

<b>Application Number</b>	22/00818/FUL
<b>Proposal</b>	New residential development of 32 no units consisting of 18no 3 bedroom houses and 14no 4 bedroom houses with associated car parking and landscaping.
<b>Site</b>	Land at the end of Fern Lodge Drive, Ashton-under-Lyne
<b>Applicant</b>	Wiggett Construction
<b>Recommendation</b>	Grant planning permission subject to conditions and completion of a section 106 agreement.
<b>Reason for Report</b>	A Speakers Panel decision is required because the application is major development.
<b>Background Papers:</b>	The planning application documents are background papers to the report. They are open to inspection in accordance with Section 100D of the Local Government Act 1972.

## **1. SITE & SURROUNDINGS**

- 1.1 The application relates to an area of vacant land to the east of Fern Lodge Drive, a small stub road which connects to Queens Road to the west. Hurst Cross is located to the north. The site is rectangular in shape and covers an area of approximately 0.7 hectares, it is not publically accessible being enclosed behind a 2m high fence. It borders a playing field to the north which is located at an elevated height; a private angling pond to the east; and properties fronting Freshwater Drive to the south. An amenity area of public open space separates the site from Queens Road.
- 1.2 Historically the site was within the Hurst / Stamford Mills complex, and until 1999 it still supported a reservoir as a legacy of the former cotton spinning operations. The reservoir has been cleared but there remains evidence of concrete slabs and tarmacked access roads. The remainder of the site is scattered with self-set vegetation. The land is marshy in character and is undulating with several areas of spoil.
- 1.3 Queens Road/Hurst Cross supports numerous amenities including shops, health services, schools and employment uses. Tameside General Hospital is also located a short distance to the south. There are regular bus services which, amongst other areas, provide links to Ashton and Oldham. The housing stock locally is varied. That found to the east of the site has been built within the last 20 years and has taken place on former employment land.

## **2. PROPOSAL**

- 2.1 The application seeks full planning permission for a residential development of 32 dwellings. The accommodation split would comprise of 20 x 3 bed and 12 x 4 bed properties, this would include 4 x 2 storey, 6 x 2.5 storey and 16 x 3 storey dwellings. The size of the properties would range from 92 square metres (sqm) to 129 sqm.
- 2.2 Amendments have been made during the assessment of the application, these have altered the layout and house types within the development to improve the appearance and relationship to existing dwellings. The layout is also influenced in part by a water main which runs along a north/south axis of the site's frontage.

- 2.3 The access would be taken from the head of Fern Lodge Drive. All of the properties would have two off road parking spaces.
- 2.4 The application is supported with the following documents:

- Arboricultural Impact Assessment;
- Biodiversity Impact Assessment;
- Coal Mining Risk Assessment;
- Crime Impact Statement;
- Drainage Report;
- Environmental Sustainability Statement;
- Flood Risk Assessment;
- Geo-Environmental Investigation;
- Ground Remediation Report;
- Planning Statement;
- Transport Assessment;
- Travel Plan;
- Tree Survey.

### **3. PLANNING HISTORY**

- 3.1 00/00091/FUL – Erection of 61no. dwellinghouses, fishing pond, 0.75ha area for B1 Industrial/Commercial Use and new access from Queens Road – Approved on appeal 18.01.2001.
- 3.2 02/01386/FUL – Amendment to previously approved application ref.00/00091/FUL for erection of 61 houses, garages and associated works and provision of fishing pond – Approved 26.02.2003.

### **4. PLANNING POLICY**

#### **National Planning Policy Framework**

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

## **Development Plan**

- 4.4 The adopted development plan is the Tameside Unitary Development Plan (2004) and the Greater Manchester Joint Waste Development Plan Document (2012). The site is unallocated bordering the Green Belt and SBI which are located immediately to the west.

Tameside Unitary Development Plan (2004)

## **4.5 Part 1 Policies**

- 1.3: Creating a Cleaner and Greener Environment;
- 1.4: Providing More Choice and Quality of Homes;
- 1.5: Following the Principles of Sustainable Development;
- 1.6: Securing Urban Regeneration;
- 1:10: Protecting and Enhancing the Natural Environment;
- 1:11: Conserving Built Heritage and Retaining Local Identity;
- 1.12: Ensuring an Accessible, Safe and Healthy Environment.

## **4.6 Part 2 Policies**

- H1: Housing Land Provision
- H2: Unallocated Sites
- H4: Type, Size and Affordability of Dwellings
- H5: Open Space Provision
- H10: Detailed Design of Housing Developments
- T1: Highway Improvement and Traffic Management
- T7: Cycling
- T10: Parking
- C1: Townscape and Urban Form
- N3: Nature Conservation Factors
- N5: Trees within Development Sites
- N7: Protected Species
- MW11: Contaminated Land
- MW12: Control of Pollution
- U3: Water Services for Developments
- U4: Flood Prevention
- U5: Energy Efficiency

