

**Application Number 17/00489/OUT**

<b>Proposal</b>	Outline application for residential development and associated works.
<b>Site Location</b>	Former Mossley Hollins High School, Huddersfield Road, Mossley
<b>Applicant</b>	Tameside Metropolitan Borough Council
<b>Recommendation</b>	Grant Planning Permission subject to Conditions
<b>Reason for Report</b>	The proposal constitutes major development on a previously developed brownfield site in the Green Belt

**REPORT****1. APPLICATION DESCRIPTION**

- 1.1 This planning application seeks outline permission for residential development with detailed approval for means of access at the site of the former Mossley Hollins High School on the Huddersfield Road, Mossley.
- 1.2 As the application is in outline all other matters relating to appearance, layout, scale and landscaping are reserved for later applications, however, an indicative sketch masterplan drawing has been submitted with the application which shows 41 detached dwellings arranged across 3 levels along a north to south axis. The submitted transport assessment is based on a notional 48 dwellings.
- 1.3 A single vehicular access is shown from the Huddersfield Road to the south of Winterford Road and slightly north of the existing access. Car parking is shown on the submitted indicative layout within the curtilage of each of the proposed dwellings.
- 1.4 The following documents have been submitted in support of the application;
  - Arboricultural Survey Report
  - Contaminated Land Desk Study Risk Assessments
  - Design and Access Statement
  - Ecological Site Audit
  - Flood Risk Assessment
  - Planning Statement
  - Proposed Access Arrangement
  - Indicative sketch Masterplan
  - Statement of Community Involvement
  - Transport Statement
  - Topographical Survey
  - Noise Impact Assessment
  - Tree Survey and Constraints

**2. SITE & SURROUNDINGS**

- 2.1 The application site is 1.89 hectares in area and is located to the East of the Huddersfield Road on the eastern edge of Mossley. The area to the east of the Huddersfield Road in which the application site lies is characterised by sporadic development including the application site, isolated dwellings and a water treatment works further to the east set in open countryside on rising land. The area to the west of the Huddersfield Road is characterised by existing residential development comprised mainly of a mix of detached and semi detached properties.

- 2.2 The site is comprised the grounds of the former Mossley Hollins High School which has been replaced with a new build school on a new site to the north west of the application site on the western side of the Huddersfield Road.
- 2.3 Whilst the former school on the site was subsequently demolished (due to concerns about theft, anti-social behavior and risks associated with empty buildings), the remains of the former school on the site are still clearly visible. This includes concrete foundation slabs, tarmac areas of the former car park and playground areas, piles of rubble from the demolition of the school buildings and tall security fencing around the site boundary. Site levels also rise steeply across the site from Huddersfield Road (West to East) with the terraces on which the former school buildings and playgrounds running north to south. As a result, the site is prominent in views from the surrounding area and across the valley.
- 2.4 The site is within 500m of the nearest primary school Micklehurst Primary School, 190m of the nearest High School, Mossley Hollins High School, and 1.3km of the nearest doctor's surgery in Mossley.
- 2.5 The nearest bus stop is directly outside of the site on the Huddersfield Road with 2 bus services running as frequently as every 20 minutes between Ashton and Oldham. The nearest railway station is at Mossley approximately 1.4 km from the site which operates an hourly service eastbound to Greenfield, Marsden, Slaithwaite and Huddersfield and westbound to Stalybridge, Ashton-under-Lyne and Manchester Victoria.

### **3. PLANNING HISTORY**

- 3.1 12/00176/NDM – Notification of Demolition of School Buildings – Granted July 2012
- 3.2 08/00427/R3D – Erection of 750 place school with associated car parking and landscaping. – Granted August 2008

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

- 4.1 Tameside Unitary Development Plan (UDP) Allocation  
Green Belt.

#### **Tameside UDP**

#### **4.2 Part 1 Policies**

- 1.3: Creating a Cleaner and Greener Environment.  
1.4: Providing More Choice and Quality Homes.  
1.5: Following the Principles of Sustainable Development  
1.11: Conserving Built Heritage and Conserving Local Identity  
1.12: Ensuring an Accessible, Safe and Healthy Environment

#### **Part 2 Policies**

- H2: Unallocated Sites.  
H7: Mixed Use and Density.  
OL1: Protection of the Green Belt  
OL3: Major Developed Sites in the Green Belt  
OL10: Landscape Quality and Character  
T1: Highway Improvement and Traffic Management.  
T11: Travel Plans.  
C1: Townscape and Urban Form  
C6: Setting of Listed Buildings  
N4: Trees and Woodland.

