

Application Number 18/01069/FUL

Proposal	Full planning permission for the erection of an apartment block containing 10 No. 2 bed and 2 No. 1 bed apartments and the erection of 2 No detached 4 bed houses and associated works
Site	Land adjacent Huddersfield Narrow Canal, Egmont Street, Mossley
Applicant	Mr C Sice
Recommendation	Grant planning permission, subject to the prior completion of a Section 106 agreement, subject to conditions
Reason for report	A Speakers Panel decision is required because the application constitutes major development and includes the requirement of a Section 106 legal agreement.

1. APPLICATION DESCRIPTION

- 1.1 The applicant seeks full planning permission for the erection of an apartment block containing 10 No. 2 bed and 2 No. 1 bed apartments and the erection of 2 No detached 4 bed houses and associated works. The apartment block would be located in the north eastern corner of the site, with one wing fronting onto Egmont Street and another wing fronting onto the eastern boundary, overlooking the Canal. The two detached dwellings would be located in the south western corner of the site, to the south west of the proposed access road, which would connect to Egmont Street. The two dwellings would be served by separate driveways, also connecting to Egmont Street.
- 1.2 The applicant has provided the following documents in support of the planning application:
 - Open Space Assessment
 - Habitat Survey
 - Design and Access Statement
 - Proposed hard and soft landscaping details

2. SITE & SURROUNDINGS

- 2.1 The application relates to 0.1 hectares of land to the west of the Huddersfield Narrow Canal on Egmont Street in Mosley. Egmont Street runs parallel with the north western boundary of the site and the Canal runs parallel with the east boundary of the land. The majority of the land is covered by hardstanding and is used as a private car park. The site is designated as Protected Green Space on the UDP proposals map, forming part of a wider designated area that extends to the south west and south east of the site. Land levels within the site are slightly higher than on Egmont Street, with a grassed embankment running along that boundary of the site.

3. RELEVANT PLANNING HISTORY

- 3.1 13/00693/FUL - Demolition of existing retaining wall and construction of 4 new detached houses – approved.

4. RELEVANT PLANNING POLICIES

4.1 National Planning Policy Framework (NPPF)

4.2 Planning Practice Guidance (PPG)

4.3 Tameside Unitary Development Plan (UDP) Allocation

Allocated as protected green space (small part of a wider area of land covered by this designation), within the settlement of Mossley.

4.4 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

1.6: Securing Urban Regeneration

1.10 Protecting and Enhancing the Natural Environment

1.12: Ensuring an Accessible, Safe and Healthy Environment

4.5 Part 2 Policies

H1: Housing Land Provision

H2: Unallocated Sites.

H4: Type, size and affordability of dwellings

H5: Open Space Provision

H7: Mixed Use and Density (Density being relevant to this proposal)

H10: Detailed Design of Housing Developments

OL4: Protected Green Space

OL7: Potential of Water Areas

OL10: Landscape Quality and Character

T1: Highway Improvement and Traffic Management.

T10: Parking

T11 Travel Plans

C1: Townscape and Urban Form

N1b: National Nature Conservation Sites

N2: Locally Designated Nature Conservation Sites

N3: Nature Conservation Factors

N4: Trees and Woodland

N5: Trees Within Development Sites.

N6: Protection and Enhancement of Waterside Areas

N7: Protected Species

MW11: Contaminated Land

MW14 Air Quality

U3: Water Services for Developments

U4 Flood Prevention

U5 Energy Efficiency

4.6 Other Policies

Greater Manchester Spatial Framework - Publication Draft 2019.

The Greater Manchester Combined Authority (GMCA) has consulted on the draft Greater Manchester Spatial Framework Draft 2019 ("GMSF") which shows possible land use allocations and decision making policies across the region up to 2038. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation which is subject to unresolved objections

Residential Design Supplementary Planning Document; and,
Trees and Landscaping on Development Sites SPD adopted in March 2007.

4.7 National Planning Policy Framework (NPPF)

Section 2: Achieving sustainable development
Section 5: Delivering a sufficient supply of homes
Section 8 Promoting healthy and safe communities
Section 11: Making efficient use of land
Section 12: Achieving well designed places
Section 15: Conserving and enhancing the Natural Environment

4.8 Planning Practice Guidance (PPG)

- 4.9 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 Neighbour notification letters were issued 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. This is in addition to a site notice and press notice.

