GMAAS are satisfied that the submitted Archaeological Report on the buildings forms an appropriate archival record. GMAAS therefore have no further comment to make on this proposal.
The Council for British Archaeology	No comments received.

Health and Safety Executive	No comments received.
Greater Manchester Police Crime Prevention Team	No comments received.
Environment Agency	No comments made on this application
Historic England	<p><i>First Response – 12<sup>th</sup> January 2016</i></p> <p>It is for the LPA to determine the curtilage of the listed building and as the LPA has taken the view that the unattached buildings are not within the curtilage of the building, Historic England will not comment on their proposed demolition. However, unless specifically excluded from the listing under the new list descriptions from the Enterprise and Regulatory Reform Act 2013, those buildings which are physically attached to a listed building are listed.</p> <p>On this basis, Historic England considers that the building to the east of the listed office building is listed due to its physical attachment via the link bridge.</p> <p>The office building lies immediately adjacent to the application boundary and is physically attached to the industrial building to the east. Collectively, this is a Grade II listed building of national interest for the architectural quality of the office building, and both buildings' illustration of life in the latter half of the 19<sup>th</sup> century, including its association with the widely exported Dobcross Loom.</p> <p>The industrial buildings to the east of the site offices lend understanding and context to the role and function of the offices and contribute to its significance. Whilst the buildings have undergone alteration, this reflects their industrial use and character and lends legibility to the historic use of the site. The loss of this building would therefore cause some harm to the significance of the listed building.</p> <p>The LPA should therefore weigh this, as well as any harm outside Historic England's remit, against the public benefits of the proposal. Account should also be taken of the desirability of sustaining and enhancing the significance of heritage assets and the positive contribution this can make to sustainable communities.</p>

	<p><i>Second response – 8<sup>th</sup> February 2016</i></p> <p>Further to their earlier consultation response, the Council wrote to Historic England on 1<sup>st</sup> February 2016, attaching its legal opinions and stating that, in view of the decision of the House of Lords in <i>Debenhams Plc v Westminster City Council</i> [1987] AC 396 - which is reflected in Historic England's own guidance - the factory building attached to the listed building by the link bridge should not be treated as part of the listed building unless, at the date of listing, it was ancillary to the listed building. It reiterates that it is the Council's view it was not ancillary since the size and function of the factory building are factors which show that it was not ancillary to the listed office building in any sense. In these circumstances, the Council set out its intention to determine the application on the basis that the factory buildings are not listed.</p> <p>Historic England responded by stating that they would recommend careful consideration to all relevant case law in regards to the issue of listing and curtilage and that statutory and policy requirements are met with regard to the conservation of the historic environment.</p>
Canal and River Trust	<p>Works in close proximity to the canal have the potential to adversely affect the structural integrity of the canal retaining walls and embankments and it is therefore essential that the structural integrity of the canal or associated retaining structures and embankments are not put at risk as part of any development proposal.</p> <p>The Trust welcomes the proposed removal of the industrial water abstraction equipment and housing and the reinstatement of the canal washwall and towpath, details of which should be discussed and agreed with the Trust. It also notes the proposed measures for the protection of the canal during demolition works, in the submitted Construction Phase Plan and Canal Specific Method Statement as previously requested. The Trust would request imposition of a suitably worded condition requiring all works to be undertaken in accordance with this submitted information.</p> <p>The applicant also references the need to undertake further inspection of the retaining structures following demolition works, prior to work commencing on site.</p>

	<p>The Trust would request that a detailed investigation of the condition of any retaining walls and embankments following demolition works is secured via a planning condition, to ascertain the extent to which improvements or strengthening is necessary to cope with the impact of any approved development. An informative note is also recommended relating to the need to ensure that any necessary consents are obtained and that the works comply with the Canal &amp; River Trust "Code of Practice for Works affecting the Canal &amp; River Trust".</p>
Traffic Section	<p>The existing access road, which at present adequately serves an industrial site, will be used by vehicles during demolition works. It can be expected that the intensity of use will increase temporarily and the Highway Engineer therefore recommends an informative note to remind the applicant that any additional traffic management that is required on Huddersfield Road as a result should be approved by the Traffic Section.</p> <p>The Highway Engineer anticipates that construction / demolition vehicles leaving the site may be muddy and a condition is therefore recommended that will ensure that wheel wash facilities are provided on site and used by vehicles before they leave site.</p>
Environmental Protection	<p>Recommend a condition relating to control of construction / demolition noise / piling / vibration.</p>
Network Rail	<p>No comments to make on this application.</p>
LLFA / Drainage	<p>No comments received.</p>
Mineral, Waste and Energy Planning Unit	<p>No comments to make on this application.</p>
Secretary of State / National Planning Casework Unit	<p>No comments received.</p>

**Comments following the revised Environmental Statement (27<sup>th</sup> September 2017)**

<b>Consultee</b>	<b>Comments</b>
Saddleworth Parish Council	No comments received.
Greater Manchester Ecology Unit	No comments received.

Natural England	Confirm they have no comments to make on this application.
United Utilities Asset Protection	No comments received.
Greater Manchester Archaeological Advisory Services	No comments received.
The Council for British Archaeology	No comments received.
Health and Safety Executive	No comments received.
Greater Manchester Police Crime Prevention Team	No comments received.
Environment Agency	No comments received.
Historic England	They understand that the LPA does not consider that the industrial buildings associated with the Grade II listed office building to be curtilage listed. In light of this, they do not have a statutory remit with regards this case and therefore add no further comments to their previous comments.
Canal and River Trust	Nothing further to add to previous comments.
Traffic Section	No comments received.
Environmental Protection	No comments received.
Network Rail	Confirm they have no comments to make.
LLFA / Drainage	No comments received.
Mineral, Waste and Energy Planning Unit	No comments received.
Secretary of State / National Planning Casework Unit	No comments received.
The Victorian Society	Objection on the basis that the application will cause substantial harm to the setting of the Grade II-listed Dobcross Works Office Building. They also recommend that the current application and any others associated with this development are refused and the Uppermill site is explored as the preferred option for the new school development

	<p>They also noted the conclusion of the JR that the possibility of alternative sites should be a material consideration in this case and argue that this point is relevant with regard to their objection on heritage grounds, as the alternative site proposed (Uppermill) is far less sensitive in heritage terms.</p> <p>They remind the LPA that it is for them to determine whether substantial benefits flow from the scheme would outweigh the substantial harm caused to the Dobcross Works Office Building and it must also take into account the fact that there is an alternative development site available that would not result in substantial harm to the Grade II-listed office building, and the effect that this has on the applicant's ability to clearly and convincingly justify the need for the new school in the proposed location.</p>
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## Application B (LB/337929/15) – Listed Building Application

### December 2015 Consultation

Consultee	Comments
Saddleworth Parish Council	Recommend approval, subject to the retention of the factory until its listed building status is resolved.
The Council for British Archaeology	No comments received.
Historic England	Do not wish to make any comments on this occasion.
Canal and River Trust	No comments to make on this application.  Recommend informative note relating to the need to ensure that any necessary consents are obtained and that the works comply with the Canal & River Trust "Code of Practice for Works affecting the Canal & River Trust".
The Society for the Protection of Ancient Buildings (SPAB)	No comments received.
Ancient Monuments Society	No comments received.
The Georgian Group	No comments received.
The Victorian Society	No comments received.

20 <sup>th</sup> Century Society	No comments received.
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**Comments following the revised Environmental Statement (27<sup>th</sup> September 2017)**

<b>Consultee</b>	<b>Comments</b>
Saddleworth Parish Council	No comments received.
The Council for British Archaeology	No comments received.
Historic England	Confirm they do not wish “ <i>to offer any comments</i> ”.
Canal and River Trust	Nothing further to add to previous comments.
The Society for the Protection of Ancient Buildings (SPAB)	No comments received.
Ancient Monuments Society	No comments received.
The Georgian Group	No comments received.
The Victorian Society	<p>Objection the basis that the proposal will cause substantial harm to the setting of the Grade II-listed Dobcross Works Office Building.</p> <p>They also consider that the conclusion of the Judicial Review was that the possibility of alternative sites should be a material consideration in this case. This point is relevant with regard to their objection as the alternative site proposed - Uppermill - is less sensitive in heritage terms.</p> <p>They note that it is for the Council to determine whether substantial benefits that flow from the scheme would, as required by NPPF paragraph 134, outweigh the substantial harm caused to the Dobcross Works Office Building. The Council must also take into account the fact that there is an alternative development site available that would not result in substantial harm to the Grade II-listed office building, and the effect that this has on the applicant’s ability to clearly and convincingly justify the need for the new school in the proposed location.</p> <p>On this basis, the Victorian Society recommends that</p>

	the current application is refused and the Upper mill site is explored as the preferred option for the new school development.
20 <sup>th</sup> Century Society	No comments received.

## Application C (PA/337301/15) – School Planning Application

### December 2015 Consultation

Consultees	Comments
Saddleworth Parish Council	Recommend approval
Greater Manchester Ecology Unit	<p>The ecology surveys and assessments undertaken are generally of an appropriate standard and no further surveys need to be conducted prior to determining this application.</p> <p><i>Designated Nature Conservation Sites:</i></p> <p>The proposed development will not have any harmful impacts on the special nature conservation interest of the South Pennine Moors Special Protection Area.</p> <p>Support the recommendation in the ES that no direct lighting of the Huddersfield Narrow Canal SBI should be permitted.</p> <p><i>Protected Species – Bats:</i></p> <p>No objections to the application on the grounds of impacts on bats.</p> <p>From the survey results provided it would seem that small numbers of common species of bat use parts of the building complex for (likely) occasional roosting. Before any work can commence that may disturb bats a licence may be required from Natural England. The three tests set out in the Habitats Directive and the Conservation of Habitats and Species Regulations 2010 (as amended) must be satisfied before planning permission is granted.</p> <p>The bat roosts found are small and of a relatively common bat species. Impacts on bats will therefore be low level and mitigation for any possible disturbance to bats will be straightforward.</p> <p>Condition recommended requiring a fully comprehensive method statement giving details of</p>



	<p>measures to avoid possible disturbance to bats during demolition and construction of new school.</p> <p><i>Impact on Birds:</i></p> <p>The fields within and surrounding the site have some local nature conservation value for birds, in particular lapwing, which have been found to breed on the fields where the new playing fields are proposed and in adjacent fields. The area as a whole has District value for breeding lapwing. No breeding lapwing appears to have been recorded on the site since 2010/2011 and the local population would appear to have declined recently. Alternative suitable breeding habitat is available for lapwing on nearby fields. Mitigation for possible harm to breeding birds should be adopted and implemented as part of the scheme and no vegetation clearance or groundworks should commence during the bird breeding season. New landscaping proposals should encourage provision for nesting birds.</p> <p><i>Other habitats:</i></p> <p>There are some locally important habitats present that will be affected by the scheme, including the Diggle Brook, open grassland and trees and shrub. Measures should be taken to prevent pollution of the brook and retain and protect trees and shrubs. Where trees are lost compensation should be sought in the form of new tree or shrub planting. An appropriate landscaping condition should be attached to any approval.</p> <p><i>Other species:</i></p> <p>Precautionary surveys for otters and badgers should be undertaken prior to construction in accordance with the recommendations of the ES.</p> <p><i>Invasive species:</i></p> <p>The applicant should take care to avoid the spread of invasive species, particularly Himalayan balsam.</p>
Natural England	<p>No objection.</p> <p>The proposal is unlikely to have a significant effect on statutory nature conservation sites (Dark Peak Site of Special Scientific Interest (SSSI)).</p>

	<p>Protected landscapes (Peak District National Park) – no objection on the basis that:</p> <ul style="list-style-type: none"> <li>• The development would be viewed against the backdrop of built form in Diggle;</li> <li>• The majority of the proposed car parking is behind the building (as seen from the National Park); and</li> <li>• The built form of the development would be located on the existing industrial site.</li> </ul> <p>Natural England has not assessed the impact on protected species – the LPA should apply Natural England’s Standing Advice on European Protected Species.</p>
<p>United Utilities Asset Protection</p>	<p>In accordance with the NPPF and Building Regulations, the site should be drained on a separate system with foul draining to the public sewer and surface water draining in the most sustainable way.</p> <p>A number of public sewers cross this site and United Utilities will not permit building over them. An access strip width of 6 metres, 3 metres either side of the centre line of the sewer will be required.</p> <p>United Utilities will have no objection provided conditions are attached covering drainage and surface water discharge.</p> <p>A number of other technical issues are raised, relating to soil surveys, water supply, water mains, and public sewers.</p>
<p>The Coal Authority</p>	<p>No comments. The site does not fall within a defined coalfield.</p>
<p>Greater Manchester Archaeological Advisory Services</p>	<p>The archaeological and heritage desk based assessment has been submitted with the application. This has been produced in accordance with the NPPF paragraph 128.</p> <p>The most significant archaeological site is identified as Wrigley’s Mill. The majority of the mill lies within the proposal site and is sealed by hard standing and structures forming part of Shaw Pallet Works. It is considered that the site has good potential for revealing buried remains despite later development</p>

works. The submitted report recommends a scheme of archaeological mitigation for the mill site. This would take the form of a strip, map and sample excavation exercise prior to the construction phase of the new development, which would adversely impact the archaeological remains. The programme of works would include post-excavation analysis leading to a report on the results, deposition of the project archive and publication if warranted by the results. GMAAS concur with the proposed mitigation strategy and recommend that archaeological works are secured by condition should consent be granted.

The submitted report states that it has not studied the extant buildings on site relating to Shaw Pallet Works as these are being demolished through a separate arrangement by the current landowners. The Shaw Pallet Works was previously the Dobcross Loom Works. Architecturally, the most significant structure is the c 1890 Works Office building which lies outside the proposal site. Whilst the buildings have suffered from considerable degradation and change, they are nonetheless of industrial archaeological and historical interest. GMAAS have been consulted separately on a scheme of historic building recording which will be carried out prior to demolition.

GMAAS understand that buildings within the proposal site will be demolished to ground level. There is good potential for below-ground remains relating to power systems and processing to be preserved under current ground floor levels. These should be subject to archaeological investigation and recording to complement the extant building survey. It is anticipated that the historic building survey will allow identification of potential areas of below-ground archaeological interest associated with the original loom works. These potential remains will be destroyed by development grounds so GMAAS recommend that a scheme of archaeological recording is included in the planning condition. The new school will be surrounded by landscaped grounds. GMAAS recommend that the unique history and archaeology of the site is commemorated through information panels which are accessible to both the students and the public. This would provide a sense of place and a legacy to the site's history. GMAAS wish to see this incorporated into the landscape design.

	<p>The programme of archaeological works should be secured through an appropriately worded planning condition. The archaeological works should be undertaken by a suitably experienced and qualified archaeological contractor funded by the applicant. GMAAS will monitor the implementation of the work on behalf of Oldham Council.</p>
The Council for British Archaeology	No comments received.
Health and Safety Executive	No comments received.
Greater Manchester Police Crime Prevention Team	<p>The proposed school development should be designed and constructed in accordance with the recommendations of the Crime Impact Statement, and a planning condition should be added to this effect.</p> <p>Some concerns regarding covered external areas. Recommend installation of either shutters or full height railings and gates to prevent unauthorised access into these areas. The proposed sheltered areas have potential to cause issues such as loitering, nuisance and anti-social behaviour, as well as leaving the hidden windows and doors vulnerable to damage. Would like to see sheltered areas designed out to avoid creation of hiding places, but if this is not feasible then these areas need to be secured.</p>
Environment Agency	<p><i>First Response – 26<sup>th</sup> November 2015.</i></p> <p>No objection in principle to application. Recommend conditions dealing with contamination and remediation; infiltration of surface water drainage; and provision and management of a buffer zone alongside the Diggle Brook.</p> <p>Also recommend informative notes.</p> <p><i>Second Response – 29<sup>th</sup> January 2016.</i></p> <p>The Council received a revised consultation letter that updated policy references, but did not change the conditions they recommended.</p>
Historic England	Do not consider it necessary for application PA/337301/15 to be notified to Historic England and

	no comments on the amended proposals.
Canal and River Trust	<p>The Trust notes the case made by the applicant. However, the Trust considers that the proposed design and layout of the proposed school buildings remain imposing, in terms of its scale and massing in relation to the canal. If the LPA is minded to approve the application then it is requested that the following issues are considered and conditions imposed to help mitigate its impact.</p> <p><u>Boundary Treatment</u></p> <p>The Trust previously raised concerns about the potential visual impact of long stretches of high fencing on the canal corridor and requested further details of the proposed boundary treatment. The Applicant has now submitted details of Site Access, Security and Boundary Treatments and provided additional sections for the northern part of the site A 1.2m post and rail fence is proposed adjacent to the canal towpath to the southern half of the site (sports fields) which the Trust considers to be acceptable in this location. The application proposes a continuation of this fence to the top of the retaining wall adjacent to the towpath bridge which the Trust would welcome. As this lies outside the application site the Trust would suggest the possible use of a suitably worded Grampian condition to secure erection of this fencing prior to the first use of the school.</p> <p>Ball stop fencing is proposed to the 3G pitch, sections of grass pitch and the proposed MUGAs comprising 3m high weldmesh fencing. Whilst more intrusive than the post and rail fencing, its proposed use is understandable. This fencing is intended to be erected below the level of the canal which it is considered will go some way towards lessening its visual impact to users of the canal and towpath. Around the northern part of the site (the school buildings) a 2.4m high weldmesh boundary fence is proposed to provide security to the school. This fence will, in places, be partially screened and setback from the canal behind existing vegetation, elsewhere however it will be highly visible from the towpath and canal corridor. It is considered that the use of green weldmesh (for both the 2.4m and 3m fences) as suggested by the applicant would be most appropriate in this location and help to lessen its visual impact. This could be secured by condition requiring submission and approval of fencing detail</p>

	<p>including foundation details and methodology for its erection which may also have the potential to impact on the structural integrity of the canal.</p> <p>The Trusts previous comments relating to landscaping works outside the application site have now been addressed. The Trust would however reiterate that any proposals likely to affect the embankment must be agreed with the Trust to avoid any impact on the structural integrity or operational effectiveness of the canal.</p> <p><u>Structural Integrity of the Canal</u></p> <p>The Trust has previously commented on the potential for construction work in close proximity of the canal to adversely affect its structural integrity and requested the imposition of two conditions relating to investigation of the canal wall and production of a construction method statement detailing all proposed earthmoving and construction works. The requirement for a construction methodology statement remains. There is now however a specific application relating to the demolition of buildings on the site, which indicates the applicant's intention to carry out a survey of retaining walls and structures following the completion of demolition works and prior to development. The Trust has, in its response to that application, requested that this be secured by means of a suitably worded condition. It is considered that a similar condition should be imposed on the current application for completeness and to ensure such work is undertaken prior to any new development taking place.</p> <p><u>Hydrology and Flood Risk</u></p> <p>The Trust would re-iterate its previous comments relating to the culvert which crosses the site and its request for the imposition of a condition requiring a detailed condition survey of the culvert to be undertaken and any remedial works found to be necessary undertaken as part of the main site drainage works. The culvert passes under the canal but is not fed from the canal and is not the responsibility of the Canal &amp; River Trust. It is however important to ensure that its properties are not adversely affected or changed by the proposed development.</p> <p>The Trust previously recommended construction of a bund/low wall (300mm) at the back of the towpath to</p>
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	<p>ensure than any overtopping was diverted back into the canal system rather than be allowed to discharge into school premises. It is pleased to note that the revised Environmental Statement which addresses Flood Risk acknowledges this possibility and proposes construction of a bund along the western boundary of the new school building to mitigate such an event. The Trust would request that this be secured by condition requiring submission and approval of details.</p> <p>The submitted document also makes reference to a Flood Evacuation Plan being prepared and implemented by the School to ensure that in the event of a warning of a potential failure of Diggle reservoir that all staff and pupils can be evacuated safely. The Trusts considers such an approach to be appropriate.</p> <p><u>Pedestrian and Cycle Linkages</u></p> <p>The Trust has previously raised concerns relating to the potential increase in use of the towpath arising from the development. The Trust is however generally supportive of the use of canal towpaths as sustainable travel routes and is not opposed to the use of the towpath as a route to school in principle. The existing footpaths are not however considered to be of a standard appropriate to accommodate any significant increase in usage arising from the proposed development and as such would require works or a financial contribution towards appropriate resurfacing of paths and improvements to access points through the use of a planning obligation or section 106 agreement to mitigate the direct impact of the development if such use was intended.</p> <p>The applicant however advises that use of the towpaths is to be discouraged and measures put in place through the management of the school and through the travel plan to implement this, with the use of towpaths to be monitored once the school is open and additional measures put in place if necessary to reduce usage if occurring in high volumes.</p> <p>If contributions towards towpath improvements are not to be required, the Trust would request an appropriately worded planning condition requiring full details of how pupil use and access to the towpath is proposed to be managed by the school, with the</p>
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	<p>inclusion of details and method of enforcement included in a travel plan to be submitted and approved prior to the opening of the school.</p> <p><u>Ecology</u> The Trust recommends a condition requiring protection from pollution or other harm from the canal during the construction and operational phases of the development 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.</p> <p><u>Lighting</u> The Trust notes the information submitted in respect of future lighting of the scheme and the assessment of the canal corridor as a potential receptor. The proposed curfew of 22.00 hrs for the lighting of the sports pitch is welcomed in order to reduce any potential impact on bats along the corridor which should be secured by use of a suitably worded condition. It is noted that the proposed lighting scheme is yet to be finalised and would reiterate its previous comments that submission and approval of full lighting details (including details of foundations) should be sought by means of a planning condition. Unnecessary light pollution should be avoided. The Trust would wish to be consulted in respect of future lighting details.</p> <p><u>Protecting the Operational Waterway Infrastructure</u> The Trust would reiterate its previous comments relating to the need for access through the site to enable works to or changing of the lock gates in this location and inspection of the retaining walls and embankment.</p>
<p>The Peak District National Park Authority</p>	<p>No objection. The proposed development is 840 metres from the boundary of the National Park and the visual and landscape impact upon the National Park would be limited because:</p> <ul style="list-style-type: none"> <li>• The development would be viewed against the backdrop of built form in Diggle;</li> <li>• The majority of the proposed car parking is behind the building (as seen from the National Park); and,</li> <li>• The built form of the development would be located on the existing industrial site.</li> </ul>



	<p>The National Park Authority's Landscape Officers have viewed the site from the National Park and confirm that, where viewed from footpaths on higher ground from the east and within the National Park, visibility of the development would be limited.</p> <p>The proposed development would not conflict in any significant way with the National Park Authority's Management Plan.</p> <p>The National Park Authority requests that consideration be given to good design and landscaping around the site and the potential to mitigate the impacts of light pollution through appropriate use of low powered downward facing lighting.</p>
<p>Transport for Greater Manchester</p>	<p><i>Original Response – 1<sup>st</sup> September 2015</i></p> <p>Because the width of the existing road, pavements and bridge are not shown in the Transport Assessment, they are concerned over the access to the school.</p> <p>The left turn into the school after the bridge also raises concern because of visibility around the clock tower.</p> <p>It is also not clear if there is provision for independent arrival and departure of the different school bus services and how bus boarding will be managed.</p> <p><i>Second response – 22<sup>nd</sup> February 2016.</i></p> <p>A late representation was received from TfGM, largely repeating the advice given in September. For clarity they have concerns about:</p> <ul style="list-style-type: none"> <li>• Access across the bridge and subsequent safety of vulnerable road users;</li> <li>• The school having responsibility for the safe operation of the bus pick-up and drop-off and bus manoeuvring areas;</li> <li>• The left turn into the school after the bridge because of visibility around the clock tower.</li> <li>• The potential withdrawing of bus services if the</li> </ul>

	above arrangements are unsafe.
Highways England	No objections on the basis that the development would not result in a significant impact on the strategic road network.
Pollution Control	Recommends conditions requiring landfill gas risk and land contamination site investigations and any necessary remedial measures.
Network Rail	<p>Any discharge of water must be away from the railway and not into culverts that drain toward the railway.</p> <p>Requests that a condition be attached to require a risk assessment and method statement for vibro-impact works to be submitted to the LPA and Network Rail. This is in order to prevent any piling works and vibration from de-stabilising or impacting the railway.</p> <p>No comments on the amended plans.</p>
Education and Culture	No comments received.
LLFA / Drainage	No comments received.
Environmental Policy Officer	No comments received.
National Grid Company PLC	Due to the presence of National Grid apparatus in proximity to the site, the developer should contact National Grid before any works are carried out to ensure the apparatus is not affected by any of the proposed works.
Electricity North West (ENWL)	<p><i>First response – 1<sup>st</sup> September 2015</i></p> <p>Raise various technical issues. The proposed development could have an impact on ENWL infrastructure. The applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements.</p> <p>It is envisaged that the existing distribution station on the site will either need to be removed or re-positioned. Should there be a requirement to divert apparatus because of the proposed works, the cost of such a diversion would usually be borne by the applicant. The applicant should be aware of ENWL's requirements for access to inspect, maintain, adjust,</p>

	<p>repair, or alter any ENWL distribution equipment.</p> <p><i>Second Response – 17<sup>th</sup> February 2016</i></p> <p>The scheme has no impact on their electricity distribution system infrastructure or other assets. They also confirmed that the developer is in contact with them regarding a new supply for the school.</p>
The Ramblers Association	<p>Footpath no. 106 is shown as coming in from the west, over the footbridge and in between two new retaining walls and then in between the sports pitches and the main school and then on to the towpath. Please ensure that the width between the new retaining walls and in between the two main school sites is wide enough (at least 3 metres wide) as there could be many pupils and other pedestrians using this area.</p>
Street Lighting	<p>Advise on the level of information that will be required in order for an assessment to be made.</p>
Sport England	<p><i>Original Response – 16<sup>th</sup> February 2016.</i></p> <p>Sport England (SE) noted the following:</p> <ol style="list-style-type: none"> <li>1) That proposed grass pitch will be more usable and represent an improvement as they will be newly created pitches with newly installed drainage to Sport England requirements.</li> <li>2) On balance, Sport England is satisfied that the site of the proposed sport facilities will be equal in functional terms to the site being lost.</li> <li>3) The existing school contains an Artificial Grass Pitch [AGP] that does not accord with any current design guidance. It is described in the response letter as a 'Saddleworth bespoke'.</li> <li>4) The proposed football AGP does not accord with the FA design guidance. Whilst Sport England acknowledges that an argument has been made that the proposed AGP will be an improvement over the current AGP, Sport England does not consider that this is</li> </ol>

	<p>sufficient justification to deliver a facility that is not fit for purpose nor meets modern sporting requirements.</p> <p>5) Sport England considers that the proposed AGP is a missed opportunity for the community.</p> <p>6) In light of the above, Sport England objected to the proposal as it will deliver a facility that is not fit for purpose and does not accord with the FA design guidance.</p> <p><i>Second Response – 25<sup>th</sup> February 2016.</i></p> <p>Further correspondence between the FA and the Council took place and the Council agreed to use a planning condition to deliver an AGP to FA specifications.</p> <p>The FA advised Sport England that Manchester CFA would expect the AGP to accord with FA design guidance, and the FA are assured that the AGP will comply with this. The use of a planning condition to secure this is also acceptable to the FA.</p> <p>The FA has also provided the technical guidelines for the AGP including the technical guidelines for compliance with rugby training.</p> <p>In light of the comments from the FA, Sport England considers that an AGP will now be fit for purpose. Consequently, Sport England withdrew its objection, subject to 3 conditions being attached to the decision notice requiring the details and layout of the AGP, the new grass playing field and pitch being constructed and laid out in accordance with Sport England standards and to secure community use of the sports facilities.</p>
Mineral, Waste and Energy Planning Unit	No comment to make in regard to this application.
Secretary of State / National Planning Casework Unit	No comments received.

**Comments following the revised Environmental Statement (27<sup>th</sup> September 2017)**

<b>Consultees</b>	<b>Comments</b>
Saddleworth Parish Council	No comments received.
Greater Manchester Ecology Unit	<p>GMEU have visited the site and have the following comments on the updated Environmental Statement.</p> <p>The ecological status of the site and the overall impacts of the development on nature conservation interests have not significantly changed since they last passed comments on the proposals. As a consequence, their comments have not substantively changed.</p> <p>In summary, they do not consider that there are any substantive reasons to refuse the application on ecology grounds.</p> <p><b>Ecological Survey Effort</b> The ecology surveys and assessments undertaken in support of the application and described in the Environmental Statement, both the original surveys and the updated surveys, have been carried out by suitably qualified consultants and are generally to appropriate and proportionate standards.</p> <p>The additional bat survey information is particularly useful. GMEU would therefore advise that no further surveys need to be conducted prior to determining the application.</p> <p><b>Designated Nature Conservation Sites</b> Although the application site is within 1.5km of part of the South Pennine Moors Special Protection Area (SPA) the proposed development will not have any harmful impacts on the special nature conservation interest of the SPA because there are no identified sources, pathways or receptors for potentially harmful impacts.</p> <p>The site is adjacent to the Huddersfield Narrow Canal Site of Biological Importance (SBI, a local wildlife site) and has some potential to cause harm to the special nature conservation interest of the Canal. The Canal has been designated because it supports important populations of aquatic plants. These plant populations would be vulnerable to pollution of the Canal waters. GMEU would therefore recommend that to mitigate for this potential harm any Demolition</p>

and Construction Method Statements prepared for the scheme should describe comprehensive measures to be taken during the course of the development to prevent any possible pollution of the Canal. These measures, once agreed, should be implemented in full. GMEU would further recommend that no direct lighting of the Canal should be permitted.

**Bats**

Bats have been found to use the site and adjacent areas for foraging and to be roosting in parts of the complex of buildings to be demolished to facilitate the construction of the new school.

The information available indicates that bat use of the site for roosting is at least partially transient, with small numbers of bats moving between different buildings or parts of buildings. This is not uncommon. Up to six species of bat were recorded as foraging over or using the site, although only two species were confirmed as likely roosting on the site. From the survey results provided it would seem that small numbers of relatively common species of bat use parts of the building complex for (likely) occasional roosting. GMEU appreciate that there is a separate application for the demolition of the buildings complex and it is the demolition works that will result in the loss of bat roosting potential. However, the demolition is required to facilitate the development proposed in this application and therefore GMEU consider it appropriate to ensure that the protection of bats is properly taken into account in the determination of this application. Further, the loss of bat roosting potential has been referred to in the ES and compensation for lost roosting potential has been proposed as part of the ES.

All species of bat and their roosts are protected under UK and European legislation and are a material consideration when determining planning applications. Since bats have been found on this site and may be disturbed by the planned works then under the terms of the Habitats Directive and the Conservation of Habitats and Species Regulations 2010 (as amended), which enacts the Directive into the UK, a licence may be required from Natural England to derogate the terms of this legislation before any work can commence that may disturb bats.

	<p>Before a licence can be granted three tests must be satisfied. These are:</p> <ul style="list-style-type: none"> <li>i) That the development is “<i>in the interest of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequence of primary importance for the environment</i>”;</li> <li>ii) That there is “<i>no satisfactory alternative</i>”;</li> <li>iii) That the derogation is “<i>not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range</i>”.</li> </ul> <p>In considering planning applications that may affect European Protected Species, Local Planning Authorities are bound by Regulation 9(1) and 9(5) of the Conservation of Habitats and Species Regulations 2010 to have regard to the Habitats Directive when exercising their function. Government Circular 05/06 gives guidance to local authorities on how these issues should be considered.</p> <p>All three tests must be satisfied before planning permission is granted on a site. During the licence application process Natural England may ask the local planning authority for evidence that the above three tests were properly considered during the determination of the planning application, although Natural England carry the final responsibility for deciding whether a License will be granted. The first two tests are essentially land-use planning tests.</p> <p>As regards the third test, GMEU note that the bat roosts found are small and of relatively common bat species. They can be regarded as ‘low status roosts’. Impacts on bat roosts will therefore be low level. Mitigation for any possible disturbance to bat roosts will be straightforward and, in fact, proposals for mitigating the harm to bats have been put forward in the revised ES (section 6.6.22). GMEU would regard the measures proposed as proportionate and generally satisfactory and consider that, providing the measures described are implemented in full, the</p>
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	<p>conservation status of bats is capable of being conserved and that a Licence would be likely to be granted by Natural England to facilitate the development. GMEU therefore have no overall objections to the application on the grounds of impacts on bat roosting.</p> <p>However, GMEU would query the proposals to compensate for lost bat roosting potential by erecting bat boxes on retained trees and 'where possible' on the new built structures. In general, it is best to attempt to recreate 'like-for-like' roosting potential. GMEU would therefore recommend that, in addition to boxes, consideration be given to integrating new roosting provision into the fabric of the new built structures. This would be relatively simple and inexpensive.</p> <p><b>Bats and lighting</b></p> <p>GMEU are in receipt of detailed objections to the development proposals on the grounds that the introduction of artificial lighting (particularly floodlighting of sports pitches) will cause harm to local bat populations. I would agree with the representations made in respect of lighting and bats that:</p> <ul style="list-style-type: none"> <li>• Both the Diggle Brook and the Huddersfield Narrow Canal are used by foraging bats.</li> <li>• Bats are nocturnal animals and bat roosting and foraging behaviour can be detrimentally affected by artificial lighting.</li> <li>• The floodlighting of the all-weather pitch will increase light levels on both the Canal and the Brook.</li> </ul> <p>GMEU disagree with the conclusion of the representations that the floodlighting associated with this scheme will cause significant harm to bats such that the favourable conservation status of local bat populations will be affected. It is notable that the objections have failed to properly consider available mitigation for lighting impacts.</p> <p>The following points are material to the assessment of lighting impacts on bats:</p> <ul style="list-style-type: none"> <li>• The greatest (most harmful) impacts on bats arising</li> </ul>
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from artificial lighting occur when roosting locations and/or roost access points are directly lit. This will not be the case here. Existing bat roosting locations will be lost during building demolitions and compensatory roosts will be installed. These new roosting sites can be located away from direct light sources and can be sited to allow for bats to move from roosts to feeding areas along dark corridors. The buildings to be demolished do not support high status bat roosts.

- The species of bat most commonly found in the area, and the species associated with roosting on the site, are Pipistrelle sp. Pipistrelle bats are commonly found in urban areas and are less affected by artificial lighting than other species.

- The lighting will affect discrete, relatively short lengths on the river and the Canal. Significant areas of good foraging habitat (dark corridors) will remain unaffected. Land to the east of the Canal will remain open and dark, so the lighting will not sever the bat foraging/commuting route along the Canal.

- Efforts have been made to direct lighting onto the pitches and to reduce light spill.

- A curfew will be applied to the floodlighting; the lights will be switched off between 10 pm and 7 am

- Bats are inactive during the winter months when artificial lighting will be most needed by the school. They are most active during the summer months when lighting will be needed the least.

- Further mitigation for lighting effects would be possible by requiring new tree and shrub planting along the course of the Brook and the Canal as part of a detailed landscape plan for the scheme. Such planting would also increase the available foraging habitat for bats.

#### **Impact on Birds**

The fields included as part of the application site and surrounding the site have some local nature conservation value for birds. In particular, Lapwing have been found to breed on the fields where the new playing fields are to be created and in adjacent fields. The area, when taken as a whole, has a District value for breeding Lapwing. However, GMEU

	<p>do note that no breeding Lapwings appear to have been recorded on the application site itself since 2010/11 and that the local population of Lapwings would appear to have declined somewhat recently. Further, alternative suitable breeding habitat is available for Lapwing on nearby fields, including fields to the east of the site beyond the canal and the railway line where disturbance effects that may result from the operation of the new school will not be significant. Nevertheless, mitigation for possible harm to breeding birds should be adopted and implemented as part of the scheme.</p> <p>GMEU recommend that no vegetation clearance or groundworks commence during the optimum period for bird nesting (March to July inclusive). New landscaping proposals should encourage provision for nesting birds, and they welcome the proposals to integrate new nesting/foraging habitat into the site (ES para. 6.6.28)</p> <p><b>Other habitats</b></p> <p>Although the built form of the new school will largely occupy areas currently occupied by buildings and hard standing there are some locally important habitats present that will be affected by the scheme. In particular the development will affect a local watercourse (Diggle Brook), open grassland and trees and shrubs. As far as possible measures should be taken throughout any construction period to prevent pollution of the Brook and to retain and protect trees and shrubs. Where trees are lost to the scheme compensation should be sought in the form of new tree and shrub planting.</p> <p>GMEU would recommend that, to ensure the provision of amenity afforded by appropriate landscape design, no works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:</p> <ul style="list-style-type: none"> <li>• Planting plans</li> <li>• Written specifications (including cultivation and other operations associated with plant and grass establishment)</li> <li>• Schedules of plants, noting species, planting sizes</li> </ul>
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	<p>and proposed numbers / densities where appropriate</p> <ul style="list-style-type: none"> <li>• Implementation timetables.</li> </ul> <p><b>Control of invasive plant species</b> GMEU would advise that the applicant / developer should take care to avoid the spread of invasive plant species (particularly Himalayan balsam). A method statement should be prepared and implemented giving details of the measures to be taken to eradicate invasive plants from the site.</p>
Natural England	No comments received.
United Utilities Asset Protection	No comments received.
The Coal Authority	No comments received.
Greater Manchester Archaeological Advisory Services	No comments received.
The Council for British Archaeology	No comments received.
Health and Safety Executive	No comments received.
Greater Manchester Police Crime Prevention Team	Due to the size and nature of the proposal, they recommend a full crime impact statement be submitted.
Environment Agency	<p>5<sup>th</sup> December 2017</p> <p>They argue that the current Flood Risk Assessment [FRA] fails to:</p> <ul style="list-style-type: none"> <li>• Take the impacts of climate change into account in setting finished floor levels;</li> <li>• Provide compensatory flood storage for the proposed ground raising, gabion walls and finished floor level. A drawing should be provided detailing the design and location of proposed compensatory flood volumes;;</li> <li>• Take into account the impact of climate change “on the proposed replacement bridge”; and,</li> <li>• Identify whether there is loss of flood plan as “a result of the proposed replacement bridge”.</li> </ul>

	<p>They stated that to overcome these concerns:</p> <p><i>“You can overcome our objection by submitting an FRA which covers the deficiencies highlighted above and demonstrate that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not itself result in the removal of an objection”.</i></p> <p>3rd April 2018</p> <p>Following receipt of a revised response from WYG received on 12<sup>th</sup> March 2018 (FRA Addendum No 1), the EA made the following revised comments on 3<sup>rd</sup> April 2018.</p> <p>They stated that they wished to maintain their objection on the basis that the FRA Addendum No 1 document did not comply with the requirements set out in the NPPF and associated guidance. In particular, the submitted FRA and FRA Addendum No 1 failed to:</p> <ol style="list-style-type: none"> <li>1. Provide existing flood extent outline that is representative of existing ground levels and flood risk across the field where the proposed sports pitches were to be situated. The 1% Annual Exceedance Probability (AEP) extent shown in Appendix C drawing D301 Rev P1 did not appear to them to follow the existing contours and it was unclear how it has been derived.</li> </ol> <p>They continued that the photographic evidence of 26<sup>th</sup> December 2015 flood event showed a flood extent in line with the EA River Tame 1D 2015 draft model outline for the 1% AEP event. They requested that the 2018 Diggle Brook Hydraulic Model was submitted to the EA for review.</p> <ol style="list-style-type: none"> <li>2. Provide level by level compensatory flood storage for the proposed ground raising, gabion walls and finished floor level. They argued the development must not increase flood risk elsewhere. Drawings D311 and D312 did not clearly display a comparison</li> </ol>
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	<p>between the existing and proposed ground levels. Proposed levels are the same as existing levels, which differs to that indicated on the graph and scaling also appears inaccurate. As such, the existing flood plain volumes couldn't be assessed and compensatory flood storage appeared inadequate.</p> <p>They added that the compensation must apply at all levels between the lowest point on the site and the design flood level (1% AEP plus 35% cc). Normally, this was calculated by comparing volumes taken by the development and the volume offered by the compensatory storage for a number of horizontal 'slices'. The thickness of a vertical slice would typically be 0.2m or lower depending on the site levels. The excavation of the existing floodplain was not an adequate compensatory flood storage. A drawing was therefore recommended to be provided detailing the design and location of proposed compensatory flood volumes.</p> <p>3. Confirm the impact of the proposed gabion wall and ground raising works to the south of chainage 320.000m, on drawing D310, rev P1. Compensatory flood storage needed to be provided throughout the flood plain affected by the ground raising works and/or stabilisation works.</p> <p>To overcome the objection they suggested submitting an FRA which covered the deficiencies highlighted by them and that the applicant should demonstrate that the development will not increase risk elsewhere and where possible reduce flood risk overall.</p> <p><i>17<sup>th</sup> September 2018</i></p> <p>A 2<sup>nd</sup> FRA Addendum was then submitted to the EA in August 2018. This included the outcomes of new 2D flood modelling undertaken by the applicant to address the EA's concern.</p> <p>The EA responded on 17<sup>th</sup> September 2018 stating that they had fully reviewed the information submitted were satisfied that it addressed their</p>
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	<p>previous concerns. They consequently removed their objection, but asked that full planning permission for the proposed development should only be granted if the following mitigation measures (as set out in the revised Flood Risk Assessment (FRA) Addendum 2 from WYG dated 25/07/2018) were implemented and secured by way of a planning condition on any planning permission.</p> <p><i>Condition</i></p> <p>The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Addendum 2 from WYG dated 25/07/2018 and the following mitigation measures detailed within the FRA:</p> <ol style="list-style-type: none"> <li>1. External levels in accordance with WYG drawing D313 Revision P1 dated August 2018 showing existing and proposed levels.  Reason: To reduce the impact of flooding on the proposed development and future occupants.</li> <li>2. Identification and provision of safe routes into and out of the lower playing field area, to an appropriate safe haven.  Reason: To ensure safe access and egress from and to the site.</li> <li>3. The preparation of an emergency evacuation plan, including the registration with Floodline on 0345 988 1188 to receive a Flood Alert.  Reason: To ensure safe access and egress from and to the site.</li> </ol>
Historic England	In their view the Council did not need to notify them of this application.
Canal and River Trust	Nothing further to add to earlier comments.
The Peak District National Park Authority	No comments received.
Transport for Greater	TfGM's letter of 6 <sup>th</sup> November 2017 superseded their

<p>Manchester</p>	<p>previous letter dated 23<sup>rd</sup> October 2017.</p> <p><b>Safety</b> TfGM agreed with the interpretation of the accident data supplied.</p> <p>TfGM had safety concerns about the access road – provision is being put in place for a footway on the southern edge of the road but measures will need to be in place to ensure that pupils arriving on foot from the north will need to cross the road. There is no indication in the TA of how this is to be achieved safely. Also, since the bridge over Diggle Brook will not be widened, there is possibility for conflict between pedestrians and buses and cyclists and buses when going over the bridge.</p> <p><b>Junctions</b> They agreed with the need for junction assessments.</p> <p>They felt the TA did not include any diagrams showing the proposed junction layout at the junction between the access road and Huddersfield Road. A diagram showing the layout of the junction and the swept path of the largest bus / coach likely to be regularly servicing the school is needed.</p> <p>Whilst there are no concerns about the ability of buses and coaches being able to access the site (due to the site being accessed by large vehicles for its previous use), it may be that the swept path of such vehicles will mean that the give way or stop line for those vehicles exiting the site may need to be back from the road. As such, sight lines may not be suitable for a give way junction.</p> <p>The junction needs to be able to accommodate a bus entering the site at the same time as another is leaving. It is not clear from the TA if this is possible. This could have a knock-on effect onto the road network and cause queues.</p> <p><b>Traffic</b> The Traffic counts were conducted in 2015. This is now a few years old and consideration should be given to using more up to date data. However, the growth factors applied and the future flows are satisfactory.</p> <p>Parking provision is within the guidelines and is likely</p>
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	<p>to be sufficient for staff and so not lead to on road parking issues.</p> <p>Pupil home locations to determine likely walking catchment (Plan 5) areas are from 2007/2008. Whilst it is acknowledged that home locations will have changed and this is only indicative, it is not clear if the school's catchment area is the same as in 2007/2008 school year.</p> <p>There is a possibility that moving the school could cause a shift in the traffic flow, with traffic that was using Huddersfield Road now moving to the A670 Standedge Road and this having a knock on effect of moving more traffic onto the A62 Huddersfield Road which would increase congestion on the KRN.</p> <p><b>Highways Impact (Urban Traffic Control Comments)</b></p> <p>Their primary concern is that there are some potential road safety issues. As the scheme stands there are some design considerations that will need to be addressed before a signal controlled scheme can be progressed.</p> <p><u>Cycle and equestrian safety</u> – these road users are considerably slower than motor vehicles. A failsafe method of detecting these users along the single lane section will need to be determined to avoid a conflict whereby opposing traffic can be allowed to receive a green signal. A stage one RSA should be completed before detailed signal design commences.</p> <p><u>Modelling and capacity</u> – the one-way section appears to be approximately 120m which introduces a significant length of lost time. There may be implications of queuing traffic extending to the priority junction of Huddersfield Rd / Standedge Rd to the south and delays to traffic / buses generally. Consideration should be given to a shared use pedestrian / cycle footway if carriageway width permits.</p> <p>The private access adjacent to number 44 Huddersfield Rd appears to be signal controlled. This will increase queues and delays and if the detection fails it will receive a green signal in all stages. Ideally this access should be removed from the scheme.</p>
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We are also concerned that the queue from the right turn into the car park will extend to the one-way section. Information indicates that the queue could extend back to the one-way section during the busiest 15-minute period, even if the car park is only used by 60% of the demand. If the exit from the one-way section is blocked there will be queuing in both directions on Huddersfield Road and the road could become less safe as there could be vehicles effectively 'stranded' in the one-way section.

**Site Accessibility**

Data shows that there will be a number of pupils who will live outside of the proposed school's walking catchment. The TA states that, for those pupils who will be outside the walking catchment area, appropriate bus provision will be provided.

Condition: Should the Council be minded to approve this application it is suggested that provision of suitable bus provision be attached as a condition of any planning consent.

In terms of accessibility by bus, the TA states that the closest bus stops to the site are located on Huddersfield Road just to the north of the site access junction, approximately 300m from the centre of the site. Bus services 184 which serves local towns and villages such as Diggle, Dobcross, Uppermill and Greenfield, stops at these bus stops seven times between 0800 to 0900 and four times between 1500 to 1600.

The TA also states that there are seven school buses that currently connect the existing school to a range of local and regional destinations. Appropriate school bus provision is to be provided at the new school.

Providing that adequate school bus provision will be provided at the new location, TfGM agree that the proposed site will be accessible by bus in accordance with relevant policies.

In order to maximise the benefits of the site's location in relation to active travel, it should be ensured that the pedestrian and cycling environment is designed to be as safe, convenient and attractive as possible, so as not to discourage people from accessing the site on foot / by bicycle. This should be applied both

	<p>throughout the site layout, and also between the site and existing active travel networks and can be achieved through measures, such as the appropriate use of surfacing materials, landscaping and signage.</p> <p>It is also important to ensure that the development includes adequate infrastructure and facilities to encourage users to travel by sustainable modes. The TA states that secure cycle parking and facilities will be provided. TfGM note that the TA does not state how many cycle spaces will be provided at the site.</p> <p><u>Condition:</u> Should the Council be minded to approve this application it is suggested that suitable cycle parking designed in accordance with parking standards.</p> <p><b>Travel Plan</b></p> <p>TfGM recommends that a School Travel Plan is developed in accordance with these proposals, with the objective of reducing reliance on the private car, particularly single occupancy use.</p> <p>It is noted that a framework School Travel Plan has been submitted alongside this application. The framework travel plan is based on a travel plan written in 2010. The TA states that the new Full Travel Plan will be based on new travel surveys.</p> <p>The Travel Plan should be designed to raise awareness of opportunities for reducing both staff and student travel by car and should feature a range of measures and initiatives promoting a choice of transport modes, and a clear monitoring regime with agreed targets.</p> <p><u>Condition:</u> Should the Council be minded to approve this application it is suggested that the development, submission, implementation and monitoring of a full School Travel Plan within 6 months of occupation be attached as a condition of any planning consent. Said Travel Plan should be based on recent surveys.</p>
Highways England	No objection, as the development would not result in a significant impact on the strategic road network.
Pollution Control	No comments received.
Network Rail	Confirm they have no comments to make on the

	amended application.
Education and Culture	No comments received.
LLFA / Drainage	No comments received.
Environmental Policy Officer	No comments received.
National Grid Company PLC	No comments received.
Electricity North West (ENWL)	No comments received.
The Ramblers Association	No comments received.
Street Lighting	No comments received.
Sport England	They reiterated that their earlier comments and suggested conditions remain relevant to the application.  Following consideration of the additional flood risk information, they confirmed that they were satisfied that the artificial grass pitch will not be affected by flooding and only the jumping pit area is likely to be affected by a 1 in 100 year event.
Mineral, Waste and Energy Planning Unit	No comments received.
Secretary of State / National Planning Casework Unit	No comments received.

## Application D (PA/337930/15) – Highways Application

### December 2015 Consultation

Consultees	Comments
Saddleworth Parish Council	Recommend refusal of the proposal on highways grounds since the residual cumulative impacts of development are severe on the highways network.  In particular, the Parish Council raise concerns in relation to the robustness of the Travel Plan Survey, traffic figures / traffic modelling, lack of staff car parking and “inter-arrival times”.
Greater Manchester Ecology Unit	The area of grassland affected by the proposed new car park drop off facility and residents’ parking area is

	not of substantive value and GMEU have no objections to this proposal on nature conservation grounds. A detailed landscaping scheme for this part of the site should be required by way of condition.
Natural England	No comments to make on this application.
United Utilities Asset Protection	No objection, subject to a condition requiring the site to 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.  Also recommend informative notes to the applicant.
Greater Manchester Archaeological Advisory Services	Archaeological mitigation is not required for this scheme.
The Council for British Archaeology	No comments received.
Health and Safety Executive	No comments received.
Greater Manchester Police Crime Prevention Team	No comments received.
Environment Agency	No comments on this application
Transport for Greater Manchester	TfGM raise the following points: <ul style="list-style-type: none"> <li>• The maximum queuing could queue back during the peak periods and extend onto the Standedge Road / Huddersfield Road junction;</li> <li>• The possibility that vehicles waiting to turn right into the car park could block the car park egress;</li> <li>• Vulnerable road users such as cyclists and horse riders could get caught within the single lane section of the shuttle run;</li> <li>• There is potential for significant delays to emergency vehicles attempting to use this section of Huddersfield Road; and,</li> <li>• That the mitigation measures outlined in the Traffic Statement</li> </ul>

	<ul style="list-style-type: none"> <li>- road markings at the car park access points;</li> <li>- an additional phase to control traffic exiting the car park; and,</li> <li>- altering the timing of the traffic signals</li> </ul> <p>could have an impact on the efficiency of the junction.</p> <p>They conclude that it may be possible to mitigate the likelihood of the junction blocking and safety of vulnerable road users. However, junction efficiency may be affected and increased queuing and delay experienced.</p>
Highways England	No objection on the basis that the development would not result in a significant impact on the strategic road network.
Environmental Protection	No comments.
National Grid Company PLC	Due to the presence of National Grid apparatus in proximity to the site, the developer should contact National Grid before any works are carried out to ensure the apparatus is not affected by any of the proposed works.
Electricity North West	<p>Consider the scheme could have an impact on their infrastructure.</p> <p>Specifically, they note the development is adjacent to operational land where the applicant must ensure that it does not encroach over either land or ancillary rights of access or cable easements. They go on to outline advice on avoiding danger from underground services and overhead electric lines.</p> <p>They also confirm the car park and drop-off area will have no impact on their assets, but pavement remodelling and road entrance way modifications may impact on existing high and low voltage cables located in the existing footpath. As a consequence, they recommend contacting ENW's connections / diversions team to discuss the works before it commences.</p>
Street Lighting	No comments received.
The Ramblers Association	No comments received.
LLFA / Drainage	No comments received.

Mineral, Waste and Energy Planning Unit	No comments to make on this application.
Secretary of State / National Planning Casework Unit	No comments received.

**Comments following the revised Environmental Statement (27<sup>th</sup> September 2017)**

<b>Consultees</b>	<b>Comments</b>
Saddleworth Parish Council	No comments received.
Greater Manchester Ecology Unit	No comments received.
Natural England	No comments received.
United Utilities Asset Protection	No comments received.
Greater Manchester Archaeological Advisory Services	No comments received.
The Council for British Archaeology	No comments received.
Health and Safety Executive	No comments received.
Greater Manchester Police Crime Prevention Team	No comments received.
Environment Agency	<p>5<sup>th</sup> December 2017</p> <p>They argue that the current Flood Risk Assessment [FRA] fails to:</p> <ul style="list-style-type: none"> <li>- take the impacts of climate change into account in setting finished floor levels:</li> <li>• Provide compensatory flood storage for the proposed ground raising, gabion walls and finished floor level. A drawing should be provided detailing the design and location of proposed compensatory flood volumes;;</li> <li>• Take into account the impact of climate change “<i>on the proposed replacement bridge</i>”; and,</li> </ul>

	<ul style="list-style-type: none"> <li>Identify whether there is loss of flood plan as “a result of the proposed replacement bridge”.</li> </ul> <p>They stated that to overcome these concerns:</p> <p><i>“You can overcome our objection by submitting an FRA which covers the deficiencies highlighted above and demonstrate that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not itself result in the removal of an objection”.</i></p> <p>Following receipt of a revised response from WYG received on 12<sup>th</sup> March 2018 the EA made comments, but only against Application PA/337301/15. They made no further comments on this application.</p>
Transport for Greater Manchester	No comments received.
Highways England	No objection, as the development would not result in a significant impact on the strategic road network.
Environmental Protection	No comments received.
National Grid Company PLC	No comments received.
Electricity North West	<p>Consider the scheme could have an impact on their infrastructure.</p> <p>Specifically, they note the development is adjacent to operational land where the applicant must ensure that it does not encroach over either land or ancillary rights of access or cable easements. They go on to outline advice on avoiding danger from underground services and overhead electric lines.</p> <p>In this respect they note that records show an electrical substation and HV and 415V u/g cables are within the development area and that necessary precautions should be taken if excavations or other works within that area occur.</p>
Street Lighting	No comments received.
The Ramblers Association	No comments received.

LLFA / Drainage	No comments received.
Mineral, Waste and Energy Planning Unit	No comments received.
Secretary of State / National Planning Casework Unit	No comments received.



## 9 REPRESENTATIONS

### COMMUNITY CONSULTATIONS

- 9.1 The design and layout of the proposed school and options for the highway works were subject to a four week consultation process during May and June 2015. The consultation strategy set out the detail for the consultation including:
- issuing of information through letters and press releases;
  - a series of public exhibitions
  - two websites (one for the school run by Interserve and one for the highways works run by Oldham Council); and,
  - inviting feedback on the proposals.
- 9.2 The public exhibitions were attended by representatives of Interserve and Oldham Council and were carried out to inform local residents, pupils, parents / guardians and the wider community about the project. These gave interested parties the opportunity to provide written and verbal feedback to the project team, including suggested changes to the scheme in advance of the applications being submitted. The comments and findings received were fed into the design and planning process and have helped inform the final scheme layout.
- 9.3 There has also been specific consultation with the residents of 20-44 and 25-43 Huddersfield Road regarding the proposals to restrict parking on that stretch of Huddersfield Road and provide off road parking for residents.
- 9.4 The Council were invited to attend a meeting in Dobcross on 28th July 2015 to listen to the concerns of residents about existing traffic issues as well as additional concerns about traffic and should the school be built in Diggle. There was a high level of public concern and objection to the highways proposals and design principles.
- 9.5 Public exhibitions of the highways scheme - now the subject of application PA/337930/15 - took place on two dates in December 2015.

## REPRESENTATIONS RECEIVED AGAINST THE FOUR APPLICATIONS

- 9.6 The four applications comprising 'the project' have been individually advertised by means of press notices, site notices, and neighbour notification letters. As a result of this publicity, a number of representations have been received, some of which comment on one of the applications in particular, whilst others comment on more than one, or all four.
- 9.7 Copies of the representations received may be viewed at the Planning Department by request.
- 9.8 As a result of the consultation / notification process carried out from 23<sup>rd</sup> December 2015 in response to the amended plans received and revised Environmental Statement for application PA/337301/15, and receipt of the three further related applications (ref. LB/337929/15, PA/337930/15, and PA/337931/15), a total of 1339 objections have been received (of which 1259 were the 'standardised' letter, 80 were unique submissions).
- 9.9 Following the Judicial Review and receipt of a new Environmental Statement, further consultation took place from 27<sup>th</sup> September 2017. 324 objections were received overall.
- 9.10 For each application the issues raised can be summarised under the following topic headings:

### **Application A (PA/337931/15) – Demolition of 5 buildings**

#### **December 2015 Consultation**

##### ***Impact on heritage assets***

- The scheme would have an adverse impact on the setting, context and heritage significance of various designated and non-designated heritage assets.
- Detrimental visual Impact

- The surviving buildings are of significant (industrial) heritage and architectural interest and their loss would mean a unique and important element of 19th century textile industry in Saddleworth would be lost.
- The buildings have a key functional and historic relationship to the Grade II listed office building, which would be lost. The buildings are within the curtilage of the listed building and are therefore listed. No listed building consent has been sought for their demolition.
- The applicants design assessment that the listed office building should be considered as a 'standalone' is wrong.
- Demolition would be contrary to Sections 16 and 66 of the Town and Country Planning Act 1990 and Development Plan policies.
- Adverse impact on setting of listed office building due to removal of existing loom works buildings.
- Proposed school buildings will harm the setting and context of the Grade II listed building.
- Adverse impact on other historic properties in the locality, such as Middle Holly Grove and Holly Grove Conservation Area and Grade II listed properties.
- Stone from the demolished buildings could be used to build new boundary / retaining walls.
- The schemes will cause harm to the landscape character of the area.
- Disturbance and damage to archaeologically significant remains of Wrigley Mill, with inadequate mitigation.
- The Statement of Significance contains omissions and contradictions.
- The impacts of demolition have not been defined.

### ***Huddersfield Canal***

- Demolition of the buildings will have a detrimental impact on the character and history of the Huddersfield Canal. Proposed school buildings will harm the setting and context of the Huddersfield Canal and Grade II listed 'Bridge 69'.
- The school buildings will interrupt the visual connection between the listed structure and the canal.
- Demolition will affect the canal retaining wall.

### ***Land use / economic issues***

- Loss of employment site.
- The site was allowed to fall into a state of dilapidation and the applicant has not clearly demonstrated that there is no realistic prospect of the existing

buildings being used for business and industrial uses, thereby retaining the heritage asset.

- Inadequate marketing of the site.

