

<b>Application Number:</b>	18/00159/OUT
<b>Proposal:</b>	Outline application for proposed residential development (with means of access to be considered, all other matters reserved).
<b>Site:</b>	Land to the west of Huddersfield Road (between Hey Farm Estate And Mossley Hollins High School), Mossley
<b>Applicant:</b>	Trustees of Mrs E Bissill's Marriage Settlement Reversionary
<b>Recommendation:</b>	Grant planning permission subject to conditions and completion of a section 106 agreement.
<b>Reason for Report:</b>	A Speakers Panel decision is required because the application is major development.
<b>Background Papers:</b>	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 land directly to the east Huddersfield Road in Mossley. The site is roughly rectangular in shape and covers an area of just under 13 hectares (ha). Public right of way (PRoW) MOS/50/10 crosses the site from a central point on the eastern boundary to the southwest corner. Strong borders define the site, as Huddersfield Road extends along the full length of the eastern boundary, it sits above a stone built retaining wall which at its highest is in the region of 4m, Hey Farm housing estate is located to the north, and Mossley Hollins High School is located to the south. The western boundary includes the Puddle Clay Pits Site of Biological Interest (SBI) beyond which is the Huddersfield Canal Site of Special Scientific Interest (SSSI) which is also within the Green Belt boundary.
- 1.2 Levels fall across the site fall from east to west and also to the south western corner, the fall being approximately 50 metres (m). The site is undeveloped, it comprises of largely open grassed areas used for grazing under a tenancy agreement, scrub vegetation and various pockets of trees. There are several small watercourses which cross the site from east to west, the western boundary is very wet and there are localised marshes and ponds.
- 1.3 There is a gated access taken from a highway layby located on Huddersfield Road, this access is also immediately adjacent to the PRoW which crosses the site diagonally to the southwest corner and joins Tame Valley Way. Localised ground re-profiling has been undertaken at this current site access to facilitate farm vehicle access; this appears to comprise the upfilling of the site with made ground to provide a ramped access track down into the wider site area.
- 1.4 Huddersfield Road is served with a bus service, the nearest stop is located to the south of the site opposite Mossley Hollins School. Services and employment opportunities within Mossley are found to the west and south west, these are accessible from the public footpath network accessed from Tame Valley Way.

## **2. PROPOSAL**

- 2.1 This planning application seeks outline permission for residential development including details of access of the allocated housing site H1(12). Details of appearance, layout, scale and landscaping are reserved; however, an indicative layout drawing has been submitted

with the application, which shows a development of 175 dwellings. The property types include a mixture of apartments, townhouses, semi-detached and detached dwellings ranging between 2 and 4 bedrooms in size.

2.2 The site would be accessed via a new priority junction located approximately 100m north of the current field access. The main vehicle and pedestrian entrance would be designed to TMBC highway standards, it would include a dedicated right turn in pocket for south bound traffic travelling on Huddersfield Road. A further pedestrian entrance would be located in the south-eastern corner within the vicinity of Mossley Hollins school. The indicative layout is not for approval, but is provided for information. It does however, address site constraints, it includes an internal 'loop' road form which access would be provided to a series of cul-de-sacs.

2.3 The indicative layout shows that development would be constructed across approximately two thirds of the site, the body of housing would be within the central and eastern areas. The western area would be retained as an area of managed open space. This would include an amendment to the current SBI boundary and the provision of dedicated drainage ponds. It also proposed to reroute public footpath - FP/50/10 along a central alignment to connect with the Tame Valley Way which runs along a north/south alignment across the western boundary. A footpath diversion application would follow any grant of planning approval.

2.4 The application is supported with the following documents:

- Arboricultural Impact Assessment;
- Coal Mining risk Assessment;
- Crime Impact Statement;
- Drainage Report;
- Drainage Strategy;
- Ecological Assessment;
- Ecology Mitigation Assessment;
- Environmental Sustainability Statement;
- Flood Risk Assessment;
- Framework Travel Plan;
- Geo-Environmental Investigation;
- Ground Remediation Report;
- Habitat Management Plan;
- Parameters Plan;
- Planning Statement;
- Slope Stability Assessment;
- Transport Assessment;
- Tree Survey;
- Utilities Report.

### **3 PLANNING HISTORY**

3.1 No previous planning applications have been recorded at the site.

### **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 allocated as a Housing Development site (H1/12) and part of the western boundary is within an SBI.

#### 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**

- H1 (12): Housing Land Provision – Land Between Hey Farm and Micklehurst Estates
- H4: Type, Size and Affordability of Dwellings
- H5: Open Space Provision
- H6: Education and Community facilities
- H10: Detailed Design of Housing Developments
- OL4: Protected open Space
- T1: Highway Improvement and Traffic Management
- T7: Cycling
- T10: Parking
- C1: Townscape and Urban Form
- N2 Locally Designated Nature Conservation Sites.
- N3: Nature Conservation Factors
- N5: Trees within Development Sites
- N7: Protected Species
- MW11: Contaminated Land
- MW12: Control of Pollution
- 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 (3 occasions), display of a site notice; and advertisement in the local press.

## **6. SUMMARY OF THIRD PARTY RESPONSES**

- 6.1 A total of 543 representations have been received as a result of the above, including 512 objections, eight letters of support and 23 neutral comments. In addition to this, a detailed report has been prepared by the residents of Hey Farm Estate (Submission no.3), objecting to the development on sustainability grounds in addition to specific concerns of residents. The objections are summarised as follows:
- 6.2 General concerns that the development would conflict with
- Land Use Policy
  - Development is too big
  - Loss of sun/day lighting/overshadowing
  - Noise/hours of operation
  - Out of character
  - Sets a precedent
  - Traffic/parking matters
  - Visual amenity.
- 6.3 Land Use
- The land is Green Belt and should be protected.
  - Population growth and disproportionate growth within Mossley over the last 30 years within 25% increase in the number of dwellings, investment within essential infrastructure has not kept pace unlike within other wards within Tameside.
  - Development will create urban sprawl/
  - Aggressive unwanted overdevelopment of the site.
  - Development density could be increased on subsequent applications above that currently proposed.
  - Mossley cannot cope with the scale of development.
  - Brownfield sites such as the former Mossley Hollins school should be developed first.
  - Loss of valuable greenspace.
  - Mossley is in danger of becoming a large housing estate on the outskirts of Manchester.
  - Last remaining green oasis on the side of the valley.
  - Misleading conclusions within the supporting information about economic, social and environmental benefits.
  - The development would not meet the needs of the Mossley community.
  - Cumulative impacts of this and other developments are having a catastrophic impact upon the residents of Mossley.
  - The development does not meet the needs of local people for example those who cannot afford to purchase a property.
  - The site will dramatically change the feel and unique nature of Mossley.
  - The character of Mossley is at a tipping point to being permanently damaged.
  - Development does not address affordable housing needs.
  - The land is unstable and should not be developed.
  - The dwellings will be out of the price range for a great deal of local people.
  - Development will drive up prices forcing more people to leave the town.
  - The development equates to an extra 1392 persons living in the area. This would represent an increase of 12.75% of the population of Mossley. (Population 10,921 - source 2011 Census).

- Mossley is becoming the Saddleworth of Tameside and yet I am not seeing the equivalent investment in the town OMBC puts into Saddleworth.
- Far too many housing developments within the town.

#### 6.4 Traffic

- Development will cause chaos on an already very busy road.
- Huddersfield is prone to accidents.
- Additional vehicles will conflict with children attending Mossley Hollins.
- Will create safety issues / hazards for existing road users.
- Existing speed limits are not observed and sight lines onto Huddersfield Road are restricted.
- It is likely a road will be proposed that connects Cote Lane with the proposed development.
- The entrance would be located on one of the most dangerous points of Huddersfield road.
- Development will encourage short cutting through Cote Lane.
- Additional standing traffic at the Royal George junction will stretch back past Lower Hey Lane causing poor air quality.
- Additional cars will result in more double parking within the town.
- Existing traffic calming is inadequate the addition vehicles will add to this problem.
- The road is always in a poor state of repair and any debris which is washed down the road from above Hey Farm blocks up the drainage grids and causes potholes.
- Development will aggravate congestion, degrade the safety of pedestrians and cyclists
- The properties will have a minimum of 3 vehicles each.

