

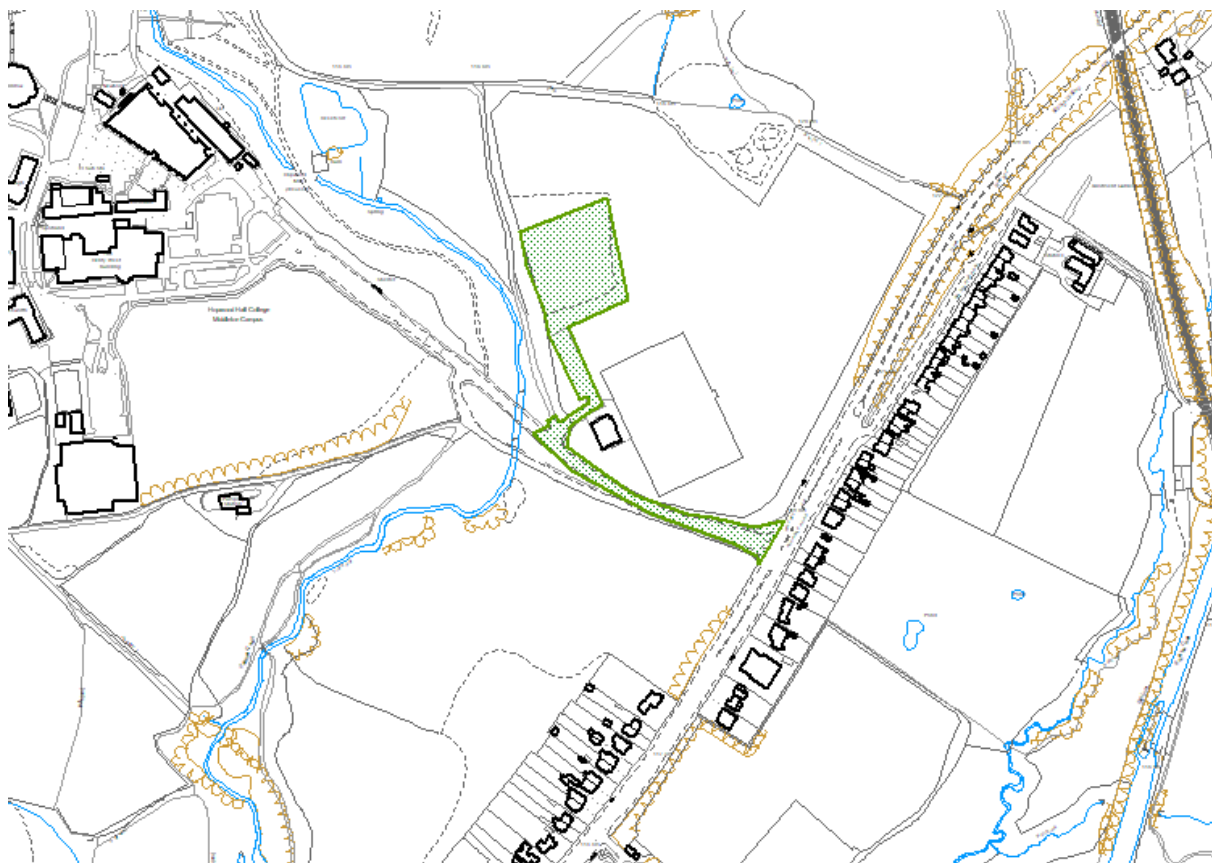
## Report to Planning and Licensing Committee



Date of Meeting	8 April 2021
Portfolio	Councillor John Blundell, Cabinet Member for a Thriving Economy.
Report Author	Samia Syeda
Public/Private Document	Public

<b>Application:</b> 21/00074/FUL	<b>Township:</b> Middleton	<b>Ward:</b> Hopwood Hall
<b>Applicant:</b> Department for Education	<b>Agent:</b> JLL	
<b>Site Address:</b> Middleton Campus, Hopwood Hall College, Rochdale Road, Middleton, M24 6XH		
<b>Proposal:</b> Erection of temporary school classrooms and associated facilities including play area, car parking, access and landscaping and boundary treatments		

### SITE LOCATION



## DELEGATION

- 1.1 The application is to be determined by the Planning and Licensing Committee as this major development represents a departure from the Development Plan.
- 1.2 In accordance with the Town and Country Planning (Consultation) (England) Direction 2009, the application must be referred to the Secretary of State if the Committee is minded to grant planning permission.

## PROPOSAL SUMMARY

- 2.1 Full planning application for the erection of temporary school classrooms and associated facilities including play area, car parking, access and landscaping and boundary treatments

## RECOMMENDATION

- 3.1 It is recommended that the Planning and Licensing Committee resolves:
  - (i) It is minded to **GRANT planning permission** subject to the recommended conditions listed in this report; and
  - (ii) The application be referred to the Secretary of State and, if he is not minded to 'call in' the application for determination, the release of the decision notice be delegated to the Head of Planning.