### ***Environmental impact***

- The ecological and environmental impacts of the demolition have not been fully assessed and mitigation plans are inadequate.
- Environmental Impacts of groundworks and engineering not considered.
- No mitigation for breeding species of high conservation value.
- Adverse impact on European Protected Species (bats) and lapwings.
- Adverse Impact on Diggle Brook

### ***Other***

- The EIA has not been properly screened.
- Proper site investigation work has not taken place.

### **Objections following the revised Environmental Statement (August 2017)**

3 objections were received on the grounds of:

- The ES is inadequate;
- It is unacceptable to demolish “*beautiful and grade listed buildings*”
- The application affects the curtilage of a listed building;
- The school should be built in Uppermill where the infrastructure is.
- The Diggle sites access is limited.
- The application was deemed unlawful by the courts.

## **Application B (LB/337929/15) – Demolition of Link Bridge**

### **December 2015 Consultation**

#### ***Impact on listed building / heritage assets***

- Removal of the link bridge will be detrimental to the historical interest and interpretation of the way the site operated, and will jeopardise the future of the listed building.
- The bridge influenced the evolution of the office building and is therefore important.
- The applicant has not clearly demonstrated that there is no realistic prospect of the link bridge and other existing buildings being used for business and industrial uses.
- The link bridge is of considerable interest and may be unique as it is associated with the railway infrastructure of the period. Inadequate justification for its removal.
- The proposal to leave a remnant of the link bridge projecting from the rear elevation of the listed building would not enhance the appearance of the building.
- Materials proposed for sealing the section of the bridge left in situ are inappropriate and would not prevent water ingress.
- The applicant seeks to justify demolition on the grounds that the link bridge prevents demolition of other buildings on the site and therefore re-development. However, inadequate marketing has been carried out and does not justify claims that only demolition will secure a future for the site. It could be developed as a local employment or heritage asset.
- The applicant's suggestion that the link bridge is listed by association is baseless and contrary to national planning policy guidelines. It is intrinsic to the Grade II listed office building.
- The other buildings to which the bridge connects are valuable heritage assets. However, the justification presented by the applicant for the removal of the bridge centres around the low value of the connected buildings and this is at odds with the conclusions of the ES.
- The treatment of the remaining bridge and the materials used to seal the end are poor.

### ***Ecology***

- Impacts on protected species and bat roosts have not been fully assessed and mitigation is inadequate.

### ***Other***

- Inadequate marketing of the site.

### **Objections following the revised Environmental Statement (August 2017)**

No objections were received.

## **Application C (PA/337301/15) - New school, sports pitches and associated works**

### **December 2015 Consultation**

#### ***Land use***

- Loss of Saddleworth Employment land.
- The applicant has not clearly demonstrated that there is no realistic prospect of the existing buildings being used for business and industrial uses.
- Inadequate marketing of the site
- Loss of agricultural / grazing land.
- Detrimental impact on tourism.
- Relocation of the school would lead to a loss to small businesses in Uppermill and adverse impact on vitality and vibrancy of Uppermill.
- No increase in jobs.
- Where is the evidence that the building company will use local labour?
- Waste of public money – the money spent on the all-weather pitches will have to be paid back.
- The granting of this application is almost certain to be followed by an application for housing on further green land which is being retained by the current owner of the site.
- Concerns around the 'land swap deal' and financial impropriety.

- No information available on the estimated costs for the development for locating the school in Diggle to compare it with re-building on the existing site in Uppermill.

### ***Sustainability***

- As the proposed development would degrade the economic, social and environmental conditions of the area it does not comprise sustainable development.
- Schools and the Government encourage children to walk to school, but this plan is actually stopping more children walking.
- Unlike the current site, Diggle village does not have the infrastructure or facilities required to support a school of this size.
- The sports fields at the current Uppermill site are in the lowest flood category (Flood Zone 1).

### ***Alternative sites***

- Flawed site selection process.
- There are other alternative sites in Saddleworth (i.e. Fletcher's Paper Mill).
- Don't see why a temporary re-location of students isn't an option.
- The ESFA previously rejected this site so it must be inappropriate.
- The existing school site in Uppermill will be developed for housing giving more rates to Oldham Council.
- Redevelopment the existing school site is better because:
  - Oldham Council has failed to acknowledge that the existing facilities in Uppermill will be superior to those planned, especially if the AWP in Uppermill is upgraded.
  - The Uppermill site option will be a less costly option both financially and environmentally.
  - It will also ensure long-term benefit for the school and local community.
  - The Education Funding Agency's Feasibility Study (February 2015) has shown that the Uppermill site option is a viable alternative and within budget, without all the extra environmental issues, traffic problems and financial costs. The ESFA have said that they are happy to go with this choice should Oldham Council give the go ahead.
  - The sport fields at the current Uppermill site are situated between a river and canal and are not in the lowest flood category (Flood Zone 1).
  - The pitches at the Uppermill site will be sold for redevelopment and not retained.

- There is concern that the Council has not listened to the issues raised by the public in making their site choice for the new school. All the evidence indicates that replacement pitches will be of inferior quality compared to the current facilities at Uppermill and, in addition, availability for use will be restricted meaning the school and local community will be losing out.
- The current school site in Uppermill should be retained and the AWP upgraded. This would ensure long-term benefit for the school and local community. The feasibility study carried out by the ESFA has shown that this is still a viable option.

### ***Green Belt issues***

- Inappropriate development in the Green Belt.
- The application fails to demonstrate that very special circumstances exist to allow this development.
- Ground engineering, removal of natural contours, and introduction of artificial features, combined with associated car parking facilities and lighting, would severely degrade a large area of Green Belt.

### ***Recreation / local community***

- Detrimental impact on local community due to inappropriate location of school, generating issues with school travel, on-site contamination, and poor state of sporting facilities. Moving facilities from Uppermill to a less accessible location will decrease availability of facilities for community use.
- The all-weather pitch is substandard.
- Inadequate expenditure on the school itself - schools of this type have a short lifespan.
- The proposals should be considered on the basis of the impact on the whole of Diggle and not just the Wool Road area.
- Community severance caused by road blockage and the barrier effect due to traffic overload has not been considered.
- Increased crime and anti-social behaviour.
- Damage to valued recreational facilities – enjoyment of surrounding footpath network will be adversely affected due to visual intrusion and noise.
- Proposed sporting facilities are inadequate and do not meet required standards.
- Conditions and restrictions on the use of the sports facilities will result in facilities that are not attractive to the local community and that are not financially sustainable in the long term.



- Sporting facilities would not be improved as facilities already exist in Uppermill.
- The public right of way through the site should be moved to make the site safe.

### ***Landscape***

- The proposal will cause harm to the landscape character of the area.
- Loss of highly valued landscape and degradation to landscape.
- Insufficient landscaping / tree planting.

### ***Design***

- The proposed school building is inappropriate for a rural environment / not in keeping with the village.
- Inappropriate design and materials.
- Loss of stone walls to either side of the entrance to the site will adversely affect the landscape character of the area.
- Stone cladding or detailing could soften the harshness of the current design.
- Adverse impact on setting and views out of the Peak District National Park.
- Adverse visual impact from the proposed security fencing.
- Trees surrounding boundary adjacent to Lower Wrigley Green and footpath must be retained for privacy.

### ***Listed Building / Heritage assets***

- Adverse impact on setting of Grade II listed building due to:
  - proposed school building (including proposed materials);
  - new sporting facilities on open pasture and lighting;
  - demolition of the buildings associated with Dobcross Loom Works;
  - proposed new car park and drop off facility; and,
  - removal of stone walls either side of the entrance to the site.
- Several ancient hamlets with listed buildings e.g. Middle Holly Grove and Holly Grove Conservation Area will experience a negative impact on their setting.
- There are no plans for the listed office building as part of the proposals and its future use will be compromised.
- Impact on archaeological remains has not been properly considered.

- The proposal would have an adverse impact on the setting, context and heritage significance of various designated and non-designated heritage assets.

### ***Huddersfield Canal***

- Setting of the canal (and views from it) will be seriously compromised (and urbanised) due to the proposals and loss of the Dobcross Loom Works buildings.
- The towpath is currently prone to erosion due to surface water flooding. This path is unsuitable for increased number of users.

### ***Amenity***

- Noise pollution - Loss of amenity through increased noise from playing fields and increased traffic congestion and buses. Further attenuation measures are necessary.
- Light pollution - Loss of amenity through increased light pollution.
- Increased air pollution.
- The waste plan does not deal with the increased waste and litter deposited by students.
- Loss of privacy to existing residents (i.e. from buses).

### ***Highways***

- Increased traffic congestion in Diggle and surrounding areas.
- Increased traffic will adversely impact on country lanes and historic hamlets.
- Impact of the traffic controls has not allowed for driver delay and severance.
- Inadequate access provision to school and consequent safety issue for drivers, pedestrians and cyclists.
- Buses will have difficulty entering the site access.
- Increased use of main access will impinge on access to and from neighbouring properties.
- The proposed school will be inaccessible in severe winter weather.
- The bridge over Diggle Brook is not wide enough and will be unsafe to use during drop-off and pick-up times.
- Inadequate provision (as well as potential loss) of parking for residents - in particular properties at 109-131 Huddersfield Road, and insufficient parking for parents dropping off students.

- Parking situation at Diggle School is already chaotic and the proposal will exacerbate the problem.
- Road plans have not yet been finalised.
- Delays for emergency vehicles accessing the area.
- The Traffic Assessment has omissions and serious errors.
- The highways proposals described in the Mouchel Traffic Statement are out of specification and the road designed is inappropriate for the proposed usage.
- Pupils who currently walk from Greenfield, Uppermill and Dobcross will not walk to Diggle creating more expense for parents.
- Concern about waiting restrictions.
- No cumulative impact of the proposed Diggle railway station is proposed.
- Cyclist safety not considered.
- Harm to public rights of way.

### ***Flooding***

- Ground engineering and new artificial surfaces within open pasture will seriously compromise the flood storage capacity of the field.
- Part of the site is a functional floodplain and plays an important role in reducing flooding downstream (e.g. Uppermill and beyond).
- Flooding will be made worse downstream by the proposal.
- Risk of overtopping or breach of canal banks.
- Risk of possible failure of dam to Diggle Reservoir with consequent risk of flooding.
- A culvert on the school site has caused flooding of the site in the past.
- Sports facilities are proposed in an area with a history of flooding and will therefore be of lower quality than current facilities.
- The ground investigation that took place in 2013 within the field for proposed sports facilities found elevated contamination levels and ground water encountered at shallow depths.
- Inadequate provision for the prevention of flooding.
- Inaccuracies and omissions in the Flood Risk Assessment.
- The Flood Risk Assessment only refers to school buildings.
- What will happen if Uppermill Bridge is breached?
- No consideration of flood and contamination risk to Diggle Brook.
- The proposals should be withdrawn until the review of the recent floods has been carried out. The Flood Risk Assessment does not take into account recent flooding in the area.
- There is no impact assessment of the water management / dewatering proposals during construction of the floor alleviation basin. This could cause problems for local properties on spring supplies, affect local water based habitats and affect foundations.

### ***Ecology***

- Negative impact on bats due to increased light pollution.
- Loss of lapwing breeding habitat with no mitigation plans to compensate for this loss.
- Adverse impact on other species and habitats.
- Conflict between the proposed floodlights and ecological considerations.
- Disturbance, pollution and changes in hydrology, erosion and spread of invasive species will have adverse impacts on conservation status and protected species associated with Diggle Brook and Huddersfield Canal.
- Environmental Impacts of groundworks and engineering not considered.
- No mitigation for breeding species of high conservation value.

### ***Other***

- Ground investigation work indicates the proposed fields are unsuitable for sports facilities.
- The scheme is contrary to public opinion.
- The demolition has not been properly screened for EIA.

### ***Objections following the revised Environmental Statement (August 2017)***

313 people wrote in against this application. In summary, they raised the following concerns:

#### ***Land use***

- Sports facilities are inadequate for a secondary school.
- Quality of the sports pitches are an issue.
- Not crucial sports pitches are developed or that this overrides public interest (such as bats).
- Will cause harm to the commercial centre of Uppermill.
- Site should be used for light industrial purposes.
- Facilities are not available to support the school in the area.

#### ***Environmental Statement [ES]***

- Planning report failed to present objector's ES evidence of the link between floodlights and ecological impacts.
- Failure to consult.
- Failure to investigate deficiencies in the ES.
- Failure to require more information from the applicant.

- Original light modelling data has been deleted and replaced and moved from 'highly significant' to 'less than significant'. The Council should therefore reject the ES because of "data-fiddling".
- Not sufficient survey evidence to assess bat activity along the Huddersfield Canal and Diggle Brook. The ES should therefore be rejected.
- The ES does not assess the impacts of the project on Diggle Brook, surface water flooding and risks to the aquatic environment with respect to pollution and run-off.
- Flood risk not properly assessed.
- Surface water flood risk - misrepresented in the ES.
- Fluvial flood risk - misrepresented in the ES.
- ES and FRA "incoherent" whether mitigation is required.
- Flood compensatory storage cannot be deferred until after permission is obtained.
- Earthworks require an EIA / chapter because of their impact on the surrounding environment.
- The assumptions of the compensatory storage needed are flawed and mean there is no evidence that mitigation for loss of floodplain can be achieved. And there won't be increased flooding downstream.
- The ES misrepresents existing and resultant flood risk.
- The ES does not consider the impacts of construction of 3m high gabion walls as flood defences.
- The ES fails to consider volume of earth removed.
- The ES does not assess the impact of the new bund.
- The ES does not assess the impact on surface water flood risk.
- The ES has flawed calculations of flood storage and flood risk arising from development.
- The ES has discrepancies regarding 'mitigation' for flood risk to the site.
- The ES has discrepancies regarding 'mitigation' for flood risk arising from the site.

#### ***Alternative sites***

- The ESFA and Council have no basis for justifying the move of the school to Diggle.
- The site selection process was not fit for purpose and flawed.
- The site selection process should be revisited.
- The JR judgement recommends that the Uppermill site is given consideration.
- The judge criticises the site selection process at the JR hearing.
- The Council have not given due consideration to the Uppermill site.
- The Council have fettered their discretion and have predetermined the outcome of any future planning committee by discounting the Uppermill site.
- Building at Uppermill can be done within the available budget.

- There are advantages of keeping the school at Uppermill including proximity to an existing transport hub and bus turn-around facility; proximity to existing sports facilities.
- The existing site is a perfect site for the school to be rebuilt.
- EFSA is willing to fund the rebuilding of the school on the Uppermill site.
- Green Belt harm was not considered as part of the site selection process.
- Green Belt harm would not occur if Uppermill site were used for a new school.
- Cultural harm was not considered as part of the site selection process.

#### ***Green Belt issues***

- Loss of Green Belt.
- Playing fields not appropriate development in the Green Belt.
- Incorrect belief there is no inappropriate harm in the Green Belt.

#### ***Landscape***

- Loss of valued landscape.

#### ***Design***

- Unsympathetic design of the building will clash with the Pennine character of Diggle and affect the visual amenity of the area.
- New building not in keeping with the Yorkshire stone village landscape character.

#### ***Listed Building / Heritage assets***

- Significant harm to setting and heritage significance of Diggle's Grade II listed clock tower building would occur.
- Harm to the setting of the Dobcross Loom Works.
- No attempt to market the buildings for conservation restoration.
- Justification for the removal of the bridge is flawed.
- The bridge is of historical interest.
- Removal of the bridge would result in a hole in the listed building.
- There is no evidence to support the contention that the demolition of the link bridge will secure the future of the site or listed building.
- The listed building will be at greater harm if the development goes ahead.
- No plan to fix the condition of the listed building.
- More likely that an investor will be found for the listed building if it's setting and heritage significance is kept intact.
- No assessment of harm to cultural heritage.
- No assessment of harm to listed buildings in PSBP feasibility study.
- Possible collusion between the Council and the ESFA to downplay heritage concerns.

#### ***Huddersfield Canal***

- Harm to the setting of the Huddersfield Narrow Canal.

- The development will cause canal disruption, pollution and degradation of banks.

### ***Amenity***

- The Diggle site will result in the most environmental harm compared to the Uppermill site.
- The Diggle site will result in more long term safety issues than the Uppermill site.
- Increased noise, light and air pollution.
- Will increase vehicle emissions.
- The development is within a reservoir and canal hazard zone, putting children at risk should a breach occur.
- The site is close to a river, trainline and canal and is unsafe because of this.
- Land contamination issues.
- Diggle's sewers will not be able to cope with the increase in use created by the new school.
- The bridge's use, as proposed, is a 'crunch point'.

### ***Highways***

- The Diggle site will result in the most traffic and transport issues compared to the Uppermill site.
- Access is poor and unsuitable for traffic volumes expected at the school.
- Traffic safety issues would occur with queues backing up to the Huddersfield / Standedge Road junction.
- Narrow carriageway issues would be created by the new traffic layout.
- The road network surrounding Diggle cannot support the traffic flows associated with the development.
- Pedestrian hazards would occur with children sharing a congested road with cars and buses.
- New layout too narrow for cyclists to pass safely alongside cars.
- The drop-off area would create potential for vehicle collisions.
- Parking issues at Diggle Primary School will be exacerbated.
- None of the properties on the west side of Huddersfield Road will have a footway which will increase risk to them.
- Safety issues will be created by encouraging the increased use of the northern (moorland) access route.
- The proposal encourages traffic into Diggle.
- No incentive for sustainable forms of transport.
- School site access issues.
- Drop-off and collection area is too small.
- The concept of a shared parking and drop-off area is flawed.
- Not enough parking spaces for staff.
- Using the Huddersfield Narrow Canal as a route to school is unacceptable.

- Residents at 109-131 Huddersfield Road will not be able to park on the access road.
- Alternative routes for people seeking to avoid traffic on Huddersfield Road are unsuitable.
- Concern about how deliveries will be made to houses.

#### ***Transport assessment concerns***

- Congestion levels are incorrect in the traffic model.
- The Transport Assessment is inadequate since it contains assumptions that are inaccurate or misleading.
- The survey describing pupil transport to school is subject to significant margin for error.
- The Transport Assessment has been produced without consideration to changing demographic trends.
- Calculations underpinning future school traffic flows are based on a flawed travel survey.
- The Transport Assessment calculations are reliant on the future implementation of remedial measures outside the scope of the planning application.
- Junction capacity calculations have not factored in vehicle types.
- Traffic free cycle access statements are misleading.
- 2 and 3 mile walking catchment areas do not consider the “*impact of vertical elevation*”.
- School catchment data is based on data collected in 2007/8 and is therefore unrepresentative.
- Statements regarding accessibility by rail are misleading and irrelevant.
- The Travel Plan does not take into account the development of new school bus routes.
- The bridge is too narrow for traffic use.
- The visibility splay around the listed building is inadequate.
- Unsafe to have a public right of way through the school.
- Community severance caused by road blockage and the barrier effect due to traffic overload resulting from the proposed new development has not been considered.

#### ***Flooding***

- The site is prone to surface and river flooding and is therefore not suitable.
- Sport England has been misled about flood risk to the sports pitch.
- FRA compromises floodplain and will increase flooding downstream towards Uppermill and Dobcross.
- The FRA does not take into account ground engineering to re-contour the landscape between the canal and brook.
- Loss of flood zones 2 and 3b will result because of this development.



### ***Ecology***

- Floodlights will have a serious impact and harm on bats.
- The applicant cannot show that the favourable conservation status of bats (a protected species) in their natural range can be maintained.
- Loss of lapwing breeding habitat.
- Wildlife including bats, birds, mammals and amphibians will be impacted.
- Natural England is unlikely to issue an EPS licence because of floodlighting of waterways.
- Building on the Uppermill site will have less impact on bats than the Diggle site.
- Habitat Regulation derogation tests are failed.

### ***Costs***

- The Diggle site will result in the most public funds being used compared to the Uppermill site.
- Funds from the land swap will not cover all costs.
- The land swap will effectively hand housing developers millions of pounds.
- Cost of moving the retaining wall not factored into the site selection stage.
- The Council would have more certainty over costs if it were built in Uppermill.
- Additional transport costs should be taken into account (estimated to be £200,000 a year).
- The Council are withholding information about the cost of highways works at Diggle.
- The Council are misleading people concerning the schools financial situation.

### ***Other***

- The Council are acting unlawfully.
- The Council are disregarding obligations under planning law.
- The Council has not engaged with objectors concerns.
- Independent poll in August shows strength of feeling against relocating the school to Diggle and keeping it in Uppermill.
- Children are being asked to leaflet in favour of this proposal.

## **Application D (PA/337930/15) – Car park drop-off facility and associated works**

### **December 2015 Consultation**

#### ***Land use / economic issues***

- Devaluation of nearby properties.

- Livelihoods could be affected by increased congestion (impact on commuting time) and loss of parking outside houses.
- Waste of resources and costs to tax payers.

### ***Green Belt issues***

- Inappropriate development in the Green Belt.
- Degradation of high quality, open land.
- Impact exacerbated by additional harm to the Green Belt that will occur with the proposed sports pitches.

### ***Heritage impact***

- Removal of stone wall along Huddersfield Road, together with construction of car park and associated works will have a negative impact on the setting and views of the Grade II WH Shaw office building, listed buildings at 25, 45, 47 and 49 Huddersfield Road, and Huddersfield Canal and associated listed structures.
- Adverse impact on the quiet setting of a number of listed buildings on Spurn Lane and Carr Lane due to increased traffic and parking.
- Adverse impact on Dobcross Conservation Area due to increased traffic through that village.

### ***Landscape / Visual Impact***

- The car park and associated development, including removal of stone wall, will have an urbanising and detrimental impact on the character of the area / Green Belt. To replace the wall with a fence would not be in keeping with the area.
- The stone wall to be removed has not been built long. What did that cost and will the money be refunded?
- Slow moving and stationary traffic will detract from the character of the village.
- Loss of green space in the village.

### ***Amenity***

- Increased traffic, noise, vibration, congestion and light and air pollution will have a negative impact on existing residents and pedestrians.

## **Highways**

### Traffic / Congestion

- Increased congestion, delays and risk of accidents. Traffic turning into car park will extend back to the traffic lights. Queues will occur at the Standedge Road junction with or without the change in junction priority.
- Highway problems should be considered before the school is approved / built.
- Changing the junction priority at the Huddersfield Road / Standedge Road junction will not solve traffic flow issues, but will create other problems and hazards.
- Adverse impact on surrounding transport network, which is not sufficient to support the traffic volumes and flows associated with the development. There is no realistic and cost effective way to improve them to limit the significant impacts on the wider area.
- Various 'rat-runs' will be created in and around Diggle. Some of these lanes are inadequate – narrow, steep, no pavements etc.
- Adverse impact on residents trying to leave village to go to work, and horse riders and cyclists will be at risk as no provision has been made of them.

### Highways Safety

- Inadequate visibility for traffic emerging from Standedge Road at the junction with Huddersfield Road generating a potential hazard.
- Delays for emergency vehicles accessing the area.
- Inadequate access provision and consequent safety issue.
- Huddersfield Road is not wide enough and does not meet the Highway Authority's minimum requirements.
- Conflict between pedestrians and cars using the entrance / exit of car park.
- Pupils on foot will have to share a congested roadway with cars and buses and will have to negotiate a drop off that also operates as a turnaround and car park.
- Cyclists will be at danger when negotiating the phased traffic light system due to the phasing of the lights and variables in speed of cyclist(s). No modelling of this scenario has been provided.
- Many residents most affected are elderly, disabled, have serious chronic illnesses, have special needs or have young children. They would be unable to access their vehicles safely.
- Vehicular access to some properties on Huddersfield Road will be hampered by the proposed traffic lights and road narrowing.
- Adverse weather conditions will affect accessibility to the proposed school.

### Modelling

- Inadequate traffic surveys and no adequate computer modelling of traffic flows and movements.
- No assessment has been made for the increase in traffic coming through Dobcross.
- The highways proposals described in the Mouchel Traffic Statement are out of specification and the road designed is inappropriate for the proposed usage.
- Failure to consider impacts on wider highway network, including Dobcross.
- The applicant's failure to present a complete application means that the public and statutory bodies are not in a position to form an informed view and the application is therefore unlawful – it should be withdrawn.
- Diggle School has not been taken into consideration in terms of highway safety impact and parking.

### Parking

- Off-road parking is not being provided for 119 to 133 Huddersfield Road, who will lose front of house parking and use of a small part of Shaw's drive. Shaw's used a patch to the left of their drive to hold 30-40 cars: can this be resurrected?
- The drop-off and parking facility is too small to meet demand and should be sited closer to the school.
- Staff parking – some alternatives could be provided for this lost parking in the spiritualist facilities opposite the school and behind the Masonic Hall.
- Residents will have difficulty using their designated parking because parents will have used it.
- If visitors arrive at school start and finish times, where are they to park and how will this be monitored?
- Disabled people may not be able to walk from the residents' parking area.
- More crime and damage to cars on the parking area. Increased insurance costs.
- Deliveries / building workers need to park next to the properties – will car insurance increase?

### Other

- There should be a second road built behind the houses at the entrance to Huddersfield Road, and the land at the front of the site adjacent to the road should also be purchased and the used to enhance the scheme.

- What assurances are there that the land will be properly maintained in perpetuity?
- Have bus companies been consulted?
- Damage to roads and drains from heavy construction traffic.

### ***Sustainability***

- No incentive for sustainable forms of transport such as walking and cycling. Proposed location of school and difficulties in pedestrian access will deter walking to school.

### ***Flood risk and drainage***

- Pollution run-off and changes in hydrology adjacent to a floodplain will exacerbate flood risk, drainage issues and contamination issues for Diggle Brook.
- There are sewers and drains under the site, which are old and not in good repair. This will be exacerbated by the proposal.

### ***Ecology***

- Loss of wildlife, especially lapwing breeding habitat.

### **Objections following the revised Environmental Statement (August 2017)**

8 objections against the application were received. In summary they were:

#### ***Highways***

- The school should be built in Uppermill rather than Diggle because of inadequate access in Diggle and suitable infrastructure in Uppermill to support the school.
- Parents parking issues will create highways issues.
- Concern about the size of the bus turnaround.
- You should not build a car park in the Green Belt.

#### ***Design***

- These buildings should be protected and preserved.
- The demolition would ruin the view.

***Other***

- Concern that Judicial Review judgement has not been considered properly.
- Will create increased flood risk.
- Loss of habitat for wildlife.

9.11 It is also important to note that a number of the objectors raised concerns regarding the December 2015 planning consultation process, including:

- Timing of the notification / consultation period over the Christmas holidays, when council offices were closed, giving insufficient time to consider the proposals and seek assistance from officers.
- Insufficient consultation with neighbouring residents (e.g. some were not individually notified of the proposals).
- Poor quality of reports submitted with the applications.
- Inadequate access for residents to the planning documents, particularly those with disabilities.
- Incomplete set of documents available to view online on the Council's website.
- The 100 character limit on the online comment section of the website prevents objectors from commenting in detail.
- Residents' views are not being properly taken into consideration / not being listened to.
- Failure to conclude the previous planning application.
- The applicants should not have been allowed to submit multiple and consuming applications when one unifying application would have been better.
- Poor quality scanned documents on the website.

9.12 No complaints were received in relation to the revised consultation.

## **REPRESENTATIONS RECEIVED IN SUPPORT OF THE FOUR APPLICATIONS**

**December 2015 Consultation**

9.13 26 letters/emails of support have also been received in response to the consultation and notification carried out from 23<sup>rd</sup> December 2015, in which the following points are raised:

### ***Land Use***

- The age, inefficiency and cramped nature of the existing school is detrimental to pupil's education.
- Saddleworth needs a new school that is fit for purpose;
- New school and its benefits will serve Saddleworth for years to come.
- Redevelopment of the existing site is implausible.
- Building on the existing site would be a disaster for education of pupils.
- The proposal will provide a valuable community resource.

### ***Design***

- The proposal will improve the gateway to Diggle and breathe life back into the village.
- This site provides more space and flexibility for expansion if needed later.
- Existing building is an eyesore, outdated, and inaccessible.

### ***Highways***

- The new traffic system will be better than at present.
- Highways proposals will improve traffic flow.
- Parking spaces for residents is a positive.
- The Drop-off point will discourage parents from driving up to the school.

### **Letters of support following the revised Environmental Statement (dated August 2017)**

- 9.14 The following comments in support of the applications were received after the revised ES was reconsulted upon in September 2017.

#### **Application A (PA/337931/15) – Demolition of 5 buildings**

4 letters of support were received stating the following:

- The building is an eyesore and potentially dangerous.

- The area needs a new school and the demolition of these buildings it will enable that to happen.
- The demolition will ensure the school can function as part of the local community.

### **Application B (LB/337929/15) – Demolition of Link Bridge**

2 letters of support were received giving no reason for doing so.

### **Application C (PA/337301/15) - New school, sports pitches and associated works**

#### Saddleworth School Technical Group

They wrote to the Council on 15<sup>th</sup> December 2017 in support of the schemes that and specifically that:

#### ***Design***

- The removal of the bridge will improve the impact and aesthetics of the listed office building.
- The new design will be in harmony and provide contrast to the listed office block.

#### ***Land Use***

- The removal of the bridge will make the site more viable for use and enhance the significance of the heritage asset.
- The development will create more sport and recreation areas for the public to enjoy, when compared to the Uppermill site.
- A new school will reduce the chance of the listed building becoming more neglected and dilapidated and increase activity around it thereby enhancing its economic prospects to get a sustainable use.
- The new school development will create the potential for the office building to be used as a hub for the Dovestone Learning Partnership and location where central services that support the school(s) might be located (administrative teams, attendance workers and welfare officer plus a training facility with kitchen on the ground floor are all noted as potential occupiers).



***Unsuitability of the Uppermill site***

- Building a new school on the Uppermill site is not a viable option because of the risks of delivering a new school on such a tight, poorly accessed and sloping site that would increase costs and risks.
- The Uppermill site's access is unsuitable and would be worse if school numbers increased.
- The highway network cannot be improved around this site (footpaths, sight lines, kerb radius and driveway are all sub or less than optimum standard)
- The existing site is smaller than the Diggle site.
- The increase in parking needed for a larger school could not fitted on this site without compromising the school (unlike the Diggle site). Sports provision would be likely to suffer.
- The existing bus turning area could not cope with a larger school at the existing school site.
- Building on the Uppermill site would take longer than at the Diggle site and cost more.
- The health and safety problems created by building on an existing and active school site are significant.
- Development at the Uppermill site would create noise, dust, dirt and danger that would affect people for longer than a development on the Diggle site.
- The Diggle site is 'shovel ready' following the receipt of planning permission. It is cheaper and more deliverable than a new school at the existing Uppermill site.
- Building at Uppermill would mean Saddleworth does not get a modern school for a longer period.
- Building in Uppermill rather than Diggle would result in the loss of a £2 million capital receipt that would be spent otherwise on the Diggle school.

They concluded that:

*"we feel strongly the new Saddleworth School should be located in Diggle and why the group supports this planning application".*

9.15 766 people wrote in support of the application. They supported the application for the following reasons:

***Land Use – condition of the existing site***

- The existing schools condition is not fit for purpose and need to be improved.
- The new school needs to be built before the current building becomes a health and safety issue.
- The deteriorating condition of the school is hampering education.

- The current site is not acceptable for a secondary school.
- The existing school is on its last legs.
- The school has had in the past dry rot, roof failures, asbestos removal issues and perished plaster.
- The existing school is damp and dangerous.
- The school leaks when it rains.
- Current school letting children down because of poor facilities.
- Slopes and access to the existing site create difficulties, particularly for anyone with disabilities.
- Existing school is too small and cramped.
- Topology much better at the Diggle site, compared to the Uppermill site.
- The existing sports facilities are “*rubbish*” and need to be improved. This scheme will deliver this.
- The changing facilities “*are dreadful*”.
- The canteen is tiny.
- Pupil wants a new school as her school is “really old”.
- Student in year 6 thinks the school is “really old and spooky” and “smells”.
- There are on-going problems with noise and disturbance.
- The site is overcrowded.
- Pupil has to wear a coat in his maths class, Earlier his ceiling collapsed in his maths lesson.

#### ***Land Use - need***

- New school is needed.
- Would rather have a school than a “*rotting corpse of a building*”.
- A new school would make a strong contribution to the community.
- School is needed to provide infrastructure for new housing being built. School is needed to keep families in Saddleworth.
- Site not capable of being used for modern employment purposes.

#### ***Land Use – why this site?***

- Desirability of having a new school outweighs suggested impacts.
- Educational and social benefits of the new school outweigh any heritage issues.
- Children’s education should be prioritised over the conservation of a derelict mill.
- Green fields are not more important than children’s education.
- Saddleworth School’s children are disadvantaged because of a poor environment and facilities.
- The proposal would create a healthier learning environment.
- Provides a better facility for disabled pupils.

- The re-use of this historic brownfield site is a benefit to the village and listed building.
- The education of children will be seamless if the proposal goes ahead.
- Keeping the existing Uppermill School running while building a new school on the existing site is not realistic.
- The cost and practical issues in using the Uppermill site as a new school are obvious.
- Creating a new school in Uppermill is impossible considering the funding available for topology and brownfield reasons.
- This is the only suitable and viable site for a new school.
- This is an ideal location for a new school.
- School use is an appropriate use for the site.
- School use is better than using it for housing or industrial use.
- A modern school will provide a positive and effective study environment.
- The site provides far more playing fields than the existing site can.
- Better sports facilities and school expansion future proofs the site.
- 11-16 year old children in the area deserve fantastic education facilities.
- A new building will improve educational standards at the school.
- The new school would have better IT facilities and equipment
- A new school will boost the economy and culture of Diggle.
- The school playing facilities will benefit more than the school's pupils.
- School will support local businesses.
- The school will boost tourism by removing an eyesore on the canal towpath.

### ***Design***

- The school will provide the most efficient and best layout possible.
- The school is a superb design.
- The school will create a modern gateway to Diggle.
- Retaining the clock tower is supported.
- Other than the listed building, the site has no merit visually
- The existing schools condition is an eyesore.
- Derelict mill needs to be refurbished as it is an eyesore.
- The existing buildings are of no importance.
- The new school will be a huge improvement appearance wise.
- The school will sit beautifully in the bottom of the valley, screened by trees.
- The school will not affect views more than the derelict industrial buildings do.
- The new building is sensitive to the environment.
- Does not think the preservation of ruins around the clock tower is important to preserve industrial heritage.
- The benefits of the school outweigh the impact on the listed building.
- Rusty bridge should not prevent a new education facility.
- Turning fields into sports pitches does not ruin the landscape.

- Planning Committee should carefully weigh the educational and social benefits of the scheme against the less important heritage impact.
- The scheme will have minimal impact on the Green Belt.

### ***Amenity***

- All environmental impacts have been mitigated.
- Will improve health and safety issues as the existing site is dangerous
- Building on the existing Uppermill site would lead to two years of disruption for students.
- Objections are “narrow minded, selfish and obstructive”.
- Overpopulated dining room and playgrounds are a problem at the existing school.
- Movement around the site is difficult.
- School children’s amenity and education is being affected by the decaying state of the school.
- Diggle is a safer school site than Uppermill.
- New school will not result in a loss of outlook or privacy.

### ***Highways***

- School traffic already exists and will not get worse. The solution is design based rather than location based.
- Traffic issues are overstated.
- The new school will be safer in terms of traffic since pavements in Uppermill are far too narrow and there is no crossing point.
- Traffic flow through the area will be improved by the introduction of traffic lights.
- The proposal will remove the current bottle neck near the junction with Standedge Road.
- Diggle site school use will clear some roads and resolve some traffic issues.
- Highways infrastructure can cope with the proposal since it was previously used by lorries / HGV’s when used as a pallet factory.
- WH Shaw, when operational, created worse traffic problems than a new school.
- Existing school access is dangerous and this site’s access will be an improvement.
- New site is safer and more accessible.
- Traffic arrangements will improve residents parking arrangements.
- The bus-drop facility in the site is considerably better than the existing arrangement.
- No new school could mean students will be bussed into Oldham.
- Doesn’t mind increased traffic twice a day for a period of about half an hour.

- Would be more traffic if the site was used for housing.

### ***Flooding***

- Flooding concerns are unjustified.
- Recent heavy rain did not flood the area.

### ***Ecology***

- Former employee of the Loom Works states he has never seen any newts or protected species on the site.

### ***Other***

- Diggle site will be easier to build on as it is flat.
- The application takes account of every objection.
- The application deals with the JR concerns.
- Delay damaging to the education of hundreds of children.
- The objectors do not represent the real views of the community.
- Objections are unfounded.
- Objectors are selfish.
- Fear that funding could be withdrawn if the new school is not granted.
- The existing Saddleworth School site should not be given to a builder at less than market value. A covenant should be included to require a percentage of profit to be payable back to the Council and community.
- Believe in the past buildings were developed by people who offered locals opportunity and a progressive future. This matter has similarities.
- The site has frequent visits from the travelling community.
- Wardle Academy is not a good example to illustrate why a school can be rebuilt on the existing site.
- Property prices will rise in Diggle.

## **Application D (PA/337930/15) – Car park drop-off facility and associated works**

3 residents wrote in in support of the application for the following reasons:

- The proposals will ease congestion.
- It meets the needs of parents dropping off children and Diggle residents by improving parking facilities.

## **ORIGINAL REPRESENTATIONS AGAINST APPLICATION C (PA/337301/15)**

9.16 As a result of the original consultation process carried out from August 2015 in relation to the main school application (ref. PA/337301/15), 661 objections were received (of which 522 were on the 'standardised' letter). The objections raised can be summarised under the following topic headings:

### ***Highways***

- Increased traffic and congestion in Diggle and across Saddleworth due to children previously within walking distance of the school now having to use buses or be brought by car to Diggle.
- Significant safety risk – Huddersfield Road carriageway and pavement are narrow and children will have to share the same route as vehicles and will therefore be put at risk.
- Some properties on Huddersfield Road are being given off road parking spaces, but the properties most affected are having their parking facilities removed without compensation.
- The proposed drop off facility does not appear to be sufficient to meet need.
- No highway improvements would be required if the school was rebuilt in Uppermill.
- It is unclear where parents attending open evenings will park.
- Disabled access to certain properties on Huddersfield Road will be restricted due to the related highway scheme, with no mitigation proposed.
- Siting the school in Diggle, on the edge of the catchment area, will generate increased road traffic, which is in direct conflict with OMBC's objective of expanding the use of more sustainable modes of transport.
- Inadequate traffic surveys and no adequate computer modelling of traffic flows and movements.
- The application omits details of the access junction to the school site. There is inadequate visibility at this junction and the proposals do not demonstrate that vehicular movements can be safely accommodated.
- Various 'rat runs' will be created to avoid the Huddersfield Road junction with Standedge Road.
- Increased parking problems for residents.
- Inadequate road infrastructure to support bus journeys.
- Neighbouring roads will be used as drop-off points.
- Increased vehicle emissions and deterioration in air quality.
- Parents of children in areas currently within walking distance of the existing school will be forced to pay the cost of bus travel.

- Delays for emergency vehicles accessing the area due to narrow roads with consequent risks to public.
- Road plans have not yet been finalised. No consideration of traffic impacts on surrounding areas / villages.
- The proposed drop-off facility will be a nuisance and hazard to local residents.
- Best practice indicates that access roads to a new school development should be 12.5m wide. A new access road would be required from a roundabout on Wool Road between Huddersfield Road and Diggle Brook
- Risk to pupils of walking along the canal (and railway line) to get to and from the site.
- Pupils may cut across private land to access the school with potential damage to drystone walls.
- Adverse weather conditions will affect accessibility of the proposed school.
- No consideration of transport provision for the homeward journey of pupils who stay behind after school.
- Any approval is predicated on a Grampian style condition for an off-site highway mitigation scheme that is reliant on third party land and separate planning application, the outcome of which cannot be guaranteed.
- The bridge over Diggle Brook is not wide enough and will be unsafe to use during drop off and pick up times.
- When WH Shaw was in operation, a car park was in use to the left of the factory's drive. Can this not be made available again?
- Disruption to refuse collections.

### ***Green Belt issues***

- Open pasture would be transformed by ground engineering necessary for sports facilities. Incongruous artificial features, such as floodlights, fencing, asphalt and concrete, will degrade the Green Belt and ruin views across valley.
- The proposals conflict with the aim of Green Belt to keep land permanently open and safeguard countryside from encroachment.
- Light pollution in a previously dark rural area.
- Potential merging of Diggle and Uppermill.

### ***Flood risk, ground conditions and contamination***

- Serious risk of overtopping or breach of canal banks.
- Possible risk of failure of Diggle Reservoir dam with consequent risk of serious flooding.

- Sports facilities are proposed within an area (functional floodplain) with a history of river flooding. No consideration of impact that ground engineering, compaction and levelling will have in terms of increased flood and contamination risk downstream, arising from engineering works and change of use of land from pasture to school. No appropriate mitigation proposed.
- No further development should be permitted in areas at risk of flooding.
- Increased incidence of block drains.
- There is asbestos on the site.

### ***Ecology***

- Floodlighting adjacent to Huddersfield Canal and Diggie Brook will sever the routes used by bats and affect their ability to feed and survive. Bat surveys of the existing buildings are limited in extent and coverage. No adequate mitigation is proposed.
- Destruction of lapwing breeding site with no proposed mitigation / replacement habitat.
- Adverse impact on Huddersfield Canal Site of Biological Importance has not been properly considered.
- Adverse impact on wildlife habitats.
- Ecological issues have not been properly assessed.
- The site is infested with invasive plants and contamination by invasive species may increase due to demolition and other works.

### ***Heritage impact / listed building***

- Adverse impact on setting of Grade II listed clock tower and other designated heritage assets due to the proposed school development and loss of Dobcross Loom Works.
- Adverse impact on setting of other listed buildings in the area.
- Adverse impact on non-designated heritage assets in the surrounding area.
- Adverse impact on conservation area/s.
- Demolition has been excluded from consideration within the Environmental Statement and the full impact of the development has not been fully considered.



### ***Huddersfield Canal***

- No consideration of the impact on the setting of the canal, its listed features, and the impact on its users.

### ***Landscape / visual amenity***

- Inappropriate design and materials proposed. The stone from the Pallet Works could be used.
- Loss of new stone wall on Huddersfield Road and replacement with a fence is out of keeping.
- Adverse impact on views across the valley.
- Urbanisation of rural valley. Loss of peaceful environment.
- Negative impact on views into and out of the Peak District National Park.
- The proposals will detract from the enjoyment of surrounding public rights of way / bridleways.
- Traffic calming will detrimentally affect the appearance of the area.
- Overdevelopment of the site.

### ***More landscaping / tree planting required to soften the development.***

- Loss of trees.

### ***Amenity***

- Noise disturbance to nearby residents without sufficient mitigation.
- Light nuisance.
- Loss of privacy.
- Increased vibration to properties on Huddersfield Road from additional traffic movements and damage to foundations of houses.
- The development will affect water retention by the underlying clay – how will this affect current houses?
- Increased litter.

### ***Land use / economic issues***

- Loss of Saddleworth Employment Area / employment opportunities.
- Negative impact on businesses and economy of Uppermill.

- Businesses in Diggle may relocate out of the area due to increased traffic congestion.
- Financial implications for the Council with loss of business rates in Uppermill.
- Saddleworth will become a less attractive location to live with fewer services.
- Uppermill does not need or want more executive housing as envisaged for the current school site in Uppermill.
- Negative impact on tourism in the area.
- Loss of agricultural use.
- Lack of services / infrastructure in Diggle to meet expected demand from staff and pupils.

### ***Educational facilities***

- Proposed sports facilities are below those available in Uppermill, will be built on a flood zone, and do not meet Sport England's requirements. Access to the sports facilities will be curtailed by restrictions on floodlights.
- The school would be too far away to walk from Greenfield, thus rendering Mossley Hollins in Tameside a better option for many.
- The proposed school will have a limited lifespan.
- Concerns regarding the internal layout of the school e.g. unisex toilets

### ***Alternative site/s***

- Flawed site selection procedure.
- An alternative feasible site is available in Uppermill.
- The site of the proposed school has been chosen because the building site in Uppermill is more valuable to builders.

### ***Anti-social behaviour / crime***

- Pupils 'loitering' around the canal will be intimidating to older users of the canal.
- The Crime Impact Statement raises the possibility of crime, graffiti and anti-social behaviour.
- Possible unauthorised access to the old railway tunnel

***Other***

- Some residents have been disenfranchised from the process due to large volume of documents and plans submitted.
- The consultation process has been misleading.
- The plans have been predetermined by the Council.
- The plans were virtually complete before certain technical reports had been completed thereby predetermining the planning process.
- Incomplete and unclear information available for public inspection.
- The Environmental Statement does not address or properly take into account the many issues and is incomplete.
- Lack of consultation with local community.
- Statement of community involvement makes no mention of strong local opposition to the scheme.
- Health and safety concerns regarding land slippage problems.
- Adverse impact on health due to children being encouraged to eat unhealthily.
- The planning application should be suspended until proper assessments / technical information has been provided.
- The LPA should be consistent in its determination of planning applications in the area.
- Concerns around the 'land-swap deal' and financial impropriety.
- In the future there will be a proposal to build on land at the front of site, which will no longer be suitable for industrial use because of its proximity to a school. This land could be used to mitigate the impact of the development.
- Loss of community feeling in the village.

**ORIGINAL REPRESENTATIONS IN SUPPORT OF APPLICATION C  
(PA/337301/15)**

9.14 9 letters / emails of support were received in response to the original consultation / notification carried out from August 2015. These raise the following points:

- The existing school is not fit for purpose and the current site is too small to accommodate a modern school of the quality needed.
- Building a new school on the existing site would be hazardous for children and disruptive to their education.
- The proposal will provide a modern facility that will serve the community well into the future.
- The Pallet Works site is an eyesore and detracts from the area.
- The proposed development will regenerate the area.

- There are some issues around access, parking and traffic, which require imaginative solutions.





**10 PLANNING CONSIDERATIONS - APPLICATION A (PA/337931/15) - The planning application 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.**

**a) Impact of the proposed demolition**

**Policy Background**

***The Development Plan***

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise.
- 10.2 Paragraph 11 of the National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Paragraph 12 expands on this and states that the NPPF does not change the statutory status of the development plan as a starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless material considerations indicate otherwise. The guidance in the NPPF is taken as a material planning consideration.
- 10.3 In this case the 'Development Plan' is the Joint Development Plan Document which forms part of the Local Development Framework for Oldham. It contains the Core Strategies and Development Management policies used to assess and determine planning applications.

**Planning (Listed Buildings and Conservation Areas) Act 1990**

- 10.4 Legislation relating to the protection of listed buildings and conservation areas is contained within the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 10.5 The relevant section concerning the regard that the Local Planning Authority should place on preserving listed buildings and their settings is contained within Section 66, whilst regard to conservations areas is contained in Section 72.
- 10.6 Specifically, Section 66 requires the local planning authority in considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 (1) sets out that with regard to any buildings or other land in a conservation area, special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area.

**National Planning Policy Framework [NPPF]**

- 10.7 Following its publication by the Government in 2018, the NPPF sets out national planning guidance concerning archaeological remains and other elements of the wider historic environment in Section 16: Conserving and Enhancing the Historic Environment (Paragraphs 184-202).
- 10.8 Relevant to this application, Paragraph 190 states:
- “Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal”.*
- 10.9 Paragraph 192 states:
- “In determining planning applications, local planning authorities should take account of:*
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and,*



- c) *the desirability of new development making a positive contribution to local character and distinctiveness”.*

10.10 Paragraph 193 states:

*“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”.*

10.11 Paragraph 195 states:

*“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- a) *the nature of the heritage asset prevents all reasonable uses of the site; and*
- b) *no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and,*
- c) *conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*
- d) *the harm or loss is outweighed by the benefit of bringing the site back into use”.*

10.12 Paragraph 196 states:

*“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.*

10.13 Paragraph 197 states:

*“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss*

*and the significance of the heritage asset”.*

10.14 Paragraph 198 states:

*“Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred”.*

10.15 Paragraph 94 also identifies that:

*“It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*

*a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and,*

*b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.*

### **Local Planning Policy / the Development Plan**

10.16 Current local planning policy is contained within the Oldham Joint Core Strategy and Development Management Policies, adopted in 2011. Relevant policies relating to the historic environment include Policy 1 (Climate Change and Sustainable Development), 6 (Green Infrastructure) and, 24 (Historic Environment) details of which are contained within the relevant policy section of this report.

10.17 In particular, Policy 1 states in determining applications the Council will:

*“Ensure the effective and efficient use of land and buildings by promoting the re-use and conversion of existing buildings (including Oldham’s industrial mills) and development on previously developed land (including .... recycling derelict, vacant and underused land) prior to the use of greenfield sites”*

10.18 Policy 24 - Historic Environment - 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. However, it also adds 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.

This policy is relevant as there is a Grade II listed building on site and a number of other listed buildings in the vicinity.

## Case Law / Legal Background

- 10.19 Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 provides:

*“In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority, or as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.*

- 10.20 In *East Northamptonshire DC v. SoSCLG* [2014] EWCA Civ 137 (“Barnwell”) the Court of Appeal, in a case involving the impact of wind turbines upon the setting of a Listed Building, confirmed that the issue of avoidance of harm to the setting of a Listed Building was a special material consideration carrying significant weight. In *R (Forge Field Society) v. Sevenoaks DC* [2015] JPL 22 Lindblom J considered and applied the Barnwell judgment, quashing a decision granting permission for affordable housing because of the failure to give effect to the statutory duty:

*“48. As the Court of Appeal has made absolutely clear in its recent decision in Barnwell, the duties in S66 and 72 of the Listed Buildings Act do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations as to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in Barnwell it has now been firmly dispelled. Where an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.*

*49. This does not mean that an authority’s assessment of likely harm to the setting of a listed building or to a conservation area is other than a matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognise, as the Court of Appeal emphasised in Barnwell, that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a*

*statutory one. It is not irrefutable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.”*

10.21 Having quoted Paragraph 22 of Sullivan LJ’s judgment, the Judge added:

*“51. That conclusion, in Sullivan LJ’s view, was reinforced by the observation of Lord Bridge in South Lakeland (at p.146E-G) that if a proposed development would conflict with the objective of preserving or enhancing the character or appearance of a conservation area ‘there will be a strong presumption against the grant of planning permission, though, no doubt, in exceptional cases the presumption may be overridden in favour of development which is desirable on the ground of some other public interest’. Sullivan LJ said ‘[there] is a “strong presumption” against granting planning permission for development which would harm the character or appearance of a conservation area precisely because the desirability of preserving the character or appearance of the area is a consideration of “considerable importance and weight”’ (para.23). In enacting s.66(1) Parliament intended that the desirability of preserving the settings of listed buildings ‘should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given “considerable importance and weight” when the decision maker carries out the balancing exercise’ (para.24). Even if the harm would be ‘less than substantial’, the balancing exercise must not ignore ‘the overarching statutory duty imposed by s.66(1), which properly understood ... requires considerable weight to be given ... to the desirability of preserving the setting of all listed buildings, including Grade II listed buildings’ (para.28). The error made by the inspector in Barnwell was that he had not given ‘considerable importance and weight’ to the desirability of preserving the setting of a listed building when carrying out the balancing exercise in his decision. He had treated the less than substantial harm to the setting of the listed building as a less than substantial objection to the grant of planning permission (para.29).”*

10.22 The consequence of the above is that harm to the setting of a Listed Building, at any level, is a matter that must be given considerable importance and weight. Indeed it raises a strong presumption against development. If, on the other hand, impact on setting is merely neutral then no such presumption arises (see R (on the application of Garner) v. Elmbridge BC [2011] EWCA Civ 891).

10.23 The question that arises as a result of these recent developments in case law is how is this to be reconciled with the NPPF. This was resolved by the Court of Appeal in Jones v Mordue & SSCLG [2015] EWCA Civ 1243 in which it was held that if a decision maker works through the relevant paragraphs in the NPPF then the statutory duty would have been complied with (see Sales LJ at paragraph 28).

- 10.24 The NPPF adopts the old PPS5 definition of “*setting*”<sup>3</sup> This is vague and in R (on the application of Miller) v. North Yorkshire CC [2009] EWHC 2172 (Admin) Hickinbottom J noted that the extent of a setting was ultimately a matter of planning judgment but may include views from the asset towards the development and vice versa and any other views which includes both the heritage asset and the development.

## Relevant Assets

### ***Which elements of the Loom Works are listed and which are not?***

#### ***Background***

- 10.25 In May 2015, Oldham Metropolitan Borough Council, in relation to development proposals concerning land at Dobcross Works, Huddersfield Road, Diggle, took legal advice on whether the curtilage of the Dobcross Works Office Building - a Grade II listed building - extended only to the immediate vicinity of the office building or whether it included any of the other factory buildings on the wider factory site. The advice the Council was given by Robin Green of Cornerstone Barristers was as follows:

*“10. From the papers before me it appears that the listed office building was part of a substantial manufacturing complex, devoted first to the manufacture of looms and then the manufacture of pallets. The office provided the space in which administrative tasks supporting the manufacturing processes were carried out. In terms of scale and function I take the view that the listed building was ancillary to the other principal buildings and structures around it at the time of listing in 1968.*

*11. If this analysis is correct (and it is ultimately a matter of judgment for the Council) then the listed building is likely to have had a restricted curtilage, not extending to any other building or structure in its vicinity (unless those buildings and structures could be said to have been ancillary to the office building) ... If anything, it is more likely that the office building was within the curtilage of the primary manufacturing buildings (particularly the large building to which it was linked by a footbridge) than the other way round.*

*12. Based on the material I have seen, I would agree with the Council that the curtilage of the listed building only extends to the immediate vicinity of the office building and does not include any of the other factory buildings on the wider factory site.”*

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<sup>3</sup> i.e. “The surroundings in which a heritage asset is experienced ...”

10.26 The Council's barrister also expressed the view that, as the link bridge at the rear of the listed building was fixed to that building, it was deemed to be part of the building for the purposes of listed building protection.

10.27 Finally, he said:

*"It follows from what I have said above that listed building consent would be required for the removal of the link bridge and any other works of alteration to the listed building, but would not be required for the demolition of other non-ancillary buildings on the site. If, as appears to be the case, all the other buildings proposed to be demolished were not and are not ancillary buildings, listed building consent would not be required for their removal. (Council's emphasis)."*

10.28 In conclusion the Council's barrister felt - in view of the decision of the House of Lords in *Debenhams Plc v Westminster City Council* [1987] AC 396 – that the factory buildings should not be treated as part of the listed building unless, at the date of listing, they were ancillary to the listed building. In his view they were not listed since the size and function of the factory buildings are factors showing that they were not ancillary to the listed office building in any sense.

10.29 The Council agree with the barrister's advice and has followed it in respect of determining the extent of the curtilage of the listed building.

### ***The Application***

10.30 By letter of 5<sup>th</sup> January 2016, the Council notified Historic England of a planning application (reference no. PA/337931/15) for the demolition of five buildings at the Dobcross Works site, including the building to the rear of the listed building to which the link bridge is attached. By letter dated 12<sup>th</sup> January 2016, Historic England offered general observations on the application, including the following:

*"It is for the local planning authority to determine curtilage with respect to section 5 (b) of the Planning (Listed Buildings and Conservation Areas) Act 1990, and as you have come to the view that the unattached buildings are not within the curtilage of the building, we will not comment on their proposed demolition in line with our statutory remit. **However, unless specifically excluded from the listing under the new list descriptions from the Enterprise and Regulatory Reform Act (2013), those buildings which are physically attached to a listed building are listed under Section 5(a) of the 1990 Act. On the basis of the information provided, we understand that only the building to the east of the Dobcross Works office building (Grade II) is currently physically attached via the link***



**bridge. This is therefore listed under section 5(a) and falls within our remit with regards to its demolition, and we offer the following advice on this basis” (emphasis added)”.**

- 10.31 In these circumstances, the Council asked Mr Green to comment on the position taken by Historic England (in the passage in bold) that the building to the rear (east) of the listed building connected to it by the link bridge is deemed to form part of the listed building.
- 10.32 For the reasons given below, he considered that the view expressed in Historic England’s letter was wrong.

### ***The extent of listing***

- 10.33 The references to “section 5(a)” and “section 5(b)” in Historic England’s letter must be to section 1(5)(a) and (b) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which are as follows:

*“(5) In this Act ‘listed building’ means a building which is for the time being included in a list compiled or approved by the Secretary of State under this section; and for the purposes of this Act -*

*(a) any object or structure fixed to the building;*

*(b) any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1st July 1948,*

*shall, subject to subsection (5A) (a), be treated as part of the building.”*

- 10.34 In his earlier advice, Mr Green referred to case law in which the meaning of these and similar provisions had been considered. One of the cases to which he referred was *Debenhams Plc v Westminster City Council* [1987] AC 396, in which the House of Lords looked at section 54(9) of the Town and Country Planning Act 1971, the predecessor to section 1(5) of the 1990 Act. In that case a listed building was connected at the date of listing to a second building by a footbridge and tunnel. The question was whether the second building was a “structure” fixed to or within the curtilage of the listed building for the purposes of section 54(9) of the 1971 Act. The House of Lords held that it was not. At 402F-403G Lord Keith explained why in his opinion the term “structure” had, in the statutory context, a restricted meaning that did not extend to a separate building that was not subordinate or ancillary to the listed building. At 408H-410C Lord Mackay gave similar reasons for rejecting the

view that “structure” included a completely distinct building which is connected structurally to a listed building.

10.35 Mr Green’s view (with which the Council agreed) was that the decision in the Debenhams case remains good law. A building that is physically attached to a listed building will not constitute a structure fixed to the listed building for the purposes of section 1(5) (a) of the 1990 Act unless it is subordinate or ancillary to the listed building.

10.36 Indeed, Historic England’s own guidance correctly reflects the state of the law. The following passage is the most relevant:

**“Objects and structures fixed to the building**

In general, a structure attached to a building, such as adjoining buildings or walls, will also be covered by the listing if the structure was ancillary to the principal building at the date of listing (or possibly 1 January 1969 for buildings listed before that date - this is not a settled point of law). ...” (the Council’s underlining).

10.37 The link bridge was plainly an ancillary structure at the date of listing. Whether or not the factory building attached via the link bridge to the listed office building was ancillary to the listed building at the date of listing is a matter for the Council’s judgment. The Council take the considered view that it was not. If that is the case, the factory building would not constitute a structure fixed to the listed building for the purposes of section 1(5) (a) of the 1990 Act.

10.38 Mr Green added that it appeared that the author of the letter from Historic England had failed to consider whether the factory building was a subordinate or ancillary building at the date of listing. Instead, they have proceeded on the erroneous basis that the factory building is deemed to be listed by virtue of section 1(5) (a) merely because it is physically connected to the listed building.

