

| | |
|----------------------------|---|
| Application Number: | 23/00680/FUL |
| Proposal: | Redevelopment of the site for 50 dwellings together with associated parking, access, internal roads, landscaping, drainage, and all associated works. |
| Site: | Former Mossley Hollins High School, Huddersfield Road, Mossley |
| Applicant: | Cube Homes in partnership with Great Places |
| Recommendation: | Grant planning permission subject to conditions and completion of a section 111 agreement under the Local Government Act 1972 to require the completion of a section 106 agreement. |
| Reason for Report: | A Speakers Panel decision is required because the application is major development. |
| Background Papers: | The planning application documents are background papers to the report. They are open to inspection in accordance with Section 100D of the Local Government Act 1972. |

1. SITE & SURROUNDINGS

- 1.1 The application relates to the site of the former Mossley Hollins School located to the east of Huddersfield Road, Mossley. The school relocated to a new campus to the west of Huddersfield Road in 2011, the site has laid vacant since, with the former buildings being demolished in 2013.
- 1.2 The site extends across an area of 1.9 hectares (ha), whilst the former school buildings have long since been demolished, there is clear evidence of its presence in the form of boundary walls, vehicle entrances, areas of hardstanding and former car parks. Across the site, there are mounds of hard-core associated with the demolition and clearance works. In the intervening years, large areas of the site have also succumbed to self-set vegetation.
- 1.3 There is a fall in levels across the site from east to west resulting in the site occupying an elevated position to Huddersfield Road, from which there are panoramic views across the Tame Valley and Mossley. The site's borders the Moorlands, a large detached dwelling to the north, Buckton Castle Water Treatment Works to the east, agricultural land to the south and Huddersfield Road follows a north / south alignment across the western boundary. A public footpath also runs along the southern and eastern boundaries.
- 1.4 There are numerous facilities and amenities provided within Mossley centre which is located approximately 1 mile to the west. There are bus stops located immediately outside of the site on Huddersfield Road.

2. PROPOSAL

- 2.1 The application seeks full planning permission for a residential development of 50 dwellings. The accommodation split would comprise of 12 x 3 bedroom and 38 x 4 bedroom properties, this would include 38 detached, 4 bedroom properties and 12 semidetached, 3 bedroom properties. The proposals include 7 house types, the largest of which would be 3 storey (split level) in height. 7 of the 3 bed properties (15%) would be affordable with the provision split between 4 units for affordable rent and 3 provided on a shared ownership basis.

2.2 The main vehicle and pedestrian access would be taken via a single priority junction onto Huddersfield Road. A secondary pedestrian and cycle link would also be provided within the south western corner. All of the properties would have a minimum of two parking spaces to their frontage, the 4 bed properties would also have internal garages.

2.3 The application is supported with the following documents:

- Affordable Housing Statement
- Arboricultural Method Assessment & Implications Assessment;
- Biodiversity Impact Assessment;
- Crime Impact Statement;
- Design and Access Statement;
- Drainage Report;
- Ecology (Preliminary) & Biodiversity Metric
- Environmental Sustainability Statement;
- Flood Risk Assessment;
- Geo-Environmental Investigation;
- Ground Remediation Report;
- Noise Impacts;
- Odour Impacts;
- Phase I Geoenvironmental Site Assessment
- Planning Statement;
- Slope Stability Assessment;
- Transport Statement;
- Tree Survey;
- Waste Management Strategy

3 PLANNING HISTORY

3.1 08/00427/R3D – Erection of 750 place school with associated car parking and landscaping – Granted on 11.07.2008.

3.2 12/00176/NDM – Notification of Demolition of School Buildings – Granted on 29.02.2012.

3.3 17/00489/OUT - Outline application for residential development and associated works – Granted on 15.11.2017.

4 PLANNING POLICY

National Planning Policy Framework

4.1 Paragraph 9 of the National Planning Policy Framework (NPPF) states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area.

4.2 Paragraph 11 states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay (as per section 38(6) of the Planning and Compulsory Purchase Act 2004). However, where the development plan is absent, silent or out of date, planning permission should be granted unless the application of policies in the NPPF that protects areas or assets of particular importance, provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

- 4.3 Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Development Plan

- 4.4 The adopted development plan is the Tameside Unitary Development Plan (2004) and the Greater Manchester Joint Waste Development Plan Document (2012). The site is located within the Green Belt.

Tameside Unitary Development Plan (2004)

4.5 **Part 1 Policies**

- 1.3: Creating a Cleaner and Greener Environment;
- 1.4: Providing More Choice and Quality of Homes;
- 1.5: Following the Principles of Sustainable Development;
- 1.6: Securing Urban Regeneration;
- 1:10: Protecting and Enhancing the Natural Environment;
- 1:11: Conserving Built Heritage and Retaining Local Identity;
- 1.12: Ensuring an Accessible, Safe and Healthy Environment.

4.6 **Part 2 Policies**

- OL1: Protection of the Green Belt
- OL3 Major Developed Sites in the Green Belt
- OL10: Landscape Quality and Character
- H1: Housing Land Provision
- H4: Type, Size and Affordability of Dwellings
- H5: Open Space Provision
- H6: Education and Community Facilities
- H10: Detailed Design of Housing Developments
- T1: Highway Improvement and Traffic Management
- T7: Cycling
- T10: Parking
- T11: Travel Plans
- C1: Townscape and Urban Form
- N3: Nature Conservation Factors
- N4: Trees & Woodland
- N5: Trees within Development Sites
- N7: Protected Species
- MW11: Contaminated Land
- MW12: Control of Pollution
- MW 14: Air Quality
- U3: Water Services for Developments
- U4: Flood Prevention
- U5: Energy Efficiency

Places for Everyone

- 4.7 The Places for Everyone Joint Development Plan Document was published in August 2021. It was submitted to the Secretary of State in February 2022 and inspectors are appointed to carry out an independent examination. It is a joint plan covering nine of the ten Greater Manchester districts, including Tameside, and is intended to provide the overarching framework to strategically manage growth across the boroughs.

- 4.8 Paragraph 48 in the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to: the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight may be given); the extent to which there are unresolved objections (the less significant, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).
- 4.9 Places for Everyone has been published and submitted, where examination is on-going. The inspectors have recently issued examination document IN36, which is a 'part one' post hearing note. IN36 states that subject to a number of action points contained therein, the inspectors are satisfied at this stage of the examination that a schedule of proposed main modifications are necessary to make the plan sound and would be effective in that regard. In addition, the inspectors have indicated their position on the proposed allocations and Green Belt additions. Other than consideration of final issues on five specific allocations, or a significant change in national policy, no further action points are likely to be issued before the main modifications are consulted on.
- 4.10 The plan is a material consideration and to date, very limited weight has been given to the policies within it, primarily due to the number of outstanding objections received as a result of previous consultations. However, following the above, it is now reasonable to give a greater degree of weight to the plan, being reasonable within the context of national planning policy.
- 4.11 Places for Everyone cannot be given full weight in planning decisions, as it does not form part of the adopted plan for Tameside. But given the stage reached, it is reasonable to give elements of the plan substantial weight, subject to the inspector's caveat that this is without prejudice to their final conclusions following consideration of responses to consultation on the main modifications later in the examination.
- 4.12 To clarify, IN36 gives a clear steer as to the wording required to make the plan sound. Substantial weight should therefore be applied to the text of the plan as amended by the schedule of main modifications, and not the published version of Places for Everyone.