## REASON FOR RECOMMENDATION

- 4.1 The proposal comprises inappropriate development in the Green Belt, which should not be approved except in very special circumstances. Affording substantial weight to the harm to the Green Belt by reason of inappropriateness, harm to the openness of the Green Belt and minor landscape and visual impacts, it is considered that this harm is clearly outweighed by the significant and immediate need for Year 7 school places from September 2021, which attracts great weight. Very special circumstances exist to outweigh the temporary harm that would arise as a result of the development, which is limited and reversible.
- 4.2 Having regard to all material considerations and subject to conditions, the proposal would provide satisfactory mitigation of protected species and nature conservation interests and any disturbance to the surrounding environment during the construction, operational and restoration phase. An appropriate drainage and highway solution has also been considered. The proposal therefore complies with Rochdale Core Strategy Policies C7, P1, P2, P3, G4, G6, G7, G8, G9, G10, T1, T2 and DM1, saved Unitary Development Plan Policies G/D/2, EM/7, EM/8 and NE/2, and the National Planning Policy Framework and Guidance

## **SITE**

The application site is located to the north of Rochdale Road (A664) which leads onto a dedicated access road leading to the existing sports pavilion car park associated with Hopwood Hall College. The site extends to 0.37ha of greenfield land in the Green Belt.

The site is bound to the north and east by sports pitches; to the south by a car park, all weather pitch and a further small sports pitch; and to the west by Trub Brook, a minor watercourse, an unmade access track and a small area of woodland. Adjacent to the woodland, to the west of the site is a Public Right of Way (PRoW): Midrupp120 which is separated from the site by an embankment and a 2.3m security fence.

The site is approximately rectangular in shape and is largely flat. The site is undeveloped and comprises an area of scrub land. The site is below the level of Rochdale Road with a hedgerow on the highway frontage. Houses are located on the opposite side of Rochdale Road circa 230m away.

## **PROPOSAL**

The application seeks temporary planning permission for the erection of modular classroom units across two storeys (i.e. double-stacked). The proposed development will offer six classrooms, a large communal dining and PE space, staff rooms, offices, pastoral areas, toilets, changing areas, plant room and storage facilities across 959sqm of floorspace. The new building will measure 24.40m x 19.66m and the total height of the building will be 6.93m. A secure 2.4m high weldmesh fence will be erected to secure the perimeter with a lockable gate.

The remainder of the site will be used for 900sqm of surfaced informal play (to the south east) and supplementary parking (to the south) comprising 11 staff parking spaces, including two disabled spaces. The temporary school will also have use of the existing car park associated with the adjacent playing field which are not regularly used during school hours, but are used for out of hours community sports use.

Access to the ground floor will be via an entrance door accessed by stairs and a ramp, and access to the first floor will be via internal and external stairs in addition to a dedicated DDA compliant internal lift.

Vehicular access will be via Rochdale Road and the existing campus access leading through to the existing parking area for the playing fields associated with Middleton College. The Applicant has secured agreement with the College to use the car park and access road for the duration of the temporary facility.

The facility will make use of Modern Methods of Construction, in this case the form of modular facilities, manufactured off site for a short on-site build time to enable one intake of 120 pupils from September 2021.

A contingency option for a second intake of 180 pupils in September 2022 may be required depending on the progress of the development of the main school site on Land at Heywood Old Road (for the new Edgar Wood Academy). Should the second phase be required a second building will be installed of the same scale. This building will measure the same as the first phase (959sqm) and will be identical in layout with the exception of an additional ground floor classroom at the expense of offices which will not be required to be replicated (e.g. Head teacher's office, pastoral areas etc.).

The proposals would be temporary for up to two years and reversible in nature so that the site could be returned to its current state.

## **DEVELOPMENT PLAN**

### **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF) – February 2019  
National Planning Practice Guidance (NPPG)

### **REGIONAL GUIDANCE**

Greater Manchester Joint Minerals Development Plan – March 2013

### **LOCAL GUIDANCE**

#### **Adopted Rochdale Core Strategy (2016) (RCS):**

- C7 Delivering education facilities
- P1 Improving image
- P2 Protecting and enhancing character, landscape and heritage
- P3 Improving design of new development
- G4 Protecting Green Belt
- G6 Enhancing green infrastructure
- G7 Increasing the value of biodiversity and geodiversity
- G8 Managing water resource and flood risk
- G9 Reducing the impact of pollution, contamination and land instability
- G10 Managing mineral resources
- T1 Delivering sustainable transport
- T2 Improving accessibility
- DM1 General development requirements

#### **Saved Policies of Rochdale Unitary Development Plan (RUDP):**

- G/D/2 Green Belt
- EM/7 Development and Flood Risk
- EM/8 Protection of Surface and Ground Water
- NE/2 Designated Sites of Ecological and Geological / Geomorphological Importance

#### **Supplementary Planning Documents (SPD):**

Biodiversity and Development SPD (updated 2017)

## **RELEVANT HISTORY**

None.

## **CONSULTATION RESPONSES – SUMMARIES**

**Environmental Control (Landfill Gas)** – The Phase II Ground Investigation and the recommendation for a Materials Management Plan is acceptable.

**Environmental Health - Air Quality** – No objection as the dust generated from the construction activity will be adequately mitigated in accordance with the measures set out in the Construction Environmental Management Plan

**Environmental Health - Noise/Odours** – No objection as the submitted acoustic report adequately demonstrates the school building can meet the requirements of BB93. As per the report we would recommend the following condition relating to external plant noise levels: Sound power levels of external plant shall not exceed 93 dB LWA.

**Greater Manchester Archaeological Advisory Service** – No archaeological mitigation is required.

**Greater Manchester Ecology Unit (GMEU)** – The only significant ecological issue is great crested newts which can be mitigated by the issuing of a district level licensing certificate. Issues relating to the proximity to and SBI, watercourse, Himalayan balsam, nesting birds, reasonable avoidance measures for mammals, amphibians and reptiles and ecological mitigation for loss of marshy grassland can be dealt with via condition.

**Greater Manchester Minerals & Waste Planning Unit** – No comments received to date

**Highways and Engineering** – No objections on the temporary usage and no changes to the highways layout is needed. The internal road layout is suitable for a development of this nature. Access to the site is well established and controlled by a signalised junction. There are no additional road safety concerns as a result of this proposal.