N5: Trees Within Development Sites.  
N7: Protected Species  
MW11: Contaminated Land.  
U3: Water Services for Developments

#### 4.3 **Other Policies**

Greater Manchester Spatial Framework – Publication Draft October 2016  
The Greater Manchester Joint Waste Development Plan Document April 2012  
The Greater Manchester Joint Minerals Development Plan Document April 2013  
Residential Design Supplementary Planning Document  
Trees and Landscaping on Development Sites SPD adopted in March 2007.  
Tameside Playing Pitch Strategy

#### 4.4 **National Planning Policy Framework (NPPF)**

Section 1 Delivering sustainable development  
Section 6 Delivering a wide choice of high quality homes  
Section 7 Requiring good design  
Section 8 Promoting healthy communities  
Section 9 Protecting Green Belt land

#### 4.5 **Planning Practice Guidance (PPG)**

This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the PPG or other national advice in the Analysis section of the report, where appropriate.

### 5. **PUBLICITY CARRIED OUT**

- 5.1 As part of the planning application process 54 notification letters were sent out to neighbouring properties on 26<sup>th</sup> June 2017. A notice was also posted at the site and displayed in a local newspaper on 6<sup>th</sup> July 2017
- 5.2 Tameside Council as the applicant undertook a community engagement exercise in relation to the application in accordance with the Council's Statement of Community Involvement prior to the submission of the application, which comprised sending newsletters to 998 homes in the locality explaining the proposals and inviting attendance to a public exhibition which was held at Mossley Youth Base approximately 500m from the site. Opportunities were given to provide feedback on the proposals before, during and after the exhibition.
- 5.3 The statement of community involvement submitted with the application outlines the consultation and responses received, these centre around transport and parking, insufficient infrastructure, a desire for the site to be made into a nature / wildlife reserve and that the site should support the provision of affordable housing.

### 6. **RESPONSES FROM CONSULTEES**

- 6.1 Arboricultural Officer: Many of the higher value Category B trees are to be retained in the outline plan. All retained and existing trees adjacent to the development should be protected to BS3587 and the Arboricultural report during any works.
- 6.2 United Utilities: No objection to the proposed development subject to conditions requiring details of foul and surface water drainage are attached to any approval.
- 6.3 Greater Manchester Ecological Unit: No overall objection to the application on ecological grounds. If permission is granted recommend conditions to secure a landscape plan and protection for nesting birds

- 6.4 Environmental Health Contaminated Land: Recommend that a standard contaminated land condition is attached to any planning approval granted for residential development at the site. The information provided to date will go some way towards satisfying the requirements of this planning condition.
- 6.5 Environmental Health (Environmental Protection): Recommend any planning permission should include conditions regarding hours of construction works, a scheme of noise attenuation measures for the proposed dwellings and adequate provision for the storage and collection of refuse and recycling.
- 6.6 Highways: No objections subject to conditions
- 6.7 Open Spaces Society: No response received
- 6.8 Transport for Greater Manchester: No response received
- 6.9 West Pennine Bridleway Association: No response received

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

- 7.1 In response to the original notifications 4 objections have been received from or on behalf of 3 households. The grounds given for objecting are:

### **Transport**

- Will increase traffic congestion
- Impact of [on] routed public footpaths proximate to the site.

### **Character / Appearance**

- Development will impact upon character and appearance of the Moorlands and surrounding area
- Development is too dense
- Too many houses

### **General**

- Infrastructure unable to cope with the population
- Lack of capacity in local schools, doctors and dentists
- Question why site cannot be left as Green Space / park or returned to the Green Belt
- Other sites more suitable without using Green Belt Land
- Will not lead to investment in Mossley any revenue generated will go to Ashton
- Proposed houses too close to neighbouring property
- Increased use of public footpaths will impact upon amenity of neighbouring property; paths should be moved away from the eastern boundary or screened

## **8. ASSESSMENT**

- 8.1 The principal issues in determining this application are:

- o Principle of Development and assessment against Green Belt Policy
- o Layout, Design and Landscaping
- o Amenity
- o Highway Safety and Accessibility
- o Ground Conditions
- o Ecology
- o Trees
- o Drainage, Flood Risk