Other Considerations

- 4.13 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.
- 4.14 The application has been considered in accordance with the Tameside One Equality Scheme (2018-22), which seeks to prevent unlawful discrimination, promote equality of opportunity and good relations between people in a diverse community. In this case the proposed development is not anticipated to have any potential impact from an equality perspective.

5. PUBLICITY CARRIED OUT

- 5.1 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 the application has been advertised as a major development by neighbour notification letter, display of a site notice; and advertisement in the local press.

6. SUMMARY OF THIRD PARTY RESPONSES

- 6.1 Six representations because of the publicity carried out have been received. These are summarised as follows:
- 6.2 Two objections
- Capacity of Mossley's social infrastructure medical services, education are all lacking;
 - Road network is gridlocked;
 - Development too big;
 - Mossley cannot sustain the size of the development; and
 - Will be impossible to get a doctors or dentist appointment.
- 6.3 One support:
- There is a shortage of housing in the local area; and
 - Good use of unused land.
- 6.4 Three representations:
- Use of the public rights of way and the safety of users must not be affected by the development, nor during the work taking place;
 - Concerns about access and maintenance to the Moorlands boundary wall, proposed hedgerow should be replaced with an anti-vandal fence;
 - Side facing windows to the Moorlands should be designed with frosted glass;
 - Impact upon wildlife habitat; and
 - Loss of trees.

7. RESPONSES FROM CONSULTEES

- 7.1 Housing – The Affordable Housing proposed by the developer, being 15% of the scheme is acceptable.
- 7.2 Contaminated Land– Based on the information currently known about the site and contained in the Phase 1 report no objections are raised. Support the recommendations for further site investigations which can be appropriately conditioned.
- 7.3 Education – No objections as no contribution is required as the education needs was met when the school relocated.
- 7.4 Environmental Health – No objections to the proposals subject to conditions relevant to the implementation of identified acoustic mitigation measures, control on construction hours, provision of electric vehicles charging points and application of dust suppression methods.
- 7.5 Environment Agency – No objections raised. Advise that the developer applies the waste hierarchy during the development.
- 7.6 Greater Manchester Ecology Unit (GMEU) – No objections on ecology grounds, comment that; the site has remained unused and unmanaged for some years and as a result is developing some scattered scrub vegetation, this is not identified as being high-value habitat. Provide the following advice if permission is to be granted:
- No vegetation clearance required to facilitate the scheme should take place during the optimum time of year for bird nesting (March to August inclusive), unless nesting birds have been shown to be absent by a suitably qualified person.
 - A precautionary survey of the site and surrounds for Badgers should be undertaken prior to any site clearance or groundworks commencing.

- A Method Statement should be required to be prepared giving details of reasonable measures to be taken during any site clearance or groundworks to avoid any possible harm to reptiles, amphibians and small mammals
- The invasive plant cotoneaster has been recorded on the site. I would advise that this plant is disposed of responsibly, in accord with current best practice

The biodiversity net gain calculation provided to inform the application indicates that although there will be a loss in area-based habitats, there will be a significant gain in linear habitats (hedgerows). GMEU would accept this trade-off, providing that other biodiversity enhancement measures are included in the scheme. For example, the provision of bat roosting boxes, bird nesting boxes and hedgehog houses. GMEU would advise that the Landscape Plans for the site are amended to include these features.

- 7.7 Green Spaces – Contribution of £62,500 to fund improvements to play and amenity provision at Egmont Street Park and the Roaches/Tame Valley Way. In addition, a LAP is required on site which will be secured via a planning condition.
- 7.8 Greater Manchester Archaeological Advisory Service (GMAAS) – Historic maps from at least the mid-19th century show that the majority of this site was undeveloped until construction of the school and its grounds in the 1970s. Activity related to construction of the school, development of the site, and its subsequent demolition around 2012 will have removed any potential for the survival of archaeological remains pre-dating historic mapping. On this basis, there is no reason to seek to impose any archaeological requirements upon the applicant.
- 7.9 Greater Manchester Police (GMP) – Support the application. Recommend that the development is constructed as per the recommendations set out in section 4 of the Crime Impact Statement.
- 7.10 Highways – No objections subject to conditions. Satisfied that the proposed access/egress from the development onto Huddersfield Road is satisfactory and meets the LHA requirements for max gradients and the TMBC visibility splays standards from the development have been met. Comment that the vehicle trips generated by the development are acceptable. The site would be anticipated to generate around 22 vehicles per hour during either peak hour, equating to around one additional vehicle every 3 minutes on average during the highway peak hours.

Development would require the decommission of former bus stop and removal of redundant vehicles access points to Huddersfield road. Local Footpath should also remain unobstructed throughout the development. Recommend section 106 funding is secured to address following:

1. £4,500 upgrading the existing footway between Huddersfield Road and The Limes
2. £12,000 for a pedestrian island on Huddersfield Road
3. £2,500 for upgrade to pedestrian crossing facilities at Winterford Road/Huddersfield Road Junction (Tactile paving/white lining)
4. £8,500 or upgrades to PROW's in the vicinity of the development.

- 7.11 Lead Local Flood Authority (LLFA) – No objection to the submitted drainage strategy subject to recommend conditions.
- 7.12 Mossley Town Council – Considered the application on the 6 September 2023 and comment as follows:
1. Whilst having no objection in principle to the development of the site for residential purposes, the development proposes unimaginative housing with poor site layout. The Planning Statement refers to application 17/0048/OUT. This outline only referred to an

indication of a potential layout and specifically said that this was only included for illustrative purposes. That was for an indicative 41 units. The site does have its difficulties, but given the nature of the topography and the area, the Council believes that should not be an excuse for poor urban design, overdevelopment and completely missed opportunity for a more considered, design led approach, rather than another "off the peg" commercial design. This is not town planning and design which is well considered and site relevant and does nothing to enhance the town in this prominent location. Even amongst the proliferation of developments around the area, this is a site which will be one of the most telling to the residents of Mossley. Getting it this wrong will be unforgiveable.

2. The Town Council understands that the developer is a provider of social housing but the development does not include any housing for rental.
3. The Town Council requests that the developer provides that a proportion of the development will be made available for social and affordable housing and that these elements of the scheme be made available as a priority and occupied prior to the more commercial aspect of the development. The application does not refer to or follow the Tameside Housing Strategy, 2021- 2026 where requirements around this are laid out.
4. The Town Council requests that 'green' environmental issues should be incorporated into the development including electric vehicle charging facilities, facilities for cycling and storage and recycling facilities.
5. The statement says that consultation was carried out, but the Town Council did not receive any communication on this. We suggest that the applicant produces more evidence of this consultation.
6. The statement says that there is no Neighbourhood Plan. The Town Council is currently preparing a Neighbourhood Plan and although it is not completed, the process is engaged with Tameside MBC.

The agent provided a response to the Town Council following their objections to the scheme, the Town council however still wishes to object to the application.

- 7.13 Peak Northern Footpath Society - Note that the PROWs Mossley 15 & 16 are close to the proposed site. Use of the PROWs, and the safety of users must not be affected by the development, nor during the work taking place.
- 7.14 Public Rights of Way Officer – The applicant's attention is drawn to the existence of Public Footpath MOS/15/10 + MOS14/10 and MOS/16/20, which run adjacent to the site. No development should take place which affects this right of way in the absence of an appropriate closing or diversion order.

