

Application Number	15/01061/OUT
Proposal	Outline planning application for the demolition of Britannia Mill and erection of approximately 750sqm retail floor space (A1) and approximately 62 apartments and associated access with all other matters reserved.
Site	Britannia Mill Manchester Road Mossley
Applicant	English Braids Ltd
Recommendation	Approve

REPORT

1.0 APPLICATION DESCRIPTION

- 1.1 This planning application seeks outline permission, only seeking approval for access. Appearance, layout and scale and landscaping will be matters reserved for a subsequent application.
- 1.2 The application proposes to demolish all the existing remaining buildings on the site and erect 750sqm of A1 retail floor space and 62 apartments.
- 1.3 Vehicular access to the scheme is shown via Manchester Road and Queen Street. From Manchester Road there will be car parking spaces provided for the retail outlet and car parking spaces and cycle spaces provided in an undercroft car park for the residential units and a further car parking spaces for residential use accessed via Queen street.
- 1.4 As the application is in outline all details of appearance, layout, scale and landscaping are reserved for later applications however, drawings have been submitted which showing the potential for the scheme as a mixture of four and five storeys high with the retail unit building to front Manchester Road and that unit being 4 storeys high with the rear of the site up to 5 storeys.
- 1.5 The following documents have been submitted in support of the planning application:-
 - Planning Statement
 - Flood Risk Assessment
 - Noise Assessment
 - Retail Assessment
 - Marketing Report
 - Topographical Survey
 - Transport Statement
 - Heritage Statement
 - Design and Access Statement
 - Bat Assessment Report
 - Phase 1 Habitat Survey
 - Phase 1 Site Investigation

SITE & SURROUNDINGS

- 2.1 The application site is 0.45 hectares located in the centre of Mossley in a mixed use urban area. Existing houses, flats and a public house on Manchester Road and Queen Street adjoin the site and the properties are two storey semi-detached and terrace properties and opposite the railway station.
- 2.2 Britannia Mill was originally built in 1851 by John Mayall as a cotton mill and in more recent times was occupied by English Braids a rope manufacturer until 2007. Since that time the mill is now vacant. The remainder of the site was cleared some years before that and left as hard standing.
- 2.3 Britannia Mill is a large rectangular shaped, mill building which is 2 storeys high fronting Manchester Road. From Manchester Road the existing mill measures some 15m high to the ridge. There is a 10m difference in land levels between the west and east of the site.
- 2.4 The site currently contains the remaining part of Britannia Mill which occupies approximately 30% of the site and a large area of former industrial site cleared some years ago and now left vacant.
- 2.5 The vehicle access into the site is currently via Queen Street.
- 2.6 The site is within walking distance of the local shopping facilities on Manchester Road (0.1km away) and schools (the nearest primary school being 0.45km) away and other services within the Mossley area.
- 2.7 The site has good access to public transport, with the nearest bus stops being located right outside the site on Manchester Road and Mossley Railway Station immediately across Manchester Road.

3.0 PLANNING HISTORY

- 3.1 There is no relevant planning history for the site

4.1 RELEVANT PLANNING POLICIES

4.2 Tameside Unitary Development Plan (UDP) Allocation

- 4.2.1 Development Opportunity Area (Mossley Mills/ Manchester Road, Mossley (residential and employment uses)

4.3 Tameside UDP

4.3.1 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.
- 1.12: Ensuring an Accessible, Safe and Healthy Environment.

4.3.2 **Part 2 Policies**

E3: Established Employment Area
S3: New Retail Developments outside Town centres
S6: New Local Shopping Developments
C1: Townscape and Urban Form
C11: Shop Fronts
H4: Type, Size and Affordability of Dwellings.
H10: Detailed Design of Housing Developments
T14: Transport Assessments
T10: Parking
MW11: Contaminated Land.

4.4 **Other Policies**

4.4.1 Residential Design SPD

4.4.2 National Planning Policy Framework (PPF)
Section 1 Delivering sustainable development
Section 6 Delivering a wide choice of high quality homes
Section 7 Requiring good design

4.4.3 Planning Practice Guidance (PPG)

This is intended to complement the PPF 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.

5.0 **PUBLICITY CARRIED OUT**

- 5.1 Prior to submission of the application, the applicant consulted the Council's planning, policy and highways officers; local residents and businesses; and, local ward Councillors.
- 5.2 As part of the planning application process, 29 notification letters were sent out to neighbouring properties on 15th December 2015.
- 5.3 A site notice was displayed on Manchester Road on 16th December 2015 and a notice was placed in the Tameside Reporter on the 24th December 2015.