**Lead Local Flood Authority/Drainage** – No objections subject to clarification of the detailed design which can be secured by condition in relation to the two options for attenuating the flows, both of which include large attenuation buried crates, and clarification on whether any permeable paving is proposed, particularly footpaths.

**Rights Of Way Officer** – No comments received to date

**Schools Service** – Fully support this temporary school to meet shortage of places for Year 7 pupils in the Middleton area, which cannot be accommodated in existing schools as they have no ability to expand and have no further capacity. The Council has a statutory duty to be able to offer school places to families who live in the borough. The temporary school is needed to meet this duty.

**Tree Officer** – No comments received to date

**United Utilities** – No objections subject to conditions in relation to surface water, foul water and sustainable drainage management and maintenance.

### **MEMBER REPRESENTATIONS**

No representations have been received from Members.

### **PUBLIC REPRESENTATIONS**

Letters of notification were sent to surrounding neighbours, various notices displayed in the vicinity of the site and a notice placed in the local press. 13 letters of objections have been received, summarised below and addressed in the following report

- **Principle of Development** – It is further construction on green areas in Middleton and is located a long way from where the permanent school will be built. There is enough room on the permanent school site for this temporary school. This is the start of further building on the site. You could consider accommodation on the sites of Cardinal Langley RC School, St Anne's Academy, Hollins Primary School on Waverly Road or the Bowlee car boot sale area. There are probably empty units on Stakehill Industrial Estate which could be utilised. Alternative sites have not been explored, evaluated, or given due consideration. Exceptional circumstances for building on Green Belt have not been demonstrated.

*Officer Response: The temporary classroom cannot be accommodated on the same site as the permanent school without it impacting the delivery timescales and logistics of the permanent school. There would also be health and safety risks and noise and disturbance associated with the construction period, detrimental to children's learning. In terms of the site selection process, the assessment of Green Belt does not need to consider alternative sites. Notwithstanding this, the Applicant has provided a Site Selection Statement, further details of which is provided in the 'Need for the Temporary School' section below which concludes that there are no other available or suitable sites for the temporary classrooms.*

- **Landscape and Visual Impacts** – It will further spoil the views and interfere with a public right of way.

*Officer Response: The 'Impact on Green Belt Purposes and Openness' section of the report addresses this matter.*

- **Ecology and Biodiversity** – It will destroy and disturb natural scrub land and harm local wildlife. There is a proviso that the land will be returned to its original condition but this cannot be as the flora and fauna will have been destroyed so it will not be original condition. Rochdale Council should require further clarification with regards to pollution prevention methods and buffer zones prior to determination of this application as the site lies immediately adjacent to Local Nature Reserves and Ancient Woodland. The report does not acknowledge possible impacts to Killarney Fern, a European Protected Species known across ancient woods in the area which could possibly be impacted by development by way of excess nutrient input, particularly from run-off.

*Officer Response: The Preliminary Ecological Appraisal has been amended to include pollution prevention methods and buffer zones including impacts to Killarney Fern. Greater Manchester Ecology Unit has been consulted on ecology, biodiversity and arboricultural considerations and have not raised any objections subject to conditions. This is further covered in the 'Trees and Landscaping' and 'Ecology and Biodiversity' sections of the report.*

- **Environmental Considerations** – There will be an increase in litter, noise and air pollution. There will be an increase in heavy plant while the site is prepared and installation of required utilities, water supply, electricity, drainage.

*Officer Response: A Construction Environmental Management Plan and a Construction Method Statement has been submitted. The Council's Environmental Health Service and Highway Service has been consulted and have no objections subject to conditions. The 'Environmental Considerations' section of the report addresses these matters further.*

- **Highway Safety** – There will be an increase in traffic and footfall.

*Officer Response: The Council's Highway Services has been consulted and has no objections. The 'Highway Safety' section of the report addresses this matter.*

## **ANALYSIS**

### **Principle of Development**

1. The application site is located within the Green Belt as allocated under the RUDP Proposals Map. NPPF states that Local Planning Authorities (LPA) should regard the construction of new buildings as inappropriate in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. When considering planning applications, LPAs should ensure that substantial weight is given to any harm to the Green Belt and 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.

2. The material matters of the application are considered in full below. These allow an assessment into whether the application includes very special circumstance so as to outweigh the harm caused to the Green Belt by reason of inappropriateness, and any other harm.

#### Need for the Temporary School

3. A key material consideration in the determination of this planning application is the basic needs case for new school places. This needs case is critical in the context of the 2011 Ministerial Statement and NPPF Paragraph 94 which 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”.*

4. In line with the above, the Council has a statutory duty to offer a school place to every child living in the borough and consequently has a duty to plan for predicted demand. In this respect, the borough has been reporting a significant and rising need for additional Secondary school places in Middleton for over 10 years. The report to Cabinet of 15th December 2014 noted the need for a 5FE (150 place per year) school for 2018 and a similar report to Cabinet in October 2017 required a 6FE (180 place per year) by 2020. Through that time the Council has created an additional 150 places per year locally by extending existing schools in order to create the needed spaces, however as a result of natural population growth and a number of significant housing developments in the area, the Council estimate approximately 200 additional secondary places will be required by 2028.
5. The Department for Education (DfE) have determined that a new 900-place secondary school with an annual intake of 180 Year 7 pupils will be appropriate to meet this need. Accordingly, outline planning permission was granted by the Planning and Licensing Committee on 13 October 2020 and a decision issued by the LPA on 16 October 2020 for a new secondary school at land to the east of Heywood Old Road in Middleton (20/00912/OUT).
6. Since then, the Planning and Licensing Committee have granted reserved matters permission (21/01560/REM) and a number of conditions have been



approved (21/00132/DOC and 20/01554/DOC) with a view to commencing construction in spring 2021. The approved facility is anticipated to open by September 2022 however due to lack of capacity in existing local secondary schools and the increasing annual demand for places, it is necessary to provide interim accommodation to ensure pupils across Middleton have access to education.