#### 6.5 Social Infrastructure

- No capacity at existing doctors or dentists for the extra residents, the health infrastructure cannot cope with the scale of housing, further demands will result in further dissatisfaction amongst patients.
- All local schools are at capacity
- Mossley Hollins was built for 750 pupils it oversubscribed and is now struggling with over 900 pupils.
- The close proximity of the site to Mossley Hollins will preclude children from other areas of Mossley.
- The impacts upon education and health services cannot be mitigated by section 106 payments.
- The development would put further strains on a social health care.

#### 6.6 Biodiversity / Wildlife

- Loss of essential wildlife habitat will have a lasting detrimental impact.
- Development could pollute the Huddersfield Canal and River Tame.
- The site is an SBI and home to many important habitats the partial loss of the SBU will be significantly detrimental to biodiversity.
- Site is greenfield and of a high biological importance.
- Mossley has lost far too many greenspaces this proposal will add to local deficiencies.
- Land is used by lots of species including deer which often graze there.
- Far too many greenspaces being lost in Mossley.
- Long-term damage to the Huddersfield Canal SSSI.

#### 6.7 Drainage Infrastructure

- The site is a soakaway for water that flow off the hills, local housing estates suffer from flooding the proposals will add to this problem by increasing run-off.
- The application does not adequately address the issue of surface water run-off, failed culverts and underwater springs, which blight the area.
- The application does not address the impact of 1300+ individuals being added to an already failing sewage system.

- There have been repeated floods within the area; the land is not suitable for development.
- United Utilities records will show that Hey Farm estate suffers greatly from sewage back up due to the inadequate fall of the foul network on the estate. Adding a further 177 houses to the sewage network will not help.
- The Canal and River Trust and the Local Lead Flood Authority have objected previously.
- The development will impact the water table resulting in more localised flooding.

#### 6.8 Residential Amenity

- Owners of properties on Cote Lane and Meadow Close will be overshadowed and lose views.
- Large scale disruption during the construction phase is likely, which will adversely affect not only nearby residents, but the students of Mossley Hollins school as well.
- Loss of privacy to existing residents.

#### 6.9 Green spaces

- Mossley has seen a significant reduction in its Greenspaces as a result of recent developments across the town.
- The site is well used for recreational purposes including walking and bird watching.
- Green spaces which break up clusters of housing development have been particularly prone to being developed.
- The Council cannot decide unilaterally to reduce the area of an LGS so as to accede to a planning application without proper public consultation with the local community as part of the update to the local plan (the UDP). Similarly, the Council cannot agree to an area of LGS being bisected by groundworks to lay piping and paths, or to have a balancing pond constructed as part of the planning application without the same public consultation and update to the UDP.

#### 6.10 Other

- There are no suitable amenities within walking distance.
- Train services are crowded there is insufficient capacity on the network to provide travel for the influx of residents.
- Inappropriate to develop the site as the conditions are too boggy to be developed.
- The train station car park operates at capacity from 7am in the morning.
- The geography of the town does not lend itself to so much development with only one interconnecting road and bottlenecks at each end.
- The number of bus services within Mossley have been drastically reduced and is not an attractive alternative to the private car.
- The development does not constitute sustainable development.
- Abandoned houses should be developed first before greenfield sites.
- Additional vehicles will result in poorer air quality. Mossley residents are more prone to respiratory ailments due to the local climate.
- The Council does not listen to Mossley residents and is just interested in Council tax receipts.
- The proposed development would have a negative / adverse visual impact on the landscape and locality.
- Reduction in property values to existing residents.
- The proposed development would have a major detrimental effect visually on the character of the local area changing it from an appearance of semi-rural to one of urban.
- Strongly object to the positioning of the electricity substation and access point right next to existing residents with astronomical noise levels.

#### 6.11 Contamination

- The land is contaminated with old industrial waste including asbestos and therefore not suitable for development.

#### 6.12 Neutral

- There is a national housing crisis therefore it is essential new homes are built, however they need to be affordable. Green space also needs to be provided if the target audience for purchase is young families. Local residents who are opposing are claiming it's because the area is in a flood plain. If that's the case, I entrust correct safety measures are put into place. Yea I agree with the comments not enough provisions with education, health etc. but we have to accept we are in a housing crisis, too many people are in temporary accommodation due to lack of available housing. The population is growing too quickly which is not down to particular authorities but is a whole country issue.

#### 6.13 In Support

- Mossley needs more housing to meet demand.
- There is a severe shortage of homes available and homelessness is rising daily. Using land available to build homes absolutely makes sense as long as these homes are affordable to everyone.
- More and more people are finding it harder to get a house. Hopefully these will be at an affordable price for everyone.
- Great for the community, good housing for my children.

### 7. RESPONSES FROM CONSULTEES

- 7.1 Cadent – Confirm that there is a medium pressure gas main located along the western boundary of Huddersfield Road. Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.
- 7.2 Canal & River Trust (CRT) – No objection, confirm that they are satisfied that the surface water drainage will not impact upon the Huddersfield Canal. The drainage strategy would see surface water outfall into the River Tame via a culvert owned by the CRT, approval for which will need to be agreed. Recommend that if the Council is minded to approve the application that full drainage details and management responsibilities should be secured by a condition in addition to a construction environment management plan.
- 7.3 Contaminated Land – No objections subject to recommended conditions requiring site investigations undertaken prior to development, should on site contamination be found this would need to be appropriately remediated.
- 7.4 Environment Agency – No objections. Confirm that the application's Phase 1 Desk Study demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Recommend a condition that any sources of contamination are appropriately remediated.
- 7.5 Environment Health Officer – No objections, make recommendation for a planning condition controlling construction working hours and that an Air Quality impact assessment is submitted with Reserved Matters when the quantum of development is fixed.
- 7.6 Education – No objections. Comment that the projected demand of this development set against declining pupil numbers in the area can be accommodated within the schools in the area. Mossley Hollins High School has struggled to accommodate the increased numbers in the communal areas of the school such as dining areas and halls. There is a project currently outstanding due to a lack of capital resource to expand the dining facilities available within the school a contribution of £50k to address this would provide much needed capacity to the school.



- 7.7 Greater Manchester Ecology Unit (GMEU) – No objections subject to conditions. Confirm that Ecologists from the unit have visited the site in 2018, 2021 and July 2023. Satisfied that the impacts upon the Huddersfield Canal SSSI can be mitigated by a CEMP, conditioning of drainage details, management of greenspace. In terms of encroachment into the SBI whilst quantitative compensation can't be achieved a qualitative contribution to biodiversity compensation could be achieved. Recommend that the implementation of the habitat management plan is undertaken under close supervision of an Environmental Clerk of Works.
- 7.8 Green Spaces Manager – No objections, would request that onsite play facilities are provided as part of a detailed design and that contributions are made toward offsite greenspaces including Tame Valley Way / The Roaches, Mossley Park and Egmont Street.
- 7.9 Lead Local Flood Authority (LLFA) – Have undertaken extensive review of the sites drainage proposals. Confirm that they are satisfied with the level of assessment undertaken for an outline application. The indicative proposals follow a SUDS compliant strategy with surface water being managed via existing watercourses (diverted where necessary) and attenuation features, water would then continue to discharge via an existing culvert that passes the Huddersfield Canal into the River Tame. No objection subject to recommended condition which will ensure compliance to the drainage hierarchy.
- 7.10 Local Highway Authority (LHA) – No objections subject to conditions. Development is expected to result in an additional 25 trips in the AM and PM peaks based on comparable developments, they comment that the additional traffic generated by the proposal can be adequately accommodated on the local highway network without any detrimental impact. The access/egress arrangements onto Huddersfield Road would meet design requirements in terms of gradients and visibility splays. Conditions are recommended relevant to details and phasing of highway works, the provision of vehicle and cycle parking, construction management plan and highway condition surveys. Requested that £30,000 is secured as part of a section 106 agreement to fund local pedestrian and cycling improvements.
- 7.11 Mossley Town Council – Object to the proposals having previously stated that they did not wish to adopt a formal view. Town councillors were extremely impressed at the work which has gone into producing a comprehensive and informative document (prepared by residents of the Hey Farm Estate) and encouraged Tameside MBC to fully consider the information included within the report prior to making a recommendation on the application.