6.0 **RESPONSES FROM CONSULTEES**

- 6.1 Head of Environmental Services – Highways, In overall terms Highways have raised no objections to the proposal subject to conditions relating to highways safety, road layout and work on site.
- 6.2 United Utilities raise no objections to the proposal providing conditions are added to any approval relating to surface water drainage and contamination.
- 6.3 The Environment Agency raises no objections to the proposal providing conditions are added to any approval relating to surface water drainage and contamination.

- 6.4 Head of Environmental Services – Environmental Health have raised no objections to the proposal and have requested conditions be added to any approval relating to noise and disturbance during construction and once the development is complete.
- 6.5 The GM Archaeological Advisory Service have raised no objections to the proposal providing conditions are added to any approval relating to monitoring and recording of the site.
- 6.6 The GM Ecology Unit have raised no objections to the proposal providing conditions are added to any approval relating to wildlife and landscape protection.

7.0 SUMMARY OF THIRD PARTY RESPONSES RECEIVED

- 7.1 6 letters of objection have been received as a result of neighbour notifications from Emmaus, Longland Mill, Queen Street, 297 Manchester Road, 9 Queen Street, Apply House, Abney Road, Copperative Estates, Mossley Civic Society objecting on the following grounds:-

General

- The red edged shows part of the pavement not owned by the applicant
- Density too high, Planning Policy Guidance recommends a density of 50-80 dwellings per hectare in rural areas with good transport links. The scheme as outlined sets a density of 120 dwellings per hectare with the addition of retail units.
- Infrastructure in the area is lacking - dentists, GP spaces, primary schools, the rail service is poor from the nearby station.
- The proposed development will have a negative impact on the residential amenity of existing and proposed residents;
- The Planning Statement disregards the findings of the accompanying heritage and contamination reports, and gives limited consideration to the ecological considerations
- No affordable housing provision has been included as part of the development.
- No open space provision has been provided as part of the development, nor has reference been made to the provision of a financial contribution

Retail

- Concerned about negative effect on local business.
- Consideration should be given to the emerging policy position and the evidence base which considers that an assessment of the impact of proposals of more than 200 sqm in out-of-centre sites within Local Centres should be considered;
- The proposed development will potentially impact on the vitality and viability of the Local Centre
- There is no need for one large retail business in our area, we need is variety of businesses for our local community

Transport

- Queen Street already over used for car parking and causes problems for access to existing businesses the additional burden of cars accessing the site is going to create major traffic flow problems.
- No indication given to the surface finish of Queen Street as it is currently un-adopted and surface condition is extremely poor and additional traffic will not help this.
- Visitor parking for those living in the new apartments should be provided.
- The proposed servicing/deliveries arrangements for the retail unit (via a layby on Manchester Road) are likely to result in the potential conflict between servicing vehicles, pedestrians and other road users to the detriment of highway safety.

Height

- As the proposed building on the Manchester Road frontage is at least one storey higher than the existing building, it is felt this would create an overly-dominant building on the Manchester Road frontage, which would dwarf the surrounding area and does not take account of the character and building types of the surrounding streetscape. It will also impact on views of the Local Centre and the surrounding landscape from the railway line.

Heritage

- The Mill occupies a prominent position in the landscape it dominates and as mentioned in the report it is 'a relatively well-preserved example of a spinning block, typical of the period and region' and it is clear that its close proximity to two listed buildings (Mossley Town Hall and War Memorial) together with its close association with the Britannia Inn, the station, adjacent terrace housing and Longland Mill provide character and a historical context to the centre of Mossley. The external elevation on Manchester Road has a 'strong aesthetic value' and complete removal of all the historic fabric would diminish the local townscape.
- Britannia Mill is on the 'Local List' of 'buildings of significant historical interest'. There is a wealth of historical information pertaining to the importance of these mills in the Heritage Centre. Queen Street is also architecturally interesting – the road is laid with setts and the tunnel which was built by John Mayall to make it easier to transfer raw cotton into the mills, runs underneath Queen Street. Mossley is a mill town and is proud of its heritage.....over the years many of the mills have been destroyed but those that are still in use have maintained their character. It is vital that Mossley is allowed to conserve important parts of its heritage.
- An underground tunnel from the railway sidings, originally built to provide transport of raw cotton from the railway, under Manchester Road, directly to Britannia and Longland Mills has huge historical significance and could be affected by your plans.
- To demolish the Mill completely seems short sighted at a time when the Town Team are working hard on a Blue Plaque Trail to explore Mossley's heritage – the mills are a huge part of Mossley's industrial legacy.

- No attempt seems to have been made to preserve the weathershot, coursed local sandstone on the eastern façade and if it is demolished the departure from the appearance of the local vernacular could only be to the detriment of the streetscape.
- No guarantees that some of the fabric of the existing building would be re-used (use of reconstituted stone would be a denial of Mossley's heritage).