6. RESPONSES FROM CONSULTEES

- 6.1 Borough Tree Officer: Raises no objections to the proposals. Details of the proposed landscaping scheme should be secured by condition.
- 6.2 United Utilities: No objection to the proposed development subject to conditions relating to the details of foul and surface water drainage (including management of maintenance of sustainable drainage systems to be installed) being attached to any approval.
- 6.3 Greater Manchester Ecological Unit (GMEU): No objections to the proposals subject to the imposition of a condition requiring the submission and approval of an Environmental Construction Method Statement, including details of how pollution of the Canal waters is to be avoided during the construction phase of the development.
- 6.4 Borough Contaminated Land Officer: Recommends that a standard contaminated land condition is attached to any planning approval granted for development at the site, requiring the submission and approval of an assessment into potential sources of contamination and a remediation strategy.
- 6.5 Borough Environment Health Officer: Raises no objections to the proposed development subject to the imposition of conditions limiting the hours of works and deliveries during the construction process, requiring the submission and approval of bin storage arrangements serving the development and the approval of a soundproofing scheme to mitigate the impact of noise associated with adjacent uses on the residential amenity of the future occupants of the development.
- 6.6 Local Highway Authority: Raises no objections to the proposals subject to the imposition of conditions requiring the laying out (and retention free from obstruction thereafter) of the car parking spaces prior to the first occupation of the development, the retention of pedestrian visibility splays on either side of the proposed access arrangements, the submission of a survey of the condition of the highway and the submission of a Construction Environment Management Plan prior to the commencement of development.

- 6.7 Greater Manchester Police (Design Out Crime Officer): (comments on the Impact Statement submitted with the application) – no objection in principle subject to further details being provided at the reserved matters stage.
- 6.8 Environment Agency: No objections to the proposals subject to a condition securing compliance with the mitigation measures detailed in the Flood Risk Assessment submitted with the planning application.
- 6.9 Mossley Town Council: No comments received.
- 6.10 Natural England (NE) – no objections to the proposals following the submission of further details demonstrating that the site can be drained without resulting in an adverse impact on the ecological significance of the Canal which is designated as a Site of Special Scientific Interest. A condition should be attached to the planning permission requiring compliance with the Construction Environment Management Plan submitted with the application. NE acknowledge the advice of GMEU in relation to the presence of reedbed habitat within the Canal and do not wish to raise an objection of further survey work is not undertaken prior to the determination of the application.
- 6.11 Canal & Rivers Trust (C&RT) – no objections to the proposals following the submission of further details demonstrating that the site can be drained without resulting in an adverse impact on the ecological significance of the Canal which is designated as a Site of Special Scientific Interest and revisions to the design of the scheme. Conditions should be attached to the planning permission requiring compliance with the Construction Environment Management Plan submitted with the application, along with details of how the impact of the construction works associated with the apartment building on the structural integrity of the retaining wall on the eastern boundary of the site is to be mitigated. C&RT acknowledge the advice of GMEU in relation to the presence of reedbed habitat within the Canal and do not wish to raise an objection of further survey work is not undertaken prior to the determination of the application.

7. SUMMARY OF THIRD PARTY RESPONSES RECEIVED

- 7.1 No third party representations have been received.

8.0 ANALYSIS

- 8.1 The issues to be assessed in the determination of this planning application are:
- 1) The principle of development;
 - 2) The impact of the design and scale of the development on the character of the site and the surrounding area;
 - 3) The impact upon the residential amenity of neighbouring properties;
 - 4) The impact on highway safety;
 - 5) The impact on flood risk;
 - 6) The impact on ecology and the Canal Environment; and
 - 7) Other matters

9. PRINCIPLE OF DEVELOPMENT

- 9.1 This section of the report is split into 2 subsections, the first dealing with the development of protected green space and the second dealing with the principle of the proposed use.
Loss of Protected Green Space