The LHA require a pedestrian/cycle link to the Footway of Huddersfield Road from the South West end of the site to allow pedestrian access via the shortest route to encourage active travel. The LHA require a pedestrian/cycle link to the existing public footpaths that run along the southern and eastern boundaries of the site to add to the network and encourage their use.

The site is within easy cycling distance of the Pennine Bridleway, Roaches Trail and the Huddersfield Narrow Canal which all form cycle routes for leisure or commuting purposes. Cycle parking at the properties should be confirmed to meet levels as set within the relevant planning guidance. There is an expectation that all walking and cycling infrastructure should meet or exceed the standards as set out within the Greater Manchester Interim Active Travel Design Guide (March 2021).

- 7.15 Sport England – No objections to the proposals.
- 7.16 Sustrans – No objections

7.17 Transport for Greater Manchester (TfGM) – No objections raised to the accompanying transport statement. Advise that any off-site mitigation is agreed with the LHA. Comment that:

- Any redundant vehicle access points which served the former site should be reinstated as continuous footway to adoptable standards.
- Footway resurfacing and renewal undertaken as appropriate.
- Tactile paving and dropped kerbs should be installed across both sides of the site access points and at junctions within the site.
- Ensure the provision of 2-metre-wide footways throughout and surrounding the development.
- Cycle parking provision should be provided within the site curtilage of the dwelling houses.

7.18 Tree Officer – The majority of trees that require removal to facilitate the development are low value scrub vegetation, that have self seeded in the time the site has not been in use. Other trees to be removed can be adequately mitigated for within the context of the development. The plans indicate sufficient new planting to achieve this.

Recommendation: The proposal is acceptable from an Arboricultural perspective, with tree protection measures in place as per the submitted AIA. The recommended special surfacing should be utilised in areas where hard surfacing encroaches into root protection areas of retained trees.

7.19 United Utilities – Remove their initial objection subject to recommended drainage condition.

7.20 Waste Services – The number of bins for each property is fine. However, concerns are raised about where the bins will be presented for collection for some of the properties. Some properties have shared access driveway, therefore the bins would need to be presented for collection on the pavement, where the road ends. This also means, these properties leaving bins outside other properties. Advise that the developer confirm where they intend for the residents of the properties to present their bins for collection.

8. ANALYSIS

8.1 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.

8.2 Paragraph 219 of the NPPF 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.

8.3 The NPPF states that a presumption in favour of sustainable development should be at the heart of every application decision. For decisions on planning applications this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:-
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - specific policies in the Framework indicate development should be restricted.

9. PRINCIPLE OF DEVELOPMENT

- 9.1 The majority of the site is allocated as Green Belt, where saved policy OL1 of the UDP is the starting point. This policy is broadly consistent with NPPF paragraph 149 in setting out exceptions to inappropriate development and in what circumstances development in the Green Belt may be acceptable. There are some limited inconsistencies with the exact tests of the Framework, however the policy remains broadly consistent in matters material to the application and should be given full weight.
- 9.2 The site is designated as a major developed site within the Green Belt, policy OL3 is aligned to infill development of such sites. Whilst not explicitly listed within the policy the supporting text does reference national guidance at the time (PPG2), whereby limited infilling or redevelopment of existing developed sites, identified in an adopted development plan, is listed as a category of appropriate development within the Green Belt.
- 9.3 The National Planning Policy Framework (NPPF) states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, the essential characteristics being their openness and their permanence.
- 9.4 Paragraph 149 of the Framework is clear that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt. However, it goes on to identify exceptions to this, which includes at subparagraph (g): 'Limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
- not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority'.
- 9.5 The principle of redeveloping the site for residential purposes was previously established in the granting of outline planning permission under reference 17/00489/OUT, although this permission has since expired. For the purposes of paragraph 149(g) Annex 2 of the NPPF provides the following advice on previously developed land (PDL); *'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape'*.
- 9.6 In terms of a judgment against PDL/Para 149(g) the intervening years since the previous planning approval has undoubtedly seen areas of self-set vegetation become more established, however, overall there have been no fundamental changes in the circumstances of the site, and there remains clear evidence in the form of access infrastructure, hard surfacing, boundary treatments and rubble piles which clearly evidence the previous use, and establish the site as previously developed.
- 9.7 In recognition that the site constitutes PDL, the principle of its redevelopment is acceptable against the policy framework subject to any proposals suitably demonstrating that they would not have a greater impact or cause substantial harm to the openness of the Green Belt.
- 9.8 The matter of openness was also assessed on the previous outline approval, consideration was given to a housing layout and density which is not too dissimilar to that which is now proposed. The opportunity to re-purpose what is otherwise a derelict site on relatively

prominent thoroughfare is material to the planning assessment. It is recognised that the site is defined by strong boundaries, particularly to the west, north and east, in this regard development would largely present itself as infill, consistent with previous assessments. Given that the former school has been demolished and that the proposals relate to an alternative use policy OL3 there are no immediate issues raised to suggest that the proposals would be unduly harmful to the openness of the Green Belt.

9.9 The principle of redeveloping the site for residential purposes was established following its grant of outline planning permission reference 17/00489/OUT. Whilst this permission has lapsed, there has been no material change to the site, the surrounding area, or the Development plan which would prejudice the same conclusion being reached now. It is considered that the principle of residential development of the site is acceptable.

10. DESIGN & LAYOUT

10.1 The UDP, NPPF and the guidance of the adopted residential Design Guide SPD are clear in their expectations of achieving high quality development that enhances a locality and contributes to place making. The Framework emphasises that development that is not well designed should be refused where it fails to take into account local supplementary planning documents (para. 134).

10.2 Policy RD22 of the adopted SPD applies specifically to infill development it advises that:

- Plot and boundary widths should align with the surrounding street.
- Scale and mass of dwellings should align with their surroundings.
- Architectural styles and materials should generally align with the existing.
- Development must follow an existing building line and orientation, particularly at road frontage.
- Ensuring privacy distances are achieved.
- Proposals should not land lock other potential development sites.
- Development should provide appropriate outdoor amenity space, parking & access.

10.3 Policies C1 and H10 seeks to ensure that developments are designed to respect their surroundings and contribute positively to the character of the area, having particular regard to the layout, density, design, scale, height, massing, appearance, materials and landscaping prevalent in the area. New development should be compatible with the local character and encourage local distinctiveness through the use of appropriate and high-quality building materials, architectural detailing and boundary treatment.

10.4 The properties would take a traditional layout with them being sited with an active frontage to the highway based on two cul-de-sacs. The cul-de-sacs terminate at private drives, they would be designed to provide a pedestrian friendly, traffic calmed, environment. The layout and form mirrors that of the established pattern of development of the existing housing stock in area, which includes clearly defined linear streets and also includes 3 storey accommodation.

10.5 The proposed layout is formed from good urban design practice, creating a logical extension to the urban settlement boundary, and a development which provides an appropriate density for its locality. Access into the site is taken from the western side of Huddersfield Road, in the form of a new junction, which will be constructed to adoptable standards. The existing wall along Huddersfield Road will be retained/removed and replaced with low wall and railings along Huddersfield Road. A green buffer will sit behind this, along the western boundary, grading up to the development platform where a hedge is proposed. In addition, a landscape buffer is proposed along the northern boundary.