## **Places for Everyone**

- 4.7 The Places for Everyone Joint Development Plan Document was published in August 2021. It was submitted to the Secretary of State in February 2022 and inspectors are appointed to carry out an independent examination. It is a joint plan covering nine of the ten Greater Manchester districts, including Tameside, and is intended to provide the overarching framework to strategically manage growth across the boroughs.
- 4.8 Paragraph 48 in the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to: the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight may be given); the extent to which there are unresolved objections (the less significant, the greater the weight that may be given); and the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).
- 4.9 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**

- 4.10 The application has been considered having regard to Article 1 of the First Protocol of the Human Rights Act 1998, which sets out a person's rights to the peaceful enjoyment of property and Article 8 of the Convention of the same Act which sets out his/her rights in respect for private and family life and for the home. Officers consider that the proposed development would not be contrary to the provisions of the above Articles in respect of the human rights of surrounding residents/occupiers.
- 4.11 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 Six representations in objection to the development have been received, the reasons for which are summarised as follows:
- 6.2 Land Use
- The land has a covenant-in-perpetuity relating to its historic site as a graveyard, planning permission has previously been refused due to conflicts with this.
  - Oppose the construction of any buildings on land used for burial and especially where a covenant exists for its protection.
  - One of the only areas of green space in the locality
- 6.3 Amenity
- Loss of privacy from overlooking,
  - Noise and disturbance during construction.
  - Loss of light / overshadowing.
- 6.4 Ecology
- Impact upon wildlife habitat.
  - Loss of trees.
- 6.5 Other
- Lack of detail accompanying the application.
  - Site clearance works have commenced ahead of planning approval.
  - Overdevelopment of the site.

## **7. RESPONSES FROM CONSULTEES**

- 7.1 Coal Authority – Confirmed that the site is within a high risk area. The applicant has produced an appropriate up-to-date coal mining risk report. No objections raised subject to the recommended condition relevant to further intrusive site investigation to determine the nature of any remediation strategy.

- 7.2 Contaminated Land – No objections subject to recommended conditions requiring further site investigations.
- 7.3 Environment Health Officer – No objections, make recommendation for a single planning condition controlling construction working hours.
- 7.4 Education – Comment that education contribution should be made in accordance with DfE guidance.
- 7.5 Greater Manchester Ecology Unit (GMEU) – Identify that that off-site compensation is required in lieu of habitat to be lost on site. It is recommended that the compensation includes species-rich grassland suitable for pollinators. Our current estimate of the cost of offsetting units is £15,000/unit to cover creation, long term management and monitoring. According to the submitted metric the scheme would result in a loss of 2.82 units, which would equate to £42k but the specific costings may be less, particularly if the area adjacent to the site was used.
- 7.6 Tree Officer – No objections. The footprint of the site consists of low value, self-seeded scrub trees and vegetation that would not be considered a constraint to development. The only tree of more significant value is T3 Himalayan Birch, an off-site tree adjacent to the site. The proposal is acceptable from an arboricultural perspective with the retention and protection of T3 to BS5837 during all works. The submitted landscape plan is appropriate to the development with sufficient planting of suitable species trees.
- 7.7 Green Spaces Manager – Recommend that a series of improvements are secured to meet both biodiversity and wider green space objectives. A £50,000 commuted sum secured via section 106 agreement could secure:
- A new footpath around Cedar Park to join up with other paths and form a good route from the Queens Road entrance to the Alderley Street entrance.
  - Increased tree planting on Smallshaw Fields – this will enhance some planned tree planting which will take place with the local community in 2023/24 planting season and has already been funded. In addition to this we will be leaving longer grass in some areas and establishing wildflower areas where possible.
  - A small community orchard on the open space adjacent to Fern Lodge – in addition to planting fruit trees on the area to the south east corner of the site there will be wildflower seed planting around the fruit trees which will be maintained annually. In the first few years additional planting may take place depending on success rates.
  - The Council will work with City of Trees and local registered social landlords to identify opportunities for tree planting in the local area along the highway and also on land owned and maintained by the RSL.
  - Where possible, local community and greenspace volunteers could be involved in maintenance of the orchard, wildflower areas and young trees.
- 7.8 Greater Manchester Archaeology Advisory Unit (GMAAS) – Satisfied that the proposed development does not threaten the known or suspected archaeological heritage. On this basis it is confirmed that there is no reason to seek to impose any archaeological requirements upon the applicant.
- 7.9 Great Manchester Police (Designing Out Crime) – No objections, recommend a condition to reflect the physical security recommendations in section four of the submitted Crime Impact Statement.
- 7.10 Local Highway Authority (LHA) – No objections subject to conditions. Development is expected to result in an additional 25 trips in the AM and PM peak based on comparable developments so the additional traffic generated by the proposal should be accommodated on the local highway network without any significant detrimental impact. The access/egress

from Queens Road onto Fern Bank Drive is satisfactory and meets requirements for a maximum gradient of 1 in 14. In addition, the visibility splays comply with Manual for Streets/LHA requirements. All types of vehicles can safely manoeuvre within the site using the turning heads and egress the development in a forward gear. Conditions are recommended relevant to details and phasing of highway works, the provision of vehicle and cycle parking, construction management plan and highway condition surveys. Requested that £30,000 is secured as part of a section 106 agreement to fund local pedestrian and cycling improvements.