The application was reconsidered by the Town Council following a further consultation at the meeting on 12 July 2023. Approximately 50 residents who strongly voiced their concerns about the development attended the meeting. The Town Council asked that their objection is fully reported to the Speakers Panel, their objection is as follows:

- Although the land which is subject to the application is allocated for residential use, that zoning is historic. The Tameside Local Plan is by no means finalised and the residential allocation is not yet confirmed. Indeed the plan has not yet been put out to consultation stage and to grant permission for the development on the basis of a draft plan would be wrong and irreversible.
- The Environmental and Ecological Survey documents accompanying the application is suspect in that it appears to be generic in nature and not tailored to the land which is subject to the application.
- It has always been the assumption that 'brownfield' sites will be developed rather than develop current green space. Looking at not only at the brownfield land available locally in Mossley, (sites off Egmont St, the former Mossley Hollins School site etc), but even within the relatively short radius to include north Stalybridge there are brownfield sites which are still in the planning process; for example, the substantial former Hartshead Power Station site.
- The proposed development will result in overdevelopment and pays little or no regard to additional infrastructure required to accommodate such a significant increase in the local

population. Developers' financial contributions which are to provide some mitigation and enhancement in the fields of highway, greenspace and environment and education, will be unable to satisfactorily compensate and alleviate issues which will arise from this development.

- The proposed development is speculative and does not include an element of affordable housing for which there is a need in the town.
- The proposed development does not incorporate play facilities for the significant numbers of children likely to occupy the number of family designed dwellings proposed.
- The nature of the land gives cause for concern with regard to flooding and drainage in the longer term and will exacerbate existing flooding and environmental issues in the locality particularly being located so close to the Tame Valley. The land takes run off from the hills to the east and there is real cause for concern that the ground conditions cannot support development without compromising and degrading what is already regarded as an area of significant "risk" related to those ground conditions and hydrology.
- The number of traffic movements associated with a development of this size must have a significant and detrimental effect on the existing local highway network particularly at rush hour periods. The location of the proposed development in a semi-rural location with undulating topography does not lend itself to alternative and sustainable forms of transport.
- The development needs to be seen in the context of other potential developments on the same main road link. This cannot be regarded in isolation, although residents are very concerned about local impact, with other proposals at the Hartshead Power Station site (over 300 dwellings in all) would generate a massive increase in traffic along Huddersfield Road, even if primary movements at key times may not all be along this route. The impact of this is not simply on our own community, but on those who share our valley.
- The significant number and type of dwellings proposed must have a detrimental effect on the Town's infrastructure which is already under significant pressure. The ability of education and health services to accommodate this level of development is questionable in the least.
- The Town Council would like to see the comments and rationale for coping with this possible influx from the providers of these services.
- Given the strides forward in the standards of society from the latter part of the 19th Century to now, through housing, planning, education, public health and environmental protection legislation, this level of development not only undermines the principles of this great body of work, it will mean that resources, be they financial or otherwise, allocated to these areas, will be spread much more thinly. This is effectively a backward step.
- Although it may well be argued that the resolution of deficiencies in, say, health care, is a role for government and may be rectified over time, the increased demand for services, which are currently going backwards, should not be tolerated. This is not just about joined up thinking and supply of resources at this time, it's very basic common sense.
- The rich bio-diversity prevalent in the area will be lost for current and future generations.
- A strategy to deal with the increasing number of applications for residential development on a large scale such as this and small infill sites is required to avoid the loss of open greenspace in the town. The Town Council has agreed to formulate a Neighbourhood Plan for the Town in the hope to address this but the plan will take time to formulate. This will have to sit within the new local plan, yet to go to consultation for some time.
- The Council does not refute the general arguments for increasing the housing supply, or addressing any imbalance in types available under any tenure. Indeed, some development of social and affordable units would be welcomed as a priority, but certainly not at this scale.
- The conclusion we have come to is that applications for all but the most modest and socially desirable properties should be deemed to be premature, pending the development of existing brownfield sites and the rational reconsideration of these factors through the development plan process.

- We should not allow detrimental development to be delivered on our doorstep largely because of a lack of development planning to direct it. That is a basic principle of the Town and Country Planning Acts, which we seem to be abandoning to developer led planning.

7.12 Natural England – No objection. Confirm that issues surrounding surface water and construction related impacts can be resolved through a planning condition to ensure protection of the Huddersfield Canal SSSI.

7.13 Oldham MBC – No comments received.

7.14 Public Rights of Way (PRoW) Officer – No objections comment that:

- Definitive Footpath MOS/50 crosses the development site and will need formal diversion under S257 TCPA 1990 if the proposed property layout is to go ahead. This has been referred to in the access statement and proposed plans for the site.
- The diverted alignment of the footpath appears to be proposed as a multi-user track. It would be useful to have full details of this route when available e.g. who will be able to use the route, what will the route be constructed from etc.
- The Old Railway line track to the West of the site could form an alternative route to Huddersfield Road for commuter cyclist traffic. It would seem an ideal opportunity for this track to be improved for cyclists using hybrid and road bikes.

7.15 Tree Officer – No objections. The land is currently a mix of farmland and boggy ground. There are no significant trees within the footprint of the development. The indicative landscape and tree planting plan are appropriate to the outline development plan.

7.16 United Utilities (UU) – No objections subject to details of the site drainage being conditioned in accordance with the drainage hierarchy and that site is drained on separate foul and surface water systems.

## **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 application site is primarily allocated for residential development within the proposals map of the adopted UDP, part of the western boundary does, however encroach within the Puddle Clay Pits site of Biological importance (SBI).
- 9.2 UDP policy H1 relates to Housing Land Provision and includes allocated sites within the Borough. Policy H1(12) relates specifically to the application site which is identified as a phase 2 greenfield site. Policy H1 states that development of phase 2 greenfield sites will be permitted where a 5 year housing land supply cannot be demonstrated. Policy H1(12) acknowledges that in developing the site, proposals need to protect the Puddle Clay Pitts SBI. It also references the need to replace detached playing fields for Mossley Hollins High School. The latter has been addressed under the subsequent rebuilding of Mossley Hollins school and associated playing fields on land to the south of the site. The policy envisages a development of approximately 360 dwellings at a density of 30 units per hectare (UPH). The UDP site allocation was reduced as the new Mossley Hollins High School was developed on part of the allocated site.
- 9.3 Policy N2 (Locally Designated Nature Conservation Sites) states that development will not be permitted which adversely affects a SBI, without proper assessment being made of the of the nature conservation value of the site in relation to benefits of the development. Where loss or damage would occur, and on balance it accepted that the need for the development outweighs the protection of the habitat in situ, it advises that this must be compensated for by habitat re-creation or enhancement of an equivalent or greater area elsewhere. This approach is consistent with guidance within paragraph 180(a) of the Framework, which sets out the need to mitigate against any harm to biodiversity. To clarify, for decision-making purposes, neither policy N2, or paragraph 180, preclude development within SBI's, development can be deemed acceptable subject to review to the habitat to be lost and the adequacy of a compensation package to mitigate this. Matters relevant to the ecological assessment of the site and enhancement are assessed in more details later in the report.
- 9.4 As per the section 38 of the Planning and Compulsory Purchase Act 2004, paragraph 47 of the Framework confirms that planning law requires that applications for planning permission be determined in accordance with the development plan. As a point of clarification, whilst the site is greenfield that has not been developed, where the provisions of OL4 (Protected Green Space) are not applicable in a scenario where the site is otherwise designated for housing development.
- 9.5 The NPPF requires local planning authorities to support the delivery of a wide choice of quality homes in sustainable locations. Paragraph 60 of the NPPF identifies the Government objective to significantly boost the supply of homes, stating that it is important that a sufficient amount and variety of land can come forward where it is needed and that land with permission is developed without unnecessary delay.
- 9.6 The site's potential for residential development is also identified within the Tameside Strategic Housing and Economic Land availability assessment (SHELAA). The SHELAA identifies the site as greenfield with an indicative development threshold of 175 dwellings. However, this is does not mean that planning permission should be granted as it is based on a high level assessment of the site for the purposes of determining housing land supply only.
- 9.7 The Council cannot, at present, demonstrate a deliverable five year supply of housing land. It is therefore recognised that for the purposes of UDP policy H1(12), the greenfield status is not a restriction to its development. In instances of a lack of housing supply, the NPPF is also a material consideration that carries substantial weight in the decision making process. Assuming the development is considered sustainable, the NPPF is clear that where no five-year supply can be demonstrated, the presumption in favour of sustainable development identified at paragraph 11 of the NPPF should be used to determine planning applications. The opportunity to develop the site for 177 dwellings, 15% of which would be affordable,

would make a positive contribution to housing land supply in Tameside, this should be afforded significant weight in the decision making process.