- Heritage
- Minerals
- Planning Obligations

## **9. PRINCIPLE OF DEVELOPMENT**

- 9.1 Section 38 of the Planning and Compulsory Purchase Act 2004, states that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Consideration will also be necessary to determine the appropriate weight to be afforded to the development plan following the publication of the National Planning Policy Framework. Paragraphs 208 - 219 of the NPPF set out how its policies should be implemented and the weight which should be attributed to the UDP policies. Paragraph 215 confirms that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. At the heart of the NPPF is the presumption in favour of sustainable development and support for the delivery of a wide choice of quality homes with housing applications being considered in the context of a presumption in favour of sustainable development.
- 9.2 In policy terms the site consists of a former school site which comprises brownfield land which lies outside of the settlement boundary for Mossley and is also within the Green Belt. The location of the site within the Green Belt and the subsequent effect of the development upon the openness of the Green Belt is considered to be one of the key issues in determining this application. Paragraph 79 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open
- 9.3 It is also noted that the site is located within a 'major developed site' in the Green Belt, to which policy OL3 of the UDP applies. It is clear, however, that Policy OL3 was drafted prior to the publication of the NPPF and relates to policy support for infilling of the site in its previous use as a school, not for redevelopment as housing. As such policy OL3 is considered to carry little, if any, weight in consideration of the current scheme. It is considered that the application should be considered having regard to the Green Belt policies set out within the NPPF.
- 9.4 The principle areas of consideration are; whether or not the development is appropriate or inappropriate development in the Green Belt and whether it is necessary to demonstrate very special circumstances to outweigh the harm to Green Belt Policy.
- 9.5 Paragraph 88 of the NPPF says 'when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm in the green belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other circumstances'. There are however a number of permitted exceptions to this set out at paragraph 89 and 90 of the NPPF. The relevant exception which applies to the particular circumstances of this application is set out at 10.2 below.

## **10. EFFECT ON THE OPENNESS OF THE GREEN BELT**

- 10.1 The site is located on land designated as Green Belt, The NPPF, at paragraph 80, sets out the five purposes of Green Belt. These are:

1. To check the unrestricted sprawl of large built-up areas;
2. To prevent neighbouring towns merging into one another;
3. To assist in safeguarding the countryside from encroachment;
4. To preserve the setting and special character of historic towns; and

5. To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
- 10.2 Paragraph 87 of the NPPF states that inappropriate development in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 10.3 Policy OL1 states that the Green Belt will be protected from inappropriate development and approval will not be given for the construction of new buildings except in specific purposes. The wording of this policy is slightly at variance with updated guidance of the NPPF, however, the fundamental requirement to keep Green Belts open and only to allow built development for specific purposes or where very special circumstances can be demonstrated remains.
- 10.4 Paragraph 89 of the NPPF allows for the “limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development”. The application site has been cleared of buildings and as such some degree of openness has been restored, however, it was established in the case of *SSCLG v Redhill Aerodrome Limited (2014)* that areas of hardstanding (in that case a runway) would have an impact upon the openness of the Green Belt. It is thus considered that it is a brownfield site and as the application site has the remnants of former buildings and areas of hardstanding present upon it evidence of the former use is clear and has not been incorporated into the landscape. It is therefore considered that the site meets the definition of previously developed land set out in the NPPF glossary.
- 10.5 Assessing the openness of the Green Belt is not a simple matter of comparing the existing measured volumes of the existing and proposed buildings on site as many factors are relevant and the visual impact of development on the Green Belt has been held (in *Turner vs SSCLG [2016]*) to be an implicit part of the concept of openness. The question is whether the proposed development of houses would have a greater impact on openness than the hardstanding and other trappings of the former school use which remain on site. This is essentially a matter of planning judgement based upon the relevant facts and available evidence.
- 10.6 The applicant has submitted a Landscape Visual Impact Assessment (LVIA) which concludes that with the incorporation of the suggested mitigation there would be no adverse effects on the majority of the landscape-related designations and features identified and that the proposed development could improve the existing situation. The residual level of effect on both national and regional landscape character is judged within the LVIA to be Negligible Positive, and on balance, the residual level of effect on local landscape character was judged to be Minor Positive; put another way, there would be an improvement in landscape character resulting from the site being redeveloped.
- 10.7 In this case, the site has a number of visual detractors as it stands including the extensive areas of dilapidated hardstanding over a significant portion of the site, boundary walls and security railings together with piles of demolition materials which are visible over a large area and the site is clearly in a developed site which affects the openness of the Green Belt. Whilst there would be further potential for negative effects associated with new built form including urbanising influences it is not considered that these would necessarily lead to the loss of openness. The potential positive visual effects on the other hand are associated with the replacement of what is currently a degraded site with well-designed houses within a strong landscape framework, and the provision of new green infrastructure assets. This would consist of the removal of significant areas of the hardstanding, the removal of rubble and the landscaping and opening of significant areas of the site for open uses such as gardens. This would lead to a clear perception that the openness of the site has

increased. It is therefore concluded that the development as presented and in accordance with the recommendations of the LVIA will lead to an increase in openness of the Green Belt.