8.0 ANALYSIS

8.1 The principal issues in deciding this application are;

- o Principle of Development
- o Retail Assessment
- o Layout, Design and Landscaping
- o Amenity
- o Highway Safety and Accessibility
- o Ground Conditions
- o Archaeology and Ecology
- o Drainage, Flood Risk
- o Developer Obligations

9.0 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 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 sets 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 would support 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 The site is allocated as an established Employment Area within the current UDP and subject to policies 1.1, 1.9 and E3. These policies are supported by the Employment Land Supplementary Planning Document which provides more detail on its application. Following a recent public inquiry, the Planning Inspector found this policy was consistent with the NPPF stating

"....to my mind, the policy's statement to the effect that on allocated employment sites employment development will be permitted and that residential uses will not be permitted unless the benefits outweigh the site's potential for employment use, accords with the Framework's paragraphs 17 and 22..."

9.3 Paragraph 49 of the Framework advises that where an authority cannot demonstrate a five year supply of deliverable housing sites, relevant policies for the supply of housing should not be considered up-to-date. Whilst policy E3 is primarily a policy concerning employment uses, it has a bearing on the supply of housing. However, given that the policy accords with paragraph 22 of the NPPF and specifically provides for residential

development on employment sites where the balance of benefits and adverse impacts demonstrates this to be appropriate. The current housing land supply position also dictates that this factor carries significant weight as a material consideration when carrying out the planning balance exercise within policy E3 and the Employment Land SPD.

- 9.4 There is not an up to date figure in an adopted plan for the amount of employment land required in Tameside. At the recent Public Inquiry evidence was provided demonstrating a surplus of employment land based on all requirement scenarios other than a 20 year average with the Planning Inspector concluding "...that there is currently a quantitative surplus of employment land in the Borough."
- 9.5 The proposal for the redevelopment of the site at Britannia Mill would not comply with the policy aims. Specifically, the loss of an employment site in an area of limited employment opportunities runs counter to the plans aims of keeping local job opportunities that are accessible.
- 9.6 Policy E3 requires an evaluation of sites in established employment areas if a non-employment use is proposed and an applicant should provide information that allows the Council to assess whether the site is suitable for release, having regard to
 - a) available alternative sites;
 - b) demand for employment land in the area;
 - c) the suitability and viability of maintaining the site in employment use; and
 - d) the possible opportunity for a mixed-use development.
- 9.7 Each of these issues is considered in turn.
 - a. Evidence was presented as part of the application to support the loss of the site as employment land. There are a limited number of employment sites and premises in the eastern part of the Borough and specifically in the Mossley area and there is known residential pressure on other employment sites in the area. That aside the applicants suggested various alternative sites in the area that are in employment use and it was considered that the submitted evidence presented was acceptable when combined with the other requirements of the policy.
 - b. The applicant has demonstrated evidence of a lack of demand for this site by means of having marketed the property/site for over three years. There were also significant constraints on the existing premises and location that were cited within the submitted marketing information that place the site at a significant market disadvantage. The information suggests that through marketing there has been a low demand for employment use on the site and Officers agree the marketing has been carried out and suitably documented over an acceptable period to cover the requirements of the policy and the low demand for the site as an employment use is accepted.
 - c. Evidence was submitted in relation to the economic viability of redeveloping or refurbishing the site or buildings for to allow for the previous use to be re-establish or for a new employment type use. The reports submitted suggests this would be financially challenging and to get it to a useable and structurally sound position the building work would initially cost in the region of £500,000

with full refurbishment substantially more. Given the potential user types for an industrial use in the existing building this is an unrealistic amount and is exacerbated in terms of existing none compatible surrounding land uses and its location, access, surrounding uses and size make both a sole industrial or mixed use proposal at this point unrealistic.

- d. The site is considered to be of medium quality in the Tameside Employment Land SPD. The SPD allows for the benefits of a proposed alternative development to be considered against the potential of a site for continued employment use. In this consideration, the proposal would clearly make a contribution towards the Borough's deliverable housing land supply and deliver positive regeneration benefits through re-use of a redundant and partially derelict brownfield site which in turn gives less pressure on the surrounding Greenfield sites.

9.10 In summary, the developers have submitted sufficient evidence to suggest that whilst the loss of the site for employment uses is unfortunate the tests for the policy have been met and it is considered that this is an opportunity to revitalise this part of Mossley by redeveloping a derelict under-utilised site in a prominent location that is unlikely to be brought back into employment use.

