

Application Number 19/00161/FUL

Proposal	Full planning permission for Variation of condition 2 (approved plans) of 18/00634/FUL to replace a single storey temporary building with a 2 storey temporary building to allow additional space for teaching and staff office space.
Site	Site for former Littlemoss School for Boys, Cryer Street, Droylsden
Applicant	Education and Skills Funding Agency
Recommendation	Grant planning permission, subject to conditions
Reason for report	A Speakers Panel decision is required because the application is linked to a previous approval for major development in the Green Belt and this application requires Very Special Circumstances to be demonstrated in order for the application to be comply with local and national planning policy.

1. APPLICATION DESCRIPTION

- 1.1 The applicant seeks full planning permission to vary condition 2 (approved plans) of 18/00634/FUL to replace a single storey temporary building with a 2 storey temporary building to allow additional space for teaching and staff office space.
- 1.2 On the approved plans, the temporary building in the north eastern corner of the development is single storey. It is that building that would be replaced by a two storey structure on a larger footprint. The proposed building would project further north than the extant single storey scheme, resulting in the need to relocate 24 of the cycle storage spaces to the southern part of the site.
- 1.3 The total number of vehicle and cycle parking spaces would remain as approved in the extant scheme, as would the size and location of the play facilities and the access arrangements serving the development.

2. SITE & SURROUNDINGS

- 2.1 The application site is the site of the former Littlemoss Boys School on the northern edge of Droylsden. The site is located in the Green Belt. The site is bound to the north by agricultural land and farm buildings, to the east by an area of open land (which separates the site from dwellings fronting Lumb Lane) and to the south by residential development on Woodleigh Drive, Brookland Drive, Cryer Street, Wayne Close and Lumb Lane. The former Hollinwood branch of the Manchester and Ashton Canal (now derelict and partially in-filled) runs parallel with the western boundary of the site.

3. RELEVANT PLANNING HISTORY

- 3.1 18/00634/FUL - Removal of condition No.5 attached to planning permission 18/00024/P4N – approved.
- 3.2 18/00188/FUL - Full planning permission for the erection of a secondary school building, with associated facilities (including sports pitches and outside play areas), external landscaping, car parking and associated access arrangements - Resolution

to grant planning permission at meeting of Speakers Panel in October 2018. Secretary of State confirmed that the application will not be called in (24 October 2018).

- 3.3 18/00024/P4N - Prior Approval for use of the site as a temporary state funded school - approved 28.02.2018.
- 3.4 17/00927/ENV - Request for Screening Opinion. A New Secondary School (D1 Use) and Temporary School Buildings with Associated Access, Parking and Circulation Areas, Formation of Outdoor Sports Facilities, External Play Space, Landscaping, Boundary Treatment and Associated Works - EIA not required - decision letter dated 22.11.2017.

4. RELEVANT PLANNING POLICIES

4.1 National Planning Policy Framework (NPPF)

Section 2: Achieving sustainable development
Section 5: Delivering a sufficient supply of homes
Section 8 Promoting healthy and safe communities
Section 11: Making efficient use of land
Section 12: Achieving well designed places
Section 15: Conserving and enhancing the Natural Environment

4.2 Planning Practice Guidance (PPG)

4.3 Tameside Unitary Development Plan (UDP) Allocation

Allocated as a Major Development Site within the designated Green Belt

4.4 Part 1 Policies

Policy 1.3: Creating a Cleaner and Greener Environment.
Policy 1.5: Following the Principles of Sustainable Development
Policy 1.6: Securing Urban Regeneration
Policy 1.10: Protecting and Enhancing the Natural Environment.
Policy 1.11: Conserving Built Heritage and Retaining Local Identity.
Policy 1.12: Ensuring an Accessible, Safe and Healthy Environment.