- 9.8 In relation to biodiversity and wildlife interests on the site, assessment is informed in part by the evidence base of ecological surveys, in addition to consultation undertaken with the Arboricultural officer, Ecologists within GMEU and Natural England. The site would not be developed in its entirety with a significant area to be retained and managed in perpetuity as an SBI/managed greenspace. The undeveloped managed area would equate to approximately 4.5 ha, or 37.5% of the development site area.
- 9.9 The development proposals will result in direct land-take of areas within the Puddle Clay Pits SBI. GMEU has reviewed the ecology survey, where it is reported that the condition of the SBI is deteriorating as a result of vegetation succession. The recommendation is that intervention is required in the form of management. Management interventions are capable of maintaining and improving the nature conservation value of the remainder of the SBI. Outside of the SBI boundary there will be new areas of greenspace created, these will generally follow the alignment of the watercourses which cross the site. These new habitats, along with management of the retained areas, would appropriately mitigate the associated impacts of the development, where there would be opportunity to ensure that onsite net gain can be achieved by bringing the retained habitat up to a much improved condition. This in turn would secure the diversification of native flora and wildlife habitat. Management of all natural areas would be addressed by an appropriately worded condition as part of a habitat management plan and further conditions could ensure protection of wildlife during construction. The Arboricultural Officer adds further weight to the planning balance by confirming that an adequate level of mitigation can be secured to compensate for the associated tree cover that would be lost.
- 9.10 With reference to the environmental effect of the development, there would be a clear quantitative loss of natural open space as a result of the proposals. There would, however, remain an adequate supply of this typology within the locality, and in this regard it cannot be demonstrated that supply within the local community would be undermined to the detriment of accessibility standards. The management of the onsite open space would improve accessibility and secure qualitative improvements to local habitats and the site's overall ecological value. The provision of managed amenity space would also help to address the identified deficiency of this typology of open space within the Mossley area.
- 9.11 The site is effectively sandwiched between the Hay Farm Estate and Mossley Hollins High School. There is a public right of way crossing the site which provides wider connectivity to Mossley centre, there is also a regular bus service along Huddersfield Road. The access to services would be directly comparable to that of the neighbouring residents. The access to Mossley town centre means that it is within the catchment of essential services and amenities. The location is accessible and thereby sustainable for planning purposes. The proposals would achieve the three dimensions of sustainability through the contribution to the supply of housing within a sustainable location.

## **10. DESIGN & LAYOUT**

- 10.1 UDP policies, the NPPF and the guidance of the adopted Residential Design Guide SPD are clear in their expectations of achieving high quality developments that enhance a locality and contributes to place making. The NPPF 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 The site is currently undeveloped, is greenfield and is visually attractive, with views into the site achievable from local and far vistas. The loss of these attributes, and to the wider visual and landscape impacts within the Mosley townscape were established when the site was

allocated for housing development in the UDP. The Hay Farm Estate, Huddersfield Road and Mossley Hollins high school provide strong, physical urban features. Development would be contained to the eastern and central areas with an undeveloped green buffer to the western boundary to the Tame Valley. Having regard to the physical characteristics, the development would not appear as encroachment but as infill within the established built environment.

- 10.3 The current application seeks only to establish the principle of a maximum of 177 houses being accessed from Huddersfield Road. Exact details of design, scale, layout and landscaping would need to be submitted under a subsequent reserved matters application, should planning permission be granted. The design would therefore be assessed with full consideration to the adopted Residential Design Guide as well as relevant design chapters of the NPPF. Whilst the layout, design and landscaping of the site are reserved the application is accompanied by an indicative drawing showing how the site could be laid out and landscaped. The plan illustrates that that approximately two thirds of the site would be developed for housing, and its associated infrastructure and the remaining third allocated as open space with associated habitat improvement.
- 10.4 The change in levels across the site will have a significant influence upon the overall layout and design. The topography is addressed within the illustrative layout with dwellings arranged along terraced platforms around an internal 'loop' road. The alignment of the dwellings would not be too dissimilar to the dwellings within the southern area of the Hey Farm Estate which follows a north to south alignment. Properties along the northern boundary to Hey Farm Estate would observe perimeter block principles with their rear gardens butting up to existing properties. Overall properties are shown to engage with the highway to provide active frontages, the elevated nature of the site dictates that they would have a welcoming westerly outlook across the river valley.
- 10.5 As previously detailed, the access would be positioned approximately 100m north of the existing layby that serves Huddersfield Road. This would be a traditional priority junction, which would serve the main spine road serving the development. The indicative plan shows little to no properties within the entrance; the area would be landscaped to provide a strong 'gateway' feature into the development.
- 10.6 Whilst landscaping details form a reserved matter the indicative plan provides a good benchmark to how the development could be set out, this includes the provision of a central landscaped corridor linking the northern and southern boundaries as well as feature landscaping to the entrance. The illustrative plan also shows that dwellings would be positioned within generous plots amongst structured landscaping.
- 10.7 The development would also see the realignment of the PRow that crosses the site. This would be repositioned centrally giving a more direct connection to Tame Valley Way on the western boundary. The PRow would follow the alignment of one of the site's watercourses, the landscaped walkway would be flanked by trees and shrub planting to the north and south. In addition, pedestrian linkage is also shown within the site's south eastern corner to Huddersfield Road / Mossley Hollins boundary, the provision and landscaping of these features would ultimately be addressed through the Reserved Matters but it would be reasonable to condition that such details are in substantial accordance with those shown in the indicative plan.
- 10.8 The illustrative plan identifies a varied mix of house types that could be provided as part of a reserved matters application. Character areas could be achieved which include varied densities and streetscapes which address Building for Life requirements.
- 10.9 The indicative layout identifies that existing trees can be largely retained, there is also ample opportunity to secure additional planting throughout the site and its margins to increase tree cover and improve the appearance of the development. The regeneration benefits would

include the removal of existing unkempt vegetation, piles of rubble and the removal of the existing palisade and mesh security fencing.

- 10.10 The overall density of development is approximately 22 units per hectare which reflects the retention of greenspace along the western third of the site. Whilst this density is relatively low, it is appropriate given the design aspirations for the site, and also to ensure that subsequent development would be in-keeping with the edge of settlement, urban fringe location.
- 10.11 In summary, the proposals do not raise any significant issues for the development of 132 dwellings. It is considered that a high-quality development can be achieved on the site which incorporates sustainable techniques and complies with policies H7, C1, N5 and OL10 and relevant criteria of SPD. It is recommended that a condition should be imposed to ensure that the reserved matters application comes forward accordance with the submitted LVIA.