10.39 The Council concluded by writing to Historic England to say that, in view of the decision of the House of Lords in Debenhams Plc v Westminster City Council [1987] AC 396 - which is reflected in Historic England’s own guidance - the factory building attached to the listed building by the link bridge should not be treated as part of the listed building unless, at the date of listing, it was ancillary to the listed building. In the Council’s view it was not since the size and function of the factory building are factors showing that it was not ancillary to the listed office building in any sense. In these circumstances, the Council informed Historic England that the Council intended to determine the application on the basis that the factory buildings were not listed.



- 10.40 Historic England responded on 8<sup>th</sup> February 2016 by stating that they would recommend careful consideration to all relevant case law in regards to the issue of listing and curtilage and that statutory and policy requirements are met with regard to the conservation of the historic environment. They did not comment directly on the approach and action put forward by the Council or put up a formal objection to it.

### **Designated Heritage Assets**

- 10.41 There are 58 Listed Buildings and four Conservation Areas within the immediate area of the site. The Conservation Areas are Dobcross, Holly Grove, Uppermill and St Chad's Church.
- 10.42 The listed building in the immediate vicinity of the site is the former offices of the Dobcross Loom Works. It is located immediately west of the site but is not within the red line boundary of this application. The building was built in 1897 for Hutchinson and Hollingworth, owners of the Dobcross Loom Works. It was constructed in Gothic style from ashlar, with a Westmorland slate roof. The building retains a number of decorative features including a four-storey clock tower with Lombardic roof, topped with a decorative iron crown.
- 10.43 It's specific listing details are as follows:
- "W.H.Shaw Ltd. Dobcross Works - Office Building - II Dobcross loom works, office building. 1890 for Huchinson and Hollingworth. Ashlar with Westmorland slate roof. Gothic style. 5 x 3 bays with 2 storeys (plus attics). Asymmetrical elevation, bays 2 and 4 being advanced, the latter with entrance and clock tower, the others each being gabled. Rock-faced plinth, first floor band. Each bay on each floor has a 2, 3 or 5-light chamfered mullion window with shouldered heads and leaded glass in the upper part. The gables are coped, have kneelers and ornate finials, and 1 or 2-light windows with cusped heads. The door at the base of the tower has an overlight with keystone, flanking pilasters, cornice, dies with ball finials and entwined initials above a scroll. The 4-stage tower rises above with its machicolated top stage having clock faces, gables, corner pinnacles and a Lombardic roof with decorative iron crown. Clustered diagonally set ridge chimney stacks. The interior remains largely unaltered with original glazed tile skirtings, panelled doors, cornices, a cast iron staircase and a decorative cast iron spiral staircase. The "Dobcross Loom" was exported worldwide in the late C19".*
- 10.44 The office forms part of the Dobcross Loom Works complex, which extends into the site and is connected to the main factory via a raised link corridor. The majority of this link corridor is proposed to be demolished if Application B - LB/337929/15 - is granted, although a small section will be retained on the eastern elevation of the

listed building. Given the raised link corridor is attached to a listed building at the time of its designation, it is considered to be part of the listed building and its removal requires Listed Building Consent.

- 10.45 No other physical works are proposed to the principal listed building and the principal listed building itself is located outside the site boundary.
- 10.46 A number of other industrial buildings are to be demolished within the site and these are the subject of this application. As explained above, the legal opinion sought by the Council has confirmed that these buildings should not be considered to be within the curtilage of the listed building. However, because of their context, proximity and previous relationship to the listed building, it is considered that they are non-designated heritage assets within the setting of the listed building.
- 10.47 A study area of 1km radius of the site has been examined to assess the nature of adjacent heritage assets since the proposal would be visible from a number of designated heritage assets and may therefore affect their settings.
- 10.48 Seventeen locations of grade II listed buildings and Conservation Areas in the EIA were identified as having potential for effects on their setting. Having assessed the locations Officers consider that their designation and value are as follows:

<b>Heritage Asset</b>	<b>Designation and Value</b>
<b>W.H.Shaw Ltd. Dobcross Works Office Building</b>	Grade II Listed Building – High
<b>Hollin Greave Farmhouse</b>	Conservation Area Grade II Listed Building – High
<b>Holly Grove Conservation Area and Listed Buildings</b>	Conservation Area Grade II Listed Building – High
<b>Wool Wall At SK 003 068</b>	Grade II Listed Building – High
<b>Butterhouse, Lindum Cottage</b>	Grade II Listed Building – High
<b>Holly Grove Cottages</b>	Grade II Listed Building – High
<b>Holly Grove Farm Cottage</b>	Grade II Listed Building – High

<b>Fairbanks Farm</b>	Grade II Listed Building – High
<b>Lee Cross House</b>	Grade II Listed Building – High
<b>Holly Grove House</b>	Grade II Listed Building – High
<b>Huddersfield Narrow Canal No. 66 Bridge and Lock Adjacent To Ward Road Bridge</b>	Grade II Listed Building – High
<b>Huddersfield Narrow Canal Milestone and No. 69 Bridge</b>	Grade II Listed Building – High
<b>Huddersfield Narrow Canal Subway under canal</b>	Grade II Listed Building – High
<b>45, 47 And 49, Huddersfield Road</b>	Grade II Listed Buildings – High
<b>25, Huddersfield Road</b>	Grade II Listed Building – High
<b>23 (Holden Smithy), 25 and 27, Spurn Lane</b>	Grade II Listed Building – High
<b>Ambrose Cottage And Adjoining Barn</b>	Grade II Listed Building – High

### ***Non-designated Heritage Assets***

10.49 The buildings considered non-designated heritage assets within the site are described by block below. The historic, aesthetic, communal and evidential value of the blocks is also set out.

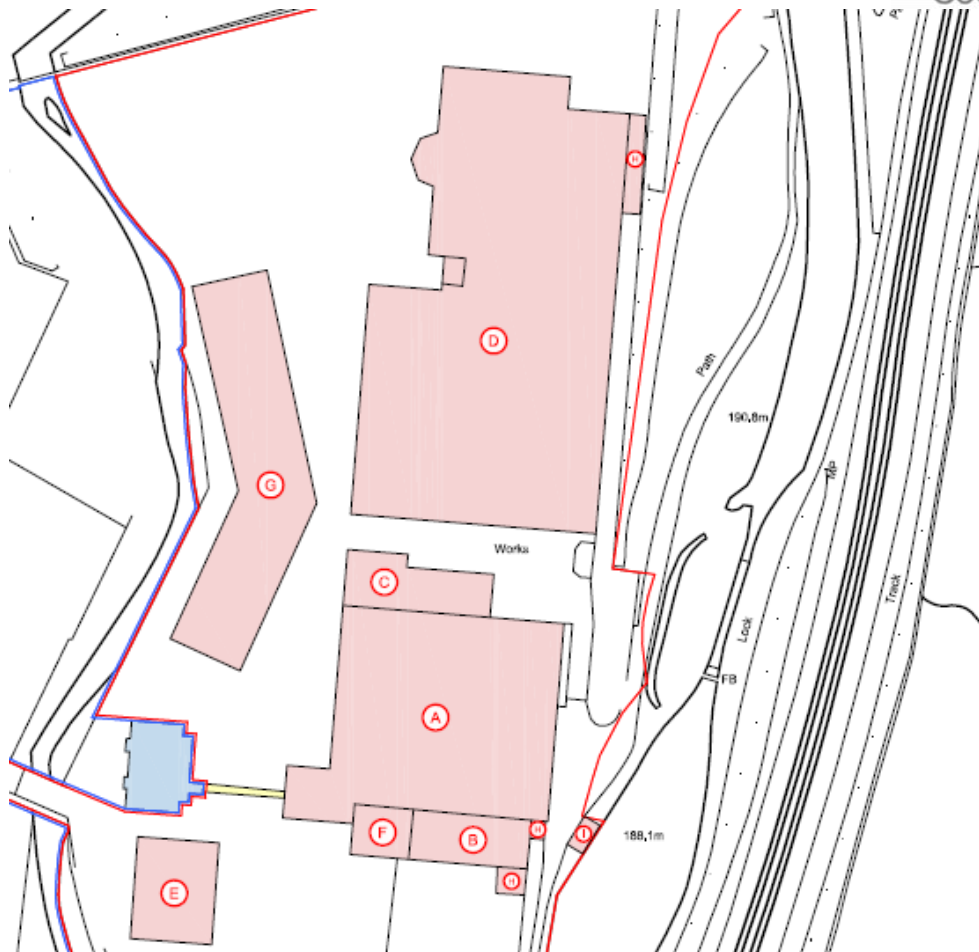


Figure 1 - Block Layout

### ***Building Block A, B, C and F***

- 10.50 This block has been constructed in multiple phases and contains elements of differing ages. The earliest remaining elements are the chimney and one wall of the original building which dated from 1863. This was subsequently enclosed by building B and the elements Block A which were constructed between 1890 and 1900. Another part of Block A was substantially rebuilt between 1920 and 1930 following a major fire. The water tower was also constructed at this time.
- 10.51 Building F was constructed as infill in the 1950s.
- 10.52 The historical value of this block is assessed as low due to the limited survival of elements associated with early 1863 buildings. This has been degraded due to the

later extensions and alterations. There is limited evidence of the production processes which took place in the building.

- 10.53 The aesthetic value of the building is considered to be negligible due to the variable architectural detailing and ad hoc development which detracts from the architectural quality.
- 10.54 The communal value of the building is considered to have been lost when the works closed.
- 10.55 Officers consider the building has no evidential value.
- 10.56 Overall the heritage value of this block is low.

### ***Building Block D***

- 10.57 The first phase of this building dates to 1910 and was a complete concept in terms of design and materials. The second phase of construction was between 1920 and 1925. Building H (at the rear) was constructed in 1980. Whilst it has some interesting detailing, including a semi-octagonal bay, its various phases clearly reduce its architectural significance.
- 10.58 Officers consider the site has a negligible communal value as this was lost when the works closed.
- 10.59 The site has a negligible historical value since, although associated with the loom building process, it was primarily assembly rather than manufacturing.
- 10.60 The aesthetic value of the building is considered to be low due to its construction, stonework and architectural detailing which is of limited interest.
- 10.61 The evidential value of the location is considered to be low.
- 10.62 However, the site does contain potential below ground remains associated with Wrigley Mill which is discussed in the archaeological assets.
- 10.63 Overall the heritage value of this block is low.

### ***Building Block E***

- 10.64 This building was built in two phases. The first phase dates to 1863 and forms part of the original loom works. A single storey extension was constructed c. 1910 and there may have been some demolition of 1863 elements at this time.
- 10.65 The building has been assessed as having little historical value due to the loss of other 1863 buildings on the site.
- 10.66 The aesthetic value is considered to be compromised by the demolition of the 1863 elements and the remaining stonework is not considered to have any particular architectural quality.
- 10.67 The communal value of the building is considered to have been lost when the works closed.
- 10.68 Officers consider the building has no evidential value.
- 10.69 Overall, its heritage value is considered to be negligible.

### ***Building Block G***

- 10.70 This is a modern portal frame building erected in 1979. It is a low V shape to maximise the use of the western boundary of the site. The steelwork is portal frame construction, open on three sides, with modern sheeting material.
- 10.71 In Officers opinion, the building has no historical, aesthetic, communal or evidential value.

### ***Building I***

- 10.72 This building does not appear to be described within the applicant's assessment reports. However, it would appear to be a small flat roofed masonry building of little significance, which houses industrial water abstraction equipment.
- 10.73 In Officers opinion, the building has no historical, aesthetic, communal or evidential value.

### **Conclusion**

- 10.74 The heritage values of the non-designated heritage buildings within the site have been assessed as ranging from low to negligible individually.
- 10.75 However, Officers have also considered their group value and potential contribution to the setting of the Grade II listed office building. In this respect we consider they are collectively as being of medium heritage value because they form the context of why the office building exists.

### **Archaeological Assets**

- 10.76 The applicant has provided an Archaeological Report on the buildings in question from Mounteer Limited.
- 10.77 In summary, in the early 18<sup>th</sup> century, only two fulling mills (where raw wool is cleaned and thickened) were recorded in the parish, although by the end of the century there were 30 and over 70 water wheels along the river.
- 10.78 Wrigley's Mill has been identified lying partially within the development site from historic mapping. This was a fulling mill that dated to the 18<sup>th</sup> century. The location of a water mill in this area is shown on Jeffery's map of 1771-2 and by the time it was depicted in detail on mapping (1822) it comprised two buildings associated with a mill pond to the north, taken from Diggle Brook. Comparison of the site boundary with historic mapping indicates the southernmost mill building lies within the northern part of this site. The extent of survival of the former Wrigley's Mill is unknown and there is potential that buried remains of the former mill could be present under the existing building floor and the external hardstanding. The fulling mill may be of local or regional interest depending on the extent of survival. The heritage value of the former mill buildings would, therefore, be low or medium depending on the extent of survival.
- 10.79 The Huddersfield Narrow Canal was proposed in 1794 to connect the Ashton Canal to the Huddersfield Broad Canal. The Huddersfield Narrow Canal was technically ambitious as it would have been both the highest canal in Britain and required the longest tunnel (through Standedge). The construction of the canal and the tunnel in particular were beset by engineering problems and it took 17 years for the narrow canal to open as a full through route between the two canals. Its narrow width meant that bottlenecks and delays along it were frequent and, after the opening of the railway, it began to fall out of use because of this. It was closed in 1944 and sections were infilled. A programme of restoration from the 1970's onwards saw the canal fully reopen in 2001.

- 10.80 The heritage value of the canal is considered to be medium based on its contribution to the public's understanding of canal engineering and the regional industrial context.
- 10.81 In relation to the Dobcross Loom Works, there is potential that below ground archaeological remains associated with the early buildings on the site may survive within it. The extent of truncation within the site from subsequent activities is not known. In the location of former Building K, there is an expanse of broken concrete and tarmac hardstanding split across two levels with a retaining wall and fence line creating the break in slope. In addition, the historic studies have identified that two kilns were constructed in this location between 1988 and 2006 and were subsequently demolished. This may have resulted in significant truncation of any buried archaeological remains. If buried remains of the loom works buildings are present within the site they may contain evidence of power systems and industrial processing which could add to the growing regional knowledge of the textile industry.
- 10.82 In these circumstances, Officers consider the heritage value of the former loom works buildings would, therefore, be low or medium depending on the extent of survival.

## **Effects of the Proposal**

### ***Methodology***

- 10.83 There is no standard method of evaluation and assessment for the assessment of significance of effects upon designated and non-designated heritage assets. Therefore, Officers criteria are based on a combination of the Secretary of State's criteria for Scheduling Monuments, Design Manual for Roads and Bridges and Transport Analysis Guidance. Guidance from Historic England's Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets has also been used to inform the consideration of attributes that may contribute to the setting and significance of an asset and attributes of the development which may affect the setting.
- 10.84 The sensitivity of heritage receptors has been worked out using a scale varying from very high to negligible with:
- 'Very high' relating to assets such as World Heritage Sites, Scheduled Monuments of exceptional quality, Grade I Listed Buildings and Registered Parks and Gardens etc;



- High relating to Grade II\* and Grade II Listed Buildings, Conservation Areas with very strong character and integrity;
- 'Medium' relating to assets of regional quality and importance, locally listed buildings, other Conservation Areas, historic buildings that can be shown to have good qualities in their fabric or historical association;
- 'Low' relating to undesignated assets of local importance, assets compromised by poor preservation and/or poor survival of contextual associations, historic (unlisted) buildings of modest quality in their fabric or historical association; and,
- 'Negligible' being assets with very little or no surviving cultural heritage interest.

10.85 The magnitude of the potential impact in the asset has been assessed using the following criteria.

<b>Magnitude of Impact</b>	<b>Description</b>
Substantial	<p><i>Negative:</i> Impacts which will:</p> <ul style="list-style-type: none"> <li>- Damage or destroy heritage assets;</li> <li>- Result in the loss of the asset and / or quality and integrity;</li> <li>- Cause severe damage to key characteristic features or elements;</li> <li>- Result in almost complete loss of setting and / or context of the asset;</li> <li>- Result in the assets integrity or setting almost wholly being destroyed or is severely compromised, such that it can no longer be appreciated or understood.</li> </ul> <p><i>Positive:</i> The proposals would:</p> <ul style="list-style-type: none"> <li>- Remove or successfully mitigate existing damaging and discordant impacts on assets;</li> <li>- Allow for the restoration or enhancement of characteristic features;</li> <li>- Allow the substantial reestablishment of the integrity, understanding and setting for an area or group of features;</li> <li>- Halt rapid degradation and / or erosion of the heritage resource, safeguarding elements of the heritage resource.</li> </ul>
Moderate	<p><i>Negative:</i></p> <ul style="list-style-type: none"> <li>- Substantial impact on the asset, but only partially affecting the integrity;</li> <li>- Partial loss of, or damage to, key characteristics,</li> </ul>

	<p>features or elements;</p> <ul style="list-style-type: none"> <li>- Intrusive in the setting and / or would adversely impact upon the context of the asset;</li> <li>- Loss of the asset for community appreciation.</li> <li>- The assets integrity or setting is damaged but not destroyed so understanding and appreciation is compromised.</li> </ul> <p><i>Positive:</i></p> <ul style="list-style-type: none"> <li>- Benefit to, or restoration of, key characteristics, features or elements;</li> <li>- Improvement of asset quality;</li> <li>- Degradation of the asset would be halted;</li> <li>- The setting and / or context of the asset would be enhanced and understanding and appreciation is substantially improved;</li> <li>- The asset would be bought into community use.</li> </ul>
Slight	<p><i>Negative:</i></p> <ul style="list-style-type: none"> <li>- Some measurable change in assets quality or vulnerability;</li> <li>- Minor loss of or alteration to key characteristics, features or elements;</li> <li>- Change to the setting would not be overly intrusive or overly diminish the context; community use or understanding would be reduced.</li> <li>- The assets integrity or setting is damaged but understanding and appreciation would only be diminished not compromised.</li> </ul> <p><i>Positive:</i></p> <ul style="list-style-type: none"> <li>- Minor benefit to, or partial restoration of key characteristics, features or elements;</li> <li>- Some beneficial impact on asset or a stabilisation of negative impacts;</li> <li>- Slight improvements to the context or setting of the site;</li> <li>- Community use or understanding and appreciation would be enhanced.</li> </ul>
Negligible	<p><i>Negative:</i></p> <ul style="list-style-type: none"> <li>- Very minor loss or alteration to one or more characteristics, features or elements.</li> <li>- Minor changes to the setting or context of the site.</li> <li>- No discernible change in baseline conditions.</li> </ul> <p><i>Positive:</i></p>

	<ul style="list-style-type: none"> <li>- Very minor benefit to or positive addition of one or more characteristics, features or elements.</li> <li>- Minor changes to the setting or context of the site.</li> <li>- No discernible change in baseline conditions.</li> </ul>
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10.86 The significance of effect is assessed using the criteria below. The significance of effect can be beneficial or adverse.

SIGNIFICANCE OF EFFECTS	Magnitude of Impact			
	Substantial	Moderate	Slight	Negligible
Very High	Major	Major – Intermediate	Intermediate	Minor
High	Major-Intermediate	Intermediate	Intermediate – Minor	Neutral
Medium	Intermediate	Intermediate – Minor	Minor	Neutral
Low	Intermediate – Minor	Minor	Minor - Neutral	Neutral
Negligible	Minor – Neutral	Minor-Neutral	Neutral	Neutral

10.87 Only those effects defined as ‘Major’, ‘Major / Intermediate’ or ‘Intermediate’ are considered to cause substantial harm. All other effects are deemed to cause less than substantial harm.

### ***Construction Phase Effects***

10.88 The effects on the setting of designated heritage assets or the canal during the construction phase of the application have not been specifically assessed by the applicant. Nevertheless, the impact during the construction phase may be greater than the operational phase as there will be more movement in the landscape, plant and groundworks until the new buildings and soft landscaping are established. Nevertheless, these impacts will be temporary and short term during the construction period.

10.89 The office building is the only designated heritage asset directly adjacent to the site, whilst the factory buildings are non-designated heritage assets. The link corridor between the office and factory is considered to be of high value due to its physical attachment to the listed office building. The link corridor will be demolished as a result of Applications A, B and C, although a small stub will remain attached to the office building above the rear porch. As the demolition will only result in the partial loss of one of the elements of the listed structure, the magnitude of impact is

considered to be moderate negative. This would result in an intermediate adverse effect. The actual office building - which is the principal element of the designated heritage asset and the most architecturally and historic element - will remain unaltered as a result of the demolition works.

- 10.90 In relation to the non-designated heritage assets within the site, Blocks A, B, C and F and Block D are considered to have individual low value. These buildings will be fully demolished as a result of the scheme and the magnitude of impact is therefore considered to be substantial negative. The significance of effect is therefore intermediate-minor adverse.
- 10.91 Blocks E and G are considered to have an individual negligible value. These buildings will be fully demolished as a result of the application. The magnitude of impact is therefore considered to be substantial negative. The significance of effect is minor-neutral due to their negligible value.
- 10.92 In considering the cumulative group value of the buildings and their potential contribution to the setting of the grade II listed office building, they may be assessed collectively as being of medium heritage value. The demolition results in a substantial negative magnitude of impact. This results in an overall intermediate adverse cumulative significance of effect or substantial harm in NPPF terms.
- 10.93 Adjacent to the site, the Huddersfield Narrow Canal is considered to have a medium heritage value as an undesignated heritage asset.
- 10.94 The industrial water abstraction equipment and housing adjacent to the canal are to be carefully removed with the canal washwall and footpath re-instated following these works. The abstraction equipment is housed in a modern brick built structure (Block I) of no heritage interest. The reinstatement of the washwall will re-use historic material and reinstate this historic element of the canal. The demolition of the retaining structure along the canal will not directly affect the canal. The canal retaining wall will be exposed as a result of this demolition and there may be a requirement for works to the canal retaining wall, once it is exposed, to ensure its structural stability and repair the exposed surface. The scope of these works cannot be identified until after the demolition works. However, they will be controlled by condition, specified in a manner appropriate to the heritage significance of the structure and undertaken in consultation with the Canals and Rivers Trust.
- 10.95 The overall extent of the works to the canal are very limited both in extent in the immediate locality and when compared to the overall length of the asset. In Officers opinion, the key characteristics of the canal and its historic structures including locks and bridges will remain unaffected. The unmitigated magnitude of impact is therefore considered to be slight negative. The unmitigated significance of effect is considered to be minor adverse.

- 10.96 In relation to the southernmost building of the former Wrigley's Mill (an 18<sup>th</sup> and 19<sup>th</sup> century water powered fulling mill of low or medium value depending on the extent of survival), it lies within the northern part of the site. The potential construction of the school building and the creation of sports courts and grass amphitheatre in this area of the site could result in the removal of any below ground archaeological remains. However, the northernmost of the two Wrigley's Mill buildings will remain largely intact to the north of the site's boundary. The magnitude of impact could, therefore be up to moderate negative. This would result in an unmitigated intermediate adverse or minor adverse significance of effect for remains of medium and low value respectively.
- 10.97 The applicant has identified that the southernmost building of the Dobcross Loom Works and two other buildings demolished in the mid-20th century are of low or medium value depending on the extent of survival. The new school building and sports areas in this area could result in the removal of any below ground archaeological remains. The magnitude of impact could, therefore be up to substantial negative. This would result in an unmitigated intermediate adverse or intermediate-minor adverse significance of effect for remains of medium and low value respectively.
- 10.98 The potential for previously unrecorded archaeological remains to be present within the site is considered to be very low. There is little evidence of occupation or archaeological activity pre-dating the medieval period. During the medieval and early post-medieval period, there is no evidence from historic mapping or other sources that the site was occupied. Moreover, any evidence of agricultural activity would have been removed within the northern and central parts of the site during construction of the Loom Works. Evidence of agricultural activities on the southern part of the site proposed for sports pitches is considered to be of negligible heritage value and any impacts would result in a neutral significance of effect.

### ***Operational Phase Effects***

- 10.99 The effects from the operational phase on the identified heritage assets are limited to impacts on settings.
- 10.100 There will be no effects on below-ground archaeological assets arising from the operational phase, as any such effects will have occurred during the construction phase.
- 10.101 In this section, Officers assessment has taken a staged approach. Firstly, we have set out the setting of the heritage asset including details of which factors make a positive contribution to its significance or conversely detract from it. The contribution

that the setting makes to the significance (value) of the heritage asset overall has then been described.

- 10.102 The impact on the setting of the asset has then been assessed taking into account visibility, as well as a range of other issues, such as environmental factors and historic associations, and described using typical impact categories. The overall magnitude of impact on the heritage significance (value) of the asset and the significance of effect has then been identified.

## **Effects on the Setting of Adjacent Heritage Assets**

### **1. *W.H.Shaw Ltd, Dobcross Works Office Building***

#### ***Heritage Significance***

High – Grade II listed building.

#### ***Setting and contribution of the setting to heritage significance***

The office building was designed to be the public face of the loom works, demonstrating the success of the business to the wider community. Its location, facing the main road, is therefore an important aspect of its setting. In addition, it was designed so that the clock tower rose above the roofline of the works buildings to the rear and they did not dwarf the building although subsequently two taller structures that compete with the tower's height were added. The clock face of the office building is illuminated at night ensuring that the building remains a visible part of the landscape and local landmark even at night. The historic relationship of the office building to the other buildings of the former loom works is a part of the heritage significance and setting of the building.

The wider landscape of the area makes a positive contribution to the setting of the office building. The fields to the immediate west, north and south of the complex and rising farmland to the rear (east) of the building provide a backdrop to the building and the green contrasts with the pale stone.

The lack of intensive development around the building, beyond the associated factory buildings, allows the office building to be appreciated from a distance.

The location of the loom works, adjacent to the canal which was used for transportation, is a relationship which is still legible. The former relationship with the railway line has been diminished through the removal of the former railway sidings, although their line can still be traced in embankment to the north-east of the site.

Overall, the setting makes a considerable positive contribution to the heritage significance of the building.

### ***Impact of this application on the setting and nature of impact***

The office building is the asset which would be subject to the greatest change to its setting from the application. The historic relationship between the office building and original loom works buildings will be removed as a result of the demolition and potential construction of the school, resulting in a change to the setting of the listed office building.

Although not part of this application (instead being part of Application C), the replacement school buildings will be visible in views towards the office building from the west, which is the key view towards the site. However, the new school buildings will not result in a significant alteration to the appreciation of the architectural interest of the office building and the understanding of it as a former main entrance to the site. The office building and clock tower will remain as landmark features and the school building has been designed so that it does not rise higher than its roof line or rise above the clock tower of the office building.

The proposed materials for the school building have avoided extensive use of bright and primary colours which would compete with the stone. Instead, they have focussed on beige, greens and greys.

The sports hall and sports pitches will be seen to the right of the office building when viewed from the west. The development will alter the rural aspect such that, although the sports pitches will remain as largely as a green space, the area will be engineered and raised in part and include additional structures associated with the sports uses, such as fencing, lighting, columns and goal posts.

The rising moorland to the rear of the building will remain unaffected.

The lighting associated with one of the sports pitches, school buildings and car parking in evenings will also result in additional impacts through introducing new lighting which could compete with the illuminated clock face, although these impacts will be seasonal and of short duration.

Although not part of the school or this application, but instead part of Application D, the removal of the stone walls and replacement by a post and rail timber fence along the access road and a close boarded timber fence along Huddersfield Road will affect the historic character of the surroundings which make a positive contribution to the setting.

Overall, the impact of the scheme on the setting of the office is substantial negative.

### ***Magnitude of impact on the significance of the asset***

The office building will have its significance compromised as a result of changes to its immediate setting through the removal of the key relationship with the existing factory buildings.



However, the building's wider setting will be retained, as will the ability to appreciate the office building from the west as a prominent / higher status structure than the factory behind it.

Overall, its impact is moderate negative.

### ***Significance of the effect***

Intermediate adverse.

## **2. *Huddersfield Narrow Canal***

### ***Heritage Significance***

Non-designated Heritage Asset.

### ***Setting and contribution of setting to heritage significance***

The current factory buildings are in a poor state of repair and the temporary heras fencing along the canal side detracts from the contribution they make to the setting of the canal. The vegetation along the canal and the open aspect of the land to the south of the existing loom works buildings make a positive contribution to the canal.

The heritage significance of the canal is primarily in its engineering and technological interest. The setting makes an overall partial positive contribution to the heritage significance.

### ***Impact of this application on the setting and nature of impact***

The relationship of the canal to its associated listed assets and its engineering and technological interest will not be affected by the proposed development and will continue to be understood and appreciable.

The removal of the loom works buildings will affect the historic association of the canal as a transport route serving the mill, although the office building will be retained. Other mill buildings in the wider area continue to be present along the canal edge which continues the relationship between the industrial buildings and canal.

In relation to Application C, the fields proposed for sports pitches are visible from along the canal as part of the rural context. The development will alter the rural aspect such that, although the sports pitches will remain as largely green space, the area will appear more engineered and include additional structures associated with the sports uses, such as fencing, lighting columns and goal posts.



Overall, the impact on the setting of the canal is moderate negative within the immediate context and slight negative when considered within the context of the asset overall.

***Magnitude of impact on the significance of the asset***

The heritage significance of the canal is only subject to localised impacts when considered to its overall length and associations.

***Significance of the effect***

Minor adverse.

**3. *Hollin Greave Farmhouse***

***Heritage Significance***

High - Grade II listed building located in a Conservation Area.

***Setting and contribution of setting to heritage significance***

This farmhouse is located in an upland location with wide ranging views across the valley. The primary setting of the farmhouse is the land which it historically farmed and the group value with the remainder of the Holly Grove hamlet. The wider landscape views make a positive contribution to the setting of the house, particularly the open views to the moors on the opposite side of the valley and the ribbon of development along the valley floor.

The setting makes an overall considerable positive contribution to the heritage significance.

***Impact of the application on the setting and nature of impact***

Although the architectural form of the school buildings will be noticeably different to the loom works buildings, this will only partially affect the setting of the farmhouse. The industrial nature of the former works buildings from this location will change and the listed office building, although retained, will be less visible behind the new school building. The setting of the wider moorland landscape with development along the valley floor will be retained.

Although the area of the sports pitches will remain largely green space, the area will appear engineered and include additional structures and paraphernalia associated with the sports uses, such as fencing, lighting columns and goal posts. The lighting associated with one of the sports pitches, school buildings and car parking in winter evenings will be visible and result in additional impacts through introducing new lighting in the existing dark rural area, in front of the current clear demarcation of

street lighting along Huddersfield Road boundary. However, these impacts will be seasonal and of short duration.

The applications impact on the setting of the farmhouse is considered to be slight negative.

***Magnitude of impact on the significance of the asset***

The farmhouse will have its significance diminished as a result of changes to the setting but it will not be compromised as key relationships to the remainder of Holly Grove will remain intact and unaffected.

Overall, the impact of the farmhouse is slight negative.

***Significance of the effect***

Intermediate – minor adverse.

**4. *Holly Grove Cottages***

***Heritage Significance***

High - Grade II listed building

***Setting and contribution of setting to heritage significance***

The cottages are located in an upland location with wide ranging views across the valley.

The primary setting of the cottages is the land which it historically farmed. The wider landscape views contribute to the setting of the cottages, particularly the open views to the moors on the opposite side of the valley and the ribbon of development along the valley floor.

The setting makes an overall considerable positive contribution to the heritage significance.

***Impact of the application on the setting and nature of impact***

The architectural form of the school building will be noticeably different to the loom works buildings and this will partially affect the setting of the cottages. The industrial nature of the former mill buildings from this location will change and the listed office building, although retained, will be less visible behind the new school building.

The setting of the wider moorland landscape with development along the valley floor will be retained.

Although part of Application C, the area of the sports pitches will remain largely green space. However, the area will appear more engineered and include additional structures associated with the sports uses, such as fencing, lighting columns and goal posts.

The lighting associated with one of the sports pitches, school buildings and car parking in winter will be visible and result in additional impacts through introducing new lighting in the existing dark rural area, in front of the current clear demarcation of street lighting along Huddersfield Road boundary. These impacts will be seasonal and of short duration.

Overall, the impact on the setting of the cottage is considered to be slight negative.

***Magnitude of impact on the significance of the asset***

The cottage will have its significance diminished as a result of changes to the setting, but not compromised. The impact of the development on the significance of this asset is therefore intermediate slight negative.

***Significance of the effect***

Intermediate – minor adverse.

**5. Holly Grove Farm Cottage**

***Heritage Significance***

High – Grade II listed building.

***Setting and contribution of setting to heritage significance***

The cottage is located in an upland location with wide ranging views across the valley. The primary setting of the cottage is the land which it historically farmed. The wider landscape views are anticipated to contribute to the setting of the farmhouse, particularly the open views to the moors on the opposite side of the valley and the ribbon of development along the valley floor.

Overall, the setting makes a partial positive contribution to the heritage significance.

***Impact of the application on the setting and nature of impact***

Although the architectural form of the school building will be noticeably different to the loom works buildings, this is not considered to affect the cottages setting or heritage significance unduly. The setting of the wider moorland landscape with development along the valley floor will be retained.

The lighting associated with one of the sports pitches, school buildings and car parking in winter evenings may also be visible and result in additional impacts through introducing new lighting in the existing dark rural area, in front of the current clear demarcation of street lighting along the Huddersfield Road boundary. However, these impacts will be seasonal and of short duration.

Overall, the impact on the setting of the cottage is considered to be slight negative.

### ***Magnitude of impact on the significance of the asset***

The cottage will have its significance diminished as a result of changes to the setting but not compromised. The impact on the significance of the asset is therefore slight negative

### ***Significance of the effect***

Intermediate – minor adverse.

## **6. 45, 47 and 49 Huddersfield Road**

### ***Heritage Significance***

High - Grade II listed buildings.

### ***Setting and contribution of setting to heritage significance***

The houses are located on a busy road which detracts from their setting. The setting of the houses is primarily their relationship to the surrounding buildings which are of a similar aesthetic.

The wider landscape makes a limited contribution to setting as there are long distance views across the valley to the opposite hillside with the former mill providing a focal point to development of the valley floor. The office building and clock tower act as a local landmark in this view, particularly at night when the clock face is lit.

Overall, the setting makes a positive, but minimal contribution to the heritage significance of these buildings.

### ***Impact of this application on the setting and nature of impact***

Although the removal of the loom works buildings and replacement with the school building will be visible, it will not result in a significant alteration to the buildings setting. The office building and clock tower will remain as landmark features and the school building has been designed so that it does not overtop the roof line or clock tower of the office building.

In relation to Application C, the fields proposed for sports pitches are located immediately in front of these buildings. The application will therefore alter the rural aspect such that, although the sports pitches will remain as largely green space, the area will be engineered and include additional structures associated with the sports uses, such as fencing, lighting columns and goal posts.

The lighting associated with one of the sports pitches and school buildings in winter evenings will also result in additional impacts through introducing new lighting beyond the existing Huddersfield Road boundary. These impacts will be seasonal and of short duration.

Overall, the impact on the setting of the houses of this application is moderate negative.

***Magnitude of impact on the significance of the asset***

The heritage significance of the assets is diminished through changes to the setting, although not compromised as the key heritage significance is architectural which will remain unaffected.

***Significance of the effect***

Intermediate – minor adverse.

**7. *Huddersfield Canal Milestone and no.69 Bridge***

***Heritage Significance***

High – Grade II listed building.

***Setting and contribution of setting to heritage significance***

The setting of the milestone and the bridge is primarily the relationship between these features and the canal, both in the immediate area where there is a visible relationship and in relation to the whole canal as a heritage asset. The wider landscape of the area makes a partial contribution to the setting of the assets as there is an overarching experience of a largely rural context, punctuated by industrial mills that would once use the canal for transportation.

The setting makes an overall considerable positive contribution to the heritage significance.

***Impact of the application on the setting and nature of impact***

The relationship of the assets to the canal will not be affected by the application and this critical relationship will continue to be understood and appreciable.

The removal of the loom works buildings will affect the historic association of the canal as a transport route serving the mill, although the office building will be retained. Other mill buildings in the wider area continue to be present along the canal edge which continues the relationship between the industrial buildings and canal.

In relation to Application C, the fields proposed for sports pitches are visible from along the canal as part of the rural context. The development will alter the rural aspect such that, although the sports pitches will remain as largely green space, the area will appear engineered and include additional structures associated with the sports uses, such as fencing, lighting columns and goal posts.

Overall, the impact on the setting of the assets is moderate negative.

### ***Magnitude of impact on the significance of the asset***

The heritage significance of the assets are diminished through changes to the setting, but not compromised as the key relationships will remain unchanged. As such, the magnitude of the impact on the significance of the assets is slight negative.

### ***Significance of the effect***

Intermediate – minor adverse.

10.102 Officers have also considered the following heritage assets:

- Holly Grove Conservation Area
- Wool Wall;
- Butterhouse, Lindum Cottage;
- Fairbanks Farm;
- Lee Cross House;
- Holy Grove House;
- Huddersfield Canal Bridge (66) and lock;
- Huddersfield Narrow Canal subway under canal;
- 23 (Holdern Smithy), 25 and 27 Spurn Lane and,
- Ambrose Cottage and adjoin Barn;

However, we considered the significance of effect of this application on them to be neutral for the following reasons:

#### **Holly Grove Conservation Area**

There are no views towards the site when standing in the middle of the listed building group on Butterhouse Lane as views are screened by Hollin Greave Farmhouse and vegetation. Where occasional views of the site are visible from the northeast of the Conservation Area, this is not considered to adversely affect the

understanding or appreciation of the heritage significance of the Conservation Area or Listed Buildings or their settings.

#### Wool Wall

The longer distance views and wider landscape do not contribute to the setting of the wool wall. The development in the valley floor is therefore not considered to affect the setting of the wool wall.

#### Butterhouse, Lindum Cottage

Although the architectural form of the school building will be different to the loom works buildings, this is not considered to affect the setting of the buildings as the buildings are sufficiently distant that their form is not a key factor in the setting. The setting of the wider moorland landscape with development along the valley floor will be retained.

#### Fairbanks Farm

The site is located at some distance from the farmhouse on the valley floor and is largely screened by other buildings and tree line. The replacement of the loom works buildings with a school will not make an appreciable change to the existing position as the setting of the wider moorland landscape with development along the valley floor will be retained. The clock tower on the office building will remain visible as a landmark from the farm. The heritage significance of the listed buildings and the understanding and appreciation of their settings will not be adversely affected by the development.

#### Lee Cross House

The site is unlikely to be visible from this asset and therefore change as a result of development will not affect the views from this asset or its heritage significance. If visible, the clock tower would remain the tallest element on the site and would still be visible in winter views.

#### Holy Grove House

The functional relationship between this heritage asset and Wrigley Mill has already been removed as a result of the demolition of the mill. The majority of the site is not visible from here and therefore change as a result of development will not affect the views from this asset or its heritage significance. The clock tower will remain the tallest element on the site and would still be visible in winter views.

#### Huddersfield Canal Bridge (66) and lock

The Site is screened from the bridge and lock by mature vegetation around the site boundary which will be largely retained and therefore change as a result of

development will not affect the views from this asset or appreciation of its heritage significance and relationship to the canal.

#### Huddersfield Narrow Canal subway under canal

The setting of the subway does not extend to the wider landscape or site. Changes to the nature of development within the site are therefore not considered to affect the heritage significance or setting of the subway.

#### 23 (Holdern Smithy), 25 and 27 Spurn Lane

The site is located on the valley floor and the replacement of the loom works buildings with a school will not make an appreciable change to the existing conditions as the setting of the wider moorland landscape with development along the valley floor will be retained within any winter views.

#### Ambrose Cottage and adjoin Barn

The site is located on the valley floor and the replacement of the loom works buildings with a school will not make an appreciable change to the existing baseline conditions as the overriding setting of the wider moorland landscape with development along the valley floor will be retained. The clock tower on the office building will remain visible as a landmark from the farm. The heritage significance of the Listed Buildings and the understanding and appreciation of the setting will not be adversely affected by the development.

- 10.103 The significance of 25 Huddersfield Road is only affected by the Highways Proposal (Application D) and not by this one or the school application.

### **Extent of Harm**

- 10.104 Having identified the significance of the various assets and defined their setting, the summary of the extent of harm created by the proposal is set out below. Only those effects of greater than neutral are discussed since only these impact on the various designated and non-designated heritage assets significantly.

#### ***The Factory Buildings***

- 10.105 The factory buildings located within the site are considered to contribute to the setting and context of the listed office building and have a medium group value from forming part of the same industrial complex. The creation of a comprehensive permanent survey record has reduced the magnitude of impact to moderate



negative. This will result in a residual intermediate minor significance of effect in heritage asset terms.

### ***The Huddersfield Narrow Canal***

- 10.106 Relatively limited works affecting the Huddersfield Narrow Canal are required to rebuild the washwall following removal of extraction equipment and to potentially repair and refurbish the retaining wall of the canal which will be exposed. The specifications for these works are designed to be sympathetic to the historic fabric of the canal and will result in the magnitude of impact being reduced to negligible negative. The residual significance of effect will be minor adverse-neutral. This is not considered to be a significant effect in heritage asset terms.
- 10.107 The residual magnitude of impact on the setting of the medium value Huddersfield Narrow Canal would remain slight negative, leading to a residual significance of effect of minor adverse. This is not considered a significant effect in heritage asset terms.

### ***Wrigley's Mill***

- 10.108 The former Wrigley's Mill has been identified from historic mapping in the north of the site. The completion of the programme of archaeological investigation will reduce the magnitude of impact on Wrigley's Mill to slight negative. This will result in a residual minor adverse or minor adverse-neutral significance of effect for remains of medium and low value respectively. This is not considered a significant effect in heritage asset terms.

### ***Archaeology***

- 10.109 The potential for buried remains associated with the Dobcross Loom Works have been identified from historic mapping in the central part of the site. The implementation of the programme of archaeological investigation, as proposed by the applicant, will reduce the magnitude of impact on these buried remains to slight negative. This will result in a residual minor adverse or minor adverse-neutral significance of effect for remains of medium and low value respectively. This is not considered a significant effect in heritage asset terms.

### ***Designated Heritage Assets***

- 10.110 The effects of the application on the settings of designated heritage assets in the wider area have also been considered. The mitigation measures proposed by the applicant in relation to materials, lighting and landscaping for the proposed new school will serve to partially mitigate effects from these assets but would also not result in a reduction in the magnitude or types of identified impacts and effects.
- 10.111 The residual magnitude of impact on the high value listed Dobcross Loom Works office building would remain moderate negative and, therefore, a residual significance effect of intermediate adverse. This is considered a significant effect in heritage asset terms.
- 10.112 The residual magnitude of impact on the settings of five Grade II listed buildings: 45-49 Huddersfield Road, the canal footbridge, Hollin Grove, Holly Grove Cottages and Holly Grove Farm Cottage, would remain slight negative, leading to a residual significance of effect of intermediate-minor adverse. This is not considered a significant effect in heritage asset terms.
- 10.113 The residual magnitude of impact on other assessed listed buildings and Conservation Area would be negligible negative and hence a neutral significance of effect.

### **The Balancing Exercise**

- 10.114 The above shows that the demolition of the factory buildings causes substantial harm to a designated heritage asset's setting (the factory office). In these circumstances, paragraph 195 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.
- 10.115 Furthermore, as outlined in the case law section above, 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.

- 10.116 This position is further reinforced in the 2018 NPPF which states, at paragraph 193, that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 10.117 Moreover, the Development Plan clearly states that when determining applications, the Council will seek to protect, conserve and enhance the settings and significance of the borough's heritage assets where possible adding that development within the curtilage or vicinity of a listed building should preserve or enhance its special interest and its setting [Policy 24].
- 10.118 The proposal does not protect or conserve the setting of the listed factory building. As such, Members need to take into account and give considerable importance and weight to the strong presumption against the demolition of the non-designated heritage assets (factory buildings).
- 10.119 However, Officers also recognise that Policy 24 of the Development Plan sets out that the Council will support heritage-led regeneration, including the reuse of historic buildings, to achieve objectives including economic, community and regeneration ones, where appropriate.
- 10.120 Furthermore, Members will have regard to Policy 1 of the Development Plan - Climate Change and Sustainable Development - which requires the effective and efficient use of sites by promoting the reuse and conversion of existing buildings (including Oldham's industrial mills) and development on previously developed land including recycling derelict, vacant and underused land.
- 10.121 Consequently, Members will note that the Development Plan has policies both supporting and contrary to the proposal and therefore the weight given to the specific policy becomes important in their assessment of the proposal.
- 10.122 Moreover, the NPPF is clear that:

*“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions”*

[Paragraph 117]

and that:

*“Planning policies and decisions should ....:*

- c) *give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;*
- d) *promote and support the development of under-utilised land and buildings ....*

[Paragraph 118]

10.123 Additionally the 2018 NPPF states at Paragraph 120 that, where a local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan :

*“... applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area”.*

10.124 It continues in the same vein at Paragraph 121 that:

*“Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to.....:*

***b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.***

10.125 Stress in ensuring that there is a sufficient choice of school places available to meet the needs of existing and new communities is made in Paragraph 94 of the 2018 NPPF. It states that local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They consider that decision makers should:

*“give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications”.*

10.126 Members will also have some regard to the joint policy statement ‘Planning for School’s Development’ which 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.

- 10.127 It also has to be recognised that the proposal results in less than substantial harm to other designated heritage assets nearby as noted above. As a consequence, paragraph 196 of the NPPF applies and requires the Council to weigh harm against the public benefits of the proposal, including securing its optimum viable use.
- 10.128 In weighing the balance of these policies, Officers have had regard to the applicant's justification for demolition. This includes:
- evidence of marketing the site which has been shown the building is unlikely to be let successfully and therefore that there is no reasonable prospect of the site being used for employment purposes;
  - removing a derelict site which is subject to anti-social and criminal behaviour;
  - clearing the site for potential development which will not happen if this is not done;
  - regeneration and reuse of the factory building site whose condition detracts from the character of the area and will continue to do so if it remains;
  - increasing the chances of finding a use for the listed building, by clearing poor quality vacant properties around it; and,
  - providing an opportunity to deal with site contamination and invasive plant species.
- 10.129 Whilst objectors to the scheme do not consider these to be valid reasons, Officers have no evidence before them that the buildings in question are likely to be gainfully used again for employment purposes in the short, medium or long term in their current state. Indeed, there are several examples in Oldham where listed buildings used for employment purposes have remained vacant for many years because of a combination of their poor condition, unsuitability for modern employment / manufacturing use and listed status (e.g. Hartford Mill and Bailey Mill) – qualities this site shares.
- 10.130 Furthermore, it is also Officers view that the site has and will continue to fall into disrepair and sustain damage through vandalism if left as it is currently. Indeed, there is evidence of this occurring currently.
- 10.131 In Officers view, the clearing of the site is more likely to result in a positive reuse of the site and office building, even if the accompanying school application is not approved and delivered. This is because the office building will then be set in an environment where it is not surrounded by increasingly dilapidated factory buildings, but instead by modern functional and attractive buildings or a cleared site, both of which would create a better working environment for any potential user of the office building. Moreover, the application has to be considered in regards to this site being the most suitable site available to build a new school on, following the investigation and assessment of several sites in the locality since it results in less environmental

issues, the highest quality new school being able to be built and is available for redevelopment. The application therefore should be seen in this context.

- 10.132 The determining factor for Officers in putting forward its recommendation was the answer to the question ‘what would be the likely outcome of any decision to refuse the scheme’?
- 10.133 As stated earlier, none of the non-designated heritage asset factory buildings by themselves are architecturally special. Therefore, by themselves, there would not be a strong justification for their retention. However, from a heritage perspective, the demolition of the factory buildings would clearly adversely affect the setting and historic context of the Grade II listed office building. There is therefore a strong presumption against their demolition as the Development Plan, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and 2018 NPPF illustrate that decision makers must give considerable importance and weight to harm to the setting of the listed building.
- 10.134 However, Officers consider that refusing the demolition of these buildings would lead to an unfortunate outcome and the effective ‘sterilisation’ of the site since the buildings are unlikely to be used for employment purposes because of their:
- Quality and condition: Many of the buildings are in poor condition, some are unsafe and some lack basic amenities. They do not suit modern manufacturing or modern users requirements;
  - Layout: The layout and space available of many of the buildings do not suit modern manufacturing. The fact that the buildings have very large floorplates means they cannot be partitioned to suit smaller users;
  - Location: The site is not close to markets or transport hubs and not suitable to access with larger vehicles needed for many employment uses because of the narrow access to the site; and,
  - Attractiveness: The fact that the site has been underused or vacant for some time indicates the unappealing nature of the current factory buildings.

Moreover, whilst Officers accept that a significant part of the value of the factory buildings lies in providing the context and setting for the Grade II listed office building in particular, it has to be recognised that this quality is and will deteriorate if the building remains vacant and its current condition worsens - as seems likely if the site is kept as is. This is sadly not an uncommon problem in Oldham.

- 10.135 The NPPF and Development Plan are clear in encouraging:
- Economic growth and making economic, environmental and social progress for this and future generations;

- The reuse and conversion of historic buildings and land to achieve economic, community and regeneration objectives where appropriate; and,
- Applications for alternative uses of employment land or buildings having regard to the relative need for different land uses to support sustainable local communities.

10.136 Whilst noting the strong presumption against allowing the demolition of the five factory buildings, a refusal on these grounds would be unlikely to encourage any of the above. Instead, it would be likely to blight the site in question and result in a poor quality use and potentially a worse new school development than what could be delivered using this site.

10.137 Officers consider a refusal of the scheme 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.

10.138 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 195 and 196 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 out in the Development Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 has also been given considerable importance and weight.

10.139 However,

- 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 increasing 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 harm to the designated heritage assets themselves,

ultimately 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. On balance, having weighed the proposal against the relevant Development Plan



policies [policies 1,6 and 24], legislation and the NPPF paragraphs 195 and 196, 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 new school) outweigh the strong legislative presumption against the demolition of the factory buildings and subsequent harm to the setting and context of the Grade II listed office building.

## **b) Concerns raised by Objectors**

### **Use of the Listed Office Building**

- 10.140 Officers and objectors have raised concerns that demolition of the existing buildings could lead the listed building being isolated, meaning its future use could be an issue.
- 10.141 Saddleworth School have confirmed that should the planning application be approved, the school's move to Diggle would serve as a catalyst to bring the Grade II listed building back into use.
- 10.142 Representatives of the Council, School and School's Technical Group have been discussing the listed building for some time and it is envisaged that, upon moving, the school would assume control of it and look to utilise the building for educational purposes. They have been discussing the property with funders including Historic England, LEP's, charities and potential sponsors all with the aim to have the building operational and available to use to coincide with completion of the new school buildings.
- 10.143 They also note that the listed building's condition is deteriorating, not helped by planning delays and the dereliction of the adjoining site. Sustained vandalism is also occurring including to the clock itself.
- 10.144 The Council's Regeneration Team note that the listed building in the ownership of the School would be a significant advantage when considering the future for the building as this will ensure it will not be left to deteriorate for pupil safety reasons, as could be the case otherwise.
- 10.145 Officers note that the listed building is not included in any of the applications being considered concerning the new school. Therefore, the applicants influence in relation to the listed buildings future use is limited as they are not responsible for it. In these circumstances, Officers feel that the benefit of the doubt has to be given to the applicant and School in this instance, although Officers still have some concerns about the usability of listed building if the factory buildings are demolished and / or the new school use is allowed.



## Importance of the industrial complex

- 10.146 Objectors have argued that the demolition of the existing industrial buildings on the site would remove most of the surviving elements of the Dobcross Loom Works. Because the Dobcross Loom Works was a world leader in the manufacture of textile machinery, they consider it played a nationally and internationally significant role in Britain's industrial past. They continue that the site is the only surviving large-scale industrial complex associated with manufacture of machinery for the woollen textile industry in the district and that the buildings which currently survive provide the means to understand the evolution of the Loom Works site and the different industrial processes which were undertaken on it. As such, they have historical significance and importance as part of the industrial heritage of Saddleworth. Consequently, their demolition would mean that a unique and vitally important element of Nineteenth-century textile industry in Saddleworth would be lost.
- 10.147 The applicant considers that the existing buildings are not notable and the remaining buildings do not reflect the time that the Dobcross Loom Works played a role in Britain's industrial past. They argue that most of the original buildings were demolished from 1912 onwards, with only occasional elements still remaining from the original works (due to losses suffered in a large fire circa 1925). The remaining buildings are not specific to loom making but rather general industrial works. Moreover, they consider that the buildings that survive do not provide an understanding of the different industrial processes. The main foundry that was the basis of the works was demolished circa 1970. Of the other remaining buildings, they argue it is not clear as to what use in the process of the manufacture and assembly they made with the exception of the 1912 building which was used for assembly (as photographs exist of the internal spaces in use). There is no reference or architectural detail within any of the surviving buildings that depicts any unique use.
- 10.148 As stated earlier, Officers consider that the factory buildings as a group provide a historic context of the site's historic development. However, individually no building has architectural or historic interest. Moreover, no building itself is unique / specific to loom making, but rather they reflect general industrial use. Furthermore, the significance of the factory buildings and their history are not of such importance that they warrant preservation at the cost of any ability to redevelop the site for a future, viable use.

## Architectural Interest

- 10.149 Objectors have argued that some buildings on the site date from the foundation of the Loom Works, others reflect the evolution of the site and the various industrial processes undertaken there. Modifications to some buildings have occurred but, in their opinion, these far from detracting from the architectural interest of the site, testify to the organic process of evolution of the factory.
- 10.150 Objectors continue that the surviving historic buildings have an intrinsic relationship to the Grade II listed clock tower and office block, which was the managerial hub of the manufacturing processes undertaken in the buildings around it. The prominence and grandeur of the offices and clock tower are reinforced by the efforts to sustain, in more modest form, a more than functional architectural style in industrial buildings constructed at a similar period to the offices and clock tower
- 10.151 The applicant argues there is very little left of the original Loom Works. The exposed southern wall and the area around the boiler house are the only remnants of the original works. The remainder of the buildings are not that old - dating from the 1890's to the 1930's - with the majority of the 1890 building (Block A) being rebuilt after the fire in 1925. Furthermore, they consider it is incorrect as the office block was constructed c1897. They add:
- The original Loom Works was started in the 1860's.
  - A number of the original buildings burned down in 1875, then a larger works building was erected on the same site.
  - Extension took place in the 1890's and the office block was constructed.
  - Further extensions were added in 1912 and the 1920's.
  - A fire in 1925 destroyed a large section of the middle of the site. This was rebuilt and the water tower was added.
- 10.152 Overall, they feel the majority of the remaining industrial buildings were not built at a similar period to the office and clock tower.
- 10.153 Officers consider that the factory buildings, as a group, have a positive contribution in explaining the historic context of the site's development. However, individually no building has much aesthetic, architectural or historic interest. Moreover, no building itself is unique / specific to loom making, but rather they reflect general industrial use. Furthermore, the significance of the factory buildings and their history are not of such importance that they warrant preservation at the cost of any ability to redevelop the site for a future, viable use.

## **Loss of Context**

- 10.154 Objectors consider that the demolition of these buildings would remove both the historical and architectural context to which the listed building relates and therefore destroy the means of understanding its significance.
- 10.155 The applicants view is the historic context of the buildings has been recorded in extensive surveys, reports and photographic records that have been approved by Greater Manchester Archaeological Advisory Service (GMAAS). It should be remembered that the buildings are not listed, but are being assessed as a non-listed heritage asset. Moreover, they argue that the NPPF states the recording should be commensurate with the importance of the asset. They consider the survey work produced is commensurate to surveys carried out for Grade II listed buildings. As such, the means to understand the significance has not been lost since the recorded data is accessible to the public and at a level of detail beyond that required of a non-designated heritage asset.
- 10.156 Officers concur that the historic context of the factory has been recorded, as stated by the applicant. However, the loss of the factory buildings would mean that the setting of the listed building is lost and therefore this must be a negative that weighs significantly against the proposal.

## **Curtilage Listing**

- 10.157 Objectors state that the buildings on the site date from prior to 1948 are curtilage listed and should therefore enjoy the same protection as the clock tower and offices. As such, they question why no listed building consent has been sought for their demolition.
- 10.158 The applicant considers the curtilage has been decided by the Council after consultation. The buildings requiring demolition under this application are classified as non-designated heritage assets.
- 10.159 Officers can confirm that the Council has taken legal advice on this point on two occasions and has determined that the factory buildings are not listed, but are non-designated heritage assets. Furthermore, Officers have written to Historic England stating this. They replied recommending careful consideration of the case law on this point, but not with an opinion opposing the Council's view.

## Demolition Contrary to Act

- 10.160 Objectors consider that demolition “*would be contrary Sections 16 and 66 of The Town and Country Planning Act 1990*”.
- 10.161 In response to this, the applicant simply states that the application is for the demolition of the unlisted industrial buildings, classified by the Council as non-designated heritage assets. They are not contained on any list of non-designated heritage assets produced by the Local Authority, nor are they mentioned in any national heritage list.
- 10.162 In considering this application, Officers have taken due regard to the relevant statutory and planning policy guidance as outlined in earlier sections and have reached their decision having given them due consideration.

## Impact on the Huddersfield Narrow Canal

- 10.163 Objectors contend that the demolition would remove the current relationship between the canal and Loom Works and significantly reduce the historical value and integrity of the valley floor landscape. The demolition proposals have a detrimental impact on the character & history of the canal setting and consequently cannot be justified. Furthermore, visually, the older buildings on the site which are traditionally constructed in local stone, sit harmoniously alongside the canal. The new school buildings would be visually intrusive and incongruous and would relate poorly to it.
- 10.164 The applicant considers the canal was constructed in 1811. However, the first Loom Works buildings were constructed in the 1860's, 50 years after the construction of the canal. The canal was purchased by the Railway Company in 1845. The canal was used for some transport for the works initially, but the main transport was by rail from Diggle Station and later (prior to 1890) the rail track was brought into the site via a bridge. The canal had very little traffic at the time of construction of the Loom Works and was declining in use both locally and nationally.
- 10.165 The applicant adds that, at the time of the Loom Works construction, the canal was separated from the site by several railway lines, unloading docks with canopy roofs and a railway bridge over the canal. These existed up to around 1960-1970, when they were likely removed as part of the larger clearance works around the site.
- 10.166 As a consequence of the above, the applicant argues that what exists now is at odds with, and depicts nothing of the way in which the original Loom Works functioned, with none of the original canal servicing elements remaining. They feel

that to suggest retaining the currently existing arrangement adjacent the canal will allow locals and visitors to understand how the site originally worked is disingenuous. Moreover, the remaining buildings are in various degrees of repair and arguably provide a poor relationship with the canal and the relatively recently introduced canal footpath. Furthermore, demolition would remove unused and dilapidated buildings that are subject to theft & vandalism next to a public footpath. This would allow the site to be brought back into use to achieve public benefit and possibly increase traffic along, and awareness of, the canal itself.