4.5 Part 2 Policies

C1: Townscape and Urban Form
MW11: Contaminated Land
MW12: Control of Pollution
MW14 Air Quality
N2: Locally Designated Nature Conservation Sites
N3: Nature Conservation Factors
N4 Trees and Woodland
N5: Trees Within Development Sites
N6: Protection and Enhancement of Waterside Areas
N7: Protected Species
OL1: Protection of the Green Belt.
OL3: Major Developed Sites in the Green Belt
OL10: Landscape Quality and Character

T1: Highway Improvement and Traffic Management.
T10: Parking
T11: Travel Plans.
T14 Transport Assessments
U3: Water Services for Developments
U4: Flood Prevention.
U5: Energy Efficiency

4.6 Other Policies

Greater Manchester Spatial Framework - Publication Draft October 2019

The Greater Manchester Combined Authority (GMCA) has consulted on the draft Greater Manchester Spatial Framework Draft 2019 ("GMSF") which shows possible land use allocations and decision making policies across the region up to 2038. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation which is subject to unresolved objections

Residential Design Guide Supplementary Planning Document
Trees and Landscaping on Development Sites SPD adopted in March 2007

5. PUBLICITY CARRIED OUT

- 5.1 Neighbour notification letters were issued in accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement. This is in addition to a site notice and press notice.

6. RESPONSES FROM CONSULTEES

- 6.1 Local Highway Authority: no objections to the proposals.
6.2 Borough Tree Officer: no objections to the proposals.

7. SUMMARY OF THIRD PARTY RESPONSES RECEIVED

- 7.1 1 letter of objection has been received from a neighbouring resident, which raises the following concerns (summarised):
- The approved temporary school buildings already result in a detrimental impact on the residential amenity of neighbouring properties through noise and disturbance. This situation will be exacerbated by the proposed alterations to the originally proposed scheme.
 - The approved temporary school buildings already result in a detrimental impact on highway safety through the level of congestion caused on Cryer Street and Lumb Lane. This situation will be exacerbated by the proposed alterations to the originally proposed scheme.

8. ANALYSIS

- 8.1 National Planning Practice Guidance promotes flexible options for planning permissions. Section 73 of the Town and Country Planning Act 1990 allows for applicants to apply to the Local Planning Authority to amend or vary conditions placed on a planning consent. Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. The only restriction under section 73 is that planning permission cannot be granted to extend the time limit within which a development must be started.
- 8.2 NPPG advises that; 'In deciding an application under section 73, the local planning authority must only consider the disputed condition's that are the subject of the application – it is not a complete re-consideration of the application'. The original planning permission will continue to exist.
- 8.3 Whilst the principle of the overall development is not being revisited in this application, the principle of the erection of a taller building to replace one of the single storey units approved under the original consent in the Green Belt must be considered.
- 8.4 The key issues to be assessed in the determination of this planning application are therefore whether the replacement of the approved single storey temporary building with a 2 storey unit in the Green Belt is appropriate development. If the proposal is considered to be inappropriate development, an assessment must be made as to whether very special circumstances exist to clearly outweigh the harm to the openness of the Green Belt and any other harm arising from the proposals.

9. PRINCIPLE OF DEVELOPMENT

- 9.1 Section 38 of the Planning and Compulsory Purchase Act 2004, states that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Consideration will also be necessary to determine the appropriate weight to be afforded to the development plan following the publication of the National Planning Policy Framework.
- 9.2 Paragraphs 208 - 219 of the NPPF set out how its policies should be implemented and the weight which should be attributed to the UDP policies. Paragraph 215 confirms that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. At the heart of the NPPF is the presumption in favour of sustainable development and support for the delivery of a wide choice of quality homes with housing applications being considered in the context of a presumption in favour of sustainable development.
- 9.3 Policy OL1 of the UDP states that the Green Belt will be protected from inappropriate development and approval will not be given for the construction of new buildings except in specific purposes. The wording of this policy is slightly at variance with updated guidance of the NPPF, however, the fundamental requirement to keep Green Belts open and only to allow built development for specific purposes or where very special circumstances can be demonstrated remains.
- 9.4 The site is allocated as a major developed site in the Green Belt under the provisions of policy OL3 of the UDP. The buildings that occupied the site when the policy was adopted have been demolished. The proposal therefore exceeds the parameters set

by policy OL3, as part (d) stipulates that the proposed development should not exceed the height of existing buildings on the land – a requirement that would clearly be contravened in this case.