## **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 only neighbouring properties to directly border the site are located to the north on Cote Lane, Dale Avenue, Meadow Close and Lower Hey Lane within the Hey Farm Estate.
- 11.3 Given that scale, layout, appearance and landscaping are reserved matters, full details of the proposals are not under consideration at this time. However, an illustrative site plan has been prepared which identifies that the development could be constructed to fully observe established spacing standards which comprises of a minimum distances between habitable rooms and blank walls of 21m and 14m respectively, these distance are moderated where steep slopes exist or where development is at an angle.
- 11.4 Whilst neighbours have commented on the likely impact of the development on neighbouring properties in terms of privacy standards there is no reason why the reserved matters cannot be designed in accordance with adopted SPD. This is subject to acceptable details of height (scale), windows (appearance), and boundary treatment (landscaping) being provided at Reserved Matters stage. Notwithstanding the submitted details on levels, a condition requiring proposed levels is recommended to ensure definitive details are provided with scale and landscaping reserved matters is recommended.
- 11.5 Comments have also been received from neighbours regarding the potential for disruption from construction traffic / activities. Some level of disruption is an inevitable consequence of development and would arise wherever new housing was delivered. As such it is difficult to sustain a reason for refusal on this basis. Conditions are suggested to mitigate the associated impacts, this would be controlled through a construction management plan in particular. It is however, favourable to note the site access is isolated from existing properties so associated vehicle movements from construction traffic should not be readily discernible from existing traffic using Huddersfield Road. It is of note that Environmental Health have no objections to the proposals in their consultation.
- 11.6 Consideration must also be given to the amenity of future occupiers and the quality of the proposed units. Ultimately it would be a requirement for the reserved matter to demonstrate

that all dwellings adhere to the Nationally Described Space Standards (March 2016) (NDSS). In addition it would be expected that all dwellings are served with an adequate level of private amenity space. The close proximity of the site to Mossley, 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 Access has been applied for in detail as part of this application. Furthermore, consideration should be given to the traffic generated by the development and the impact on the local highway network.
- 12.2 Policy T1 requires all developments to be designed to improve the safety for all road users. Likewise paragraph 111 of the NPPF states 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.
- 12.3 Paragraph 110 of the NPPF states that, in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be or have been taken up, that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or highway safety, can be cost-effectively mitigated to an acceptable degree. Paragraph 111 of the NPPF adds that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety, or if the residual cumulative impacts on the road network would be severe.
- 12.4 The site already has an established (gated) vehicle entrance which is located directly off Huddersfield Road. This access is located centrally off an adopted lay-by on the western side of the highway, where access is controlled by a field gate. The existing access is suitable for the existing use by farm vehicles, however, it is not appropriate to serve a residential development of the scale proposed due to level constraints and visibility splay requirements.
- 12.5 The proposals would consist of a new priority junction located approximately 100m north of the current access. The design of the junction would incorporate a central pedestrian crossing and localised widening of Huddersfield Rd to facilitate right turn physical protection in the form of islands. The proposed access location has been assessed as acceptable by both the Local Highway Authority (LHA) and Transport for Greater Manchester (TfGM). They also comment that issues raised within a road safety audit (RSA) can be adequately addressed by a condition. The access arrangements would be suitable to protect all road users.
- 12.6 In terms of traffic generation, the submitted Transport Assessment (TA) has assessed the erection of a maximum of threshold of 177 units. The assessment was updated in October 2023 and gives a review of local traffic conditions. The LHA and TfGM have reviewed the TA and are satisfied with its findings, they have not requested that any further updates would be necessary and the assessment with the TA is considered to be reasonable and proportionate to the scale of the development. The TA identifies the following traffic generation from the proposals:

	<b>Arrivals</b>	<b>Departure</b>	<b>Two-way</b>
<b>AM Peak</b>	20	58	78
<b>PM Peak</b>	65	41	106

Based on the above, anticipated vehicle trips equate to approximately 1.3 vehicle movements per minute in the AM peak and 1.8 vehicle movements per minute in the PM peak. These



trips have been validated by the LHA as acceptable and would be reflective of the traffic conditions.

- 12.7 In establishing the vehicle trip rate, analysis was undertaken of the Hey Farm Estate to the north. This supports 240 dwellings accessed via two entrances onto Huddersfield Road. The location of the estate is very similar to that of the application site in terms of its access to public transport. The tip rates recorded were as follows:

	<b>Arrivals</b>	<b>Departure</b>	<b>Two-Way</b>
<b>AM Peak</b>	27	78	105
<b>PM Peak</b>	88	55	143

- 12.8 The LHA/TfGM are satisfied that the vehicle trips generated by the development are acceptable, based on the updated Transport Assessment Addendum 30 Oct 2023 and the traffic survey data taken at Lower Hey Lane and Woodlands Drive Estates. The junctions identified in the initial scoping would operate below or marginally above their peak capacity (Waggon Road with Manchester Road (A635)). The LHA/TfGM further note that additional modelling has been undertaken at the newly signalised junction at the A635/Well-i-Hole Road that is predicted to operate below capacity in the peak hours with the increase vehicle trips from the development. Therefore both LHA and TfGM are satisfied that based on the information provided, the residual cumulative impact on the road network would not be severe.
- 12.9 Highway matters relevant to safety and capacity have been raised within many of the representations objecting to the proposals, this includes concerns over the likelihood of households being within multiple car ownership. Traffic movements out and into a housing estate are residual in their nature with vehicles movements being staggered within peak periods. These issues are taken into account in the assessment. Spread across the hour the cumulative impact of the proposed development and that of Hey Farm Estate equates to 3 vehicle movements a minute in the AM peak and 4.15 vehicle movements a minute in the PM Peak. Assessment by the LHA and TfGM confirms that traffic can be accommodated on the local highway network without any detrimental impact to safety.
- 12.10 Whilst indicative, the internal road layout has been reviewed by the LHA as acceptable. It is deemed to comply with the standards of the Residential Design Guide SPD and that within Manual for Streets. All dwellings would have a level of dedicated off-road parking in accordance with parking guidelines, the provision of which would be secured by condition. Full technical details of the new access road, to an adoptable standard, could be secured by a planning condition, where full details on the road layout would be addressed as part of the design and layout as part of the reserved matters application.
- 12.11 Public footpath - FP/50/10 crosses the site in a diagonal route from the approximate mid-point of the eastern boundary extending to the south western corner, connecting Huddersfield Road with the Tame Valley Way. The footpath is not well marked and access by foot is very difficult at the western corner. It appears that the footpath is presently being used intermittently. The Indicative Layout shows how the footpath can be diverted within the development. For this to be formalised a footpath diversion application would need to be submitted at a later stage following planning permission being granted for the site. To clarify the granting of outline planning consent would have no effect on the legal standing of the existing footpath.
- 12.12 The proposed diversion would provide a more direct access to Tame Valley Way. The indicative proposals suggest that this would be routed through a landscaped corridor centrally across the site. Exact details would need to be looked at and agreed as part of detailed design, the expectation would be for this to meet the relevant active travel standards with regard to levels, surfacing, drainage, wayfinding signage and any potential lighting. Given

that the path would be located within an area of public open space, its management, along with that of other open spaces would be transferred to a private management company.

- 12.13 Notwithstanding the above, separate to the planning process, the applicant would have to apply to the Council's Public Right of Way team for a diversion and stopping up order prior to works commencing. This application would follow the granting of reserved matters once the design and layout of the development is fixed.
- 12.14 In terms of promoting active travel, there would be opportunities to provide cycling and walking connectivity to Cote Lane thereby linking the two estates without the need to travel along Huddersfield Road. Similarly, the provision of a footpath link in the south east corner to Huddersfield Road would provide a safe and convenient access to persons wishing to access Mossley Hollins High School. Improvements to the local public right of way network are to be secured via a financial contribution (see later in the report) and it is also proposed that a condition secures enhancements to local bus stops.
- 12.15 The site's sustainability credentials, including accessibility have been challenged within the representations. However, it is ultimately comparable to that of the Hey Farm Estate. The TA provides analysis of the 800m and 2km walking distances, all of Mossley Centre falls within a 2km walking distance where Manual for Streets states that this represents an acceptable maximum walking distance for the majority of land uses. Public transport services are immediately accessible via bus services on Huddersfield Road, and train links are also provided within Mossley centre. The close proximity to Mossley Hollins High School and various amenities around Manchester Road/Roaches are also within a reasonable walking distance. This will help to reduce car borne trips and encourage active travel.
- 12.16 As stated, the LHA has requested that bus stop improvements to Huddersfield Road are secured as part of a section 106 package. In addition to this it is requested that £180,000 is secured to fund a number of improvements to public rights of way in the vicinity. These monies would fund new wayfinding signage, surface improvement and drainage, they would promote active travel and also help to mitigate against vehicle trips. These measures are considered proportionate and reasonable to the scale of the development.
- 12.17 The LHA recommends that a phasing plan and construction management plan (CMP) is secured via condition for all aspects of the highways works. These conditions would ensure the development would not cause harm to local highway safety. In addition to this it is also recommended that a pre and post highway condition survey is undertaken, to ensure that any damage or defects attributed to the development would be appropriately repaired. These conditions are considered reasonable to mitigate the impacts of the development.
- 12.18 Overall, it is concluded that the proposal is acceptable with reference to matters concerning access and overall highway impact. The proposal 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 to ensure minimal disruption would occur during the temporary construction 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 application is supported by a Flood Risk Assessment that includes a surface water drainage strategy. This has been reviewed by the Lead Local Flood Authority (LLFA).