- 10.8 In the planning statement supporting the application it is contended that the application should be assessed against the final bullet point of paragraph 89 of the NPPF related to the redevelopment of brownfield land within the Green Belt which would not have a greater impact on the openness of the Green Belt or the purposes of including land within it. The impact of development on openness is ultimately a matter for the decision maker and it is considered that the lack of any greater visual impact than the existing site, a view supported by the LVIA, means that the proposals would not lead to the site appearing more developed than at present and would thus accord with paragraph 89 of the NPPF in terms of not having a greater impact on the openness of the Green Belt.
- 10.9 If it is accepted that the proposal does not have any greater impact on the openness of the Green Belt than the existing development consideration must also be given to the 5 purposes of including land within the Green Belt in paragraph 80 of the NPPF as required by paragraph 89 of the NPPF and as quoted at paragraph 10.1 of this report. Taking each point in turn;
- The residential development as proposed would be restricted to the site itself with no potential to lead to 'unrestricted sprawl'
  - The proposal would not lead to the merging of one town with another.
  - It would not jeopardise the safeguarding of the countryside
  - The site is not considered to contribute to the setting or special character of a historic town
  - The site positively contributes to the redevelopment of brownfield land as the site is itself brownfield and therefore assists urban regeneration.

As such it is considered that the proposals would not be harmful to the openness of the Green Belt and would not be contrary to the purposes of including land within the Green Belt and are thus compliant with paragraph 80 and 89 of the NPPF. As such the development proposals are considered to be appropriate development in the Green Belt.

- 10.10 However, if the view is taken that the proposals would be harmful to the openness of the Green Belt then it would be necessary for the applicant to demonstrate that the development complies with paragraph 87 of the NPPF which states that inappropriate development is by definition harmful to the Green Belt and should only be approved in very special circumstances. Paragraph 88 states that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. In this respect, it is considered that the following would constitute the very special circumstances required to outweigh the harm to Green Belt Policy.
- Cross funding the delivery of the new local high school;
  - Bringing a redundant and derelict site back into use;
  - Boost to housing supply by making a significant contribution to the Council's 5 year housing land supply;
  - Short term employment;
  - Biodiversity Enhancements;
  - Enhancement to local landscape and visual amenity (supported by LVIA)

- 10.11 In terms of 'other harm' the development would involve some short term noise and disruption during construction. Some low level impact upon outlook and privacy within the development site may also be anticipated but this is not unusual with new residential development. In consideration of this it is considered that the harm to the openness of the Green Belt together with 'any other harm' would be outweighed by the very special circumstances identified above. There is strong evidence that the

development would result in a visual improvement to the site and the above factors are considered, in combination, to constitute very special circumstances sufficient to overcome the presumption against inappropriate development in the Green Belt.

- 10.12 It is clear that the new School was built based upon the premise that the former site could be redeveloped and that the Council would be likely to receive a capital receipt. The financing of the replacement school was based upon this premise and whilst the profit realised by a developer is not a material consideration the impact of a development proposal upon Local Government finance considerations is capable of being a material consideration and is another factor that would add weight to a very special circumstances case, albeit this is one which is not quantified by the applicant in this instance.
- 10.13 In conclusion there is strong evidence in the LVIA and indicative Sketch Masterplan that the proposal would not have any greater impact on the openness of the Green Belt than the site in its current condition, would not conflict with purposes of Green Belt as set out in paragraph 80 and would thus accord with final bullet of paragraph 89 of NPPF and be an appropriate development in the Green Belt which is not harmful to its openness. However, if members were to take the view that that the proposals were harmful to the openness of the Green Belt it is considered that very special circumstances exist in this particular case which would outweigh the harm to the Green Belt and any other harm to overcome the usual presumption against inappropriate development. If members were to take the view that the development was harmful to the openness of the Green Belt the application would, however, need to be referred to Strategic Planning and Capital Monitoring Panel for a decision and to the National Planning Casework Unit to afford the opportunity for the application to be 'called in' for a decision by the Secretary of State.
- 10.14 In order to ensure that development is carried out as envisaged it is important to condition compliance with the recommendations of the LVIA in order that the reserved matters (such as landscaping and layout) are developed in accordance with the key principles which have informed the outline planning application.