- 7.11 Transport for Greater Manchester (TfGM) – No comments received.
- 7.12 Lead Local Flood Authority (LLFA) – Recommend pre-commencement conditions requiring submission of further drainage information.
- 7.13 United Utilities (UU) – No objections subject to details of the site drainage being conditioned in accordance with the drainage hierarchy and that the site is drained on separate foul and surface water systems.

## **8. ANALYSIS**

- 8.1 Section 38 of the Planning and Compulsory Purchase Act 2004 states that applications should be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2 Paragraph 219 of the NPPF confirms that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. At the heart of the NPPF is the presumption in favour of sustainable development.
- 8.3 The NPPF states that a presumption in favour of sustainable development should be at the heart of every application decision. For decisions on planning applications this means:
  - approving development proposals that accord with the development plan without delay; and
  - where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:-
    - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
    - specific policies in the Framework indicate development should be restricted.

## **9. PRINCIPLE OF DEVELOPMENT**

- 9.1 The site is unallocated on the UDP Proposals Map (2004), the surrounding area is primarily residential in character albeit for commercial uses found along the Queens Road / Lees Road (B6194) corridor. Historically there had been employment uses to the east and west of the site. This included Stamford and Hurst Mills; these have long since been demolished in replacement of housing developments.
- 9.2 Planning permission approved in the early 2000s included the site as part of the residential development undertaken to the west of the site. However, the site was earmarked for employment use as part of these applications with agreement reached to transfer the land to Council ownership. TMBC Estates confirm that marketing of the site for employment use had taken place, the last such exercise being in 2016 with no expressions of interest received.
- 9.3 The NPPF requires local planning authorities to support the delivery of a wide choice of quality homes in sustainable locations. Paragraph 60 of the NPPF identifies the Government

objective to significantly boost the supply of homes, stating that it is important that a sufficient amount and variety of land can come forward where it is needed and that land with permission is developed without unnecessary delay.

- 9.4 Notwithstanding previous planning permissions pursuant to employment use, it remains that the site is not allocated on the adopted UDP proposals map, it is also not subject to any other designations. Policy H2 of the UDP (Unallocated Sites) applies to housing development proposed on such unallocated sites within the borough, it gives preference to the reuse of previously developed sites.
- 9.5 In terms of the interpreting the site's status as either green field / previously developed or brownfield land (PDL), the NPPF advises that land which has blended into the landscape should be excluded from PDL. Notwithstanding the level of vegetation, there are significant remains from the previous development in the form of hardstanding, access roads and boundary treatments such that it is PDL for the purposes of the planning assessment. The site's overall environmental condition is of a poor character, largely overgrown and is attracting litter which reflects negatively on the locality. The opportunity to redevelop the site would address what appears to be longstanding issues.
- 9.6 The site's potential for residential development is identified within the Tameside Strategic Housing and Economic Land availability assessment (SHELAA). The SHELAA identifies the site as brownfield with an indicative development threshold of 26 dwellings. However, this does not mean that planning permission should be granted as it is based on a high level assessment of the site for the purposes of determining housing land supply only.
- 9.7 However, 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. The opportunity to develop the site for 32 dwellings would make a positive contribution to housing land supply, this should be apportioned due weight in the decision making process.
- 9.8 The site's location is within a highly accessible area. Hurst Cross is an established suburb which is well connected to public transport, local services and employment uses. In terms of the assessment against the sustainable credentials identified within paragraph 11 of the NPPF (economic, social & environmental), there would be direct economic gains associated with the construction phase of the development. The social role would be fulfilled with the commitment to housing. On the matter of the environmental impact and the sustainable credentials, the redevelopment of PDL carries significant weight along with the locational factors relating to access to services and transport, appropriate levels of ecological mitigation can be secured and the houses would be designed to reduce energy/carbon dioxide emissions. The overall sustainable credentials are not questioned, and the proposals are considered to achieve the three dimensions of sustainable development through the contribution to the supply of housing within a sustainable location.
- 9.9 Residential development is considered to be an efficient and appropriate use of the site, which has been a long term vacancy, the principle of securing the sites stewardship aligned to the Council's housing land supply is welcomed. The development would be compatible with adjacent uses and the location close to associated amenities around Hurst Cross dictates that it is a sustainable location for planning purposes.
- 9.10 Representations have been made suggesting that the site was formally used as a burial ground which is subject to restrictive covenants. Restrictive covenants are private matters that are not material to planning decisions. Notwithstanding this, and for information only, historic mapping shows that the site previously supported a reservoir and associated

infrastructure, which served nearby mill complexes. Discussion with Estates confirms that a title review did not raise any restrictive covenants applicable to the site; the issues raised in the representations are not relevant to the planning assessment.