- 9.2 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 212 - 214 of the NPPF set out how its policies should be implemented and the weight which should be attributed to the UDP policies.
- 9.3 Paragraph 213 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 Section 5 of the NPPF requires Local Planning Authorities to support the delivery of a wide choice of quality homes in sustainable locations.
- 9.4 Paragraph 100 of the NPPF states that Local Green Space designation will not be appropriate for most green areas or open space and that the designation should only be used where the following criteria apply:
- Where the green space is in reasonably close proximity to the community it serves;
 - Where the green space is demonstrably special to a local community and hold particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife;
- And;
- Where the green area is local in character and does not apply to an extensive tract of land.
- 9.5 Whilst the land would comply with criterion 1 and 3, it is considered that the land does not hold the value required by criterion 2 in terms of landscape significance. The parcel of land to which the application relates is clearly distinct from the remainder of the allocated open space in that it is covered in hardstanding and constitutes previously developed land. The land to which this application relates does therefore not contribute to the recreational value of the remainder of the allocation. On that basis, it is considered that the definition of green space that is worthy of designation would apply to this specific parcel of land.
- 9.6 Policy OL4 of the UDP seeks to prevent development on areas of protected green space (such as this site) unless certain criteria apply. Criterion (d) of the policy states that an exception to the policy requirement to retain green space can be made where the retention of a site or facilities for sport or recreational use is not necessary and the site has no special significance to the interests of sport and recreation.
- 9.7 The policy does state that none of the exceptions will apply to sites where the land in question would continue to fulfil a local need for amenity space, provide a valued sense of openness in the streetscene, maintain the character and environmental quality of the area, maintain an open land corridor or form a wildlife corridor.
- 9.8 In this case, the applicant has completed an Open Space Assessment. The Assessment covers the fact that the 2010 Tameside Open Space, Sport and Recreation Study assessed the quality of open space within the Borough and categorised sites in terms of their function. The applicant considers that although this site would fall into the classification of amenity greenspace, it does not serve a specific function in terms of green space.
- 9.9 The site is in use as a car park and therefore, whilst forming part of a wider protected green space allocation, does not in itself fulfil a need for amenity space in the locality. Whilst the grassed embankment on the Egmont Street frontage does soften the impact of the car park, it is considered that the site does not contribute positively to the character of the area

to the extent that would warrant its retention as an open piece of land in landscape terms. Officers therefore concur with the conclusion of the Open Space Assessment submitted by the applicant in support of the planning application.

- 9.10 Whilst the Huddersfield Narrow Canal is designated as a Site of Special Scientific Interest and locally as a Site of Biological Importance, it is considered that the ecological value of the site is not a constraint to development, subject to appropriate conditions being attached to any approval (as discussed in more detail later in this report).
- 9.11 It is also the case that planning permission has been granted for residential development on the land previously. Whilst that permission has now lapsed, that decision post-dates the NPPF and local planning policy has not materially changed since that time.
- 9.12 Given this combination of factors, it is considered that the exception in criterion (d) of policy OL4 does apply in this case.
- 9.13 Tameside has recently produced a Playing Pitch Strategy and Action Plan report which does not identify the application site as being necessary to deliver the Council's aspirations to develop leisure space in the long term (next 6 years+)
- 9.14 The site forms a relatively small part of a wider allocation of protected green space, which includes playing field and an area of equipped play space, immediately to the south west of the site. Given this situation, the limited value of the site in visual and recreational terms and the fact that the site is previously developed land, it is considered that the harm arising from the loss of the protected green space is worthy of limited weight in the determination of the application.

Principle of residential development

- 9.15 The site is within reasonable walking distance of Mossley train station, which offers regular services to and from Manchester and the bus services that operate along Manchester Road, connecting to Stalybridge, Ashton and Oldham as well as the services and facilities in Mossley town centre. As previously identified, there is an extensive area of open space immediately to the south west of the site. The site is therefore considered to be a sustainable location for residential development. The site meets the definition of previously developed land contained within the NPPF and the scheme therefore constitutes a brownfield site.
- 9.16 In terms of density, the scheme proposes the erection of 14 units on a site measuring 0.1 hectares in area, equating to a density of 140 dwellings per hectare. Policy H7 of the UDP indicates that development should achieve higher than 50 dwellings per hectare in locations close to sustainable modes of transport. The NPPF also encourages development to make efficient use of land, including the re-use of brownfield sites. Given this policy context and the sustainable location of the site, it is considered that the density of development proposed in this case is acceptable.
- 9.17 These factors are considered to be worthy of significant weight in the determination of the application, given the need to boost the supply of housing in the Borough. It is considered that these factors outweigh the limited harm arising from the loss of part of the protected open space allocation. The principle of development is therefore considered to be acceptable, subject to all other material considerations being satisfied.