## **11. LAYOUT, DESIGN AND LANDSCAPING**

- 11.1 This matter is considered in some detail in relation to its relevance to Green Belt policy in section 10 above, however, the proposals also need to be considered in relation to policies H7 and OL10 of the UDP.
- 11.2 Whilst the layout of the site is a reserved matter the application is accompanied by an indicative drawing showing how the site could be laid out. The layout shows detached dwellings broadly arranged in 3 rows across the site in a north – south direction fronting a single access road, which is laid out in an H shape across the site. Areas of open space are shown adjacent to the entrance to the main vehicular access to the site.
- 11.3 Existing trees are shown to be largely retained by the indicative layout. Whilst landscaping is a reserved matter significant additional planting is shown on the indicative plan not only throughout the site but also to the boundaries of the site to 'feather' the edge of the development, particularly the southern boundary and integrate it into its surroundings. Further benefits are likely to arise from the redevelopment of the site including the regeneration of the site and removal of existing security fencing.
- 11.4 The overall density of development is approximately 21.69 units per hectare (41 units / 1.89 HA) which represents a low density of development.
- 11.5 In overall terms, and whilst ultimately a reserved matter, officers are satisfied the submitted LVIA and indicative sketch masterplan successfully demonstrates that



development could successfully be accommodated on this site and that policies H7 and OL10 can be satisfied.

## **12. AMENITY**

- 12.1 In terms of amenity the layout and scale of the development are reserved matters, however, the general impact of the development can be considered and some conclusions can be drawn from the indicative layout drawing provided.
- 12.2 The Council's Residential Design SPD sets out 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. The submitted indicative layout within the site complies with the requirements of the Residential Design SPD.
- 12.3 It is clear that the distance between some of the tiers of proposed dwellings would require closer examination at reserved matters stage with regard to the detailed relationships between facing elevations which is as low as 12m in some instances. As approval is not sought for layout at this stage and details of the layout and position of principal windows are not given nor is the position of the proposed dwellings fixed it would not be appropriate to resist the application on this basis when these matters can be properly addressed and determined at reserved matters stage.
- 12.4 Whilst comments have been received that the development would likely lead to an increased amenity issue from increased use of the public footpaths which bound the site and these paths should be moved away from the boundary the development of the site is not considered likely to increase the use of the paths to a level which would justify their closure or movement as is suggested. In any event the paths are outside of the application site and it is not within the scope of the application to move them.
- 12.5 Officers are thus satisfied that the site is capable of accommodating residential development in a manner which would not be unduly detrimental to the amenities of occupants of neighbouring dwellings subject to conditions. This matter will, however, require further detailed consideration at reserved matters stage.

## **13. HIGHWAY SAFETY AND ACCESSIBILITY**

- 13.1 The application is supported by a transport statement which sets out the sustainable transport options for the site and analyses the likely impact in terms of traffic generation and highway safety.
- 13.2 As outlined above the application site is in a sustainable transport location with good access to local services as well as bus and rail services.
- 13.3 Vehicular access to the site will be via a new access proposed to be formed from the Huddersfield Road and the existing vehicular accesses closed. Additional points of pedestrian access are also likely to be created for pedestrians from the public rights of way which bound the perimeter of the site to the south and east, although the exact details of such arrangements will be addressed as part of the final layout at reserved matters stage.
- 13.4 As a school site the previous use would have generated significant vehicle movements. The submitted transport assessment (TA) identifies that during the busiest hour of the PM peak (17:00 – 18:00) 19 vehicle movements are likely from a scheme of 48 dwellings.

- 13.5 The TA confirms that there is adequate capacity on junctions proximate to the development to accommodate the anticipated flows and that the traffic generated by the development would not have an adverse impact upon the operation of the local Highway network.
- 13.6 A number of objections are raised on grounds of highways safety and convenience, however, the proposal is supported by a full Transport Assessment which concludes that there is no evidence to suggest that the proposal would result in an unacceptable impact on the capacity or safety of the local highway network and there is no objection to the scheme from highways. Similarly an objection is raised to the impact of the proposals on public footpaths, however, no public rights of way cross the site and the indicative sketch masterplan shows the proposals would increase access to the public footpaths bounding the site by creating new links to these paths and improving the connectivity and accessibility of these paths.
- 13.7 In overall terms therefore officers are satisfied that the proposed development is acceptable in terms of access and highway safety and the development complies with UDP Policies T1, T7, T10 and T11 as well as Section 4 of the NPPF.