## **10. DESIGN & LAYOUT**

- 10.1 UDP policies, NPPF and the guidance of the adopted Residential Design Guide SPD are clear in their expectations of achieving high quality development that enhances a locality and contributes to place making. The NPPF emphasises that development that is not well designed should be refused where it fails to take into account local supplementary planning documents (para. 134).
- 10.2 Policy RD22 of the adopted SPD applies specifically to infill development it advises that:
- Plot and boundary widths should align with the surrounding street.
  - Scale and mass of dwellings should align with their surroundings.
  - Architectural styles and materials should generally align with the existing.
  - Development must follow an existing building line and orientation, particularly at road frontage.
  - Ensuring privacy distances are achieved.
  - Proposals should not land lock other potential development sites.
  - Development should provide appropriate outdoor amenity space, parking & access.
- 10.3 Policies C1 and H10 of the UDP seeks to ensure that developments are designed to respect their surroundings and contribute positively to the character of the area, having particular regard to the layout, density, design, scale, height, massing, appearance, materials and landscaping prevalent in the area. New development should be compatible with the local character and encourage local distinctiveness through the use of appropriate and high-quality building materials, architectural detailing and boundary treatment.
- 10.4 Negotiations with the applicant have secured significant amendments to the proposed layout as now presented. This has included a re-configuration to the access road and layout of properties, aligned to reducing the dominance of the highway and creating a better relationship between the proposed dwellings and existing properties on Freshwater Drive.
- 10.5 The main site constraint to influence the design and layout is an onsite sewer, this runs a long a north to south axis across the frontage of the site. The layout addresses this with the access drive running along the alignment of the sewer to where it terminates as cul-de-sac with communal parking.
- 10.6 The properties would take a traditional layout, being sited with an active frontage to the highway carriageway based on two cul-de-sacs. The cul-de-sacs terminate at private drives, designed to provide a pedestrian friendly, traffic calmed, environment. The layout and form mirrors that of the established pattern of development of the existing housing stock, which includes clearly defined linear streets and also includes 3 storey accommodation.
- 10.7 The amended layout responds more positively to the site conditions. The layout works to 'perimeter block' principles which would see the dwellings arranged in a 'back to back' formation to those on Freshwater Drive. Looked at in the wider context, the proposed housing would appear as a natural continuation to infill development which has occurred within the locality across previous years. The layout would also create an active frontage to Queens Road/Fern Lodge Drive and with this, provides welcome passive surveillance across the existing area of public open space which would be retained and undisturbed by the development.

- 10.8 The housing mix would comprise of five different house types within a semi-detached and terrace format. This would range from 2 to 3 storeys in height providing a range of 3 and 4 bed accommodation. The design and finish of the properties would observe established urban design principles, and as a group the dwellings would provide visual interest. Properties located on corner plots would be dual aspect which reinforces engagement to the street. Feature windows within the elevations provide a more contemporary finish, examples of where the developer has constructed these properties elsewhere identifies that they are of a good quality.
- 10.9 The layout and property types have also been designed so that properties on the southern boundary to Freshwater Drive stand at 2.5 storeys in height with an eaves height comparable to a traditional 2 storey dwelling. The interface distance would accord with relevant separation distances to existing dwellings. Garden sizes would all be well proportioned across all properties.
- 10.10 The scale of the development would equate to a density of approximately 45 dwellings per hectare, driven by the use of terraces. This is considered to be a highly efficient use of the land which is aligned to sustainable principles of development within accessible urban areas. Overall, the scale of the development, both in terms of the numbers and building heights, is appropriate to the local context.
- 10.11 With regard to parking arrangements, the layout does not appear to be overly car dominated, parking is provided both in front and to the side of dwellings, where the impact is offset by soft landscaping within front gardens as well as communal planting areas. The highway geometry ensures that there is sufficient capacity within the carriageway to accommodate visitor parking. All of the properties are served with front to rear access which will allow for the storage of bins outside of the public domain and therefore not interfering with the street scene.
- 10.12 Boundary treatments have not been defined, it is proposed that this can be appropriately conditioned, the desire would be to see a mixture of treatments with all public facing boundaries being of a suitably quality design. The aim would be to create private defensible space and also to provide a suitable finish to public areas. Where space allows, frontages would support planting in the form of trees and shrubs, this in turn provides a visual benefit by softening the site's overall appearance.
- 10.13 Having full consideration to the design merits of the proposal and the layout of the scheme, it is considered that the development would deliver an attractive residential environment which would enhance the existing area. The scale and density of the development is reflective to that of housing within the locality. Overall, the design and layout should successfully assimilate with the existing housing stock, whilst providing good quality family housing. The proposal adheres to the objectives of UDP policy H10 and the adopted SPD which stress the importance of residential development being of an appropriate design, scale, density and layout.

## **11. RESIDENTIAL AMENITY**

- 11.1 The adopted policies within the Council's Residential Design Guide Supplementary Planning Document strive to raise design standards; they should be applied along with the criteria of Building for Life (BFL). Good design is aligned to the delivery of high residential amenity standards. This should reflect equally on the environment of existing residents as well as that of future residents. Paragraph 130(f) of the NPPF states that development should seek to provide a high standard of amenity for existing and future users alike. This is reflected in policy H10 and the recommendations of the Residential Design Guide SPD, which seek to ensure that all development has regard to the amenity of existing and proposed properties.