9.11 The development proposed will result in a sustainable, inclusive mixed use housing and retail development which conforms to the Tameside UDP and is in accordance with the NPPF core principles and Section 6 of the NPPF and would represent an economic benefit to the locality by bringing a significant number of residents and, as a consequence, increased expenditure within the locality.

10.0 Retail Assessment

10.1 The proposed site is not within the Town Centre Boundary of Mossley. When considering the acceptability of the principle of the proposed development, the National Planning Policy Framework (NPPF) sets out two key tests that should be applied when planning for town centre uses, such as retail, which are not in an existing town centre and which are not in accord with an up to date Local Plan, these being the sequential test and the impact test.

Sequential Test

10.2 As the proposal is an out of town centre site the sequential test should be considered first and requires that developers demonstrate, in sequence, that there are no appropriate town centre sites that could accommodate the development followed by edge-of-centre locations and only if suitable sites are not available should out-of-centre sites be considered.

10.3 Given the relative scale of the proposal and that the applicants suggest it is most likely provide a convenience food store serving the top-up shopping needs the scope of assessing sequential sites was limited to the established town centre boundary of Mossley and the local shopping parade of Manchester Road.

10.4 Within the town centre there were six vacancies identified, all of which were too small for the required proposal and had no marketing information available so it was unclear if

they were available for occupancy, various open sites were also considered but found unsuitable for development for various reasons including use as car park, and public open space.

- 10.5 Within the parade of shops on Manchester Road just four empty units were recorded which again were single retail units much smaller than the required size.
- 10.6 The test has been applied in a way that is proportionate and appropriate for the given proposal. Therefore, in accordance with the checklist in PPG at Paragraph 010 the sequential test is satisfied in compliance with Paragraph 27 of NPPF. The proposal therefore complies with the requirements of the sequential test. with no sequentially preferable sites being identified which are able to accommodate the proposal.

Impact Test

- 10.7 The impact test determines whether there would be likely significant adverse impacts of locating a main town centre development outside of existing town centres on the vitality of those centres. Whilst the NPPF states that impact assessments should only be required where developments of more than 2,500 sq m are proposed, in dealing with proposals of less than 1,400sqm, Unitary Development Plan (UDP) policy S6 requires the undertaking of an assessment of the likely effect on the vitality and viability of established district or local centres. This policy seeks to encourage appropriate small scale retail developments that aid in reducing the need to travel to undertake top-up shopping trips and so result in more sustainable journey patterns. The policy approach is consistent with the NPPF in planning 'positively for the provision and use of ...community facilities (such as local shops...) ... and other local services to enhance the sustainability of communities and residential environments'.
- 10.8 As with the sequential test, the likely impact test has focused on the vitality and viability of the Mossley Town Centre and local parade of shops on Manchester Road.
- 10.9 The town centre contains a range of complementary uses. The variety of uses provides the centre with vibrancy and vitality and includes leisure and service retail uses in conjunction with comparison and convenience retail outlets. The convenience retail units in the town, being of a more modest scale than that proposed, provide a more limited range of top up convenience retailing. It is unlikely therefore that they will compete on a like-for-like basis with the proposed development. As noted above, the centre contains only 6 vacant units out of 59 indicating good health and a strong likelihood of re-letting of any such vacancies in the future. Additionally, the environmental quality and level of investment is modest to strong indicating good investor confidence in the parade as a successful trading location. The existing local centre is thereby in a modest to strong position to continue to be a vibrant and viable trading location following implementation of the proposed development.
- 10.10 The local parade of shops contains a range of complementary uses serving the day to day needs of local residents. The variety of uses provides the parade with a reasonable level of diversity. As noted above, the local parade contains only 4 vacant units which represents 13% of the total units so performs well on this indicator.
- 10.11 The health checks carried out demonstrate that both Mossley Local Centre and the parade of shops in Mossley are both viable and popular centres that meet the day to day

needs of the local community. It is therefore concluded that the planning application complies with relevant retail policies of the development plan and national planning policy.

11.0 Layout, Design and Landscaping

- 11.1 The proposal is in outline so whilst all details apart from access are to be submitted at reserved matters indicative plans have been submitted showing how the site could accommodate the level of development applied for.
- 11.2 The applicants have indicated that the flats will be a mixture of 2 and 3 bedroom accommodation.
- 11.3 Concern has been raised by Officers regarding the overall height of the Manchester Road block as shown on the indicative drawings and the it would have an overbearing impact on the surrounding properties. This has been discussed with the applicants but the overall heights will be subject to the reserved matters proposal and any ifssues with the design resolved at that point.
- 11.4 The indicative plans show the proposal can broadly fit within the parameters shown on the drawings and the detailed design will be agreed at a later date. The specific details of all external materials and landscaping is a matter reserved for a subsequent application and have not been included as part of this application.
- 11.5 Taking into account the above facts and assessment, it is considered that at this stage the design, appearance and layout of the development conforms to the requirements of the Residential Design SPD, UDP Policy H10 and Section 6 and 7 of the NPPF and is therefore acceptable.