- 10.6 Dual aspect properties are orientated to provide active frontages to all streetscapes. Dwellings that are located on corner plots at street intersections are to be articulated to define the corner, and provide active interfaces on both sides.
- 10.7 Where levels are at their steepest in the north east of the site, bespoke split level house types are proposed to enable usable gardens to their rear. Rear gardens are proposed to be tiered with low retaining walls used with steps to create a split garden.
- 10.8 The housing mix would comprise of seven different house types within a semi-detached and detached format, this would range from 2 to 3 storeys in height providing a range of 3 and 4 bed accommodation. The design and finish of the properties would observe established urban design principles, as a group the dwellings would provide visual interest. Properties located on corner plots would be dual aspect which reinforces engagement to the street. Feature windows within the elevations provide a more contemporary finish. Furthermore garden sizes would all be well proportioned across all properties.
- 10.9 The scale of development would equate to a density of approximately 26 units per hectare (uph). Recognising the sensitivities of the Green Belt location and the challenging site constraints, it is a highly efficient use of the land which is aligned to sustainable principles of development within accessible urban areas. Overall, the scale of the development, both in terms of the numbers and building heights is appropriate to the local context.
- 10.10 With regard to parking arrangements, the layout does not appear to be overly car dominated. Parking is provided both in front and to the side of dwellings, their dominance/impact is offset by soft landscaping within front gardens as well as planting areas within the site. The highway geometry ensures that there is sufficient capacity within the carriageway to accommodate visitor parking. All of the properties are served with front to rear access which will allow for the storage of bins outside of the public domain and therefore not interfering with public street scene.
- 10.11 Boundary treatments have been defined, but it is proposed that the specifics can be addressed by appropriately worded conditions, being a mixture of treatments with all public facing boundaries being of a suitably quality design. The aim would be to create private defensible space and also to provide a suitable finish to public areas. Where space allows, frontages would support planting in the form of trees and shrubs, this in turn provides a visual benefit by softening the site's overall appearance.
- 10.12 Having full consideration to the design merits of the proposal and the layout of the scheme, the development would deliver an attractive residential environment which would enhance the existing area. The scale and density of the development is reflective of that of housing within the locality. Overall, the design and layout should successfully assimilate with the existing housing stock, whilst providing good quality family housing. It is therefore, considered that the proposal adheres to the objectives of the Framework, UDP policy H10 and the adopted SPD which stress the importance of residential development being of an appropriate design, scale, density and layout.

11. RESIDENTIAL AMENITY

- 11.1 The adopted policies within the Council's Residential Design Guide Supplementary Planning Document strive to raise design standards; they should be applied along with the criteria of Building for Life (BFL). Good design is aligned to the delivery of high residential amenity standards. This should reflect equally on the environment of existing residents as well as that of future residents. Paragraph 130(f) of the NPPF states that development should seek to provide a high standard of amenity for existing and future users alike. This is reflected in policy H10 and the recommendations of the Residential Design Guide SPD, which seek to ensure that all development has regard to the amenity of existing and proposed properties.

- 11.2 The design has considered the minimum privacy and sunlight distances set out within Policy RED2 of the Residential Design SPD. The proposed layout has been designed so that distances are maintained as per the requirements set out in the SPD. Beyond the site, the closest property to existing neighbours is to the north at The Moorlands and west of the site across Huddersfield Road. These neighbours are at a considerable distance (a minimum of 30m) from to the nearest proposed housing, which is in excess of the minimum guidelines within the Residential Design SPD.
- 11.3 Two house types are proposed along the northern boundary. The split level house type has blank gable ends, with no windows. The F house type includes two small windows on the gable end which are onto non-habitable rooms. These elevations create a sense of privacy, and will ensure the residential amenity of the existing properties is retained.
- 11.4 Within the site, the proposed layout positions the dwellings facing away from each other when in close proximity. This is to maintain adequate separation distances between dwellings, and ensure privacy for all residents.
- 11.5 Disruption from the development would be mainly attributable to the construction phase. A construction environment management plan (CEMP) can be secured via a planning condition to ensure best practice measures are employed and overall disturbance is kept to a minimum, sites access is isolated form existing properties so associated vehicle moment from construction traffic should not be readily discernible. Environmental Health have no objections to the proposals in their consultation response.
- 11.6 With regard to the amenity that will be afforded to the residents of the development, it is of note that four of the property types are marginally below the technical housing standards, however three of the property types exceed this threshold. It is considered that all of the proposed dwelling types are of a good size and standard of accommodation. As such, the impact on the amenity of the future occupier is considered acceptable. The close proximity of the site to Mossley town centre, existing areas of open space, transport links, nearby local amenities and employment opportunities means that residents would also benefit from an acceptable standard of access to local services.

12. HIGHWAYS AND ACCESS

- 12.1 UDP policy T1 requires all developments to be designed to improve the safety for all road users. Likewise, paragraph 111 of the NPPF confirms that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 12.2 The site already has an established vehicle entrance which is located directly off Huddersfield Road however this will be closed off and a new access is proposed further north along Huddersfield Road. The location of the proposed site access has been carefully considered in light of the topographical changes within the site and the highway. A simple priority T-junction is proposed together with 6m radii, a 5.5m wide carriageway, a 2m wide footway to both sides of the road and visibility splays of 2.4m x 56m in either direction. This access is satisfactory and meets the requirements of the Local Highway Authority (LHA) for maximum gradients and visibility splays standards. The road would terminate as a cul- de-sac off which private drives would serve several individual plots.
- 12.3 The development of the proposed site access will require the decommissioning of bus stop EH4516. It has been agreed that there is no suitable and safe relocation point for EH4516 and as the other bus stops (EH4517, 4518 and 4522) already serve the same bus routes to EH4516 and are to remain, therefore the decommissioning the EH4516 bus stop would be acceptable. The LHA require a green travel plan to be produced for the development, with

the objective of reducing reliance on the private car, particularly single occupancy use. The travel plan should be designed to raise awareness of opportunities for reducing travel by car and should feature a range of measures and initiatives promoting a choice of transport mode, and a clear monitoring regime with agreed targets. In order to encourage sustainable journeys to mitigate the traffic impact of the development, incentives should be offered to encourage home owners to use public transport and active travel modes through measures such as concessionary bus fares, discounted cycles, journey planning etc. through the travel plan.

