

Application Number:	22/00561/FUL
Proposal:	Variation of condition 2 (approved plans) of planning permission 21/00412/FUL (Demolition of existing building, erection of 14 semi-detached houses and associated parking and amenity space) to alter plans to show: individual plot floor levels; external alterations to elevations (pediments); alterations to bicycle storage and bin storage and updated site levels to suit surveyed site levels and existing adjacent property levels.
Site:	Jonathan Grange Nursing Home, Micklehurst Road, Mossley, OL5 9JL
Applicant:	Mr Naphtaly Stamler
Recommendation:	Grant planning permission, subject to conditions.
Reason for Report:	A Speakers Panel decision is required because the application constitutes a major development.
Background Papers:	The planning application documents are background papers to the report. They are open to inspection in accordance with Section 100D of the Local Government Act 1972.

1. SITE & SURROUNDINGS

- 1.1 The site measures approximately 4,000 square metres and is located to the west of both Marle Avenue and Marle Rise, to the north of Micklehurst Road, and to the east of Duke Street which provides the existing access to the site. Land levels rise steeply from the east across the site.
- 1.2 The site was previously occupied by a large former care home building and its associated curtilage which met the definition of previously developed land. The site has been cleared in preparation for works to commence on the approved scheme for the erection of 14no. semi-detached houses.
- 1.3 The surrounding area is predominantly residential in character with terraced dwellings to the south west along Duke Street and Micklehurst Road. Properties along Marle Avenue and Marle Rise comprise a mix of detached and semi-detached bungalows (some with front dormers).
- 1.4 Trees protected by a Tree Preservation Orders flank the southern boundary of the site covering a group of Lime and Horse Chestnuts (G3) and a Lime and 2 Ash Trees (T10, T11, and T12) of the TMBC Micklehurst Mossley (M4) Tree Preservation Order 1997.
- 1.5 The site is in a highly sustainable location given it is a 12 minute walk (0.6 miles) from Mossley railway station and the services and facilities offered in Mossley town centre.

2. PROPOSAL

- 2.1 The application seeks planning permission for a minor material amendment to a previously approved planning application. Full planning permission (reference 21/00412/FUL) was granted on 21 March 2022 for the demolition of the existing building and the erection of 14 semi-detached houses and associated parking and amenity space.

- 2.2 This application seeks to vary condition 2 (approved plans) of planning permission 21/00412/FUL to show/ make the following changes:
- Individual plot floor levels;
 - External alterations to elevations (pediments);
 - Alterations to bicycle storage and bin storage' and
 - Updated site levels to suit surveyed site levels and existing adjacent property levels.

3. PLANNING HISTORY

- 3.1 20/00691/FUL - Erection of four detached dwellings and associated amenity space and access road to the rear of Jonathan Grange Nursing Home – Withdrawn 23.03.2021
- 3.2 20/00012/TPO – Felling of a Lime Tree (T10) – Approved, 31 March 2020.
- 3.3 21/00412/FUL - Demolition of existing building, erection of 14 semi-detached houses and associated parking and amenity space – Approved 21.03.2022
- 3.4 22/00037/PLCOND - Discharge of conditions 3 (Materials), 4 (Construction Environment Management Plan), 5 (Vehicle Charging Points), 6 (Secured Cycle Storage), 7 (Highways Details), 8 (Visibility Splay), 10 (Conditions Survey), 13 (Ground Investigation Reports), 14 (Surface Water Drainage & Calculations), 15 (Foul & Surface Water Drainage) of planning permission 21/00412/FUL – Pending Consideration

4. PLANNING POLICY

National Planning Policy Framework

- 4.1 Paragraph 9 of the National Planning Policy Framework (NPPF) states that planning decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs and opportunities of each area.
- 4.2 Paragraph 11 states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay (as per section 38(6) of the Planning and Compulsory Purchase Act 2004). However, where the development plan is absent, silent or out of date, planning permission should be granted unless the application of policies in the NPPF that protects areas or assets of particular importance, provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 4.3 Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Development Plan

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

Tameside Unitary Development Plan (2004)

UDP Allocation: unallocated.

4.5 **Part 1 Policies**

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

4.6 **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
- H10: Detailed Design of Housing Developments
- OL10: Landscape Quality and Character
- T1: Highway Improvement and Traffic Management
- T7: Cycling
- T8: Walking
- T10: Parking
- C1: Townscape and Urban Form
- N4: Trees and Woodland
- N5: Trees within Development Sites
- N7: Protected Species
- MW11: Contaminated Land
- U3: Water Services for Developments
- U4: Flood Prevention
- U5: Energy Efficiency

4.7 **Other Policies**

- Residential Design Supplementary Planning Document;
- Trees and Landscaping on Development Sites SPD adopted in March 2007;
- Tameside Open Space Review 2018.
- National Design Guide (2019) (Ministry of Housing, Communities and Local Government) and,
- Department for Communities and Local Government – Technical housing standards nationally described space standard.

Places for Everyone

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

4.9 Paragraph 48 in the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to: the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight may be given); the extent to which there are unresolved objections (the less significant, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

- 4.10 Whilst Places for Everyone has been published and submitted, a number of representations have been received objecting to policies, and so in accordance with paragraph 48 of the NPPF, only very limited weight can be given to those policies at this time.

Other Considerations

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

5. PUBLICITY CARRIED OUT

- 5.1 In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and the Council's adopted Statement of Community Involvement the application has been advertised as a Major Development by neighbour notification letter, display of a site notice; and advertisement in the local press.