7. The DfE propose developing a new temporary facility to accommodate pupils from September 2021. This will allow a new Year 7 intake to be formed and be well established when the permanent school facility is ready for occupation. To allow for delays to the delivery of the new permanent school, particularly given the ongoing Covid-19 pandemic, the Applicant has also planned for a second year of temporary provision at the site. This will require a second building to be installed of the same scale and internal layout as the first phase. The second phase would only be developed were it to become clear that it would not be possible to take occupation of the permanent school site in September 2022.
8. Accordingly the significant and immediate need for the temporary classrooms to meet the anticipated shortfall of provision from September 2021 carries substantial weight and comprises very special circumstances in accordance with RCS Policies C7 and G4, RUDP Policy G/D/2 and the NPPF.
9. This immediate need will be reflected in the wording of the condition which sets out the time limit. In accordance with PPG (Paragraph 14 ID: 21a-014020140306), under Section 72 of the Town and Country Planning Act 1990 where it is considered “appropriate to enable the temporary use of vacant land or buildings prior to any longer-term proposals coming forward” ...“the local planning authority may grant planning permission for a specified temporary period only”. In this regard, the school is needed for up to two years and therefore the condition relating to time limit is a temporary one with a two year expiry date.
10. Importantly, the PPG in the same paragraph goes onto state that it will rarely be justifiable to grant a second temporary permission and that there is no presumption that a temporary grant of planning permission will then be granted permanently. This addresses a number of comments made by the public in relation to the temporary nature of the proposal.
11. Other comments raised by the public is siting the temporary classrooms in alternative locations. The Alternative Sites Assessment clearly outlines the sites within Middleton (that being the catchment area) which have been considered and include those put forward in the comments, including Bowlee Car Boot Sale, Cardinal Langley RC School, St Anne’s Academy, Hollins Primary School and Stakehill Industrial Estate. The Applicant has concluded for various reasons why these sites are either not available or suitable for the proposed development.

## Impact on Green Belt Purposes and Openness

12. The application would result in the development of previously undeveloped land within the site and this would impact on the site's openness. It must however be noted that the consideration of Green Belt is not narrowly limited to volumetric or floorspace calculations. Established case law has confirmed that the factors relevant to openness are a matter of planning judgement dependent on the individual circumstances of each site. It relates to changes in the physical state of the landscape as a consequence of development and the perception of these changes on the degree of spatial and visual openness.
13. In the case of the application a Landscape and Visual Impact Assessment has been submitted. It concludes that the influence of topography, vegetation and land use combine to define the spatial openness of the Green Belt in the vicinity of the site. Whilst the site will be enclosed due to the development, this effect will be localised, short term, temporary and reversible. Therefore as there would be harm to the openness of the green belt whilst the development is operational, there would be no permanent effect on the spatial openness, nor the five purposes, of the Green Belt (namely in relation to sprawl, encroachment of the countryside, coalescence, preserving the setting and special character of the historic towns and assisting urban regeneration).
14. In terms of the visual impact, the site lies at approximately 110m Above Ordnance Datum (AOD)<sup>1</sup>, the same level as the existing built development adjacent including the car park, sports pavilion and all weather pitch to the south. These areas are lower lying than the surrounding fields which are at approximately 115 AOD, and Rochdale Road to the east which is at 120m AOD. Views from this direction will be against the backdrop of mature woodland and in the context of the existing Multi Use Games Areas (MUGA), fencing, pavilion and floodlights. The PROW to the west is lower again at approximately 105m as it follows the watercourse and is screened by an existing 2.3m security fence and semi-mature trees and hedges. Views from this direction will be limited, being set back and below the bank edge and any views would be in the context of the existing adjacent sports facility.
15. Views into and out of the site are therefore notably limited and localised, particularly from the east, south and west, where views are screened by landform and vegetation. To the north there are open views from the adjacent playing fields, albeit these will be in the context of the sports facility, beyond which views are limited. Accordingly, the Landscape and Visual Assessment does not recommend any mitigation measures are necessary.

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<sup>1</sup> Above Ordnance Datum refers to the height above mean sea level.

16. It is considered in the balance that the overall impact on the Green Belt purposes, its openness and the landscape and visual impacts is relatively limited, particularly given the two year temporary permission, after which the development would be dismantled and removed, and the site restored, matters of which will be secured by suitably worded conditions. This impact is nonetheless contrary to Green Belt policy, and the extent of impact will be relevant to the weighting applied in the final balance that will be determined against any very special circumstances addressed.

### **Design**

17. The proposals involves the introduction of rectangular shaped, flat roofed modular buildings across two storeys (i.e. double-stacked) measuring 24.40m x 19.66m and a total height of 6.93m. The design of the proposal is functional and offers limited architectural merit. The building will be finished in Platisol Goosewing Grey and corner posts will be painted in a semi-gloss Goosewing Grey. Windows will be in white UPVC and external doors will be in white timber. The proposal will not be unduly prominent from the streetscene given its modest scale, sited behind the sports pavilion and location well set back from Rochdale Road. A 2.4m high weldmesh fence will be erected to secure the perimeter with a lockable gate reflecting the type of fencing used to secure the sports pavilion and playing fields. 14 x 30W LED floodlights will be installed along the top of the modular buildings, providing illumination and security along the external elevations. These will be low level and will be much dimmer than the floodlights used by the sports pitches.