10. CHARACTER OF SITE AND SURROUNDING AREA

- 10.1 The scheme proposes a two storey building containing 12 apartments which would be positioned to present an active frontage to the Canal along the eastern edge of the site and

along the north western boundary, fronting onto Egmont Street. The two detached dwellings to be located to the south of the proposed access road into the development would also front Egmont Street. The orientation of the units across the development would result in an outward facing scheme that would enhance the appearance of the site along the Canal frontage and public views of the site from Egmont Street.

- 10.2 The active frontage to the Canal would also correspond positively with the development site on the opposite side of the watercourse to the north east of the site, which has the benefit of an extant outline planning permission (with layout being one of the matters being approved at the outline stage) and includes an apartment building facing the corresponding boundary of the Canal. The proposed development would positively respond to the regeneration of the surrounding area and incorporate the waterfront as a focal point of place making, as required by policy OL7.
- 10.3 The 2 storey height of the development is considered to be appropriate within the context of the height of surrounding development which contains a mixture of residential and industrial development, all of which is relatively low rise. The treatment of the elevations would be relatively uniform and simple, reflecting the uniformity of the terraced dwellings in the surrounding area, as well as the robust nature of nearby industrial development. The massing created by the length of the apartment building would be broken up by the gable features in the north western corner of the development, one facing Egmont Street, the other the Canal frontage.
- 10.4 Whilst the proposed detached dwellings would be taller than the apartment building, the extent of the difference in height is considered not to unbalance the appearance of the development from public views, given the degree of separation provided by the width of the access road that would separate the two elements of the scheme.
- 10.5 Following the above assessment, it is considered that the proposals would preserve the character of the site and the surrounding area.

11. RESIDENTIAL AMENITY

- 11.1 The neighbouring uses directly opposite the site to the north west (across Egmont Street) are commercial premises and as such the proposals would not result in an adverse impact on the amenity of any sensitive uses in that location. The highway bisects the separation distance and the larger industrial units to the north west of the site are set back from the Egmont Street frontage.
- 11.2 Given these factors, it is considered that the noise associated with those neighbouring uses would not result in an adverse impact on the residential amenity of the future occupiers of the proposed development, subject to a condition requiring further assessment of any remediation measures that may need to be incorporated into the elevations of units fronting Egmont Street.
- 11.3 There are residential properties further to the north west but the oblique relationship to the site and the separation distances to be retained between those dwellings and the proposed development ensure that the scheme would not result in adverse overlooking into or overshadowing of those properties.
- 11.4 The separation distance between the north eastern boundary of the site and the corresponding boundary of the site on the opposite side of the Canal would be approximately 24 metres. The extant permission on that neighbouring site confirms that a building would have an elevation facing the application site. A reserved matters application on that site has been submitted (ref. 18/01091/REM), which is yet to be determined.
- 11.5 That scheme is proposing a 2 storey building along the Canal frontage and given that the maximum number of units granted permission at the outline stage, it is considered reasonable to assess this application on the basis that development on the neighbouring site would be not higher than 3 storeys. On that basis, the separation distance to be

retained would meet the requirements of the Residential Design Guide SPD, ensure that the residential amenity of the future occupiers of both developments would be adequately preserved.

- 11.6 In terms of the interaction between the buildings within the development, whilst there would be windows serving habitable rooms in the gable elevation of the apartments that faces the internal access road, the corresponding elevation of the detached dwelling to the south west would be blank, ensuring the no unreasonable overlooking could occur between the units. Both of the affected window openings in the apartments in that relationship are secondary and therefore any loss of light resulting from the relatively short separation distance would not result in harm to the residential amenity of those units.
- 11.7 The Borough EHO has not raised any objections to the proposals in terms of the principle of development. The EHO does however consider it necessary to condition that an impact assessment of the noise associated with the commercial uses adjacent to the site is undertaken and any necessary mitigation measures are incorporated into the specifications of the buildings. This requirement is considered to be necessary given the proximity of the northern elevations of the dwelling and the apartment building to the commercial uses to the north of the site, which form part of an established employment area. Such a condition is therefore attached to the recommendation.
- 11.8 On the basis of the above assessment, it is considered that the proposals would not result in a detrimental impact on the residential amenity of any of the neighbouring properties or the future occupiers of the proposed development.