6. SUMMARY OF THIRD PARTY RESPONSES

- 6.1 Two representations have been received in relation to the application. The comments received have been summarised below:
- Object to use of Marle Rise as an entrance to the development. The plans should have been designed with a T-shaped estate with only one entrance on Micklehurst Road.
 - A retaining wall is to be built across the end of Duke Street – queries as to why the existing access cannot be maintained.

7. RESPONSES FROM CONSULTEES

- 7.1 Local Highway Authority – No objections, subject to conditions requiring a surface water drainage scheme be submitted to an approved in writing by the Local Planning Authority (LPA); as well as the submission of a Construction Environment Management Plan, a scheme for electric vehicle charging and a lighting scheme all to be submitted to and approved in writing by the LPA.
- 7.2 Greater Manchester Ecology Unit (GMEU) – No comments.
- 7.3 Environmental Health (Public Protection) – No comments.
- 7.4 Contaminated Land – No objections, subject to a condition requiring the submission of a remediation strategy, detailing the works and measures required to address any unacceptable risks posed by contamination at the site to human health, buildings and the environment has been submitted to, and approved in writing, by the LPA.
- 7.5 Tameside's Arboricultural and Countryside Estates Officer – No objections, the variations should have no negative impacts on the trees to be retained.

- 7.6 Greater Manchester Archaeological Advisory Service (GMAAS) – No objections, the proposed condition variation does not have any archaeological implications.
- 7.7 Greater Manchester Police – No objections, recommends that the applicant seeks to apply for the Secured by Design accreditation should the application be approved.
- 7.8 Transport for Greater Manchester (TfGM) – No comments.
- 7.9 United Utilities – No comments received.
- 7.10 Lead Local Flood Authority – No comments received.

8. ANALYSIS

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The current position is that the Development Plan consists of the Policies and Proposals Maps of the Unitary Development Plan and the Greater Manchester Joint Waste Plan Development Document.
- 8.2 The National Planning Policy Framework (NPPF) is also an important consideration in assessing planning applications. It states that a presumption in favour of sustainable development should be at the heart of every application decision and for planning application decision making this means:
- Approving development proposals that accord with the development plan without delay; and,
 - Where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or,
 - Specific policies in the Framework indicate development should be restricted.
- 8.3 National Planning Practice Guidance promotes flexible options for planning permissions. Section 73 of the Town and Country Planning Act 1990 allows for applicants to apply to the Local Planning Authority to amend or vary conditions placed on a planning permission. Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended. The only restriction under section 73 is that planning permission cannot be granted to extend the time limit within which a development must be started.
- 8.4 NPPG advises that; 'In deciding an application under section 73, the local planning authority must only consider the disputed condition's that are the subject of the application - it is not a complete re-consideration of the application.' The original planning permission will continue to exist.

9. PRINCIPLE OF DEVELOPMENT

- 9.1 Section 38 of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the development plan unless material considerations indicate otherwise. Consideration will also be necessary to determine the appropriate weight to be afforded to the development plan following the publication of the National Planning Policy Framework. Paragraphs 212 - 217 of the NPPF set out how its policies should be implemented and the weight that should be attributed to the UDP policies.

- 9.2 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.
- 9.3 In terms of housing development, the Council cannot demonstrate a deliverable five year supply of housing land. It is therefore recognised that the NPPF is a material consideration that carries substantial weight in the decision making process. Assuming the development is considered sustainable, the NPPF is clear that where no five year supply can be demonstrated, the presumption in favour of sustainable development identified at paragraph 11 of the NPPF should be used to determine planning applications.
- 9.4 Section 5 of the NPPF requires local planning authorities to support the delivery of a wide choice of quality homes in sustainable locations. Paragraph 60 of the NPPF identifies the Government objective to significantly boost the supply of homes, stating that it is important that a sufficient amount and variety of land can come forward where it is needed and that land with permission is developed without unnecessary delay. UDP policies 1.6 and H1 promote the re-use of previously developed sites within accessible areas.
- 9.5 In this instance, the principle of development has been established through the granting of planning permission reference 21/00412/FUL. This application seeks to make minor amendments to the extant permission.
- 9.6 The main issues to be assessed in the determination of this planning application, which are to be considered in more detail below, are:
- The impact of the revisions to the previously approved scheme on the character of the surrounding area;
 - The impact of the revision to the previously approved scheme on residential amenity and,
 - The impact of the revisions to the previously approved scheme on highway safety.

10. DESIGN & LAYOUT

- 10.1 The Unitary Development Plan (including the associated Supplementary Planning Document: Tameside Residential Design), and National Planning Policy Framework, clearly set out their expectations of high quality sustainable development that integrates with and enhances the surrounding area and contributes to local character and place making.
- 10.2 The surrounding area is characterised by terraced dwellings to the west, bungalows to the east, and further to the south west the more recently constructed dwellings on the allocated housing site including those on Earnshaw Clough.
- 10.3 Policies within the UDP and the NPPF are clear in their expectations of achieving high quality development that enhances a locality and contributes to place making objectives. The NPPF emphasises that development should be refused where it fails to take opportunities available to improve the character and quality of an area and the way that it functions (para. 134). Paragraph 130 of the NPPF states that planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

10.4 Policy C1 within the UDP states that in considering proposals for built development, the Council will expect the distinct settlement pattern, open space features, topography, townscape and landscape character of specific areas of the Borough to be understood, and the nature of the surrounding fabric to be respected. The relationship between buildings and their setting should be given particular attention in the design of any proposal for development.