12.0 Amenity

- 12.1 In overall terms, given the level of detail provided it is considered that the proposed development appears broadly acceptable in terms of outlook, light and privacy.
- 12.2 Due to the nature of the proposal in outline it is unclear if all of the blocks will meet the required privacy distances from existing residential properties and this was raised with the developers. The scheme has been submitted with the full understanding that any subsequent applications needs to meet all the privacy and overlooking distances set out in our SPD.
- 12.3 A Daylight/Sunlight report was requested in order to assess the impact of the proposal on surrounding residential units. The applicants have provided a Shadow study which gives an initial view that the criteria of a full report is likely to be met which again will be an essential requirement of any further detailed applications.
- 12.4 Despite objections received, it is not considered that proposal will result in any loss of privacy, light, outlook or amenity to the existing properties and the proposal complies with the Residential Design SPD and Section 7 of the NPPF and further assessment of the impact of the proposal on amenity will be carried out during subsequent more detailed applications.

13.0 Highway Safety and Accessibility

- 13.1 The proposed access into the site will reuse the existing access points onto Manchester Road for the residential element in Block A and the retail unit and Queen Street for the other residential blocks. The application also includes proposal to make up Queen Street to adoptable standards.
- 13.2 The proposed vehicular access from Manchester Road will provide access to the car parking for the retail unit and residential units, the access will not be used by service and delivery vehicles. The existing bus stop adjacent to the site will be retained, and a servicing layby and 3 marked parking bays provided to replace the existing unmarked on-street parking.
- 13.3 Access for residential apartments will be provided off Queen Street. The proposed junction will formalise the access into the existing car park for the Britannia Mill. This access will be used solely for those accessing the residential apartments and it is proposed to be barrier controlled to prevent all vehicles apart from emergency and service vehicles from accessing the remainder of the site. Refuse collection and deliveries for the residential apartments will be undertaken off Queen Street via a proposed layby.
- 13.4 In support of the application, the developer has submitted a Transport Statement which estimates that the proposed development will generate less two-way traffic flowing in and out of the site from either entrance than if the building was occupied to its full potential with industrial units were occupied. These figures must be considered in relation to the derelict nature of the site and that it is unlikely to come forward for industrial development. That aside the development in this sustainable location allows for improvements to the local highways network and is acceptable when considered against the previous use of the site.
- 13.5 There is likely to be some degree of overestimation of current/historical traffic generation but it is considered that the traffic generated by the proposed development will not have any significant detrimental impact on the highway network.
- 13.6 In terms of car parking provision, the development will provide 133 parking spaces (26 for retail and 107 for residential use). This is considered acceptable; the site is located within the urban area in a highly accessible location being located on a bus route and very close to the railway station, and other services such as local shops and schools being located close by. Secure cycle storage facilities are also provided in each flat block.
- 13.7 In terms of servicing for the retail unit the proposals include a loading bay on Manchester Road for servicing and use by the refuse lorries and this will also make bays available for customers to the retail unit. It is however anticipated that the majority of customers visiting by car will use the proposed undercroft car parking spaces or will be passers-by and will therefore walk to the retail unit.
- 13.8 In overall terms Officers are satisfied that the proposed development is acceptable in terms of access, highway safety and parking provision and the development complies with UDP Policies T7 and T10 and Section 4 of the NPPF.

14.0 Ground Condition

- 14.1 The site's industrial history indicates a high potential for contamination to be present on the site.
- 14.2 A Phase 1 Geo-Environmental Site Assessment has been submitted by REC (dated January 2014) which recommends that a detailed Phase 2 intrusive Geo-Environmental ground investigation be undertaken in order to confirm the initial findings and to determine foundation design. A Remediation Strategy and Enabling Works Plan and a Material Management Plan will also be required to ensure a cost effective and compliant approach to the proposed enabling works and these are recommended as conditions.
- 14.3 An objection has been received concerned that the proposal does not make adequate provision for contamination. However, subject to the measures above being carried out, the site is considered to be acceptable for residential development and compliant with UDP Policy MW11 and Section 11 of the NPPF.