12. HIGHWAY SAFETY

- 12.1 The proposed development would be accessed from Egmont Street on the north western boundary of the site. The affected section of Egmont Street is relatively straight and therefore adequate visibility would be afforded in both directions from the proposed access point. The scheme has been amended to include a 1.8 metre pedestrian access alongside a 5.5 metre wide access.
- 12.2 The parking spaces associated with the property immediately to the south west of the access has also been relocated further away from the access road into the main part of the site. Following these amendments, it is considered that the proposals would ensure adequate visibility splays to ensure pedestrian safety. On the basis of the amended design, the Local Highway Authority has withdrawn its objection to the originally proposed access arrangements.
- 12.3 The design of the internal access road has also been amended to ensure sufficient space of refuse vehicle turning and to include a service strip around the edge of the highway. In terms of car parking spaces, the scheme would provide 21 spaces to serve the 12 apartments and 2 spaces would be provided for each of the 2 detached houses.
- 12.4 Policy RD8 of the UDP indicates that 2 spaces should be provided per each 2 bed unit in locations such as this, with 1 space required per 1 bed unit. The scheme proposes 21 car parking spaces for 10 x 2 bed apartments and 2 x 1 bed units, thereby falling 1 parking space short of the standards required by policy RD8. As identified previously in this report, the site is considered to be located in close proximity to regular public transport, including Mossley train station.
- 12.5 Given that sustainable modes of transport are within walking distance of the site, it is considered that the extent of the deficit in car parking provision would not be sufficient to outweigh the benefits of the scheme in terms of housing delivery.

- 12.6 The Local Highway Authority has raised no objections to the overall proposal as amended, subject to a number of conditions. Requiring the implementation of the parking layout as shown on the proposed site plan, the provision of details of secured cycle storage and details of an external lighting scheme to be approved prior to the occupation of the development are considered to be reasonable. Such conditions are attached to the recommendation. A Construction Environment Management Plan for the development phase can also be secured by condition to ensure that there is no obstruction of the adjacent highway and the access route immediately to the west of the site during works.
- 12.7 Following the above assessment, it is considered that the proposals would not result in an adverse impact on highway safety and should therefore not be refused on those grounds, in accordance with the guidance within paragraph 109 of the NPPF.

13. FLOOD RISK AND DRAINAGE

- 13.1 The site is in Flood Zone 1 and is therefore considered to be at a lower risk of flooding. The consultation response from the Environment Agency highlights the proposed risk posed by the close proximity of the site to the Canal. They have suggested that a condition be attached to any permission granted requiring the finished floor level of the dwellings to be no lower than 132.86 metres Above Ordnance Datum (AOD). The proposed section plan indicates that at the lowest point, the proposed finished floor levels of the ground floor of the development would be 133.89 metres AOD.
- 13.2 On that basis, it is considered that the proposal would comply with the parameters established by the Environment Agency and would therefore mitigate the risk of flooding from the Canal. A condition requiring the finished floor levels to be in accordance with the details shown on the submitted plans is attached to the recommendation.
- 13.3 United Utilities have raised no objections to the proposals subject to the imposition of conditions requiring the foul and surface water drainage mechanisms to be separated and details of a sustainable surface water drainage strategy being approved and implemented. Given the close proximity of the site to the Canal, which is located within flood zone 3, the requested conditions are considered to be reasonable and are combined as one condition in the recommendation.
- 13.4 The application form indicates that the means of draining foul water from the development are not yet known. Again, given the close proximity of the Canal, which is of a significant biodiversity value, it is considered reasonable to attach a condition requiring details of the mechanism to be used to drain foul water from the development. Such a condition is attached to the recommendation.

14. ECOLOGY/ CANAL ENVIRONMENT

- 14.1 The site is adjacent to the Huddersfield Narrow Canal which is nationally designated as a Site of Special Scientific Interest (SSSI) and locally as a Site of Biological Importance (SBI).
- 14.2 Natural England has been consulted on the application. They requested further information regarding the means of draining foul and surface water from the proposed development. The applicant has provided details of a drainage strategy which would include measures to prevent pollution of the Canal. The measures to be put in place including those to control surface water run-off from the site into the Canal during the construction process. On the basis of this information and subject to compliance with the aforementioned drainage conditions, it is considered that the proposed development would not result in pollution of the Canal.