18. Given the temporary nature of the development, the proposal is considered to represent an acceptable design solution and will not be unduly detrimental to the character or appearance of the locality in accordance with RCS Policies P1, P2, P3 and DM1.

### **Trees and Landscaping**

19. The application is accompanied by an Arboricultural Constraints and Opportunity Report and accompanying Tree Locations & Constraints Plan. There are no Tree Preservation Order (TPO) or Conservation Area constraints within the survey area; however the area of ancient woodland separated from the survey area by a track is subject to protection by TPO. The woodland is over 20m away from the site and it is not expected that the development will impact on the TPO woodland. There is a record of one veteran tree in close proximity to the survey area, but this is separated from the survey area by the adjacent sports pitches and will not be affected by the proposed development.

20. The tree survey noted four Category C trees (T1, T2, T3, and T4) on and immediately adjacent to the site and one Category B tree group (G3) and two Category C tree groups (G1 and G2).
21. The report has identified a number of trees which require removal or remedial works. GMEU advise no objections to these recommendations and therefore have no objections to the recommended tree works proceeding. Subject to appropriate conditions it is considered that the application is acceptable in terms of arboricultural considerations and in this regard the application would accord with Policies G6 and G7 of the RCS.

### **Ecology and Biodiversity**

22. The application has been supported by a Preliminary Ecological Appraisal (PEA) which includes a desktop study of the surrounding area. The PEA identified a number of nearby protected ecological sites including the Rochdale Canal SAC/SSSI, Hopwood Woods Local Nature Reserve, Lords Wood SBI, Hopwood Clough SBI and the Glad and Oaken Bank Woods SBI. The PEA found that with suitable measures, included within the scheme such as a combination of temporary fencing and measures provided to intercept drainage off site, the proposed development would not have a detrimental impact on neighbouring protected sites.
23. The PEA identified a number of habitats including Marshy Grassland with occasional stands of Himalayan Balsam. The edges of the site comprise of poor quality semi-improved grassland with small areas of scattered scrub. Adjacent to the site are areas of broadleaf woodland and running water. The PEA advises that with suitable protective measures and restoration of the site after use to Marshy Grassland, the development of the site is acceptable. GMEU agree with the conclusion and consider that ecological mitigation and enhancement measures for the loss of marshy grassland can be dealt with via a suitably worded condition.
24. The PEA identifies a number of waterbodies in close proximity to the application site with evidence to indicate that Great Crested Newts are still present in the area. The Applicant has adopted to go down the district level licensing (DLL) route, working on the assumption that the Great Crested Newts are present in the ponds in the area and providing funds to enable appropriate levels of mitigation and enhancement in lieu of carrying out detailed surveys and trapping out of the site. The approval of the licence to develop the site and receipt of a mitigation payment by the Applicant will allow the development of the site without the need to delay the programme. GMEU has recommended that the application can be determined prior to the issuing of a formal certificate as they consider that it is feasible to provide adequate mitigation to conserve the favourable conservation

status of this species. In this respect the Applicant has obtained an indication from Natural England that the development proposal is eligible to use DLL and have issued an Impact Assessment and Conservation Payment Certificate (IACPC). This confirms the Applicant's eligibility and intention to enter DLL. Notably, the IACPC is not itself a license to carry out works which impact on Great Crested Newts and after the Applicant has received planning permission, they will still need to apply to Natural England for the formal DLL. The Applicant cannot undertake works that are reasonably likely to impact Great Crested Newts, until they have received this license from Natural England. As such, a Grampian condition has been recommended by GMEU.

25. The PEA considered the impact of the development on a range of additional species including rare or protected plants, invasive species, invertebrates, reptiles, bats, birds, badgers and other mammals. The PEA recommends a number of measures such as the safe removal of Himalayan Balsam, the reinstatement of marshy grassland habitat following development and standard precautionary working methods when clearing the site. The PEA concludes that, with the imposition of planning conditions to reflect the above, the development would not result in unacceptable harm to protected species or habitats.
26. As a result of the above recommendations of the PEA and comments from GMEU, a Construction Environmental Management Plan (CEMP) has been submitted which covers protection of Trub Brook and the SBI, details reasonable avoidance measures for protected and priority species and the treatment of Himalayan Balsam from the site. GMEU agree with the preventative and mitigation measures and recommend a condition approving the CEMP, including a condition to clarify the surface water strategy.
27. Overall GMEU has no objection to the conclusions of the PEA. They recommend approval of the CEMP and subject to appropriate conditions in relation to DLL, avoidance of works during the bird nesting season, and a condition requiring mitigation and enhancement for the loss of marshy grassland, it is considered that the application is acceptable in terms of ecological considerations and would accord with Policy G7 of the RCS and RUDP Policy NE/2.

### **Flood Risk and Drainage**

28. The site is partly within Flood Zone 1, whilst the south western corner is within Flood Zone 3 and accordingly a Flood Risk Assessment (FRA) has been prepared. However the FRA concludes that the flood risk for the entire site to be lower due to the significant levels between Trub Brook and the application site of circa 5-6m. Accordingly, the FRA concludes that the risk zone for the entire application site is Flood Zone 1. The proposed development falls within the 'More Vulnerable' category of development in the NPPG which is considered

compatible with Flood Zone 1. The FRA concludes that flooding from other sources including tidal, groundwater, surface water, sewers and drains and reservoirs are low.