- 9.5 The site is located within the designated Green Belt. Paragraph 134 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. There are currently a number of temporary structures in the south eastern corner of the site, which include two storey classroom buildings, associated with the use of the site as a state funded school for a period of up to 3 academic years, as approved under the prior approval procedures in February 2018. An area of hardstanding extends northwards of the group of buildings, containing 2 hard surfaced play areas and car and cycle parking spaces associated with the development. Undeveloped land covers the remainder vast majority of the wider site, there is a grassed sports pitch to the north west of the temporary buildings, which is enclosed by heras fencing.
- 9.6 Paragraph 144 of the NPPF says ‘when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm in 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 circumstances’.
- 9.7 There are a number of permitted exceptions to this set out at paragraph 145 and 146 of the NPPF. Given that the development proposed in this application would replace a single storey structure with a 2 storey structure and that the buildings that currently exist on site are temporary (thereby excluded from the redevelopment of a brownfield site exception), it is considered that the proposal would not meet any of the listed exceptions and would therefore represent inappropriate development in the Green Belt.
- 9.8 The NPPF, at paragraph 134, sets out the five purposes of Green Belt. These are:
1. To check the unrestricted sprawl of large built-up areas;
 2. To prevent neighbouring towns merging into one another;
 3. To assist in safeguarding the countryside from encroachment;
 4. To preserve the setting and special character of historic towns; and
 5. To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 9.9 Paragraph 143 of the NPPF states that inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 9.10 Assessing the openness of the Green Belt is not a simple matter of comparing the existing measured volumes of the existing and proposed buildings on site as many factors are relevant and the visual impact of development on the Green Belt has been held (in *Turner vs SSCLG [2016]*) to be an implicit part of the concept of openness. The question is whether the proposed development of would have a greater impact on openness than the existing industrial buildings and associated development on the site. This is essentially a matter of planning judgement based upon the relevant facts and available evidence.
- 9.11 The development proposed in this application would replace a single storey structure with a 2 storey structure, it is considered that the proposal On that basis, taken as a

whole, the development would have an additional impact on the openness of the land and is therefore inappropriate development in the Green Belt

- 9.12 In accordance with the guidance contained within paragraph 144 of the NPPF, planning permission should therefore be refused unless there are 'very special circumstances' which exist to approve the development. As stated previously, very special circumstances will only exist where the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other circumstances.
- 9.13 Having already established that the majority of the development is inappropriate, the following paragraphs consider the 'other' harm that arises as a result of the development and then whether the very special circumstances that have been advanced by the applicant are sufficient to clearly outweigh the harm to the Green Belt. The proposals would not conflict with the fifth purpose of the Green Belt identified in paragraph 9.2 of this report given that the site constitutes previously developed land (where the new school building is to be located) on the edge of an urban settlement.

OTHER HARM

10. PURPOSES OF INCLUDING LAND WITHIN THE GREEN BELT

- 10.1 The proposed building would exceed the height of the building approved under the prior approval application. However, the temporary buildings approved immediately to the south of this building are 2 storeys in height. The proposed development would not exceed the height of these existing buildings, a factor that would provide a sense of containment to the development when viewed within the context of the wider landscape.
- 10.2 The proposed unit would extend further north than the single storey building approved under the extant permission. However, the proposal is considered not to result in urban sprawl as the footprint of the proposed building would be confined to land occupied by the extant temporary school, with some of the cycle parking related to a less prominent position adjacent to the southern boundary of the site. The development would not result in further encroachment into the wider site, which is physically enclosed by the boundaries of neighbouring properties to the south, hedgerows on the eastern boundary, a public footpath and landscaping to the north and the former canal to the west.
- 10.3 A substantial area of open land would remain beyond the northern boundary of the site and the settlements of Failsworth and Woodhouses further north. The proposals would not therefore result in development on a scale that would result in the merging of neighbouring settlements. Whilst the development would result in encroachment into the countryside by virtue of its scale and massing, the fact that development would not extend beyond the boundaries of the former school site is considered to limit the impact of the encroachment into the Green Belt below a level that would harm that purpose of the designation.
- 10.4 The proposal is considered not to result in harm to the setting or special character of an historic settlement. Consideration must be given to the impact of the development on the setting of the grade II listed buildings at Cinderland Hall to the north east of the site, but this is a more localised impact than one that would result in harm to the relevant purpose of the Green Belt.

- 10.5 Following the above assessment, it is considered that the proposal would not conflict with the purposes of the Green Belt in broad principle terms, subject to a detailed assessment of all other material considerations.