- 11.2 The layout and house types 'B' and 'D' would back on to Freshwater Drive, they have been designed so that they are 2.5 storeys on the rear elevation, the eaves height is therefore comparable to the existing properties, and sections provided demonstrate how this would be achieved. The siting of the properties would be a minimum of 22 metres away from the rear elevation from the nearest property on Freshwater Drive and thus compliant with policy RD5.
- 11.3 Disruption from the development would be mainly attributable to the construction phase. A construction environment management plan (CEMP) could be secured by planning condition to ensure best practice measures are employed and overall disturbance is kept to a minimum. The site access is isolated from existing properties so associated vehicle movements from construction traffic should not be readily discernible. Environmental Health have no objections to the proposals in their consultation.
- 11.4 With regard to the amenity which will be afforded to the residents of the development, it is of note that each of the properties meets with the technical housing standards. The close proximity of the site to Hurst Cross, existing areas of open space, transport links, nearby local amenities and employment opportunities means that residents would also benefit from an acceptable standard of access to local services.

## **12. HIGHWAYS AND ACCESS**

- 12.1 Policy T1 requires all developments to be designed to improve the safety for all road users. Likewise paragraph 111 of the NPPF confirms that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 12.2 The site already has an established (gated) vehicle entrance which is located directly off Fern Lodge, a small spur road that links to Queens Road directly to the west. The entrance would extend from this access and would comprise a traditional 5.5m wide carriageway served by 2m wide footways, this would then taper down to 4.8m within the site with inclusion of some paved margins. The road would terminate as a cul-de-sac, off which private drives would serve several individual plots.
- 12.3 Following groundworks, site levels would be favourable and well within a maximum 1:14 gradient. These levels are conducive to meeting accessibility requirements for vehicles and pedestrian users alike. This detail would be secured by condition.
- 12.4 The access arrangements are somewhat unique in that the development would be relatively isolated from existing properties. Vehicle trips generated from the development would not be significant, it is anticipated that there would be an additional 25 trips in the AM and PM peak. These trips would disperse immediately onto Queens Road and outside of neighbouring residential areas. The LHA confirm that traffic can be accommodated on the local highway network without any detrimental impact to safety.
- 12.5 The LHA also comment that the access arrangements are suitable to protect all road users. The highway within the development would be designed to ensure that vehicle speeds are low. Adopted roads within the development would be treated with tarmac with private driveways block paved. In line with the maximum standards of the adopted SPD on parking, all of the properties have two off street parking spaces. The position and orientation of the properties ensures that parking spaces are accessible and would also have good surveillance.
- 12.6 A planning condition is proposed to secure carriageway improvement to the sites access on Fern Lodge, this would include the resurfacing of the carriageway and footways. To facilitate pedestrian movements, and impress low speeds on approaching vehicles, a raised table is

proposed, this would link existing footways serving adjacent green spaces which are located either side of the carriageway.

- 12.7 The proposal has appropriately demonstrated that safe and convenient access can be achieved to meet all highway users' requirements. The disruption associated with traffic during the construction period can be managed to ensure minimal disruption would occur during the temporary construction period. Once operational, the associated traffic movements from the site would not be significant and there would remain appropriate capacity on the local network. Safety would not be compromised and future residents would have direct access to public transport. The proposals would be in compliance with the requirements of T1, T7, T10 and T11 and NPPF paragraph 111.

### **13. DRAINAGE AND FLOOD RISK**

- 13.1 The site is in flood zone 1 and is at a lower risk of flooding. The proposals would see the removal of existing vegetation, and whilst gardens and soft landscaping areas would be incorporated as part of the design, there would nonetheless be an increase in hard surfacing across the site. Hard surface areas would be positively drained via dedicated surface water drainage, this would ensure overall runoff levels are comparable to greenfield rates.
- 13.2 Site investigation confirm the presence of clay deposits within the ground, this dictates that infiltration would not be suitable at the site, drainage would therefore need to be addressed via an attenuated system into the existing sewer network.
- 13.3 The comments raised by the LLFA and UU in their review confirm that drainage can be adequately addressed via a condition. Such a condition will ensure that the design and drainage strategy would be adequate for the site and that the proposals would not result in a detrimental impact on flood risk or drainage capacity within the locality.

### **14. GROUND CONDITIONS**

- 14.1 The site falls within a defined coal mining development high risk area, in addition there is likely to be onsite contamination associated with legacy of the previous industrial use. There are known shallow mine workings in and around the site. A Coal Mining Risk Report has been prepared along with onsite site investigation reports to establish existing ground conditions.
- 14.2 In review of the coal mining report, the Coal Authority state that there is historic unrecorded underground coal mining at shallow depth and that a thick coal seam outcropped across the site. Ultimately further site investigation will determine the full extent of mine workings, and can be secured by condition. To mitigate against their presence, grouting will need to be undertaken and properties will require more specialist foundation design to protect against both stability and potential mine gas.
- 14.3 The Environmental Protection Unit (EPU) have reviewed the initial site investigation appraisal which identified the presence of contamination within the site including hydrocarbons and asbestos. In addition there is a degree of made ground from historic infill. Further investigation will be required to inform the overall remediation strategy. The remediation of contaminate is a benefit of the development, it is not a constraint to prohibit development and there are no objections raised to the proposals subject to recommended conditions. The conditions recommended by the EPU are considered reasonable and necessary to ensure that future users of the proposed development would not be exposed to potential risks caused by contamination at the site.