29. The FRA notes that there are no recorded public sewers within the site boundary. The nearest public sewers to the site are located approximately 200m to the east of the site within Rochdale Road. A private chamber located to the south-west corner of the site collects surface water before discharging off site to the Trub Brook, west of the site. There are also private foul and surface water drains serving the sports pavilion located approximately 75m south of the site boundary.
30. As a result of the distances, a separate foul and surface water system has been proposed by the Applicant for Phase 1 of the proposed development only. If Phase 2 is required, the Applicant will submit details of drainage prior to installation of the second temporary classroom and associated infrastructure. Accordingly, a condition has been attached reflecting this.
31. The Council's Drainage Officer has reviewed the submitted information and confirms the report sets out that the proposals will achieve all required technical standards and accord with Policy G8 of the RCS, Policies EM/7 and EM/8 of the RUDP and the NPPF.

### **Environmental Considerations**

32. A Phase II Ground Investigation did not identify any potential contaminants within the application site but recommended the completion of a Coal Mining Report. The latter report found there to be potential for unrecorded shallow coal mine workings at the northern end, which resulted in the proposed development being moved south away from any potential mine workings. The Council's Land Contamination Officer has been consulted and has confirmed that the recommendations within the Phase II Report to produce a Materials Management Plan is acceptable and should be secured via a suitably worded condition.
33. It is noted that the application site is located within a mineral safeguarded area for sand as identified within the Greater Manchester Joint Minerals Plan. The proximity of residential property and the college means that even if sand was present, the safeguarded resources of the mineral would have no realistic prospect of being extracted, notwithstanding the fact that this is a temporary proposal.
34. The application does not fall within an Air Quality Management Area however, it is adjacent to the Greater Manchester Air Quality Management Areas. Accordingly, a Screening Assessment has been produced which has found that the effects of the construction phase would not be significant and will also be temporary. The Council's Air Quality Officer has been consulted and has confirmed that the CEMP and Construction Management Plan (CMP) sets out

appropriate mitigation measures to deal with dust emissions and therefore there are no objections to the proposal from an air quality perspective.

35. With regards to noise, the application has been supported by a Noise Assessment Report which concludes that no mitigation measures will be required for the proposed temporary school but that a noise limit of 93dB LWA for external plant is recommended. The Council's Environmental Protection Officer has been consulted and has confirmed that the submitted Report adequately demonstrated the school building can meet the requirements of BB93 (the acoustic designs of schools – performance standards). As per the recommendation within the Report, a condition relating to external plant noise should be attached. The Officer has also reviewed the CEMP and CMP and is satisfied from a noise perspective.
36. Both documents have also been reviewed by Highway Services who are satisfied that the construction operation is acceptable in respect of highway safety.
37. The application is therefore acceptable in regards to environmental consideration, subject to conditions requiring compliance with the CEMP and CMP, and submission of a further CEMP and CMP prior to commencement of the Phase 2 development. The proposal therefore accords with Policies G9, G10 and DM1 of the RCS, Policy 8 of the Greater Manchester Joint Minerals Plan and the NPPF.

### **Highway Safety**

38. The application site is located within the Middleton Campus site which benefits from a purpose built access from Rochdale Road. Access into the application site will be extended from the existing car parking adjacent to the sports pitches and pavilions. This car park is used predominantly in conjunction with the community uses of the sports pitches and is generally unused during school hours. As such there is no conflict between the use of the car park and the provision of access to the proposed facility.
39. In terms of sustainability, the application site lies on the edge of Middleton and is considered to be a well-connected location with a wide ranging school bus network in addition to adjacent bus stops located on Rochdale Road.
40. The Council's Highway Service has confirmed that the site is capable of accommodating the increased vehicle movements associated with the temporary development and that the access is suitable for a development of this nature. Given the close proximity of the high quality bus route on Manchester Road, Highway Services consider there is adequate parking and have raised no objections. The application is therefore acceptable in regards highway safety and in accordance with Policies T1, T2 and DM1 of the RCS and the NPPF.

### **Very Special Circumstances**

41. As highlighted earlier in this report, the application is considered to represent inappropriate development within the Green Belt. NPPF Paragraph 144 requires that LPAs ensure substantial weight is given to any harm to the Green Belt and 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.
42. The harm in this instance comprises the limited harm to the openness of the green belt and the landscape and visual impacts associated with the development. However, the harm would be localised, temporary for two years and wholly reversible. There would be no permanent effect on the spatial openness, or the five purposes of the Green Belt, including no permanent effects on the landscaping and visual impacts.
43. Following consideration of the application as set out above, there are significant benefits associated with the proposals. Namely, the significant and immediate need for Year 7 places from September 2021 (and going into 2022) which cannot be met in existing schools within the area as they are at capacity. The immediate need for the school places carries great weight in the planning balance (NPPF paragraph 94a)) and comprises very special circumstances to outweigh the harm identified above.
44. Affording substantial weight to the harm to the Green Belt by reason of inappropriateness, limited harm to the openness of the Green Belt and landscape and visual impacts, it is considered that this harm is clearly outweighed by the significant and immediate need for Year 7 school places from September 2021, which attracts great weight. The proposed development is small scale and temporary in nature and therefore the harm to the Green Belt by reason of inappropriateness, and any other harm, including to the landscape and visual impacts, is limited and reversible. Accordingly, the proposed benefits of the scheme are considered to amount to very special circumstances which outweigh the harm that would arise as a result of the proposed development, which are time-limited and reversible.