- 13.2 Assessment of the sites current drainage has been an area of focus for the planning application. The site is located within a wider area of rural land with an identifiable land drainage / watercourse network. There are several land drains / watercourse points entering the site and transmitting water from the wider drainage network through the site before entering the land drainage beyond the western boundary. There are also known surface water drainage issue across properties within the adjacent Hey Farm Estate.
- 13.3 Site investigations confirm the presence of glacial clay deposits within the ground, unsurprisingly given that this material had been historically extracted at the site (Puddle Clay pits). The presence of this material dictates that infiltration would not be suitable, drainage would therefore need to be addressed via an attenuated system with an outfall into either a watercourse or into the existing sewer network.
- 13.4 Full detailed design of the drainage system is ultimately a matter that can be the subject of a condition. The LLFA are however, content that sufficient analysis has been undertaken of the site for the purposes of obtaining outline approval. The outline strategy identifies that all new buildings and road would discharge to a series of drains, these would drain to dedicated underground storage which would drain via a controlled system in to a surface attenuation pond on the western boundary, water would then discharge via culvert (no.42) underneath the Huddersfield Canal where it would then outfall into the River Tame. Existing watercourses within the site would be maintained wherever possible along their established alignments, landscaping features would be introduced to improve their capacity and function as open swales.
- 13.5 The Canal and Rivers Trust own and manage the culvert underneath the Huddersfield Canal, where they have not objected to the proposal. A condition is requested regarding the submission of full drainage details along with a commitment to future maintenance to be agreed.
- 13.6 The above outline strategy presented by the applicant, follows the drainage hierarchy. The maintenance and management would be offered to the statutory undertaker (United Utilities), and if not viable then this would be secured via private maintenance agreement funded by future residents. These arrangements have been reviewed by the LLFA and are supported, subject to full technical details being provided via condition.
- 13.7 Development would be phased with construction spanning several years. Temporary measures would need to be installed to prevent any run-off associated from construction spoiling the Huddersfield Canal SSSI. The measures can be addressed via comprehensive construction environmental management plan (CEMP) for the site, which should include particular details of how pollution of the canal waters is to be avoided, use of silt traps, holding ponds and straw bale fencing to control run-off being potential options. Similar practices were successfully employed when Mossley Hollins High School was constructed without causing issues to the canal/SSSI which demonstrates that CEMP is an appropriate/proportionate approach.
- 13.8 Foul water from the proposed development would discharge to the existing drainage infrastructure. Due to site levels it is likely that a pumping system may be required to facilitate the drainage. This proposal has not attracted an objection from United Utilities, who recommend approval subject to detailed design being secured by conditions.
- 13.9 The comments raised by the LLFA, UU and EA in their review confirm that drainage can be adequately addressed via conditions. Such conditions 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. This would comply with the requirements of UDP policies U3, U4 and Chapter 14 of the NPPF.

## **14. GROUND CONDITIONS**

- 14.1 Paragraph 184 of the NPPF states; 'Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner'.
- 14.2 The site is within a defined coal mining development low risk area, where existing and previous uses have largely been agricultural in nature with no major changes since the late 19<sup>th</sup> century. However, some earthworks or possible quarrying may have been undertaken in the western section of the site. The majority of this former quarried area is located in the part of the site that will not be developed although, it would appear that some plots might potentially be located on this feature. A railway line was located adjacent to the western boundary although, this is now used as a footpath/bridleway forming Tame Valley Way.
- 14.3 The Environmental Protection Unit (EPU) has reviewed the proposals and consider there to be minimal risk of contaminated land. As a precaution they recommend that further investigations of the ground conditions are undertaken, this would pick up the presence of any made ground or demolition debris which could be present. The matter could be addressed by way of a condition.
- 14.4 Levels fall across the site to the western boundary with up to a 50m difference. A slope stability assessment has been undertaken which has found ground conditions to be stable and provide no evidence of current or future stability issues. To address the change in levels the detailed design would need to include an engineering response, this could include the use of retaining structures where appropriate and will ultimately be determined as part of the reserved matters. The design response to addressing these levels will not be dissimilar to that of other development across Mossley, where the Hey Farm Estate across the northern boundary being a comparable precedent. Levels would not preclude development and the development accords with paragraphs 183 and 184 of the NPPF.

## **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. Ecological surveys have been undertaken and a habitat management plan prepared. Collectively these provide a comprehensive assessment of the site's conditions, which includes a series of species surveys undertaken within the last five years. The scope of the surveys are deemed acceptable as identified in the consultation responses from Greater Manchester Ecology Unit, Natural England and the Council's Arboricultural Officer.
- 15.2 As identified, the illustrative site plan does include land-take from areas within the Puddle Clay Pits SBI. This would see a net reduction of approximately 1.1 hectares. To compensate for the loss of part of the SBI, the applicants has proposed mitigation by:
- Ensuring safeguards (CEMP) during construction
  - Maintaining and managing water flows into parts of the SBI which are currently of nature conservation value because they support wetland habitats
  - Compensating for losses in the overall area of the SBI by improving the quality of the remaining area of the SBI and by creating and managing areas of semi-natural vegetation within the housing development with nature conservation as a primary aim of management.

The total area of compensatory improvement would equate to 1.2 hectares and include species rich wildflower grass land, native tree and hedgerow planting. It would exceed that lost to the development.

- 15.3 GMEU has identified that the condition of the SBI has been deteriorating. They accept that the management interventions proposed are capable of maintaining and improving the nature conservation value of the remainder of the SBI if they are implemented appropriately and sensitively and over the long term. These matters could be adequately controlled by way of a planning condition.
- 15.4 In addition to the direct impact upon SBI, due consideration also needs to be given to the potential impact of the development upon the nearby Huddersfield Canal SSSI. The design and layout are matters to be determined as part of the reserved matters. The illustrative plan indicates that the area to be developed would on average be located in the region of 150m east from the canal channel, with the closest being around 135m. The construction of the SUDS attenuation pond and associated drainage connections would be located much closer, at around 50m from the channel of the canal. The area between the canal and the development site supports woodland, scrub vegetation and established grassland in addition to the Tame Valley recreational route. The requirement of a detailed CMEP and drainage strategy will ensure suitable mitigation can be achieved to ensure the long-term protection of the SSSI.
- 15.5 A habitat management plan can be secured by condition and along with a CEMP, will help to ensure that the development impacts are mitigated and an overall environmental improvement achieved. The discharge of these conditions would also require confirmation of the appointment of an ecological/environmental clerk of works to oversee the construction of the development and future management of the SBI.
- 15.6 The majority of the land has been used for agricultural grazing and it is not of substantial ecological value. In addition to the 1.2ha of compensatory improvements across the site, along with associated management, removal of invasive species and a comprehensive bird and bat box strategy would secure further ecological benefits.
- 15.7 In addition, the Green Space Manager has made a series of recommendations relevant to off-site biodiversity improvements within the immediate vicinity of the site. The package of works proposed would address ecology requirements as well as matters relevant to green space improvements required to satisfy UDP Policy H5.
- 15.8 The proposal would not result in the loss or result in a material deterioration of the Puddle Clay Pits or nearby Huddersfield canal SSSI, subject to the recommended conditions. Furthermore, there would be no harmful impact on local species and, through the landscaping and overall Habitat Management of site the onsite habitat would be enhanced. This would ensure that the Puddle Clay Pits continues to function as a valued SBI.
- 15.9 As a result of mitigation measures, it has been demonstrated that a suitable level of assessment has been undertaken, and there is no evidence of any adverse effect upon protected species and the proposals are in accordance with policy N7: Protected Species of the UDP.
- 15.10 The proposals have been considered by GMEU who are supportive of the site appraisal as well as the approach to off-site biodiversity enhancements. Conditions could control the overall level of planting across the site, as well as the provision of any bat and bird boxes. Subject to this requirement, the proposals are considered to be in accordance with the requirements of policy N4, N5 and NPPF paragraph 174

## **16. EDUCATION**

- 16.1 Policy H6 of the UDP relates to contributions from residential development towards education and community uses. The policy applies where schools and services in the surrounding area would be unable to satisfactorily accommodate the additional demands, it requires

developers to provide proportional contributions towards the provision of additional or extended facilities.