15.0 Archaeology and Ecology

- 15.1 Greater Manchester Archaeological Advisory Service (GMAAS) takes the view that the mill is unlikely to be assessed as being nationally significant, but is of local significance. This is a view backed up with objections received concerned about the loss of the mill in the locality and the historical significance it gives to the town. As requested by GMAAS a condition will be attached requiring that a programme of archaeological works and recording is undertaken before demolition takes place.
- 15.2 A Bat Survey Report was undertaken on 22nd October 2015 and followed up with two dusk surveys. The building was assessed as having a medium potential to support roosting bats with surrounding habitat suitable for foraging, dispersing or commuting in or around the site. Following the confirmed presence of a bat roost within the site a Natural England mitigation licence will be required and a suitable condition has been attached.
- 15.3 The development needs to be assessed under Section 39 of the Conservation of Habitats and Species Regulations 2010. Strict tests must be satisfied before Natural England will agree to issue such a licence. These tests are –
 - a) That the development is to preserve public health or public safety or other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
 - b) That there is no satisfactory alternative
 - c) That the issue of a licence will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 15.4 The development will have overriding public interest in terms of the regeneration benefit to the town and as demonstrated there is no satisfactory alternative within the local area. The roost at the site is of low conservation significance and therefore will not be detrimental to the maintenance of the bat population in Tameside. However, prior to development commencing a detailed method statement would need to be

prepared and a mitigation licence obtained from Natural England and a condition detailing the mitigation required be attached to any permission.

- 15.5 The buildings and the trees and scrub on the site have the potential to support nesting birds. All birds, with the exception of certain pest species, and their nests, are protected under the terms of the Wildlife & Countryside Act 1981. Therefore a condition will be added which recommends that no demolition works, tree felling and/or works to trees and scrub, including site clearance should take place in the main bird breeding season.
- 15.6 In line with Section 11 of the NPPF, opportunities for biodiversity enhancement will be incorporated into the new development. These include; bat bricks and/or tubes, bat and bird boxes and native tree and shrub planting. A condition will be added to require details of these enhancement measures to be submitted to the Council and implemented in full.
- 15.7 Himalayan Balsam is present on the site. It is an offence under the terms of the Wildlife and Countryside Act to allow this plant to grow in the wild. Therefore a condition will be attached to ensure that prior to the commencement of any works on site (including vegetation clearance) a methodology for the control of invasive species be submitted to and agreed by the council. Once agreed the method statement will be implemented in full.

16.0 Drainage and Flood Risk

- 16.1 The site is within Flood Zone 1 which is the lowest zone and has less than 1 in 1,000 annual probability of river flooding.
- 16.2 A Stage 1 Flood Risk Assessment has been submitted which states that the risk of surface water flooding and groundwater flooding following a 1 in 75 year event is low, the risk of canal, reservoir, river water and coastal flooding following a 1 in 75 year event is negligible and the potential risk of sewer flooding is moderate.
- 16.3 United Utilities and the Environment Agency have raised no objections to the proposed development.
- 16.4 A detailed drainage design for foul and surface waters will be required by condition before works commence to prevent increases in surface water run off which will increase the risk of flooding. Subject to this condition, the proposal will comply with UDP Policy U4 and Section 10 of the NPPF.
- 16.5 In overall terms, the flood risk to the site is considered to be low. The site falls within flood zone 1 where all forms of development are considered acceptable. There is no evidence of any significant risk of groundwater flooding. Surface water run-off would be dealt with by appropriate SuDs related techniques with details to be secured by an appropriately worded condition.

17.0 Developer Obligations

- 17.1 The Section 106 obligations generator provides figures for contributions for developments which are necessary, directly related to, fair and reasonable in scale and

kind to the proposed development. The monies will then be put towards individual infrastructure items in order to mitigate the impact of proposed development on local areas of Green Space, local Education and Highways.

- 17.2 In this case, the obligation generator suggests that £631.85 per unit be contributed towards Green Space and £867.20 per 2 bed unit and £1211.345 per 3 bed unit be contributed towards Education. The suggested highways contribution is £7,000 for to improve pedestrian facilities along eastern side Manchester Rd by upgrading dropped kerbs and tactile paving to road crossings between existing crossings at Mill Lane and Stamford Rd. This would improve pedestrian links with Milton St Johns Primary School, Mossley Rail Station, Livingstone Primary, and other community facilities.

18.0 Conclusion

- 18.1 In conclusion, the proposed development would result in the beneficial re-use of previously developed land providing much needed housing in an accessible location close to a wide variety of services and transport links in Mossley. Whilst there are some concerns about the loss of employment land, and impact on local retail uses any concern is outweighed by the positive regeneration benefits and contribution to the housing land supply. The proposed development is therefore considered to be sustainable development which accords with the development plan, local policies, the NPPF and PPG's.