- 14.3 The Canal and Rivers Trust (C&RT) raised some concerns regarding the potential overshadowing of the Canal by the proposed apartment development, specifically in relation to the presence of reedbed, a valuable habitat within the section of the SSSI adjacent to the site. Officers from GMEU have visited the site and met with the C&RT ecologist and have provided photographic evidence which satisfies them that the presence of this habitat is, in their view, not a constraint on development and that no further survey work in this regard is required. Both C&RT acknowledge that the decision as to whether additional surveys are required rests with the Local Planning Authority and that the advice of GMEU is based on local evidence. Importantly, neither of the statutory consultees object to the application as it stands and on that basis, officers consider that further survey work in regards to the potential impact of overshadowing on the biodiversity value of the Canal is not necessary in this case.
- 14.4 GMEU concur with Natural England's request for a Construction Environment Management Plan (CEMP) to be submitted and approved prior to the commencement of development. The CEMP would ensure that measures are put in place to ensure that pollution of the Canal during the construction phase of the development is avoided. This requirement can be secured by condition.
- 14.5 The Canal and Rivers Trust have requested that a more up to date ecological appraisal of the site be undertaken prior to the determination of the application (the submitted appraisal being produced in 2013). However, GMEU consider that an updated report is not necessary in relation to the application site and Natural England consider that a CEMP, which can be secured by condition, would be sufficient to safeguard the biodiversity value of the Canal. On that basis, it is considered not to be necessary to require further survey work to be undertaken prior to the determination of the application.
- 14.6 GMEU have also requested conditions requiring details of the external lighting to serve the development to be submitted and approved to ensure that installations minimise the impact on the biodiversity value of the Canal and a scheme of biodiversity enhancements to be installed to mitigate the impact of the development in this regard. These conditions are considered to be reasonable and are attached to the recommendation.
- 14.7 The C&RT has raised some concern with the fact that there is a strip of land between the eastern boundary of the application site and the western boundary of the Canal. The C&RT has confirmed that they do not own that strip of land. The applicant has confirmed that they also do not own the land and therefore neither party has control over management of that space.
- 14.8 There is a retaining wall that demarcates the common boundary between that land and the application site, beyond that point, land levels drop steeply down to the Canal. Subject to a condition requiring details of the means of enhancing the treatment on the eastern boundary of the site, it is considered that development of the application site would not prejudice the condition of the strip of land, which would not be suitable for public access.
- 14.9 A management plan for the open space within the site can be included as one of the clauses in the Section 106 Agreement to which any planning permission would be subject and that would include arrangements for the land between the eastern edge of the apartment building and the boundary with the retaining structure.
- 14.10 Following amendments to include window openings in the southern gable elevation of the apartment building, the issues raised by the C&RT are considered to have been adequately addressed. The impacts of the proposals on ecology and the environment of the Canal are therefore considered to be appropriate, subject to the imposition of reasonable conditions.

15. OTHER MATTERS

- 15.1 In relation to the impact on trees, the Borough Tree Officer has no objection to the application as the proposals would not result in the loss of any significant trees on the site. Details of a scheme of landscape planting as part of the development shall be secured at the reserved matters stage. A condition requiring protection of the trees adjacent to the eastern boundary of the site during the construction process is attached to the recommendation.
- 15.2 The Borough's Environmental Health Officer has raised no objections to the proposals, subject to the imposition of conditions. In addition to the aforementioned noise impact assessment, The EHO has requested conditions limiting the hours of operation and deliveries during the construction phase of the development and requiring the details of bin storage arrangements to be approved. These conditions are considered to be reasonable and necessary and are attached to the recommendation. These conditions are in addition to the soundproofing scheme referred to previously in this report.
- 15.3 The Borough Contaminated Land Officer has not raised any objections to the proposals, subject to securing further investigation work into potential sources of ground contamination on the site by condition. A condition requiring this additional work to be undertaken and that any necessary mitigation measures are agreed and implemented prior to the commencement of development is considered to be reasonable given that the land is previously developed.
- 15.4 It is considered reasonable to condition details of a scheme of external lighting to public areas and arrangements for the management of the communal space associated with the flats can be included within the Section 106 Agreement. In relation to minimising the risk of crime, it is considered reasonable to condition the submission of the details to be included in an application for Secured by Design accreditation and confirmation that this accreditation has been achieved prior to the occupation of the development.
- 15.5 In relation to financial contributions required to mitigate the impact of the development, the applicant will be required to make a contribution to the provision of open space within the local area, in accordance with policy H5 and a contribution to the upgrading of highway infrastructure, in order to achieve the objectives of policy T1 of the adopted UDP.
- 15.6 In relation to local green space, the contribution from this development would be approximately £8,845.79 based on the Council's Developer Contributions formula, which shall be secured via a Section 106 Agreement. A scheme for improvements to teen and junior play equipment at Egmont Street Playing Fields is the project that has been identified for this contribution.
- 15.7 In relation to a contribution to the upgrading of the highway network to offset the impact of the development, a commuted sum of £10,053.97 would be used to contribute towards improving pedestrian connectivity along Manchester Road in Mossley.
- 15.8 These contributions are considered to meet the CIL regulations in that they are necessary to make the development acceptable in planning terms (given the limited amenity space to be provided on site and the additional traffic to be generated), directly related to the development (as the close proximity ensures that residents are likely to use these facilities) and proportionate in that the sum is based on the size of the development.
- 15.9 Paragraph 64 of the NPPF states that 'where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area.' The NPPF came into force in July 2018 and is a material consideration from that point. Following adoption of the Housing Needs