- 10.167 Officers concur with the applicants view about the ever changing relationship of the canal and the loom works site over the years and its relationship is therefore more functional than historic. Additionally, we consider that the relationship of the canal to its associated heritage assets and its engineering and technological interest will not be affected by the proposal and will continue to be able to be understood and appreciated.
- 10.168 Nevertheless, the removal of the loom works buildings will affect the historic association of the canal as a transport route serving the mill, although the office building will be retained. Other mill buildings in the wider area continue to be present along the canal edge which continues the relationship between the industrial buildings and canal. Taken as a whole, the impact on the setting of the canal is moderate negative within the immediate context and slight negative when considered within the context of the asset overall. The heritage significance of the canal is only subject to localised impacts when considered to its overall length and associations and the significance of effect is minor adverse overall. As such, this weighs against the proposal as explained earlier.

### **Demolition impacts on the canal retaining wall**

- 10.169 Whilst objectors have argued that demolition works will affect the canal retaining walls, no works are proposed to these. Furthermore, meetings with the Canal & Rivers Trust have been held on site and they have raised no concerns with the demolition proposals. As such, Officers consider no issues are raised here that would sustain a reason for refusal.

### **Lack of Survey Work**

- 10.170 Whilst objectors consider proper site investigation has not taken place, a level 1 site investigation accompanies the application. Further ground investigation is not possible whilst buildings are present on the site. Site wide ecology and flood risk assessments are covered in the overarching ES which accompanies the four linked

applications. In these circumstances, Officers consider the survey work to be acceptable.

## **Flooding**

- 10.171 Despite views to the contrary, the demolition would be unlikely to increase flood risk elsewhere since the level of impermeable surfaces on the site will not change through the demolition and since planning conditions and other controls seek to prevent uncontrolled run off from the site.

## **Adverse Impact on Possible Archaeological Remains**

- 10.172 Objectors argue the proposed demolition would be likely to cause disturbance and damage to the archaeologically significant remains of Wrigley Mill, parts of which are located beneath buildings which form part of the application for demolition. Proposals to mitigate the impact of the demolition on the archaeological remains, including the water wheel, are inadequate and it is likely that this fragile structure will be irrevocably damaged by the demolition process.
- 10.173 The applicant considers that the demolition statement and their discussions with GMAAS in relation to archaeology show that any works in relation to Wrigley Mill are to be overseen by an approved archaeologist. This process will be closely monitored so there will be no adverse impact. Moreover, without demolition, there is no possibility of discovering the possible archaeology underneath.
- 10.174 Officers consider, subject to conditions, the proposal will not affect archaeological remains unduly. Moreover, Officers would point out that GMAAS have agreed the applicants strip, map and sample approach as a proportionate response to the significance of the asset.

## **Visual Impact**

- 10.175 Objectors argue that the loss of the historical and architectural context of the Grade II Listed building will leave it as an isolated remnant without a meaningful context. Moreover, they feel that the proposed school buildings could also interrupt the visual connection between the listed structure and the canal and would have a significantly detrimental impact on the setting of the canal infrastructure, including the listed bridges, locks and underpass.
- 10.176 Additionally, objectors consider that, because the factory site uses predominantly traditional natural materials, the current buildings on the site stand harmoniously within the valley bottom in the context of the canal and the Diggle Brook, which flows through the site. The proposed school buildings will be in stark contrast to the

surrounding landscape. Not only will they be on a significantly larger scale than the existing structures, they will be flat-roofed, angular and dressed with render. The design therefore makes no reference to its location and will have a negative impact on the character of the landscape.

- 10.177 In contrast, the applicant argues that the Grade II listed building was listed due to the architectural merit of the building and this will remain as it is outside the boundary of the proposed applications and not proposed to be demolished. The applicant then argues it will be enhanced as a result of the removal of the adjacent industrial buildings.
- 10.178 Moreover, they consider that the mill was developed over various times. Some of the buildings include elements of vernacular buildings common to the Oldham area. This vernacular is an industrial one that came into the area from the 1870's onward and there are countless buildings of a similar vernacular in the area and in the valley bottom. Furthermore, the design of the school buildings (by others) is not a part of this demolition application.
- 10.179 Officers feel, as stated earlier, that the demolition will result in the loss of some historical context of the Grade II Listed building and its setting. However, we do not feel that the visual connection between the listed structure and the canal would be affected and the setting of the canal and adjacent bridges, locks and underpass would also not be unduly affected. Equally, it should also be recognised that the built footprint, floorspace, scale and mass will all reduce under the proposals compared to the existing site.
- 10.180 Additionally, for the reasons stated earlier, Officers do not consider the character of the landscape would be affected as the existing mill buildings would be replaced by a new school and this would not represent a significant change in the landscape character. Views of the listed building are currently mostly obscured from the towpath by the existing mill buildings and vegetation. This situation will therefore not significantly change with the school in situ. Views from the south from the public right of way will be improved as the proposed school is set further east than the existing buildings and the area immediately south of the listed building will be left open whereas a building currently occupies that area.

### **Poor Quality of Reports Submitted by the Applicant**

- 10.181 Objectors consider the Statement of Significance relating to buildings on the site provide an adequate architectural analysis of the structures concerned. However, the report is contradictory, the methodology for evaluating the architectural and historical significance of the buildings is not coherent or rigorous and the report reflects a lack of expertise in the interpretation of the relevant historical contexts of the site. They add that the report firstly fails to recognise the importance of the site



as the only significant site associated with the manufacture of machinery for the woollen industry in the district; secondly, in providing an architectural context for the Grade II Listed building and therefore enabling its interpretation; and thirdly in providing evidence, along with the remains of Wrigley Mill, for the development of industrial processes and buildings associated with the woollen industry in the Diggle valley and as elements of the industrial heritage of Saddleworth.

10.182 In contrast, the applicant feels the significance report is in accordance with the requirements of the planning policies. Furthermore the author, Mounteer Ltd, is experienced, professional, and importantly qualified in their ability to assess the heritage significance of the site and its remaining buildings.

10.183 Officers consider the significance report deals with the relevant issues and themes and is therefore of an acceptable quality.

### **Impacts of demolition not defined**

10.184 Objectors have argued that the impacts of demolition have not been defined.

10.185 Officers consider that all impacts from the demolition process (e.g. noise, dust, debris, pollution, lighting, traffic etc.) are discussed in the overarching ES. The planning statement specific to this application, the demolition method statement (D. Hughes Demolition, dated December 2015) and Chapter 9 of the ES (on hydrology and flood risk) deal with the potential receptors of Diggle Brook and Huddersfield Canal in relation to contamination.

10.186 More specifically, amongst other things:

- The canal specific demolition method statement outlines potential issues and mitigation.
- Section 3.07 of the demolition method statement outlines that COSHH substances will be identified and procedures arranged for dealing with them prior to any works taking place.
- Table 9.4 outlines impacts during demolition and construction, impact for surface water run-off, flood risk, reservoir failure, canal breach, water quality, flood risk to the site amongst other things.

10.187 It should also be recognised that measures are required through other legislation to ensure that pollution and particulate matter from demolition and construction processes does not enter the drainage system (such as through the use of bunds and particulate filters). Overall, the potential impacts will be minimal, subject to conditions.



## Marketing of the Site

- 10.188 Objectors note that the applicants claim that the only future for the site is development facilitated by demolition either of a school or some other unspecified project. Key to this argument is their claim that the site has been marketed for commercial / industrial purchase or rent from 2008 until 2013. They believe that the evidence supplied with the application indicates that, in fact, this was limited to advertisements in two local papers during the worst period of the financial crisis of 2008 and for a few months the following year. In the interim, the site was allowed to fall into a state of dilapidation and has recently been subjected to vandalism and an arson attack. They consider the owners have failed to make a concerted effort to seek a purchaser for the site and have failed to adequately protect the heritage assets they are custodians for. They also feel that the site could be restored and re-developed to provide both a heritage asset and employment opportunities in Diggle.
- 10.189 The applicant considers that the marketing exercise has been going on for a number of years and has been carried out in accordance with the requirements of Oldham's Economic Development Section. No potential tenants have been forthcoming. Moreover, the owners have no obligation to preserve non-listed buildings. The site owners continue to pay for maintenance and security for the site despite receiving no income.
- 10.190 Officers consider that the marketing exercise undertaken was fit for purpose and that there is no evidence to suggest that the site could be restored and redeveloped as a heritage asset or for employment purposes. To be clear, the marketing exercise was agreed with the Council in advance and included:
- boards being erected at the site,
  - a marketing brochure being produced which was uploaded to the Midas website which promotes inward investment in Manchester (and includes a property search feature); and,
  - a series of prominent adverts being placed in three separate papers during the marketing period.
- 10.191 Furthermore, the planning statement includes a list of enquiries regarding the site.
- 10.192 Notwithstanding this, Policy 14 of the Joint DPD only requires one criterion to be complied with. The criteria being:

- 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
- Through a viability exercise that the continued use / development of the site for the uses listed above is unviable; or
- 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.

10.193 However, in this case the proposals comply with at least two criteria, in which case the marketing exercise was not even technically necessary to justify the loss of employment land.

10.194 Overall, Officers feel the site would not appear to be attractive to modern employment uses. It has been allocated for such uses since at least 2006, in addition to the marketing that has taken place on the site. Industrial land take up rates are generally very low in Oldham and a significant over supply exists across the district. The loss of employment land across all the applications relates to just 2.5% of Oldham's allocated and committed employment land supply which is not significant in any event.

## **EIA Issues**

10.195 Objectors have claimed the demolition application has not been properly screened for EIA purposes.

10.196 Officers consider that the revised Environmental Statement (ES) was prepared to include all four applications regarding the site, including this demolition application. Moreover, the assertion that demolition impacts have been slotted in to the ES and not properly assessed is incorrect. In fact, the environmental impact assessment has been totally updated and amended as necessary to consider the impacts from the demolition as well as the other three applications. This was shown by the ES being produced in tracked change form for ease of reference. It was also reviewed by WYGs national Head of Environment and Officers who have significant experience of EIAs.

## c) Other Planning Considerations

### Landscape and Visual Impact

- 10.197 Policies 1 'Climate Change and Sustainable Development', 6 'Green Infrastructure' and 9 'Local Environment'<sup>4</sup> are particularly relevant to the assessment of the landscape and visual impact of the proposed demolition.
- 10.198 Landscape and visual impact have been assessed following guidelines set by the Landscape Institute. Baseline information was collected from a desk based study followed by a site visit.
- 10.199 From the information collected, landscape features of the site were identified, alongside information from landscape character studies and relevant landscape planning policies. Information on the visual aspects of the site were collected through visiting numbers of viewpoints within the study area to gain an understanding of the visual baseline of the site and study area.

### *Landscape and features of the site*

- 10.200 The site sits within the valley floor, adjacent to Diggle Brook, with hills rising to the west and east. The topography of the site itself ranges from approximately 179m AOD in the south to 190m AOD in the north and the land rises by approximately 5m from the west adjacent to Diggle Brook to the east to the Huddersfield Narrow Canal. It is typical of the landscape character and land use within the valley comprising a mixture of improved pasture and manufacturing units alongside historic mill buildings, typical of the area.
- 10.201 The landscape of the surrounding area includes the moorland hills of the Peak District National Park to the east and north, hills to the west and the valley floor stretching to the south. The topography within the area allows for panoramic views from a number of locations.
- 10.202 This factory site contains a mixture of buildings, both historic and more recent, with some relatively recent demolition towards the south. The structures include a listed building with a clock tower (lying just outside the site), brick chimney and brick tower, alongside more recent factory buildings. Within the area of recent demolition,

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<sup>4</sup> Policy 1: Climate Change and Sustainable Development states when considering applications the Council will ensure development respects Oldham's environment including landscapes and their settings;

• Policy 6: Green Infrastructure states when considering planning applications the council will consider relevant international, national and local guidance including the Peak District National Park Landscape Character Assessment and Oldham Landscape Character Assessment;

• Policy 9: Local Environment states when determining applications the Council will protect and improve local environmental quality and amenity;

vegetation has begun to grow and includes species such as birch, hawthorn and bramble.

- 10.203 A section of public right of way Saddleworth 77 [PRoW SADD 77] runs along the western side of the Huddersfield Narrow Canal. A water abstraction building is located adjacent to the PROW and canal, within the site.
- 10.204 Both the west and northern boundaries are defined by existing mature trees, with the trees along the western boundary running alongside Diggle Brook. Vegetation alongside the stream includes hawthorn and holly. The east boundary of the site is defined by a post and barbed wire fence with the Huddersfield Narrow Canal, PRoW SADD 77 (west of the canal) and towpath (east of the canal PRoW SADD 76) immediately beyond. To the east of the canal lies the Manchester to Huddersfield rail line. The south is currently fields.
- 10.205 A tree survey carried out by Tree Health Consulting Ltd (April 2015) identified the trees within and around the site as category B and C trees (moderate or low quality trees). There are only Category C trees within the site.

### ***Characteristics and aesthetics***

- 10.206 The site has a derelict historic mill characteristic, comprising the range of buildings that lay adjacent to the Huddersfield Canal. The buildings within the site are visible within the surrounding views, mainly due to the local topography in the surrounding area which allows panoramic views from a variety of locations. The existing clock tower attached to the listed office building is visually prominent to the west, due to the clear area of open grassland situated in its foreground (although it should be acknowledged that the fields in the foreground are allocated for development). The historic characteristics of the site have some ties to the adjacent land use of the canal and rail line. The site is seen as the southern extent of the built up area of Diggle.
- 10.207 The land to the east of the canal comprises of the man-made embankment of the Huddersfield / Manchester railway line rising to the hills running into the Peak District National Park. To the west, the valley floor is defined by Huddersfield Road, with the landform rising west up to Harrop Edge, and includes the majority of the built development of Diggle. The hills rising to the west and east of the site and long views down the valley result in a picturesque landscape surrounding the site.

### ***Landscape Effects***

- 10.208 The applicant's Landscape and Visual Impact Assessment identifies the existing mill buildings occupying the northern section of the site as a landscape feature of the area.
- 10.209 Having assessed landscape receptors<sup>5</sup>, the sensitivity of the receptor, magnitude of change, the effects of the proposal during demolition and construction and then during the potential use of the site as a school, the applicant concluded a variety of effects are anticipated on the landscape fabric and features, landscape character and landscape designations as a result of the development.
- 10.210 Specifically, major effects were identified on PRow SADD 106 (the public right of way running to the south of the factory buildings) during demolition. The route is to be maintained during demolition (and later construction) and the path is likely to pass through a construction site at some time during the works. This was considered a significant effect during demolition. However, once the site is in operation, the effects on PRow SADD 106 are reduced to moderate adverse, which the applicant considered was not significant in EIA terms.
- 10.211 Furthermore, major effects were also been identified on a section of PRow SADD 77 during demolition as the route runs adjacent to areas of demolition. This is considered to be a significant effect in during demolition. However, once in operation, the effects on the section of PRow SADD 77 within the site boundary are likely to improve, with the removal of the derelict factory site adjacent to the route being replaced with a tidier boundary treatment. This was anticipated by the applicant to be a moderate beneficial effect, which is not considered significant.
- 10.212 The effects on the site vegetation were assessed as being minor adverse due to the areas of vegetation to be removed being unlikely to be replaced within the design. These were not considered significant by the applicant.
- 10.213 Other effects were assessed throughout the construction and operation phases of the development. The effects assessed on the landscape character types and areas were assessed as being either minor adverse or negligible during operation of the school.

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<sup>5</sup> - The Landscape fabric and features considered were site vegetation, PRow through the site (PRow 106), PRow SADD 77 along the canal next to the site, agricultural land and dry stone wall.

- The Landscape character considered was NCA 36 (Southern Pennines national character area), Dark peak western fringe regional character area, Valley pasture with industry regional character type, Urban regional character type, Dark peak regional character type, Tame settled valley local character area, Type 4b urban settlement local character type and Type 4a rural valley sides.

- The Landscape designations considered were the Peak District National Park and Green Belt

- 10.214 A moderate adverse effect was assessed on the Urban Settlement Local Character Type due to the disruption anticipated during construction. However, this changes to minor adverse at the operation phase.
- 10.215 The effects on landscape designations were assessed as minor adverse and negligible during operation. These are not considered significant in EIA terms by the applicant.
- 10.216 Having carefully assessed these findings, Officers concurred with applicants views on the above points.

### ***Visual Effects Assessment***

- 10.217 Similar to the landscape effect consideration, the applicant in considering visual effect considered receptors and their sensitivity, different locations and the visual effect of the proposed works during construction and on completion of the works.
- 10.218 Major effects were identified by the applicant during construction, when the site is likely to be viewed as a construction site from viewpoints:
- 02 (PRoW SADD106);
  - 05 (Canal towpath / PRoW nr SADD 77); and,
  - 08 (Harrop Edge PRoW nrSADD 107).
- 10.219 Due to the visibility of the site from these locations, the applicant considered that the change and effect on the view is unavoidable as the viewpoints afford views of the proposed works. This was considered a significant effect during demolition and construction.
- 10.220 However, once in operation, these effects drop for viewpoints 05 and 08, which have been assessed as moderate adverse for these receptors. The effect remained at major adverse for viewpoint 02, with a significant visual effect occurring within the southern part of the site in particular (because this is where the school sports facilities would predominantly be delivered). However, its change to the view of the part of the site that is the subject of this application (the factory buildings) is less pronounced.
- 10.221 During operation, as the proposed school is replacing existing mill buildings, the applicant considers that the development is simply replacing existing structures already in the view. As such, the visual effect is more limited on the factory site.

10.222 Officers have considered the applicant's effects assessment carefully both on site visits as well as considering the evidence put forward in the applicant's submission. In conclusion, we concur with the above findings and therefore agree with the proposals impact during demolition and construction and during operation of the school.

### ***Cumulative Effects***

10.223 The applicant also considered any potential cumulative impact of permissions already granted on landscape and visual impact. They concluded that the sites they assessed<sup>6</sup> are likely to result in a small adverse effect in addition to this development on some landscape character types and viewpoints. However, this was only applicable if all the construction works in question were carried out at the same time, alongside the proposed road improvements that are the subject of Application D rather than this application. Once completed they did not consider the cumulative developments would result in any additional impacts above those created by this scheme.

10.224 Having considered this element of the scheme, Officers agree with the applicant's conclusion in this area.

### ***Conclusion***

10.225 Officers concur with the applicant's view that the landscape assessment shows some effects occur on PRoW SADD 106 during demolition and construction. The route is to be maintained during demolition and construction. Therefore the path is likely to pass through a construction site at times during the works. This is considered a significant effect. However, once in operation, the effects on PRoW SADD 106 are reduced to moderate adverse, which is not considered significant.

10.226 Major effects were also identified on a section of PRoW SADD 77 during demolition and construction as the route runs adjacent to areas where demolition and later construction will occur. This is considered a significant effect during demolition and construction.

10.227 However, once in operation, the effects on PRoW SADD 77 are likely to improve. The water abstraction building will be removed from adjacent to the PRoW SADD 77 and the boundary treatment alongside the school building will have been constructed. This consists of a 2.4m high weld mesh fence which fully encloses the northern section of the site. The boundary of the site adjacent to the PRoW currently comprises temporary heras fencing, and the overall nature of the weld

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<sup>6</sup> PA/335820/14, PA/334169/13, PA333480/13 and PA/334918/14.



mesh fencing will not be dissimilar to this. The water abstraction building does not add to the character of this path, and its removal is therefore seen as an improvement to the immediate area.

- 10.228 Furthermore, the demolition of the mill buildings and construction of the school building is anticipated to be an improvement on the setting of this short section of the path, which currently lies adjacent to derelict buildings and fencing. Assuming a sensitive boundary treatment is adopted on either side of the fencing, the new development is likely to result in an improvement to the short section of path within the site.
- 10.229 Overall, with the removal of a derelict site adjacent to PRow SADD 77 and its replacement with a tidier boundary treatment, it is anticipated to be a moderate beneficial effect.
- 10.230 Effects on the vegetation have been assessed as minor adverse since areas of vegetation are to be removed and are unlikely to be replaced within the design.
- 10.231 Other effects have been assessed throughout the construction and operation phases of the development and have been found to be either minor adverse or negligible during operation of the school.
- 10.232 A moderate adverse effect has been assessed on the Urban Settlement Local Character Type due to the disruption anticipated during construction. However, this changes to minor adverse at the operation phase.
- 10.233 The effects on landscape designations have been assessed as minor adverse and negligible during operation. These are not considered significant.
- 10.234 In terms of visual impact, major effects have been identified during demolition and construction, when the site is likely to be viewed as a construction site from various viewpoints. Due to the clear visibility of the site from these locations, the change and effect on the view is unavoidable as the receptors afford clear views of the construction works. This is considered a significant effect during demolition and construction only.
- 10.235 Once the school is in operation, these effects are anticipated to drop to moderate adverse for some sensitive viewpoints, which is not considered significant. Nonetheless, the effect remains at major adverse for PRow SADD106, particularly because of the development of the sports fields to the south of it. This is considered significant overall. However, during operation, as the proposed school is replacing the existing mill buildings that are the subject of this application, the development is replacing existing structures already in the view. Its effect will therefore not be significant with regards to this application.



- 10.236 In terms of cumulative assessment, the development of sites with existing permission is likely to result in a small adverse effect, in addition to that assessed within the applicant's landscape and visual impact assessment, on some of the landscape character types and viewpoint locations. However, this is only applicable if all the construction work is carried out at the same time, alongside the proposed road improvement works which are not the subject of this application.
- 10.237 Once completed and in operation, the cumulative developments are not likely to result in any additional effects beyond those assessed within the LVIA.
- 10.238 In conclusion, in relation to this application, the impact on the landscape and visual amenity resulting from the demolition of the industrial buildings will not be significant enough to sustain a reason for refusal. It is therefore considered that the proposed demolition complies with the requirements of Policies 1, 6 and 9 of the Development Plan.

## **Air Quality**

- 10.239 The submitted air quality assessment provides an assessment of the potential effects and their significance of the development during the demolition, construction and operational phases. The effects have been considered for relevant sensitive residential and ecological receptors.
- 10.240 The effects during demolition phase include fugitive dust emissions from site activities, such as earthworks, construction and track out.
- 10.241 During the demolition phase it is anticipated that dust sensitive receptors will potentially experience increased levels of dust and particulate matter. However, these are predicted to be short term and temporary impacts. Throughout this period, the potential impacts from demolition on air quality will be managed through site specific mitigation measures outlined within the assessment. With these mitigation measures in place, the effects from the demolition phase are predicted to be not significant.
- 10.242 The detailed air dispersion modelling determined that the National Air Quality Objectives are not exceeded at any of the modelled receptor locations in any of the modelled scenarios, baseline or future years.
- 10.243 Changes in emissions to air because of additional traffic due to the development, during the demolition phase are predicted to be not significant at all the modelled sensitive receptor locations.

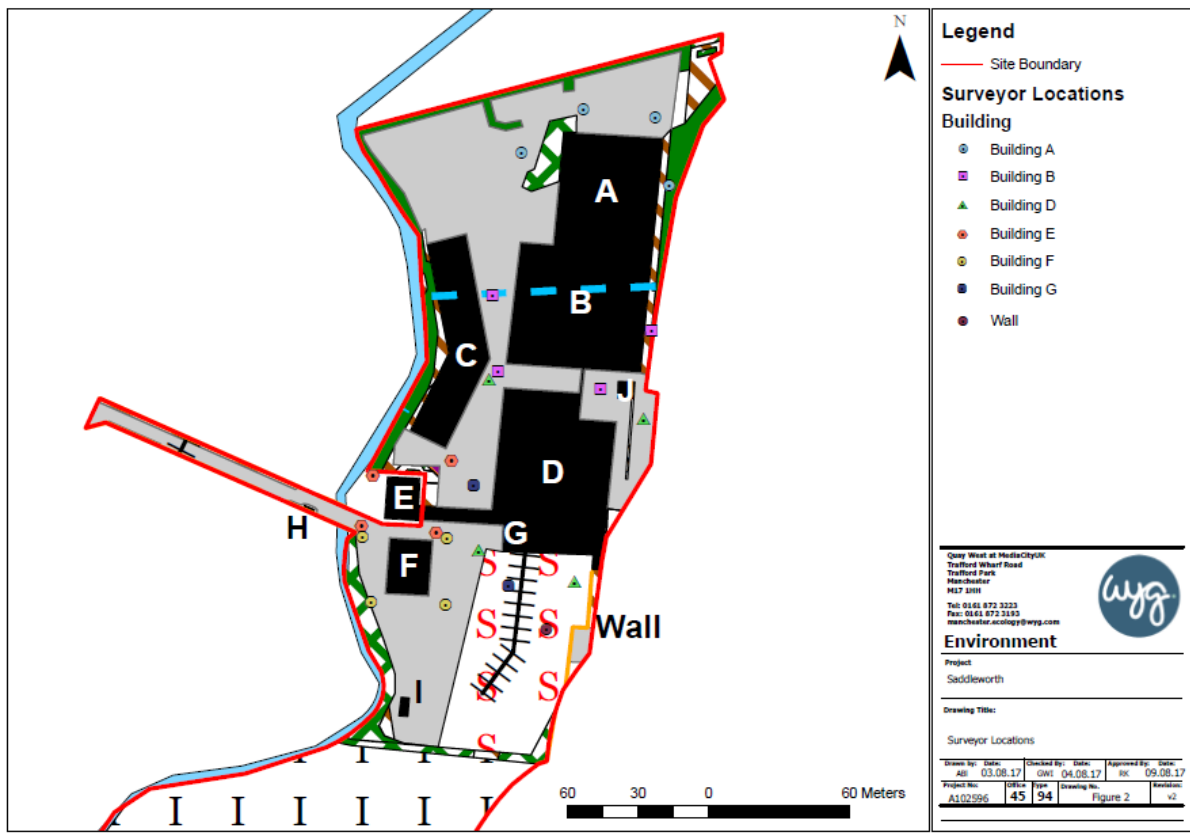
- 10.244 Although the impacts during the demolition phase are adjudged to be not significant, recommendations are provided for mitigation measures that would assist to further improve air quality.
- 10.245 It is concluded that the proposals are acceptable from an air quality perspective and that the proposed development thereby complies with the relevant part of Policy 9 of the Joint DPD.

### **Flood Risk and Drainage**

- 10.246 In respect to Flood Risk the site of the existing industrial buildings is within Flood Zone 1. However, the area immediately adjacent to Diggle Brook is located within Flood Zone 3.
- 10.247 During the demolition phases there will be no increase in the surface water run-off and the existing drainage infrastructure will remain in place to drain the existing hard standings and former roof areas and therefore there should be no impact on the surface water run-off.
- 10.248 As part of the proposed demolition works to the existing former industrial buildings, some of the existing walls which currently provide structural support to the Huddersfield Narrow Canal are to be removed. These demolition works are to be the responsibility of the applicant. The proposed demolition method statement is to be agreed in advance with the Canal & River Trust and Oldham Council and the demolition works will be monitored by all parties and a full structural assessment will be undertaken following the demolition works to demonstrate the long term stability of the retaining walls. By retaining the existing retaining walls, the existing protection against any failure of a canal breach will be maintained. The Canal and River Trust will also be responsible for the future monitoring of the upper canal embankment and this is to be reinforced by the School maintenance department undertaking a regular walkover of the canal embankment and retaining structures to monitor for any movement of leakage and should any be identified then the Canal and River Trust will be informed so that they can inspect the matters further.
- 10.249 The Canal and River Trust welcomes the proposed removal of the industrial water abstraction equipment and housing and the reinstatement of the canal washwall and towpath, details of which should be discussed and agreed with the Trust. It also notes the proposed measures for the protection of the canal during demolition works, in the submitted Construction Phase Plan and Canal Specific Method Statement. The Trust also request a detailed investigation of the condition of any retaining walls and embankments following demolition works (secured via a planning condition), to ascertain the extent to which improvements or strengthening is necessary to cope with the impact of any approved development.

## Ecology

- 10.250 In considering the ecological impact of the proposed demolition, regard must be had to local and national planning policies, including LDF Joint Development Plan Document Policies 6 'Green Infrastructure', and 21 'Protecting Natural Environmental Assets', and the NPPF.
- 10.251 There are a number of statutory and non-statutory designated sites within 2km of the site. The statutory designated sites include the South Pennine Moors SAC, South Pennine Moors SPA, Lascastle and Den Quarries SSSI and Dark Peak SSSI. The non-statutory designated sites include 7 Sites of Biological Importance (SBI), one of which, the Huddersfield Narrow Canal, is located directly adjacent to the site boundary. There are also a number of priority habitats within 2km of the site.
- 10.252 The development proposals will take place outside of the boundaries of the designated sites and they will not, therefore, be significantly affected. A buffer of least 10m will be maintained between the Huddersfield Narrow Canal SBI and any development. The buffer will be fenced to prevent encroachment of traffic, windblown litter and storage of materials. An 8m buffer and fence to Diggle Brook will also be observed.
- 10.253 An impact assessment for ecology has been carried out and is provided within the ES. The comments received from Natural England and the Greater Manchester Ecology Unit (GMEU) at Scoping Opinion stage have been included within the scheme design and impact assessment.
- 10.254 The site has been subject to a number of desk based ecological surveys, full details of which are provided in the ES appendices. They include an Extended Phase 1 Habitat Survey, Breeding Bird Survey, and bat surveys. GMEU confirm that the ecology surveys and assessments undertaken are generally of an appropriate standard and no further surveys need to be conducted prior to determination of the applications.
- 10.255 Specifically, in relation to bats, the bat surveys revealed the following.
- 10.256 The survey labelled the buildings as shown below.



10.257 Bat roosts were identified within Building D in 2015, and updated surveys were recommended to support a EPSML (European Protected Species Mitigation Licence).

10.258 The surveys undertaken in 2015 and 2017 have identified:

- Building A is used as a day roost by a small number of common pipistrelle bats (maximum 3 bats).
- Building B is used as a day roost by a small number of common pipistrelle bats (maximum 1 bat); the building is also likely used a night-time feeding roost by small numbers of common pipistrelle bats.
- Building D is used as an occasional common pipistrelle summer day roost (maximum 1 bat); the building is also likely used a night-time feeding roost by small numbers of common pipistrelle bats.
- Building E is used as a day roost by a small number of common pipistrelle bats (maximum 3 bats).

- Building F is used as an occasional soprano pipistrelle summer day roost (maximum 1 bat).
- Building G is used as an occasional common pipistrelle summer day roost (maximum 1 bat).
- No bat roosts were identified within the wall during 2017 surveys.

10.259 The occasional common pipistrelle roost in Building D was identified in 2015. No emergence or re-entry to this roost was recorded in 2017.

10.260 The report recommended:

- A EPSML will be required before any works / demolition activities affecting a bat roost(s) can proceed. It is recommended that internal inspections are undertaken of the buildings where roosts were recorded in 2017, to inform the EPSML application.
- In order to obtain an EPSML it will be necessary to demonstrate that:
  - 1) There are imperative reasons of over-riding public and/or social interest;
  - 2) There is no satisfactory alternative to the proposed development; and
  - 3) The conservation status of the species in the area will be maintained.
- Mitigation will be required as part of the EPSL to make sure that:
  - Bats are not killed or injured during the works; and
  - The development is not detrimental to the favourable conservation status of the populations of these species.

10.261 As stated above, all works to disturb / destroy / modify a bat roost would need to be completed under a Natural England licence and such works would be supervised by a licensed bat worker. Nevertheless, GMEU raised no objections to the application on the grounds of impacts on bats for the reasons and conditions stated in their February 2018 consultation response. Moreover, they indicated that *“providing the measures described are implemented in full, the conservation status of bats is capable of being conserved and that a Licence would be likely to be granted by Natural England .....*”.

10.262 The wider site has habitat with potential to support several species of birds classed as UK Biodiversity Action Plan Priority Species. However, these habitats are within the wider greenfield and watercourse areas of the site and the demolition of the non-listed buildings will not affect those natural habitats. No other species or wildlife habitat is to be affected by the demolition of the existing non-listed buildings.

10.263 The ES covers avoidance and mitigation measures that will seek to avoid or mitigate impacts during demolition, construction and operational phase of the school to ensure that any short adverse effects are minimised. Ecological mitigation includes the provision of 30 bat boxes which will provide additional roosting features and have a positive impact on local populations of bats. These mitigation measures will be ensured via condition.

## **Waste**

10.264 An assessment of Waste Management has been undertaken. The assessment considered the management of waste arising both during the construction phase and operational phase. The proposed development will generate small quantities of construction and demolition waste, for which there are a number of waste facilities and sites in Greater Manchester and Oldham with sufficient capacity to manage the predicted arisings.

10.265 The assessment did not identify any significant effects. Mitigation measures are proposed in the waste strategy to ensure that the demolition waste is managed in an efficient way, in accordance with the waste hierarchy which promotes avoidance, re-use, recycling and recovery over disposal.

## **Highways**

10.266 The existing access road, which at present adequately serves an industrial site, will be used by vehicles during demolition works. It can be expected that the intensity of use will increase temporarily and the Highway Engineer therefore recommends an informative note to remind the applicant that any additional traffic management that is required on Huddersfield Road as a result should be approved by the Traffic Section.

10.267 The Highway Engineer anticipates that construction / demolition vehicles leaving the site may be muddy and a condition is therefore recommended that will ensure that wheel wash facilities are provided on site and used by vehicles before they leave site.

## **d) Comparison of the scheme against Local Plan Policy**

10.268 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***

- 10.269 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.
- 10.270 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.
- 10.271 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.
- 10.272 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.
- 10.273 The potential impacts on amenity have been mitigated as far as possible and no major adverse impacts occur.
- 10.274 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.
- 10.275 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.
- 10.276 The development does not prejudice other regeneration plans.



- 10.277 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***

- 10.278 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***

- 10.279 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).
- 10.280 This policy is particularly relevant due to the presence of the Huddersfield Narrow Canal to the rear of the site and Diggle Brook.
- 10.281 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.
- 10.282 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***

- 10.283 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.



- 10.284 Because the demolition application will, subject to conditions, not materially affect neighbouring land uses, residents' 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.
- 10.285 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.
- 10.286 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***

- 10.287 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***

- 10.288 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.
- 10.289 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***

- 10.290 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.

- 10.291 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.
- 10.292 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.
- 10.293 As stated elsewhere in the report, other material considerations include:
- Paragraph 193 of the NPPF clearly states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and that this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
  - Because the demolition of the factory buildings causes substantial harm to a designated heritage asset's setting (the factory office), paragraph 195 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 196 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 importance and weight to be given to the desirability of preserving the setting of listed buildings.

- The NPPF is clear that planning policies and decisions should promote an effective use of land in meeting needs, while safeguarding and improving the environment and ensuring safe and healthy living conditions [Paragraph 117]. It adds that planning policies and decisions should give substantial weight to the value of using suitable brownfield land for identified needs and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land as well as promoting and supporting the development of under-utilised land and buildings [Paragraph 118]
- Additionally, the 2018 NPPF states at Paragraph 120 that, where a local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan, applications for alternative uses should be supported where the proposed use would contribute to meeting an unmet need for development in the area. Similarly, it continues in the same vein at Paragraph 121 that local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, it adds they should support proposals to.....

*“make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space”.*

This position is further reinforced in relation to schools at Paragraph 94 of the NPPF that states:

*“It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*

*a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and*

*b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted”.*

- The joint policy statement 'Planning for School's Development' also 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.

10.294 In weighing these 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.

10.295 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 195 and 196 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 and paragraph 193 of the 2018 NPPF have also been given considerable importance and weight.

10.296 However:

- The advice that it is the NPPF and 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.

- 10.297 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.
- 10.298 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.
- 10.299 The scheme is not considered to be contrary to the Development Plan elsewhere.

## **e) Overall Conclusion**

10.300 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 the relevant paragraphs 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 out in the Development Plan, NPPF and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 have also been given considerable importance and weight.

10.301 However:

- 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 current and 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 harm to the designated heritage assets themselves,

ultimately 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.

On balance, 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 new school) outweigh the strong legislative presumption against the demolition of the factory buildings and subsequent harm to the setting and context of the Grade II listed office building.

- 10.302 Officers have reached this view having weighed the various elements of the Development Plan that support and are contrary to the scheme, relevant NPPF sections and strong legislative presumption against allowing development that harms the setting of a designated heritage asset. They also considered designated and non-designated heritage assets and their significance, their setting, harm caused to them and a variety of considerations including concerns about the future use of the listed office building, importance of the industrial complex, the architectural interest of the complex, loss of context, extent of listing, impact on the various designated and non-designated heritage assets, demolition on the canal retaining wall, lack of survey work, flooding, adverse impact on possible archaeological remains, visual impact, quality of reports submitted by the applicant, impacts on demolition not being defined, the marketing of the site and Environmental Impact Assessment issues.
- 10.303 The impact on the landscape and visual amenity impact resulting from the demolition of the industrial buildings will not be significant enough to sustain a reason for refusal compared to the social and economic benefits it would bring.
- 10.304 The scheme is considered acceptable in terms of air quality, flood risk and drainage, ecology, waste and highways terms.
- 10.305 Overall, having weighed the application against the various elements of the Development Plan, the scheme is considered to be acceptable and is consequently recommended for conditional approval.

## Recommendation

- 10.306 The application is recommended for approval subject to the following conditions:
- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 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.

**Restrictions**

- 3) 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) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - e) wheel washing facilities;
  - f) measures to control the emission of noise, vibration, dust and dirt during demolition;
  - g) a scheme for recycling / disposing of waste resulting from demolition works;
  - h) measures for the protection of the natural environment; and,
  - i) 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.

- 4) 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.

### **Contamination**

- 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.

### **Ecology**

- 7) The mitigation measures detailed in the Ecological Assessment [Chapter 6 of the ES) shall be carried out in full prior to the demolition.

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

- 8) Prior to the commencement of development a comprehensive Method Statement for protecting bats during the proposed works shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall provide full details of measures to be taken to avoid any possible disturbance to bats during the demolition and construction of the proposed school. The development shall thereafter be carried out strictly in accordance with the approved Method Statement.

Reason: To protect bats from the proposed development

- 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.



### **Archaeology**

10) No demolition shall commence until:

- a. A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and,
- b. The approved programme of archaeological work has been carried out in accordance with the approved details.

Reason: To enable the recording of any matters of archaeological interest.

11) No demolition shall commence on site until a scheme for allowing access at all reasonable times to any archaeologist nominated by the Local Planning Authority, has been submitted to and approved by the Local Planning Authority. Thereafter, the nominated archaeologist shall be allowed to observe the excavations and to record items of interest and finds, in accordance with the approved scheme.

Reason: To safeguard the site of archaeological interest.

### **Survey**

12) No works shall commence on site until a full survey, including analysis, and photographic record of the factory building(s) has been submitted to and approved in writing by the Local Planning Authority.

Reason: To secure the proper recording of the non-designated heritage assets.

### **Construction Contract**

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.

### ***Protection of Listed Building***

- 14) 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.

### ***Canal Protection***

- 15) The protection measures detailed in the Construction Phase Plan and Canal Specific Method Statement shall be carried out in full prior to the demolition

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

### ***Waste***

- 16) The mitigation measures detailed in the Waste Strategy shall be carried out in full prior during the demolition.

Reason: To ensure waste is managed in an efficient way in accordance with the waste hierarchy which promotes re-use, recycling and recovery over disposal

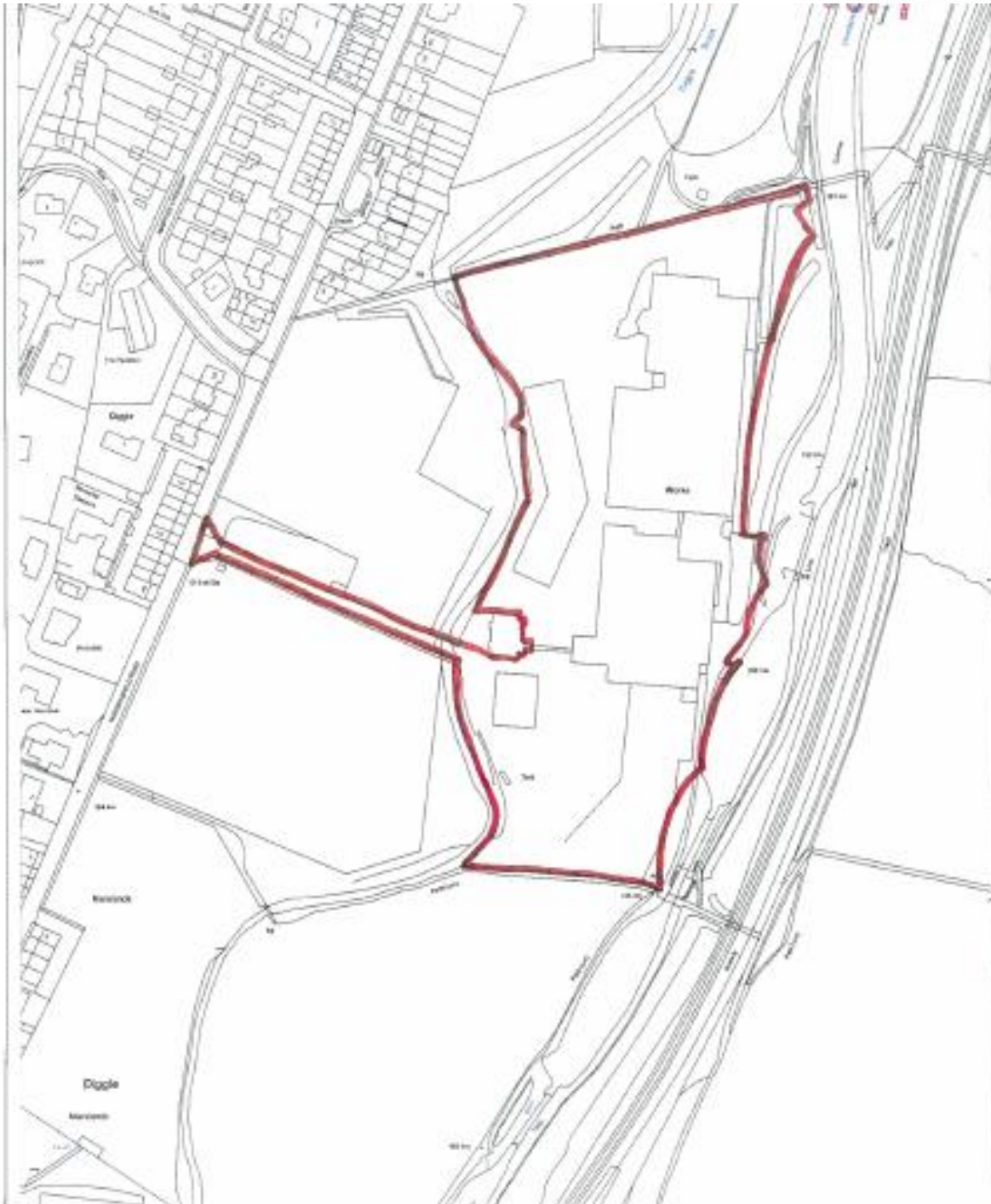
### ***Other***

- 17) No development shall take place until a detailed condition survey of the culvert within the site that runs from the canal to Diggle Brook 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 demolition 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 demolition.

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 demolition.



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Ordnance  
Survey

Date: 22/12/15

Scale 1:2250



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## 11 PLANNING CONSIDERATIONS - APPLICATION B (LB/337929/15) - Listed building consent application to demolish the link bridge

### Proposal

- 11.1 This application seeks listed building consent for the demolition of the link bridge attached between the Grade II listed office building and one of the existing unlisted factory buildings.
- 11.2 The main issues to consider relate to the demolitions impact on the special interest and setting of the listed building, the design of the proposal and any subsequent impact of the link bridges demolition.

### Applicants View

- 11.3 The applicant states that removal of the link bridge will enable the redevelopment of a site which forms a part of the setting of the adjacent Grade II listed office building. It will allow the opportunity to regenerate a site which presently detracts from the character of the wider area and which is currently subject to anti-social behaviour and crime. It will also give the opportunity to deal with site contamination and invasive plant species around the listed building. Clearance of the site also enables the recording of possible archaeological remains which could be of local historical importance.
- 11.4 The applicant considers that the link bridge:
- is not particularly old or rare;
  - is of no special architectural or historic interest;
  - has no historic association with nationally important people or events; and,
  - is not part of an important architectural or historic group of buildings.
- 11.5 Consequently, they consider the link bridge, by itself, would not qualify as a listed building in its own right and its current status is granted purely by its physical connection to a Grade II listed building. They therefore consider it would be more accurate to describe the link bridge as '*listed by association*' than by any other designation.

- 11.6 They add that the Historic England listing description includes a detailed description of the exterior details, materials and proportions of the office building and includes descriptions of notable interior fixtures. However, it makes no reference to the attached link bridge. Whilst they note this is not in itself conclusive evidence of the non-listed status of the link bridge, they feel it is notable that such a feature attached to the host building is omitted in the listing description.
- 11.7 A full Statement of Significance has been produced by Munteer Ltd (Historic Building Consultants) on behalf of the applicant. It found the link bridge to be of:
- low aesthetic value;
  - low historic value;
  - medium communal value; and,
  - low evidential value.
- 11.8 The applicant then goes on to assess the loss of the link bridge against the NPPF. They point out that where a proposed development will lead to “*substantial harm to (or total loss of significance of) a designated heritage asset*”, paragraph 195 of the NPPF states local planning authorities should refuse consent, unless it can be demonstrated that:
- a) the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss or;
  - b) all of 4 criteria can be demonstrated.
- 11.9 The criteria and the applicant’s response on how this scheme meets it are noted below:
- The nature of the heritage asset prevents all reasonable uses of the site.***
- 11.10 The applicant argues that the link bridge provides a functional link between the Grade II listed office building and a workshop (an unlisted, non-designated heritage asset).
- 11.11 The applicants marketing exercise showed that the Grade II listed office and the nearby non-listed building (at the other end of the link bridge) were of no interest to potential buyers or tenants in any form. It is therefore unlikely that a future tenant would want both buildings (listed and non-listed) which would be required in order to return the link bridge to its original function. As such, the link bridge is unlikely to have a future as a functional link between the two existing buildings.

- 11.12 Furthermore, even if the link bridge was retained as some form of monument (i.e. supported in its current position by columns / props) it would be functionless (a bridge to nowhere) and have no viable use.
- 11.13 Moreover, they argue it would render a large part of the centre of the factory site unusable for re-development, due to its position, size and inability to be re-used or converted for alternative uses. As such, they consider that the retention or restoration of the link bridge would prevent reasonable uses of the immediate and wider site.

***No viable use of the heritage asset can itself be found in the medium term.***

- 11.14 In this case, the applicant argues that the whole site was subject to a continuous marketing exercise between September 2008 and June 2012 and no prospective tenants were found for any of the buildings. Since that time the last remaining tenant has moved out.
- 11.15 The Grade II listed office building was already unoccupied and has not been in use for several years. As such, the link bridge does not appear to have been used for a significant length of time and its current condition does not suggest it can be used as is. Moreover, regardless of the condition of the link bridge, they argue that it will never have a viable use unless a tenant / purchaser requires a functioning first floor link between the listed office building and the non-listed workshop building, both of which they would also have to buy or lease. Overall, they consider it is unlikely that any tenant would ever come forward who would require such an arrangement of buildings. As such, they feel the link bridge has no viable use.

***Conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible.***

- 11.16 The applicant considers the link bridge to be of low historic and aesthetic value. As such, they feel there is little chance of receiving heritage asset grant funding or a charitable donation for its restoration or retention.

***The harm or loss is outweighed by the benefit of bringing the site back into use***

- 11.17 The applicant believes the vacant premises across the site - including the Grade II listed building and attached link bridge - leaves the site prone to vandalism and disrepair.



- 11.18 Again, they note that the buildings have been subject of a marketing exercise and no prospective tenants have been found. Therefore, without occupants and subsequent repairs and general maintenance, the buildings will fall further into disrepair and continue to be an economic drain on the owners.
- 11.19 Clearance of the listed link bridge (and the non-listed buildings under the concurrent demolition Application A) would allow the site to be redeveloped for a new use and potentially a new school. This in turn would improve the setting of the site and would greatly improve the likelihood of finding a new use for the Grade II listed office building to which the link bridge is attached, thereby ensuring the future of the main heritage asset on the site. Furthermore, they note that the Statement of Significance report confirmed that the harm or loss (of the link bridge) is classed as neutral in terms of its effect on the main Grade II listed building. For these reasons, they feel that the harm or loss of the link bridge is outweighed by the benefits of bringing the site back into use.
- 11.20 The applicant then went on to consider the link bridge against paragraph 134 of the 2012 NPPF (now paragraph 196 of the 2018 NPPF). They argue that the Statement of Significance has confirmed that the harm or loss (of the link bridge) should be classified as '*less than substantial*' and therefore paragraph 134 of the 2012 (now paragraph 196 of the 2018 NPPF) should apply.
- 11.21 For the record this states:
- “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”.*
- 11.22 The applicant argues the public benefits of the proposal to remove the link bridge are:
- Removal would allow the wider site (in conjunction with the separate demolition application) to be re-developed. Retention of the link bridge will severely restrict potential development options.
  - Improvement to the setting of the main / host Grade II listed office building, potentially ensuring its future.
  - Re-development of the site would eliminate opportunities for vandalism and anti-social behaviour at the site.
  - The removal / demolition of the link bridge would restore the main Grade II listed building to something akin to its original intended design.
  - Removal of a dilapidated building with low heritage value.

- The opportunity to redevelop the site for new uses (new school or other future development) by bringing a large unused site back into use.

and that these benefits outweigh the 'less than substantial harm' to the significance of the link bridge.

## **Officers Views**

### ***Extent of Listing***

- 11.23 Officers consider the link bridge to be part of the listed building. This decision is based on the age, ancillary nature, ownership of the bridge and the legal advice provided to the Council.
- 11.24 The legal advice provided was that the listed office building was part of a substantial manufacturing complex, devoted first to the manufacture of looms and then the manufacture of pallets. The office provided the space in which administrative tasks supporting the manufacturing processes were carried out. In terms of scale and function, the view taken was that the listed building was ancillary to the other principal factory buildings and structures around it at the time of listing in 1968.
- 11.25 As a result, applying case law and the guidance from Historic England, it was Counsel's view that the listed building is likely to have had a restricted curtilage, not extending to any other building or structure in its vicinity (unless those buildings and structures could be said to have been ancillary to the office building). If anything, it was more likely that the office building was within the curtilage of the primary manufacturing buildings (particularly the large building to which it was linked by a footbridge) than the other way round.
- 11.26 As a consequence of this advice, it was concluded that the factory buildings, attached to the end of the bridge are not within the curtilage of the listed building and are not listed by association. However, the link bridge, because of its attachment, is.

### ***Policy Position***

- 11.27 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 importance and weight to be given to the desirability of preserving the setting of listed buildings.

- 11.28 Development Management Policy 24 (Historic Environment) of the LDF Joint DPD together with Part 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (NPPF) are also relevant to the assessment of this matter.
- 11.29 Specifically, Policy 24 - Historic Environment - 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.
- 11.30 Paragraph 195 of the NPPF states:

*“ Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:*

*a) the nature of the heritage asset prevents all reasonable uses of the site; and*

*b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*

*c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and*

*d) the harm or loss is outweighed by the benefit of bringing the site back into use”.*

## ***The character and significance of the structures***

### ***The Office Building***

- 11.31 The office building is of national significance, reflected in its Grade II status. The offices are understood to be late Victorian and demonstrate Gothic styling, characterised by the high gables, bays, prominent chimneys and tall mullioned window sets. The ashlar stone and Westmorland slate roof visible to the prominent front and side elevations support the architectural quality of the building. The advanced entrance bay with clock tower ensure this building is a landmark within the local area where it faces the 'Foundry View' Terrace and the clock appears to be directed towards 'Moordale' the residence of the former owner of the works, situated on Huddersfield Road.
- 11.32 The decorative and high quality materials and details used on the front and side elevations of the building diminish on the rear elevation. Here the type of stonework changes from ashlar to hammer dressed and plain head and cills are used. The porch, which supports the end of the bridge, contains greater detailing, with chamfered corners. Overall, Officers would not disagree with the conclusion in the Statement of Significance, that this is likely to have been an addition to the original design concept.
- 11.33 The aesthetic significance of this building is supplemented by its historical associations with the loom works, which played an important role in the production of looms for the woollen industry.
- 11.34 The factory buildings to the rear provide a context for the listed building but are of little architectural significance themselves. This view is reflected by the sites specific inclusion in the Historic England designation guidance for Commercial and Exchange Buildings, where it is noted that under a picture of this site that "*many otherwise utilitarian and industrial buildings were given some architectural panache by the design of their offices and administration buildings*".
- 11.35 Overall, the office building is considered to be of high significance as a consequence of these characteristics.

### ***The non-listed factory buildings to the rear***

- 11.36 Officers consider the factory buildings to be non-designated heritage assets.
- 11.37 We have considered the impact of the proposal on the character of the non-designated heritage asset as required by paragraph 197 of the NPPF.

- 11.38 The building, noted as Building A in the application documents, has been heavily altered due to a fire. However, the part of the building to which the bridge is attached pre-dates the listed office and is thought to have been constructed around 1893 as part of the foundry building. It has a markedly different style to the listed office. The pitched faced stone and slated hipped roof of this element provide an example of the utilitarian aesthetic of the works building when compared to the gothic office. It, along with the other pre-1948 buildings, also provides the historical context for the development of the site as the loom works.
- 11.39 In these circumstances, we would agree with the conclusion of the applicant that the non-listed designated assets, taken individually, have little architectural merit. As such, the buildings have low significance. However, when taken as a whole, we consider the factory buildings have some significance because of the historic context they set for the Grade II office building.

### ***The link bridge***

- 11.40 The link bridge between these two buildings is made up of riveted bolt sections prevalent in railway bridges. Officers agree with the Statement of Significance that it is likely to have been a slightly later addition to the office building as the architectural detailing used to connect it to the building lacks the considered approach one would expect if it had been part of the original design.
- 11.41 Officers agree that the link bridge is not visible from the prominent view of the works taken from Huddersfield Road. It is more apparent in views from the canal to the rear but, from its location and construction, it would not appear to have been conceived as an important element of the setting of the gothic listed building.
- 11.42 The aesthetic qualities, whilst differing from those of the listed building, remain interesting in themselves and highlight another period of development of the site. This difference does not diminish its historic interest in forming the connection between the two different elements of the same works.
- 11.43 Nevertheless, whilst the link bridge has some historic interest, it is clearly of low aesthetic value; little communal value (the communal value here is in the factory and office building use predominantly) and low evidential value. As such, overall, the link bridge has little significance outside its historic interest and because its attachment means it forms part of a listed building.

### **Officers Conclusion**

- 11.44 The removal of part of the link bridge would sever the physical link between the listed building and the utilitarian factory buildings, which provides the historical context for its construction. It would also affect the setting of the listed office building.
- 11.45 However, it has to be noted that the link bridge is not in any way mentioned in the listed description and the link bridges design is markedly different from the public facing facades it is attached to.
- 11.46 Furthermore, Officers consider the link bridge itself to be of:
- low aesthetic value;
  - some historic value;
  - low communal value; and,
  - low evidential value.
- 11.47 Overall, whilst this is a finely balanced decision, Officers consider that the demolition of the link bridge results in substantial harm to the significance of the designated heritage asset although the link bridge is not an original element of the listed building and the significant elements of the office's special architectural and historic interest are not affected by its removal. Therefore, paragraph 195 of the NPPF applies here. This is a policy which states that where the 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 pass four criteria set out in the policy.
- 11.48 In relation to non-designated heritage assets, having 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, Officers also consider that the demolition of the link bridge would not sustain a reason for refusal in relation to material harm to the factory buildings.
- 11.49 Policy is clear that local planning authorities balancing exercise must not ignore the statutory duty imposed by S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires considerable importance and weight to be given to the desirability of preserving the setting of heritage assets, a position reinforced by the Development Plan. This is reinforced in Paragraph 193 of the 2018 NPPF that states when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and that this is irrespective of whether any potential harm

amounts to substantial harm, total loss or less than substantial harm to its significance.

- 11.50 However, it also has to be recognised that the Development Plan sets out policies that encourage heritage led regeneration and the reuse of brownfield sites to achieve economic, community and regeneration objectives. It therefore has elements of it that are supportive of the proposal and elements that are against it. Consequently, the weight Members put to its various elements of the Development Plan is important in the assessment of the application.
- 11.51 Officers consider that it can be demonstrated that overall the substantial harm to the listed office building is necessary to achieve substantial public benefits - in terms of the potential opening up of the site up to development and potentially the new school complex that is the subject of Application C and that this outweighs that harm or loss. A similar view is taken about the harm to the non-designated heritage assets that are the factory buildings.
- 11.52 Furthermore, not only would the proposal meet the first test set out in paragraph 195 of the NPPF (that substantial harm to a designated heritage asset should only be allowed if it is necessary to achieve substantial public benefits that outweigh the harm), but in Officers view it would meet the second test set out in it because:
- the retention of the link bridge would impede reasonable future uses of the site;
  - no viable use of the link bridge would be able to be found in the medium term through appropriate marketing that will enable its conservation;
  - although the applicant has produced no documentary evidence to support this view, Officers experience tells them that conservation grant-funding or other form of ownership is unlikely to be found for this structure in the current scarce funding environment; and,
  - the loss of part of the link bridge is outweighed by the benefit of helping bring the site back into a school use that would have considerable social and economic benefits to population.
- 11.53 Overall, Officers have had regard to the strong presumption set out in legislation to preserve the setting of heritage assets, the policy tests set out in the NPPF and considered the weight that should be applied to the relevant Development Plan policy [policy 24]. Because of the limited impact the demolition will have on the heritage assets specific heritage significance, plus the significant social and economic benefits the demolition would create in allowing a fit for purpose school to be delivered on the site, it is Officers opinion that these considerations outweigh the strong legislative presumption against demolition in this instance. As such, the proposal is considered acceptable when weighed and assessed against the above tests.

## Objectors Concerns

### *Historic Value of the Link Bridge*

#### *'Listed by Association'*

- 11.54 Objectors consider that the link bridge is part of the Grade II listed office complex and clock tower. As such, it is intrinsic to that listed structure. Therefore, the attempts in the applicant's planning statement to suggest that it is somehow *'listed by association'* are baseless and contrary to national planning policy guidelines.
- 11.55 The applicant considers that the link bridge is a later addition to the main listed building and differs from the building's principle gothic design significantly. The bridge, if listed on its own merits, would have been included in the listing description. It is not. Therefore, in their opinion, it is an attachment to the listed building and should be read as *'listed'* only because it is physically connected to the listed office building.
- 11.56 Whilst Officers note the applicants view, we consider, following legal advice, that the link bridge is a listed structure. We have therefore assessed it accordingly.