10.5 Policy H10 states that the layout, design and external appearance of proposed housing developments, which are acceptable in relation to other relevant policies in this plan, will be required to be of high quality and to meet the following more detailed criteria:

- a) a design which meets the needs of the potential occupiers, provides an attractive, convenient and safe environment for the local community, and complements or enhances the character and appearance of the surrounding area, and
- b) suitable arrangements for parking, access to and from the highway, and delivery, refuse and emergency vehicles, including access by pedestrians, cyclists and disabled people, and for convenient access to public transport where appropriate, with no unacceptable impact on the surrounding highway network, and
- c) suitable landscaping and fencing, including retention of existing features such as trees and hedges where practical, which enhance the appearance of the development, ensure privacy and security where necessary, enable discrete storage of wheelie bins and minimise the visual impact on surrounding areas, and
- d) no unacceptable impact on the amenity of neighbouring properties through noise, loss of privacy, overshadowing, or traffic, and (e) minimisation of the opportunities for crime and anti-social behaviour. The Council will encourage and permit new and innovative design solutions wherever this can be achieved without adverse effects on existing character.

10.6 Further to the above, Policy RD22 of the Residential Design Guide SPD gives detailed guidance advising on how infill development should respond to the context of the area. Policy RD2 provides detailed design criteria for new proposals. As set out in the above policies, in order to integrate sympathetically, the design of the proposal needs to be carried through to the proposed development in terms of: scale, massing, proportions, materials, fenestration patterns and general design/appearance. These matters are considered in more detail below.

10.7 **Layout**

The density of the site (number of units proposed) remains the same as previously approved, and as concluded within the previous report, the proposal is considered acceptable in relation to policy H7 (mixed use and density) of the UDP. There is a minor shift in the positioning of the dwellings on the site as generally they are all moving around 2m (just less than) further east than originally proposed. This creates a small embankment to the west of the site adjacent to Duke Street with some alterations to the car parking spaces. Overall, the changes are considered minor and whilst design is somewhat subjective, the proposed layout is

considered to represent an efficient use of land as evidenced by the density achieved, and also provides a form of development which is compatible within the context of the surrounding area. In this regard the proposal is found to be acceptable in respect of Policy H10.

Scale, massing and proportions:

10.8 The size/footprint of the proposed dwellings remains the same as previously approved and therefore the general scale, massing and proportions are considered acceptable. The most notable changes are an alteration to the location of the front pediment, roof heights, and reduction from two roof lights at the front to one (to all units). As detailed below:

- Plots 9-10 (elevation 01 Micklehurst Road): Front facing gable changed to outer edge (previously centrally aligned) and slight stagger created to roof line of the semi-detached pair. Plot 9 previously sat around 2.5m above height of adjacent property, No.39 Duke Street – this is now reduced to around 1.8m ;
- Plots 11-12 (elevation 01 Micklehurst Road): Front facing gable changed to outer edge (previously centrally aligned). Flat roof line retained;
- Plots 13-14 (elevation 01 Micklehurst Road): Front facing gable changed to outer edge (previously centrally aligned) and slight stagger created to roof line of the semi-detached pair.
- Plots 1-2 (elevation 02 Marle Rise): Reduced stagger in roof line. Increased distance from No. 6 Breezehill Cottages but minor increase in height of plot 1 above this neighbouring property by around 0.2m (compared to previously approved).
- Plots 3-4 (elevation 02 Marle Rise): retained equal roof line/retained positioning of front gable/pediment.
- Plots 8-7 (elevation 03 Marle Rise): Front facing gable changed to outer edge (previously centrally aligned) and slight stagger created to roof line of the semi-detached pair. The roofline of plot 8 will sit just less than 2m higher than previously approved. The impact of this visually is considered to be acceptable (this is also considered to be acceptable from a neighbour amenity perspective given there would be an interface distance of around 18.5m between the gable end of plot 8 and the nearest neighbouring property No.9 Marle Avenue).
- Plots 6-5 (elevation 03 Marle Rise): reduced stagger in roof height between the semi-detached pair. Increased distance from No. 40 Duke Street but slight increase in height difference (still complies with 45 degree line rule).

10.9 Overall, the proposed units respond well to the surroundings. The staggered rooflines respond to the changing ground levels of the site and in some cases reduce the perceived dominance of the units. The surrounding area is predominately made up of terraced properties to the west and bungalows/split level two storey properties to the east, but the proposed dwellings would not appear disproportionately large in their context, as such the overall mass and bulk of the units is considered to be acceptable having regard to the scale of existing development in the locality.

Materials, fenestration and detailing:

10.10 The dwellings are proposed to be constructed with facing brick elevations and pitched tiled roofs. Overall the proposed dwellings will have a uniform and consistent appearance which will be complimentary to the wider street scape. Specific materials are recommended to be secured by condition to ensure the materials are appropriate to the locality.

Street scape/ refuse storage:

10.11 The bin store was previously proposed to the front of the site fronting Micklehurst Road – this has been relocated with individual bin stores being provided to the rear gardens of plots 9-14. This is considered a visual improvement and improves the visual quality of the scheme.

10.12 In summary, having regard to the above matters, it is considered that the proposal adheres to the aims and objectives of UDP policy H10 and the adopted SPD which highlight the importance of residential development being of an appropriate design, scale, density and

layout. However, this would be subject to the imposition of conditions requiring samples of materials to be approved, and a detailed scheme for hard and soft landscaping works which would include boundary treatments.

11. RESIDENTIAL AMENITY

11.1 At paragraph 130, the NPPF outlines the importance of planning in securing good standards of amenity for future and existing occupiers of land and buildings. UDP Policy H10 seeks to ensure that new development does not result in any detrimental impact on the residential amenities of existing occupiers through loss of privacy, overshadowing or traffic. The Residential Design SPD identifies standards for new residential development and expands on issues covered by criteria under Policy H10 with, amongst other matters, the requirement of new development to maintain adequate separation distances between proposed and existing dwellings in order to protect the amenities of future and existing occupiers.