#### **14. GROUND CONDITIONS**

- 14.1 The application is supported by a contaminated land risk assessment, the Council's Environmental Health Contaminated Land officer has reviewed this document and has stated that whilst there are some issues to still be addressed they have no objections subject to a standard contaminated land condition. The information provided to date will go some way towards satisfying the requirements of this planning condition and there is no evidence to suggest that any contamination that may be present on site cannot adequately be dealt with.
- 14.2 The site is not in an area at risk from former coal workings and the development is acceptable in accordance with policy MW11: Contaminated Land.

#### **15. ECOLOGY**

- 15.1 The application is accompanied by a baseline ecology audit including phase 1 habitat survey. This has been assessed by GMEU who raise no overall objection to the application on ecological grounds subject to conditions to secure a landscape plan and protection for nesting birds.
- 15.2 The proposals would not have any adverse effect upon protected species and are thus in accordance with policy N7: Protected Species.

#### **16. TREES**

- 16.1 The application site has a number of trees of varying maturity predominantly located to the eastern and northern perimeter. Small groups of trees also exist in places along the terraced slopes of the site. The trees on site are not subject of a preservation order (TPO), however an order does cover some trees present to the neighbouring property, 'The Moorlands', some of which partially overhang the northern boundary of the site.
- 16.2 The submitted tree report records a total of 42 trees on site, of which 27 are Category B (moderate value), a further 14 are Category C (low value) and 1 tree is recommended for removal.
- 16.3 The Council's tree officer comments that many of the higher value Category B trees are to be retained in the outline plan. It is also of note that the overhanging trees which are subject of a TPO are indicated to be unaffected on the submitted sketch

scheme. Opportunities for additional planting, including substantial planting to the southern boundary as well as within the site are identified on the submitted sketch scheme which will significantly enhance tree coverage on site. It is considered that this requirement is met and the development accords with the requirements of policies N4 and N5.

## **17. DRAINAGE, FLOOD RISK**

- 17.1 The application site is located in Environment Agency flood zone 1, the area with the lowest probability of fluvial (river) flooding. As a major development proposal the application is accompanied by a flood risk assessment.
- 17.2 The submitted flood risk assessment identifies a low risk of surface water groundwater flooding and there is no record of historic sewer flooding.
- 17.3 United Utilities state they have no objection to the proposed development subject to conditions requiring details of foul and surface water drainage prior to commencement of development.
- 17.4 In the absence of any technical objection the proposal is considered to accord with policy U3.

## **18. HERITAGE**

- 18.1 Policy C6 requires development to not materially harm the setting of Listed buildings. A number of Grade II Listed buildings are present in the vicinity including Howard's Farmhouse and adjoining cottage approximately 90m to the north east, Top o' th' Green approximately 170m to the east, Alphin House approximately 140m to the east, Overgreen approximately 150m to the east and Pleasant View House with its adjoining barn wing approximately 170m to the east. All of these buildings are located some distance from the proposals where intervening buildings and topography will prevent any ready inter-visibility.
- 18.2 The proposal is therefore considered to accord with policy C6.

## **19. NOISE**

- 19.1 Policy H10 (g) requires there to be no unacceptable impact on amenity of neighbouring properties through noise arising from developments, the Council's Residential Design SPD states that a noise impact assessment may be required to support residential development proposals. The applicant has submitted a noise impact assessment which identifies that there are 3 principle sources of noise with the ability to impact upon the amenities of occupants of the proposed dwellings, consisting of the Huddersfield Road, the adjacent water treatment plant to the east and other nearby local roads.
- 19.2 Ambient noise measurements were undertaken as part of the submitted noise impact assessment and it is concluded that the noise from nearby sources is likely to require some level of mitigation to achieve an acceptable noise environment for occupants of the site but that this is achievable by use of measures such as close boarded fences to garden areas and acoustic glazing with trickle ventilation to the windows. The Council's Environmental Health Officer has been consulted on the proposals and has no objections subject to a condition to secure details of appropriate noise attenuation measures. Subject to such a condition the development is considered to accord with policy H10 (g) and the Council's Residential Design SPD.