### **CONCLUSION**

45. Whilst the proposed development amounts to inappropriate development within the Green Belt, it is considered that the temporary classrooms proposed to meet the anticipated shortfall of Year 7 provision from September 2021 is a very special circumstance that clearly outweighs the harm to the Green Belt by reason of inappropriateness, harm to openness and limited harm to the landscape and visual impacts, particularly given the distance between receptors and the



landscape character, including the topography and features within it, and importantly this harm is temporary and reversible. Subject to conditions, the proposal would provide satisfactory mitigation of protected species and nature conservation interests and any disturbance to the surrounding environment during the construction, operational and restoration phase. An appropriate drainage and highway solution has also been proposed.

46. If the committee is minded to grant planning permission, the application must be referred to Secretary of State to comply with the requirement of the Town and Country Planning (Consultation) Direction 2009 as it comprises inappropriate development on land allocated as Green Belt in the adopted plan which consists of the provision of a building or buildings where the floor space to be created by the development is 1,000sqm or more.

### **RECOMMENDATION**

It is recommended that the Planning and Licensing Committee resolves that:

- (i) It is minded to **GRANT planning permission** subject to the recommended conditions listed in this report; and
- (ii) The application be referred to the Secretary of State and, if he is not minded to 'call in' the application for determination, the release of the decision notice be delegated to the Head of Planning.

### **Conditions**

1. This permission is granted for a temporary period expiring on 1<sup>st</sup> August 2023. The buildings hereby permitted and all associated infrastructure shall be removed from the land and the land restored to its former condition on or before 1<sup>st</sup> August 2023 in accordance with a scheme of work to be submitted to and approved in writing by the local planning authority. The scheme of work including a restoration plan shall be in accordance with the general principles of the Construction Environmental Management Plan and the Construction Method Statement for the site, and shall be submitted to the Local Planning Authority on or before 1<sup>st</sup> March 2023. The site restoration scheme shall include a timetable for the completion of restoration works and shall include details:
  - a. To restore the site to marshy grassland in good condition as defined under the Defra metric v2 or any future version or;
  - b. To provide adequate funds and a receptor site identified to create a 0.5ha marshy grassland of high ecological value in good condition as identified in the Defra metric v2 or any future version

The development shall be carried out in accordance with the agreed restoration details and timetable therein.

Reason: The modular building is only required to provide temporary accommodation until the construction of the proposed permanent school in

accordance with section 72 of the Town and Country Planning Act 1990. The restoration plan is required to ensure appropriate measures are put in place to minimise detrimental effects to the neighbouring amenities, the area in general and the natural environment through the risks of pollution and dangers to highway safety, during the removal of the development and in the interests of the visual amenity, ecology, openness and purposes of including land in the Green Belt in accordance with Policies DM1, P3, T2, G4, G8 and G9 of the adopted Rochdale Core Strategy, saved Unitary Development Plan Policy D/4, and the National Planning Policy Framework

2. This permission relates to the following plans:

- Location Plan ref: ADP-00-ZZ-DR-A-0900 P1
- Existing Site Plan ref: ADP-00-ZZ-DR-A-0901 P1
- Topographical Survey of Site as at 08/09/20 ref: GM11383-002 A
- Proposed Site Plan ref: ADP-00-ZZ-DR-A-0950 P1
- Proposed Site Plan – Year 2 Expansion ref: ADP-00-00-DR-A-0951 P1
- Ground Floor Accommodation ref: 32556-PML-B1-00-DR-A-0001 P7
- First Floor Accommodation ref: 32556-PML-B1-01-DR-A-0002 P6
- Elevations Modular Accommodation ref: 32556-PML-B1-00-DR-A-0060 P3
- Roof Plan ref: 32556-PML-B1-DR-A-0003 P2
- Landscape General Arrangement ref: EWATMP-ALA-00-XX-DR-L-0001 S3 P02
- Landscape General Arrangement with Year 2 Option ref: EWATMP-ALA-00-XX-DR-L-0002 S3 P01

The development shall be carried out in accordance with the approved drawings.

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the adopted Rochdale Core Strategy and the National Planning Policy Framework.

### **Design, Landscaping and Trees**

3. The development shall be carried out in accordance with the material details on the approved External Finishes, Elevations Modular Accommodation (ref: 32556-PML-B1-00-DR-A-0060 P3), Landscape General Arrangement (ref: EWATMP-ALA-00-XX-DR-L-0001 S3 P02) and the Landscape General Arrangement with Year 2 Option ref: EWATMP-ALA-00-XX-DR-L-0002 S3 P01 unless otherwise agreed in writing with the Local Planning Authority.

Reason: For the avoidance of doubt and to ensure satisfactory standards of appearance and quality are achieved and that the development protects the character and appearance of the Green Belt and to accord with Policies P3, DM1 and G4 of the adopted Rochdale Core Strategy, Policy G/D/2 of the saved Rochdale Unitary Development Plan and the National Planning Policy Framework.

4. No development or site works shall take place until all trees that are to be retained within or adjacent to the site have been enclosed with temporary protective fencing in accordance with BS:5837:2012 'Trees in relation to design, demolition and construction. Recommendations'. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.

Reason: To ensure adequate protection of trees around the site and to accord with Policy G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

### **Ecology and Biodiversity**

5. No development or site works shall take place until the Local Planning Authority has been provided with either:
  - a. A conservation certificate demonstrating entry into Natural England's District Licensing Scheme for Great Crested Newts; or
  - b. A license issued by Natural England pursuant to Regulation 55, of the Conservation of Habitats and Species Regulations 2017 ( amended on the 1st January 2021 as the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019) authorising the specified activity/development go ahead; or
  - c. A statement in writing from the relevant licensing body or Local Planning Authority to the effect that it does not consider that the specified development will require a license.