11.2 Existing Residential Amenities:

SPD policy RD5 confirms buildings should be orientated to maximise levels of natural light/solar gain and minimise overlooking in habitable rooms and private gardens. To help achieve this minimum distances are applied between new and existing dwellings:

- RD5(A) – habitable room to habitable room = 21metres standard, 14m on street frontages, 14m between bungalows;
- RD5(B) – habitable room window to a blank wall = 14m to two storey wall, 10m to single storey wall (a reduction may be permitted if the affected window is not the main source of natural light to the room).

RD5(C) states that 1 metre extra is added to A and B for every 1 metre in height difference between facing buildings. RD5(E) states that for infill sites, such as this, variation of these guidelines may be acceptable where existing spacing should be taken into account.

11.3 As briefly mentioned above, the position of the units has changed slightly (all moved further east). In some cases the units are in closer proximity to the neighbouring dwellings than previously approved, particularly to those to the east on Marle Rise and Marle Avenue. Plot 4 is closer to No.1 Marle Rise but this relationship is considered acceptable given there are no side facing habitable room windows to this existing property. Plots 8 and 14 still maintain an adequate separation distance between the properties on Marle Avenue (accounting for orientation/ground levels).

11.4 The distance between plots 9, 5 and 1 and the adjacent properties is greater than previously approved but in some cases there is a slight increase in the ground level difference, owing to the proposed embankment. As previously concluded: No.39 Duke Street is located adjacent to Plot 9 and has a small first floor window in the gable elevation which would serve a bedroom – subject to this window being obscure glazing and being fixed shut below 1.7m internal floor level, this relationship is considered acceptable. No.40 Duke Street has a staggered relationship with Plot 5 but has no windows within its side elevation facing the application site. Plot 5 is at a higher level and therefore it is important to consider whether the impact on no.40 would be overbearing and/or result in overshadowing or loss of privacy to its garden area. The stagger between these two properties has increased since the previous approval, however the distance between the two properties has also increased. Despite being at a higher level it is acceptable having regard to the orientation and need to find a balance between interface distances between the new properties and between new and existing dwellings. The relationship with the gable of 6 Breezehill Cottages is considered acceptable given this property has no side elevation windows and has a large two storey rear extension extending the side elevation rearward.

- 11.5 Previously the second floor gable window served a bathroom to all units. This is now proposed to serve a bedroom/study. As indicated on the floor plans, this window is shown to be obscure glazed. It is an extra recommendation that the window is fixed shut below a height of 1.7m (internal floor level) to prevent overlooking/a loss of privacy to neighbours when/if the window is open (to be secured by condition).
- 11.6 In summary, having regard to the above matters, it is considered that the proposal adheres to the aims and objectives of UDP policy H10 and the adopted SPD. However, this would be subject to the imposition of conditions, as detailed above.
- 11.7 **Residential Environment Created:**
Reflecting the requirement of Section 12 of the NPPF, that developments create places with a high standard of amenity for existing and future users, UDP policy H10 (a) requires that the design of proposed housing developments, which are acceptable in relation to other relevant policies in the plan, meets the needs of the potential occupiers. To this end policy RD18 of the Residential Design SPD recommends minimum floor areas that residential developments should achieve. Internal space is interpreted by reference to the nearest equivalent national technical standard which is given in the Government's Technical housing standards – nationally described space standard document (THS).
- 11.8 Previously the scheme comprised of 3 bedroom dwellings and showed an additional study room at second floor level. The plans now indicate a fourth bedroom (also labelled study). The kitchen/lounge/diner area at ground floor level has also been knocked together into one room.
- 11.9 For a 4 bed, 5 person dwelling (3 storey) the THS require a minimum of 103m² gross internal floor space with 3.0m² of built in storage. The proposed dwellings would each have a gross internal floor space of approximately 121m² exceeding this requirement.
- 11.10 Other requirements are that:
- a dwelling with two or more bedspaces has at least one double (or twin) bedroom;
 - in order to provide two bedspaces, a double (or twin bedroom) has a floor area of at least 11.5m² and is at least 2.75m wide;
 - any area with a headroom of less than 1.5m is not counted within the Gross Internal Area unless used solely for storage (if the area under the stairs is to be used for storage, assume a general floor area of 1m² within the Gross Internal Area)
 - any other area that is used solely for storage and has a headroom of 900- 1500mm (such as under eaves) is counted at 50% of its floor area, and any area lower than 900mm is not counted at all
 - the minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area
- 11.11 Bedroom 3 falls below the standard for a double bedroom (required to have an internal floor area of at least 11.5m²). Although it shows a double bed, it cannot be assumed that this room would serve two people. In any case, the units meet the requirements for a 4b, 6p dwelling.
- 11.12 Each of the bedrooms have access to natural light and ventilation. The proposal is therefore found to be acceptable in this regard and would provide a good standard of amenity for future occupiers, in accordance with Policy H10 of the UDP and section 12 of the NPPF.
- 11.13 In considering the level of private amenity space provided within the site to serve the proposed dwellings, regard has been had to Policy RD11 within the Tameside Residential Design Guide SPD. The Policy requires that all houses should have private amenity space of a size and function suitable for its intended occupants. Each of the units has an enclosed garden space to the rear of the plots. These are all considered to be an acceptable size with adequate privacy to create a satisfactory useable/functional amenity space to serve the intended occupants.