RECOMMENDATION

Grant planning permission subject to the prior signing of a Section 106 Legal Agreement and following conditions.

- A) Section 106 Legal Agreement: Precise amounts are not yet known but sums will be based on the total number of dwellings applied for at reserved matters and on the following calculations;
Green Space:- £631.85 per property
Education:- £867.20 per 2 bed property and , £1,211.35 per 3 bed property
Highways:- £7000 for the development to upgrade dropped kerbs and tactile paving to road crossings between existing crossings at Mill Lane and Stamford Rd and improve pedestrian links with Milton St Johns Primary School, Mossley Rail Station and Livingstone Primary
- B) That the Assistant Executive Director Environmental Services be authorised to process any Traffic Regulation Order considered necessary and in accordance with the Road Traffic Regulation Act 1984. Subject to the resolution of any objections received during the public consultation period.
- C) That the Assistant Executive Director Environmental Services be Authorised to use the Council's Statutory Powers under the Highways Act 1980 to enable the making up of Queen St, to enable Development to take place and at the Developers expense. That Queen St is not to the Authority's satisfaction sewered, levelled, metalled, flagged, channelled, made good and lighted and the and the Authority should execute street works on it under part X1 of the Highways Act 1980. That the Assistant Executive

Director Environmental Services be authorised to approve the specification, plans, sections, estimate and provisional apportionment. That on completion of the works the Assistant Executive Director Environmental Services proceed with the final apportionment and on expiry of the maintenance period, declare the street to be a highway maintainable at public expense.

D) Conditions:

1. Application for approval of reserved matters must be made not later than the expiry of three years beginning with the date of this permission and the development must be begun not later than the expiry of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. 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.
3. 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], retained historic landscape features, proposals for restoration),
 - 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).
4. The development shall be carried out in accordance with the following drawing numbers; 1136-F01 rev F, 30443-PA-02-001, 30443-PA-02-100, 30443-PA-02-101 rev P1, 30443-PA-02-102 rev P1, 30443-PA-02-103 rev P2, 30443-PA-02-104 rev P1, 30443-PA-03-009 rev P1, 30443-PA-03-014, 30443-PA-Shadow Study revDP1 and 12757-143_3DT (1)
5. No development shall take place until details of existing and finished site levels relative to agreed off-site datum point(s) have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
6. Development shall not commence other than site clearance and remediation 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) 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) 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) 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.

- 7. No development shall commence other than site clearance and remediation until a surface water drainage scheme, based on the hierarchy of drainage options in the 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 discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.
- 8. No development shall commence other than site clearance and remediation until a sustainable drainage management and maintenance plan for the lifetime of the development has been submitted to the Local Planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum: The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime. The development shall subsequently be completed, maintained and managed in accordance with the approved plan.
- 9. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

10. Foul and Surface water shall be drained on separate systems
11. No soft-strip, demolition or development groundworks shall take place until the applicant or their agents or successors in title have secured the implementation of a programme of archaeological works. The works are to be undertaken in accordance with a Written Scheme of Investigation (WSI) submitted to and approved in writing by Tameside Planning Authority. The WSI shall cover the following:
 - i. A phased programme and methodology of investigation and recording to include: a level 3 historic building survey; archaeological evaluation through trial trenching; dependent on the above, targeted more detailed area excavation and recording; dependent on the above, a targeted archaeological watching brief during soft-strip and demolition of the standing buildings
 - ii. A programme for post investigation assessment to include: production of a final report on the standing remains and the below-ground archaeological interest;
 - iii. Deposition of the final reports with the Greater Manchester Historic Environment Record
 - iv. Dissemination of the results to commemorate the history, architecture and archaeology of the site
 - v. Provision for archive deposition of the report and records of the site investigation.
 - vi. Nomination of a competent person or persons/organisation to undertake the works set out within the approved WSI.
12. 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.
13. The ground floor retail use hereby permitted shall not be operated outside the hours of 07:00 to 22:00.
14. No loading/unloading shall take place outside the hours of 07:00 to 21:00 Monday to Friday and 08:00 to 18:00 on Saturday and Sunday.
15. Prior to its installation, full details of any fixed plant and machinery proposed for the proposed retail unit shall be submitted to and approved in writing with the Local Planning Authority. The fixed plant/machinery shall then be fitted in accordance with the approved details and thereafter so maintained.
16. A scheme to protect the proposed dwellings from traffic noise from Manchester Road, including further assessment and noise mitigation measures shall accompany the application for reserved matters and be as recommended in the Noise Impact Assessment No P2964/R1/DB of the 18th September 2015, conducted by AEC Ltd.
17. Each property hereby approved shall not be occupied unless and until adequate facilities for the storage and collection of refuse and recyclable materials have been physically provided for that property, or group of properties for communal

arrangements, in accordance with details having been previously submitted to and approved by the Local Planning Authority.

