

## **Application Number 18/00024/P4N**

<b>Proposal</b>	Prior approval for use of the site as a temporary state funded school, or a determination that such approval is not required
<b>Site</b>	Site of former Littlemoss School for Boys, Cryer Street, Droylsden
<b>Applicant</b>	Education and Skills Funding Agency
<b>Recommendation</b>	A determination that prior approval is not required for the reasons set out in the report and subject to conditions as indicated at paragraph 17 of the report
<b>Reason for report</b>	This notification application is made under legislation permitting temporary school buildings on vacant commercial land for up to 3 academic years provided certain criteria are satisfied. It has been referred to Speakers' Panel since this type of application is not yet included in the delegations to Officers set out in the Council's Constitution.

## **REPORT**

### **1. APPLICATION DESCRIPTION**

- 1.1 The applicant has provided notification for the prior approval of development consisting of the provision of temporary building on vacant commercial land and the use of that land as a state funded school for up to three academic years.
- 1.2 The application is made under the provisions of Schedule 2, Part 4, Class CA of the Town and County Planning (General permitted Development) (England) (Amendment Order) 2017 (GPDO), which permits such development, subject to the screening of the proposal against a number of criteria.
- 1.3 Members must be clear that this is not a full planning application. The prior approval process set out in the above regulations requires an application to be firstly screened against specific criteria and if these are satisfied, an assessment made as to whether the prior approval of the Local Planning Authority in relation to the following potential impacts:
  - the transport and highways impacts of the development;
  - the noise impacts of the development;
  - the contamination risks of the site;
  - the flooding risks on the site; and,
  - the siting and design of the development.
- 1.4 As a result, a number of considerations that would be material to the determination of a full planning application, for example the principle of development in the Green Belt in this case, are not material to the determination of a prior approval application. This report assesses the proposals against the impacts listed above.

### **2. SITE & SURROUNDINGS**

- 2.1 The application site is located approximately 1.8 km north east of Droylsden town centre and is within the designated Green Belt. The site is accessed from the northern end of Cryer Street, where the vehicular entrance to the former school site remains in place. Cryer Street leads off Lumb Lane, which forms the main highway route through the local area. The last use of the site was as a school for approximately 550 students. The

buildings on the site have been demolished, with only hardstanding remaining in the southern parts of the site.

- 2.2 The northern and western parts of the wider site are grassed. To the south of the site are residential properties on Cryer Street, Brooklands Drive and Woodleigh Drive. The rear gardens of the properties on northern side of Brooklands Drive and Woodleigh Drive back on to the site. To the east of the site, an open area of grassland separates the site from the properties which front on to Lumb Lane. Cinderland Farm (a grade II Listed building) is located to the north east of the site. The western boundary of the site is demarcated by the Hollinwood Branch Canal, which is designated as a Site of Special Scientific Interest (SSSI).

### **3. PLANNING HISTORY**

- 3.1 17/00927/ENV – Screening opinion against the Environmental Impact Assessment (EIA) regulations for the development of a new permanent secondary school with associated parking and outdoor facilities, with additional temporary accommodation. It was determined that the proposals did not constitute EIA development.
- 3.2 12/00623/NDM – Approval was granted for the demolition of the former school buildings on the site. Demolition of the buildings has since taken place.

### **4. RELEVANT PLANNING POLICIES**

- 4.1 As stated in paragraph 1.3 above, the prior approval process narrows the scope of the assessment from that which would apply to a full application. As such, the policies listed below are considered to be those most relevant to the 5 areas of assessment listed in paragraph 1.3.