- 11.14 In light of the above, the development is considered to be acceptable in this regard, ensuring a reasonable level of amenity for future occupiers, retaining a good standard of amenity for existing neighbouring residents, and not causing undue noise and disturbance to residential uses.

12. HIGHWAY SAFETY & ACCESSIBILITY

- 12.1 Access to the proposed development is achieved from Marle Rise to serve Plots 1 to 8 whilst Plots 9 to 14 would be served from a new vehicular entrance created from Micklehurst Road. Each dwellinghouse would be provided with two off road parking spaces which is considered sufficient given the size of the properties and is consistent with the requirements of the SPD.
- 12.2 The Local Highway Authority (LHA) have been consulted on the application and are satisfied that the access and egress arrangements from the development onto both Marle Rise and Micklehurst Road is satisfactory and meets the requirements for a maximum gradient of 1:14. Furthermore, the visibility splays comply with the requirements of Manual for Streets, and the LHA considers that provision is made for vehicles to enter and exit the development in a forward gear.
- 12.3 The LHA are satisfied that the vehicle trips generated by the proposals is expected to generate only a minimal increase in vehicular trips over the course of an entire day. It is expected to generate an addition 18 trips in the morning and afternoon peak and the LHA consider this additional demand can be accommodated by the existing local highway network without any significant detrimental impact.
- 12.4 The development proposed a minimum of 26no. off road parking spaces which is considered acceptable by the LHA. This, together with the proposals for secure/covered cycle storage facilities and the sustainable location of the development, means the LHA have no objection to the level of parking provision proposed to serve the proposed development. In addition, a condition is attached to the recommendation requiring the provision of electric vehicle charging points.
- 12.5 However, the impact of the proposed development on vehicular movements from the creation of 14no. dwellings must also be considered in the context of vehicular movements associated with the former care home which remains its established lawful use. Having regard to this, and the lack of objection from the Local Highway Authority who have considered the information submitted with the application, it is not considered the development would result in a cumulative severe impact to highway safety which is the necessary planning test set out in paragraph 111 of the National Planning Policy Framework. However, this is on the basis of the conditions attached to the recommendation.
- 12.6 As such, having regard to the requirements of UDP policies T1, T10, and the guidance in the SPD associated with UDP Policy H10, the layout, parking and access proposals are considered to be acceptable.

13. DRAINAGE AND FLOOD RISK

- 13.1 The Lead Local Flood Authority and United Utilities have been consulted on the planning application. The site is in Flood Zone 1 on the Environment Agency's Flood Risk Maps and is therefore considered to be at a lower risk of flooding. United Utilities have provided no comments for this application. Under the previous application, 21/00412/FUL, United Utilities requested the imposition of conditions requiring a scheme for surface water runoff to be submitted for approval and that foul and surface water are discharged on separate systems. This is still outstanding under application 22/00037/PLCOND. Such conditions are attached

to the recommendation and will ensure that appropriate schemes are designed and agreed with the Local Planning Authority as part of the development.

14. TREES

- 14.1 Policy N5 seeks to protect trees of a recognised quality, which are located within development sites.
- 14.2 At the time of the Case Officer's site visit, the application site was cleared of the previous development.
- 14.3 Previous assessment under application 21/00412/FUL concluded: the site is subject to a Tree Preservation Order ("The TMBC Micklehurst Mossley (M4) Tree Preservation Order 1997. Permission was granted in March 2020 to fell a Lime Tree (20/00012/TPO) immediately adjacent to the existing vehicular entrance to the site on Micklehurst Road. Alongside this, on the other side of the entrance and parallel to Micklehurst Road, the TPO is relevant as a Group Order known as G3.
- 14.4 The TPO also applies to two individual trees including an Ash which is identified as T2 on the Proposed Masterplan and is to be removed. The Tree Appraisal Report submitted with the previous application identified that this tree, which is approximately 19m high, is a mature tree in fair condition but is rated as a C1 category tree which are those of low quality with an estimated remaining life expectancy of at least 10 years. It was noted that the tree had been topped in the past, is of low vigour, with early signs of ash die back disease. The Council's Arboricultural Officer was consulted on the planning application and raised no objections to the removal of the trees. In consultation for this application, the consultee confirms that the variations should have no negative impacts on the trees to be retained.
- 14.5 As per the previous application, the absence of an objection from the Council's Arboriculturalist is on the basis that the proposed root protection system should be used to protect the root areas of the trees on the Micklehurst Road boundary and other retained trees be protected to the recommendations in BS5837 during all works.
- 14.6 A Landscape Plan and planting plan has been submitted during the course of the application but comments from the Consultee are outstanding. As such it is recommended that for completeness, that these details are submitted for approval via condition. This is attached to the recommendation.

15. ECOLOGY

- 15.1 UDP Policy N7 states that the Council will not permit development which would have an adverse impact on badgers or species protected by the Wildlife and Countryside Act unless it can be demonstrated that such impact can be successfully mitigated. Furthermore, Section 11 of the NPPF advocates biodiversity enhancement. The biodiversity value of the site could be enhanced as part of the landscaping proposals to be approved by condition. GMEU advise that this should include planting of native species and the fixture of bat and bird boxes across the development.
- 15.2 It was concluded within the previous Officer's report that the pre-existing building had the potential to support roosting bats and the Greater Manchester Ecology Unit had reviewed the Preliminary Roost Assessment report submitted with the application. The report had followed reasonable efforts to survey the structure of the building internally and externally for signs of current or historic use by bats and made an assessment of the likelihood that bats would use the structure at other times. The report acknowledged that the survey was carried out outside the bat activity season and although it found no evidence of bat use it assessed the pre-

existing building as having moderate potential to support bats despite its poor condition. The report recommended that two additional bat activity surveys are required during the active season (May to August).