14.4 Consultation with both the Coal Authority and the Contaminated Land Officer confirm, that subject to the safeguarding of conditions, there are no reasons why the site can't be redeveloped for residential purposes. There is compliance with UDP policy in this regard.

## **15. LANDSCAPING, TREES & ECOLOGY**

15.1 Paragraph 174 of the NPPF states that the planning system should contribute to and enhance the natural and local environment. A full tree survey has been undertaken along with an extended habitat survey.

15.2 The trees and vegetation within the site are largely set following clearance of the former reservoirs. The tree survey identified three individual and four groups of trees within and immediately around the site. Species include mature Willow, Birch and Cherry and are generally of low amenity value. The Tree Officer identifies that there is only a single Birch tree of any significant amenity value, this is located just outside of the site boundary and would therefore not be directly impacted upon by the proposals.

15.3 In terms of ecology, no statutory protected sites lie on the site or immediately adjacent to the site boundary. The nearest is Knot Hill Local Nature Reserve (LNR) which lies 1.2km to the north-east of the site. An extended phase 1 habitat survey and biodiversity impact assessment have been submitted with the application which show that there are no protected species present.

15.4 The habitats presented on the site are common throughout the UK. Two species listed on the Greater Manchester Biodiversity Action Plan were found within localised areas in low numbers on the site. No other nationally rare, or locally rare, plant species were identified during the survey. In summary the site comprises ephemeral/short perennial vegetation, dense and scattered scrub and trees and bare ground. The scrub offers cover from predation, nesting bird habitat and foraging habitat. The scrub and ephemeral vegetation offer a source of pollen and nectar for invertebrates.

15.5 The applicant has undertaken a Biodiversity Impact Assessment which sets out what will be lost and what can be achieved through landscaping on the site. There would clearly be a loss of habitat on site due to buildings, sealed surfaces and amenity grassland. The introduction of native hedgerows as part of a landscaping strategy would help to mitigate this to an extent. To meet the requirements of NPPF paragraph 180, relevant to compensation of existing habitat at a commuted sum is required to fund improvements off-site at nearby receptor sites.

15.6 In addition, the Green Space Manager has made a series of recommendations relevant to off-site biodiversity improvements within the immediate vicinity of the site. The package of works proposed would address ecology requirements as well as matters relevant to green space improvements required to satisfy UDP Policy H5.

15.7 As a result of mitigation measures, it has been demonstrated that a suitable level of assessment has been undertaken, and there is no evidence of any adverse effect upon protected species and the proposals are in accordance with policy N7: Protected Species of the UDP.

15.8 The proposals have been considered by GMEU who are supportive of the site appraisal as well as the approach to off-site biodiversity enhancements. Conditions could control the overall level of planting across the site, as well as the provision of any bat and bird boxes. Subject to this requirement, the proposals are considered to be in accordance with the requirements of policy N4, N5 and NPPF paragraph 174.

## **16. DEVELOPMENT CONTRIBUTIONS**

- 16.1 The proposal is a major development, where there would normally be a requirement to meet affordable housing (15%), green space and highways requirements as per policies H4, H5 and T13 of the UDP.
- 16.2 NPPF Paragraph 57 advises that planning obligations must only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.
- 16.3 NPPF Paragraph 58 advises: 'It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available'.
- 16.4 Section 106 obligations may be challenged where it can be suitably demonstrated that they would undermine delivery of a site. The NPPF is clear that significant weight should be attributed to delivery of housing particularly during periods of under-supply. It remains that the Council cannot demonstrate a five year supply of housing.
- 16.5 When challenging planning obligations the circumstances will be dependent on the individual characteristics of a particular site, and its particular development costs. Where viability can be genuinely demonstrated it is right that obligations should be considered in the context of wider planning benefits. It may therefore be reasonable to reduce or even waiver contributions in their entirety in such circumstances.
- 16.6 The developer has challenged development contributions on viability grounds. The case presented is based on the requirement to address abnormal ground conditions, requirements to meet biodiversity compensation in addition to the recognised increase in construction costs.
- 16.7 The applicant has submitted a viability report which has been reviewed independently to provide an objective assessment. The report provides comment on financial viability, taking into account current market conditions. The appraisal includes assessment of a series of viability appraisals to assess the impact of section 106 contributions relevant to affordable housing, education, highways and greenspace. This process has been undertaken in accordance with national policy guidance, that viability is a material consideration. There are site specific abnormal works relating to ground conditions. The independent assessment has concluded that a full commitment to the suite of section 106 requirements would undermine the deliverability of the site. However, it has been identified that the development can support a contribution of £50,000 towards off-site green space improvements which includes appropriate level of biodiversity mitigation. Taking into account the relevant development plan policies, and other material considerations, it is recommended that this contribution is allocated to fund off-site green space biodiversity and environmental improvements which will enhance the local environment and benefit existing and proposed local residents alike.