#### *The bridge 'influenced the evolution of the office block'*

- 11.57 Objectors consider that the bridge was constructed with the purpose of connecting the office block to the ancillary buildings and is part of the office block listing. They add it may have been added shortly after the completion of the office building but, if so, it provides an interesting indication of the way in which the relationship between that building and the industrial buildings influenced the evolution of the office block.
- 11.58 The applicant considers that the evidence within their reports clarifies that the bridge was added on to the listed building at a later date than the original construction of the listed office block. Furthermore, the bridge did not form a *'vital relationship'* between the buildings. This is evidenced by the fact that both buildings served by the bridge were designed, built and existed together for a period without the need for a bridge. The bridge was an added element to serve a function and that function no longer exists.
- 11.59 Whilst noting the objectors view, Officers do not consider that the link bridge formed a vital relationship between the buildings, although clearly it does show the

evolution of the office block and its use. Officers agree that its function no longer exists or is likely to in the future.

***The historical interpretation of the listed building would be impossible if the link bridge was demolished***

- 11.60 Objectors consider that the demolition of the bridge will be detrimental to the historical interest of the listed building, removing the crucial element through which its physical and symbolic relation to the rest of the site is disclosed. It would therefore make historical interpretation of the listed building's relationship to its industrial context impossible.
- 11.61 The applicant considers that the site cannot be fully used without the removal of the bridge. There is no viable potential use for the bridge. The retention of the bridge is a negative on the likelihood of finding a use for the listed building and its removal will therefore help protect the listed building. Moreover, they add that evidence of the listed building's relationship to its industrial context is provided via the preservation of the listed building, the retention of a section of the bridge as a historical vestige, and the archaeological and historic reports & details provided with the submission and retained by GMAAS for public access.
- 11.62 Officers consider that the removal of part of the bridge would sever the physical link between the listed building and the utilitarian factory buildings, which provides the historical context for its construction and setting of the listed building. However, because of the limited impact the demolition will have on the designated heritage assets specific heritage significance, plus the significant social and economic benefits the demolition would create in allowing a fit for purpose school to be delivered on the site, it is Officers opinion that these considerations outweigh the strong presumption against affecting the setting of the listed office building.

***Architectural Importance***

- 11.63 Objectors feel that the link bridge contrasts with the architectural style of the main facade of the office complex but the rear elevation of the building is generally more utilitarian than the front, as would be expected. Nonetheless, its construction, utilising engineering and elements associated with the railway infrastructure of the period, are of interest and may be unique.
- 11.64 Objectors also feel that statements that railway construction techniques are commonplace in the context of railway infrastructure, in the applicant's Planning Statement and Statement of Significance, fail to recognise the point that here those techniques are applied in a wholly different context. The simplistic assessment



offered in the applicant's 'Statement of Significance' dismisses the bridge as of 'low' aesthetic and architectural value suggesting that it is an inferior addition to the Gothic façade of the building. Such an assessment is based on a naïve and narrow understanding of historic buildings, particularly in an industrial context. The objectors reinforce this view by noting that OMBC's conservation officer has stated that the link bridge is of a functional and interesting design and that its interest lies, in part, in the manner in which it departs in style from the rest of the building. They feel its functionality should not be a basis for its demolition since most buildings of historic value contain avowedly utilitarian elements and that is part of their historic value and appeal. They conclude that the bridge retains its original materials, position and purpose and there is therefore inadequate justification for its removal.

- 11.65 The applicant considers that the footbridge is not unique and that this form of construction can be seen throughout the country on the railway infrastructure. The bridge does retain 'its original materials' and 'position'. However, it does not retain its 'purpose'. The only way to re-establish its purpose is for someone to lease both adjoined buildings and require access between the upper levels. As evidenced by the marketing exercise, this is not likely to happen.
- 11.66 Having considered the above, Officers view is that whilst the link bridge has some historic value, it has low aesthetic, communal and evidential value. Its design is markedly different to the listed building and is not mentioned in the list description of the office building. As such, Officers do not consider that the link bridge has the architectural importance the objectors consider it has.

### ***Potential for Damage to the Listed Building***

#### ***Treatment of the remaining bridge***

- 11.67 Objectors believe that, if the demolition is permitted, the applicant proposes to leave a remnant of the link bridge projecting from the rear elevation of the listed building. They feel it is difficult to see how, given this, demolition would 'enhance' the appearance of the building. They submit that the complete bridge was a comprehensible element of the listed structure and that a short length of bridge, sealed using incongruous modern materials and signifying only the forcible detachment of the building from its context, would significantly detract from the historical and architectural value of the building.
- 11.68 In relation to materials sealing the end of the bridge, objectors contend that the 'Demolition Methodology Statement' suggests that, after demolition, the section of the bridge left in situ will be sealed. The materials proposed for these works (timber boarding and plastic sheeting) are wholly inappropriate for a listed structure and



would seem inadequate to prevent water ingress and the continuing deterioration of the building. Consequently, far from enhancing the building as the applicants suggest, demolition and the proposed measures to seal off the bridge will detract from and endanger the listed building.

- 11.69 The applicant considers severing the bridge, by leaving one section in position, prevents harm to the main listed building. The materials used at the end of the bridge (where cut) are intended to match the existing boarding used in the construction of the bridge itself as detailed. No incongruous modern materials have been specified. They add that the proposal is to reduce the length of the bridge and seal the end in the same manner as the bridge is already constructed, with very similar detailing that prevents water ingress. They disagree that the proposal will endanger the listed building.
- 11.70 Officer's views on the limited historical and negligible architectural value of the link bridge and the proposals impact on them are stated elsewhere. However, Officers initially shared the objectors concerns about the potential finish of the bridge that could be left if it is demolished and not finished properly. Discussions with the applicant were therefore undertaken and four options for the treatment of the link bridge were presented and discussed with Officers.
- 11.71 Officers considered that a close boarded timber upper level and metal finish to the lower level set out in drawing 1073/SK001 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 would match the existing materials in use on the bridge exactly and reduce the impression that this is a 'cut' to what was here previously.
- 11.72 Overall, this alteration is considered to be sensitive to the remaining link bridge and as such is considered acceptable.

## Ecology

- 11.73 A bat assessment has been carried out to ascertain bat presence on the site and the likelihood of bat usage within the existing buildings, including the main listed building and link bridge.
- 11.74 Several potential roosts were indicated across the site. However, no roosts were indicated within the link bridge itself. The link bridge was also subject to an initial inspection which was not afforded full access due to health & safety restrictions, but observed a low probability (due to small number of suitable features) for bat roost potential. The emergence and re-entry studies observed no bat activity within the link bridge. The bat report concluded that the link bridge is not suitable for use as a

hibernation roost. As no disruption to bats is attributable to this specific listed building application, no mitigation measures are proposed or required.

- 11.75 The Huddersfield Narrow Canal and Diggle Brook are within close proximity of the site. However, the limited amount of work required under this listed building application to remove the link bridge will not affect the canal or brook. As such, mitigation measures will not be required. The wider site has habitat with potential to support several species of birds. However, these habitats are within the wider greenfield and watercourse areas of the site and the demolition of the link bridge under this listed building application will not affect those natural habitats.

### **Objections**

- 11.76 Objectors argue the proposal will have detrimental impacts on European Protected Species (Bats).

- 11.77 However, Officers consider it is clear that bat surveys have been carried out by experienced and qualified ecologists, in full liaison with Greater Manchester Ecology Unit (GMEU), and to the satisfaction of GMEU. Therefore, whilst Officers note objectors concerns on:

- Available and relevant data regarding bat roosts;
- Absence of required internal building inspections for bats;
- Re-entry survey work not covering several buildings;
- No winter survey work;
- That the ecological mitigation statement was inadequate and invalid; and,
- Concerns about the construction phase plan,

amongst other things, the experts in the Greater Manchester Ecology Unit have raised no objections to the application on the grounds of impacts on bats.

### **Other objections**

- 11.78 Issues relating to the marketing of the site and whether the site can be used industrially or not and relevant planning history are not directly relevant to this particular application as the application involves demolition of the link bridge rather than proposing a new use.

### **Comparison of the scheme against Local Plan Policy**

- 11.79 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***

- 11.80 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.
- 11.81 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.
- 11.82 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.
- 11.83 The potential impacts on amenity have been mitigated as far as possible and no major adverse impacts occur.
- 11.84 The development does not prejudice other regeneration plans.
- 11.85 Overall, the listed link bridge demolition would allow a high quality, sustainable development which respects its surrounding and enhances the Borough's image. It is therefore in line with this Development Plan policy.

***Policy 2 Communities***

- 11.86 Because the demolition application is key to facilitating the development of new and improved education facilities, the proposal 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***

- 11.87 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).

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

- 11.89 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.
- 11.90 Because the link bridge demolition application will, subject to conditions, not materially affect neighbouring land uses, residents' 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***

- 11.91 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.
- 11.92 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***

- 11.93 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.

- 11.94 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.
- 11.95 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.
- 11.96 As stated in the report elsewhere, 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 195 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 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 importance and weight to be given to the desirability of preserving the setting of listed buildings. Paragraph 193 of the 2018 NPPF reinforces this stating when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- The NPPF is clear that planning policies and decisions should promote an effective use of land in meeting needs, while safeguarding and improving the environment and ensuring safe and healthy living conditions [Paragraph 117]. It adds that planning policies and decisions should give substantial weight to the value of using suitable brownfield land for identified needs and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land as well as promoting and supporting the development of under-utilised land and buildings [Paragraph 118]
- Additionally, the 2018 NPPF states at Paragraph 120 that, where a local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan, applications for alternative uses should be supported where the proposed use would contribute to meeting an unmet need for development in the area. Similarly, it continues in the same vein at Paragraph 121 that local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, it adds they should support proposals to.....

*“make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space”.*

This position is further reinforced in relation to schools at Paragraph 94 of the NPPF that states:

*“It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*

*a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and*

*b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted”.*

- 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.

- 11.97 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.
- 11.98 As a consequence of this, Officers have weighed this scheme against paragraph 195 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.
- 11.99 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 the need for different land uses to support sustainable local communities .
- 11.100 Officers have also had regard to the strong presumption set out in legislation, the NPPF and the Development Plan to preserve listed buildings and the setting of heritage assets and given it considerable importance and weight. However, because of:
- The NPPF and 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.

- 11.101 It is Officers opinion that these considerations significantly outweigh the strong 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 195 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.
- 11.102 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.

## Conclusion

- 11.103 The Development Plan states that when determining applications, the Council should seek to protect, conserve and enhance the architectural features, structures, settings, historic character and significance of the borough's heritage assets. 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. It also reminds that development proposals must have regard to national policies on the historic environment amongst other things [Policy 24].
- 11.104 As a consequence of the above, it is clear that the Development Plan has elements of it that support and are contrary to the proposal. As such, the weight Members give to the particular element of a policy is important in the assessment of the application.
- 11.105 The link bridge joins a listed office and unlisted factory buildings. The listed office building is a designated heritage asset, but the unlisted factory buildings to the rear are non-designated heritage assets.
- 11.106 The removal of part of the link bridge would sever the physical link between the listed building and the utilitarian factory buildings, which provide the historical



context for its construction. It would also affect the setting of the listed office building. However, it also has to be noted that the link bridge is not in any way mentioned in the listed description and the link bridges design is markedly different from the public facing facades it is attached to. Furthermore, Officers consider the link bridge itself to be of low aesthetic, some historic, low communal and low evidential value.

- 11.107 Overall, whilst this is a finely balanced decision, 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 by its removal significantly.
- 11.108 As a consequence of this, Officers consider paragraph 195 of the NPPF applies that requires the Council to refuse consent unless the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm.
- 11.109 Equally, 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.
- 11.110 Officers have had regard to the strong presumption set out in legislation, the NPPF and the Development Plan to preserve the setting of heritage assets. However, because of the limited impact the demolition will have on the heritage assets specific heritage significance, plus the significant social and economic benefits the demolition would create in allowing a fit for purpose school to be delivered on the site, it is Officers opinion that these considerations significantly outweigh this strong presumption in this instance. This approach of course is in line with paragraph 195 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.
- 11.111 Following revisions, the method for finishing the remaining edge of the link bridge after the demolition is sympathetic to the existing building.
- 11.112 There are no other material considerations that would warrant the refusal of this application to demolish part of the link bridge. As such, the application is considered acceptable and in line with the principles set out in the relevant national and Development Plan planning policy and guidance.

## **Recommendation**

- 11.113 This application is recommended for approval, subject to the following conditions:

1. The works for which Listed Building Consent is hereby granted shall be begun before the expiration of three years from the date of this consent.

Reason: To comply with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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/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
  - Drawing number 1073/SK001 - Link Bridge – Option 2: dated "April '16"

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.

4. No works shall commence on site until a full survey, including analysis, and photographic record of the link bridge has been submitted to and approved in writing by the Local Planning Authority.

Reason: To secure the proper recording of the listed building.

5. Prior to the commencement of development a comprehensive Method Statement for protecting bats during the proposed works shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall provide full details of measures to be taken to avoid any possible disturbance to bats during the demolition and construction of the proposed school. The development shall

thereafter be carried out strictly in accordance with the approved Method Statement.

Reason: To protect bats from the proposed development.

### **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.



## **12 PLANNING CONSIDERATIONS - APPLICATION C (PA/337301/15) - Planning application for new school, sports pitches, playing fields and areas for play and parking**

### **Policy Background**

#### **The Development Plan**

- 12.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission are determined in accordance with the development plan unless material considerations indicate otherwise.
- 12.2 Paragraph 11 of the National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Paragraph 12 expands on this and states that the NPPF does not change the statutory status of the development plan as a starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless material considerations indicate otherwise. The guidance in the NPPF is taken as a material planning consideration.
- 12.3 In this case the 'Development Plan' is the Joint Development Plan Document which forms part of the Local Development Framework for Oldham. It contains the Core Strategies and Development Management policies used to assess and determine planning applications.
- 12.4 Policies 1, 2, 5, 6, 7, 9, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23 and 24 of the Development Plan - details of which are set out in section 7 of the report and attached as Appendix 1 - are all relevant to this application.

#### **Policy Allocation**

- 12.5 The application site is allocated within the Local Development Framework partially for employment use as Saddleworth Employment Area 8 (Shaw Pallets), and partially as Green Belt.

- 12.6 The Diggle Brook and some of the adjacent areas are designated as flood zones. In the northern part of the site, the Diggle Brook is designated as a Green Corridor and Link.
- 12.7 To the east of the site, the Huddersfield Narrow Canal is designated as a Recreational Route and a Site of Biological Interest.
- 12.8 The railway is designated as railway network.
- 12.9 The fields between the northern, previously developed part of the site and Huddersfield Road are designated as a Business and Industrial Allocation.

## **Policy Considerations**

12.10 In determining this application, the main issues to consider are:

- Principle of development, including Green Belt;
- Sports provision;
- Landscape and Visual Amenity;
- Design;
- Heritage and Archaeology;
- Transport, Access, and Highway Safety;
- Amenity;
- Air Quality;
- Ecology;
- Lighting;
- Flood Risk and Drainage;
- Ground conditions;
- Waste; and,
- Energy / Sustainability.

## **Principle of Development, including Green Belt**

12.11 The two main considerations relating to the principle of the development relate to the loss of employment land in the case of the proposed school buildings and development on the Green Belt in the case of the school sports facilities and the separate planning application for the drop-off facility and residents' car park on land adjacent to Huddersfield Road. It is also necessary to consider the proposals against other relevant considerations, including the benefits arising from the proposed scheme.



### ***Loss of Employment Land***

- 12.12 The site of the proposed school building is allocated as a Saddleworth Employment Area (SEA 8 Shaw Pallets) in Policy 13 of the Joint DPD.
- 12.13 The proposed use as a school falls into Use Class D1, which is not one of the uses listed in Policy 14 of the Joint DPD as being permitted in the Saddleworth Employment Area. However, uses other than those listed in Policy 14 will be permitted on sites currently or most recently used for employment purposes provided that the applicant can clearly demonstrate that it is no longer appropriate or viable to continue the existing use. This can be demonstrated by the applicant through:
- a marketing exercise;
  - a viability exercise,
  - or by demonstrating that the development for alternative uses would benefit regeneration areas identified by the Council as being in need of investment or would benefit the community of an area.
- 12.14 Between September 2008 and June 2012, the site was subject to a marketing exercise. A letter from Morris Dean Chartered Surveyors sets out the marketing exercise undertaken, which consisted of marketing of the site for sale or to let as a new development of high specification B1 office, light industrial and hybrid unit, together with the proposed refurbished existing office / clock tower building. The marketing exercise was agreed with the Council in advance and included:
- boards being erected at the site;
  - a marketing brochure being produced which was uploaded to the Midas website which promotes inward investment in Manchester (and includes a property search feature); and,
  - a series of prominent adverts being placed in three separate papers during the marketing period.
- 12.15 The marketing exercise failed to identify any firm interest in the site. Therefore, the requirements of the first part of Policy 14 have been met.
- 12.16 It is also apparent that there are wider social and community benefits of having a school building with associated facilities which are fit for purpose and which can deliver education to allow children a full opportunity to achieve their highest learning potential.
- 12.17 Policy 14 also requires, in cases where employment land is to be lost to other uses, that proposals should include measures to outweigh such loss and support



Oldham's economy. In this case, the following points weigh in favour of the proposed development and demonstrate compliance with Policy 14:

- The site will continue to provide employment for a significant number of people (170 at present);
- The development will provide a net increase of 20-25 permanent jobs;
- 185 temporary, full time construction jobs will be created, as well as supporting employment in the supply chain;
- The proposed school is directly related to advancement of education to the wider benefit of the economy;
- The wider economy will benefit from use of the school for night classes;
- Interserve Construction Ltd will adopt initiatives to use local labour / local suppliers. This benefit will be secured via a section 106 agreement.

12.18 For the above reasons, the principle of the loss of employment use is considered acceptable against Policies 13 and 14 of the Joint DPD.

### **Green Belt**

12.19 Policy 22 of the Joint DPD and Section 13 of the NPPF relate to consideration of development on the Green Belt land.

12.20 The Green Belt land to the south of the proposed school buildings is proposed to be used for a grass football pitch, running track, cricket wickets, shot put and long jump pit with run up. In addition, an artificial grass all weather sports pitch is proposed. The embankment to the canal to the eastern boundary will remain as existing and be used as an informal spectator area.

12.21 The linked application (Application D) for parental drop off facility and residents' parking areas is also proposed on Green Belt land. These works impact on the Green Belt is discussed in this application.

12.22 Policy 22 of the Joint DPD - Protecting Open Land - states that development in the Green Belt will be permitted provided it does not conflict with national planning policy.

12.23 National Green Belt policy is set out in Section 13, paragraphs 133-147 of the NPPF. In summary, Section 13 states that any development in the Green Belt is treated as prima facie "*inappropriate*" and can only be justified by reference to "*very special circumstances*" save for in the defined circumstances set out in paragraphs 145 and 146.

- 12.24 Specifically, Paragraph 133 of the NPPF states that the Government attaches great importance to Green Belts and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Moreover, the essential characteristics of Green Belts are their openness and their permanence.
- 12.25 It adds at paragraph 134 that the Green Belt serves five purposes to:
- check the unrestricted sprawl of large built-up areas;
  - prevent neighbouring towns merging into one another;
  - assist in safeguarding the countryside from encroachment;
  - preserve the setting and special character of historic towns; and
  - assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 12.26 Paragraph 141 of the NPPF requires local planning authorities to plan positively to enhance the beneficial use of the Green Belt, including provision of opportunities for outdoor sport and recreation. In this respect, it is considered that development of the Green Belt land in this application for the proposed sports facilities is consistent with this aim as it enhances the beneficial use of the site in this respect and improves access to outdoor sport and recreation facilities for students and the wider community. As such, this is a significant positive consideration.
- 12.27 However, it continues at Paragraph 143 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, Paragraph 144 states that, when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that '*very special circumstances*' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 12.28 Paragraph 145 of the NPPF states that provision of appropriate facilities for outdoor sport and recreation are not inappropriate development within the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 12.29 Paragraph 146 states that engineering operations and local transport infrastructure which can demonstrate a requirement for a Green Belt location are also not inappropriate in the Green Belt provided they preserve openness and do not conflict with the purposes of including land within it.
- 12.30 As a consequence of the above, the proposed outdoor sports facilities are considered to be inappropriate development in the Green Belt by Officers since the pitches and addition of man-made features surrounding the sport facilities, such as

fences, floodlights, goal posts and artificial surface change parts of the Green Belt from a natural environment to one more intensively used that impacts on the visual amenity of the Green Belt and does not preserve the openness of the Green Belt.

- 12.31 When considering whether the proposed sports facilities retain the openness and visual amenity of the Green Belt, whether they conflict with the purposes of including land within it and whether there are very special circumstances that would allow inappropriate development in the Green Belt, the following needs to be taken into account.
- 12.32 The site is on the edge of the built-up area and is seen within the context of the industrial site and against the backdrop of man-made features such as the canal and railway line embankments. Therefore, the existing landscape around the site of the sports facilities is not entirely natural due to these features, which currently impact on openness.
- 12.33 The nature of the proposals is such that a largely open appearance will remain due to the visual permeability of the proposed fences, small nature of the lights, goal posts and no buildings are proposed on the sites which would block views.
- 12.34 Site levels change in some areas and retaining walls are proposed to allow this to happen. However, these would not significantly affect the open character of the Green Belt.
- 12.35 The Landscape and Visual Impact Assessment chapter of the ES concludes that even after the development has occurred, the playing fields will remain relatively open, with only lighting columns and fencing adding to the constructed elements to the area. This is a view shared by Officers.
- 12.36 The proposed lighting of the sports pitches will result in some minor impacts on the character, visual amenity and openness of the Green Belt. However, mitigation is proposed in that glare from floodlighting is to be minimised and lighting positioned to reduce upward light spill. The lighting hours of operation will also be controlled.
- 12.37 As stated above, one of the main purposes of Green Belt is to check unrestricted urban sprawl and safeguard the countryside from encroachment. The proposed sports facilities lie between Diggle and Uppermill and could be interpreted as encroaching into the countryside between these two built up areas. However, there would remain a distance of approximately 450 metres between the closest part of the defined development boundary of Uppermill with the edge of the sports field, although in reality there are limited views between the two settlements due to the topography of the area. Although the development would result in some man-made features on a site between settlements, it is not considered that this would significantly impact on the Green Belt in terms of the settlements merging together.

- 12.38 Notwithstanding the above Officers still consider that the proposed sports facilities ancillary structures and artificial pitch represent inappropriate development in the Green Belt.
- 12.39 Nevertheless, it is considered that very special circumstances exist that clearly outweigh the harm to the Green Belt by reason of inappropriateness, in that there is an acknowledged and significant need for a replacement, higher quality Saddleworth School with associated sports facilities.
- 12.40 A robust assessment of alternative sites took Green Belt issues into account in the site selection process and it was concluded that the most suitable site for the location of the new school was the application site. The full details of this assessment are set out in Section 5 of this report.
- 12.41 Without building in the Green Belt, the benefits arising from the new school scheme would not occur. These benefits include:
- Development of a new school which is fit for purpose;
  - Provision of much needed secondary school places;
  - Provision of school and supporting external facilities which are consistent with the school's aspirations;
  - Provision of significantly more comfortable and inspiring learning environment which will encourage improved educational attainment;
  - Provision of a modern, efficient, low maintenance and sustainable building;
  - Removal of a derelict site which is subject to anti-social and criminal behaviour, and bringing the site back into use;
  - Regeneration of a site which presently detracts from the character of the area;
  - Decreasing the built footprint of buildings and hardstanding on the site and increasing landscaping;
  - Removal of contamination and invasive species;
  - Enabling redevelopment of a site which forms an important part of the setting of a Grade II listed building;
  - Delivery of highway improvements;
  - Provision of construction and education related jobs, plus additional jobs through the supply chain;
  - Provision of new and improved habitats and biodiversity;
  - Potential to halve the amount of rainwater run-off from the site lowering flood risk;
  - Greater participation in sport due to new and improved sports facilities for students and the community in general; and,
  - Allowing the school to develop its role and involvement in the wider community.

- 12.42 Officers consider the schools benefits overwhelmingly outweigh the harm to the Green Belt by reason of inappropriateness.
- 12.43 For the reasons set out in paragraphs 4.25 to 4.32, Officers agree with Justice Kerr's Judicial Review findings that the objectors claim, that '*non green belt harm*' was not included in the weighing exercise of Green Belt considerations, is unjustified. To be clear, harm to Cultural Heritage considerations are considered elsewhere in the report and including them in the weighing exercise amongst other harm, the overall conclusion is that very special circumstances do exist in this case.
- 12.44 Moreover, due to the size of the site required for the new, fit for purpose school, it is not possible for the previously developed part of the site to accommodate the proposed sports facilities that subsequently have to be located in the Green Belt. There is a clear need for the sports pitches to be developed adjacent the school buildings in order principally to achieve a standard of sports pitch provision as required by Sport England and for the general health and well-being of the students and community in general.
- 12.45 Land to the north is used as public open space and would not be capable of accommodating sports pitches due to the topography of the area and its narrow width. The site to the west is capable of accommodating the sports pitches but, in this location, the sports pitches would be close to existing residential properties, thereby resulting in potential adverse impacts on amenity. That site is also allocated for employment use, which increases its value to a prohibitively high degree.
- 12.46 In summary, it is not possible to construct the proposed school on the application site without using the adjacent Green Belt land for sports pitches. In Officers view, the development of the school and associated sports facilities would not significantly affect the openness of the Green Belt or the reasons for including land within it enough to outweigh the need for the school and associated facilities.
- 12.47 Additionally, any change to the character of the Green Belt as a result of the proposed school sports facilities must be balanced against the improvement of the disused industrial site which has been derelict for a number of years.
- 12.48 The cumulative impact on the Green Belt arising from the proposed sports pitches has been considered. Overall, the Green Belt would appear less natural in character but it is not considered that the proposals would result in its urbanisation in the way that developing the site for other uses / buildings potentially would. Although the two areas of the site (the existing factory site to the north and fields to the south) are separated by a field and Diggle Brook, the two areas are seen in the same view. However, given existing adjacent built form and the physical separation of the two areas, it is not considered that the proposals would result in significantly

increased urban sprawl, the merging of settlements, encroachment of countryside, or significant impact on the character of historic towns or villages.

- 12.49 Overall, there are considered to be very special circumstances which allow the construction of the sports facilities within the Green Belt and significantly outweigh the harm to the Green Belt and any other harm caused by inappropriate development. As such, it is considered that the applications comply with Policy 22 of the Joint DPD and Section 13 of the NPPF.

### ***Other land use considerations***

- 12.50 Policy 1 'Climate Change and Sustainable Development' of the Joint DPD requires that 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. Improvements that benefit the health and well-being of people in Oldham will be supported. Development must be in sustainable and accessible locations within the built up area, and must not prejudice the development of other land or regeneration areas.
- 12.51 The proposed development of the school complies with Policy 1 as it seeks adapt to and mitigate against climate change, particularly in respect of reducing the risk of flooding on the site and downstream.
- 12.52 The re-use of a vacant, previously developed site will involve the remediation of contaminated land.
- 12.53 It contributes to sustainable development by providing a school which is fit for purpose and will provide facilities which will help to enable students to reach their full potential.
- 12.54 The proposed building is energy efficient in that it is highly insulated, maximises the use of daylight and makes use of natural ventilation.
- 12.55 The new school buildings should give students and the local Saddleworth community a sense of pride when compared to the existing buildings, and this should improve the image of the area.
- 12.56 The proposed sports facilities will provide higher quality facilities than those at the existing school and will provide the opportunity to improve the health and well-being of the local community through increased participation in sport.

- 12.57 The site is not as centrally located to the wider Saddleworth community as the existing school. However, the proposed new school is not a significant distance away and is located in an accessible location adjacent to the built up area.
- 12.58 The development will not prejudice regeneration areas. The development will likely result in a slight reduction in staff and student spending within Uppermill. However, this is anticipated to be around 2%, which is not significant.
- 12.59 Policy 2 'Communities' states that the Council will support improvements to the education and skills of the borough's population by working with education partners to facilitate the development of new and improved education facilities. The proposed new school will address the needs of the Saddleworth area through provision of new school buildings and improved sports facilities.
- 12.60 The development also complies with Paragraph 94 of the NPPF, which states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of communities, and goes on to state that LPAs should take a proactive, positive and collaborative approach to meeting this requirement.
- 12.61 The proposed development additionally complies with the joint policy statement by the Secretaries of State for Communities and Local Government and Education, issued in August 2011 (Planning for Schools Development), which set out the Government's commitment to support the development of state-funded schools and their delivery through the planning system. The statement goes on to state that there should be a presumption in favour of the development of state funded schools and that local authorities should make full use of their planning powers to support state funded schools applications.
- 12.62 The proposed school complies with the requirements of Policy 23 'Open Spaces and Sports' as the proposals include the provision of open space and new sporting facilities which are superior to those at the existing school. In addition, the introduction of sports uses will open up the Green Belt land for use to a greater number of people and encourage greater participation in sports and recreation by both students and members of the public.

### ***Socio-economics***

- 12.63 An assessment of the effects on socio-economics has been undertaken for the proposed development. The assessment looked at the potential impacts on:
- local employment;
  - the vitality and viability of local centres;



- on educational attainment;
  - participation in sport; and,
  - the availability and demand of employment land.
- 12.64 The potential effects were assessed in the context of local planning and economic development policies. Also of particular relevance to the assessment of the socio-economic effects are the "positive improvements" identified by NPPF which the planning system should seek to achieve, including making it easier for jobs to be created in cities, towns and villages and improving the conditions in which people live, work, travel and take leisure.
- 12.65 The assessment demonstrates that the scheme is likely to cause a number of positive impacts on the local community, including the creation of approximately 185 construction jobs created during the expected two-year construction period, and between 20 and 25 full time additional employment jobs will be created in the local area as a result of employment at the school and local multiplier effects.
- 12.66 The development is likely to cause a small loss of income to local retailers in Uppermill, but this is not expected to be more than 2% for the town as a whole. This is not, therefore, likely to have a material effect on the viability and vitality of the town centre as a whole and the magnitude of impact is therefore considered to be low. The Oldham Core Strategy and Joint DPD recognises the viability and vitality of local centres as a priority for the borough. However, the latest evidence indicates that Uppermill is not in a vulnerable position, with a range of independent shops and few vacant units. The significance of effect is therefore assessed as minor adverse which is not significant in EIA terms.
- 12.67 In addition, the development will lead to the loss of Oldham's employment land supply. Given that a marketing exercise has concluded that there is no firm interest in the site for employment uses and given that the site is currently vacant, it is considered that its loss to alternative uses would result in a low magnitude of impact. The loss of the WH Shaw Pallet site from employment use is therefore assessed as being minor adverse which is not significant in EIA terms.
- 12.68 The investment in new educational and sports facilities will have the potential to both improve educational attainment and participation in sport, which has a wide range of health and social benefits. The provision of improved, high quality sports facilities at the proposed development is likely to increase interest and participation in sport amongst students at Saddleworth School, and also add to the choice of facilities available locally which could increase participation amongst local communities.
- 12.69 Overall, it is considered that the socio-economic benefits of the development weigh in favour of the proposed development.



### ***Agricultural Land***

- 12.70 The proposals would result in the loss of the grazing land in the southern part of the site. As such, an agricultural land classification assessment has been undertaken to establish whether the proposals would result in the loss of the Best and Most Versatile Agricultural Land.
- 12.71 The grading of land is affected by climatic criteria and through interactions with soil characteristics. The combination of rainfall and temperature at this site result in a significant limitation to the agricultural quality of the land, restricting such land to a maximum of Subgrade 3b. As such, no 'Best and Most Versatile Land' would be affected by the proposals. The proposal therefore accords with Policy 1 of the Joint DPD and the NPPF (Paragraphs 170).

### ***Using the Existing School Site***

12.72 The objectors to this proposal consider:

- a) The ESFA and Council have no basis for justifying the move of the school to Diggle.
- b) The Council have not given due consideration to the Uppermill site.
- c) The JR judgement recommends that the Uppermill site is given consideration.
- d) The judge criticises the site selection process at the JR hearing.
- e) The existing site is a perfect site for the school to be rebuilt.
- f) The Education Funding Agency's Feasibility Study (February 2015) has shown that the Uppermill site option is a viable alternative and within budget.
- g) The Uppermill site option will be a less costly option both financially and environmentally.
- h) Oldham Council has failed to acknowledge that the existing facilities in Uppermill will be superior to those planned, especially if the all-weather pitch [AWP] in Uppermill is upgraded.
- i) It will also ensure long-term benefit for the school and local community.
- j) The sport fields at the current Uppermill site are not situated between a river and canal and are in the lowest flood category (Flood Zone 1).
- k) The pitches at the Uppermill site will be sold for redevelopment and not retained.
- l) There is concern that the Council has not listened to the issues raised by the public in making their site choice for the new school. All the evidence indicates that replacement pitches will be of inferior quality compared to the current facilities at Uppermill and, in addition, availability for use will be restricted meaning the school and local community will be losing out.

- m) The current school site in Uppermill should be retained and the AWP (all weather pitch) upgraded. This would ensure long-term benefit for the school and local community. The feasibility study carried out by the ESFA has shown that this is still a viable option.
- n) The site selection process was not fit for purpose and flawed.
- o) The site selection process should be revisited.
- p) The Council have fettered their discretion and have predetermined the outcome of any future planning committee by discounting the Uppermill site.
- q) There are advantages of keeping the school at Uppermill including proximity to an existing transport hub and bus turn-around facility; proximity to existing sports facilities.
- r) Green Belt harm was not considered as part of the site selection process.
- s) Cultural harm was not considered as part of the site selection process.

12.73 The applicant's original response was that:

- a) The existing facilities are not superior to those planned and the AWP on the existing school site is not capable of being upgraded in size or proportions due to on-site constraints.
- b) Redeveloping the existing school site would be more costly.
- c) The site was chosen as the preferred site for new school in independent decisions taken by the ESFA and by Oldham Council's Members due to the overriding benefits to education that the application site can provide. The benefits of a new school are numerous.
- d) The Council is obliged to make decision on the acceptability of the application proposals as submitted, not to consider whether there are any other alternative options. There are no proposals to redevelop the school on the existing site.
- e) The sport fields at the current Uppermill site are in the lowest flood category (Flood Zone 1).
- f) The Uppermill school site will be redeveloped and this is stated in the applicants planning statement
- g) The proposed new school, including its sports facilities, have been designed in full consideration of all relevant matters by a large multi-disciplinary team of technical experts and in full consultation with statutory bodies and interested parties.
- h) The existing school site is constrained. As such, it is not possible to upgrade the AWP. In both new build options on the current school site investigated by the ESFA, the AWP would remain as existing. Therefore, the benefits of the new AWP on the application site would not be capable of being realised on the existing school site. Additionally, the existing school site is not capable of providing an FA under 15-16 pitch, nor all the athletics facilities the application site could provide. The application site therefore represents the best site to deliver new and improved sports facilities in relation to Saddleworth School.

- 12.74 Following the Judicial Review judgement, the applicant has confirmed that it is worth noting that the assessment of impacts and their comparisons within alternative site selection were not considered material or sufficient grounds to quash the planning permission. They consider that its contents were considered by Mr Justice Kerr to be clear and factually accurate [Paragraph 59 of the judgment].
- 12.75 They feel that the process of considering the two sites needed a clear statement of facts. Their position in this regards is set out below.
- 12.76 They noted that the judgment makes this need clear in paragraphs 95 and 102 respectively:

*“In my judgment, it was obviously rational and sensible for the members of the planning committee to weigh the educational, financial and construction advantages of the pallet works site against the harm done to the heritage asset if that site were adopted. That was done. But it was equally rational and sensible, and indeed necessary as a matter of rationality, for the members of the committee to weigh the educational, financial and construction disadvantages of the Uppermill site against the benefit of avoiding substantial harm to the heritage asset at the pallet works site. That was not done.” [Paragraph 95]*

And:

*“I conclude that the plainly relevant question that was never addressed by members was whether it was worth incurring the additional financial, educational and construction burdens of keeping the Uppermill site, to avoid the substantial harm to the setting of the heritage asset. They were wrongly told .... to ignore Mr Brooks’ argument and not ask themselves that question. I therefore uphold the claim on the first ground, to which the second ground does not add anything.” [Paragraph 102]*

- 12.77 The applicant has provided information as to why the Diggle site is a better option and that, in fact, in accordance with the paragraph 195 of the NPPF, can enable the Listed Office Building to be maintained as a potential sustainable use linked with the proposed new school. Additionally, they have also explained why the burdens of redeveloping the Uppermill site are greater than the effect to any heritage setting.
- 12.78 The applicant considers that the specific text within the Mr Justice Kerr’s judgment states clearly that Members should address the matter of balance of:

***“whether it was worth incurring the additional financial, educational and construction burdens of keeping the Uppermill site, to avoid the substantial harm to the setting of the heritage asset”.***

12.79 They therefore have sought to address the '*plainly relevant question*' noted in the judgment [paragraph 95] with why the Diggle site delivers:

- educational;
- financial; and,
- construction

advantages that substantially outweigh the substantial harm to heritage assets plus that the construction of a new school is an exceptional public benefit that outweighs this identified harm. These advantages provide for the exceptional circumstances that reasonably allow for this development to affect the setting of the listed building, especially if they give rise to future opportunity for its reuse and upkeep (relevant to Paragraphs 192 and 195 NPPF).

#### **Educational**

12.80 In relation to educational benefits, the applicant considers the following:

- a) The applicant considers that the technological acumen of modern pupils is extremely high and a teaching environment naturally needs to relate to their expectations and future needs. Equally, it is obvious that positive places reinforce a preference for a person to want to attend or spend time in that environment. As opposed to the learning environments that currently exist on the Uppermill site, the new site would provide pupils (and parents) a positive and stimulating educational facility that is specifically designed to avoid pupils missing vital stages of education through the experience of poor facilities or even truancy by instead, making Saddleworth School relevant to young people.
- b) In their recent report 'Better Spaces for Learning', 2016, the Royal Institute of British Architects (RIBA) have researched and demonstrated evidence that poor quality teaching environments do have an impact on the educational attainment and the retention of high quality teaching staff. The Diggle site allows for the design to reflect a '*home*' learning structure, which enables a positive sense within pupils of 'ownership' of the School and buildings. This design also enables less movement of large numbers of pupils making the educational time more efficient. The Uppermill site will need to reuse some of the old buildings and will not be able to provide this overall improvement to the learning structure and positive physical built environment.
- c) The existing issues of access, movement and lack of opportunity for disabled participation will be compounded by any new buildings and severance of the existing Uppermill school site over its extremely varied terrain and cramped environment. The continuation of such issues are a material dis-benefit. It is not reasonable to compound issues for any pupils or teachers with additional

needs and to not create proper disabled participation in a new School would be a significant dis-benefit whilst missing the public sector equality duty.

- d) The only place that the temporary accommodation could be located is on the playing pitches reducing the Uppermill site's ability to deliver appropriate physical education curriculum, further disadvantaging current and future pupils. Even if the Uppermill site is redeveloped, the ESFA and the school have confirmed that this does not necessarily provide the educational benefits that can be delivered at the Diggle scheme which will create a purpose built facility that will facilitate long-term educational benefits to local pupils.

12.81 In conclusion, the applicant argues that this educational factor alone amounts to substantial public benefit and creates an exceptional circumstance that outweighs the assessed harm to the setting of the listed building. They consider it is hard to overestimate the negative impact on pupils, education achievement and even staff retention that will occur if any new school facilities were to be built on the existing site.

### Financial

12.82 The applicant's position is that the comparison of the two sites is deliberately kept to the task set out in the JR judgment (i.e. they are not seeking to repeat the full content of the ESFA's Feasibility Study that compared four potential sites for a Saddleworth School, but to address the points made through the entire procedure to date). They argue:

- a) The Feasibility Study clearly set out the ESFA's estimated costs for the schemes, with the proposed Diggle site being £18,460,905, yet the proposal to rebuild at Uppermill would be £20,176,128, some £1,715,223 different. Both these estimates already contain their variable differences such as temporary accommodation on the existing site as buildings are demolished or gabions and piling at the site at Diggle.
- b) In respect of Ground 7 of the claimant's argument (that there was a failure to consider the increased transport costs associated with the relocation to the Diggle site), the applicant notes that the cost was considered previously by the Council as it was identified in the feasibility study. However, they note paragraph 129 of Mr Justice Kerr's judgement that:

*"... it was not an obligatory material consideration by virtue of any provision in legislation or in any policy document; and it was lawful for the Council to treat it as a factor to which no weight need be attached".*

Mr Justice Kerr determined that:

*“I do not think there is any merit in this ground of challenge”*

and the applicant supports this point.

- c) This cost comparison is well documented in the Feasibility Study and has not been disputed within the planning process. Moreover, the Diggle site option also has the benefit of additional funds that will be ring-fenced for that site option due to a land deal with the present owners, something not available if the existing Uppermill site is attempted to be reused. Funds will be available to the school at Diggle and will be available for enhancements not just restricted to the school building but available for new furniture, facilities and equipment which will facilitate extra educational benefits over normal school fit-out (this underscores the benefits of the educational point above as well). This funding will not further benefit the pupils if the school is retained at the existing Uppermill location.
- d) Whilst such a cost saving between the two schools normally would not typically be a material consideration for planning, in this instance it is material as noted in the judgment where Mr Justice Kerr stated:

*“In my judgment, it was obviously rational and sensible for the members of the planning committee to weigh the educational, financial and construction advantages of the pallet works site against the harm done to the heritage asset if that site were adopted”.*

Therefore, the additional direct funding to education benefit cannot be overlooked as it is a strong part of the case for why the proposed Diggle School will have direct public benefit to the pupils and staff using the facility for future generations.

- e) The applicant argues that this brings greater weight to the question of balance with regard to benefits of the Diggle site over dis-benefits of the Uppermill site redevelopment. A fully financially viable scheme, with unique extra benefits over the other, should provide confidence in the Planning Officer’s report and Committee Member’s comparison of benefits and burdens that Mr Justice Kerr described and that the harm to the setting of a listed building can be offset as a long term positive development decision.

12.83 In conclusion, these specific financial circumstances are a substantial public benefit and they will be put to real educational advantage for the school, which in this case outweigh the substantial harm to the loss of the link bridge and the setting of the heritage asset. This is also an exceptional circumstance meaning the case

becomes overwhelming given the other factors (particularly the educational and construction ones).

## Construction

12.84 The applicant considers that:

a) Construction at the Uppermill site will create obvious:

- Noise;
- Dust;
- health and safety risks;
- aggravating road access issues; and,

causing pupil decanting to temporary buildings.

Disruption from a long-term build will also include:

- machinery movements;
- pile driving;
- phased demolition;
- the movement of materials; and,
- risk conflict between normal school operations and a population of construction workers

all contained within the challenges and confines of the steep and topographically challenging site.

The proposals to redevelop the existing Uppermill site do not address this issue of worsening a poor education environment which has affected several generations of pupils and will only serve to prolong continued constraints that are inherent at the existing site.

The construction period impacts are a significant issue and placing them away from the current need to continue school operations at an alternative site is a substantial public benefit not least for pupils, parents and teaching staff, as well as users of the footpath and local residents.

b) Attempting to construct on the current School site assumes the build programme goes exactly to plan with no issues arising from the order of procedures such as demolition or ground works. All building programmes may suffer unknown issues, but the Diggle site will not create this risk of lengthening impacts to more generations of pupils as it will be purpose built in



complete isolation and be ready for the relocation of 1,370 pupils and 160 staff to decant to only once completed.

### Heritage Assessment Conclusions

12.85 Having set out the educational, financial and construction aspects listed by Mr Justice Kerr as compelling arguments in themselves for exceptional circumstance, the applicant argues that it is then worth considering the heritage matters to which they are to be balanced against in the statutory tests within the NPPF. They are:

- a) The suite of planning applications are collectively applying to demolish all buildings on site except for the Grade II Office building, characterised by its clock tower and prominent position to the front of the site when viewed from the road.
- b) There is, as part of the old factory works, a link corridor to this building which will be demolished as a result of the project, although a small stub will remain attached to the office building above the rear porch. The purpose of the stub is to provide a legacy reference to its previous existence, although more to its previous use rather than its current (unsafe) condition.
- c) The ES has had regard to this proposed removal:

*“As the demolition will only result in the partial loss of one of the elements of the listed structure the magnitude of impact is considered to be moderate negative. This would result in an intermediate adverse effect. The office building which is the principal element of the asset and the most architecturally and historically significant element will remain unaltered”.*

- d) This description is important because it accurately describes the change and demonstrates how, through necessity as well as the desire to develop the site for a better use than the existing one, a pragmatic solution still enables the most important heritage aspect to be preserved in situ.
- e) The assessment is clear on the impact in heritage and EIA terms:  
  
*“In considering the cumulative group value of the buildings and their potential contribution to the setting of the grade II listed office building, they may be assessed collectively as being of medium heritage value. The demolition results in a substantial negative magnitude of impact. This results in an overall intermediate adverse cumulative significance of effect.”*
- f) Finally, the heritage assessment that supports the ES makes it also plain that:



*“The effect on the setting of the Grade II listed office building arising from the proposed construction of the new school buildings and associated facilities is considered to be intermediate adverse. The key historic relationship to the former mill buildings will be removed by the construction of the school and additional changes to the adjacent green fields will result in the setting of the office building being compromised.*

*However, the office building will still be appreciable as a landmark feature from the surrounding area, especially in key views from the west. The new school building has been designed to be of a scale and height which will not overtop or dominate the office building. Further mitigation measures, particularly in relation to materials and lighting of the school have been proposed to further mitigate potential adverse effects but would not result in a reduction in the magnitude or types of identified impacts and effects.*

*The effect of the development on the Dobcross Loom Works Grade II listed office building and its setting, when taken with the necessary demolition to facilitate construction of the school buildings, amounts to substantial harm to the significance of the designated heritage asset as defined by the NPPF and is not considered to preserve the listed building’s significance, special architectural features and setting as required by the Planning (Listed Building and Conservation Areas) Act 1990. The NPPF states that substantial harm to a Grade II listed building should be exceptional [paragraph 132] and in line with requirements of paragraph 133 it will be necessary to demonstrate that the substantial harm is required to achieve substantial public benefits. The public benefits of the development are provided in other planning documentation”.*

- g) At all times, it has always been clear in the evidence within the previous and current ES’s that in EIA and Heritage terms, the changes can be referred to as having an adverse impact on the listed office building.
- h) Therefore, the above sections demonstrate the difference between:
- the burdens of the reuse of the current school whilst trying to retain educational service at the same time;
- versus:
- the substantive public benefits of the Diggle site that in the applicants view outweigh any impact to heritage setting.
- i) This is particularly balanced in favour for the Diggle site with an actual long-term opportunity to preserve and not lose this listed office building. A Planning

condition that upholds this by requiring a feasibility study could be proposed to ensure that the re-use of the listed building is considered as part of the new school proposals.

- j) The applicant notes that since the school application has come forward, an expression of interest have been made with regard to re-occupation of the listed office building. Whilst at an early stage, the grant of planning permission of the new school has facilitated positive discussions between the School and various parties involved with complementary youth groups and services. This is a positive sign that the development at Diggle would in fact, enable preservation through re-use of the listed building rather than continue its current vacant status that, in the applicants view, would bring the building back into uses in accordance with paragraph 195 of the NPPF.
- k) The applicant requests that the Planning Authority also applies paragraph 192 of the NPPF to the proposals and to take account of the desirability of sustaining and enhancing the significance of the heritage asset by the potential for putting it to viable use and improving its economic vitality which will make a positive contribution to the retaining the local character and integrity of the listed building for future generations.
- l) A planning condition that upholds this by requiring a feasibility study could be proposed to ensure that the re-use of the listed building is considered as part of the new school proposals.

### **Officer Views**

- 12.86 The applicants statement sets out there are financial, educational and construction burdens in relation to the Uppermill site and that such characteristics are less for the Diggle proposals. This is a view shared by Officers.
- 12.87 Furthermore, the site at Diggle offers better opportunities towards the retention of the listed building and a clear case of betterment over its current status where no use will risk its conservation integrity and preservation and, as such, make the decision to balance the dis-benefits at Uppermill as greater than the effects on setting for the listed office building in line with the NPPF.
- 12.88 The new school at Diggle provides significant public benefit that is also able to do away with the Uppermill site's negative issues regarding educational attainment and which overall underscores the support for this proposal.
- 12.89 In summary:
  - the Uppermill site will be more expensive;

- the Uppermill site will fail to provide additional unique financial benefits that will secure a modern, fit for purpose educational facility that is more relevant to the expectations of existing and future pupils; and,
  - the amendments to Uppermill will only further compound several generations of pupils to have an extended poor educational experience created by the condition of buildings and the site's constraints and topology.
- 12.90 Officers consider this is a burden not worth placing on future generations, particularly when viewed against the impact to the setting of a listed building which in any case would benefit from the improvement of its surroundings and could also potentially find new use and life linked to the development of improved educational facilities to be relocated to Diggle.
- 12.91 Officers concur that poor standards of education affect both the pupils' attainment and the retention of quality teaching. As such, given the present poor quality of the school, Officers give weight that to continue and compound this collection of dis-benefits is unnecessary and makes it evident that the Diggle site will, in financial, education, construction and planning terms, outweigh any other concerns.
- 12.92 The benefits of the Diggle site are differences that are sufficient, for the purposes of this planning assessment, to be public benefit to be weighed against the harm considered to occur to the setting of the listed building alone. The opportunity for the listed building to be preserved through uses linked to the proposed school may be an opportunity that compounds this further and weighs in favour of granting permission for the school at Diggle. This is evidenced elsewhere in this report and specifically in the 'Heritage / Demolition Impact' section (paragraphs 12.223-12.259) and across related applications A and B contained in this Planning Committee agenda.
- 12.93 The dis-benefits of the Uppermill site are greater than those of Diggle and they and the benefits of the Diggle site collectively create a clear case for any harm to the listed building setting to be an exceptional circumstance and an acceptable change.
- 12.94 Additionally, Officers feel:
- a) The existing facilities are not superior to those planned. Furthermore, site constraints affect upgrading it.
  - b) Evidence indicates redeveloping the existing school site would be more costly. It would also produce a school less 'fit for purpose'.
  - c) The choice of the site is clearly evidenced in the ES. Its potential benefits if it is used for school purposes are numerous.

- d) The sport fields at the current Uppermill site are in Flood Zone 1.
- e) The existing Uppermill school site is likely to be redeveloped although no application is yet in. This does not affect the assessment of this application.
- f) The replacement facilities will not be of an inferior quality or restricted so the community lose out.
- g) The existing school site is constrained. As such, it is not possible to upgrade the AWP. Additionally, the existing school site is not capable of providing an FA Under 15-16 pitch, nor all the athletics facilities, the application site could provide. The application site therefore represents the best site to deliver new and improved sports facilities in relation to Saddleworth School.

### **Conclusion**

- 12.95 Taking all of the above considerations into account, including the benefits of the scheme, it is concluded that the overall land use principle of the application is acceptable against the relevant local and national planning policy framework considerations.

### **Sports provision**

- 12.96 Policy 23 'Open Spaces and Sports' is relevant in considering the sports provision proposed as part of this application.
- 12.97 The proposed sports facilities are located towards the south of the site with the internal sports facilities and changing rooms, MUGAs, all weather pitch and playing field all being adjacent to each other. This has benefits in terms of efficiencies in the operation of the school, but also makes out of hours community use easier to manage. The self-contained sports facilities benefit from adjacent parking.
- 12.98 The proposed sports provision seeks to re-provide those of the current Uppermill school site and to provide enhanced facilities wherever possible. Although there is no direct loss of sports facilities as a result of this application, the relocation of the school will inevitably result in the existing facilities being lost and therefore in assessing the acceptability of the new school proposals, Policy 23 is relevant.
- 12.99 Policy 23 states that the loss of open space will be permitted where a replacement facility which is at least equivalent in terms of usefulness, attractiveness, quality and

accessibility, and where appropriate quantity, to existing and future users is provided.

12.100 The proposed sports facilities will replace and improve upon the existing facilities at the Uppermill site. The sports facilities at the existing school suffer from a number of problems. For example:

- Neither the all-weather pitch nor the grass pitch are square;
- The all-weather pitch does not meet with Sport England standard sized pitch requirements;
- Both pitches lie beneath overhanging tree canopies which causes problems with leaf fall and does not meet Sport England standards;
- The playing field and sports hall are regularly subject to flooding; and,
- The playing field surface is poor.

12.101 Due to the deficiencies of the current facilities, students usually have to walk half a mile to the Churchill Playing Fields in Greenfield to use the facilities there for football, rugby and athletics. In contrast, the proposed school offers the following improvements and additions:

- U-16 grass football pitch in line with FA requirements and incorporating drainage;
- An all-weather pitch of standardized proportions, with the required 3m run-off areas with no overhanging tree canopies;
- Additional sports provision;
- One additional informal MUGA;
- A basketball practice key;

- 100m grass running track;
- Practice cricket wickets;
- An area for throwing events; and,
- Pitches which are not subjected to regular flooding.

12.102 The provision of the proposed new all-weather pitch and playing field / grass pitch would enable various school sports, which are in the school curriculum, to take place on the new school site, except for running events which would require use of an off-site 400 running track. Football matches will now be able to take place at the school given that new pitch will conform to competition standard. The new sports facilities will be located immediately adjacent to the school buildings and changing rooms where they are easily accessible by the disabled.

12.103 Finally, it should be recognised that, as well as being used by students, the sports facilities will also be open and able to be used by the local community. As such, they will have wider benefits than just solely for the school and its pupils.

12.104 In summary, the proposed replacement sports facilities at the school are at least equivalent in terms of usefulness, attractiveness, quality, accessibility, and quantity. This element of the proposals therefore complies with Policy 23 of the Joint DPD.

12.105 It should also be noted that Policy 16 – Local services and facilities ensures the need for local shops, leisure facilities and offices are met by protecting existing premises and permitting new local services and facilities where appropriate within existing built up areas. Where appropriate and within existing built up areas the policy permits the following uses outside of Oldham Town Centre and the borough's other centre's provided they satisfy the requirements of national and local policies:

- i. Local shops with a gross floorspace of 500 square metres or less;
- ii. Leisure facilities with a gross floorspace of 1,000 square metres or less; and,
- iii. Office, business and industrial developments with a gross floorspace of 1,000 square metres or less.

12.106 The applicant states that the proposal will:

- encourage greater participation in sport due to the provision of new and improved sports facilities for the school and the community; and,
- through an improved offer of facilities available to the community, allow the school to develop its role and involvement in the wider community leading to greater social cohesion.

12.107 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.

### ***All-weather pitch (AWP)***

12.108 A specific concern raised by objectors to the scheme is the view that the floodlit AWP shown on the current plans does not meet with any of the Football Associations published dimensions for pitches and can only accommodate a pitch for U9-U10 use (i.e. it does not cater for the age of the children at the school and the area is simply too restricted to cater for all the necessary requirements).

12.109 In response, the applicant argues that principle of the proposed AWP has been agreed with Sport England previously.

12.110 They continue that the existing school AWP is long and narrow and does not meet with any standard pitch sizes, or even proportions, and it does not have the required 3m runoff. In contrast, the proposed new AWP will have the same surface area but will be constructed to recognised proportions and it will provide a 3m runoff. It will therefore represent an improvement over the current pitch. They then detail why they consider the pitches to be better, concluding that the replacement sports facilities are at least equivalent in terms of usefulness, attractiveness, quality, accessibility and quantity to those existing.

12.111 Officer's view is that, following correspondence between the FA and the Council, the Council agreed to use a planning condition to deliver an AWP to FA specifications.

- 12.112 The FA advised Sport England that Manchester CFA would expect the AWP to accord with FA design guidance, and the FA are assured that the AWP will comply with this. The use of a planning condition to secure this is also acceptable to the FA.
- 12.113 The FA has also provided the technical guidelines for the AWP including the technical guidelines for compliance with rugby training.
- 12.114 In light of the comments from the FA, Sport England considers that an AWP will now be fit for purpose. Consequently, Sport England withdrew its earlier objection, subject to 3 conditions being attached to the decision notice requiring:
- the details and layout of the AWP,
  - the new grass playing field and pitch being constructed and laid out in accordance with Sport England standards; and,
  - to secure community use of the sports facilities.
- 12.115 In these circumstances, Officers consider that the AWP is acceptable and therefore complies with current policy and guidance in this area.

### ***Pitches sited in an environmentally sensitive location***

- 12.116 Objectors have also raised a view that the playing fields are to be located in an environmentally sensitive area and there is a conflict between the proposed floodlights and ecological considerations.
- 12.117 The applicant argues that this is not the case stating that ecological considerations have been fully considered in the submitted Environmental Statement and appropriate mitigation has been put in place. Moreover, they note that the Greater Manchester Ecology Unit [GMEU], Canal and River Trust, Natural England and the Environment Agency are all satisfied with the proposals and raise no objections at all, including in relation to the proposed floodlighting. GMEU particularly consider that objections in relation to bats and lighting “*have failed to properly consider available mitigation for lighting impacts*” [letter 27<sup>th</sup> February 2018]



12.118 In Officers opinion, experts in the ecology field consider the scheme to be acceptable. As such, there appears to be no evidence to support the view that the proposed sport facilities will create ecological issues.

## Landscape and Visual Impact

12.119 The following Local Policies are relevant to the assessment of the landscape and visual impact of the proposal:

- Policy 1: Climate Change and Sustainable Development – when considering applications the Council will ensure development respects Oldham’s environment including landscapes and their settings;
- Policy 6: Green Infrastructure – when considering planning applications the council will consider relevant international, national and local guidance including the Peak District National Park Landscape Character Assessment and Oldham Landscape Character Assessment;
- Policy 9: Local Environment – when determining applications the Council will protect and improve local environmental quality and amenity;
- Policy 20: Design – The Council will promote design that reflects the character and distinctiveness of local areas and where appropriate development proposals must include an appraisal of local character;
- Policy 21: Protecting Natural Environmental Assets – new development must be balanced by protecting conserving and enhancing natural environments and development must have regard to the landscape objectives for the relevant landscape character area within the Oldham Landscape Character Assessment;
- Policy 22: Protecting Open Land – policy seeks to protect and maintain Green Belt land, Other Protected Open Land and Land Reserved for Future Development;
- Policy 23: Open Space and Sports – The Council will seek to protect , promote and enhance open space within the borough; and,
- Policy 24: Historic Environment – seeks to protect historic environments and restrict development that would lead to the loss of or harm to this historic character or setting of any registered park and garden.

12.120 The landscape and visual impact of the scheme has been assessed following guidelines set by the Landscape Institute. Baseline information was collected from a desk based study by the applicant followed by site visits. From the information collected, landscape features of the site were identified alongside information from landscape character studies and relevant landscape planning policies. Information on the visual aspects of the site was collected through visiting a number of

viewpoints within the study area to gain an understanding of the visual baseline of the site and study area.