- 15.3 The Greater Manchester Ecology Unit agreed with the findings and conclusions of the report and, as such, recommend that the planning application is not determined until such a time as the additional survey work has been undertaken. This stance is supported by Defra Circular 01/2005 paragraph 99 which discourages the use of planning conditions to require such surveys except in exceptional circumstances. As such, the recommendation is made on the basis that the decision is not issued until such a time as the surveys have been carried out and satisfy the requirements of GMEU.
- 15.4 GMEU have confirmed they have no additional comments to make in respect of this section 73 application and so the previously recommended conditions in relation to nesting birds and biodiversity enhancements are attached to the recommendation.

16. GROUND CONDITIONS

- 16.1 The site does falls outside of a high risk mining area and therefore consultation with the Coal Authority has not been necessary. The development is therefore not prejudiced by any mining legacy issues.
- 16.2 The Environmental Protection Unit (EPU) has no objection to the proposed development from a contaminated land perspective. However, the site and adjacent areas have had a number of uses that may potentially pose a contamination risk to the site. A brief review of historical mapping available for the area has been undertaken which shows that the site in the mid nineteenth century appears to form part of the Marle House Stately home. In the 1940s a Vale Mills (woollen) is shown adjacent to the site. From the 1950s the description of Vale Mills as a woollen mill is no longer present on mapping and it is possible that it was used for other manufacturing purposes. The area appears to have been redeveloped in the 1960s/1970s and only Marle House is shown to be located on the site, a number of other buildings have been demolished. The surrounding area also appears to have been redeveloped for housing.
- 16.3 The former mill and also the development of the area during the 1960s/1970s may have introduced contamination into the soils at the site, which will need to be assessed as part of the above planning application.
- 16.4 The applicant has submitted a couple of reports as part of application reference 22/00037/PLCOND (discharge of conditions application relating to the previous permission 21/00412/FUL), but not as part of this current application. The EPU have considered the reporting provided to date to be generally satisfactory and the confirm that the Land Consultancy have identified the potential contamination issues and how they can be mitigated; however the EPU confirm that further detail and evidence is required. For completeness, it is recommended that a condition is attached requiring the full details to be submitted and approved in writing, as per the previous application – for the avoidance of doubt (as documentation relating to permission 21/00412/FUL should not be transferred to this current s.73 app when the discharge of condition application 22/00037/PLCOND is still pending consideration). As such, a condition is attached to the recommendation requiring further survey works to be undertaken.

17. AFFORDABLE HOUSING

- 17.1 As considered within the previous report, policy H4 set out that developments of 25 or more dwellings should, when in areas of the borough where there is a demonstrable lack of affordable housing, make provision for it.
- 17.2 However, paragraph 64 of the NPPF supersedes the trigger point identified in UDP Policy H4, and identifies that all major (10 units and above) residential developments should involve the provision of affordable housing. The Housing Needs Assessment identifies an expectation of on-site provision of 15% of units on an affordable basis.
- 17.3 Planning policy also provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is to be brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought.
- 17.4 A 15% provision of affordable housing units on the site equates to two of the units being 'affordable'. The applicant has submitted a statement explaining that the net affordable housing requirement is 119m² which is less than the average dwelling size proposed. As such, it is considered that no affordable housing is required in this case on the basis of vacant building credit.
- 17.5 As such, having regard to the Council's policies on the provision of affordable housing, it is not considered appropriate in this instance to require it as part of the proposals.

18. CONTRIBUTIONS

- 18.1 Notwithstanding the affordable housing matters above, since the scale of the development constitutes a major development, it would also trigger potential requirements for Green Space and Highways contributions as per the requirements of policies H5 (Open Space) and T13 (highways) of the Development Plan. The Developer Contributions calculator identified the following commuted sums providing they can be used to satisfy mitigation measures linked to the proposals:

Highways - £10,967.97
Green Space - £8,845.79.

- 18.2 The LHA has requested that the highway contributions is used towards upgrades and improvements to signage and footpaths from the development to Mossley Hollins High School including lining to secure safe access into the development.
- 18.3 The Green Space Manager has been consulted and requested that the Green Space Contribution is used towards infrastructure improvements to green space in Mossley and in particular Roaches which is located nearby.
- 18.4 These commuted sum payments are considered to satisfy the CIL requirements for their use since they are considered to mitigate against the impacts likely to be caused by the proposals.
- 18.5 The Section 106 agreement for application reference 21/00412/FUL can be carried forward to this section 73 application without a deed of variation. This section 73 application is still subject to the obligations in the original agreement. A new section 106 agreement will not be required.

19. OTHER

- 19.1 Greater Manchester Police (Design for Security) have no objection to the application. They recommend that the applicant seeks to apply for the Secured by Design accreditation should the application be approved.
- 19.2 Previous comments relating to application 21/00412/FUL: GMP support the application subject to the layout issues within Section 3.3 being addressed and recommend that the physical security measures within Section 4 of the Crime Impact Statement are conditioned. A condition requiring this is attached to the recommendation.

20. CONCLUSION

- 20.1 At the heart of the NPPF is a presumption in favour of sustainable development. This requires planning applications that accord with the Development Plan to be approved without delay, and where the Development Plan is absent, silent or out of date, granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework as a whole or specific policies in the framework indicate that development should be restricted.
- 20.2 Taking into account the relevant development plan policies and other material considerations, and subject to the identified mitigation measures, there are no significant and demonstrable adverse impacts that would outweigh the benefits associated with the granting of planning permission. The proposals represent an efficient re-use of a previously developed site that would meet sustainability requirements, and contribute positively to the borough's affordable housing supply.