18. The retail unit hereby approved shall be used for operations falling within Use Classes A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
19. The proposed development should be designed and constructed in accordance with Secured by Design standards including laminated glazing; security-certified windows and doors
20. The development hereby approved shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Any security measures to be implemented in compliance with this condition shall seek to secure the 'Secure by Design' accreditation awarded by the Greater Manchester Police. Written confirmation of those measures is to be provided to the Local Planning Authority prior to the occupation of any building.
21. Prior to the commencement of development, a scheme for provision of television / radio aerial / satellite dish or other form of antenna(s) to be used within the development shall be submitted to and approved in writing by the local planning authority. The development shall be constructed with such approved details.
22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting or amending that Order with or without modification), no television / radio aerial / satellite dish or other form of antenna shall be installed /affixed on the exterior of the proposed buildings hereby permitted.
23. The development shall not commence until details of a lighting scheme to provide street lighting to any shared private driveway or parking court have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the lighting will be funded for both electricity supply and future maintenance. The approved works shall be completed prior to the occupation of any part of the development.
24. Prior to commencement of the development, full details of opportunities for biodiversity enhancements to be incorporated into the new development shall be submitted to and approved in writing by the local planning authority. These should include: bat bricks and/or tubes, bat boxes, bird boxes, native tree and shrub planting. All approved measures shall then be fully implemented and maintained thereafter before each part of the development is occupied.
25. The development shall not commence until a method statement for the control of Himalayan Balsam has been submitted to and approved in writing by the Local Planning Authority. The mitigation measures shall be implemented in accordance with the approved details

26. No tree felling or vegetation clearance required by the scheme should take place during the optimum period for bird nesting (March to July inclusive) unless nesting birds have been shown to be absent by a competent person.
27. The recommendations contained within the Bat Survey Report submitted by Appletons dated October 2015 shall be implemented in full prior to any demolition and details submitted to and approved by the Local Planning Authority prior to any work including demolition starting on site.
 - i) Prior to any work being undertaken the contractor will provide a safe means of access to determine the presence/absence of bats which will be undertaken by a bat licensed ecologist that will include endoscopic examinations wherever opportunities for bats exist.
 - ii) To ensure that bats are not left without a roost while the demolition work takes place, two 2F bat boxes will be erected on trees within the site boundary; these will be indefinitely retained during and after the work schedule and will also act as a receptor if bats have to be captured during the demolition process. Any roost provision will be dedicated for bats and permanent.
 - iii) No foraging or commuting habitat must be lost as a result of the proposals nor will the new roosts be at any further distance from foraging places.
 - iv) The ecologist will supervise careful dismantling of all places identified as offering roost potential where exclusion is unlikely to be successful and cannot be relied upon with strategies for safely removing bat/s.
 - v) Work undertaken when bats are not likely to be in hibernation unless it can be conclusively established by a bat ecologist that hibernating bats are absent
 - vi) Ecologist to undertake induction on possible bat presence, Mitigation License to be kept on site for the duration of the work
 - vii) External lighting not to be greater than what currently exists and where present is to be directed away from bat roost access points, flight paths and foraging areas as identified on the hedgerow immediate to the east of the building in particular.
 - viii) All Mitigation subject to the approval of Natural England
28. Prior to the commencement of development (including site clearance), details of appropriate mitigation measures and fencing to prevent pollution of the River Tame during construction from building materials or surface run-off shall be submitted to and agreed in writing by the local planning authority and thereafter implemented in accordance with the agreed details unless otherwise agreed in writing by the local planning authority.
29. A clear view shall be provided on both sides of any site access where it meets the footway in Manchester Rd and Queen Street. 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.
30. Prior to commencement of work on site the applicant shall undertake a condition and dilapidations survey of the highway fronting the site and giving access to the site and prepare and submit a report to the Engineering Operations Manager. The developer will be responsible for making good any damage caused to the highway by the development works or by persons working on or delivering to the

development. Any damage caused to the street during the development period shall be reinstated to the full satisfaction of the Highway Authority prior to the occupation of any part of the development.

31. The development hereby approved shall not be occupied/brought in to use until the road works and traffic management measures necessary to secure satisfactory access to the site have been completed in accordance with submitted plan no PA-02-102 rev P1 and 1136-F01 rev F
32. 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.
33. Prior to bringing the development into use the car parking, servicing and turning facilities indicated on the approved plan shall be provided and thereafter kept unobstructed and available for their intended purposes. Vehicles must be able to enter and leave the site in forward gear at all times.