- 12.4 The LHA and TfGM are satisfied that the vehicle trips generated by the development are acceptable. The site would be anticipated to generate around 22 vehicles per hour during either peak hour, equating to around one additional vehicle every 3 minutes on average during the highway peak hours. The submitted Transport Assessment further demonstrates that on a 10 year growth factor, junctions within the vicinity of the development capacity assessment show that the junction arrangements as proposed would operate with significant spare capacity during both peak hours with minimal queues and delays. Therefore the LHA and TfGM are satisfied that based on the information provided, the residual cumulative impact on the road network would not be severe.
- 12.5 The LHA also comment that the access arrangements are suitable to protect all road users. The road within the development would be designed to ensure that vehicle speeds are low throughout the development. Adopted roads within the development would be treated with tarmac with private driveways block paved. In line with the maximum standards of the adopted SPD on parking all of the properties have at least 2 off street parking spaces. The position and orientation of the properties ensures that parking spaces are accessible and would also have good surveillance.
- 12.6 There are public rights of way (Public Footpath MOS/15/10 + MOS14/10 and MOS/16/20), which run adjacent to the site. The footpaths would benefit from upgrading to promote sustainable modes of transport and further strengthen the applicant's commitment to mitigating the reliance on vehicular transport as identified in the green travel plan. These works would involve a mix of improvements with the majority involving signage at the start /end points as well as way marking along the route, but also there are several locations where improvement works could be made to existing stiles by replacing them with gates in order to make the routes more accessible for all, or for fencing to be replaced to protect against hazards. A contribution of £8,500 for upgrades to PROW's in the vicinity of the development could be secured by a section 106 agreement.
- 12.7 A planning condition is proposed to secure carriageway improvement to the sites access on Huddersfield Road, this would include the resurfacing of the carriageway and footways to facilitate pedestrian movements, and impress low speeds on approaching vehicles, a raised table is proposed.
- 12.8 In recognition of the above issues, the development has appropriately demonstrated that safe and convenient access can be achieved to meet all highway users' requirements. The disruption associated with traffic during the construction period can be managed in a viable manner to ensure minimal disruption would occur during the temporary period. Once operational, the associated traffic movements from the site would not be significant and there would remain appropriate capacity on the local network. Safety would not be compromised and future residents would have direct access to public transport. The proposals would be in compliance with the requirements of T1, T7, T10 and T11 and NPPF paragraph 111.

13. DRAINAGE AND FLOOD RISK

- 13.1 The site is in flood zone 1 and is therefore considered to be at a lower risk of flooding. The proposals would see the removal of existing vegetation, and whilst gardens and soft

landscaping areas would be incorporated as part of the design, there would nonetheless be an increase in hard surfacing across the site. Hard surface areas would be positively drained via dedicated surface water drainage, this would ensure overall runoff levels are comparable to greenfield rates.

- 13.2 Site investigations and the submitted '*Flood Risk Assessment & Outline Drainage Strategy*' confirm that infiltration would not be suitable at the site; drainage would therefore need to be addressed via an attenuated system into the existing sewer network. Sustainable drainage options that are recommended within the submitted drainage strategy include the use of water butts, permeable paving and oversized pipes to restrict surface water flows from the site to the necessary pre-development greenfield runoff level.
- 13.3 The comments raised by the LLFA and UU in their review confirm that the sites drainage can be adequately addressed via a condition. Such a condition will ensure that the design and drainage strategy would be adequate for the site and that the proposals would not result in a detrimental impact on flood risk or drainage capacity within the locality.

14. GROUND CONDITIONS

- 14.1 The site falls outside of the Coal Authority's defined Development High Risk Area. As such, a coal mining risk assessment is not required.
- 14.2 The Environmental Protection Unit (EPU) has reviewed the '*E3P – Phase 1 Geo-Environmental Site Assessment – Former Mossley Hollins High School – March 2023 – Ref: 15-374-R1 Rev 2*' report. As part of their preliminary risk assessment, the applicant has undertaken detailed desk study investigations (including a review of the sites environmental setting and historical development) and carried out a site walkover survey. Based on this (and in line with current guidance) they have produced a preliminary conceptual site model identifying potential sources of contamination and ground gas on site and in the surrounding area, pathways and receptors and potential pollutant linkages. Potential sources of contamination and ground gas include made ground and asbestos from the former buildings on site. Based on the findings of the preliminary risk assessment, the applicant has advised that intrusive investigations should be undertaken to confirm the conceptual site model.
- 14.3 Based on the information currently known about the site and contained in the phase 1 report, the EPU has no objection to the proposed development from a contaminated land perspective. In line with the recommendations made by E3P it is advised that intrusive investigations be undertaken at the site in order to determine the risks posed by contamination and ground gas. As such, a contaminated land condition will be attached to the planning approval in order to ensure all potential risks posed by contamination and ground are fully investigated and where necessary, remediated during the development of the site. Therefore, there are no objections raised to the proposals subject to recommended conditions. The conditions recommended by the EPU are considered reasonable and necessary to ensure that future users of the proposed development would not be exposed to potential risks caused by contamination at the site.
- 14.4 Consultation with the Contaminated Land Officer confirm that subject to the safeguarding of conditions, there are no reasons why the site cannot be redeveloped for residential purposes.

15. LANDSCAPING, TREES & ECOLOGY

- 15.1 Paragraph 174 of the NPPF states that the planning system should contribute to and enhance the natural and local environment. A full tree survey has been undertaken of the site along with an extended habitat survey.

- 15.2 An Arboricultural Implications Assessment and Arboricultural Method Statement has been prepared by Mulberry and accompanies the application submission. The existing tree survey data, presented within **Appendix 1** of the report, has assessed, and graded each on-site tree as either B, C (retention) or U (removal) in accordance with British Standards BS5837:2012. It is noted that there are no protected trees on site.
- 15.3 It has been identified that a mix of category B and category C tree groups are currently present on-site. Several existing trees within the site will be removed to facilitate development and engineering works. The Council's Arboricultural Officer has confirmed that the majority of trees that require removal to facilitate the development are low value scrub vegetation, that have self seeded in the time the site has not been in use. Other trees to be removed can be adequately mitigated for within the context of the development. The plans indicate sufficient new planting to achieve this and the loss of the trees will be mitigated through an appropriate ratio of replacement tree planting. New trees will be strategically positioned across the site to create visual interest and contribute to on-site bio-diversity. This amount is considered appropriate compensation against existing tree loss.
- 15.4 The submitted method statement confirms how trees to be retained will be protected during the construction phases of the proposed development. This includes the protection of the belt of protected trees to the north, which are located outside of the development site, but their root protection areas would be within the application site. This will be achieved through ground protection, and use of special construction methods which is deemed acceptable by the Arboricultural Officer.
- 15.5 The proposals have been considered by GMEU who are supportive with the site appraisal as well as the approach to on-site biodiversity enhancements and whilst the biodiversity net gain calculation report provided indicates that there will be a loss in area-based habitats, there will be a significant gain in linear habitats (hedgerows) which is accepted. Conditions will control the overall level of planting across the site as well as the provision of any bat and bird boxes including hedgehog houses. Subject to this requirement, the proposals are considered to be in accordance with the requirements of policy N4, N5 and NPPF paragraph 174.

16. DEVELOPMENT CONTRIBUTIONS

- 16.1 The scale of the development constitutes a major development, as such there would normally be a requirement to meet affordable housing (15%), green space and highways contributions as per the requirements of policies H4, H5 and T13 of the UDP.
- 16.2 NPPF Paragraph 57 advises that planning obligations must only be sought where they meet all of the following tests: a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.
- 16.3 NPPF Paragraph 58 advises: *'It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.'*
- 16.4 Paragraph 65 of the NPPF identifies that all major residential developments (those of 10 units and above) should include the provision of affordable housing. This is below the threshold identified by policy H5 which set a threshold of 25 units. The Housing Needs Assessment

identifies an expectation of provision of 15% of units on an affordable basis. The glossary of the NPPF provides a definition of affordable housing.