#### **4.2 National Planning Policy Framework**

##### **Planning Practice Guidance**

#### **4.3 Tameside Unitary Development Plan (UDP) Allocation**

The site is allocated under OL3 as an existing developed site within the Green Belt (limited to the part of the site where the former school buildings were located)

#### **4.4 Part 1 Policies**

- 1.3: Creating a Cleaner and Greener Environment..
- 1.5: Following the Principles of Sustainable Development
- 1.10 Protecting and Enhancing the Natural Environment
- 1.12: Ensuring an Accessible, Safe and Healthy Environment

#### **4.4 Part 2 Policies**

- 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.
- C1: Townscape and Urban Form
- N1b: National Nature Conservation Sites
- N4: Trees and Woodland
- N5: Trees Within Development Sites
- N7: Protected Species

MW11: Contaminated Land  
U3: Water Services for Developments  
U4 Flood Prevention  
U5 Energy Efficiency

## **5. PUBLICITY CARRIED OUT**

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

## **6. RESPONSES FROM CONSULTEES**

- 6.1 Highways England – no objections to the proposals in terms of impact on the strategic highway network.
- 6.2 Natural England – no comments to make or conditions suggested.
- 6.3 Transport for Greater Manchester (TfGM) – no objections to the application due to the temporary nature of the proposed development. Due to the temporary nature of the development TfGM would not suggest a junction assessment at this stage. However, should the development then become permanent, the trip generation impacts of the development may be revisited in more detail. We note that the trip generation is slightly above what is considered a threshold for junction impact assessment (30 two-way trips per peak hour). A Travel Plan would definitely be required should the development become permanent.
- 6.4 Local Highway Authority – no objections to the proposals, subject to the imposition of conditions requiring details of road works and traffic management measures to secure safe access to the site to be approved and the car parking to laid out as per the submitted details prior to the first operation of the use.
- 6.5 Lead Local Flood Risk Authority – no objections to the proposals. The site lies within Flood Zone 1 and is considered to be at a low risk of flooding.
- 6.6 Borough Contaminated Land Officer – no objections to the proposals subject to a condition securing compliance with mitigation measures listed in the phase I and phase II ground investigation reports submitted with the Prior Approval application.
- 6.7 Borough Environmental Health Officer (EHO) – no objections, subject to the imposition of conditions.

## **7. SUMMARY OF THIRD PARTY RESPONSES RECEIVED**

- 7.1 No representations have been received.

## **8. ANALYSIS ( Paragraphs 9 to 16 )**

- 8.1 The issues to be assessed in the determination of this prior approval are:
- 1) Whether the proposal meets the initial screening criteria set out in the amended GPDO; and

- 2) Whether prior approval of the Local Planning Authority is required, having regard to the impacts of the proposals in relation to the 5 criteria listed in the regulations (as listed in paragraph 1.3 of the report.)

## **9. ASSESSMENT AGAINST THE SCREENING CRITERIA**

- 9.1 The proposed development would not cover more than 50% of the total area of the site. The total floorspace of the new buildings would be less than 2,500 square metres (1,365.2 square metres proposed) and the land has been used within the last 10 years. Whilst the canal on the western edge of the wider site is a SSSI, the amended red edge application site does not include land that is covered by the designation. The site is not designated as a safety hazard area or a military explosive storage area. No part of the temporary buildings would be within 5 metres of the boundary of the curtilage of any of the neighbouring properties and at the tallest point the buildings would remain below 7 metres.
- 9.2 As a result, the proposal meets the screening requirements set out in Class CA, Part 4 of the GPDO. In accordance with the regulations, the proposal is therefore permitted development.

## **10. ASSESSMENT OF IMPACTS**

- 10.1 The following paragraphs assess the proposals against the five criteria listed in the regulations (as listed in paragraph 1.3 of the report), in order to determine whether the Prior Approval of the Local Planning Authority is required.