11. CHARACTER OF THE SITE & SURROUNDINGS

- 11.1 The proposed building would be similar in height and appearance to the 2 storey structures approved in the extant scheme, located immediately to the south and west of where the development would be sited. Whilst the proposed building would project slightly further north than the existing building to the west, it would remain to the south of the extant hard surfaced play areas and would therefore not have an overbearing impact on the character or appearance of the site from public views achieved on PRow routes to the north and west of the wider site.
- 11.2 The building would only be visible in glimpsed views from the entrance to the site from Cryer Street on the southern boundary of the site, due to the span of the storey temporary building in the extant scheme, located immediately to the south. The proposal would therefore not have an overbearing impact on the character or appearance of the site from this public view.
- 11.3 In public views of the site from Wayne Close to the south east, Andrew Street and glimpsed views between the dwellings on Lumb Lane, the proposed development would not be of a scale, siting or design that would have an adverse impact on the character of the area, within the context of the extant scheme.

12. RESIDENTIAL AMENITY

- 12.1 The increase in height of the proposed development over and above the extant scheme would be visible from the rear elevations of the properties on Wayne Close to the south east. The relationship would be sufficiently oblique to ensure that no unreasonable overlooking into or overshadowing of any of those neighbouring properties, over and above the extant position.
- 12.2 The separation to be retained between the rear elevations of the properties on Lumb Lane and the eastern elevation of the proposed building would be substantial due to the presence of undeveloped land in the intervening distance. This separation distance would ensure that no unreasonable overlooking into or overshadowing of any of those neighbouring properties would occur, over and above the extant position.

13. HIGHWAY SAFETY

- 13.1 The scheme does not propose any alterations to the access arrangements serving the extant permission. The overall number of car and cycle parking spaces would also remain unchanged (at 22 and 36 respectively). The siting of the cycle storage would be split between 12 remaining to the north of the buildings and 24 being relocated to a location adjacent to the southern boundary of the site. The relocation of the cycle parking spaces would not prejudice the access arrangements and would not result in a detrimental impact on highway safety. This assessment is corroborated by the lack of objection from the Local Highway Authority to the proposals.

14. OTHER MATTERS

- 14.1 The proposals would not result in an expansion of the developed area of the site approved under the extant permission and would therefore not result in an adverse impact on the ecological value of the site or the disuse canal adjacent to the western boundary of the site, which is a designated SSSI.
- 14.2 Condition 5, relating to contaminated land, was removed under application reference 18/00634/FUL. All of the other conditions attached to the original prior approval decision remain relevant and are attached to the recommendation, with conditions 2 and 3 modified to include the revised plans.

15. VERY SPECIAL CIRCUMSTANCES

- 15.1 A statement has been provided with the application which presents case that very special circumstances apply which outweigh the harm arising from the fact that the proposal constitutes inappropriate development in the Green Belt and any other harm arising.
- 15.2 The applicant has provided a justification of the need for the additional accommodation to ensure that the required standard of education can be achieved. The number of pupils and staff would remain unaltered from the existing situation but the space is required to meet educational requirements. The statement provided by the applicant goes in to some detail in relation to the nature of the requirements, which include teaching spaces shortages within the current arrangements, inadequate provision for 1 to 1 teacher/pupil support and space for physical education requirements. These requirements have become apparent with one year group already at the school and another to arrive in the next academic year.
- 15.3 The statement indicates that the level of accommodation currently provided permission at the temporary school is not considered to be adequately sufficient to meet the needs of the school pupils and staff. It is considered that additional teaching space will be required on site so as to not compromise the teaching standards at the school and the experience of the pupils. This is considered to be particularly important in ensure that appropriate support is given to those pupils in need of one to one support/small group assistance to meet their educational needs.
- 15.4 In relation to teaching space, the statement indicates that the level of accommodation as currently approved will cause significant shortcomings in meeting the needs of pupils and will provide no flexibility for lesson planning. The current accommodation in place for the 2018/19 school year allows a small amount of flexibility, with one classroom space typically available during lesson times which provides capacity for other activities or to support the requirements of individual pupils. In year two, within the accommodation as currently approved, this flexibility will be lost, with all classrooms needing to be occupied by full classes at all time. The additional space provided by the proposed development would rectify this situation.
- 15.5 A number of other reasons are given to justify the additional space requirements, including staff development. It is also the case that the school needs to be able to meet the required education standards in order to bridge the time lag before the permanent school building is in operation on the wider site. This is essential as there is insufficient capacity within any of the other schools within the Borough to provide this additional capacity, as was demonstrated at the time that planning permission was granted for the permanent school building. Having the physical space and

appropriate facilities to be able to meet the needs of the number of pupils to be accommodated is considered therefore to represent a very special circumstance in this case.