- 16.5 The applicant has confirmed that they would be agreeable to 15% of the proposed units being provided as on-site affordable housing, therefore meeting the requirement of policy H4 and paragraph 65 of the NPPF. This provision will be secured through a condition should the application be approved.
- 16.6 Notwithstanding the affordable housing matters above, since the scale of the development constitutes a major development, it would also trigger potential requirements for green space and highways contributions as per the requirements of policies H5 (open space) and T13 (highways) of the Development Plan. The following commuted sums are required to satisfy mitigation measures linked to the proposals: green space - £62,500 to fund improvements to play and amenity provision at Egmont Street Park and the Roaches/Tame Valley Way. In addition a LAP will be provided on site which will be conditioned.

Highways contributions are required for £27,500 which is broken down as follows:

1. £4,500 upgrading the existing footway between Huddersfield Road and The Limes
2. £12,000 for a pedestrian island on Huddersfield Road
3. £2,500 for upgrade to pedestrian crossing facilities at Winterford Road/Huddersfield Road Junction (Tactile paving/white lining)
4. £8,500 or upgrades to PROW's in the vicinity of the development

- 16.7 These commuted sum payments are considered to satisfy the requirements of the Community Infrastructure Levy Regulations (CIL for their use since they are considered to mitigate against the impacts likely to be caused by the proposals.
- 16.8 Noting that 50no. units are proposed, the application falls within the threshold for education contributions (25). However, contributions towards such are not sought as the education needs was met when the school relocated from the site to a new site opposite Huddersfield Road.

17. OTHER MATTERS

- 17.1 Noise: A noise assessment has been submitted and the assessment has highlighted that noise affecting the development is largely transport based by traffic noise from the busy 'B' road known as Huddersfield Road, to the western boundary, and plant equipment noise from the Buckton Water Treatment Works, to the eastern boundary. The EHO is satisfied that a suitable standard of amenity level can be achieved subject to the inclusion of a condition for the implementation of the noise mitigation measures recommended in Echo Acoustics Noise Assessment. Residential use is fully compatible with the local established character, there is no reason why existing residents amenity should be impacted upon negatively from the development.
- 17.2 Heritage: There are no recorded assets within the vicinity of the site which the proposals could have an influence upon. Consultation with GMAAS also confirms that the proposed development does not threaten any known or suspected archaeological heritage.
- 17.3 Security: The application has been accompanied by a Crime Impact Statement that has also been reviewed by GMP who have no objection to the proposal, subject to implementation of the recommendations, the security of the future occupants and neighbouring properties would be adequately met. The layout ensures there is good levels of passive surveillance over public and private areas.

17.4 Mossley Town Council: As referenced in section 7.12 of the report above the Mossley Town Council have objected to the application. The comments submitted have been taken into account and considered however relating to the proposed site layout, amendments have been made to the house types, along with the landscaping and boundary treatment proposals in response to Officer's comments as part of the consideration of the application. Regarding affordable housing, the affordable housing provided by the developer is policy compliant. The Town Council have requested "green" environmental initiatives to be incorporated into the development. I can confirm the following 'Green Environmental initiatives' have been incorporated into the development:

- Electric vehicle charging points will be provided for each dwelling.
- Cycle storage will be provided in the rear gardens.
- Each property will benefit from a bin storage area which will include provision for recycling.
- Hedge Planting.
- Tree Planting.
- Bird/Bat Boxes.

It is acknowledged that the Town Council is preparing a Neighbourhood Plan, however given its preliminary stage of preparation, only very limited weight can be afforded to this in the decision making process. As outlined above, the proposal has been designed to comply with the Council's policy and guidance for new residential development, along with national policy.

18. CONCLUSION

18.1 At the heart of the NPPF is a presumption in favour of sustainable development, this requires planning applications that accord with the adopted development plan to be approved without delay, and where the development plan is absent, silent or out of date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework as a whole or specific policies in the framework indicate that development should be restricted.

18.2 A balanced assessment has been undertaken of the proposals and it is recommended that the application should be approved having regard to the relevant policies of the development plan, national planning policy and guidance and all material considerations raised.

18.3 The site is previously developed land which detracts from the locality in its current capacity. It is located within a highly accessible location within a well serviced suburb, the proposals would represent an efficient use of urban land. Given the prevailing residential nature of the locality residential represents the preferred land use for its redevelopment. The redevelopment of the site would bring about a number of benefits including:

- Appropriate redevelopment of previously developed land;
- Valued contribution to housing in a period undersupply;
- Environmental improvements;
- Offsite infrastructure contributions; and
- Construction/employment opportunities.

18.4 The proposals would be readily compatible with the housing development that is established within the locality. The scale and design of the development is deemed to be appropriate in that it would not give rise to any adverse environmental or amenity issues. The development would add to and contribute to much needed, good quality family housing. This would also accord with the requirements of policy H2 which promotes the redevelopment of previously developed sites for residential purposes.

- 18.5 The design creates a positive and welcoming residential environment. The dwellings would make a positive contribution to the local housing stock, in accordance with core principles of the NPPF.
- 18.6 Taking into account the relevant development plan policies and other material considerations, subject to the identified mitigation measures, it is not considered that there are any significant and demonstrable adverse impacts that would outweigh the benefits associated with the granting of planning permission. The proposals represent an efficient re-use of a largely previously developed site that would meet sustainability requirements, and contribute positively to the borough's affordable housing supply.

RECOMMENDATION:

That Members resolve to grant planning permission for the development subject to:

- Completion of an agreement under s111 of the Local Government Act 1972 to require the applicant to enter into a planning obligation under s106 of the Town and Country Planning Act 1990 (as amended) upon acquisition of the site from the council.
- The planning obligation referred to above to secure financial contributions to highway and green space infrastructure to the satisfaction of the Borough Solicitor;
- Discretion to refuse the application appropriately in the circumstances where a S106 agreement has not been completed within six months of the resolution to grant planning permission; and

The following conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission.

Site Location Plan Dwg Ref: 21023_00 -
Proposed Site Layout Plan Dwg Ref: 21023_01 Rev: F
Landscaping Scheme General Arrangement Dwg Ref: 001 Rev: F
Boundary Treatments Layout Plan Dwg Ref: 21023_03 Rev: D
Boundary Treatments Details Plan Dwg Ref: 21023_4 - Rev: A
Illustrative Site Layout Dwg Ref: 21023_02 Rev: F
Illustrative Street Scenes Dwg Ref: 21023_05 - Rev: A
Illustrative Site Sections Plan Dwg Ref: 21023_06 - Rev: A
House Type Split Level Floor and Elevations Plans Dwg Ref: 21023_HT_02 - Rev: A
House Type 3B5P Floor Plan and Elevations Dwg Ref: 21023_HT_07 -
House Type C+ Floor Plans and Elevations Dwg Ref: 21023_HT_01 -
House Type D Floor Plans and Elevations Dwg Ref: 21023_HT_03 - Rev: A
House Type E+ Floor Plans and Elevations Dwg Ref: 21023_HT_04 - Rev: A
House Type F Floor Plans and Elevations Dwg Ref: 21023_HT_04 -
House Type J Floor Plans and Elevations Dwg Ref: 21023_HT_06 -
Outline Drainage Arrangement Dwg Ref: 100 Rev: G