## **11. THE TRANSPORT AND HIGHWAYS IMPACTS OF THE DEVELOPMENT**

- 11.1 The applicant has submitted a Transport Statement (TS) as part of the Prior Approval application.
- 11.2 The application includes an assessment of the likely traffic generation and other highway aspects in connection with the development. It is considered that the development will not generate a level of vehicular traffic which would significantly impact upon the local highway network.
- 11.3 Although currently vacant the site was previously occupied by a secondary school of 500+ pupils. It should be expected therefore that the traffic generated from the proposed development would be at worst no greater than that resulting from the previous site use.
- 11.4 A school travel plan study was undertaken at Little Moss in 2007 (when the previous school on the site was in operation.) At that time there were 620 pupils on roll. The survey found that 10% of children arrived and left by car. The trip rates for AM peak within the TS suggest 14% arrivals and approx. 9% departures. Assuming that arrivals include staff (explaining the difference between the arrivals and departures), this would broadly accord with the number of pupils arriving by car from the 2007 survey (there will be some vehicles with more than one child).
- 11.5 In the 2007 study 50% of children used public transport to and from school which suggests good accessibility to public transport.
- 11.6 The development includes a greater provision of drop off for parents than did the old school to remove some vehicles from adjacent streets.
- 11.7 The on-site parking provision meets the standards set out in the UDP. The trip generation

figures used in the assessment are derived from TRICS which is the nationally accepted database for such information. The sample sites chosen within TRICS accord with the development site location, though tending to be for larger schools than is the case in this proposal. The distribution of traffic generated by the development has been assessed from the location of parents expressing an interest in the school as their first choice option.

- 11.8 It is likely that a proportion of the traffic to and from the school would be as a part of a journey to work, not a new journey generated by the school. TfGM have reviewed the Transport Statement and have raised no objections to the proposals.
- 11.9 A condition relating to traffic management measures to be put in place and details of the road works necessary to construct the access is considered unnecessary since such details can be required under powers that the Local Highway Authority have under the Highways Act 1980. A condition requiring the parking to be laid out as shown on the submitted details prior to the first operation of the school can be attached to the decision notice.
- 11.10 On the basis of the above assessment, it is considered that the proposed temporary school would not result in a severe impact on highway safety and therefore the Prior Approval of the Local Planning Authority in this regard is not required.

## **12. THE NOISE IMPACTS OF THE DEVELOPMENT**

- 12.1 The assessment is based on current guidance and British Standards and the overall conclusion is that no significant noise impacts were predicted due to the current noise climate around the proposed site. The assessment was unable to predict the impact of plant and machinery noise from the proposed development as this aspect of the development has yet to be finalised. However, in any of the options proposed, the noise levels emitted would be less than the background noise level (including at night). A condition is proposed to secure Ramboll Environ's recommendations for plant noise limits, as described in Section 5.2.2 of the report.
- 12.2 A condition restricting the hours of operation during the construction phase of the development is also recommended to minimise the impact of noise of the works on the residential amenity of neighbouring properties.
- 12.3 Following the above assessment, it is considered that the impacts of the development in this regard can be adequately mitigated on the basis of the information submitted therefore and as such Prior Approval is not required.

## **13. THE CONTAMINATION RISKS OF THE SITE**

- 13.1 Phase I and II ground investigation reports have been submitted as part of the Prior Approval application. The phase I survey identifies the potential for shallow made ground containing sources of contamination below the surface of the site, although given the use of the site as a school until relatively recently, a significant risk is considered unlikely.
- 13.2 The Phase II survey involved intrusive testing which did identify evidence of made ground although no sources of contamination in the water below surface level. There is a risk of ground gas migration as a result of disturbing the ground. Recommendations have been made to mitigate any potential harm in this regard including the installation of a gas resistant membrane below the ground floor level and ventilation mechanisms within the building. Compliance with these mitigation measures can be secured by condition and on that basis, the Borough Contaminated Land Officer has no objection to the proposals. The impacts of the development in this regard can be adequately mitigated on the basis of the information submitted therefore and as such Prior Approval is not required.