Reason: The proposed development is likely to cause harm to Great Crested Newts and mitigation is required in accordance with Policy G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: Mitigation measures will need to be secured prior to commencement of any works, including site preparation works.

6. No ground clearance, tree felling or pruning, hedgerow removal or clearance of vegetation in preparation for or during the course of the development hereby permitted shall be undertaken in the bird nesting season (March - August inclusive) unless an ecological survey has been submitted to and approved in writing by the Local Planning Authority which establishes that no part of the site is utilised for bird nesting. Should the survey reveal the presence of any nesting species, then no development including clearance of trees and shrubs shall take place until a methodology for protecting nest sites during the course of the development has been approved in writing by the Local Planning Authority. Nest site protection shall be provided in accordance with the approved methodology.

Reason: In order to protect birds and their nests and to accord with Policy G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

7. The development of Phase 1, as shown on Proposed Site Plan (ref: ADP-00-ZZ-DR-A-0950 P1) shall be carried out in full accordance with the Construction Environmental Management Plan (ref: GM11383 V2, dated March 2021) and the Construction Management Plan (dated 25/03/2021).

Reason: To protect mammals, amphibians and reptiles; to ensure the satisfactory treatment and disposal of invasive plant species which, under the terms of the Wildlife & Countryside Act 1981 (as amended) it is an offence to be caused to be spread and to limit harm to Hopwood Clough Site of Biological Importance and Trub Brook during the construction of the development in accordance with Policies G7, G8 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

8. No development including site works for Phase 2, as shown on Proposed Site Plan – Year 2 Expansion (ref: ADP-00-00-DR-A-0951 P1) shall commence until a Construction Management Plan (CMP) and Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The approved CMP and CEMP shall be adhered to throughout the construction period for Phase 2.

Reason: In order to ensure that appropriate measures are put in place to limit noise, nuisance and disturbance to the occupiers of neighbouring dwellings and to the natural environment during the construction of the development in accordance with Policies P3, G7, G8 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Reason for pre-commencement condition: As the proposals require ground works and engineering works an understanding will therefore be necessary of what measures will be put in place to protect the amenity of the natural environment, residents and highway safety prior to commencement of any works taking place.

### **Flood and Drainage**

9. The development of Phase 1, as shown on Proposed Site Plan (ref: ADP-00-ZZ-DR-A-0950 P1) shall be carried out in accordance with the Drainage Strategy (Ref: 078440-CUR-00-XX-RP-C-92001 V01).

Reason: To ensure satisfactory disposal of surface water from the site and to protect the ecological status of Trub Brook in accordance with Policies G7, G8 and G9 of the adopted Rochdale Core Strategy, Policy EM/7 and EM/8 of the saved Rochdale Unitary Development Plan and the National Planning Policy Framework.

10. No development including site works for Phase 2 shall commence until a foul and surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme for the development shall be in accordance with the National Planning Policy Guidance (NPPG) hierarchy, in the following order of priority:

- into the ground (infiltration);
- to a surface water body;
- to a surface water sewer, highway drain, or another drainage system;
- to a combined sewer.

The surface water drainage scheme shall be based upon the Flood Risk Assessment and Drainage Strategy Report by Wardell Armstrong (no: 0003 Rev V1.1 – dated December 2020) and shall include:

- A Design that is based upon conclusions of the Drainage Strategy;
- Results of infiltration testing to establish infiltration rates;
- The background calculations of the MicroDrainage® model or any other software or calculations that have been used for the drainage design;
- Details of the use of flow attenuation measures.

The approved scheme shall be implemented prior to first occupation of the Phase 2 classrooms hereby permitted and shall be retained as such thereafter.

Reason: To prevent an increased risk of flooding as a result of the development and to ensure satisfactory disposal of surface water from the site in accordance with Policy G8 of the adopted Rochdale Core Strategy, Policy EM/7 and EM/8 of the saved Rochdale Unitary Development Plan and the National Planning Policy Framework.

Reason for pre-commencement condition: Drainage infrastructure will need to be implemented prior to commencement of above ground works and a scheme therefore needs to be agreed in advance of the same.

## **Environmental**

11. The development shall be carried out in accordance with the recommendations of the Phase II Ground Investigation Report by Turner and Townsend (ref: GM11383 010 V1.0, dated November 2020) and shall include:

- i. Rotary boreholes drilled to confirm the mine setting for the site;
- ii. A Materials Management Plan (MMP) to be submitted to and approved in writing by the Local Planning Authority. The MMP shall contain details of the potential reuse of on-site materials and disposal of material which cannot be used on site.

The development hereby permitted shall be carried out in accordance with the approved MMP and the timescales therein.

No part of the development shall be brought into use until a verification report is submitted to and approved in writing by the Local Planning Authority demonstrating compliance with the recommendations of the Phase II Ground Investigation Report.

Reason: To ensure contamination on the site is appropriately addressed and to accord with Policies DM1 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

12. The development shall be carried out in accordance with the recommendations set out in Section 5 of the Noise Assessment Report, prepared by Turner and Townsend dated October 2020 (Ref: GM11383 009 V1.1).

Reason: To ensure a satisfactory standard of development in accordance with Policy G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

13. With the exception of the external lighting shown on the approved plans, no further external lighting shall be installed on the site unless a scheme for such lighting has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details and retained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason. To prevent habitat disturbance of protected species and to limit visual impacts on the landscape in accordance with the adopted Rochdale Core Strategy Policies P3 and G7 and the National Planning Policy Framework.