Preliminary Ecological Appraisal Report Prepared By E3P dated March 2023 Ref: 80-635-R1-2
Phase 1 Geo-environmental Site Assessment Prepared By E3P dated March 2023 Ref:15-374-R1 Rev 2
Arboricultural Impact Assessment Prepared By Mulberry dated 4 September 2022 ref: TRE/FMHSR/Rev C
Arboricultural Method Statement By Mulberry dated 4 September 2022 ref: TRE/FMHSR/Rev C
Biodiversity Metric Report Prepared By E3P dated March 2023. Ref: 80-635-R2-3
Landscape and Visual Assessment Prepared By Land Studio Dated August 2022 Ref: 240_MHS_0001_G
Flood Risk Assessment & Outline Drainage Strategy Prepared By Brennan Consult dated 6 March 2023 Ref: 2719 Rev. D
Slope Stability Technical Note Prepared By Brennan Consult dated 16 August 2022 Ref: 2719 TN 001 Rev A
Noise Impact Assessment Prepared By Echo Acoustics dated 3 March 2023
Odour Impact Letter Prepared By Air Quality Consultants Dated 17 August 2022
Waste Management Strategy Prepared By Eden Planning
Construction Environmental Management Plan Prepared By Casey CEMP
Transport Statement Prepared By SCP dated March 2023 Ref: WB/210705/TS/Final - Updated
Crime Impact Statement Prepared By Greater Manchester Police, Designforsecurity dated 27 July 2022 Ref: 2008/0416/CIS/01 Version : A
Affordable Housing Statement Prepared By Great Places Housing Group dated November 2023.

Reason: In the interests of the visual amenities of the locality and in accordance with UDP Policies and relevant national Planning Guidance.

3. Notwithstanding any description of materials in the application, no construction works, other than site clearance and site compound set up, shall take place until samples and/or full specification of materials to be used: externally on the building; in the construction of all boundary walls, fences and railings; and, in the finishes to all external hard-surfaces have been submitted to, and approved in writing by, the local planning authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the locality, in accordance with polices H10: Detailed Design of Housing Developments, OL10: Landscape Quality and Character and C1: Townscape and Urban Form

4. No development, other than site clearance and site compound set up, shall commence until a remediation strategy, detailing the works and measures required to address any unacceptable risks posed by contamination at the site to human health, buildings and the environment has been submitted to, and approved in writing by, the Local Planning Authority (LPA). The scheme shall be implemented and verified as approved and shall include all of the following components unless the LPA dispenses with any such requirement specifically in writing:
 1. A site investigation strategy based on E3P's Phase 1 Geo-Environmental Site Assessment, March 2023, Ref: 15-374-R1 Rev 2 detailing all investigations including sampling, analysis and monitoring that will be undertaken at the site in order to enable the nature and extent of any contamination to be determined and a detailed assessment of the risks posed to be carried out. The strategy shall be approved in writing by the LPA prior to any investigation works commencing at the site.

2. The findings of the site investigation and detailed risk assessments referred to in point (1) including all relevant soil / water analysis and ground gas / groundwater monitoring data.
3. Based on the site investigation and detailed risk assessment referred to in point (2) an options appraisal and remediation strategy setting out full details of the remediation works and measures required to address any unacceptable risks posed by contamination and how they are to be implemented.
4. A verification plan detailing the information that will be obtained in order to demonstrate the works and measures set out in the remediation strategy in (3) have been fully implemented including any requirements for long term monitoring and maintenance.

Reason: To ensure any unacceptable risks posed by contamination are appropriately addressed and the site is suitable for its proposed use in accordance with paragraph 183 of the National Planning Policy Framework.

5. Upon completion of any approved remediation scheme(s), and prior to occupation, a verification / completion report demonstrating all remedial works and measures detailed in the scheme(s) have been fully implemented shall be submitted to, and approved in writing by, the LPA. The report shall also include full details of the arrangements for any long term monitoring and maintenance as identified in the approved verification plan. The long term monitoring and maintenance shall be undertaken as approved.

If, during development, contamination not previously identified is encountered, then the Local Planning Authority (LPA) shall be informed and no further development (unless otherwise agreed in writing with the LPA, shall be undertaken at the site until a remediation strategy detailing how this contamination will be appropriately addressed and the remedial works verified has been submitted to, and approved in writing by the LPA. The remediation strategy shall be fully implemented and verified as approved.

Reason: To ensure any unacceptable risks posed by contamination are appropriately addressed and the site is suitable for its proposed use in accordance with paragraph 183 of the National Planning Policy Framework.

6. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing 2719/100, Rev G Dated 24/11/2023 which was prepared by Brennan Consult. For the avoidance of doubt surface water must drain at the restricted rate of 13.1l/s to the UUMH3211.) Foul and surface water shall drain on separate systems. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding, in accordance with UDP policy U3 Water Services for Developments and Section 14 NPPF.

7. Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall

be completed at the developer's expense in accordance with a scheme to be approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety, in accordance with UDP PolicyT1: Highway Improvement and Traffic Management.

8. Construction of the highway, as per the plans approved under condition 2, shall not take place until a scheme of highway construction has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of:-

1. Phasing plan of highway works.
2. Surface and drainage details of all carriageways and footways.
3. Details of the works to the reinstatement of redundant vehicle access points as continuous footway to adoptable standards following the completion of the construction phase.
4. Details of the areas of the highway network within the site to be constructed to adoptable standards and the specification of the construction of these areas.
5. Details of carriageway markings and signage.

No part of the approved development shall be occupied until the approved highways works have been constructed in accordance with the approved details or phasing plan and the development shall be retained as such thereafter.

Reason: In the interest of highway safety, in accordance with UDP PolicyT1: Highway Improvement and Traffic Management.

9. Notwithstanding the submitted Construction and Environmental Management Plan (CEMP). An updated CEMP shall be submitted prior to the commencement of development, and must cover the following issues and any other matters the local planning authority reasonably requires:

- Location of off street parking facilities at an early phase of the development, shown on a phasing plan, along with evidence, in the form of a tracked drawing, that the largest vehicle proposed for the site can enter and leave in a forward gear.
- Proposals for the removal of the bus shelter on Huddersfield Rd prior to the construction phase of the development.
- Location of the wheel washing facilities/hard standings must be shown on a plan, along with the proposals to intercept runoff water discharging onto the adopted highway.

Development of the site shall not proceed except in accordance with the approved method statement which shall be adhered to at all times.

Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with UDP Policies H10: Detailed Design of Housing T1 Highway Improvement.

10. The approved development shall not be occupied until a travel plan for the development has been submitted to and approved in writing by the Local Planning Authority and has been brought into operation. The approved travel plan shall be operated at all times that the development is occupied and shall be reviewed and updated on an annual basis in accordance with details that shall be outlined in the approved plan. The travel plan and all updates shall be produced in accordance with current national and local best practice guidance and shall include details on the method of operation, appointment of a Travel Plan

Coordinator/s, targets, infrastructure to be provided, measures that will be implemented, monitoring and review mechanisms, procedures for any remedial action that may be required and a timetable for implementing each element of the plan.

Reason: In the interest of promoting use of public transport and reducing environmental impact, in accordance with UDP Policies T1: Highway Improvement and Traffic Management and T11 Travel Plans.

11. Development shall not commence until details of all highway retaining structures have been submitted to and approved in writing by the Local Planning Authority and the development shall then be carried out in strict accordance with the approved details.

Reason: In the interest of highway safety, in accordance with UDP Policy T1: Highway Improvement and Traffic Management.