RECOMMENDATION

That Members GRANT planning permission subject to the following conditions:

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

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

2. The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission.
 - Drawing Number 21162(pl)400 – Proposed Block and Location Plan
 - Drawing Number 21162 (90) 100 C4 – Proposed Site Plan
 - Drawing Number 21162 (PL) 110 – Street Scene and Site Sections
 - Drawing number 22-13289-100- A - Preliminary Site Levels and External Works Required
 - Drawing Number 21162 (04) 100A - Ground Floor House Type A
 - Drawing Number 21162 (04) 101B - First Floor House Type A
 - Drawing Number 21162 (04) 102B - Second floor House Type A
 - Drawing Number 21162 (05) 100A - Front Elevation House Type A
 - Drawing Number 21162 (05) 101A - Side Elevation House Type A
 - Drawing Number 21162 (05) 101A - Rear Elevation House Type A
 - Drawing Number 21162 (04) 104A - Ground Floor, House Type B
 - Drawing Number 21162 (04) 105B - First Floor, House Type B
 - Drawing Number 21162 (04) 106B - Second floor House Type B
 - Drawing Number 21162 (05) 103A - Front Elevation House Type B
 - Drawing Number 21162 (05) 104A - Side Elevation House Type B
 - Drawing Number 21162 (05) 105A - Rear Elevation House Type B

- Drawing Number 21162 (04) 108A - Ground Floor Type C
- Drawing Number 21162 (04) 109B - First Floor Type C,
- Drawing Number 21162 (04) 110B - Second floor Type C
- Drawing Number 21162 (05) 106A - Front Elevation Type C
- Drawing Number 21162 (05) 107A - Side Elevation Type C
- Drawing Number 21162 (05) 108A - Rear Elevation Type C
- Drawing Number 21162 (04) 112A - Ground Floor Type D
- Drawing Number 21162 (04) 113B - First Floor Type D
- Drawing Number 21162 (04) 114A - Second floor Type D
- Drawing Number 21162 (05) 109A - Front Elevation Type D
- Drawing Number 21162 (05) 110A - Side Elevation Type D
- Drawing Number 21162 (05) 111A - Rear Elevation Type D
- Drawing Number 21162 (04) 120A – Block Elevations Plots 1 -2
- Drawing Number 21162 (04) 122A – Block Elevations Plots 3 -4
- Drawing Number 21162 (04) 124A – Block Elevations Plots 5 -6
- Drawing Number 21162 (04) 126A – Block Elevations Plots 7 -8
- Drawing Number 21162 (04) 128B – Block Elevations Plots 9 -10
- Drawing Number 21162 (04) 130A – Block Elevations Plots 11 -12
- Drawing Number 21162 (04) 132B – Block Elevations Plots 13 -14
- Drawing Number WJR/17082020 21 TPP 004 – Tree Protection Plan 004

Reason: For the avoidance of doubt.

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.

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

4. No development 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;
- Any arrangements for temporary construction access;
- Contractor and construction worker car parking;
- Turning facilities during the remediation and construction phases; and
- Details of on-site storage facilities.

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

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

5. As indicated on the approved site plan, prior to the first occupation of the development hereby approved each house shall be provided with an electric vehicle charging facility. The specification of the charging points installed shall:

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

Reason: In the interest of sustainability to encourage electric vehicle ownership in the interests of air quality.

6. No part of the development hereby approved shall be occupied until details of the secured cycle storage provision been submitted to and approved in writing by the local planning authority. The details shall include scaled plans showing the location of storage and details of the means of enclosure. The secured cycle storage arrangements shall be implemented in accordance with the approved details prior to the occupation of that each dwelling and shall be retained as such thereafter.

Reason: In the interest of promoting use of public transport and reducing environmental impact, in accordance with UDP Policies T1: Highway Improvement and Traffic Management. But shows plan with new house arrangements

7. No work shall take place in respect to the construction of the approved highway, as indicated on the approved site plan, until a scheme relevant to highway construction has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of:
 - a. Phasing plan of highway works;
 - b. Stage 1 Safety Audit – ‘Completion of preliminary design’ and subsequent Stages 2-4 based on the Design Manual for Roads and Bridges document GG 119 – Road Safety Audit;
 - c. Surface and drainage details of all carriageways and footways;
 - d. Details of the works to the reinstatement of redundant vehicle access points as continuous footway to adoptable standards following the completion of the construction phase;
 - e. Details of an Approval in Principle must be obtained for proposed retaining walls within the development including temporary retaining structures required for the proposed site be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, (This does not define adoption of the asset but merely the design constraints should they be approved by the LHA.);
 - f. Details of the areas of the highway network within the site to be constructed to adoptable standards and the specification of the construction of these areas;
 - g. Details of carriageway markings and signage; and,
 - h. Details of a lighting scheme to provide street lighting (to an adoptable standard), to the shared private driveway and pedestrian/cycle pathways 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.

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

Reason: In the interests of highway safety.

8. A clear view shall be provided at the junction of the proposed with Micklehurst Road. Its area shall measure 2.4 metres along the centre of the proposed road and 43 metres along the

edge of the roadway in Micklehurst Road. It must be kept clear of anything higher than 0.6 metre/s above the edge of the adjoining roadway or access, on land which you control and shall be retained as such thereafter.

Reason: To allow users of the development and Micklehurst Road to see each other approaching.

9. Prior to bringing the development into use the car parking, servicing and turning facilities indicated on the approved plans shall be provided in full and shall thereafter be kept unobstructed and retained as such thereafter to enable vehicles to enter and leave the site in forward gear at all times.