- 16.2 The application is in outline form, any approval would be subject to subsequent reserved matters applications meaning that any development would not be imminent. Although the development is large, it would be built over several years, so any population increase would therefore be minimal and gradual. This is material to consideration of education impacts.
- 16.3 Consultation with education officers confirms that the capacity Mossley Hollins High School has been increased in previous years to meet growing demands for places (750 to 900 spaces). This has been accommodated through remodelling with additional classrooms provided to address needs. Current issues with the school are centred upon communal areas such as dining areas and halls. Additional capacity is required to address this.
- 16.4 Whilst Mossley Hollins has been a popular school, at full allocation for a number of years it does not mean that there is insufficient places within the local area. The current birth rate within Tameside has been steadily decreasing from a peak of 3071 births in 2010 to 2507 births in 2020.
- 16.5 The Council and schools have gone through a programme of increasing school places in the borough in response to an increase in the birth rate. Since 2009, additional places have been created across the primary and secondary sector. Numbers coming into primary schools have decreased year on year for the last six years and are expected to follow the same pattern for a number of years. Several schools have reduced their reception intake number in response to the reducing demand for places in line with the birth rate.
- 16.6 The fluctuations in primary school numbers have flowed through into secondary schools. There has been significant increases in Year 7 places to accommodate the demand but September 2023 is the last of the big year groups coming through from primary schools and numbers are reducing going forward. It is predicted that by September 2029, there will be demand for 400 fewer Year 7 places than for September 2023. Education officers confirm that some secondary schools are already consulting on reducing their published admission numbers to ensure that they remain economically viable.
- 16.7 Birth rates in Mossley have reduced in line with the trend across Tameside. Even at its highest level of 176 births in 2012 (who will have come into Year 7 in either September 2022 or September 2023 depending on their birth month), there were sufficient places in Mossley Hollins High School to accommodate those born in the area. At the current level of 105 births in Mossley in 2022, there would be significant surplus of places.
- 16.8 Mossley Hollins has eight partner primary schools and those that attend those schools rank more highly than those that don't (providing they don't have a sibling or an education health care plan). Five of these schools are in Mossley and three are in Stalybridge. The numbers of pupils in these partner primary schools has been falling in line with birth rate fluctuations.
- 16.9 Taking these factors into, there is an increasing amount of capacity that will be available for any additional children that may come into the area through this housing development. However, to address issues around dining facilities and current capacity issues it is considered that a contribution is secured to improve current site facilities.

## **17. DEVELOPMENT CONTRIBUTIONS**

- 17.1 The proposal is a major development, where there is a requirement to meet affordable housing (15%), education, green space and highways requirements as per policies H4, H5 and T13 of the UDP.

- 17.2 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.
- 17.3 Affordable Housing – UDP Policy H4 Types, Size and Affordability of Dwellings outlines that the provision of new housing should incorporate a range of dwelling types, sizes and affordability to meet the needs of all sections of the community and to help create better balanced communities for the future. The policy also goes on to outline the local planning authority’s approach to affordable housing provision, which states that this will be sought in areas of need on suitable residential sites of 25 or more dwellings or 1 hectare or more in size.
- 17.4 To address the requirements of policy H4, 15% of the total housing will be secured on an affordable basis. The house type and tenure would be addressed as part of the reserved matters application in consultation with Councils housing officers.
- 17.5 Education – In accordance with policy H6 and to address current capacity issues associated with capacity issues at Mossley Hollins high school a contribution of £50,000 is sought to provide additional dining facilities.
- 17.6 Green Space – As noted earlier, whilst allocated for housing, the proposed development would see the development of a greenfield site. A condition would be applied to address the delivery of onsite play facilities as part of the landscaping proposals of the Reserved Matters. To mitigate the impact a contribution of £220,000 has been identified by the Greenspace Manager to fund offsite improvements at Mossley Park, Roaches nature area and Egmont Street.
- 17.7 Highways – To maximise the benefits of the site’s location in relation to active travel, it should be ensured that the pedestrian and cycling environment is designed to be as safe, convenient and attractive as possible, so as not to discourage people from accessing the site on foot / by bicycle. To address the requirements of UDP policy T13 a contributions of £182,710 to upgrade existing public right of way network is sought. This would fund improvements such as surfacing, drainage, wayfinding signage, light and seating to help encourage active travel and reduce the vehicle movements.
- 17.8 The above contributions are considered to meet the CIL Regulations in that they are necessary to make the development acceptable in planning terms, directly related to the development and proportionate in that the sum is based on the size of the development.

## **18. OTHER MATTERS**

- 18.1 Noise: Noise affecting the development is largely transport based as there are immediate commercial or industrial uses within an influencing distance of the site. The EHO is satisfied that a suitable standard of amenity can be achieved and there are no requirements for any noise related planning conditions. A construction management plan can ensure disturbance is kept to a minimum during the construction period. Residential use is fully compatible with the local established character, there is no reason why existing resident’s amenity should be impacted upon negatively from the development.
- 18.2 Heritage: There are no recorded assets within the vicinity of the site which the proposals could have an influence upon.
- 18.3 Air Quality: Environmental Health has requested an air quality assessment condition despite the site not being within an air quality management area. A review of the TA confirms that

traffic movements would not be significant. Air quality issues during construction such as dust management can be adequately addressed a part of the construction environment management plan.

- 18.4 Security: The application is accompanied by a crime impact statement. The reserved matters would need to address the recommendations. 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.
- 18.5 Sustainability & Energy: UDP policy U5 (Energy Efficiency) seeks to encourage development to incorporate energy efficiency within their design, the policy does not define a target which should be achieved. The energy performance of the dwellings can be addressed as a matter of detail to be assessed as part future reserved matters.
- 18.6 Loss of Agricultural Land: Policy OL11 seeks to protect viable agricultural holdings and associated land which is of a higher quality, this is also reflected in paragraph 174 of the NPPF. Agricultural land is graded between 1 (excellent) to 5 (very Poor) in terms of its quality. The site is classified as Grade 4 (poor). The proposals would therefore not result in material loss of high valued agricultural land.

## **19. CONCLUSION**

- 19.1 It is not unusual that development of this scale raises significant issues including whether the development is acceptable in principle and where impacts associated with the development have been identified they are balanced against benefits.
- 19.2 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.
- 19.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 applies in relation to determining the application in accordance with the plan. The majority of the site is allocated for housing to meet the Borough's needs. The lack of a 5 year housing supply confirms that as a greenfield site, there would be no conflict with UDP policy H1. The provision of both open market and affordable housing would be a significant benefit of the proposals.
- 19.4 Subject to conditions and the detailed design of future reserved matters applications, the impacts upon the Puddle Clay Pits SBI and the Huddersfield Canal SSSI can be suitably mitigated. The application has also demonstrated that there would be no adverse impact upon the local highway network.
- 19.5 The site is located within an accessible location within Mossley which is a well serviced town which supports all essential services and amenities. The proposals would read as form of infill development sat between the established Hay Farm Estate and Mossley Hollins High School, residential use would be compatible both with the land use allocation and the adjoining land uses.
- 19.6 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. It complies with the development plan and is a sustainable development which the Framework says should be approved.

## **RECOMMENDATION:**

Grant planning permission for the development subject to:

- (i) Completion of a legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) to secure affordable housing and financial contributions to off-site ecology and green space, highways and education infrastructure to the satisfaction of the Borough Solicitor; and
- (ii) The following conditions:

## **CONDITIONS**

1. Application for approval of reserved matters must be made not later than the expiry of three years beginning with the date of this permission and the development must be begun not later than the expiry of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

- (a) the layout of the proposed development.
- (b) scale of building(s)
- (c) the design and external appearance of the proposed development.
- (d) landscaping

Reason: In order to allow the Local Planning Authority to assess the details of the reserved matters with regard to the development plan and other material considerations.