- 12.121 The resulting Landscape and Visual Impact Assessment identifies a number of features on the site, including existing vegetation around the boundaries and agricultural grazing land to the southern part of the site, existing mill buildings occupying the northern section of the site and the Huddersfield Narrow Canal running adjacent to the eastern boundary of the site.
- 12.122 In the surrounding landscape, panoramic views are available towards the site, set within the wider context of the Diggle valley. The Peak District National Park lies to the east but is some 840m away from the site.
- 12.123 Photomontages were produced, in accordance with Landscape Institute guidelines, for two of the views considered within the assessment. These aided interpretation of the visual change the development may result in and are attached for information as Appendix 2.
- 12.124 The assessment identified that there would be a variety of effects on the landscape features, landscape character and landscape designations within the study area. Of these effects, changes during demolition and construction were anticipated to be the main effects on the landscape elements of the site.
- 12.125 Specifically, effects on Landscape and Views during construction are:
- The demolition of the existing mill buildings and their replacement with the new school building;
  - The removal of the existing water abstraction building adjacent to the Huddersfield Narrow Canal;
  - Vegetation clearance within and on the boundaries of the site. This will include strategic felling of existing trees including an area along the line of Diggle Brook;
  - Activities and movement of equipment during the construction period;

- The construction of the school building, associated external spaces, including the earth movement and levelling associated with sports pitches construction, and associated infrastructure;
- Temporary hoarding required along banks to protect the ecology in Diggle Brook during construction;
- Any temporary structures protecting retained vegetation and trees around the site; and,
- Potential lighting of the works during construction.

12.126 Sources of potential effects on Landscape and Views during school operation include:

- The introduction of the school building, with a maximum of 3 storeys in height, into publicly accessible views of the site;
- The introduction of the sports pitches and associated landform works , with associated lighting and fencing, into publicly accessible views of the site;
- Security fencing around the boundaries and within the school grounds. This includes the 2.4m high weld mesh fencing fully enclosing the northern section of the school; 1.2m high post and rail fencing associated with the southern section of the site; 3m high weldmesh fencing is also associated with the playing field.
- Increased activity on the site. The sports pitch and natural turf playing fields to south are to be used for community use out of school hours;
- Increased traffic in the area during school drop off and pick up hours;
- The change of use from a derelict mill site to an active school site;
- Lighting associated with the school building, access road, car park areas, and playing fields resulting in an alteration to the existing night time views.

- 12.127 In landscape character terms, the site sits within the valley floor, adjacent to Diggle Brook, with hills rising to the west and east. The topography of the site itself ranges from approximately 179m AOD<sup>7</sup> in the south to 190m AOD in the north and the land rises by approximately 5m from the west adjacent to Diggle Brook to the east adjacent to the Huddersfield Narrow Canal.
- 12.128 The site is typical of the landscape character and land use within the valley comprising of a mixture of pasture and manufacturing units alongside historic mill buildings.
- 12.129 The landscape of the surrounding study area includes the moorland hills of the Peak District National Park to the east and north, hills to the west within the district of Oldham, and the valley floor stretching to the south. The topography of the area allows for panoramic views from a number of locations.
- 12.130 In terms of features, the school site is divided into two distinct areas, defined by the PRow passing east west through it.
- 12.131 The northern half of the site contains a mixture of buildings, both historic and more recent, with some relatively recent demolition towards the southern extent of the northern portion of the site. The structures include a listed building with a clock tower (lying just outside the site), brick chimney and brick tower, alongside more recent shed structures. Within the area of recent demolition, vegetation has begun to grow and includes species such as birch, hawthorn and bramble. A section of PRow SADD 77 is included within the site. This runs along the western side of the Huddersfield Narrow Canal. A water abstraction building is located adjacent to the PRow and canal and falls within the site.
- 12.132 Both the west and northern boundaries are defined by existing mature trees, with the trees along the western boundary running alongside Diggle Brook. The eastern boundary is defined by vegetation and the line of Huddersfield Narrow Canal. To the east of the canal lies the Manchester to Huddersfield rail line.

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<sup>7</sup> Above ordnance datum

- 12.133 The applicant's tree survey identified the trees within and around the site boundaries as category B and C trees<sup>8</sup>. There are only Category C trees within the site.
- 12.134 The southern area of this portion of the site comprises a large single field currently used for grazing. The southern boundary is defined by a timber post and rail fence, the east boundary by a post and barbed wire fence with the Huddersfield Narrow Canal, PRoW SADD 77 (west of the canal) and towpath (east of the canal PRoW SADD 76) immediately beyond. The western boundary is defined by Diggle Brook and associated vegetation (including hawthorn and holly).
- 12.135 In terms of the areas characteristics, the area proposed for the school has two distinct areas, each with different characteristics.
- 12.136 The northern portion of the site has a derelict mill characteristic, comprising of the range of buildings and lying adjacent to Huddersfield Canal. The buildings within the site are visible within the surrounding views, mainly due to the local topography in the surrounding area which allows panoramic views from a variety of locations. The existing clock tower is visually prominent to the west, due to the clear area of open grassland situated in its foreground<sup>9</sup>. The historic characteristics of the north part of the site are tied to the adjacent land use of the canal and rail line. The northern portion of the site is seen as the southern extent of the built up area of Diggle.
- 12.137 The southern section of the site is more open, with some vegetation along the Diggle Brook boundary, but generally consisting of mainly grazed grassland. The brook is relatively well screened from the surrounding landform as it is situated within a cutting, the line of vegetation along its bank being the prominent feature. The lack of development on this area ties it into the characteristics of the other fields situated to its south and west forming an area of open landscape within the valley floor.
- 12.138 The site is distinctly different from the land to the east of the canal, which comprise of a man-made embankment of the Huddersfield / Manchester railway line rising to the hills running into the Peak District National Park. To the west, the valley floor is defined by Huddersfield Road, with the landform rising west up to Harrop Edge, and includes the majority of the built development of Diggle.

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<sup>8</sup> Category B trees are 'trees of moderate quality or with an estimated remaining life expectancy of at least 20 years'; whereas Category C trees are 'trees of low quality, with an estimated remaining life expectancy of at least 10 years, or younger trees with a stem diameter below 150mm' ).

<sup>9</sup> although the fields in the foreground are allocated for commercial development.

- 12.139 The applicants landscape study identified the following landscape issues to be considered in the assessment of potential landscape effects:
- the landscape features of the Site including vegetation located on the Site boundaries;
  - the landscape asset of the PRow crossing through the Site;
  - the landscape asset of PRow running along the western boundary of the Huddersfield Narrow Canal;
  - the agricultural land of the southern section of the Site;
  - the characteristics of National Character Area 36 Southern Pennines;
  - the characteristics of the Dark Peak Western Fringe regional character area;
  - the characteristics of the adjacent Dark Peak regional character area;
  - the characteristics of the Tame Settled Valley landscape character area;
  - Protecting the setting of the Peak District National Park 'Dark Peak' area; and
  - Protection of the landscape qualities of the Green Belt designation.
- 12.140 Having considered the effects of the scheme on amongst other things landscape fabric and features, landscape character, landscape designation, sensitive areas and the magnitude of change during operation and during demolition and construction of the site, the applicant concluded that a variety of effects are anticipated on the landscape fabric and features; landscape character and landscape designations as a result of the development.
- 12.141 Once the school site is operational, the applicant identified some negative effects on the landscape features, landscape character and landscape designations are likely, but these are mainly anticipated to be minor or negligible, with moderate adverse effects anticipated on the agricultural land and SADD 106.

- 12.142 Beneficial effects are anticipated on the short section of the footpath (SADD 77) that runs within the site boundary where its immediate surroundings are anticipated to be improved.
- 12.143 Views of the development are likely to be available from all the surrounding viewpoints assessed. Once construction activities have been completed, the effects are likely to reduce, with the school building replacing the mill buildings, and the associated playing fields and lighting being viewed as new features within the view. These new features, although resulting in some adverse change, are not anticipated to result in significant effects at the majority of the viewpoints assessed.
- 12.144 The water abstraction building will be removed from adjacent to the PRoW SADD 77 and a boundary treatment alongside the school building will have been constructed. This consists of a 2.4m high weld mesh fence which fully encloses the northern section of the site. The boundary of the site adjacent to the PRoW currently comprises temporary heras fencing, and the overall nature of the weld mesh fencing will not be dissimilar to this.
- 12.145 The water abstraction building does not add to the character of this path, and its removal is therefore seen as an improvement to the immediate area.
- 12.146 The demolition of the mill buildings and construction of the school building is anticipated to be an improvement on the setting of this short section of the path, which currently lies adjacent to derelict buildings and fencing, and assuming a sensitive boundary treatment is adopted on either side of the fencing the overall development is likely to result in an improvement to the short section of path within the site.
- 12.147 The proposed school will replace existing mill buildings on the site. Viewed from the Peak District National Park, the applicant argues that the proposed development would be largely seen against the backdrop of existing built form. The impact on the Peak District National Park would therefore be minimal. However, consideration will need to be given to the impact of the proposed lighting, which will be mitigated through the use of low powered, downward facing lighting and controlled by condition.
- 12.148 Officers acknowledge that landscape and visual impacts will occur, but 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. Overall, Officers feel the impact on the landscape and visual amenity will not be significantly detrimental and it is therefore considered that the development complies with the requirements of in particular Policies 6 and 9 of the Joint DPD and other Development Plan policies.

## **Trees**

- 12.149 An Arboricultural Impact Assessment and Tree Protection Plan have been submitted with the application. An Arboricultural Method Statement has also been submitted which describes the measures to be put in place to protect retained trees during construction.
- 12.150 The overall tree quality of the site is low in terms of sustainability and the report concludes that no tree on the site is of such high quality as to be retained on its own merits. However, the trees do provide established screening and therefore will be largely retained and protected.
- 12.151 Selective thinning is recommended to improve the overall quality of the groups of retained trees. Additional tree planting will also take place where appropriate, particularly from a landscape perspective. In order to protect the open landscape character of the southern part of the site, no significant tree planting is proposed on the southern part of the site. The adjacent tree groups off-site were considered and the proposed development will no direct impact on these.
- 12.152 Overall, the proposed development accords with saved UDP Policy D1.5 in relation to retaining trees on development sites.

## **Design**

### ***Background***

- 12.153 The existing school is made up of 11 blocks of accommodation, most of which are in a poor state of repair:
- All classrooms suffer from draughts, poor acoustics and those on the top floor, from water ingress;



- Most windows are single glazed and need replacing;
- Effective regulation and control of lighting and heating is prevented by the condition of the mechanical and electrical systems;
- All electrical safety systems require replacing;
- There is no single fire management system;
- The existing school site is very constrained, with limited external play space;
- The existing site constraints and topography would severely compromise any potential new school buildings or development on the site; and,
- Any new school building of the required capacity would not meet the current site area guidelines for the size of a secondary school.

12.154 The school buildings were previously considered necessary to be replaced under the Building Schools for the Future programme stopped in 2010.

### ***New School***

12.155 Following careful consideration from four design options it was decided to develop a building that has an E-shape footprint located between the existing culvert that crosses the site to the north and the public footpath that splits the existing pallet works site from the green belt element of the site to the south.

12.156 The proposal locates the playing fields to the south of the public footpath and east of the Diggle Brook, on the Green Belt land.

12.157 The teaching block is based on a “finger” design which has been identified as cost and performance efficient delivering the design brief in a contemporary but also sustainable manner.

12.158 The building consists of a three-storey block running north-south and three ‘fingers’ of two-storeys in height to suit the topography of the site.

- 12.159 The Sports Hall is adjacent to the main building to make use of a single access, also covering community use, and benefiting from being located to the south with direct access to outdoor sports facilities.
- 12.160 Staff, disabled and visitor parking is located south of the main school building immediately after crossing the bridge into the site. Located at this position it will be available for out-of-hours community use while enabling security of the main school site to be maintained.

### ***Objectors View***

- 12.161 Objectors consider in design terms in relation to the school application:
- The proposed school building is inappropriate for a rural environment / not in keeping with the village and its Pennine character.
  - The school uses inappropriate design and materials.
  - Loss of stone walls to either side of the entrance to the site will adversely affect the landscape character of the area.
  - Stone cladding or detailing could soften the harshness of the current design.
  - The scheme would have an adverse visual impact because of the proposed security fencing.
  - Trees surrounding boundary adjacent to Lower Wrigley Green and footpath must be retained for privacy.

### ***Applicants View***

#### ***Scale***

- 12.162 The applicant argues that the proposed building fits in well with the existing vernacular, maintains a lower height than the clock tower building and the sports hall steps down towards the open fields to the south.
- 12.163 The external materials have been chosen to blend into the surroundings. At ground level on the west facade there are three distinct stone elements reflecting the clock tower. The three teaching fingers are clad in neutral colours of greys, greens and beige, over a darker plinth. The sports block is clad with a mix of smooth and textured darker grey panels, not dissimilar to the weathered and aged stone of the previous buildings.

12.164 As the building sits within a valley, the colour and material of the roof have also been taken into consideration to minimise glare and obstructions. They argue that the impact on the distant views is negligible as the building sits in the bottom of the valley.

### *Appearance*

12.165 In terms of appearance, the applicant argues that external materials have been chosen to blend into the surroundings, with neutral colours, in greens and beige, over a darker plinth. This takes the eye off the building mass and positions it well within the landscape. The impact on the distant views is negligible as the building sits in the bottom of the valley.

12.166 They continue that the brick plinth to ground floor gives the building a solid base and offers a robust and resistant surface. Buff stone has also been introduced to match the character of the surrounding buildings in the area and provide robustness.

12.167 Large panels of green, grey and beige insulated cladding for the respective fingers give the building a clean and fresh appearance creating a welcoming environment. The colour scheme would work as a camouflage effect within the natural background.

12.168 For the sports hall, insulated metal panels are a common and simple modern building material solution, offering good robustness and fast construction whilst being long lasting and cost effective. Two textures of the same colour will break down the large areas of the façade and carry the vertical language of the teaching block through into the metal panel area. The main roof of the sports hall will be standing seam whilst the teaching block will be shallow pitch dark grey single ply membrane, allowing easy maintenance and overlaying at the end of their long lifespan.

### *Layout*

12.169 The applicant outlines that, whilst responding to the accommodation and individual department's space requirements, from the outset they have looked to create a highly legible plan form with a simple programme of spaces to respond directly to the School's constraints and requirements. The simple layout of teaching spaces

around circulation and central atria and support spaces on a compact footprint is easy to navigate and creates close proximities.

- 12.170 The finger layout enables each year group to have an identified '*home base*' in which general teaching areas and form spaces are located. The pupils would only need to leave these home bases to be taught for practical lessons in areas such as science, technology and PE. Each home base will look and feel different, becoming increasingly adult and sophisticated in feel and providing pupils with a sense of progression as they move up through the school.
- 12.171 Passive supervision from staff spaces and circulation routes ensure not only fitness for educational purposes and serving student social needs but also supports safeguarding and security.
- 12.172 The pupil toilets follow anti-bullying design guidance and are located on each floor.

### ***Access***

- 12.173 All access to the site is controlled via one principal point of entry utilising an existing access road to the west of the new school grounds serviced from Huddersfield Road. The access road is carried on across an existing bridge over the Diggle Brook.
- 12.174 A footpath will extend from the existing access road directly to the main arrival area outside the principal building entrance. Access for staff and visitors is via this building entrance on the western elevation. Two raised crossings are proposed to carry this footpath over vehicle access points into the car park providing greater safety priority to pedestrians. The arrival footpaths are to be surfaced in concrete paving flags providing an instantly recognisable, direct and safe route from the site boundary to the main entrance.
- 12.175 The footpath link turns left at the main arrival area and follows the western elevation of the building to the pupil's entrance into their secure external learning environments. Pupil access points into the main spine of the building and the teaching wings are from these areas.
- 12.176 To the east of the building, pedestrian circulation occurs at two levels externally. An access route is provided at ground level running the full length of the main spine of

the building and onwards to the sports block utilising the under crofts beneath the first floor teaching wings.

- 12.177 Circulation is also achieved outside at first floor level linking the active play and teaching environments to the north of the building past each of the teaching wings and onwards to the hard surfaced games courts to the south. Both the southern and northern courtyards between the three teaching wings benefit from stepped access connecting the two levels of access.
- 12.178 Wide access gates are to be provided in the new fence along the canal tow path. Use of these gates will be carefully managed by the school for both pedestrian and vehicular use. The access is to be gated and entry may be seasonal. The existing ramp from this perimeter access down into the school is at a steep gradient and would not be suitable for wheelchair use or less able bodied students.
- 12.179 The hard surfaced games courts [MUGA's] are located on a higher plateau of the site to the sports block. Access to these from the internal sports provision and changing rooms is via external steps for able bodied students. Less able bodied students will seek access via the internal building elevator by the main entrance and exit onto the MUGA's via the southern-most teaching wing at first floor level.
- 12.180 A footpath link is proposed to take students from the changing rooms to the grass and all weather pitches to the south. This path leads to a secure gate before crossing over the maintained Public Right of Way.
- 12.181 A total provision of 60 cycle parking places have been proposed for visitors, pupil's and staff within the secure line to the north of the building. This provision is based on discussions of current cycle usage by staff and students.
- 12.182 Vehicle access has been constrained to the northern half of the school site, providing access for parking, bus drop-off, building servicing, including waste storage, deliveries and grounds maintenance.
- 12.183 122 car parking bays with 5 accessible bays are located closest to the main entrance. A further two parking bays have been provided for mini buses immediately adjacent to the sports block.
- 12.184 A supporting plan has also been including in the submission to demonstrate the overflow capacity of the other areas of hard standing to accommodate event days. It

is estimated that the proposals could carry a total of 289 car park bays in a compliant highways format for events.

- 12.185 Provision has been made to allow for 14 school buses to enter and exit the site and park-up within allocated drop-off bays.
- 12.186 The road between the listed office building / clock tower and main entrance to the new building has been widened significantly to allow for a bus to wait whilst the other passes on the corner. The bus lay-by provision allows all 14 buses to stack up - one behind the other - but it will not be possible for them to leave independently.
- 12.187 Access for a fire appliance has been provided along the western side of the sports hall with turning space within the car park to the south of the building. Access has also been provided along the remaining western elevation heading north in the site. Turning is provided within the bus drop off.
- 12.188 Provision has also been made for a fire appliance to gain access to the upper level of the school grounds and northern teaching wing. Turning is provided over the informal MUGA. Further access to the canal tow path can potentially be granted by the school to enable canal maintenance.
- 12.189 Grounds maintenance access to the sports fields is provided via a hatched out area between parking bays on the southern boundary of the northern half of the site. A gate on this fence line provides access across the Public Right of Way onto the grass fields.
- 12.190 The sports block, synthetic pitch and natural turf playing fields to the south are for use by the community out of school hours. The community has shared access to the school car park and onwards to the sports facilities and changing. However, the main external teaching space is secured from entry.

### ***Sustainability***

- 12.191 The building has a well-insulated envelope that ensures energy efficiency and conservation of fuel. Natural ventilation, wherever feasible, together with spacious and interconnected circulation areas allow natural daylight to penetrate the building, support health and well-being in the new learning environment.

### ***Proposed Landscaping***

- 12.192 Landscape proposals for the school have been developed to create a clear site layout with regards to site access, circulation and integration of the briefing requirements whilst recognising the numerous site constraints the site has.
- 12.193 The new school grounds remain divided in two by the retained public right of way linking the footbridge over the canal to the east with the footbridge over the Diggle Brook to the west.
- 12.194 The southern portion of the site has been developed solely for sports use. Earth works and new retaining walls are necessary to accommodate pitch sizes and gradients to Sport England standards.
- 12.195 The northern half of the site is where the majority of the developments are proposed including the construction of the new buildings and associated servicing arrangements, car parking, MUGA's and secure external learning areas.
- 12.196 The proposals look to work with the existing levels where possible and re-use existing retaining walls.
- 12.197 Where it is possible, the existing green infrastructure of boundary trees and riparian planting along the Diggle Brook and to the north eastern boundary is to be retained to provide a mature green framework to the new development. New native woodland, structure planting is proposed to enhance the existing boundary planting, and to aid with 'softening' the development and integrating it to the surrounding landscape character. The new structure planting has the extra benefit of providing wildlife habitat study areas.
- 12.198 Strategic felling of some areas of existing trees will be necessary to facilitate the proposals, in particular the re-levelling of the northern part of the site to accommodate car-park and bus turning areas. Some trees will also be lost to facilitate the demolition of the existing buildings and removal of waste and treatment of invasive species.
- 12.199 General organisational principals for the external teaching and social spaces have been informed by the form of the building and the need to respond to the challenging site levels. The over sailing teaching wings of the building have

provided for development courtyards and covered external areas both between and partly beneath the three teaching wings.

- 12.200 A series of flexible hard and soft social spaces have been created to the east and north of the building. Quieter learning and social spaces have been provided closest to the building and more active play, performance and wildlife study areas take place to the north of the building.
- 12.201 The two courtyards each extend its function from the adjacent internal use. The southern courtyard spills out from the dining hall. Here the difference in level between ground and first floor has been bridged in part with tiered seating and includes a paved terrace for setting out picnic benches for external dining or quiet study. The northern courtyard extends from the main hall. In this location the applicant has proposed to utilise the full extent of level change using tiered seating like an auditorium facing the building and have provided an informal performance space to the ground level.
- 12.202 The proposed materials for the tiered seats are pre-cast concrete with brick uprights and artificial grass turf for the wider terrace.
- 12.203 The areas below the teaching wings have been developed as external covered teaching and social spaces. Here table tennis tables could be set out or the space utilised as informal dance or fitness class space or drama practise area.
- 12.204 At the canal level, a quiet seating area has been created which has views across the school grounds and beyond.
- 12.205 Through utilising the natural changes of level of the site, a natural turf amphitheatre has been proposed to the far north-eastern corner of the site. The steep sections of the grass terraces are to be reinforced to provide a stepped form.
- 12.206 The second floor circulation corridor above the teaching spine provides access out onto first floor roof terraces which the school wish to develop for a horticultural area as science and food studies.



### ***Sports Provision***

- 12.207 New sports facilities have been accommodated within the school grounds which match or exceed the provision of the current school site in Uppermill.
- 12.208 On the southern half of the site, a floodlit synthetic football pitch has been provided. Also in this area is an U15-U16 natural turf football pitch, 100m natural turf 6-lane running track, an area for practise cricket wickets, a synthetic long jump run-up and sand pit and area for throwing events.
- 12.209 On the northern half of the site, two formal, fully fenced porous macadam multi-use games courts have been provided to the south of the building. To the north of the building is an additional informal MUGA.

### ***Officers views***

- 12.210 Policy 20 - 'Design' 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. This policy relates to all types of development.
- 12.211 Also particularly relevant to the assessment of design is Policy 24 - '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.
- 12.212 NPPF section 12 - 'Achieving well-designed places' and sections 15 and 16 - relating to conserving and enhancing the natural and historic environment plus the Planning (Listed Building and Conservation Areas) Act 1990 (and particularly Section 66 of it) also apply here.

### ***Design***

- 12.213 The Council's design policies recognise that design is as much about how a building functions as the way it looks.

- 12.214 In Officers opinion, the proposed school is designed to high standards of educational design in terms of its layout, function, flexibility and efficiency and responds to the schools brief and current educational design standards and would deliver the highest quality educational facility. Its design also responds to considerations including safety and inclusion, legibility, adaptability and sustainability in terms of construction and future maintenance.
- 12.215 Because the site has a history of large-floorplate, multi-storied industrial buildings, the scale and mass of the school is considered appropriate, particularly since it would remain lower than the listed office building and clock and subsequently the listed building retains its prominence. Similarly, the bulk of the building on the canal elevation of the site is not over dominant.
- 12.216 The proposed materials are considered appropriate and typical of a building of this function and size. However, whilst some stone has been introduced in response to consultation feedback to add some visual interest and emphasise the main entrance, the overall look of the building is uninspiring architecturally and somewhat bland. Nevertheless, overall its appearance is considered acceptable.
- 12.217 In terms of layout, Officers consider that the scheme provides a good quality layout that supports the proposed function of the buildings in question. The facilities provided on site are suitable for the schools use. Moreover, its access, sustainability credentials and landscaping are all acceptable when compared with the relevant policy advice and guidance.
- 12.218 In terms of the setting of the school, the new school's location runs along roughly along the same line as the existing factory existing factory buildings, albeit it is set back approximately 3m further away from the listed office building. Moreover, it will take up less floorspace than the existing spread of the factory buildings. However, the schools height is slightly taller in places (2/3 stories high) although from key public viewpoints (e.g. Huddersfield Road) this height increase will barely be noticeable, particularly since it would still sit below the height of the listed office building and clock tower. However, it will understandably look different to the existing factory buildings in appearance and in places (e.g. from the canal and PRow) there will be a different appearance and change of character of the site.
- 12.219 The impact on this listed office building is discussed below in the heritage / demolition impact section.
- 12.220 However, the impact of the new school setting elsewhere requires that:

- The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and in weighing applications that affect directly or indirectly non-designated heritage assets (such as the canal and PRoW), a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset [paragraph 197 of the NPPF].
  
- Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use [paragraph 196 of the NPPF].

12.221 In this regard, Officers consider that the setting of the school is not detrimental to any adjacent non-designated heritage assets or creates sufficient harm or loss of significance that would sustain a reason for refusal. Furthermore, any less than substantial harm to a designated heritage asset is significantly outweighed by the benefits of securing a new school on this site.

### ***Heritage / Demolition impact***

12.222 The impact of demolishing the existing factory buildings on the listed office building is covered in detail in Application A and Application B, but is repeated here for clarity.

12.223 In summary, Officers recognise that the demolition of the link bridge and factory buildings will cause substantial harm to the designated heritage asset's setting (the factory office). Paragraph 195 of the NPPF is therefore 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.

12.224 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 buildings 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.

- 12.225 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. This is reinforced by Paragraph 193 of the NPPF. Furthermore, Paragraph 195 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.
- 12.226 Moreover, the Development Plan clearly states that when determining applications, the Council will seek to protect, conserve and enhance the settings and significance of the borough's heritage assets where possible, adding that development within the curtilage or vicinity of a listed building should preserve or enhance its special interest and its setting [Policy 24].
- 12.227 The proposal does not protect or conserve the setting of the listed factory building. As such, Members need to take into account and give considerable importance and weight to the strong presumption against the demolition of the non-designated heritage assets (factory buildings) and indeed the demolition of the link bridge detailed in Application B of this agenda.
- 12.228 However, Officers also recognise that Policy 24 of the Development Plan sets out that the Council will support heritage-led regeneration, including the reuse of historic buildings, to achieve objectives including economic, community and regeneration ones, where appropriate.
- 12.229 Furthermore, Members will have regard to Policy 1 - Climate Change and Sustainable Development - which requires the effective and efficient use of sites by promoting the reuse and conversion of existing buildings (including Oldham's industrial mills) and development on previously developed land including recycling derelict, vacant and underused land).
- 12.230 Moreover, the NPPF is clear that:

*“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions”*

[Paragraph 117]

and that:

*“Planning policies and decisions should .....*

- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.....;*
- d) promote and support the development of under-utilised land and buildings ....*

[Paragraph 118]

12.232 Additionally, the 2018 NPPF states at Paragraph 120 that, where a local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:

*“... applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area”.*

12.233 It continues in the similar vein at Paragraph 121 that:

*“Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to.....:*

***..... b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.***

12.234 Stress in ensuring that there is a sufficient choice of school places available to meet the needs of existing and new communities is made in Paragraph 94 of the 2018 NPPF. It states that local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They consider that decision makers should:

*“give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications”.*

12,235 Members will also have some regard to the joint policy statement ‘*Planning for School’s Development*’ which 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.

12.236 As a consequence, it is clear that the Development Plan has conflicting policies in relation to this application since some support it and some do not. Consequently, the weight Members attach to them becomes important in the assessment.

12.237 The applicant has set out their justification for demolition. This includes:

- evidence of marketing the site which has been shown the building is unlikely to be let successfully and therefore that there is no reasonable prospect of the site being used for employment purposes;
- removing a derelict site which is subject to anti-social and criminal behaviour;
- clearing the site for potential development which will not happen if this is not done;
- regeneration and reuse of the factory building site whose condition detracts from the character of the area and will continue to do so if it remains;
- increasing the chances of finding a use for the listed building, by clearing poor quality vacant properties around it; and,
- providing an opportunity to deal with site contamination and invasive plant species.

12.238 Whilst objectors to the scheme do not consider these to be valid reasons, Officers have no evidence before them that the buildings in question are likely to be gainfully used again for employment purposes in the short, medium or long term in their current state. Indeed, there are several examples in Oldham where listed buildings used for employment purposes have remained vacant for many years because of a

combination of their poor condition, unsuitability for modern employment / manufacturing use and listed status (e.g. Hartford Mill and Bailey Mill) – qualities this site shares.

- 12.239 Furthermore, it is also Officers view that the site has and will continue to fall into disrepair and sustain damage through vandalism if left as it is currently. Indeed, there is some evidence of this occurring already.
- 12.240 In Officers view, the clearing of the site is likely to result in a positive reuse of the site, particularly if this school application is approved. This is because the office building will then be set in an environment where it is not surrounded by increasingly dilapidated factory buildings, but instead by modern functional and attractive buildings which would create a better working environment for any potential user of the office building. Moreover, the application has to be considered in regards to this site being both deliverable and available to build a new school on in the Saddleworth Area. This conclusion was reached following the investigation and assessment of several sites in the locality since it results in the highest quality new school being able to be built and is deliverable and available for redevelopment. It would also help find a use for the listed office building in question. The ESFA has strongly supported the development of this site over others in a letter to the Council. Equally, the headmaster of Saddleworth School supports this position. The application therefore should be seen in this context.
- 12.241 The determining factor for Officers in putting forward its positive recommendation in design respects was the answer to the question 'what would be the likely outcome of any decision to refuse the scheme'?
- 12.242 None of the non-designated heritage asset factory buildings by themselves are architecturally special. Therefore, the design qualities of these buildings would not be a strong justification for retaining them. However, from a heritage perspective, the demolition of the factory buildings would adversely affect the setting and historic context of the Grade II listed office building. There is therefore a strong presumption against the demolition of the factory buildings as the Development Plan, NPPF and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 illustrate that decision makers must give considerable importance and weight to harm to the setting of the listed building.
- 12.243 However, Officers consider that refusing the demolition of these buildings would lead to an unfortunate outcome and the effective 'sterilisation' of the site since it is unlikely to be used for employment purposes because of its quality, condition, layout, location and attractiveness of the buildings. Moreover, whilst Officers accept



that a significant part of the value of the existing factory buildings lies in providing the context and setting for the Grade II listed office building in particular, it has to be recognised that this quality will deteriorate if the building remains vacant and its current condition worsens - as seems likely if the site is kept as is. This is sadly not an uncommon problem in Oldham.

12.244 The NPPF and Development Plan are clear in encouraging:

- Economic growth and making economic, environmental and social progress for this and future generations;
- The reuse and conversion of historic buildings and land to achieve economic, community and regeneration objectives where appropriate; and,
- Applications for alternative uses of employment land or buildings having regard to the relative need for different land uses to support sustainable local communities.

12.245 Whilst noting the strong presumption against allowing the demolition of the five factory buildings, a refusal on these grounds would be unlikely to encourage any of the above. Instead, it would be likely to blight the site in question.

12.246 Officers consider a refusal of the scheme would result in an outcome that runs directly contrary to the principle aims of the Local 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.

12.247 Taken as a whole the:

- Evidence of unsuccessful marketing of the site over many years and therefore the unlikely reuse of the buildings going forward;
- Significant social and economic and 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; plus,



- 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,

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

- 12.248 On balance, 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 NPPF 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 strong presumption against a scheme affecting the setting of a listed building. The proposal is therefore considered to comply with paragraph 195 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.
- 12.249 In relation to the impact the scheme would have on the setting of the Huddersfield Canal, it has to be remembered that the current factory buildings are in a poor state of repair and the temporary fencing along the canal side detracts from the contribution they make to the setting of the canal. Moreover, the heritage significance of the canal is primarily in its engineering and technological interest and the relationship of the canal to its associated listed assets and its engineering and technological interest will not be affected by the proposed development since it will continue to be understood and appreciable.
- 12.250 Nevertheless, the removal of the loom works buildings and replacement with the new school buildings will affect the historic association of the canal as a transport route serving the former factory buildings, even though the office building will be retained. Equally, other mill buildings in the wider area will continue to be present along the canal edge which continues the relationship between the industrial buildings and canal.
- 12.251 The fields proposed for sports pitches are visible from along the canal as part of the rural context. As such, the development will alter the rural aspect such that, although the sports pitches will remain as largely green space, the area will appear more engineered and include additional structures associated with the sports uses, such as fencing, lighting columns and goal posts.

- 12.252 Overall, the impact of the scheme on the setting of the canal is moderate negative within the immediate context and slight negative when considered within the context of the whole of the asset. The heritage significance of the canal is only subject to localised impacts when considered over its overall length and associations. Since the canal itself is a non-designated heritage asset, paragraph 197 of the NPPF applies here. It states that in weighing applications that affect it, a balanced judgement is required having regard to the scale of any harm or loss of significance of the asset.
- 12.253 In this case, the benefits of allowing the site to be developed as a school outweigh the minor loss of setting and historic context of the canal in this instance, particularly in view of the limited scale of harm and its localised significance.
- 12.254 The residual magnitude of impact of the development on the settings of six Grade II Listed Buildings: 45-9 Huddersfield Road, 25 Huddersfield Road, canal footbridge, Hollin Grove, Holly Grove Cottages and Holly Grove Farm Cottage would remain intermediate-minor adverse which is not significant. As such, paragraph 196 of the NPPF is relevant here. This states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset this harm should be weighed against the public benefits of the proposal.
- 12.255 In this case, Officers consider that the public benefits the school will bring significantly outweigh the limited harm created by the proposal to these six grade II listed buildings.
- 12.256 Impacts on other assessed Listed Buildings and Conservation Area would be negligible.
- 12.257 An archaeological watching brief to record the inaccessible parts of the buildings will be maintained during demolition to lessen the impact of their loss. Furthermore, a programme of archaeological investigation will be undertaken in respect of the former Wrigley's Mill in the north of the site and in respect of any possible buried remains associated with the Dobcross loom works.
- 12.258 In conclusion, it is considered that the individual and cumulative harm created by the scheme is outweighed by the strong and clear public benefits of providing the proposed school development. In these circumstances, it is considered that the NPPF and Joint DPD policies on heritage and design are complied with.

12.259 In design terms the scheme scores highly in terms of its functionality but less so in terms of its form. Nevertheless, in the absence of a better school site, the proposal is considered, on balance, acceptable and in line with the relevant national and local design policies and guidance.

## **Crime Prevention and Security**

12.260 New boundary fencing has been proposed to the entire site perimeter.

12.261 The northern school site is to be fully enclosed by 2.4m high weld-mesh fencing creating a secure and private educational environment.

12.262 To the south, the playing field area is de-marked and access is controlled via 1.2m high post and rail fencing.

12.263 Access to and along the public right of way has been retained uninterrupted.

12.264 The synthetic turf pitch is fully enclosed with 3m high ball stop fencing. Further 3m high weld-mesh fencing sections have been proposed to aid ball control from the elevated natural turf pitch to the lower level of the Diggle Brook and adjacent field.

12.265 Within the site, secondary fencing lines are proposed to be introduced to divide the 'private' from the 'public' and supervised zones as follows:

- a. The elevations of the new school building forms part of the secondary secure line.
- b. 1.8m high weld-mesh fencing is proposed to extend the secure line west wards to the site perimeter to provide a division between the visitor car park, main entrance area, listed building and servicing and deliveries from the staff car parking, external play and teaching areas.
- c. 1.2m high railings are proposed to secure the staff car park areas from the pupil areas.

- d. 2m high timber close board fencing is proposed to secure and screen views of the bin store and sprinkler tank and pump (located to the west of the new school building).
- e. 3m high ball stop weld-mesh fencing is proposed to enclose both the MUGA and synthetic pitch.

12.266 Positive aspects of the proposed development are:

- The new building will benefit from natural surveillance and overlooking to some degree from Huddersfield Road to the west;
- The single access point into the site and limited number of other entry points allow surveillance and security to be focused on these locations;
- The location of the main entrance provides a clear and direct route for visitors.
- The footprint and design of the building has no deep recesses within the building line, where partially hidden doors and windows could be vulnerable to attack.
- Access to the sides and rear of the site is restricted with a secondary secure boundary; and,
- The development includes security features built into the design so that retro-fitted security measures will not need to be fitted.

12.267 Greater Manchester Police were consulted on the proposals and their report (Crime Impact Statement) has been submitted with the planning application. The report identifies a number of positive aspects of the scheme and concludes that the design is acceptable, subject to a number of points being addressed. GMP make a number of recommendations, including:

- the need for the whole school to be enclosed with high level rigid panel, welded mesh fencing/railings;

- that care should be taken to ensure level changes do not facilitate climbing over boundaries or leave space underneath that could leave the perimeter vulnerable to unauthorised access;
- that the design should not enable easy, unauthorised access on to roof areas; and,
- that covered external areas to the east of the spine are secured with shutters or full height railings and gates to prevent unauthorised access.

12.268 GMP is satisfied that the majority of the recommendations made have been addressed in the proposed design. However, they have concerns regarding the covered external areas to the rear of the building and therefore recommend the installation of either shutters or full height railings and gates since these sheltered areas have the potential to cause a number of issues, such as loitering, nuisance and anti-social behaviour out of hours, as well as leaving the windows and doors vulnerable to damage.

12.269 Whilst these concerns are acknowledged, it is considered that the covered areas are very large and installing shutters or full height railings would not be feasible and would lead to significant visual intrusion. It is not considered that the windows / doors would be significantly more vulnerable in that area compared to other window and doors at ground floor on the site. To gain access to these areas, 2.4m high boundary fences would need to be overcome. In addition, it is proposed to cover these areas with CCTV.

12.270 The Crime Impact Statement also states that the existing pedestrian tunnel to the east of the site, running underneath the railway line on the opposite side of the canal, could be used more frequently and could foster anti-social behaviour. GMP recommends that it be improved through installation of lighting, provision of even surface and adequate drainage. However, the tunnel is outside of the application site and outside of the applicant's control. Undertaking such works would be beyond the affordability of the project and the applicant does not consider that the proposed development would lead to an increase in pedestrian use of the tunnel since it does not link the site to any residential areas. As such, it would be unreasonable to require these works.

12.271 Overall, the scheme minimises opportunities for crime, reduces the fear of crime and provides safety and security for users of the site. As such, it complies with

Policy 9 – Local Environment of the Local Plan that seeks to ensure community safety and security.

### **Transport, Access, and Highway Safety**

- 12.272 The main vehicular and pedestrian access to the school will be gained from an existing access road off Huddersfield Road that has adequately served the industrial use of the site for many years.
- 12.273 The amended access road is intended for use by school buses, staff, service vehicles and visitors. It is not intended for use by parents as a drop off facility. It will also be the main pedestrian route to the site. To enable this, a footway will be constructed to allow safe pedestrian access for pupils, parents and visitors.
- 12.274 The specific works are that the current main access road will be widened to allow two-way vehicular traffic and a 3m wide footway for pedestrians. A give-way system will operate over the bridge, which is wide enough to only allow one-way traffic. Improvements to the access road form part of the separate application for the highway works (PA/337930/15).
- 12.275 The access road will lead directly to a dedicated bus waiting and turnaround area, the main pupil entrances, service delivery area and a car park. Pupils will be able to alight and wait safely for buses within the school grounds with no need to use the adopted highway.
- 12.276 A car park with 117 spaces for staff, 5 spaces for disabled users, and 2 spaces for minibuses will be provided. Secure cycle parking will also be provided for staff, pupils and visitors.
- 12.277 Parents taking their children to school will be discouraged from using the access road unless there is a specific need. The management of this will be dealt with in a parking management plan, the requirement of which is ensured by condition.
- 12.278 The bus turnaround area will provide invaluable additional off-street parking when events are held at the school and the availability and management of this facility will also be covered by the parking management plan.

- 12.279 The access road is directly off Huddersfield Road which gives access to the wider residential area of Diggle. It has a speed limit of 30mph and the carriageway width varies between 5.3 and 6.5m. The footway widths are between 0.9 and 1.5m from the junction of Standedge Road to the access road.
- 12.280 The residential properties along Huddersfield Road vary in type, with some having dedicated off-street parking and others having to rely on on-street parking.
- 12.281 As a result, cars regularly park on the carriageway. In places this has the effect of reducing the running lane to a single width, and an informal give-way system takes place. This is often over a long length and can subsequently give rise to conflict between drivers.
- 12.282 Huddersfield Road forms a priority junction with the A670 Standedge Road / Wool Road 380m south of the access road to the proposed school.
- 12.283 The speed limit on Standedge Road is 40 mph southbound approach nearing the junction with Huddersfield Road reducing to 30mph and 30 mph on the approach northbound rising to 40mph past the junction.
- 12.284 Bus stops are located along Huddersfield Road and there are several public rights of way in the vicinity of the site.
- 12.285 Analysis of existing accident data in the area has revealed that the accident rate is low with no obvious accident hot spots.
- 12.286 One of the main considerations in the assessment of this application for a school in terms of highway safety is the access to the school by pupils.
- 12.287 Their main modes of travel to the school will be by bus, on foot, or by car.
- 12.288 Officers are satisfied that they will have the opportunity to safely travel to school by bus without the need to interact with other users of the highway. Use of public transport will be encouraged by the provision of school buses that will use the access road and dedicated bus turning area within the site.

- 12.289 The main access on foot will be from Wool Road / Standedge Road and the surrounding residential areas of Diggle along Huddersfield Road and the access road.
- 12.290 The footway provision along Standedge Road / Wool Road is adequate with wide footways which in places are separated from vehicular traffic by grassed verges.
- 12.291 Similarly, the nearby residential areas of Diggle are served by adequate footways which will allow the safe use by pedestrians.
- 12.292 The footways along Huddersfield Road leading to the access road vary between 0.9 and 1.5m wide. This is not acceptable in terms of highway safety and Officers have attached a condition that will ensure that the highway works required to allow safe use by pedestrians and pupils travelling to the school on foot are carried out prior to the opening of the school.
- 12.293 The planning application for the highway improvements has sought to address this problem by providing alternative off-street parking for residents of the terraced properties in two areas. These new parking areas mean that the footway can then be widened and traffic signals introduced which will allow the safe running of one-way traffic through this relatively short length of highway. This will be discussed in more detail in the consideration of the highways works application (PA/337930/15).
- 12.294 Officers have attached conditions that will ensure compliance. The associated planning application for the highway works (PA/337930/15) addresses the area in closest vicinity to the site and those measures are discussed in detail in Officer's assessment of that application.
- 12.295 Despite the efforts of the Council to encourage and facilitate more sustainable modes of travel to the site, it is inevitable that some children will travel to and from school by car. To this end, the car parking area which will allow parents to drop their children off safely will be provided. This forms part of the highways works application (PA/337930/15) and will be discussed in more detail in the consideration of that application.
- 12.296 A number of concerns have been raised about the amount of traffic that will be generated by a new school at this location and the effect on the wider highway network.



- 12.297 A Transport Assessment was submitted as part of the application in which the existing and proposed situations were analysed and mitigation measures suggested as appropriate.
- 12.298 The study included analysis of Huddersfield Road, the Huddersfield Road / A670 Standedge Road / Wool Road junction, Sugar Lane, A6052 Dobcross New Road / Woods Lane junction and A670 Wool Road / A6052 Dobcross New Road. The Transport Assessment looked at the sustainability of the site in terms of its location and access to sustainable modes of transport.
- 12.299 The demographic of the pupils attending the existing school site were related to the location of the proposed school. Officers acknowledge that the addresses will change annually, but they are an excellent indication of the general catchment area that the school will attract and any changes will not have a significant impact on the assessment.
- 12.300 The majority of pupils attending the new school could be expected to live within three miles, which is within the Governments requirements set out in the 1996 Education Act - a maximum of three miles for pupils aged 8+ who are not from low income families. However, there will - as with the existing school - potentially be a number of pupils that will live outside of the recommended three mile walking boundary of the proposed site. It is therefore proposed that school buses will be provided directly to the new site.
- 12.301 Seven school buses currently serve the existing site which serve the local villages and the wider areas of Ashton, Mossley, Oldham and Manchester.
- 12.302 Preliminary discussions and consultations have taken place with TfGM and they are aware of the potential for changes to the services they provide if the school is granted planning permission.
- 12.303 Diggle is already served by bus, with stops located within 400 metres of the site. Discussions will continue with TfGM to ensure that school buses continue to be provided to the school, and that children outside of the walking catchment area have access to this more sustainable mode of transport.
- 12.304 The Transport Assessment also compared the amount of traffic generated by the existing school and that expected to be generated by the new school. Additionally, it identifies the modal split of the existing and proposed sites. The study concluded

that there will be an increase in pupils using sustainable modes of transport and car use, which is unsurprising given that numbers of pupils and staff will increase.

- 12.305 WYG has assumed that the same percentage of children and staff that currently travel to school by car will continue to do so. Using this assumption, the number of two-way trips to the new school is expected to generate an increase of 11% of two-way trips which equates to an increase of 63 two-way trips in the morning peak and 18 in the evening peak period.
- 12.306 Due to the change of the location of the school, Officers consider that pupils and staff may change their modes of travel. Children who live closer to Diggle, for example, who are currently driven to school will walk to the new site. Conversely, those who currently walk to school may live too far away from the new site and will have to travel by bus or car. Officers do not expect the overall effect on the traffic generated at the proposed site to be significantly different to that generated by the existing school site. Nevertheless, WYG examined the modal split and reassigning the modes of travel to the new site according to the demographics of the existing school pupils.
- 12.307 Traffic counts were undertaken on the surrounding highway network and it was established that the weekday peak hours were between 8.00 - 9.00 am and 3.15 - 4.15 pm.
- 12.308 The data collected for traffic generated by the school was distributed out onto the local highway network and growth factors have been applied which give a forecast of future traffic flows in 2020 and 2025. Using this information, junction capacity assessments have been undertaken at the four main junctions under consideration:
- Huddersfield Road and the access road;
  - Huddersfield Road / Standedge Road;
  - Woods Lane / Dobcross New Road; and,
  - High Street/ Dobcross new Road.
- 12.309 Although additional queuing will occur at some of the junctions during the identified am and pm peak periods, they were still shown to be operating within capacity.

- 12.310 A Travel Plan has also been submitted as part of the application for the school. Although it gives a good indication of the measures that will be implemented, the figures contained within it do not relate directly to the current intake of children. A condition has therefore been attached that will ensure up-to-date information is used and that it can be implemented upon the opening of the school.
- 12.311 The School Travel Plan will be prepared in advance of the opening of the school, so that measures can be identified and enforced in readiness for children, parents and staff travelling to the school.
- 12.312 The School Travel Plan will include as a minimum:
- A named Travel Plan Co-coordinator and the set-up of a Travel Plan Steering Group;
  - A pupil and staff travel survey completed prior to occupation (response rate to be agreed with the LPA);
  - Evidence of consultation;
  - Clearly defined modal split targets and objectives to reduce single-occupancy car use (to be agreed with the LPA);
  - A detailed action plan of measures including timescales, funding source and clearly defined responsibilities; and,
  - A monitoring and review plan, including the date of the next travel survey.
- 12.313 The Transport Assessment has identified areas where improvements and mitigation measures may be required which will improve highway safety and ensure the efficient operation of the highway network as a result of the development.
- 12.314 Additional work is required on Huddersfield Road and the wider highway network which do not form part of the separate application for the highway works (PA/337930/15) which will facilitate safe journeys to school by the children but also all other users of the highway.

12.315 The additional work required consists of:

- a School Safety Zone, which will include a speed limit review;
- traffic calming features; and,
- pedestrian crossings points, waiting restrictions and associated signing and lining.

12.316 The bus stops will need to be relocated and pedestrian crossings will be required to ensure that passengers can cross the road safely.

12.317 The modelling exercise undertaken revealed that traffic queuing on Huddersfield Road at the traffic lights could extend onto Standedge Road. This will occur only during the peak periods and mitigation measures have already been identified in order to ensure that the junction will operate safely in the future.

12.318 Officers consider that additional highway improvements could be carried out on Wool Road which would reduce the amount of traffic using Huddersfield Road and thereby reduce the length of the queue of traffic, reduce congestion on Huddersfield Road, and improve the journey to school and other highway users.

12.319 This additional work would include the provision of a mini roundabout at the Sugar Lane / Woods Lane junction and associated works. This would allow any parent, on seeing a queue waiting to turn into Huddersfield Road, to drop their children off on Wool Road and turn at the mini roundabout. This would also discourage them from turning left onto Sugar Lane and driving through Dobcross.

12.320 It is acknowledged that the amount and pattern of traffic along Huddersfield Road and the surrounding area will change as a result of a school being built in this location. At certain periods of the day, there will be increased congestion concentrated in the area of Huddersfield Road and the Standedge Road junction.

12.321 Officers consider that further work will be necessary to ensure the continued safe use of this junction and the wider highway network in order to accommodate the different patterns of travel that will result directly from the construction of a new school.

12.322 The works we have identified at this stage are:

- Improvements to the access road to the school - this will allow safe use by buses, staff and pedestrians;
- A School Safety Zone on Huddersfield Road - this will slow traffic down and improve pedestrian facilities for children and other users of the highway;
- Highway improvements outside 20-44 Huddersfield Road - this will allow the construction of footways and with the introduction of traffic signals will regularise the one-way system that currently takes place informally;
- Provision of a car park for residents and parents, and a parental drop off facility;
- Highway improvement along Huddersfield Road from its junction with Standedge Road - this will ensure the continuation of a minimum width footway, and widen the carriageway to aid the movement of traffic in the area;
- Highway improvement at the Sugar Lane / Wool Road junction - this will discourage drivers from using the route through Dobcross for turning, and will improve pedestrian crossing facilities; and,
- Highway Improvement at the Standedge Road / Huddersfield Road junction - this could include the reprioritisation of the junction, road signs, lines and a speed limit review.

12.323 The Council is committed to ensuring that the effects on the highway network as a direct result of the school are kept to a minimum. Although Officers consider the measures outlined above - which will be implemented by way of condition - are robust, monitoring will take place in the future. If any additional problems arise, an assessment will be made of their severity and any action that is considered necessary will be explored in mitigation.

12.324 Officers accept that congestion will occur during peak periods when the school is open. There will be an impact in particular on Huddersfield Road and the Huddersfield Road / Standedge Road junction. However, the short periods of time during which this will occur are outweighed by the benefits that the highway improvements will bring to the surrounding highway network at all other times and allowing the use of the site to function as a new school. Indeed, all users of the highway will benefit by being able to travel safely along Huddersfield Road. Moreover, the cumulative impact the scheme will have on the road network will not be 'severe' and it will not have an unacceptable impact on highways safety. As such, a reason for refusal could not be sustained against the required NPPF test.

- 12.325 Officers are satisfied that, if the measures outlined above are implemented prior to the school being brought into use, all users of the highway and the development will be able to use the highway safely.

### **Use of Canal towpaths**

- 12.326 The Canal and River Trust has previously raised concerns relating to the potential increase in use of the towpath arising from the development.
- 12.327 The towpath in this area is unbound and rural in nature with no lighting. Whilst suitable for the existing level of usage, it would not be appropriate in its current state for any significant increase in pedestrian or cycle usage arising from this development, which would quickly lead to deterioration in the state of the paths.
- 12.328 The Trust is generally supportive of the use of canal towpaths as sustainable travel routes and is not opposed to the use of the towpath as a route to school in principle. However, the existing footpaths are not considered to be of a standard appropriate to accommodate any significant increase in usage arising from the proposed development. As such, the Trust recommend works or a financial contribution towards appropriate resurfacing of paths and improvements to access points through the use of a planning obligation or section 106 agreement to mitigate the direct impact of the development if such use was intended. The Trust considers this as being necessary to offset potential harm to the towpaths arising from increased usage directly related to the development and fairly and reasonably related in scale and kind to the development.
- 12.329 However, the applicant advises that use of the towpaths is to be discouraged and measures put in place through the management of the school (such as securing gates to the rear of the school site) and through the travel plan to implement this, with the use of towpaths to be monitored once the school is open and additional measures put in place if necessary to reduce usage if occurring in high volumes. The submitted details of site access, security and boundary treatments identify secured areas of the school and restrictions on access outside of the northern part of the site.
- 12.330 Given the above, it is considered that a contribution towards towpath improvements, along the lines suggested by the Canal and River Trust is not required, but a condition is required detailing how pupil use and access to the towpath is proposed to be managed by the school, with the inclusion of details and method of

enforcement included in a travel plan to be submitted to and approved by the LPA in consultation with the Trust, prior to the opening of the school.

## Amenity

- 12.331 An assessment on noise and vibration has been undertaken by the applicant. It found impacts to be low at most sensitive locations and consequently little impact is expected on residents on a day-to-day basis.
- 12.332 The technique suggested for piling in connection with new foundations should ensure noise and vibration is kept to a minimum.
- 12.333 Subject to limited noise conditions being set (against background noise levels), noise from plant should not be a problem for existing residents.
- 12.334 In relation to road noise and vibration, changes to noise levels will be barely perceivable largely due to the relatively high traffic flows on the existing road network.
- 12.335 In relation to noise from sports pitches, the level of noise will be low throughout the daytime, but will increase slightly in the evening (7pm-10pm) due to increased noise during these hours.
- 12.336 Because of the schools distance away from the nearest residents and its hours of operation, it is not expected that it will cause any issues in terms of loss of privacy, overlooking or sense of enclosure. Similarly no loss of daylight or sunlight will occur.
- 12.337 In respect of specific complaints about bus noise, the applicant has written to the Council stating that the Environmental Statement provides an assessment of the likely noise impacts on Lower Wrigley Green (the closest residential properties) of the bus pick-up / drop-off facility located to the north of the proposed school site.
- 12.338 They have responded by stating that bus movements at the site will take place twice a day, between 8 and 8:45am to drop off the pupils at the school and then in the afternoon to collect pupils from around 3.30 until 4pm.

- 12.339 The applicant accepts that the exact number of vehicle movements is not known at this stage. However, there are 11 services which currently serve the existing school in the morning and in the afternoon. Whilst this number is likely to increase for the new school (because of higher numbers attending), the applicant has taken a very worst case scenario that 24 buses will serve the site in the morning and again in the afternoon, distributed throughout the pick-up and drop-off periods.
- 12.340 On arrival, the buses will follow a one-way route around the site. This reduces the likelihood that reversing of the buses will be required and therefore the use of any alarm systems.
- 12.341 Although the noise generated by the bus drop-off / pick-up area is not considered to be significant, in response to objections, Interserve has explored the possibility of installing mitigation to reduce noise levels. Such mitigation would involve erecting a 2.4 m close-boarded fence immediately around the bus facility. In order to provide maximum effectiveness, this would need to be located as close to the source of the noise as possible
- 12.342 Officers consider that because the arrivals and departures would be on weekdays only and at peak times when levels of traffic noise will be higher than usual and sleep disturbance would not be an issue, there is not likely to be a noise issue. Furthermore, predicted noise levels on the site have to be considered in the context of the permitted industrial use of the site which has in the past included noise from machines and plant used for manufacturing purposes and HGV and fork lift movements.
- 12.343 In Officers views, there will be a significant negative visual impact in installing an acoustic fence within the site boundary. In Officers view such a significant impact would not be attractive, necessary or desirable.
- 12.344 Nevertheless, if Members believe it to be necessary, a condition could be attached to any planning permission relating to the school which would monitor the situation once the school is open and functioning. In addition, the school could implement some control over the buses operation by introducing a policy that states that all buses should park up on site on arrival and not leave engines running when the buses are not in use.
- 12.345 In response to specific noise and light construction impacts, Officers feel that these are fully assessed within the Revised ES (Sections 10 and 14). In summary, the submitted noise assessment concludes that:



- Noise from highway construction works will have a Minor / Moderate Adverse impact;
- Vibration from vibratory compaction during highway construction works will have a minor / Moderate Adverse impact; and,
- In a worst case scenario, sports pitch construction noise will have a Moderate or Substantial Adverse impact.

12.346 It is considered however that the construction impacts are temporary and the benefits of the scheme outweigh the operational 'worst case' noise impacts.

12.347 Overall, it is not considered that the school will create any amenity issues that will affect residents to such an extent that it would sustain a reason for refusal, particularly in view of the fact that the proposal could potentially replace an unrestricted industrial use.

## **Air Quality**

12.348 The submitted air quality assessment provides an assessment of the potential effects and their significance of the development during the demolition, construction and operational phases. The effects have been considered for relevant sensitive residential and ecological receptors.

12.349 The effects during demolition and construction phases include fugitive dust emissions from site activities, such as earthworks, construction and track out. The impacts during the operational phase take into account exhaust emissions from additional road traffic generated due to the proposed development.

12.350 During the demolition and construction phase, it is anticipated that dust sensitive receptors will potentially experience increased levels of dust and particulate matter. However, these are predicted to be short term and temporary impacts. Throughout this period, the potential impacts from construction on air quality will be managed through site specific mitigation measures outlined within the assessment. With these mitigation measures in place, the effects from the demolition / construction phase are predicted to be not significant.

- 12.351 The detailed air dispersion modelling determined that the National Air Quality Objectives are not exceeded at any of the modelled receptor locations in any of the modelled scenarios, baseline or future years.
- 12.352 Changes in emissions to air because of additional traffic due to the development, during the operational phase are predicted to be not significant at all the modelled sensitive receptor locations.
- 12.353 Although the impacts during the operational phase are adjudged to be not significant, recommendations are provided for mitigation measures that would assist to further improve air quality.
- 12.354 It is concluded that the proposals are acceptable from an air quality perspective and that the proposed development thereby complies with the relevant part of Policy 9 of the Joint DPD.

## Ecology

- 12.355 In considering the ecological impact of the proposed development, regard must be had to local and national planning policies, including LDF Joint Development Plan Document Policies 6 '*Green Infrastructure*', and 21 '*Protecting Natural Environmental Assets*', and the NPPF.
- 12.356 There are a number of statutory and non-statutory designated sites within 2km of the site. The statutory designated sites include the South Pennine Moors SAC, South Pennine Moors SPA, Lascastle and Den Quarries SSSI and Dark Peak SSSI. The non-statutory designated sites include 7 Sites of Biological Importance (SBI), one of which - the Huddersfield Narrow Canal, is located directly adjacent to the site boundary. There are also a number of priority habitats within 2km of the site.
- 12.357 The development proposals will take place outside of the boundaries of the designated sites and they will not, therefore, be significantly affected. A buffer of least 10m will be maintained between the Huddersfield Narrow Canal SBI and any development. The buffer will be fenced to prevent encroachment of traffic, windblown litter and storage of materials. An 8m buffer and fence to Diggle Brook will also be observed.
- 12.358 An impact assessment for ecology has been carried out and is provided within the ES. The comments received from Natural England and the Greater Manchester

Ecology Unit (GMEU) at Scoping Opinion stage has been included within the scheme design and impact assessment.