## **20. DEVELOPER OBLIGATIONS**

- 20.1 There is no requirement for any S106 obligations given the contribution the development makes to the funding of the replacement High School which plays an important part in local education provision.

## **21. PLANNING BALANCE AND CONCLUSION**

- 21.1 At the heart of the NPPF is a presumption in favour of sustainable development, this requires planning applications that accord with the development plan to be approved without delay and where the development plan is absent, silent or out of date granting permission 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.
- 21.2 In the case of this application site is located within the Green Belt where there is a presumption against new built development except in exceptional circumstances. Policy OL3 related to major developed site related to former school use and has little to no weight. Policy OL1 states that the Green Belt will be protected from inappropriate development and approval will not be given for the construction of new buildings except in specific purposes. The wording of this policy is slightly at variance with updated guidance of the NPPF, however, the fundamental requirement to keep Green Belts open and only to allow built development for specific purposes (as outlined in paragraph 89 of the NPPF) or where very special circumstances can be demonstrated remains. As set out above it is considered that the proposals would not have a greater impact on the openness of the Green Belt or be contrary to the purposes of including land within it. Having regard to this it is concluded that the development compromises appropriate development and accords with the development plan having regard to other material considerations including the updated guidance on Green Belts within the NPPF and constitutes appropriate development in the Green Belt.
- 21.3 In reaching a decision regard must be had to the planning balance set out in paragraph 7 of the NPPF where developments are required to balance the social, economic and environmental benefits and dis-benefits, with a presumption in favour of sustainable development proposals as set out in paragraph 14.
- 21.4 The redevelopment of the site would bring about a number of benefits including;
- Re – use of a redundant site
  - Visual amenity improvements
  - Additional planting / ecological improvements
  - Contribution to housing need in the borough where there is a recognised housing shortfall
  - Short term employment
  - Economic contributions by future occupants
  - Funding for the High School
- 21.5 In terms of dis-benefits the development would involve some short term noise and disruption during construction. Some low level impact upon outlook and privacy within the development site may also be anticipated but this is not unusual with new residential development.
- 21.6 On balance it is therefore considered that the proposal accords with the provisions of the development plan with regard to the updated guidance in the NPPF and constitutes appropriate development in the Green Belt. The benefits of the scheme

significantly and demonstrably outweigh any dis-benefits. Planning permission should therefore be granted.

## **22. RECOMMENDATION**

To grant planning permission subject to the conditions set out below:-

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. Prior to the submission of the reserved matters a masterplan and design code for the development of the site informed by and incorporating the recommendations contained within Section 5 of the submitted Landscape Visual Impact Assessment Dated October 2016 by Carly Tinkler shall be submitted to the Local Planning Authority for approval. The subsequent submission of reserved matters shall be in accordance with the approved Masterplan and design code.

3. Before any development is commenced approval shall first be obtained from the local planning authority with respect to the reserved matters, namely the layout, scale, appearance, and landscaping of the development

**Reason:** This is outline permission only and these matters have been reserved for the subsequent approval of the Local Planning Authority.

4. The development shall be limited to a maximum total of 41 dwellings

**Reason:** In order to define the scope of the application as assessed, having regard to the submitted Landscape Visual Impact Assessment and Green Belt Assessment.

5. The plans and particulars to be submitted with the reserved matters shall include full details of both hard and soft landscape works, inclusive of existing vegetation cover and ancillary built structures. These details shall include:-

a) hard - existing and proposed finished levels or contours, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials, minor artefacts and structures [eg: furniture, play equipment, refuse or other storage units, signs, lighting etc], proposed and existing functional services above and below ground [eg; drainage, power, communications cables, pipelines etc indicating lines, manholes, supports etc];

b) soft - planting plans, written specifications [including cultivation and other operations associated with plant and grass establishment], schedule of plants [noting species, plant sizes and proposed numbers/densities where appropriate], implementation programme).

c) details of bin storage areas

d) details of the type, height, position and materials to be used in the construction of any boundary treatments

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

6. 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 proposed retaining walls..

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

7. The development hereby permitted shall be carried out in accordance with the following approved plans:

The location plan drawing reference 9802SW and, in so far as it relates to access to the site only, drawing ref. MH-CL-5202 'Mossley Hollins Proposed Access Arrangement'.