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

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

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

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

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

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

Reason: In the interests of air quality and local residential amenity.

13. No development, other than site clearance and site compound set up, shall commence until a remediation strategy, detailing the works and measures required to address any unacceptable risks posed by contamination at the site to human health, buildings and the environment has been submitted to, and approved in writing by, the Local Planning Authority (LPA). The scheme shall be implemented and verified as approved and shall include all of the following components unless the LPA dispenses with any such requirement specifically in writing:

1. A Preliminary Risk Assessment which has identified:
 - a. All previous and current uses of the site and surrounding area.
 - b. All potential contaminants associated with those uses.
 - c. A conceptual site model identifying all potential sources, pathways, receptors and pollutant linkages.

2. A site investigation strategy, based on the Preliminary Risk Assessment in (1) detailing all investigations including sampling, analysis and monitoring that will be undertaken at the site in order to enable the nature and extent of any contamination to be determined and a detailed assessment of the risks posed to be carried out. The strategy shall be approved in writing by the LPA prior to any investigation works commencing at the site.
3. The findings of the site investigation and detailed risk assessment referred to in point (2) including all relevant soil / water analysis and ground gas / groundwater monitoring data.
4. Based on the site investigation and detailed risk assessment referred to in point (3) an options appraisal and remediation strategy setting out full details of the remediation works and measures required to address any unacceptable risks posed by contamination and how they are to be implemented.
5. A verification plan detailing the information that will be obtained in order to demonstrate the works and measures set out in the remediation strategy in (4) have been fully implemented including any requirements for long term monitoring and maintenance.

Prior to occupation, a verification / completion report demonstrating all remedial works and measures required to address all unacceptable risks posed by contamination and ground gas have been fully implemented in accordance with the approved remediation strategy shall be submitted to, and approved in writing by the Local Planning Authority (LPA).

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

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

Reason: To ensure any unacceptable risks posed by contamination are appropriately addressed and the site is suitable for its proposed use in accordance with paragraph 178 of the National Planning Policy Framework.

14. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:
 - a. An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
 - b. A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and,
 - c. A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution in accordance with UDP Policy U3 and Section 14 of the NPPF.

15. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

16. A landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas for shall be submitted to and approved by the local planning authority prior to the occupation of the first dwelling. The landscape management plan shall be carried out in accordance with the approved plan and in accordance with timetable to be agreed in writing with the local planning authority.

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

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

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

18. A scheme for the Biodiversity Enhancement and Mitigation Measures including the planting of native trees and the provisions of bird and bat boxes shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the local planning authority) and shall be retained thereafter.

Reason: In the interests of biodiversity to ensure sufficient protection is afforded to wildlife in accordance with policy N7: Protected Species and to provide mitigation for the trees to be felled.

19. The root structures of trees on the site which are to be retained adjacent to Micklehurst Road, as identified on drawing number WJR/17082020 21 TPP 004, shall be protected from the development using the 'Protectaweb Tree Root Protection System' unless an alternative solution has first been submitted to and approved in writing by the Local Planning Authority. All other trees to be retained shall be protected to the recommendations of BS5837 during the development.

Reason: To ensure that retained trees are adequately protected from the proposed development and in accordance with UDP Policy N5.

20. Prior to the first occupation of any of the dwellings hereby approved a Crime Mitigation Statement shall be submitted to and approved by the Local Planning Authority demonstrating:

How the recommendations in Section 3.3 of the Crime Impact Statement (reference 2021/0170/CIS/01, Version A, 05/05/2021) have been incorporated into the discharge of condition 3 (boundary treatments);

That the Physical Security requirements set out in Section 4 of the Crime Impact Statement (reference 2021/0170/CIS/01, Version A, 05/05/2021) have been provided in full unless otherwise justified and approved in writing by the Local Planning Authority.

Reason: In the interests of reducing opportunities for crime in accordance with Unitary Development Plan Policy H10.

21. Notwithstanding the plans hereby approved the second floor side elevation windows to each of the house types shall be installed with obscure glazing achieving at least Level 4 on the Pilkington Scale of Obscuration and non-opening unless the parts of the window which can

be opened are more than 1.7 metres above the floor of the room in which the window is installed. The windows shall be maintained in such specification at all times thereafter.

Reason: In the interests of residential amenity to prevent opportunities for overlooking and loss of privacy having regard to the requirements of Unitary Development Plan Policy H10.

Informative Notes

1. **REASON FOR GRANTING PLANNING PERMISSION**
Statement under Article 35 (2) of the Town and Country Planning (Development Management Procedure) England Order 2015 (as amended): The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

2. **CONTAMINATED LAND**
The applicant is directed to the Council's 'Guidance Document for Applicants, Land Owners and Consultants in relation to Ground Investigation', which contains further information and guidance in relation to contaminated land conditions. It is essential the applicant reads this document and ensures it is passed onto all parties involved with investigation, remediation and development works at the site. A copy of this guidance document can be obtained from the Council's website (www.tameside.gov.uk, A to Z Services, Contaminated Land, Contaminated Land Forms and Guidance, CLS1B Guidance Link) or by contacting the Council's Environmental Protection Unit (0161 342 3680 / 0161 342 2691).

The responsibility to properly address contaminated land issues, including safe development and secure occupancy, and irrespective of any involvement by this Authority, lies with the owner/developer of the site.

3. This permission should be read in conjunction with the Agreement under Section 106 of the Town and Country Planning Act 1990, dated 17/03/2022 between the applicant (and other interested parties) and the Tameside Metropolitan Borough Council.