Assessment (HNA) for the Borough in August 2018, the Council now has an up to date evidence base on which to seek affordable housing contributions for developments of this scale. The HNA requires 15% of units on the proposed development to be provided as affordable housing. This application pre-dates the adoption of the HNA and the Cabinet report states that the affordable housing levy would only be applied to 'new' applications.

- 15.10 Given that the NPPF is significantly more recent than the UDP policy, officers consider that the 15% affordable housing requirement should apply in this case. In this case, 2 of the units would need to be made available for occupation to meet the definition of affordable housing in the NPPF. The applicant has confirmed that the 2 x 1 bed apartments would be the units to be allocated as affordable in this case. The Housing Needs Assessment (adopted August 2018) indicates that against the Objectively Assessed Need annual delivery target, approximately 37% of the apartment units delivered in the Borough each year to be affordable. The fact that the proposal would contribute towards this figure is considered to enhance the social sustainability of the proposals.

16. CONCLUSION

- 16.1 Whilst the site is part of a wider area allocated in the UDP as protected open space, the parcel of land to which the application relates is hard surfaced and has been used as a car park. The land is therefore contrasting character to the open green space that forms the remainder of the allocation and is considered to be of minimal amenity or recreational value. The proposal would result in the redevelopment of a brownfield site, in a sustainable location well served by public transport providing access to employment, services and facilities. The principle of development is therefore considered to be acceptable.
- 16.2 It is considered that the revised layout would have a positive impact on the character of the site and surrounding area and would not result in an unreasonable impact on the residential amenity of neighbouring properties. The level of parking provision is considered to be sufficient given the close proximity to regular public transport, services and facilities.
- 16.3 There are no objections to the proposals from the statutory consultees in relation to highway safety, flood risk/drainage, the impact on trees or ecology. Financial contribution to the provision of green space and upgrading of the adopted highway within the surrounding area can be secured via a Section 106 agreement.
- 16.4 The application is therefore considered to accord with the relevant national and local planning policies listed earlier in this report.

17. RECOMMENDATION

Grant planning permission, subject to the completion of a Section 106 Agreement to secure the following:

Green Space contribution - £8,845.79 contribution towards improvements to play equipment at Egmont Street Playing Fields.

Highway works: 10,053.97 contribution towards improving pedestrian connectivity along Manchester Rd in Mossley

A Management and Maintenance plan relating to the upkeep of communal green space, surface water drainage and parking areas within the site.