## **14. THE FLOODING RISKS ON THE SITE**

- 14.1 The applicant has submitted a Flood Risk Assessment with the Prior Approval application. The Assessment confirms that the entire site lies within Flood Zone 1 and is therefore classified as being at a low risk of flooding. The disused Canal on the western boundary of the site was recorded as being 3 metres below the level of the proposed development. The River Medlock is the closest, located 250 metres north west of the site. This river sits at a lower ground level than the site and therefore does not present a significant flood risk to development on the land.
- 14.2 The report recommends a number of mitigation measures to further reduce the risk of surface water flooding. These measures include raising the internal floor levels within the buildings to sit 150mm above ground level, that the existing infrastructure on the site (remaining from the previous school use) be re-used in the first instance, and if that is not possible, the use of soakaways be investigated as a sustainable means of drainage.
- 14.3 Neither the Environment Agency nor the LLFRA have raised any objections to the proposals. On the basis of the above assessment, it is considered that Prior Approval is not required in relation to the flood risk impacts of the development.

## **15. THE SITING AND DESIGN OF THE DEVELOPMENT**

- 15.1 For the avoidance of doubt, the fact that the site is located within the Green Belt does not have any bearing on whether the buildings are considered to be permitted development. On that basis, the fact that the proposals would constitute inappropriate development in the Green Belt is not a material consideration. However, impact on the openness of the Green Belt is material, as this will be impacted upon by the siting and design of the development.
- 15.2 The proposed school buildings would not extend northwards of the previously developed part of the site and would cover only the eastern portion of the area where the previous buildings were located (and hardstanding still exists.) The two storey buildings would be viewed within the context of the residential properties to the south and east of the site and would be confined to the south eastern corner of the overall site. The buildings would be typical of temporary structures and would not be of a scale or massing that would be detrimental to the character of the area or the openness of the Green Belt, given that a large part of the previously developed area would remain covered by hardstanding as existing. Fencing would be installed along the western edge of the development and along the northern edge of the MUGA at the northern end of the proposed scheme. This fencing would be 2.4 metres in height which would not be incongruous given the height of the proposed temporary buildings.
- 15.3 The unit closest to the southern boundary of the site would be single storey in height, ensuring that a buffer is retained between the tallest parts of the development and the neighbouring properties. The separation distances to be retained would preserve the amenity (in terms of both overlooking and overshadowing) of neighbouring residents as a result.
- 15.4 Heras fencing is to be installed around a sports pitch in the north western corner of the site. Given that the height of this fencing would be limited to 2 metres (a fence of this height could be installed without requiring planning permission) and would be viewed within the context of the taller temporary buildings, it is considered that this element of the scheme would not result in a detrimental impact on the openness of the Green Belt.
- 15.5 The siting of the proposed development would not result in an adverse impact on the setting of the listed building at Cinderland Hall Farm to the north east of the site. The fence along the north eastern boundary would be limited to 2 metres in height, which would be

screened to a degree by the vegetation on the boundary of the site. The extent of the application site has been reduced to ensure that a buffer area would be retained between the SSSI on the western edge of the land and the proposed development, ensuring that there would be no detrimental impact on the former Canal.

- 15.6 Following the above assessment, it is considered that the impact of the proposals would be acceptable in terms of siting and design and that Prior Approval in this regard is not required.

## **16. CONCLUSION**

- 16.1 The proposals are considered to be permitted development, as the applications meets all of the qualifying criteria set out in Class CA, Part 4 of the GPDO. There are no objections from any of the statutory consultees in relation to the defined areas of assessment, as set out in the regulations. Given that the school buildings themselves would be sited within the confine of the previously developed part of the site and that this consent only grants a temporary permission, it is considered that the siting and design are suitable and would limit the impact on the openness of the Green Belt to an acceptable degree. On that basis, officers consider that Prior Approval is not required.

## **17. RECOMMENDATION**

That the Prior Approval of the Local Planning Authority is not required subject to the imposition of the following conditions (full wording to be circulated):

1. Time limit condition for the expiry of the use and confirming arrangements for removal of buildings.
2. List of approved drawings.
3. Car parking to be laid out in accordance with the approved drawings prior to the first use.
4. Compliance with mitigation measures listed in the Phase I and Phase II ground investigation reports.
5. Restrictions on plant noise described in Section 5.2.2 of the submitted Noise Impact Assessment report.
6. Construction hours restriction.
7. Compliance with mitigation measures contained in the Flood Risk Assessment.