## **17. OTHER MATTERS**

- 17.1 Noise: Noise affecting the development is largely transport based as there are immediate commercial or industrial uses within an influencing distance of the site. The EHO is satisfied that a suitable standard of amenity level can be achieved and there are no requirements for any noise related planning conditions. A construction management plan (to be conditioned) will ensure disturbance is kept to a minimum during the construction period. Residential use is fully compatible with the local established character, there is no reason why existing residents amenity should be impacted upon negatively from the development.
- 17.2 Heritage: There are no recorded assets within the vicinity of the site which the proposals could have an influence upon. Consultation with GMAAS also confirms that the proposed development does not threaten any known or suspected archaeological heritage.
- 17.3 Security: The application has been accompanied by a Crime Impact Statement. Subject to implementation of the recommendations, the security of the future occupants and neighbouring properties would be adequately met. The layout ensures there is good levels of passive surveillance over public and private areas.

## **18. CONCLUSION**

- 18.1 At the heart of the NPPF is a presumption in favour of sustainable development, this requires planning applications that accord with the adopted development plan to be approved without delay, and where the development plan is absent, silent or out of date, planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework as a whole or specific policies in the framework indicate that development should be restricted.
- 18.2 A balanced assessment has been undertaken of the proposals and it is recommended that the application should be approved having regard to the relevant policies of the development plan, national planning policy and guidance and all material considerations raised.
- 18.3 The site is previously developed land which detracts from the locality in its current state. It is located within a highly accessible location within a well serviced suburb, the proposals would represent an efficient use of urban land. Given the prevailing residential nature of the locality residential represents the preferred land use for its redevelopment. The redevelopment of the site would bring about a number of benefits including:
- Appropriate redevelopment of previously developed land;
  - Valued contribution to housing in a period undersupply;
  - Environmental improvements;
  - Offsite infrastructure contributions;
  - Construction/employment opportunities.
- 18.4 The proposals would be readily compatible with the housing development that is established within the locality. The scale and design of the development is deemed to be appropriate in that it would not give rise to any adverse environmental or amenity issues. The development would add to and contribute to much needed, good quality family housing. This would also accord with the requirements of policy H2 which promotes the redevelopment of previously developed sites for residential purposes.
- 18.5 The design creates a positive and welcoming residential environment. The dwellings would make a positive contribution to the local housing stock, in accordance with core principles of the NPPF.
- 18.6 Taking into account the relevant development plan policies and other material considerations, subject to the identified mitigation measures, it is not considered that there are any significant and demonstrable adverse impacts that would outweigh the benefits

associated with the granting of planning permission. The proposals represent an efficient re-use of a largely previously developed site that would meet sustainability requirements, and contribute positively to the borough's affordable housing supply.

## **RECOMMENDATION:**

That Members resolve to grant planning permission for the development subject to the following:

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

## **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.

Site Location Plan M4852 (PL) 100  
Site Layout M4852 (PL) 10 rev C  
House Type A / C M4852 (PL) 03 rev C  
House Type B M4852 (PL) 04 rev C  
House Type D M4852 (PL) 05 rev B  
House Type E M4852 (PL) 06 rev B  
Tree Protection Plan 6849.02

Arboricultural Impact Assessment ref MG/6849/AIA&AMS/MAY22  
Biodiversity Impact Assessment July 2022  
Design & Access Statement rev A received February 2023  
Coal Mining Risk Assessment LKC 16 1058a  
Crime Impact Statement ref 2022/0340/CIS/01  
Environment Sustainability Statement  
Extended Phase 1 Habitat Survey April 2022  
Flood Risk Assessment ref SP/SJG  
Phase 1 Preliminary Risk Assessment ref LKC 16 1058a  
Phase 1 Habitat Survey April 2022  
Planning Statement – ref Aug 2022  
Final Phase 2 Geo-Environmental Investigation ref LKC 16 1058a  
Transport Assessment ref 23877-HYD-XX-XX-RP-TP-5001-P01  
Travel Plan ref 23877-HYD-XX-XX-RP-TP-6001-P01  
Tree Survey report – MG/6849/TSR/APR22  
Viability Assessment ref July 2021

Reason: In the interests of the visual amenities of the locality and in accordance with UDP Policies and relevant national Planning Guidance.

3. Notwithstanding any description of materials in the application, samples and/or full specification of materials to be used: externally on the building; 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 prior to their use on site. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details and retained as such thereafter.

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, other than site clearance and site compound set up, shall commence until a remediation strategy, detailing the works and measures required to address any unacceptable risks posed by contamination at the site to human health, buildings and the environment has been submitted to, and approved in writing by, the Local Planning Authority (LPA). The scheme shall be implemented and verified as approved and shall include all of the following components unless the LPA dispenses with any such requirement specifically in writing:

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

2. A site investigation strategy, based on the Preliminary Risk Assessment in (1) detailing all investigations including sampling, analysis and monitoring that will be undertaken 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 assessments referred to in point (2) including all relevant soil / water analysis and ground gas / groundwater monitoring data.

4. Based on the site investigation and detailed risk assessment referred to in point (3) an options appraisal and remediation strategy setting out full details of the remediation works and measures required to address any unacceptable risks posed by contamination and how they are to be implemented.

5. A verification plan detailing the information that will be obtained in order to demonstrate the works and measures set out in the remediation strategy in (4) have been fully implemented including any requirements for long term monitoring and maintenance.