12.359 The site has been subject to a number of desk based ecological surveys, full details of which are provided in the ES appendices. They include an Extended Phase 1 Habitat Survey, Breeding Bird Survey, and bat surveys. GMEU confirm that the ecology surveys and assessments undertaken are generally of an appropriate standard and no further surveys need to be conducted prior to determination of the applications.

12.360 The south of the site is dominated by pasture fields whilst the northern section of the site is dominated by buildings and hard standing. The Extended Phase 1 Habitat Survey has identified a number of habitats on the site, including the following:

- Improved grassland;
- Hardstanding with buildings;
- Rubble/Scattered scrub;
- Broadleaved woodland;
- Dense scrub;
- Tall ruderal vegetation;
- Species-poor semi-improved grassland;
- Bare ground/ephemeral/short-perennial vegetation;
- Species-poor semi-improved acid grassland; and
- Marshy Grassland.

Offsite habitats include the Diggle Brook which flows immediately adjacent to the western boundary of the site and a small pond, which is located approx. 40m to the south west of the site. A number of invasive plant species are present on and adjacent to the site.

- 12.361 Great Crested Newt surveys were carried out in 2014 and 2017 and these included surveys of the pond to the south of the site. No Great Crested Newts were recorded and are not currently considered to be present on the site.
- 12.362 The Phase 1 Extended Habitat Survey in 2013, 2014 and 2017 identified that badgers are not currently present on the site.
- 12.363 Other protected species, such as otter and water vole, are also absent, although otter could potentially forage / commute along the Diggle Brook and canal on an occasional basis.
- 12.364 Reptiles are not currently considered to be present on site.
- 12.365 No white-clawed crayfish are considered to be present either in the Diggle Brook or canal.
- 12.366 Brown trout was recorded in the brook.
- 12.367 Three breeding bird surveys were completed on the site and within 50m of the red line boundary between 17<sup>th</sup> April 2014 and 13<sup>th</sup> June 2014. The surveys were updated between 21<sup>st</sup> March 2017 and 22<sup>nd</sup> June 2017. Five species were recorded within the survey area with six of these being recognised as being of conservation concern. In summary, twenty-one bird species were recorded breeding within or immediately adjacent to the site in 2017. Three additional species - house sparrow dipper and whitethroat - were recorded breeding within the extent of the current survey area in 2014. The combined total of breeding species recorded in 2014 and 2017 is therefore 24.
- 12.368 The consequence of these findings are that the overall breeding bird assemblage of the site is considered to be of 'local'<sup>10</sup> value due to the presence of breeding grey

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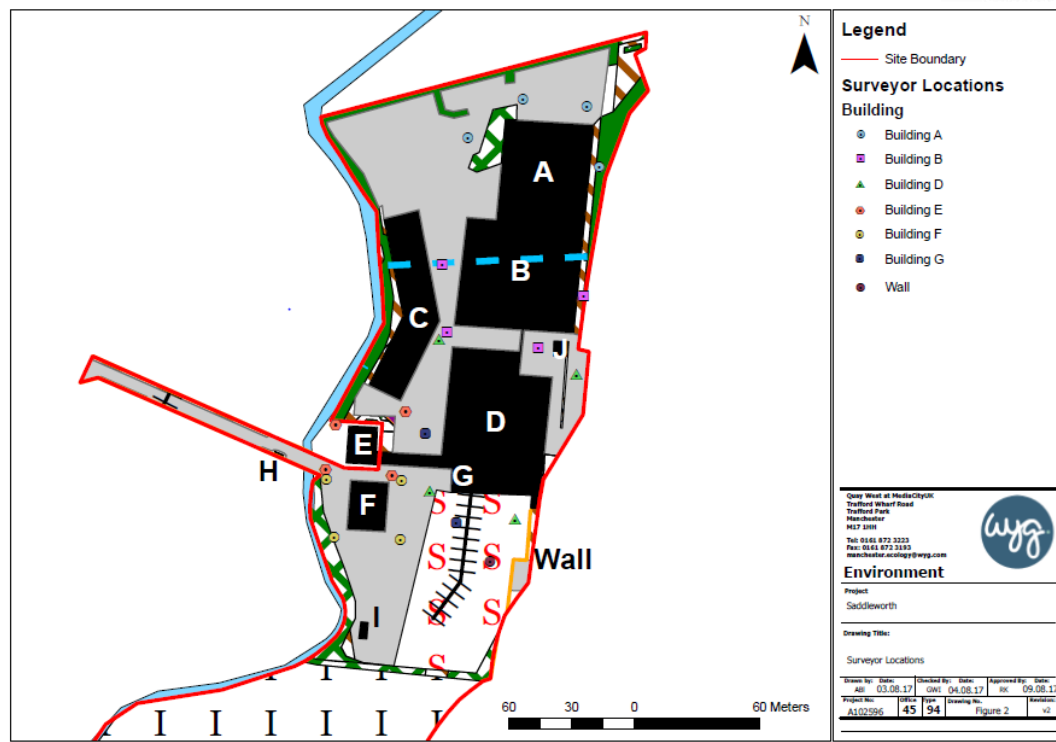
<sup>10</sup> Habitats or species populations of value in a local context (Diggle / within 5km of the site context).

wagtail, house sparrow, dunnock, dipper, willow warbler and mallard. The remaining assemblage is considered to be of value at 'site'<sup>11</sup> level.

- 12.369 No lapwing was observed during the surveys and it was therefore concluded that lapwing were not breeding on the site.
- 12.370 In relation to bats, during bat activity transects and automated surveys, six species of bat were recorded using the habitats within the site boundary. Transect surveys of the southern half of the site recorded generally low levels of predominantly common pipistrelle activity, with very low numbers of soprano pipistrelle, noctule, Natterer's bat, Myotis and brown long-eared bats recorded. Survey work indicated that the brook is used by foraging bats and the remote monitoring indicated that this feature is also used by bats commuting between nearby roosts and foraging habitats further afield.
- 12.371 The transect which passed along the rear of the residential houses along Huddersfield Road recorded common pipistrelle commuting activity on each transect apart from April. The maximum number of bats observed at any one time to the rear of the houses was one. The number of bat passes counted in a single survey ranged from one single pass up to a maximum of nine passes in one evening.
- 12.372 The transect which passed alongside the access road from Huddersfield Road in to the site recorded commuting activity of common pipistrelle bats. The maximum number of bats observed at any one time was one and the maximum number of bat passes was twelve in one evening.
- 12.373 Overall, the site was assessed as of 'local' value for commuting bats and of 'local' value for foraging bats.
- 12.374 The bat surveys labelled the buildings as shown below.

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<sup>11</sup> Habitats or species populations which are only within the potential zone of influence of the proposed development.



12.375 Bat roosts were identified within Building D in 2015, and updated surveys were recommended to support a EPSML

12.376 The surveys undertaken in 2015 and 2017 have identified:

- Building A is used as a day roost by a small number of common pipistrelle bats (maximum 3 bats).
- Building B is used as a day roost by a small number of common pipistrelle bats (maximum 1 bat); the building is also likely used a night-time feeding roost by small numbers of common pipistrelle bats.
- Building D is used as an occasional common pipistrelle summer day roost (maximum 1 bat); the building is also likely used a night-time feeding roost by small numbers of common pipistrelle bats.
- Building E is used as a day roost by a small number of common pipistrelle bats (maximum 3 bats).

- Building F is used as an occasional soprano pipistrelle summer day roost (maximum 1 bat).
- Building G is used as an occasional common pipistrelle summer day roost (maximum 1 bat).
- No bat roosts were identified within the wall during 2017 surveys.

12.377 The occasional common pipistrelle roost in Building D was identified in 2015. No emergence or re-entry to this roost was recorded in 2017.

12.378 The report recommended:

- A EPSML will be required before any works / demolition activities affecting a bat roost(s) can proceed. It is recommended that internal inspections are undertaken of the buildings where roosts were recorded in 2017, to inform the EPSML application.
- In order to obtain an EPSML it will be necessary to demonstrate that:
  - 1) There are imperative reasons of over-riding public and/or social interest;
  - 2) There is no satisfactory alternative to the proposed development; and
  - 3) The conservation status of the species in the area will be maintained.
- Mitigation will be required as part of the EPSL to make sure that:
  - Bats are not killed or injured during the works; and
  - The development is not detrimental to the favourable conservation status of the populations of these species.

12.379 As stated above, all works to disturb / destroy / modify a bat roost would need to be completed under a Natural England licence and such works would be supervised by a licensed bat worker. Nevertheless, GMEU raises no objections to the application on the grounds of impacts on bats, as stated in their February 2018 comments, subject to a condition that, in addition to boxes, consideration should be given to

integrating new roosting provision into the fabric of the new school. Moreover, they indicated that *“providing the measures described are implemented in full, the conservation status of bats is capable of being conserved and that a Licence would be likely to be granted by Natural England .....”*.

- 12.380 Equally, GMEU raise no issue in relation to the ecological survey effort, designated nature conservation sites, impact on birds and other habitats.
- 12.381 The Huddersfield Narrow Canal SBI is located adjacent to the eastern boundary of the site, but is situated at a higher level than the site. A survey has been carried out for floating water plantain in a section of the Huddersfield Narrow Canal. It concludes that with the current ecological state of the surveyed section of the Huddersfield Narrow Canal, it is considered unlikely that floating water-plantain would become established (i.e. rooted) although detached pieces will float down the canal or be brought down through boat traffic periodically. The “risk” of this species becoming permanently established adjacent to the site is assessed as “low” given the current ecological conditions within the canal and is therefore not considered further in this assessment.
- 12.382 Invasive species have been recorded on and adjacent to the site, including Japanese Knotweed along the eastern and western banks of the Diggle Brook and Himalayan balsam in patches as well as continuous cover throughout the extent of the watercourse. Invasive species would need to be eradicated and a management plan would be prepared which detail the control and monitoring of all recorded invasive species.
- 12.383 The site was assessed as supporting suitable habitat for West European hedgehog during the extended Phase 1 habitat survey undertaken in 2017. Hedgehogs were considered likely to forage in various habitats within the Site and potentially hibernate within dense scrub. The likely population of hedgehogs within the site is considered to be of value at a local level.
- 12.384 Common toads have been regularly recorded in small numbers between 2014 and 2017. The population within the site is considered to be of value at a local level.
- 12.385 Brown trout were recorded within the Diggle Brook in 2014 and 2017. This species is considered to be of value at a local level.
- 12.386 The ES covers avoidance and mitigation measures that will seek to avoid or mitigate impacts during demolition, construction and operational phase of the



school as well as the associated highway works to ensure that any short adverse effects are minimised. These measures would be detailed in an Ecological Mitigation and Management Plan and are considered acceptable.

- 12.387 The proposed development will retain features of ecological value such as the tree line along the Diggle Brook, whilst including ecological enhancements through habitat creation, such as wildflower planting and bat friendly planting schemes.
- 12.388 The proposed lighting layout and specification will be designed with consideration to bats, including a reduction in lighting at the edge of trees, the brook and the canal, and avoiding light spill directly onto the canal. The Canal and River Trust notes the information submitted in respect of future lighting of the scheme and the assessment of the canal corridor as a potential receptor. The proposed curfew of 22.00 hrs for the lighting of the sports pitch is welcomed in order to reduce any potential impact on bats along the corridor which the Trust considers should be secured by use of a suitably worded condition. Low level lighting will be used at the proposed drop off and parents' car park along Huddersfield Road.
- 12.389 Although neither species has previously been recorded on the site, pre-commencement surveys for badgers and otters would be undertaken and appropriate mitigation measures implemented. Update surveys where the data is greater than 2 years old. Additional ecological mitigation includes the provision of 30 bat boxes and 22 bird boxes. These will provide additional nesting / roosting features and have a positive impact on local populations of bats and birds.
- 12.390 Pollution to the Diggle Brook and SBI will be prevented during construction by way of measures outlined in the Construction Environmental Management Plan (CEMP).
- 12.391 In summary, the development proposals seek to retain and enhance existing habitats where possible, with new habitats proposed to mitigate for unavoidable loss and 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. In this respect the four applications comprising the Project comply with the requirements of Policies 6 and 21 of the Joint DPD and the NPPF.

## Lighting

- 12.392 A Lighting Assessment has been submitted with the application to assess the impact of the proposed lighting, particularly the proposed floodlighting of the all-weather sports pitch.
- 12.393 The proposed external lighting design, as well as meeting the statutory design standards, will meet a number of criteria to ensure that the environmental effects of artificial lighting are managed. All external lighting schemes will not have an upward lighting ratio of more than 0.5%. All new column mounted car park luminaires shall be fitted with flat glass where appropriate to aid 0% upward light discharge. Luminaires on the site boundary will be fitted with light baffles to prevent light spill. Car park lighting will be controlled via CMS time and light level sensor.
- 12.394 Following an environmental lighting survey, it was concluded that the proposed development and surrounding area should be classified as Environmental Zone E2 – Low district brightness (in accordance with the ILP guidance limits). This is representative of relatively dark outer suburban location. Impacts associated with the proposed design were predicted at receptor locations and compared with the relevant guideline values. The effects on the night sky have also been considered.
- 12.395 The assessment concluded that the proposed scheme will not affect the existing residents to the western, northern and eastern boundaries. Potentially sensitive ecological receptors were identified on and adjacent to the site. With appropriate mitigation in place, the impact of lighting associated with the proposals is not expected to significantly affect habitats and wildlife. The assessment also concluded that the sky glow levels will not have a significant effect on the surrounding dark sky landscape.
- 12.396 The lighting associated with the proposed development will be clearly visible. However, following adoption of appropriate mitigation measures, it has been demonstrated that the proposals do not conflict with national and local planning policies on lighting.

## Flood Risk and Drainage

### *Original Flood Risk Assessment*

- 12.397 A Flood Risk Assessment (FRA) was undertaken to assess the existing flood risks to the site and identify:

- any flood mitigation works required to ensure that the development did not increase the flood risk off site; and,
- through a suitable surface water management strategy, ensure that the development can be drained catering for all storm events up to and including the 1 in 100 plus 20% allowance for climate change storm event.

12.398 In summary, the FRA identified that:

- The site is predominantly located within Flood Zone 1 (i.e. land assessed as having a less than 1 in 1,000 annual probability of river or sea flooding - <0.1% Annual Exceedance Probability, in any one year).

- Small sections of the site immediately adjacent to Diggle Brook are located within Flood Zone 2 (1 in 1000 – 1 in 100 annual probability of flooding) and Flood Zone 3 (greater than 1 in 100 annual probability of flooding).

12.399 The original FRA concluded that the application site is considered to be at low risk of flooding from fluvial flooding, sewer and groundwater flooding.

12.400 It added that the site is considered to be at low to medium risk of surface water flooding as a result of overtopping from the Huddersfield Narrow Canal.

12.401 The site is also considered to be at very low residual risk of flooding as a result of a breach of the canal and failure of the Diggle Reservoir.

### ***Wider hydrological Issues***

#### *Surface Water Run-Off*

12.402 The Environmental Statement sets out that surface water run-off from the existing site is to be reduced by 50% - in line with the requirements of Oldham Council Planning Policy 19, with on-site attenuation being provided to store the associated volumes for all events up to the 1-in-100 plus 20% allowance for climate change storm event.

*New parental drop-off, resident's car parking and the improved access road into the site*

- 12.403 The new parental drop-off and residents car parking and the improved access road into the site (subject of Application D - PA/337930/15) will be drained to Diggle Brook with the run-off restricted to greenfield discharge rates and attenuation provided by either an attenuation pond (in relation to the parental drop off and residents car park) or by a below ground cellular tank (in relation to the improved access road) and attenuation provided to cater for all events up to the 1-in-100 plus 20% allowance for climate change storm event.

*Finished floor level of the main building*

- 12.404 Other mitigation measures proposed include setting the finished floor level of the main building at 179.7m AOD, which will provide freeboards (clear space allowing for water levels to increase) of 1310mm, 1160mm and 810mm above the respective 1 in 100, 1 in 1000 year, and 1 in 100 year plus climate change levels.

*Diggle Reservoir*

- 12.405 Following discussions with the Canal & River Trust (who are responsible for Diggle Reservoir) it was confirmed that the reservoir is already classified at the highest rating. Therefore, there will be no change in its classification as a result of the proposal.
- 12.406 A review of the potential flood risk to the school, in the unlikely event of Diggle Reservoir failing, identified that the depth of flooding to be approximately 200mm within the new school building and 300mm within the site.

*Canal Embankment*

- 12.407 Following further discussions with the Canal & River Trust, the demolition of the existing building walls which provide an element of support to the canal embankment are to be controlled by the submission of a demolition method statement and a subsequent structural assessment of the retaining wall elements.

*Diggle Brook*

- 12.408 An assessment of the effects on Diggle Brook, was undertaken in the FRA. This identified it as being of a high sensitivity due to the existing flood risk immediately adjacent to the site and further downstream in Uppermill and its current moderate ecological and chemical water quality.

*Other receptors*

- 12.409 The assessment in relation to other receptors identified these as being:
- low sensitivity in relation to the Huddersfield Narrow Canal (which is located at a raised level along the eastern boundary); and,

- low sensitivity in relation to surface water flooding, groundwater and sewer flooding and reservoir failure.

#### *Other Issues*

- 12.410 During the Construction Stage there is the potential for moderate impacts primarily in relation to pollution risk to Diggle Brook. However, these will be mitigated through the use of the Construction Environmental Management Plan and the implementation of the approved remediation strategy which will be identified following the detailed site investigation works.
- 12.411 During the operational stage, following the introduction of the mitigation measures, it was considered that flood risk is of a negligible long term magnitude and therefore the significance was assessed as being not significant.
- 12.412 The surface water drainage strategy proposed for the developed areas of the site ensures that surface water runoff is attenuated and released from the site at the pre development brownfield discharge rate reduced by 50%. On this basis, the impact of flooding on downstream receptors resulting from increases in surface water runoff was considered to be of a negligible magnitude and long term by the applicant and therefore the significance is not significant in actual and EIA terms.
- 12.413 Within the southern section, where there will be no development, the existing green field discharge rates will be a negligible, long term magnitude and resulted in the significance being assessed as not significant.
- 12.414 Mitigation measures, including the incorporation of oil / petrol interceptors and the use of permeable paving and suitable filtration systems within the attenuation pond to the new parental drop-off and residents' car park will ensure that there is minimal impact on the water quality of Diggle Brook.
- 12.415 An assessment has also been undertaken in the ES of the cumulative effects of other adjacent proposed developments. This has identified that in respect to:
- Flood Risk;
  - Surface Water; and,
  - Water Quality
- that the overall cumulative effects are not significant.

12.416 Based on:

- The above,

- The drainage system being maintained adequately; and,
- The Canal & River Trust maintaining the canal embankments,

the impact from the development on surface water run-off and flood risk both on-site and off-site would not be significant in EIA terms.

The impact on water quality would also be not significant.

### *Methodology Issues*

12.417 Part of the school sports pitches are proposed to be on land that is classified as Flood Zone 3. Nevertheless, adequate compensation is needed to be provided for the volume of potential flood capacity that it would affect. Originally, this was calculated in the FRA using EA data and the scheme design provided compensatory storage as required.

12.418 However, after the 2015 ES submission, the objectors raised questions regarding:

- flood events; and,
- whether additional Strategic Flood Risk Assessment (SFRA) data on flooding should be used.

Oldham Council, as Lead Local Flood Authority, shared modelled flood outlines from this SFRA data undertaken by JBa consulting in 2009. An SFRA is undertaken for general land use planning and unfortunately is not necessarily sufficiently detailed to permit accurate determination of flood plain storage volumes.

12.419 On inspection, it was clear that the SFRA flood outlines were unsuitable for a detailed assessment of changes in flood plain storage at this location. As such, the applicant felt they could not rely on this data.

12.420 The original FRA that the ES relied on, was built on appropriate Environment Agency (EA) data that was agreed as appropriate with the Council in the EIA Scoping exercise. The applicant therefore considered that the alternative flood outline data within the SFRA did not provide a sound evidence base that would justify alteration of the FRA conclusions. Consequently, they felt the ES and FRA were still robust but that further analysis could be required.

- 12.421 The Environment Agency confirmed that this was required to satisfy their concerns.
- 12.422 In summary, because it was not possible to obtain a copy of the previous Oldham SFRA 1d/2d hydraulic model and update this in respect to the actual site topographic survey and the new EA climate change allowances introduced in February 2016, a new hydraulic model was requested which utilised the current 2015 Environment Agency (EA) River Tame 1D Flood Modeller Pro (FMP – formally ISIS) model. The existing EA model 1D network includes a representation of approximately 40km of the River Tame and its four tributaries - Hull Brook, Chew Brook, Staley Brook and Diggle Brook. The floodplain areas of the watercourses are represented using wide river cross- sections and reservoir units.
- 12.423 Consequently, the existing EA model was updated and utilised to provide a site-specific assessment of fluvial flood risk from Diggle Brook appropriate to the site. In addition to providing a more accurate assessment of fluvial flood at the existing site, the change in flood risk elsewhere (if any) arising as a result of the proposed development was also quantified.
- 12.424 In their letter of objection dated 5<sup>th</sup> December 2017, the Environment Agency raised four points of objection to the original FRA (having approved it earlier). In summary, they felt that the applicants FRA failed to:
- 1) Take the impacts of climate change into account in setting finished floor levels. Consequently, they did not have updated flood levels with the revised climate change allowances.
  - 2) Provide compensatory flood storage for the proposed ground raising, gabion walls and finished floor level. Moreover, the development should not increase flood risk elsewhere.
  - 3) Take into account the impact of climate change on the existing bridge.
  - 4) Identify whether there is loss of flood plain volume as a result of any proposed replacement bridge.
- 12.425 To deal with the EA's concerns, the applicant provided further information. The applicant's Flood Risk Assessment Addendum 1 concluded that:

- Based on the new hydraulic modelling undertaken in respect to Diggle Brook where it passes through the application site and the proposed new earthworks, it could be demonstrated that for the 1 in 100 + 35% CC AEP event that there will be no requirement for any flood compensatory works and that the flood risk is not increased off site.
- The proposed FFL of 179.70m AOD is 1.574m above the modelled 1 in 100 +35% AEP level and 0.974m above the 1 in 100 +70% CC flood level. It therefore meets the EA's requirement for the FFL to be set at least 600mm above the 1% AEP+35%cc level, or the 1% AEP+70%cc flood level, whichever is greater.
- The existing bridge has an approximate soffit level of 179m AOD which above the minimum soffit level requirement of 178.119m AOD (i.e. 600mm above the modelled 1 in 100 + 35% AEP flood level of 177.519m). This will provide sufficient to the existing bridge deck level and therefore will not impact on the existing flood flows in Diggle Brook.
- No flood compensatory works are required in respect to the existing access bridge.

12.426 Unfortunately, the EA identified reasons why, in their opinion, the FRA Addendum No 1 did not address the requirements of the NPPF) and associated guidance. In summary, the reasons for the maintenance of their objection were as follows:

- i. They had concerns that the flood outline shown in the FRA Addendum No 1 did not follow existing contours at the site nor the flood extent of the 26<sup>th</sup> December 2015 flood event as demonstrated by objectors photographs (which is similar to the EA River Tame 1D 2015 draft model outline for the 1% AEP event);
- ii. They needed a demonstration that flood compensatory storage provided (to account for the proposed ground raising and gabion walls) must not increase flood risk elsewhere.

12.427 The EA indicated that their objection could be overcome if an FRA was provided which covers the identified deficiencies and demonstrated that the scheme will not increase risk elsewhere and where possible reduces flood risk overall.



12.428 Following consideration of the EA to FRA Addendum No 1, the applicant adopted a 2D modelling approach and submitted its results as a second FRA addendum. In conclusion, the second FRA addendum (FRA Addendum 2) concluded:

- “1. Given the degree of scrutiny applied to the impact of the sports pitch embankments and gabions and the associated proposed mitigation (lowering of levels in the field sports area) together with the understandable need to verify the model by reference to photographic records of the Boxing Day 2015 flood, the most appropriate analytical tool is to adopt a 2D modelling approach;*
- 2. The 2D modelling demonstrates that the proposals are in accordance with the requirements of the NPPF in that for the present day ‘design flood’ (1 in 100 year (Q100)) and the future ‘design flood’ (1 in 100 year plus 35% Climate Change (Q100+35%CC)) the proposals slightly reduce downstream flood risk and increase flood storage within the site without introducing unacceptable hazards within the site.*
- 3. Sensitivity testing using the very extreme 1 in 100 year plus 70% climate change (Q100+70%CC) and the 1 in 100 year plus 110% climate change (Q100+110%CC) events shows that even taking account of the inevitable uncertainties associated with hydrology and river modelling the proposals still satisfy the requirements of the NPPF as set out at item 2 above”.*

12.429 The 2nd FRA Addendum was then submitted to the EA in August 2018. This included the outcomes of new 2D flood modelling undertaken by the applicant to address the EA’s concern.

12.430 Having considered the second addendum, the EA responded on 17th September 2018 stating that they had fully reviewed the information submitted and were satisfied that it addressed their previous concerns. They consequently removed their objection, but asked that full planning permission for the proposed development should only be granted if mitigation measures (as set out in the revised Flood Risk Assessment (FRA) Addendum 2 from WYG dated 25/07/2018) were implemented and secured by way of a planning condition on any planning permission.

### ***Resident's Concerns on Flooding and Sports Provision***

12.431 A considerable number of objections on flooding issues and their impact on the proposed sports pitches have been forwarded to the Council. These are summarised below along with the applicants and Officers views on them.

#### ***"Functional Floodplain"***

12.432 Objectors argue that the proposed sport pitches will be located on a "*functional floodplain*" (Flood zone 3b) and that the field on which sports facilities are proposed floods every year, often several times a year after heavy rain when Diggle Brook (a main river) overtops. They continue that this has been illustrated by a flood on 26<sup>th</sup> December 2015.

12.433 The applicant countered that all-weather and grass sports pitches are not proposed in a designated functional floodplain, nor are the running track and cricket wickets. These are proposed beyond the area which recently flooded. Furthermore, in order to create a level playing surface, the proposals include ground works which will result in the areas for the planned sports facilities being elevated above the area of the site which is currently prone to flooding.

12.434 Furthermore, they consider that the submitted Flood Risk Assessment (FRA) identifies that a small part of the application site lies within Flood Zones 2 and 3. This is a small area immediately adjacent to the Diggle Brook in the southern part of the site. No buildings are proposed in this area.

12.435 They add that the FRA and modelling work which has been undertaken when designing the scheme, in conjunction with EA advice, shows:

- The proposals are in accordance with the requirements of the NPPF in that for the present day 'design flood' (1-in-100 year (Q100)) and the future 'design flood' (1-in-100 year plus 35% Climate Change (Q100+35%CC)) the proposals slightly reduce downstream flood risk and increase flood storage within the site without introducing unacceptable hazards within the site.
- Using the very extreme 1-in-100 year plus 70% climate change (Q100+70%CC) and the 1-in-100 year plus 110% climate change (Q100+110%CC) events shows that the proposals still satisfy the requirements of the NPPF.

12.436 Overall, the FRA acknowledges that during extreme flood events, a small area of the playing fields site can be subject to flooding. In response to this, the development has been designed so that the ability of the site to flood during these times will not be compromised. As such, the flooding will have no adverse impact on the proposed development or flooding downstream.

12.437 Officers views are that the area proposed for the principle sports pitches and other sports facilities remain within Flood Zone 1 (low risk of flooding), contrary to the views of objectors. Consequently, an objection on these grounds cannot be given weight in the determination of this application.

***Field not suitable for sports facilities***

12.438 Objectors have argued that the Boxing Day flooding indicates that the field is not suitable for the location of sport facilities. In addition, Diggle Brook is a fast flowing river and during times of flood presents considerable hazard.

12.439 The applicant feels this is not true.

12.440 The applicant argues that the sports pitches and playing fields are designated within:

- The Planning Practice Guidance (Flood Risk & Coastal Change) under Table 2 (Flood Risk Vulnerability Classification) as being “Water Compatible”; and,
- Within Table 3 of the PPG, a “Water Compatible” use is deemed to be an appropriate development in Flood Risk terms in areas of Flood Zone 3a.

12.441 In the event that further or additional evidence identified the area as Flood Zone 3b, then the proposed end use would still be acceptable in flood risk terms. Notwithstanding this, the principal sports pitches are proposed within Flood Zone 1.

12.442 The applicant also contends that students will only be permitted on the school field under supervision for a number of other unrelated reasons and therefore management of access to and use of the playing field during times of flood will be controlled just as at any other time. Moreover, access to and egress from the playing field is via the higher level of the remodeled field ensuring a safe route off the field if that were required.

12.443 In these circumstances, the applicant does not therefore consider that the site presents a hazard and the photographs of the Boxing Day flooding show the flood water was generally very shallow and barely covered the grass surface.

12.444 Having considered the evidence, Officers concur with the view that the sports pitches and playing fields are designated as “*water compatible*” under the terms of the National Planning Practice Guidance tables. As such, the proposed use of this area is acceptable in flood risk terms.

***Lower quality sports facilities are provided compared to the existing facilities***

12.445 Objectors also consider that the new sports facilities will be of lower quality than current facilities as they will be located in a zone of increased flood risk. They feel sports facilities at the current site (in Uppermill) are located within Flood Zone 1 (lowest risk) whereas the sport facilities at the proposed new site are in Flood Zone 3 and 3b - the highest risk category from surface water flooding.

12.446 The applicant feels sports pitches at the existing school site, as well as at the proposed site, are both located within Flood Zone 1. Both sites are also categorised as Critical Drainage Areas. They continue that the proposed pitches will actually be more usable and represent an improvement as they have newly installed drainage to Sport England requirements. In comparison, the existing school pitches are prone to water logging and are frequently unusable. Furthermore, the proposed pitches will allow greater use on the school site, unlike the existing pitches which do not conform to pitch size requirements. Consequently, pupils currently have to use the pitches at Churchill Fields in Greenfield which are located in Flood Zones 2 and 3 and subsequently flood frequently.

12.447 Having considered both views, Officers consider the principal sports pitches at the proposed and existing school site are both located within Flood Zone 1 and in Critical Drainage Areas. There is therefore no difference between the two in these respects. However, Officers consider that the proposed pitches are more usable, have better space standards and represent an improvement to the existing since they have newly installed, fit for purpose drainage and will not be prone to water logging as the existing ones are. As such, we do not believe lower quality sports facilities would be provided on this site.

### ***Canal Flooding***

- 12.448 Objectors argue sport facilities will be located within the Huddersfield Canal Hazard Zone and will be at risk from canal overtopping.
- 12.449 The applicant feels the canal should not over top. To justify this view, the applicant quotes the Canal and River Trust who have advised that any overtopping that does occur is usually as a result of a blockage of a lock by-pass facility, a lock gate being left open or vandalism. Their view is that overtopping is rare and usually such overflows are relatively minor in nature with depth and velocity being low and not presenting a hazard. Overtopping would therefore not represent a practical issue in terms of sports pitch use.
- 12.450 In these circumstances, the applicant feels there is no requirement to make design changes to cater for such a rare event. However, the applicant is currently investigating installing land drainage or similar to divert any water entering the sports field site by way of overtopping from the canal to ensure that this will not affect the proposed sports pitches.
- 12.451 Having considered these views, Officers consider that there is no evidence that this scheme will be at risk from canal overtopping or support a reason for refusal on such grounds.

### ***FRA only refers to school buildings***

- 12.452 The objectors argue the applications Flood Risk Assessment has been applied to the area covered by school buildings only. The report has assumed that sports facilities constitute a 'water compatible' flood risk within Flood Zone 3b & therefore flood risk to sport facilities does not need to be considered.
- 12.453 The applicant argues this is incorrect and demonstrates a misunderstanding of the relevant policies and classification of the site and development. The FRA submitted in respect of the application refers to the entire site area. In line with requirements, it identifies that the sequential assessment is not applied to the proposed sports field as it is a 'water compatible use'.
- 12.454 Having considered both views, Officers consider that the FRA clearly applies to the whole site and the sports pitches are clearly defined in the NPPG as 'water compatible uses'. As such, the applicants approach is correct in this case.

***The sports facilities will be subject to flooding and therefore unusable***

- 12.455 The objectors also argue from the Environment Statement, photos and ground investigation work carried out so far that sports facilities are to be sacrificed to flooding and therefore will be sub-standard and unusable.
- 12.456 The applicant feels this is incorrect and that the sports facilities will not be sacrificed to flooding, adding that this part of the site provides a useful function, allowing areas to flood as necessary, and this will be allowed to continue in order to reduce the flood risk down-stream. Furthermore, surface water storage tanks will be provided on the northern part of the site to reduce surface run off by 50% from current runoff levels thus reducing the future downstream flooding along Diggle Brook. The pitches will be more usable than the ones at the existing school.
- 12.457 Officers feel, having considered the FRA closely, there is no evidence that indicates that the sport pitches will be prone to flooding or sub-standard and therefore unusable.

***Flooding will be made worse downstream by the proposal***

- 12.458 The objectors also argue that Sport England are concerned with the poor state of Churchill playing fields (2km downstream in Uppermill) - also situated in Flood Zone 3 and concerned that the Council would even consider placing new sports facilities within a 'functional floodplain' (Flood Zone 3b) upstream. Moreover, they consider that the functional floodplain will be compromised by the proposed earthworks, and that this will increase flooding downstream, making the problems at Churchill playing fields and flooding in Uppermill worse.
- 12.459 The applicant contends that Churchill playing fields are located in Flood Zone 3 and the School currently relies on the use of these for some aspects of the school's use as the facilities on the existing school site are sub-standard. They feel that the proposed new school will actually reduce the risk of flooding down-stream due to the reduction in run-off rates and the continuing ability of the site to store flood water in extreme events.
- 12.460 Officers consider that the proposed 50% run-off rate reduction and new water storage facilities will reduce the risk of flooding downstream, not increase them. As such there no evidence to support the view that flooding will be made worse downstream by the proposal.

## Ground conditions

- 12.461 A series of studies have been undertaken in order to establish any potential risks derived from the ground conditions on the site. A full impact assessment in relation to ground conditions is provided within the ES.
- 12.462 The northern part of the site is previously developed with possible contamination of soils and or shallow groundwater. Landfill to the north of the site, elevated concentrations of some potential contaminants and the presence of 'made ground' have also previously been identified. The southern part of the site has been mainly agricultural grazing land and as such is not considered to pose a significant risk to human health and water resources.
- 12.463 The development will require a remediation strategy to reduce the potential effects to future site users and the surrounding environment. Supplementary site investigation and assessment would be required by way of conditions and earthworks / geotechnical design will put in place measures to mitigate impacts during the construction and operational phases ensuring that any adverse impacts are minimised. Construction activity impacts will be minimised through standard construction environmental management practices.
- 12.464 It is concluded that the site can be redeveloped without contributing to, or being putting at risk from, unacceptable levels of ground contamination or land instability. The proposal will enable any potential contamination to be reduced thereby providing an overall benefit to the local environment. The development thereby satisfies Policy 1 of the Joint DPD and paragraphs 170, 178 and 180 of the NPPF.
- 12.465 In relation to specific concerns, Objectors claim ground investigation work indicated that the proposed fields are unsuitable for sports facilities. The investigation that took place in 2013 within the field for proposed sport facilities found elevated contamination levels and ground water encountered at shallow depths of 0.5m.
- 12.466 In response, the applicant undertook a review of all existing geo-environmental information pertaining to the site. Their review included the information provided by the October 2013 report that residents cited. They found no site investigation holes or soil tests had been undertaken in the area of the proposed sports field prior to October 2013 and so the presence of elevated contamination in this area of the site had not been established up to that point.



- 12.467 The investigation listed fertilisers and pesticides as potential contaminants arising from the agricultural use of the land, but went on to rate the potential risk to site users from such contaminants as low to moderate, and arising from ingestion, inhalation or dermal contact with affected soil. The records reviewed show that this part of the development site has always been agricultural land. As such, the theoretical risk posed by fertilisers and pesticides will be mitigated in large part by the proposed raising of site levels across most of the sports field area.
- 12.468 The applicant's review of information also addressed site investigation data obtained by others in November 2013. Some of this later phase of investigation was undertaken in the sports field area. Only apparently localised deposits of Made Ground (assessed by WYG as a potential source of ground gas) were encountered, on the north-west part of the sports field area, with the potential risk to receptors rated as low to moderate.
- 12.469 In Officer's views, based on the information currently available, the site is not considered to be unsuitable for development due to land contamination. Moreover, the proposed raising of site levels in preparation for the installation of the sports facilities will help to mitigate any potential impacts from shallow groundwater but, in any event, the position of the groundwater table is not considered to have a material bearing on the suitability of this part of the development site for the intended use as a sports field. Furthermore, any identified land contamination will be dealt with through the planning regime prior to occupation of the new school. Further site investigations will be necessary and a suitable remediation strategy addressing identified land contamination issues will be devised for the development site.
- 12.470 In relation to site suitability, objectors argue there has been no feasibility work carried out to check if the proposed sports facilities are suitable for their intended use & will be of equivalent quality, except the ground investigation work that indicates that they are not.
- 12.471 The applicant responds that the ground condition of the proposed sports field is, or will be made suitable for the intended sports facilities and considers the proposed sports field has been subject to detailed design works from a team including civil engineers, flood risk experts, geo-environmental professionals and landscape architects. As such, the quality of the proposed facilities will exceed that of the existing school by virtue of the number of facilities provided, the dimensions of the proposed pitches and the fact that they will be adequately drained to avoid water logging.



12.472 Whilst noting resident's concerns, Officers do not consider that there is evidence to support the view that site is not suitable for its proposed use. Moreover, as stated elsewhere, Officers consider the facilities will be better than those currently available.

## **Waste**

12.473 An assessment of Waste Management has been undertaken. The assessment considered the management of waste arising both during the construction phase and operational phase. The proposed development will generate small quantities of construction and demolition waste, for which there are a number of waste facilities and sites in Greater Manchester and Oldham with sufficient capacity to manage the predicted arisings.

12.474 The operational phase impact on the local waste management infrastructure will only be caused by the difference in the amount of waste generated by the current and proposed schools, which is considered to only be a slight increase, as a consequence of the additional 150 pupils. The assessment concludes there is sufficient capacity within the local waste management facilities to cater for the additional volumes of commercial waste generated during the operational phase.

12.475 The assessment did not identify any significant effects. Mitigation measures are proposed in the Waste Strategy to ensure that construction phase and operational phase waste is managed in an efficient way, in accordance with the waste hierarchy which promotes avoidance, re-use, recycling and recovery over disposal.

## **Energy / Sustainability**

12.476 The design of the proposed school is capable of meeting the requirements of Policy 18, which would require a 15% reduction in CO<sub>2</sub> emissions than Part L Building Regulations. Carbon reduction is achieved by applying the principles of the zero carbon hierarchy. These are to maximise energy efficiency through the design and fabric of the building, minimise carbon usage through the use of energy efficient plant and low and zero-carbon technologies and finally to adopt a range of measures or allowable solutions to further reduce carbon levels.

12.477 It should also be noted that Policy 18 recognises the financial implications of achieving the carbon reduction targets set out in the policy and, as such, provision

is made for exceptions to be made where meeting the requirements would not be financially viable and could prejudice the proposed development.

- 12.478 In general terms the building has been designed to be as energy efficient as possible and the design will seek to use specific materials to maximise insulation and seek to address air leakage. The orientation of the building has sought to exploit passive solar gain and natural ventilation will be used wherever possible.
- 12.479 The feasibility of installing low and zero carbon technologies will be explored with consideration being given to solar photovoltaic, solar thermal, wind turbines, biomass boilers, ground source heat pumps, air source heat pumps, district heating, and Combined Heat and Power (CHP).
- 12.480 It is considered that the details required to demonstrate compliance with Policy 18 could be agreed by way of an appropriately worded condition.

## **EIA**

- 12.481 Objectors have claimed the demolition was not properly screened for EIA.
- 12.482 The revised Environmental Statement (ES) dated December 2015 was prepared to include all four applications regarding the site, including this application. A revised ES was prepared in August 2017 after the Judicial Review on these applications was successful. In Officers view, there appear to be no grounds to support the assertion that demolition impacts have been slotted into the ES and not properly assessed as the assessment has been totally updated and amended as necessary to consider the impacts of the 4 schemes. For information, the ES was reviewed by WYG's national Head of Environment and Officers who have significant experience of EIAs. WYG is IEMA assured.

## **Public Opinion**

- 12.483 Objectors argue the Council was aware of conflicts that exist at the pre-planning stage but chose to ignore public opinion & concerns. Furthermore, this approach will not result in facilities that are attractive to the local community or financially sustainable in the long term.

- 12.484 Whilst noting this view, Officers consider that public consultation in respect of the proposed school – as set out in the main report – has been extensive and that there are no restrictions imposed on the site which would make the scheme unattractive or financially unviable.

## **Comparison of the scheme against Local Plan Policy**

- 12.485 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***

- 12.486 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.
- 12.487 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.
- 12.488 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.
- 12.489 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.
- 12.490 The potential impacts on amenity have been mitigated as far as possible and no major adverse impacts occur.

- 12.491 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.
- 12.492 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.
- 12.493 The development does not prejudice other regeneration plans.
- 12.494 Overall, the application 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***

- 12.495 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***

- 12.496 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.
- 12.497 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***

- 12.498 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 and because the canal is designated as a recreational route.
- 12.499 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.
- 12.500 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***

- 12.501 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.
- 12.502 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***

- 12.503 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.

- 12.504 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 where 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.
- 12.505 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***

- 12.506 This policy designates employment areas, including the Saddleworth Employment Areas (SEAs).
- 12.507 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).
- 12.508 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***

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

12.510 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.

12.511 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.



- 12.512 This policy is relevant to this new school proposal because the site is located within a Saddleworth Employment Area.
- 12.513 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***

- 12.514 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.
- 12.515 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***

- 12.516 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.
- 12.517 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***

- 12.518 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.

- 12.519 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.
- 12.520 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***

- 12.521 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.
- 12.522 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.
- 12.523 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.
- 12.524 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.

- 12.525 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***

- 12.526 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.
- 12.527 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.
- 12.528 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.
- 12.529 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.
- 12.530 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***

- 12.531 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.

12.532 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***

- 12.533 This policy states that development in the Green Belt will be permitted provided it does not conflict with national planning policy.
- 12.534 The proposed outdoor sports facilities and 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 it is considered that very special circumstances exist that warrant setting aside the 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***

- 12.535 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.
- 12.536 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”.*

- 12.537 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.
- 12.538 Overall, this scheme is considered to comply with this part of the Development Plan.

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

- 12.539 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.
- 12.540 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.
- 12.541 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.
- 12.542 As stated in the report earlier, 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 195 of the NPPF applies here. 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 196 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 importance and weight to be given to the desirability of preserving the setting of listed buildings. This is reinforced by Paragraph 193 of the NPPF.
- The NPPF is clear that planning policies and decisions should promote an effective use of land in meeting needs, while safeguarding and improving the environment and ensuring safe and healthy living conditions [Paragraph 117] and that they should give substantial weight to the value of using suitable brownfield land for identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land and promote and support the development of under-utilised land and buildings [Paragraph 118]. Additionally, the 2018 NPPF states at Paragraph 120 that, where a local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan, applications for alternative uses on the land should be supported where the proposed use would contribute to meeting an unmet need. It continues in the same vein at Paragraph 121 that local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:  
  
*“make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space”.*
- Paragraph 94 of the NPPF stresses the need to ensure there is a sufficient choice of school places available to meet the needs of existing and new communities and that local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to

development that will widen choice in education. They consider that decision makers should:

*“give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications”.*

- 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 109 of the NPPF sets out that development should only be prevented or refused if there would be an unacceptable impact on highways safety or the residual cumulative impacts on the road network would be 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.

12.543 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.
- The use of the Green Belt for outdoor sport and recreation purposes and 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 mean that there are very special circumstances that clearly outweigh the harm to the Green Belt land and any other harm 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 NPPF and Development Plan Policy. However, in this unique instance, the significant benefits that delivering a new, fit for purpose school would deliver outweighs the strong presumption against a scheme affecting the setting of a listed building. The proposal is therefore considered to comply with paragraph 195 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 road network is not 'severe'. As such, there are no grounds that would sustain a reason for refusal in this instance.

12.544 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.

## Conclusion

12.545 The loss of employment land is acceptable as the applicant has shown the site is no longer viable as an employment use and the new school would benefit the community.

12.546 The use of the Green Belt for outdoor sport and recreation purposes and 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 on this site and the lack of suitable alternative sites for such a use mean that there are very special circumstances that clearly outweigh the harm to the Green Belt land and any other harm by reason of inappropriateness, particularly since none of the overarching purposes of the Green Belt are significantly affected by this proposal. As such, this element of the scheme is considered acceptable.

- 12.547 Numerous benefits are gained from using the site for school purposes including remediating a contaminated site, providing a fit for purpose school with better facilities than the existing one and significant socio-economic benefits in terms of jobs and new facilities. The school will also be more energy efficient.
- 12.548 No best and most versatile agricultural land is lost by this proposal.
- 12.549 The proposed replacement sports facilities are at least equivalent in terms of usefulness, attractiveness, quality, accessibility and quantity as the existing school.
- 12.550 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.
- 12.551 The proposed development accords with policy in relation to trees.
- 12.552 In design terms, the scheme scores highly in terms of its functionality but less so in terms of its form. Nevertheless, appearance, layout, access, sustainability and landscaping elements of the scheme are, on balance, considered acceptable in design terms and in line with the relevant national and local design policies and guidance.
- 12.553 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 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 NPPF 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 in Officers view outweighs the strong presumption against a scheme affecting the setting of a listed building. It therefore complies with paragraph 195 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.

- 12.554 In Crime Prevention terms, GMP are generally supportive of the proposals but, in relation to external covered areas to the rear of the building and their subsequently suggested shutters / railings, officers do not feel that this is the right design treatment for the school. Equally, the suggested works outside the application site cannot reasonably be required.
- 12.555 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 on the scheme on the road network is not 'severe'. As such, there are no grounds that would sustain a reason for refusal in this instance.
- 12.556 It is not considered that the school will create any amenity issues that will affect residents to such an extent that it would sustain a reason for refusal, particularly in view of the fact that the proposal could potentially replace an unrestricted industrial use.
- 12.557 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
- 12.558 The lighting associated with the proposed development will be clearly visible. However, following adoption of appropriate mitigation measures, it has been demonstrated that the proposals do not conflict with national and local planning policies on lighting.
- 12.559 The impact from the proposed development on surface water run-off and flood risk, both on-site and off-site, would be insignificant. An assessment of the cumulative

effects of the proposed development and other adjacent proposed developments, has identified that the overall cumulative impact, in terms of flood risk, surface water, and surface quality, would be negligible.

- 12.560 There are no tree, air quality, ground condition, waste and energy concerns raised by this proposal.
- 12.561 In these circumstances, having weighed the proposal against a range of Development Plan considerations, the proposal is considered, on balance, acceptable across a range of planning considerations.

## Recommendation

- 12.562 The application is recommended for approval, subject to a S106 agreement in relation to ensuring local labour in construction, and the following conditions.

### **General**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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.

### ***Materials and Design***

3. No development shall commence on site until all the existing buildings on site have been permanently demolished. The details, quantities and stockpile location of any demolition materials and debris resulting there for use during the development shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the area.

4. Before the external walls and roofs hereby approved are erected details and samples of the materials to be used for the external walls and roofs should be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and the character and appearance of the area.

5. Before the stonework hereby approved is erected, details of the external stonework, including type, coursing and bedding of the stone, type of pointing and mortar mix, should be submitted to and approved in writing by the Local Planning Authority. The external stonework shall be constructed in accordance with the approved details.

Reason: In the interests of visual amenity and the character and appearance of the area.

6. Prior to the commencement of the use hereby approved details of the design, external appearance and decorative finish of all railings, fences, gates, walls, bollards and other means of enclosure should be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied.

Reason: In the interests of visual amenity and the character and appearance of the area.

### ***Landscaping***

7. Prior to the occupation of the school a scheme of hard and soft landscaping should; be submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

(a) indications of all existing trees and hedgerows on the land;

(b) details of any to be retained, together with measures for their protection in the course of development;

- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;
- (e) means of enclosure;
- (f) car park layouts;
- (g) other vehicle and pedestrian access and circulation areas;
- (h) hard surfacing materials;
- (i) structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
- (j) planting plans;
- (k) written specifications (including cultivation and other operations associated with plant and grass establishment);
- (l) Schedules of plants (noting species, planting sizes and proposed numbers / densities where appropriate);
- (m) Implementation timetables; and,
- (n) Measures to encourage provision for nesting birds.

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

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.

9. No development shall commence on site until details of all earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, and the nature of the material, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory landscaped setting for the development.

10. Before the use hereby approved commences, a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas should be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved in accordance with the approved details.

Reason: To ensure the proper management of the landscaped areas in the interests of visual amenity.

### ***Highways, Access and Parking***

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.

12. The development hereby approved shall not be brought into use unless and until the access road leading to the school from Huddersfield Road has been widened to include a footway, minimum 3m wide. 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. Such work that forms part of the approved scheme shall be retained thereafter.

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.

13. The use hereby approved shall not begin until a detailed scheme of School Safety Zone, including the provision of all appropriate signs, markings and construction on the approach to the site along Huddersfield Road has been submitted to and approved in writing by the Local Planning Authority. Thereafter, such works that form the approved scheme shall be completed before any part of the development is brought into use.

Reason: To facilitate the safe movement of pedestrians, cyclists and other highway users in the vicinity of the development.

14. The use hereby approved shall not begin 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.

15. The development hereby approved shall not be brought into use until a car park for use by residents of 29-43 Huddersfield Road and parents of children attending the school and associated parent drop off facilities has been carried out in accordance with details that should be submitted to and approved in writing by the Local Planning Authority. Such works that form part of the approved scheme 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.

16. The use hereby approved shall not begin until a highway improvement, including the provision a 2m wide footway, improvements to pedestrian crossing facilities and carriageway widening on Huddersfield Road near its junction with Standedge Road has been submitted to and approved in writing by the Local Planning Authority. Thereafter, such works that form the approved scheme shall be completed before any part of the development is brought into use.

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

17. The use hereby approved shall not begin until a highway improvement, including the improvements to pedestrian crossing facilities and the reprioritisation of the Sugar Lane / Wool Road junction has been submitted to and approved in writing by the Local Planning Authority. Thereafter, such works that form the approved scheme shall be completed before any part of the development is brought into use.



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

18. Within the first three months of the operation of the school, monitoring of the Standedge Road / Huddersfield Road junction should take place and a report detailing the effects of the development on the junction should be submitted to the Local Planning Authority. If it is shown that there is a significant and severe impact on the highway, a highway improvement scheme should be carried out which could include the reprioritisation of the junction, a speed limit review and additional signing and lining. Details of such a scheme shall be submitted to and approved in writing by the Local Planning Authority and all works that form part of that scheme shall be complete within six months of the submission of the report.

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

19. The use hereby approved shall not begin until a detailed scheme for the provision of adequate secure cycle storage facilities have been submitted to and approved by the Local Planning Authority. Thereafter, the development hereby approved shall not be brought into use unless and until the secure cycle storage facilities have been provided in accordance with the approved scheme and shall always remain available to users of the development.

Reason: To ensure adequate cycle storage facilities are available to users of the development

20. No work on site shall commence unless and until adequate wheel cleaning equipment, the details of which shall be submitted to and approved by the Local Planning Authority, has been installed on the site. Thereafter, all vehicles, which leave the site, and which have travelled over a non-tarmac surface shall use the wheel cleaning equipment provided, before leaving the site, such that all vehicles are in such a state of cleanliness that they do not foul the highway with mud or other material. The equipment shall, for the duration of the construction works, be maintained in good working order and shall not be removed unless agreed by the Local Planning Authority.

Reason: In the interests of highway safety (It is an offence under the Highways Act 1980 to deposit mud on a public highway)

21. Prior to the occupation of the development hereby approved, a detailed School Travel Plan for the whole premises shall be submitted to and approved in writing by the Local Planning Authority (LPA).

Reason: To ensure the development accords with the Councils sustainable transport policies.

22. Prior to the occupation of the development hereby approved, a detailed bus provision plan outlining appropriate bus travel for pupils who live outside the proposed school walking catchment area is provided.

Reason: To ensure the development accords with the Council's sustainable transport priorities.

23. The use hereby approved shall not begin development shall commence until a Parking Management Plan, showing the operation and availability of the school car park during events held by the school involving the attendance of parents or other visitors has been submitted to and approved by the Local Planning Authority. Thereafter all measures that form part of the approved management plan shall be implemented and remain available for users of the school.

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

24. No direct pedestrian access for pupils shall be gained to or from the school to the canal tow path.

Reason: In the interests of pedestrian safety.

25. The use hereby approved shall not begin until Public Footpath 106 Saddleworth has been improved to include details of a scheme which shall include a 2 metre wide path (excluding footbridges), storm drain, work to divert water around the bridge abutment and improvements to the steps shall be submitted to and approved in writing by the Local Planning Authority and works that form part of the approved scheme shall be retained thereafter.

Reason: To facilitate the movement of pedestrians in the vicinity of the site.

### **Restrictions**

26. The delivery of goods to and from the site 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: In the interests of the amenity of the area.

27. The floodlight(s) hereby approved shall not be illuminated outside the hours of 8am and 10pm from Mondays to Fridays and between 8am and 10pm on Saturdays, Sundays and Bank or Public Holidays.

Reason: To minimise the impact of the floodlight(s) and in the interests of the amenity of the area.

28. 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.

29. Prior to the use of any vibro-impact equipment being used on any part of the site in connection with the planning permission hereby approved a detailed Method Statement for its use shall be submitted to and approved in writing by the Local Planning Authority. The use of such equipment shall thereafter be undertaken in full accordance with the approved Method Statement.

Reason: In the interests of land stability and protecting the railway assets from the development of the site.

### **Lighting**

30. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenity of the area and to minimise unnecessary light spillage above and outside the development site.

31. 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.

### **Waste**

32. The use hereby approved shall not commence until details of the storage of refuse and recycling facilities including details of location, size and means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until the approved refuse storage and recycling facilities has been completed and made available for use in

accordance with the approved details and it shall be subsequently maintained in accordance with the approved details thereafter.

Reason: In the interests of public health and safety.

**Construction Management Statement**

33. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling / disposing of waste resulting from demolition and construction works;
- h) measures for the protection of the natural environment; and,
- i) 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 construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

Reason: To minimise detrimental effects to the residents amenity and detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

**Drainage and Flooding**

34. The use hereby approved shall not commence until a scheme for the discharge of surface water from the site incorporating sustainable drainage details has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until surface water drainage has been constructed in accordance with the approved scheme.

Reason: To ensure that the development can be adequately drained.

35. The use hereby approved shall not begin 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 development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Rev B dated 18/08/2017 and the FRA Addendum 2 from WYG dated 25/07/2018 and the following mitigation measures detailed within the FRA Rev B:

- a) External levels in accordance with WYG drawing D313 Revision P1 dated August 2018 showing existing and proposed levels.

Reason: To reduce the impact of flooding on the proposed development and future occupants.

- b) Identification and provision of safe routes into and out of the lower playing field area, to an appropriate safe haven.

Reason: To ensure safe access and egress from and to the site.

- c) The preparation of an emergency evacuation plan to serve the external sports pitches (lower playing field area), including the registration with Floodline on 0345 988 1188 to receive a Flood Alert.

Reason: To ensure safe access and egress from and to the site.

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.

37. The site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to a sustainable drainage system.

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

### **Contamination**

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.

40. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- (i) A preliminary risk assessment which has identified:
- all previous uses;
  - potential contaminants associated with those uses;
  - a conceptual model of the site indicating sources, pathways and receptors;
  - potentially unacceptable risks arising from contamination at the site.
- (ii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- (iii) The results of the site investigation and the detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- (iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

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

41. No occupation shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

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

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.

43. No infiltration of surface water drainage into the ground on land affected by contamination is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

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

### **Ecology**

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.

45. Notwithstanding the mitigation measures detailed in the Ecological Assessment [Chapter 6 of the ES) bat roosting provision should be integrated into the fabric of the new built structures.

Reason: To ensure adequate and acceptable habitats for bats are provided.



46. Prior to the commencement of development a comprehensive Method Statement for protecting bats during the proposed works shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall provide full details of measures to be taken to avoid any possible disturbance to bats during the demolition and construction of the proposed school. The development shall thereafter be carried out strictly in accordance with the approved Method Statement.

Reason: To protect bats from the proposed development.

47. 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.

### **Archaeology**

48. Prior to the commencement of development the applicant or their appointed agent shall have secured the implementation of a programme of archaeological works. The works are to be undertaken in accordance with a Written Scheme of Investigation (WSI) submitted to and approved in writing by Oldham Planning Authority. The WSI shall cover the following:
- a) A phased programme and methodology of investigation and recording to include;
    - Archaeological strip, map and targeted excavation of Wrigley's Mill site;
    - Targeted archaeological investigation of below-ground remains relating to Dobcross Loom Works;
  - b) A programme for post investigation assessment to include:
    - Analysis of the site investigation records and finds;
    - Production of a final report on the significance of the archaeological and historical interest represented.
  - c) Deposition of the final report with the Greater Manchester Historic Environmental;
  - d) Record and publication of the results in a manner commensurate with their significance;
  - e) Provision of information panels to commemorate the site's history and archaeology; and,
  - f) Provision for archive deposition of the report and records of the site investigation.



Reason: In accordance with the NPPF Section 12, Paragraph 141 - to record and advance understanding of heritage assets impacted on by the development and to make information about the archaeological heritage interest publically accessible.

49. No development shall commence until:
- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and,
  - b) The approved programme of archaeological work has been carried out in accordance with the approved details.

Reason: To enable the recording of any matters of archaeological interest.

50. No development shall commence on site until a scheme for allowing access at all reasonable times to any archaeologist nominated by the Local Planning Authority, has been submitted to and approved by the Local Planning Authority. Thereafter, the nominated archaeologist shall be allowed to observe the excavations and to record items of interest and finds, in accordance with the approved scheme.

Reason: To safeguard the site of archaeological interest.

### ***Crime Impact***

51. The proposed development should be constructed in accordance with the recommendations contained within section 3.3 of the submitted Crime Impact Statement (dated 14/05/2015 – URN: 2015/0295/CIS/01 Version A) except for the measures relating to the external covered areas and reflect the physical security specification listed within section 4 of the submitted Crime Impact Statement.

Reason: To ensure that the potential for crime is minimised and the site is secure.