3. The development shall be limited to a maximum total of 175 dwellings a minimum of 15% of which shall be provided on an affordable basis as defined within annex 2 of the NPPF or any guidance which may supersede it.

Reason: In order to define the scope of the application as assessed and to ensure compliance with affordable housing requirements.

4. The plans and particulars to be submitted with the reserved matters shall include details of the existing and proposed ground levels for the whole site, and the proposed finished floor levels of the dwellings together with full details of any retaining walls.

Reason: To safeguard the character and appearance of the area.

5. The development hereby permitted shall be carried out in accordance with the following approved plans:  
1:2500 location plan drawing reference 2600/18A  
Parameters Plan Ref 2600/22A  
Application Plan Ref 2600/19B

Junction Design Ref 300914-001 Rev D  
Proposed Land Drainage Layout Ref 127447/2006 Rev F  
Ecology Mitigation Areas Ref 2600/21B  
Habitat Management Plan (report) ERAP Version 2  
Reason: To define the permission

6. The development shall be accessed as per the details shown on drawing ref Junction Design Ref 300914-001 Rev D.

Reason: To ensure safe and adequate access in compliance with UDP policy T1.

7. 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 Preliminary Risk Assessment which has identified:
    - All previous and current uses of the site and surrounding area.
    - All potential contaminants associated with those uses.
    - A conceptual site model identifying all potential sources, pathways, receptors and pollutant linkages.
  2. A site investigation strategy, based on the Preliminary Risk Assessment in (1) detailing all investigations including sampling, analysis and monitoring that will be undertaken 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.
  3. The findings of the site investigation and detailed risk assessments referred to in point (2) including all relevant soil / water analysis and ground gas / groundwater monitoring data.
  4. Based on the site investigation and detailed risk assessment referred to in point (3) 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.
  5. 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 (4) will be 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.

8. 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.

The discharge of this planning condition will be given in writing by the LPA on completion of the development and once all information specified within this condition and any other requested information has been provided to the satisfaction of the LPA and occupation of the development shall not commence until this time unless otherwise agreed in writing by the LPA.

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.

9. No development or works of site preparation 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. 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 safeguard existing trees, in the interest of visual amenity in accordance with UDP policy N5: Trees within Development Sites.

10. The reserved matters shall be accompanied with detailed ground investigations including as necessary further borehole investigations, soil testing and a watching brief to enable a slope stability assessment to provide evidence to show how the risk of a landslip will be addressed. The scheme shall include scaled plans showing cross sectional information and the design of any retaining structures which are required to ensure that the ground conditions are suitably stable. The development shall then be carried out, maintained and managed in accordance with the submitted details

Reason: To ensure that adequate land stability measures are put in place on the site in accordance with Paragraph 184 of the NPPF'.

11. No development shall commence until a strategic site wide Landscape Management Strategy that outlines the proposed maintenance across the whole of the site shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management and Community Activation Plan shall include: The Landscape Management and Community Activation Plan shall include:

- Long term design objectives;
- Funding model;
- Management responsibilities including community participation; and
- Maintenance schedules for all external areas, other than privately owned domestic gardens.

The Landscape Management Plan shall be carried out as approved for the lifetime of the Development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: in the interest of visual amenity to ensure that public areas are appropriately maintained.

12. No development shall commence in any phase until a Landscape Environment Management Plan (LEMP) and Habitat Management Plan (HMP) detailing, in full, measures to protect existing habitat during construction works and the formation of new habitat to secure a net gain in biodiversity, shall be submitted to and approved in writing by the Local Planning Authority. Within the LEMP/HMP document the following information shall be provided:

- Current soil conditions of any areas designated for habitat creation and detailing of what conditioning must occur to the soil prior to the commencement of habitat creation works (for example, lowering of soil pH via application of elemental sulphur);
- Descriptions and mapping of all exclusion zones (both vehicular and for storage of materials) to be enforced during construction to avoid any unnecessary soil compaction on area to be utilised for habitat creation;
- Details of both species composition and abundance where planting is to occur;
- Proposed management prescriptions for all habitats for a period of no less than 30 years;
- Assurances of achievability;
- Timetable of delivery for all new and enhanced habitats; and
- A timetable of future ecological monitoring to ensure that all habitats achieve their proposed management condition as well as description of a feedback mechanism by which the management prescriptions can be amended should the monitoring deem it necessary. All ecological monitoring and all recommendations for the maintenance/amendment of future management shall be submitted to and approved in writing by the Local Planning Authority.

The Development shall be undertaken and thereafter maintained in accordance with the approved CEMP and HMP.

Reason: In the interests of biodiversity in accordance with UDP policies N2, N6 and N7.

13. No works shall commence pursuant to any reserved matters approval until a Construction Environmental Management Plan (CEMP) for that phase of development has been submitted to and approved in writing by the Local Planning Authority. This shall include but not be limited to the following:

- Location of site compound/offices which shall be located to minimise disturbance to the amenity of existing residents outside of the site;
- Site Management Principles;
- Phasing of the development;
- Site Operative Training;
- Public Communication Strategy;
- Hours of Operation;
- Construction traffic management measures including details of access arrangements, turning and manoeuvring facilities, material deliveries, vehicle routing to and from the site, traffic management, signage, hoardings, scaffolding, where materials will be loaded, unloaded and stored, contractor parking arrangements and measures to prevent the discharge of detritus from the site during construction works;
- Ecological Protection and Habitat Management;
- Wheel washing facilities;
- Tree Protection;
- Temporary Drainage Strategy;
- Pollution Prevention Control;
- Air Quality, Dust and Trackout Management;
- Noise Reduction;
- Street Cleaning; and
- Materials Management.

Works within each phase shall thereafter be carried out in full accordance with the agreed CEMP associated with that phase of development.

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.

14. Ecological / Environmental Clerk of Works should be appointed and retained throughout the course of the development to oversee both the construction works and the future management of the Clay Puddle Pits SBI. Details including responsibilities shall be submitted for approval in writing to the Local Planning authority and the development thereafter undertaken in accordance with the approved details.

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

15. 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.

16. No work shall take place in respect to the construction of the approved highway to the Development, as indicated on the approved site plan, until a scheme relevant to 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.

17. 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

18. 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.

19. 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 100 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 interests of highway safety to ensure that vehicles can manoeuvre safely in accordance with UDP policy T1

20. Details of a scheme to provide bus stops on Huddersfield Rd 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.

21. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
  - (ii) (A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations). In the event of surface water discharging to the public combined sewer, the rate of discharge shall be restricted to 5 l/s;
  - (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
  - (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
  - (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage.

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 promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

22. No surface water flow routes should be obstructed or culverted unless conveyed under essential infrastructure or unless otherwise approved in writing by the Local Planning Authority. A full suite of site wide watercourse/channel vegetation clearance works should be undertaken, where possible and appropriate. Best endeavours must be used to access all sections of the existing watercourse/drainage network and to undertake reasonable and comprehensive works to improve the current conveyance of the channels. Restrictions within designated woodland is acknowledged and works must be limited in these areas to ensure no detrimental impacts occur. Housing layouts need to avoid development over or adjacent to surface water flow routes. Surface water flow routes will need to be reviewed and mapped following structural assessment of existing culverts including climate change impacts and blockage assessment. Surface water assessment based on proposed development layout and topographical levels needs to be confirmed.

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.

23. No tree felling or vegetation removal shall take place during the optimum period for bird nesting (March to July inclusive) unless otherwise agreed in writing with the Local Planning Authority.

Reason: To safeguard protected species in accordance with UDP policy N7

24. The layout to be submitted as part of the Reserved Matters application shall make appropriate provision for an area of on-site children's play and informal recreation. The design and layout of this area and wider development shall incorporate the principles of active design and include a minimum of 5 items of play equipment. Full management responsibilities and maintenance schedules and a programme for installation, shall be submitted for approval in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the agreed timetable for installation.

Reason: In the interests of residential and visual amenity to ensure adequate provision of public open space in accordance with UDP Policy H5 Open Space Provision