- 15.6 On that basis and given that the 'other harm' arising from the development can be appropriately mitigated (as assessed in detail previously in this report), it is considered that very special circumstances do exist which clearly outweigh the harm to the Green Belt, despite the proposals constituting inappropriate development.

16. CONCLUSION

- 16.1 The proposed development would be taller in height than the building approved under the extant permission and would therefore constitute inappropriate development in the Green Belt. Such development should only be approved where very special circumstances exist that outweigh the harm caused to the openness of the Green Belt by virtue of the inappropriate nature of the development and any other harm arising from the proposals.
- 16.2 In this case, given the siting, scale and design of the proposed development, it is considered that the additional harm arising over and above the extant scheme would be limited when assessed against all of the material considerations.
- 16.3 There are no objections to the proposals from the statutory consultees in relation to the revised layout of the scheme.
- 16.4 The very special circumstances in this case are considered to arise from the educational requirements at the school which have become apparent since the occupation of the units by the first cohort of children, with a further cohort to be accommodated within the temporary development from September. Officers consider that these requirements should be afforded significant weight in the decision making process given the importance of the temporary school on this site in ensuring that the Council meets its obligations as an Education Authority. Given the limited nature of the other harm arising to the openness of the Green Belt resulting from the proposals, it is considered that the educational requirements that necessitate the larger temporary building represent very special circumstances which would clearly outweigh the harm to the Green Belt resulting from the scheme.
- 16.5 The application is therefore considered to accord with the relevant national and local planning policies listed earlier in this report.

17. RECOMMENDATION

Grant planning permission, subject to the following conditions:

1. The temporary use of the land as a state funded school shall cease and all buildings, structures and hardstanding erected as part of the development hereby approved shall be removed from the site and the land restored to its condition as on the date of this notice (or a condition agreed in writing by the Local Planning Authority) by 31 July 2021, or the date that the use ceases to operate, whichever is the sooner.
2. The development hereby approved shall be carried out in accordance with the following approved plans/details:

Amended 1: 1250 site location plan (Dwg. No. RYC-DHL-Z0-Z0-DR-L-1001 Rev.P02)
Amended Site layout plan (Dwg. No. RYC-DHL-Z0-Z0-DR-L-1102. Rev. P11)
Plan Layout and Elevations plan (Drawing number L170436-111 Rev. E)
Proposed elevations and floor plans (Drawing numbers L170436-141 Rev. B, L170436-101 Rev. E, L170436-341 Rev. B, L170436-301 Rev. D, L170436-361 Rev. B, L170436-161 Rev. B)
Noise Impact Assessment produced by Ramboll dated 05/01/2018
Transport Statement produced by VIA Solutions dated 22.12.2017
Preliminary Flood Risk Appraisal produced by eps dated 10 October 2017
Temporary Buildings Below Ground Drainage Strategy produced by Ramboll dated 05/01/17.

3. The car parking spaces to serve the development shall be laid out in accordance with approved site plan (Dwg. No. RYC-DHL-Z0-Z0-DR-L-1102. Rev. P11) prior to the first operation of the school use hereby approved and shall remain free from obstruction for their intended use until the expiry of this approval.
4. All fixed plant and machinery shall be acoustically treated / designed in accordance with the recommendations in Section 5.2.2 of the submitted Laurus Ryecroft Free School Noise Impact Assessment - Temporary Accommodation, reference 1620004287-01 dated 5 January 2018. The agreed measures shall be maintained thereafter.
5. During construction no work (including vehicle and plant movements, deliveries, loading and unloading) shall take place outside the hours of 07:30 and 18:00 Mondays to Fridays and 08:00 to 13:00 Saturdays. No work shall take place on Sundays and Bank and Public Holidays.
6. The development shall be carried out in accordance with the measures detailed in sections 8, 9 and 10 of the Temporary Buildings Below Ground Drainage Strategy produced by Ramboll dated 05/01/17 and the Recommendations section of the Preliminary Flood Risk Appraisal produced by eps dated 10 October 2017 submitted with the application.