Reason: To ensure any unacceptable risks posed by contamination are appropriately addressed and the site is suitable for its proposed use in accordance with paragraph 183 of the National Planning Policy Framework.

5. Upon completion of any approved remediation scheme(s), and prior to occupation, a verification / completion report demonstrating all remedial works and measures detailed in the scheme(s) have been fully implemented shall be submitted to, and approved in writing by, the LPA. The report shall also include full details of the arrangements for any long term monitoring and maintenance as identified in the approved verification plan. The long term monitoring and maintenance shall be undertaken as approved.

If, during development, contamination not previously identified is encountered, then the LPA shall be informed and no further development (unless otherwise agreed in writing with the LPA, shall be undertaken at the site until a remediation strategy detailing how this contamination will be appropriately addressed and the remedial works verified has been submitted to, and approved in writing by the LPA. The remediation strategy shall be fully implemented and verified as approved. The discharge of this planning condition will be given in writing by the LPA on completion of the development and once all information specified within this condition and any other requested information has been provided to the satisfaction of the LPA and occupation of the development shall not commence until this time unless otherwise agreed in writing by the LPA.

Reason: To ensure any unacceptable risks posed by contamination are appropriately addressed and the site is suitable for its proposed use in accordance with paragraph 183 of the National Planning Policy Framework.

6. No development shall commence until:

- a) A scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
- b) Any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development, in accordance with paragraphs 183 and 184 of the National Planning Policy Framework.

7. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

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 184 of the National Planning Policy Framework.

8. No development, other than site clearance and site compound set up, shall commence until details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the LPA (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure proper drainage of the area, in accordance with UDP policy U3 Water Services for Developments and Section 14 NPPF.

9. The car parking spaces to serve each dwelling as part of the development hereby approved shall be laid out as shown on the approved site plan prior to the first occupation of that dwelling and shall be retained free from obstruction for their intended use thereafter. Driveways shall be constructed on a level which prevents displacement of materials or surface water onto the highway and shall be retained as such thereafter.

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. The methodology of the survey shall be submitted to and approved in writing by the LPA 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 LPA. This 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 LPA.

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

11. Construction of the highway, as per the plans approved under condition 2, shall not take place until a scheme of highway construction has been submitted to and approved in writing by the LPA. The scheme shall include full details of:

- i. Phasing plan of highway works
- ii. 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.
- iii. Surface and drainage details of all carriageways and footways.
- iv. 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.
- v. Details of proposed retaining walls within the development including temporary retaining structures.
- vi. 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.
  - i. Details of carriageway markings and signage.
  - ii. 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 LPA. The scheme shall include details of how the lighting will be funded for both electricity supply and future maintenance.
  - iii. Introduction of a raised pedestrian crossing to connect existing footpaths on Fern Lodge Drive.
  - iv. Re-surfacing of the carriageway, footways and lining of Fern Lodge Drive to the junction with Queens Road.

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

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

12. No development, other than site clearance and site compound set up, shall commence until details of the proposed arrangements for future management and maintenance of the

proposed streets within the development shall be submitted to and approved in writing by the LPA. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

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

13. The new estate road/access shall be constructed in accordance with the Tameside MBC Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

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

14. No development shall commence until such time as a Demolition Construction Environment Management Plan has been submitted to and approved in writing by the LPA. This shall include details of:

- Wheel wash facilities for construction vehicles;
- Arrangements for temporary construction access;
- Contractor and construction worker car parking;
- Turning facilities during the remediation and construction phases;
- Details of on-site storage facilities;
- Details of restriction to weight limits of construction vehicles along Moss Lane; and
- Emergency contact details of the site manager to be displayed publically.

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.

15. No part of the development hereby approved shall be occupied until details of the secured cycle storage provision to serve apartments have been submitted to and approved in writing by the LPA. 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 the first apartment 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.

16. As indicated on the approved plan, prior to the first occupation of the development hereby approved an electric vehicle charging design shall be approved in writing by the LPA and shall be retained as such thereafter. which complies to the requirements listed below:-

The specification of the charging points installed shall:

- a. 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);
- b. have a minimum rated output of 7 kW, measured or calculated at a nominal supply voltage of 230VAC;
- c. be fitted with a universal socket (known as an untethered electric vehicle charge point);
- d. be fitted with a charging equipment status indicator using lights, LEDs or display; and
- e. a minimum of Mode 3 or equivalent

Reason: In the interest of sustainability to promote sustainable travel.

17. 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.

18. The development hereby approved shall be carried in accordance with the measures listed in the Security Strategy (Section 4) of the Crime Impact Statement submitted with the planning application and shall be retained as such thereafter.

Reason: In the interests of security and residential amenity.

19. No development, other than site clearance and site compound set up, shall take place until there has been submitted to and approved in writing by the LPA, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).

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

20. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of five years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

21.

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

22. The erection of fencing for the protection of any retained trees shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the LPA.

Reason: To safeguard existing trees, in the interest of visual amenity in accordance with UDP policy N5: Trees within Development Sites.

23. No works to trees or shrubs shall occur between the 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 LPA.

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

24. 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 LPA. 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 LPA) 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.