### ***Canal Protection***

52. 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.

53. The protection measures detailed in the Construction Phase Plan and Canal Specific Method Statement shall be carried out in full prior to the demolition.

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

### **Diggle Brook Buffer Zone**

54. No development shall take place until a scheme for the provision and management of a buffer zone alongside the Diggle Brook shall be submitted to and agreed in writing by the local planning authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, parking spaces and formal landscaping; and could form a vital part of green infrastructure provision.

The schemes shall include:

- plans showing the extent and layout of the buffer zone;
- details of any proposed planting scheme (for example, native species);
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan;
- details of any proposed footpaths, fencing, lighting etc.

Reason: Development that encroaches on Diggle Brook has a potentially severe impact on its ecological value. This watercourse has a broadly natural character which offers a good wildlife corridor. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected.

The Brook has the potential to support white-clawed crayfish, and whilst the survey did not find evidence of this species the survey effort was not intensive enough to pick up small populations. GMEU would normally have turned 200 stones per reach rather than 50. White-clawed crayfish are sensitive to siltation and changes in water quality so the retention of a vegetated buffer zone during and after construction would be incredibly valuable.

### **Energy**

55. The use hereby approved shall not commence until a detailed energy statement has been submitted to and agreed in writing by the Local Planning Authority. The statement shall set out how the development will accord with the Energy Infrastructure Target Framework set out in Policy 18 of the Oldham Local Development Framework Joint Core Strategy and Development Management how a target area has been determined and how the development will meet this target.

The development shall be carried out in accordance with the approved scheme and phasing arrangements and retained as operational at all times thereafter.

Reason: To ensure that the development accords with the provisions of Policy 18 of the Oldham LDF Joint Core Strategy and Development Management Policies DPD.

56. The new grass playing field and pitch shall be constructed and laid out in accordance with standards and methodologies set out in the guidance note “Natural Turf for Sport” (Sport England, May 2011), before they are first brought into use.

Reason: To ensure the quality of pitches is satisfactory and they are available for use.

57. Prior to the development being brought into use, a community use scheme shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England. The scheme shall include details of pricing policy, hours of use, access by non-school users/non-members, management responsibilities and include a mechanism for review. The approved scheme shall be implemented upon commencement of use of the development.

Reason: To secure well managed, safe community access to the sports facility, to ensure sufficient benefit to the development of sport.

58. Development of the artificial grass pitch shall not commence until full details of the design and layout of the artificial grass pitch, to be in accordance with current Sport England / FA Guidelines (including pitch layout / line markings, fencing, arrangements for storage of goals, proposed performance quality standard, and proposed surface type) have been submitted to and approved in writing by the Local Planning Authority. The artificial grass pitch shall be constructed and made available for use in accordance with the approved details before the school is first occupied.

Reason: To ensure the artificial grass pitch is satisfactory and is available for use.

59. A full inspection and maintenance schedule of the proposed 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 proposed drain blockages do not occur and the drains are properly maintained.

60. Prior to the commencement of development, an Environmental Management and Monitoring Plan during the proposed works shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall provide full details of the environment management of the site during construction and school use. The

development shall thereafter be carried out strictly in accordance with the approved Plan.

Reason: To ensure the proper environmental management of the site.

61. No development shall take place until a detailed condition survey of the culvert within the site that runs from the canal to Diggle Brook 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.

62. 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.



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Date: 17.02.16

Scale 1:2500



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### **13. PLANNING CONSIDERATIONS - APPLICATION D (PA/337930/15) - Planning application for an off-site parental drop off facility, two residents' parking areas, highways alterations and works to the access road to the former factory site**

#### **Background**

- 13.1 The application site is largely within the Green Belt as indicated on the LDF Proposals Map.
- 13.2 However, the part of the site proposed for footway widening along Huddersfield Road and along the access road to Shaw Pallet Works is within a Business and Industrial Allocation.
- 13.3 Paragraph 11 of the National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Paragraph 12 expands on this and states that the NPPF does not change the statutory status of the development plan as a starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless material considerations indicate otherwise. The guidance in the NPPF is taken as a material planning consideration.
- 13.4 In this case the 'Development Plan' is the Joint Development Plan Document which forms part of the Local Development Framework for Oldham. It contains the Core Strategies and Development Management policies used to assess and determine planning applications.
- 13.5 Policies 1, 2, 5, 6, 9, 16, 17, 18, 19, 20, 21, 22, 23 and 24 of the Development Plan - details of which are set out in section 7 of the report and attached as Appendix 1 - are all relevant to this application.
- 13.6 In determining this application, the main issues to consider are:
- Principle of development, including Green Belt;
  - Landscape and Visual Amenity;
  - Design and Heritage;
  - Crime Prevention;
  - Heritage and Archaeology;



- Transport, Access, and Highway Safety;
- Impact on Amenity;
- Air Quality;
- Ecology;
- Lighting; and,
- Flood Risk and Drainage.

### **Principle of Development, including Green Belt**

- 13.7 Policy 1 'Climate Change and Sustainable Development' of the Joint DPD requires that 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.
- 13.8 The proposed development will provide for off-street parking and will also facilitate the safer and easier movement of transport of various forms (cars, buses, bikes) making the locality less congested, helping to create a sense of place and improving the quality of life for residents and visitors.
- 13.9 Policy 5 'Promoting Accessibility and Sustainable Transport Choices' guides development to the most accessible locations, and promotes and encouraged the use of public transport, walking and cycling. All development, particularly that which is likely to generate a large number of journeys, must be accessible by a choice of transport modes and must not impede the strategic and local road networks or compromise pedestrian or highway safety.
- 13.10 In this regard the proposed development is located in a sustainable location on the edge of the village that is served by a bus route. The provision of the car park will facilitate a safer and less congested Huddersfield Road that will be of benefit to all forms of road based transport, including buses, pedestrians and cyclists.

### ***Business and Industrial Allocation***

- 13.11 Under these proposals:
- a narrow strip of the land along Huddersfield Road between the proposed drop-off facility and the access road to the school; and,
  - together with a strip of land alongside the existing access road,

are proposed to be used for the provision of new / widened footways. These strips of land are within land allocated for Business and Industry (B1.1.28) under saved UDP Policy B1.1 'Business and Industrial Allocations'.

- 13.12 Whilst the proposed highways improvement works do not relate to business and industrial use - and hence do not strictly comply with the requirements of saved Policy B1.1 - it is not considered that the loss of these relatively narrow strips of the allocated site would prejudice the overall potential of the site to be used for business and industrial uses. Indeed, the proposals may have a beneficial impact on the business and industrial allocation in that vehicular and pedestrian access to the site would be improved on the current arrangements. As such, the works are considered acceptable in this context.

### **Green Belt**

- 13.13 Officers consider there is an identified need for the drop-off facility / car park to be located close to the school and for replacement parking for local residents to be close to their properties since without the highway works, the proposed school could not operate efficiently.
- 13.14 However, the site of these highway proposals is within the Green Belt in land that is currently used as open grazing land, although it is bounded by a stone wall to the Huddersfield Road side.
- 13.15 This site forms a gap between the block of residential properties comprising of 20-44 Huddersfield Road and the allocated employment site. The loss of this relatively small section of land would not impact significantly in terms of preventing unrestricted urban sprawl. The site directly abuts the built-up area of Diggle and makes a very limited contribution to the purpose of preventing neighbouring settlements merging into one another.
- 13.16 The proposed drop-off facility and car park will encroach into what is currently an open field bounded by walling. However, the site is relatively small and the countryside will not be encroached upon to any significant degree. The openness is already compromised to some extent by the adjacent highway and nearby built form, and its character is consequently affected. It is not considered that this modest site serves to protect the setting and special character of historic towns to any significant extent.
- 13.17 Although the drop off facility / car park is 'inappropriate' development in the Green Belt, it is considered that the harm to the Green Belt and any other harm is outweighed by the very special circumstances that exist.



13.18 Specifically:

- The proposed development supports the linked application for the proposed new school which would be a significantly better facility than the existing school and bring considerable social and economic benefits for the local community.
- It would enable increased access to the Green Belt and opportunities for outdoor sport within it.
- The proposals will deliver highway and access improvements in association with the school which are required to help it function effectively and ensure highways safety.
- There are local social and economic benefits associated with the creation of additional jobs during construction and subsequent operation of the proposed school.

13.19 The cumulative impact on the Green Belt arising from the proposed sports pitches and the proposed drop off facility / car park has been considered. Overall, the Green Belt would appear less natural in character, but it is not considered that the proposals would result in its urbanisation in the way that developing the sites for other uses potentially would. Although the two areas of the site are separated by a field and Diggle Brook, the two areas are seen in the same view. However, given existing adjacent built form and the physical separation of the two areas, it is not considered that the proposals would result in significantly increased urban sprawl, the merging of settlements, encroachment of countryside, or significant impact on the character of historic towns or villages.

13.20 For the reasons set out in paragraphs 4.25 to 4.32, Officers agree with Justice Kerr's Judicial Review findings that the objectors claim, that 'non green belt harm' was not included in the weighing exercise of Green Belt considerations, is unjustified. To be clear, harm to Cultural Heritage considerations are considered elsewhere in the report and including them in the weighing exercise amongst other harm, the overall conclusion is that very special circumstances do exist in this case.

13.21 In summary, it is considered that the application complies with Policy 22 of the Joint DPD and Section 13 of the NPPF since there are very special circumstances that outweigh the impact on openness and visual amenity the scheme has on the Green Belt. The principle of this development is therefore considered acceptable for the reasons given above.

## Landscape and Visual Amenity

- 13.22 The proposals for landscaping are set out in submitted drawing no. 1068035-100-B-14 Rev A. Low shrub planting is proposed along with a grassed embankment, some timber fencing and a grasscrete car parking area. Overall, the applicant argues that the proposal would be in keeping with the area and would support ongoing biodiversity. There are no trees within the area of the site due to be cleared. Trees along the northern and southern boundary are to be retained.
- 13.23 Policies 6 'Green Infrastructure' and 9 'Local Environment' are particularly relevant to the assessment of the landscape and visual impact of the highways works.
- 13.24 Landscape and visual impact have been assessed following guidelines set by the Landscape Institute. Baseline information was collected by the applicant from a desk based study followed by a site visit.
- 13.25 From the information collected landscape features of the site were identified, alongside information from landscape character studies and relevant landscape planning policies. Information on the visual aspects of the site was collected through visiting a number of viewpoints within the study area to gain an understanding of the visual baseline of the site and study area. The Landscape and Visual Impact Assessment identifies the existing mill buildings occupying the northern section of the site as a landscape feature of the area.
- 13.26 In the surrounding landscape, panoramic views are available towards the site, set within the wider context of the Diggle valley. The Peak District National Park lies to the east but is some 840m away from the factory site and slightly further from the highways works.
- 13.27 The assessment identified that there would be a variety of effects on the landscape features, landscape character and landscape designations within the study area. Of these effects, changes during demolition and construction are anticipated to be the main effects on the landscape elements of the site.
- 13.28 Views of the highways development are likely to be available from the surrounding viewpoints assessed 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. These new features, although resulting in some adverse change, are not anticipated to result in significant effects at the majority of the viewpoints assessed, although clearly there will be an impact from Huddersfield Road.

- 13.29 Officers views are that the impact on landscape and visual amenity resulting from the highways works will not be significant or detrimental enough to sustain a reason for refusal and that the need for the works to ensure highways safety and the operation of the new school, outweigh the limited landscape and visual impact the proposed works will have on the adjacent area. Consequently, whilst there is clearly some detrimental impact of the new highways works on the openness and visual amenity of the Green Belt in particular, it is considered that the proposed works are necessary and limited enough to comply with the requirements of Policies 6 and 9 of the Joint DPD.

## Design and Heritage

### *Design*

- 13.30 Policy 20 'Design' of the Local Plan recognises the contribution that high quality design can make to regeneration and sustainable development adding that high quality design brings economic, social and environmental benefits, adding to quality of life, attracting new business and investments and reinforcing civic pride. It adds that high quality design is as much about the way buildings and environments function as with their appearance.
- 13.31 The development concerning this application largely comprises of the resident's car parking / drop-off areas for the proposed school but care has been taken to minimise visual intrusion through careful use of design. In particular, Officers consider that the use of Grasscrete will lessen the visual impact of the car park. In Officers view the design reduces the impact on the openness and visual amenity of the scheme to the Green Belt. Officers consider 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.
- 13.32 However, the proposed loss of the stone walls fronting the highway, because of the widening of the highway and access road, is regarded as unfortunate as it would have resulted in the replacement of the existing traditional stone walls with new timber and post fences.
- 13.33 The applicant's rationale for doing this is for cost purposes. It is accepted, because of the change of levels and subsequent need for a retaining wall, that it would be significantly more expensive to rebuild it than normal.
- 13.34 However, Officers consider that the loss of the stone walls is unacceptable and that, whilst moving the stone walls is acceptable to allow the widening of the footpaths and visibility splays, there is no design reason why they could not be replaced.

Moreover, in view of the total cost of the new school development, Officers have sympathy with the view that funds should be found to carry out the rebuilding of the stone walls in the school development as this would retain and enhance the local character and appearance of this part of the development. As a consequence, Officers have added an amending condition to the recommendation ensuring the stone walls in question are rebuilt and not replaced by timber and post fences.

### ***Heritage Impact***

- 13.35 The proposal has the potential to impact upon the setting of a number of listed buildings, including 25, 45, 47 and 49 Huddersfield Road and the office building of the former Dobcross Loomworks.
- 13.36 The first consideration in the assessment of this application is the Planning (Listed Buildings and Conservation Areas) Act 1990. Section 66(1) of the Act states that, in considering whether to grant planning permission for development that affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. This is reinforced by Paragraph 193 of the new NPPF that states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and that this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 13.37 In respect to Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Governance and Legal Director of English Heritage ('Legal Developments' Conservation Bulletin Issue 71: Winter 2013) states that the courts have said that these statutory requirements operate as 'a paramount consideration' and 'the first consideration for a decision maker'.
- 13.38 Officers have also considered Chapter 16 of the NPPF and Policy 24 of the Core Strategy, as well as other policies that require the effective and efficient use of sites, encourage sustainable development and growth and the joint policy statement 'Planning for School's Development' and Paragraphs 94 and 121 of the NPPF which 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 give weight to supporting schools in a manner consistent with their statutory obligations.

### ***The proposals and their impact***

- 13.39 The proposals will have no direct physical impact on any designated heritage asset.

- 13.40 This part of Diggle is not in a conservation area although there are conservation areas within 1km at Dobcross, Holly Grove, Uppermill and St Chad's Church. The highways works from these areas will appear as an extension of the existing built environment along Huddersfield Road. The impact on their settings is therefore negligible.
- 13.41 Officers have considered the proposed changes and their impact on the designated heritage assets in turn below.

### ***Listed Office Building***

#### ***Setting***

- 13.42 In relation to its setting, the office building was designed to be the public face of the loom works, demonstrating the success of the business to the wider community. Its location, facing the main road is therefore an important aspect of its setting.
- 13.43 In addition, it was designed such that the clock tower rose above the roofline of the works buildings to the rear and they did not dwarf the building, although there are now several taller chimney structures that compete with the tower's height. The clock face of the office building is illuminated at night ensuring that the building remains a visible part of the landscape and local landmark even at night.
- 13.44 The historic relationship of the office building to the other buildings of the former loom works is a part of the heritage significance and setting of the building. The wider landscape of the area also makes a positive contribution to the setting of the office building. The fields to the immediate west, north and south of the complex and rising farmland to the rear (east) of the building provides the backdrop to the building and the green contrasts with the pale stone. The lack of intensive development around the building, beyond the associated mill buildings, allows the office building to be appreciated from a distance.
- 13.45 The location of the loom works adjacent to the canal which was used for transportation is a relationship which is still legible. The former relationship with the railway line has been diminished through the removal of the former railway sidings although their line can still be traced in embankment to the north-east of the site.

#### ***Impact***

- 13.46 The heritage asset to the north east of the highway works - the offices of the Dobcross Loom works, a Grade II listed building - will be approximately 150m away.

Because of this distance, it is not considered that the proposal affects the setting and special character of the listed office building to any significant degree. Whilst the removal of the stone walls and replacement by a post and rail timber fence along the access road and close boarded fence along Huddersfield Road would have affected the historic character of the surrounding as they make a positive contribution to its setting, the amending condition proposed, ensuring the stone walls rebuilding, means this is not an issue now. Overall, the distance away from the highways works means the setting of the listed office building is not impacted negatively.

### ***25 Huddersfield Road***

#### ***Setting***

- 13.47 The setting of the cottage is primarily its relationship to the surrounding buildings which are of a similar aesthetic. The cottage is located on a busy road which detracts from its setting. The wider landscape does not contribute to the setting of significance of the cottage. Overall, the setting makes an overall minimal positive contribution to the heritage significance of the building.

#### ***Impact***

- 13.48 The residents' car parking and drop off area will be located on an oblique line of sight from the listed building. The construction of the parking area requires the removal of stone walls to create the entrance to the parking area resulting in the loss of this boundary. There will also be alterations to the road immediately outside of the house. This will include the creation of footpaths and the alteration of the road to a single carriageway controlled by traffic signals. Traffic signals will be located very close to the house, introducing new street furniture. Although there is already standing traffic along Huddersfield Road due to traffic passing in single file due to parked cars which detracts from the setting of the listed building, the traffic flows will increase at the start and end of the school day which may increase the standing traffic in front of the listed building. Overall, the impact on the setting of the house will be slight negative and the significance of this affect is considered to be intermediate – minor adverse.

### ***45, 47 and 49 Huddersfield Road***

#### ***Setting***

- 13.49 The setting of the houses is primarily their relationship to the surrounding buildings which are of a similar aesthetic. The houses are located on a busy road which detracts from their setting. The wider landscape makes a limited contribution to their setting although there are long distance views across the valley to the opposite hillside with the former mill providing a focal point to the development of the valley floor. The setting makes an overall positive but minimal contribution to the buildings heritage significance.

### ***Impact***

- 13.50 The residents' car parking and drop-off area will be located directly opposite the listed buildings. The construction of the parking area will require the removal of an area of open green space which marks the start of the transition to a rural outlook in front of these properties changing the character of the views from the buildings. The now proposed rebuilding of the stone walls along Huddersfield Road have a negligible impact on the setting of these buildings. However, there will be alterations to the road to the south of the buildings. This will include the alteration of the road to a single carriageway controlled by traffic signals. Although there is already standing traffic along Huddersfield Road due to traffic passing in single file due to parked cars, the traffic flows will increase at the start and end of the school day which may increase the standing traffic in front of the listed buildings. Overall, the impact on the setting of the houses is slight negative.
- 13.51 In Officers opinion, the heritage significance of the buildings is diminished through changes to the setting, although not compromised as the key heritage significance of these buildings is architectural, which will remain unaffected.

### ***Holly Grove Conservation Area***

#### ***Setting***

- 13.52 The setting of the buildings is primarily in their group value and relationship to each other as evidence of the cottage based textile industry. The hamlet at Holly Grove is a distinct settlement with a group of buildings of similar style. Clustered around a corner of Butterhouse Lane and surrounded by mature trees, the buildings are largely focused towards each other. Outward views do not form an important element of the setting of the buildings. Overall, the setting makes a partial positive contribution to the heritage significance of the conservation area.

#### ***Impact***

- 13.53 The highways works will appear in the Holly Grove Conservation Area to be an extension of the existing built environment along Huddersfield Road. The impact on its setting is therefore negligible.



### ***Huddersfield Narrow Canal and other designated assets***

- 13.54 From further away, the highways works will appear to be an extension of the existing built environment along Huddersfield Road and will not make an appreciable change to the historic landscape character from the canal or from other heritage assets.

### ***Heritage Conclusion***

- 13.55 In relation to the listed office building, the distance it is located away from the highways works means the impact on its setting is negligible and therefore it is not impacted by them negatively or to an extent that would sustain a reason for refusal.
- 13.56 In relation to 25 Huddersfield Road the impact of the highways works on the setting of the house will be slight negative and the significance of this on the setting is considered to be minor adverse.
- 13.57 In relation to 45,47 and 49 Huddersfield Road, the impact on the setting of the houses is slight negative, but the heritage significance of the buildings, whilst diminished through changes to the setting, is not compromised as the key heritage significance of these buildings is architectural, something which remains unaffected by the highways works.
- 13.58 All three of the above designated heritage assets engage paragraph 196 of the NPPF. This policy states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 13.59 Officers have had regard to the strong presumption set out in legislation 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 in question, 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 strong presumption in this instance and therefore comply with paragraph 196 of the NPPF.



### ***Overall Design and Heritage Conclusion***

13.60 On balance, it is considered that the proposed works are acceptable in design and heritage terms and comply with the relevant Development Plan considerations for the reasons set out above.

### **Crime Prevention**

13.61 A Crime Impact Assessment has been prepared in respect of this planning application.

13.62 The layout of the parking facilities and drop-off zone are designed not to inherently increase risk of crime. The open design for parking and drop off is intended to maximise the benefit from natural surveillance and the overlooking from properties on Huddersfield Road thereby having regard to staff, pupil and parent safety.

### **Archaeology**

13.63 It is anticipated that archaeological issues can be addressed through appropriate planning conditions.

### **Transport, Access, and Highway Safety**

13.64 This application seeks to address:

- the highway issues which currently exist in Diggle;
- those which will change as a result of the potential introduction of a Secondary School in this location; and,
- issues which will allow the continued safe operation of the highway.

13.65 As discussed in the highways consideration of the school application (PA/337301/15), the existing highway conditions would not allow users of the development to access the site safely. Therefore, a number of mitigation measures have been identified, the majority of which will be dealt with by condition.

13.66 Huddersfield Road will provide the main route for the majority of users of the proposed school. The assessment of current highway conditions, informed by

transportation work carried out by the Council and the Transport Assessment submitted as part of the suite of applications in connection with the new school, identified that mitigation works are required to safely accommodate the level and patterns of travel expected to the site.

13.67 The proposals included in this application comprise of:

- Improvements to the access road leading to the school site from Huddersfield Road;
- Widening of the footways along Huddersfield Road;
- Provision of Traffic Signals on Huddersfield Road; and,
- Provision of Residents car parking and a parental car park and drop-off facility on Huddersfield Road.

The details of these are outlined below.

### ***Access Road***

13.68 The proposal includes improvements to the existing access road which leads from Huddersfield Road into the site. The carriageway will now accommodate two-way traffic, with a one-way system operating across the bridge across the brook where it reduces to one lane running width. A 3m wide footway will be provided along the length of the access road. The access road is intended for use by staff, visitors to the school and service vehicles. It leads to the bus parking and turning facilities.

13.69 Parents will be discouraged from using the access road on a daily basis unless there is a specific need, but they will be allowed access for parking on the bus turn-around area during events held by the school. The management of this is required by a condition attached to PA/337301/15 (The school application).

13.70 The access road has served the industrial premises for many years and has operated safely. There is already adequate visibility, but this proposal will improve that further by the provision of pedestrian crossing points.

### ***Footway Widening***

13.71 A major concern was that pupils walking to school from Standedge Road / Wool Road along Huddersfield Road would be unable to do so safely due to the existing sub-standard footway provision.

- 13.72 It was considered that the absolute minimum allowable width on the approaches to the school should be 2m, but only if other measures were also undertaken to ensure that this would be safe.
- 13.73 The current footways along Huddersfield Road vary in width between 0.9 and 1.5m. In some places, there is no footway provision.
- 13.74 Currently cars belonging to the terraced properties on Huddersfield Road park on the road itself. This:
- Causes congestion;
  - Reduces the carriageway width;
  - Slows traffic down; and,
  - Leads to an informal give-way system taking place over a relatively long length. This sometimes gives rise to conflict between drivers.
- 13.75 The provision of the new footways will displace this on-street parking and further reduce the carriageway width.
- 13.76 Dedicated parking spaces will be provided at the rear of the properties for the residents of 20-44 Huddersfield Road. Off-street parking will also be made available for the residents of 29-43 Huddersfield Road and others on the road.
- 13.77 The introduction of the footways will result in a carriageway width of 3m, which will effectively allow one-way traffic flow. In order to ensure the safe operation of this, the introduction of traffic signals has been proposed.

### ***Traffic Signals***

- 13.78 The traffic signals will allow traffic to travel safely in one direction at a time. This will improve highway safety by regularising what already happens on a daily basis, and will further increase highway safety by slowing traffic down on the approaches. This will benefit all users of the highway at all times, not only the users of the proposed school.
- 13.79 In order for the traffic signals to operate effectively, other measures will be required, such as the introduction of waiting restrictions, relocation of the bus stop and additional signs and lining.
- 13.80 The timing of the traffic signals will be set so that the volume of traffic passing through the signals in the northbound direction is restricted to the available space between the southbound stop line and the access to the car park. This should ensure that the southbound traffic is not blocked.

- 13.81 The signals will incorporate a network of detector loops in the carriageway surfacing which will enable the signal controller to assess demand and will work in conjunction with MOVA software which will make traffic control more efficient and will enable the reduction of traffic delays.
- 13.82 Traffic modelling was undertaken by TfGM which ensured that the traffic signals would operate effectively with the other measures proposed. For consistency, the work was undertaken using the figures supplied by WYG in their Transport Assessment for the concurrent school application (PA/337301/15).
- 13.83 Initially, it was shown that extensive queuing would take place and that traffic could potentially queue back from Huddersfield Road to block the Standedge Road / Wool Road junction. As a result, the scheme was modified to ensure that traffic waiting to access the car park did not queue back into the single lane section of carriageway and the internal layout of the car park was modified to include the express drop-off laybys.
- 13.84 The assumptions made by WYG assumed that all those who drive to the existing site will continue to drive to the new site, which showed an over estimate of parental demand for the parking and drop-off facility.
- 13.85 Given that pedestrian access to the site will be safer and more attractive for children to use, it has now been assumed that parents are more likely to allow their children to walk along Huddersfield Road from Standedge Road / Wool Road rather than deliver them as closely as possible.
- 13.86 There are other available areas for them to drop-off including the existing bus turnaround on Wool Road and the laybys near the Navigation Inn, Standedge Road or Sugar Lane.
- 13.87 The subsequent modelling undertaken by TfGM showed that queuing will still occur during the concentrated periods of time when demand will be at its highest, but that it should not have a detrimental impact on highway safety.
- 13.88 Additional measures have been identified that will mitigate the effect of unexpected queuing. These include:
- the provision of additional road markings;
  - changes to the priority junction at Huddersfield Road / Standedge Road / Wool Road; and,
  - the monitoring and alteration of the timing of the traffic signals to ensure they operate at optimum capacity.

- 13.89 Officers have attached two conditions that will deal with this.
- 13.90 The capacity at the Standedge Road / Huddersfield Road junction and at the junction of the car park and Huddersfield Road will only be revealed once drivers have been using it for a period of time. The Council's Highways Engineer has suggested some mitigation measures that will realistically have an effect on the operation of the network from the outset - including additional road markings at the entrance and exit to the car park. However, Officers consider that there should be a short period of time when the situation is monitored so that the correct action can be taken once the real effects of the implementation of the scheme are known.
- 13.91 Officers have attached a condition for monitoring to be carried out on the junctions from the opening date of the school, and for a report to be produced so that mitigation measures can be introduced if necessary.
- 13.92 Overall, the introduction of the traffic signals on Huddersfield Road will have a beneficial effect on highway safety for all other users of the highway at most times during the day without causing further delay.
- 13.93 A representation has been received from TfGM in which they raise the following points:
- The maximum queuing could queue back during the peak periods and extend onto the Standedge Road / Huddersfield Road junction;
  - The possibility that vehicles waiting to turn right into the car park could block the car park egress;
  - That vulnerable road users such as cyclists and horse riders could get caught within the single lane section of the shuttle run;
  - That there is potential for significant delays to emergency vehicles attempting to use this section of Huddersfield Road; and,
  - That the mitigation measures outlined in the Traffic Statement including:
    - road markings at the car park access points;
    - an additional phase to control traffic exiting the car park; and,
    - altering the timing of the traffic signals
- would likely have an impact on the efficiency of the junction.
- 13.94 In response, Officers acknowledge that, for very concentrated periods of time, the junction will not operate at its maximum efficiency and that there will be congestion on Huddersfield Road. However, it is unlikely that vehicles waiting to turn right into the car park will block egress from the car park, as the majority of users of the car park are expected to turn left out of the car park onto Huddersfield Road.

- 13.95 Cyclists and horse riders may be caught up in the single lane of the shuttle run - this length of carriageway is straight and drivers will have good visibility of them. There will also be adequate room to accommodate both sets of users on the highway should the situation arise.
- 13.96 Emergency vehicles attempting to use this section of Huddersfield Road should only experience delay during peak periods. This could potentially happen at every set of traffic lights. However, if this does occur, there is adequate room on the adopted highway for cars to pull over and the emergency vehicle to pass.
- 13.97 There is a possibility that the mitigation measures proposed could have an impact on the efficient operation of the junction.
- 13.98 In conclusion, the situations described by TfGM will only possibly occur during peak periods when demand is at its highest. Most of the points raised can be overcome, and the main consideration must be highway safety. Nevertheless, Officers consider that the mitigation measures if carried out with the wider highway improvement work outlined in the separate application for the school (PA/337301/15) will not have a detrimental impact on highway safety.
- 13.99 Additional measures have been identified that will mitigate the effect of unexpected queuing. These include:
- the provision of additional road markings;
  - changes to the priority junction at Huddersfield Road / Standedge Road / Wool Road; and,
  - the monitoring and alteration of the timing of the traffic signals to ensure they operate at optimum capacity.

### ***Car Park and Parent Drop-off Facility***

- 13.100 A car park and parent drop-off facility will be provided off Huddersfield Road.
- 13.101 20 spaces will be provided for use by residents of 29-43 Huddersfield Road and others nearby. They currently rely on on-street parking where demand is already high. The residents of 20-44 Huddersfield Road will receive 2 dedicated spaces each which will be accessed through the car park. They also currently rely on on-street parking.
- 13.102 Overall, the provision of adequate car parking for existing residents and moving their vehicles off Huddersfield Road is welcomed as it removes potential obstruction of the public highway along Huddersfield Road.

- 13.103 15 spaces will be provided for parents delivering or collecting their children from the proposed school, and 10 express parking bays will be provided for parents wishing to drop off or collect their children without waiting.
- 13.104 There are separate entry and exit points to the car parks and drop-off areas and the facility will be adopted by the Council and will therefore remain the responsibility of the Council.
- 13.105 Footpaths and crossing facilities will be provided within the car park which will allow children to travel safely to and from their cars to and from school.
- 13.106 Parents will have the opportunity to travel closely to the school to allow their children to continue safely on foot as possible. The ability for them to park and turn safely within the car park will discourage them from using Huddersfield Road or the surrounding residential areas for parking, dropping off, turning or picking up, which is what happens at most other sites near schools in the Borough - including the current Uppermill School - causing problems and nuisance for local residents.
- 13.107 The Transport Assessment carried out by WYG and the Transport Statement carried out by Mouchel / Unity Partnership has identified that queuing is likely to occur at the traffic lights and through the car park during peak periods which could potentially result in gridlock.
- 13.108 This has already been discussed. In the short term, the introduction of 'Keep Clear' road markings and additional signs will remind drivers of the locations of the entrance and exit points. If drivers queuing on Huddersfield Road are courteous and allow drivers using the car park to enter the traffic flow out of the car park onto Huddersfield Road, the congestion problems will be less severe.
- 13.109 The condition that Officers have attached in respect of monitoring the operation of the car park exit and Huddersfield Road will ensure that mitigation measures are implemented in the future if the perceived issue becomes a problem.

### **Conclusion**

- 13.110 The measures proposed have been developed to enable children and staff to travel to the proposed school site safely. Officers are confident that the proposals will allow this but only with the implementation of other measures. We have discussed the other measures in more detail in the assessment of the school application (PA/337301/15) because the need for them arises as a direct result of the provision of a school and not as a direct result of the measures proposed with this application for highway works.



- 13.111 Officers acknowledge that there will be delays and congestion in the area during concentrated periods of time during the peak period. However, we believe this can be managed and that further mitigation measures can be taken if required.
- 13.112 The implementation of the highway works proposed will result in a safer environment for all users of the highway. We therefore recommend that this application is approved on highway safety grounds, subject to highway conditions being attached.

### ***Resident's Highways Concerns***

#### ***Congestion***

- 13.113 In relation to objectors concerns about congestion, it is acknowledged that queues will be generated at the peak periods at the start and end of school.
- 13.114 The signal controlled section has been modelled utilising the forecast traffic levels from the main school site transport assessment. The traffic flow has been modelled on the basis that the demand is equal throughout the peak period and is demonstrated to operate within capacity and the queue generated (north east bound) will be contained on Huddersfield Road. It is recognised that there will be a peak in demand within the peak period which will exceed the capacity (i.e. the queue generated will not clear in a single cycle). In this situation the queue will extend onto Wool Road / Standedge Road.
- 13.115 Mitigation measures to prevent vehicles blocking across Standedge Road could be delivered if required. These measures could include the implementation of Keep Clear or Yellow Box markings, reducing the speed limit on Standedge Road, traffic calming features such as entry treatments and signage. The re-prioritisation of the Huddersfield Road / Standedge Road junction will be considered as a direct result of suggestions as part of the wider highway proposals that the Council have committed to developing.
- 13.116 It is true that survey data from the existing school has been used to inform the modal split and hence private-car vehicular traffic generation of the new school. However, this is thought to be appropriate as the School and Council are committed to ensuring that pupils and staff travel by sustainable forms for transport wherever possible. This will be encouraged with the provision of additional buses to and from the school (which may replace some journeys by foot or bike to the existing school site) and with the implementation of a comprehensive school travel plan which will promote the use of sustainable forms of transport to and from the school and to increase the numbers of pupils and staff travelling to school using sustainable forms of transport.



### ***Bus Routes***

- 13.117 In relation to bus concerns, it is acknowledged that there is currently only one bus service that travels along Huddersfield Road past the school (No 184). This currently runs with a frequency of two buses per hour during peak periods through Diggle and covers a significant part of the school catchment. In addition to this bus service, there is a further service, 826, which passes along the A670 (Standedge Road).
- 13.118 It is acknowledged that there will need to be changes to school and local bus services when the school opens. These changes will need to take account of any community use as well as school hours and term time. It is anticipated that this will create additional costs for Transport for Greater Manchester (TfGM). Preliminary discussions and consultations have taken place with TfGM and they are aware of the potential for changes to the services they provide if the school is granted planning permission. Discussions will continue with TfGM to ensure that school buses continue to be provided to the school, and that children outside of the walking catchment area have access to this more sustainable mode of transport. Although at this stage no decision on the number and frequency of school buses that will serve the new school has been determined, the Council / Transport for Great Manchester (TfGM) are committed to providing dedicated school buses and / or extensions to existing bus services to ensure that the vast majority of pupils will have the opportunity to travel by bus to and from the school.

### ***Drop-Off Use***

- 13.119 With regards about its operation, the modelling exercise undertaken and summarised in the Transport Statement assesses the maximum demand forecast. This assumes that all pupils that are assessed to travel to school by car will utilise the drop-off car park of which the vast majority will approach from Wool Road.
- 13.120 It is recognised that there will be queues generated by the introduction of the traffic signals and this will therefore discourage some parents from travelling into Huddersfield Road to access the drop-off. Parents may attempt to drop-off elsewhere or use alternative routes to avoid the queue. The Transport Statement explores this theory and presents an assessment of the reduction in the queue length linked to various percentage reductions in the demand. A condition will be attached to any consent to ensure that appropriate mitigation measures are put in place through Section 278 works so that such impacts are acceptable.
- 13.121 The Transport Statement summarises the required turn over / reuse of spaces within the drop-off and car park areas. Whilst it is recognised that some parents picking up pupils in the afternoon will park up and wait, the demand forecast in the afternoon peak is less than the morning peak due to after school activities and the assessment shows that it can accommodate the demand.

### ***Footpaths***

- 13.122 In relation to footpath issues, it is recognised that the carriageway and footpath widths are narrow along Huddersfield Road, hence the proposals to widen the footways towards adjacent land.
- 13.123 Where this is not possible it is proposed to convert some of the carriageway space to footway and introduce a shuttle working arrangement. In this area, and as part of the wider highway proposals, it is intended to introduce a traffic calming feature in the form of a raised platform. Further traffic calming features are also considered for implementation as part of the wider highway measures likely to be conditioned.
- 13.124 It is proposed to improve the safety for pupils and pedestrians travelling on foot by widening the existing footways and controlling the traffic flows and speeds on Huddersfield Road. The car park has defined footways and crossing positions for pedestrians connecting to the existing footways on Huddersfield Road.
- 13.125 Wider highway proposals will consider improvements for pedestrians along the remaining length of Huddersfield Road and incorporating crossing facilities on Wool Road. The Council are committed to developing improvements to the wider highway network should the application be approved.

### ***Cyclists***

- 13.126 In relation to concern about cyclists, the measures will serve to reduce vehicle speeds and make it safer for other more vulnerable users such as cyclists. Through the narrow section of carriageway, cyclists will position themselves central to the lane, therefore preventing traffic from overtaking. This is considered a safe arrangement for cyclists.
- 13.127 The safe passage of cyclists and other vulnerable users through the signals is an issue that will be mitigated through the detailed design of the signals. Measures of detection of such users will be required at the downstream exit of the shuttle working to extend the intergreen period when required. This would ensure that the signals operate as efficiently as possible at all other times. It is acknowledged that cyclists using the shuttle working would increase the queue lengths. However, this would be marginal.

### ***Wider highways network***

- 13.128 In relation to concerns about the schemes impact on the wider highways network, the Transport Assessment demonstrates that key junctions on the surrounding highway network can accommodate the increase in traffic expected to be generated by the new school proposals with all junctions assessed expected to operate at below their capacity in 2025.

- 13.129 The modelling work undertaken by TfGM also shows that the highway proposals proposed by the Council on Huddersfield Road also work within capacity and without significant queuing for most of the time.
- 13.130 Furthermore, a comprehensive Travel Plan will be implemented by the school which will look to reduce traffic generated by the new school and encourages both staff and pupils to travel to and from the school by sustainable forms of transport.

### ***Sustainable Transport***

- 13.131 In relation to concerns relating to sustainable transport, wider footways and traffic calming measures will improve the safety of Huddersfield Road for all users and, as such, this can be seen as a benefit to sustainable forms of transport.
- 13.132 The Council treat the safety of users of the highway network with the utmost importance. The proposed measures to be implemented by the Council will improve safety for pedestrians along this stretch of Huddersfield Road by providing widened footways.
- 13.133 A comprehensive Travel Plan will be implemented which will actively encourage sustainable travel to and from the new school. Targets will be set and measures implemented to increase travel by sustainable forms of transport year on year.
- 13.134 Bus drop off and pick up points will be provided within the site for use by school buses. Appropriate school bus provision will be provided to the new school.
- 13.135 Covered and secure cycle parking will be provided at the new school with showers being provided for staff.
- 13.136 Car Sharing will also be promoted amongst staff.
- 13.137 These measures will provide an incentive for both pupils and staff to use sustainable forms of travel to and from the new school.

### **Amenity**

- 13.138 Policy 9 of the Joint DPD states that development should not cause significant harm to the amenity of the occupants and future occupants of the development or to existing and future neighbouring occupants or users through impacts on privacy, safety and security, noise, pollution, the visual appearance of an area, access daylight or other nuisances.

### ***Privacy***

13.139 There will be no new buildings or structures in close proximity to the existing residential development and no adverse impacts will accrue in respect of privacy to neighbouring properties. There will be some increased activity to the frontage and rear of properties on Huddersfield Road, but this will not be of a degree to be harmful or sustain a reason for refusal.

### ***Crime and Security***

13.140 Subject to conditions and adequate lighting being provided, the works in question are expected to cause no issues in this respect.

### ***Noise***

13.141 The nearest properties on Huddersfield Road are approximately 5-10m from the boundary of the proposed car park. This may give potential for some noise and disturbance to these properties. However, given the modest number of spaces and the likely times of use, it is not considered that the impacts would be significantly detrimental.

13.142 The submitted noise assessment with the main application for the new school concludes that there will be no substantial adverse impact on residential amenity or other receptors in respect of noise and vibration during construction or once the school is operational. The modest additional area of parking proposed would not alter this conclusion.

### ***Pollution***

13.143 Emissions from idling vehicles at the proposed drop-off point and car parks have been considered but are deemed not significant based on the scale of development.

### ***Light and Outlook***

13.144 The nearest properties to the development are those to the south-west and west on Huddersfield Road. It is not considered that the development would give rise to any significant impact on light or outlook to these properties. There will be no structures, other than lighting / street works and modest timber rail fencing as part of the

development. As such, there will be very little impact on sunlight or daylight given the separation distances involved.

### **Conclusion**

13.145 Overall, the proposed development is considered to have no significant amenity problems that would sustain a reason for refusal. As such, the scheme is considered to be compliant with Policy 9 of the Local Plan.

### **Air Quality**

13.146 The submitted air quality assessment provides an assessment of the potential effects and their significance of the development during the demolition, construction and operational phases. The effects have been considered for relevant sensitive residential and ecological receptors.

13.147 The effects during demolition and construction phases include fugitive dust emissions from site activities, such as earthworks, construction and track out. The impacts during the operational phase take into account exhaust emissions from additional road traffic generated due to the proposed development.

13.148 During the demolition and construction phase it is anticipated that dust sensitive receptors will potentially experience increased levels of dust and particulate matter. However, these are predicted to be short term and temporary impacts. Throughout this period, the potential impacts from construction on air quality will be managed through site specific mitigation measures outlined within the assessment. With these mitigation measures in place, the effects from the demolition / construction phase are predicted to be not significant.

13.149 The detailed air dispersion modelling determined that the National Air Quality Objectives are not exceeded at any of the modelled receptor locations in any of the modelled scenarios, baseline or future years.

13.150 Changes in emissions to air because of additional traffic due to the development, during the operational phase are predicted to be not significant at all the modelled sensitive receptor locations.

13.151 Although the impacts during the operational phase are adjudged to be not significant, recommendations are provided for mitigation measures that would assist to further improve air quality.

- 13.152 It is concluded that the proposals are acceptable from an air quality perspective and that the proposed development thereby complies with the relevant part of Policy 9 of the Joint DPD.

## **Ecology**

- 13.153 An Ecological Mitigation and Management Plan (EMMP) will be produced for the main school development, which will detail the management and mitigation of habitats and species at that site. The plan will include full details of all the necessary ecological mitigation measures that must be implemented during each phase of the development. It is anticipated that the EMMP can equally be applied to this site if required and can be secured by planning condition requiring its submission prior to commencement of development.
- 13.154 With regard to the area of grassland affected by the proposed new car park drop-off facility and residents' parking area, GMEU consider that it is not of substantive value and they have no objections on nature conservation grounds to the proposals for this area. GMEU advise that a detailed landscaping scheme for this part of the site should be required by way of condition.
- 13.155 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. Additional tree planting is proposed.
- 13.156 Overall, the scheme is considered in line with Policy 21 –'Protecting Natural Environmental Assets' that seeks to ensure that new development and growth pressures are balanced by protecting, conserving and enhancing local natural environments, green infrastructure, biodiversity, geodiversity and landscapes to ensure a high quality of life is sustained and relevant other legislation and guidance

## **Lighting**

- 13.157 The operational lighting for the car park and drop-off area is based on the use of Compound Path Optics (CPO) light source and minimal column heights. The lighting design shall be based on current lighting standards and guidance for minimising the effect of obtrusive light in line with ILP Guidance Notes for the reduction of obtrusive light (GN01) and requirements of the Oldham & Rochdale Street Lighting PFI Output Specification for the future adoption of the proposed apparatus.
- 13.158 Artificial lighting is to be installed at the ingress and egress road and on the proposed car park. The section of highway adjacent to the proposed site (Huddersfield Road) is currently lit and subject to assessment in accordance with

Oldham & Rochdale Street Lighting PFI. Specification requirements take into consideration the new road layout and any traffic calming measures to be proposed. Consultations will be undertaken as necessary during the detailed design process. Nevertheless, overall the lighting scheme proposed appears to be both practical and sympathetic to its surroundings.

### **Flood Risk and Drainage**

- 13.159 The site is located in Flood Zone 1 and is at low risk of flooding.
- 13.160 A surface water drainage system is to be provided to serve the site. For the new parental drop-off and resident's car park, the peak discharge rate has been set at 5 l/s and on site attenuation provided by means of an open attenuation pond with the surface water discharge drained by a new sewer laid to Diggle Brook. The attenuation pond has been sized to store surface water run-off from the 1 in 100 year + 20% climate change storm event.
- 13.161 Associated with the proposed car park, it is proposed to extend the existing 600mm diameter United Utilities surface water sewer which discharges within the footprint of the car park to a point downhill of the car park boundary.
- 13.162 The improved access road into the site is to be drained by a gravity surface water drainage system discharging to a below ground cellular storage tank which will discharge at a peak rate of 5 l/s into Diggle Brook. The below ground attenuation tank has been sized to store surface water run-off from the 1 in 100 year + 20% climate change storm event.
- 13.163 It should also be noted that within the south-western part of the new parental drop-off and residents' car park, the parking areas are to be surfaced with a permeable material (e.g. grasscrete) to allow the run-off to either drain into the underlying ground or overland towards Diggle Brook reflecting the current drainage regime in the area.
- 13.164 The proposed attenuation pond will utilise suitable aquatic planting within the base of the attenuation pond to minimise any potential pollution of Diggle Brook.
- 13.165 The proposed development complies with the requirements of Policy 19 of the Joint DPD.

### **Comparison of the scheme against Local Plan Policy**

- 13.166 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***

- 13.167 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.
- 13.168 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.
- 13.169 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.
- 13.170 The potential impacts on amenity have been mitigated as far as possible and no major adverse impacts occur.
- 13.171 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.
- 13.172 The development does not prejudice other regeneration plans.
- 13.173 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***

- 13.174 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***

- 13.175 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.
- 13.176 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***

- 13.177 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.
- 13.178 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***

- 13.179 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.

13.180 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.

13.181 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***

13.182 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.

13.183 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***

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

- 13.185 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***

- 13.186 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.
- 13.187 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***

- 13.188 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.
- 13.189 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.
- 13.190 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***

- 13.191 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.
- 13.192 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***

- 13.193 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.
- 13.194 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.
- 13.195 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***

- 13.196 This policy states that development in the Green Belt will be permitted provided it does not conflict with national planning policy.
- 13.197 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 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***

- 13.198 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.
- 13.199 The proposed highways works are considered to cause less than substantial harm to the setting of three designated heritage assets<sup>12</sup>. Nevertheless, the scheme is contrary to the Development Plan in this respect since it does not protect, conserve and enhance their settings.
- 13.200 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.
- 13.201 As stated in the report elsewhere, other material considerations include:
- Where the highways works result in less than substantial harm to designated heritage assets, paragraph 196 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 importance and weight to be given to the desirability of preserving the setting of listed buildings. Paragraph 193 of the NPPF also reminds LPA's that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and that this is

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<sup>12</sup> 25 and 45.47 and 49 Huddersfield Road plus the listed office building

irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

- The NPPF is clear that:

“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions”

[Paragraph 117]

and that:

*“Planning policies and decisions should ....:*

*c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;*

*.. d) promote and support the development of under-utilised land and buildings ....”*

[Paragraph 118]

Additionally, the 2018 NPPF states at Paragraph 120 that, where a local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:

*“... applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area”.*

It continues in a similar vein at Paragraph 121 that:

*“Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to.....:*

*.....b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space”.*

- 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 109 of the NPPF sets out that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network 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. This is reinforced in Paragraph 94 of the 2018 NPPF that states that it is important there is a sufficient choice of school places available to meet the needs of existing and new communities and that local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement and to development that will widen choice in education. In this regard, they consider that decision makers should:

*“.... give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications”.*

13.202 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 109 of the NPPF states that development should only be refused on highways grounds if there would be an unacceptable impact on highways safety or the residual cumulative impacts on the road network would be “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. This remains the case having taken account of the objectors concern, raised at the Judicial Review hearing, about failure to include “non-Green Belt harm” and any other harm in the weighing exercise noted in part 4 of the report.



- 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 strong presumption in this instance. Furthermore, the scheme complies with paragraph 196 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 this 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 considerable importance and weight to the strong presumption against causing harm to the designated heritage asset.

13.203 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.

## Conclusion

13.204 In summary, the highways works, new drop-off area and resident's car parks are all considered acceptable, subject to conditions. Paragraph 109 of the NPPF states that development should only be refused on highways grounds where there is an unacceptable impact on highway safety or the residual cumulative impacts on the road network 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.

13.205 The very minor loss of business and employment land will not prejudice the potential use of the adjacent site for these purposes.



- 13.206 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. This remains the case having taken account of the objectors concern, raised at the Judicial Review hearing, about failure to include “non-Green Belt harm” and any other harm in the weighing exercise noted in part 4 of the report.
- 13.207 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.
- 13.208 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.
- 13.209 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 strong presumption in this instance.
- 13.210 Furthermore, the scheme complies with paragraph 196 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.
- 13.211 There are no crime prevention issues raised and air quality, ecology and lighting issues are all adequately dealt with.
- 13.212 Finally, there are no amenity issues raised by the application in terms of loss of privacy, noise, pollution or light grounds.
- 13.213 In view of the above, having weighed this scheme against the considerations of the Development Plan and other legislation and guidance, the application is recommended for approval by Officers.

## Recommendation

13.214 The application is recommended for approval, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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.

### ***Design***

3. The use hereby approved shall not commence on site until details of the various means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the development being occupied.

Reason: In the interests of visual amenity and the character and appearance of the area.

### ***Landscaping***

4. The use hereby approved shall not commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:
- (a) Proposed finished levels or contours;
  - (b) Planting plans and written specifications of plants and grass;
  - (c) Means of enclosure;
  - (d) Car park layouts;
  - (c) Other vehicle and pedestrian access and circulation areas;
  - (e) Hard surfacing materials;
  - (f) Structures (e.g. furniture, play equipment, refuse and other storage units, signs, lighting etc);
  - (g) Detailed design of the attenuation pond close to the car parks; and,
  - (h) Implementation timetable.
  - (i) Schedules of plants (noting species, planting sizes and proposed numbers / densities where appropriate;
  - (j) Measures to encourage provision for nesting birds.

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

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.

### ***Restrictions***

6. The delivery of goods to and from the site 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: In the interests of the amenity of the area.

7. No external lighting shall be installed on site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenity of the area and to minimise unnecessary light spillage above and outside the development site.

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.

9. No development shall commence on site (including any works of demolition), until a Construction Method Statement, which shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;

- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling / disposing of waste resulting from demolition and construction works;
- h) measures for the protection of the natural environment; and,
- i) 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 construction period. The development shall not be carried out otherwise than in accordance with the approved construction method statement without the prior written permission of the Local Planning Authority.

Reason: To minimise detrimental effects to the residents amenity and detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase.

### ***Highways and Access Conditions***

10. The details of construction, levels and drainage of the car parking areas and parental drop-off facility 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.

11. Within the first three months of the operation of the school, monitoring of the junction to the car park and Huddersfield Road should take place and a report detailing the effects of the development on the junction should be submitted to the Local Planning Authority. If it is shown that there is a significant and severe impact on the highway, a highway improvement scheme should be carried out which could include the signalisation of the junction and additional signing and lining. Details of such a scheme shall be submitted to and approved in writing by the Local Planning Authority and all works that form part of that scheme shall be complete within six months of the submission of the report.

Reason: To facilitate the movement of traffic and all users of the highway

12. Within the first three months of the operation of the traffic signals on Huddersfield Road, monitoring of the Standedge Road/ Huddersfield Road junction should take place and a report detailing the effects of the development on the junction should be submitted to the Local Planning Authority. If it is shown that there is a significant and severe impact on the highway, a highway improvement scheme should be carried out which could include the reprioritisation of the junction, a speed limit review and additional signing and lining. Details of such a scheme shall be submitted to and approved in writing by the Local Planning Authority and all works that form part of that scheme shall be complete within six months of the submission of the report.

Reason: To facilitate the movement of traffic and all users of the highway.

13. The use hereby approved shall not commence until a highway improvement, including the improvements to pedestrian crossing facilities and the reprioritisation of the Sugar Lane/ Wool Road junction has been submitted to and approved in writing by the Local Planning Authority. Thereafter, such works that form the approved scheme shall be completed before any part of the development is brought into use.

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

14. The car park and drop off facility shall not be brought into use until a Parking Management Plan, showing the operation and availability of the car park and drop off facility for parents and residents during normal school opening hours and during events held by the school involving the attendance of parents or other visitors has been submitted to and approved by the Local Planning Authority. Thereafter all measures that form part of the approved management plan shall be implemented and remain available for users of the car park and drop off facility.

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

15. The car park and drop off facility shall not be brought into use until Keep Clear Markings and associated signs have been provided in accordance with a drawing that shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. Works that form part of the approved scheme shall be retained thereafter.

Reason: To ensure the safe and efficient operation of the highway in the interest of highway safety.

16. The development hereby approved shall not be brought into use until the bus stops located on Huddersfield Road have been relocated in accordance with a scheme that shall be submitted to and approved in writing by the Local Planning Authority

prior to commencement of the development. Works that form part of the approved scheme shall be retained thereafter.

Reason: To facilitate the safe use of the development in the interests of highway safety.

17. No work on site shall commence unless and until adequate wheel cleaning equipment, the details of which shall be submitted to and approved by the Local Planning Authority, has been installed on the site. Thereafter, all vehicles, which leave the site, and which have travelled over a non-tarmac surface shall use the wheel cleaning equipment provided, before leaving the site, such that all vehicles are in such a state of cleanliness that they do not foul the highway with mud or other material. The equipment shall, for the duration of the construction works, be maintained in good working order and shall not be removed unless agreed by the Local Planning Authority.

Reason: In the interests of highway safety (It is an offence under the Highways Act 1980 to deposit mud on a public highway).

18. The development hereby approved shall not be brought into use unless and until the access road leading to the school from Huddersfield Road has been widened to include a footway, minimum 3m wide. 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. Such work that forms part of the approved scheme shall be retained thereafter.

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.

### **Drainage**

19. The use hereby approved shall not commence on site until a scheme for the discharge of surface water from the site incorporating sustainable drainage details, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until surface water drainage has been constructed in accordance with the approved scheme.

Reason: To ensure that the development can be adequately drained.

20. 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.

**Ecology**

21. 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.

22. Prior to the commencement of development a comprehensive Method Statement for protecting bats during the proposed works shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement shall provide full details of measures to be taken to avoid any possible disturbance to bats during the demolition and construction of the proposed school. The development shall thereafter be carried out strictly in accordance with the approved Method Statement.

Reason: To protect bats from the proposed development.

23. 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.

24. Detailed drawings showing the following alterations to the scheme shall be submitted to and approved by the Local Planning Authority before any work is commenced on site:

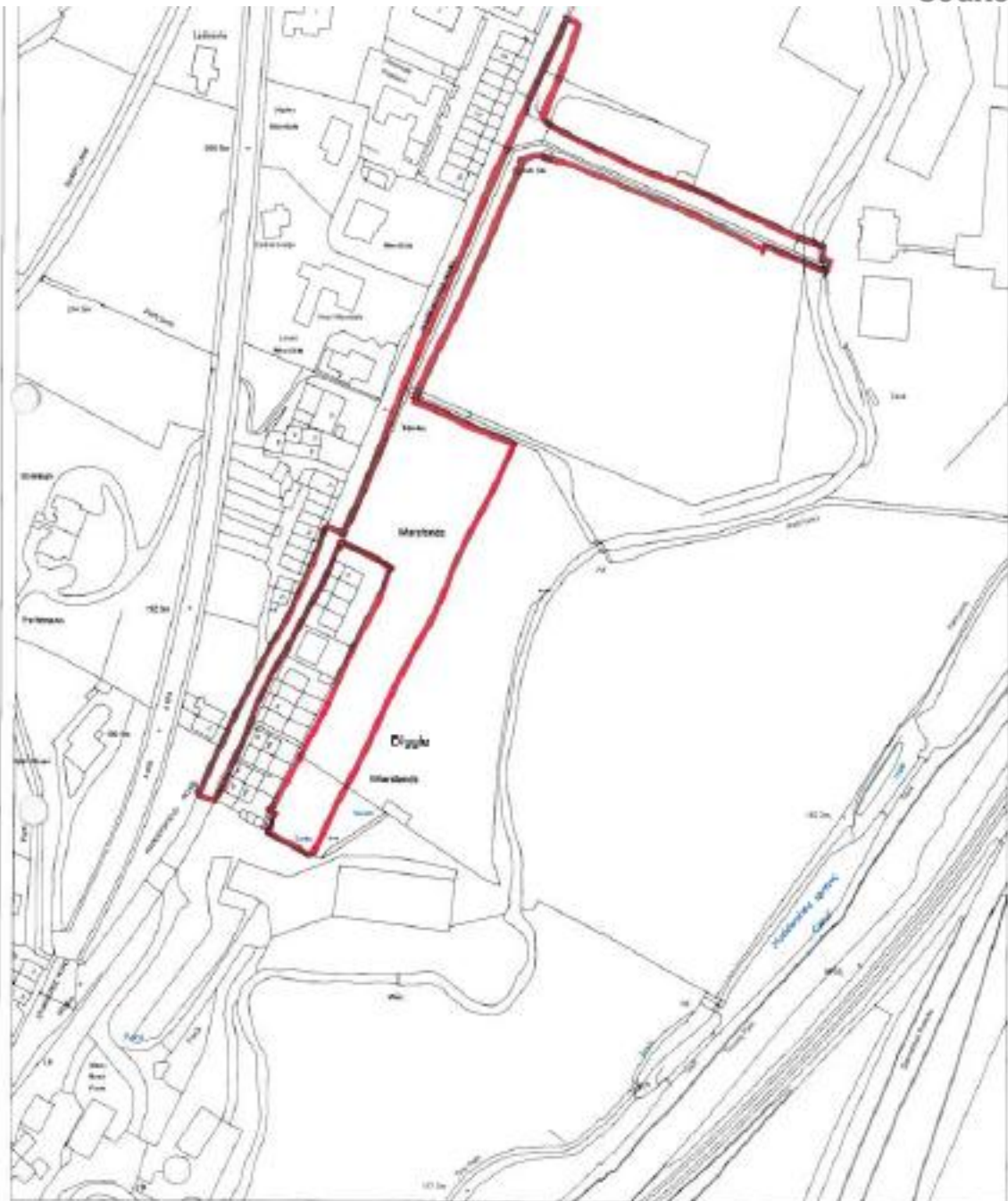
- Rebuilding of the stone walls to Huddersfield Road and the access road to the existing factory site.

Reason: To ensure the development contributes to the character and appearance of the area.





**Oldham**  
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Date: 22-10-16

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