**Reason:** To define the permission

8. Development shall not commence until the following information has been submitted in writing and written permission at each stage has been granted by the Local Planning Authority;

i) A preliminary risk assessment to determine the potential for the site to be contaminated shall be undertaken and approved by the Local Planning Authority. Prior to any physical site investigation, a methodology shall be approved by the Local Planning Authority. This shall include an assessment to determine the nature and extent of any contamination affecting the site and the potential for off-site migration.

ii) Where necessary a scheme of remediation to remove any unacceptable risk to human health, buildings and the environment shall be approved by the Local Planning Authority prior to implementation.

iii) Any additional or unforeseen contamination encountered during development shall be notified to the Local Planning Authority as soon as practicably possible and a remedial scheme to deal with this approved by the Local Planning Authority.

iv) Upon completion of any approved remediation schemes, and prior to occupation, a completion report demonstrating that the scheme has been appropriately implemented and the site is suitable for its intended end use shall be approved in writing by the Local Planning Authority.

The discharge of this planning condition will be given in writing by the Local Planning Authority on completion of the development and once all information specified within this condition and other requested information have been provided to the satisfaction of the Local Planning Authority and occupation/use of the development shall not commence until this time, unless otherwise agreed by the Local Planning Authority.

**Reason:** To safeguard against the risks of contamination

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 trees

10. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall be discharged to the public sewerage system either directly or indirectly unless specifically otherwise agreed in writing. Foul and surface water shall be drained on separate systems unless otherwise agreed in writing and in the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 10 l/s. The development shall be completed in accordance with the approved details

**Reason:** To ensure the development is adequately drained

11. The parts of the site to be used by vehicles shall be constructed, drained and surfaced in a manner having been previously submitted to and agreed by the Local Planning Authority. These areas shall be used for the approved purpose only. Vehicles must be able to enter and leave the site in forward gear at all times.

**Reason:** In the interests of Highway Safety and Convenience

12. The gradient of driveways shall not be steeper than 1 in 15.

**Reason:** In the interests of Highway Safety

13. The development shall not commence until details of the wheel cleaning facilities, temporary access, vehicle parking and turning facilities to be provided during the construction period, has been submitted to and approved in writing by the Local Planning Authority. These measures shall be implemented and retained in operation through the duration of the building works.

**Reason:** In the Interest of Highways Safety and convenience

14. Prior to commencement of work on site, the proposed car parking provision shall be submitted to and approved in writing by the LPA. The car parking spaces shall be provided to the full satisfaction of the LPA and thereafter kept unobstructed and available for their intended purposes. Parking areas or driveways must be at least 3.1 metres wide and 6 metres long where in front of house doors or 5.5 metres long where in front of a garage. The areas shall be maintained and kept available for the parking of vehicles at all times.

**Reason:** In the interests of Highway Safety and convenience

15. The development hereby approved shall not be occupied/brought in to use until the access has been completed in accordance with approved drawing ref. MH-CL-5202 'Mossley Hollins Proposed Access Arrangement

**Reason:** In the interests of Highway Safety and Convenience

16. A clear view shall be provided on both sides of any access where it meets the footway. It shall measure 2.4metres along the edge of the site access and 2.4 metres along the footway. It must be clear of anything higher than 600mm above the access, except for vertical iron railings to a design that includes rails of not greater than 15mm diameter spaced at not less than 100mm intervals.

**Reason:** In the Interests of Highway Safety

17. During demolition and construction no work (including vehicle and plant movements, deliveries, loading and unloading) shall take place outside the hours of 07:30 and 18:00 Mondays to Fridays and 08:00 to 13:00 Saturdays. No work shall take place on Sundays and Bank Holidays.

**Reason:** To safeguard the amenities of the area

18. No development including site clearance shall be carried out between 31 March and 31 August unless a method statement for the protection of ground nesting birds has been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

**Reason:** To safeguard protected species

19. No development other than site preparation works and remediation shall take place unless and until details of noise attenuation measures proposed for this site and a scheme providing good resting/sleeping conditions as defined in BS 8233: 2014 (Sound Insulation and Noise Reduction for Buildings) are submitted to and approved in writing by the Local Planning Authority. Particular attention shall be given to the mitigation of the regular intermittent noise events that have the potential for significant adverse impact as described in Noise Impact Assessment Ref R02 of 17th May 2016. The scheme shall be constructed in accordance with the approved noise attenuation measures and no dwelling shall be occupied unless the requisite attenuation measures relevant to that dwelling have been implemented in accordance with the approved scheme. The approved remediation measures shall thereafter be retained.

**Reason:** To protect the amenities of future occupants of the development.