12. A clear view shall be provided at the junction of the proposed access road into the development with Huddersfield Road. Its area shall measure 2.4m metres along the centre of the proposed access and 56 metres along the edge of the roadway in Huddersfield Road. It must be kept clear of anything higher than 0.6 metre/s above the edge of the adjoining roadway or access, on land which you control.

Reason: In the interest of highway safety, in accordance with UDP Policy T1: Highway Improvement and Traffic Management.

13. Details of a scheme to provide bus stops on Huddersfield Road & Winterford Road to Transport for Greater Manchester's 'Quality Bus Corridor' standard shall be submitted to and approved in writing by the Local Planning Authority. The upgraded bus stop/s shall have a raised boarding platform, carriageway markings, crossing point and bus shelter, unless otherwise agreed. No part of the development shall be occupied until the bus stops have been provided in accordance with the approved details.

Reason: To ensure that the development is accessible by public transport and occupiers and visitors to the development are encouraged to use public transport in accordance with UDP policy T1: Highway Improvement and Traffic Management.

14. Prior to the first occupation of the development hereby approved an electric vehicle charging design shall be approved in writing by the Local Planning Authority and shall be retained as such thereafter. which complies to the requirements listed below:-

The specification of the charging points installed shall:

- i) be designed and installed in accordance with the appropriate parts of BS EN 61851 (or any subsequent replacement standard in effect at the date of the installation);
- ii) have a minimum rated output of 7 kW, measured or calculated at a nominal supply voltage of 230VAC;
- iii) be fitted with a universal socket (known as an untethered electric vehicle charge point);
- iv) be fitted with a charging equipment status indicator using lights, LEDs or display;
- v) a minimum of Mode 3 or equivalent

Reason: In the interest of sustainability to promote sustainable travel in accordance with UDP policy T1: Highway Improvement and Traffic Management and to ensure that the impact of the development in relation to air quality is adequately mitigated in accordance with MW14 Air Quality.

15. Prior to occupation, details of proposals to provide cycle storage for the development (which shall be in the form of a covered and secure cycle store) shall be submitted to and approved in writing by the Local Planning Authority. The secured cycle storage arrangements shall be implemented in accordance with the approved details prior to the occupation of each dwelling and shall be retained as such thereafter.

Reason: To ensure that safe and practical cycle parking facilities are provided so as to ensure that the site is fully accessible by all modes of transport in accordance with UDP Policies T1: Highway Improvement and Traffic Management, T7 Cycling and T10 Parking.

16. During demolition/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 Holidays.

Reason: To protect the amenities of occupants of nearby properties/dwelling houses in accordance with UDP policies 1.12 and E6.

17. The noise mitigation measures recommended in Echo Acoustics Noise Assessment shall be implemented in full and shall be retained thereafter. Written proof shall be provided to the Local Planning Authority that all mitigation measures have been implemented in accordance with the agreed details.

To protect the amenities of future occupants from external noise in accordance with UDP policy H10.

18. Dust suppression equipment in the form of sprinklers or water bowsers shall be employed at the site at all times. During periods of hot or dry weather water suppression shall be undertaken at regular intervals to prevent any migration of dust from the site. All surface water run off associated with the equipment shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway at any time.

Reason: In the interests of air quality and local residential amenity in accordance with MW14: Air Quality.

19. The development hereby approved shall be designed and constructed in accordance with the recommendations and specification set out in section four of Crime Impact Statement, ref: 2008/ 0416/ CIS/ 01 dated 27/ 07/ 2022, unless otherwise agreed in writing by the Local Planning Authority, and the agreed measures shall be retained and maintained thereafter.

Reason: In the interests of crime prevention and community safety, having regard to UDP Policy H10 and the National Planning policy Framework.

20. No above ground construction work shall begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the

definition of affordable housing in Annex 2 of NPPF or any future guidance that replaces it. The scheme shall include:

- i) The numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 15% of housing units;
- ii) The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) The arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] (if no RSL involved) ;
- iv) The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To meet identified housing need in accordance with UDP policy H5 and paragraph 65 of the NPPF.

21. Prior to the occupation of the 25th dwelling a scheme for the provision of a Local Area for Play (LAP) shall be submitted to and approved in writing by the local planning authority. The scheme shall include full management responsibilities and maintenance schedules and a programme for installation. The approved details shall be implemented in accordance with the agreed timetable for installation.

Reason: To ensure that adequate and convenient provision is made for children's play in accordance with UDP Policy OL6 Outdoor Sport, Recreation and Play Space Developments.

22. The development hereby approved shall be designed and constructed in accordance with the landscaping plan submitted "*Landscaping Scheme General Arrangement Dwg Ref: 001 Rev: F*", unless otherwise agreed in writing by the Local Planning Authority, and the agreed measures shall be retained and maintained thereafter.

Reason: In the interests of the visual amenities of the locality, in accordance with UDP Policy C1 Townscape and Urban form , OL10 Landscape Quality and Character and H10 Detailed Design of Housing Developments.

23. All planting, seeding or turfing comprised in the approved details of landscaping plan "*Landscaping Scheme General Arrangement Dwg Ref: 001 Rev: F*", shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the visual amenities of the locality, in accordance with UDP Policy C1 Townscape and Urban form. OL10 Landscape Quality and Character and H10 Detailed Design of Housing Developments.

24. The recommendations as identified within the submitted Arboricultural Impact Assessment and Arboricultural Method Statement (Prepared by Mulberry TRE/FMHSR/Rev C dated 4th September 2022) including the tree protection measures and the recommended special surfacing areas shall be implemented

in accordance with the above details and retained thereafter for the lifetime of the development.

Reason: To protect visual amenity and the character of the area and to ensure a satisfactory environment having regard to UDP Policies N4 and N5.

25. No works to trees or shrubs shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.

Reason: In the interests of biodiversity in accordance with policy N7: Protected Species.

26. A scheme for the Biodiversity Enhancement and Mitigation Measures comprising of bird and bat boxes including hedgehog houses shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the local planning authority) the approved measures shall be retained thereafter.

Reason: In the interests of biodiversity to ensure sufficient protection is afforded to wildlife in accordance with policy N7: Protected Species.

27. No development including site clearance shall commence until a survey and assessment of the application site has been carried out to establish the presence or otherwise of any species protected under the provisions of the Conservation (Natural Habitats etc.) Regulations 1994 (As Amended) has been undertaken. The survey shall be undertaken in accordance with a methodology which has first been submitted to and approved in writing by the local planning authority and shall include recommendations for mitigating the effects of the development on any protected species identified. A copy of the survey shall be submitted to the local planning authority within one month of its completion and any mitigation measures recommended shall be incorporated into the development before it is occupied.

Reason: The site may support species protected under part 1 of the Wildlife and Countryside Act 1981 (as amended), the Protection of Badgers Act 1992, the Habitat Regulations 1994 or other legislation which is required to be protected and not unduly disturbed in accordance with UDP Policy N7: Protected Species.

28. No development shall take place until a scheme for the eradication of Cotoneaster has been submitted to and approved in writing by the local planning authority and scheme has been implemented.

Reason: To safeguard and enhance the natural environment and biodiversity of the Borough and to ensure that invasive species are adequately controlled/removed from the site appropriately, in accordance with the requirements of UDP Policy N3: Nature Conservation Factors.