A scheme to secure 2 units of affordable housing on site in perpetuity

And the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with the following approved plans:
 - Proposed site layout plan (drawing no. 645-02 Rev. G)
 - Proposed plots 1-12 elevations plan (drawing no. 645-11 Rev. A)
 - Proposed plots 1-12 ground floor plan (drawing no. 645-09 Rev. A)
 - Proposed plots 1-12 first floor plan (drawing no. 645-10 Rev. A)
 - Proposed plots 13 & 14 plans and elevations (drawing no. 645-03)
3. Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and/or full specification of materials to be used: externally on the buildings; in the construction of all boundary walls, fences and railings; and, in the finishes to all external hard-surfaces have been submitted to, and approved in writing by, the local planning authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.
4. The car parking spaces to serve the development hereby approved shall be laid out as shown on the approved proposed site plan (drawing no. 645-02 Rev. G), prior to the occupation of any of the dwellings and shall be retained free from obstruction for their intended use at all times thereafter.
5. Notwithstanding the details shown on the approved plans, no development shall commence until scaled plans detailing the construction of the access, including vehicular swept paths and visibility splays to be maintained free from obstruction on both sides of the access to serve the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.
6. No development shall commence until details of tree protection measures to meet the requirements of BS5837:2012 have been installed around the trees on the eastern boundary of the site. The protection measures shall be installed in accordance with the approved details prior to the commencement of development and shall be retained in situ for the duration of the construction works. The construction works shall be carried out in accordance with the approved details.
7. During demolition/construction no work (including vehicle and plant movements, deliveries, loading and unloading) shall take place outside the hours of 07:30 and 18:00 Mondays to Fridays and 08:00 to 13:00 Saturdays. No work shall take place on Sundays and Bank Holidays.
8. No development shall commence until such time as a Construction Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of:
 - Wheel wash facilities for construction vehicles;
 - Arrangements for temporary construction access;
 - Contractor and construction worker car parking;
 - Turning facilities during the remediation and construction phases;
 - Details of on-site storage facilities;

The development shall be carried out in accordance with the approved Construction Environmental Management Plan.

9. No part of the development hereby approved shall be occupied until details of the means of storage and collection of refuse generated by the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include scaled plans showing the location of storage and the means of enclosure. The bin storage arrangements for each dwelling shall be implemented in accordance with the approved details prior to the occupation of that dwelling and shall be retained as such thereafter.
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. Foul and surface water shall be drained on separate systems and in the event of surface water draining to the public surface water sewer, details of the flow rate and means of control shall be submitted. The scheme shall include details of on-going management and maintenance of the surface water drainage system to be installed. The development shall be completed in accordance with the approved details and retained and maintained as such thereafter.
11. None of the dwellings hereby approved shall be occupied until details indicating that the development shall achieve Secured By Design status have been submitted to and approved in writing by the Local Planning Authority. The crime prevention measures shall be implemented in accordance with the approved details, prior to the first occupation of any of the dwellings and the development shall be retained as such thereafter.
12. 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.
13. No development, other than site clearance and site compound set up, shall commence until such time as 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 (including controlled waters) 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.

14. No development shall commence until an Environmental Construction Method Statement detailing how pollution of the Canal adjacent to the eastern boundary of the site is to be avoided during the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
15. No development shall commence until an acoustic assessment has been undertaken on the development site and has been submitted to and approved in writing by the Local Planning Authority. The assessment shall take account of all local noise sources (including the commercial units to the north of the site) that may affect the development, including noise from deliveries to and from adjacent commercial uses (including the wood recycling plant), activity in the service yards and any plant and machinery associated with those uses. The assessment shall detail the measures considered necessary to mitigate the impact of the identified noise sources and shall include manufacturer's specifications and scaled plans of the measures to be installed. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.
16. Prior to the occupation of any part of the development hereby approved, visibility splays shall be provided on both sides of the site access where it meets the footway. The visibility splays 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 ground level. The visibility splays shall be retained as such thereafter.
17. Prior to the first occupation of any of the dwellings hereby approved, details of a scheme for external lighting to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a scale plan indicating the location of the lighting to be installed, a LUX contour plan indicating the levels of light spillage and scaled elevations of lighting columns/supporting structures. The external lighting scheme shall be implemented in accordance with the approved details prior to the first occupation of any of the dwellings and shall be retained as such thereafter.
18. The development shall be carried out in accordance with the mitigation measures detailed in the Flood Risk Assessment submitted with the planning application and shall be retained as such thereafter.
19. No development shall commence until a method statement relating to the construction of the apartment building fronting onto the Canal (as identified on approved site plan (drawing no. 645-02 Rev. G) and survey of the structural integrity of the retaining wall on eastern boundary of the site have been submitted to and approved in writing by the Local Planning Authority. The details shall include scaled cross section plans showing the relationship between the apartment building and the Canal and details of the foundations of the structure. The development shall be carried out in accordance with the approved details.
20. Prior to the commencement of development, details of the means of draining foul water from the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. In the event that the proposal does not include connection to the mains sewerage network, technical specifications of the infrastructure to be installed (including details of the capacity) shall be submitted. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.
21. The finished internal ground floor levels of the development shall match the levels indicated on the proposed section plan submitted with the planning application which indicates that at the lowest point, the proposed finished floor levels of the ground floor of the development

would be 133.89 metres AOD.