

Application Number 18/01117/FUL

Proposal	Application under section 73 of the Town & Country Planning Act 1990 to vary condition no.6 (location of proposed access) and condition no.9 (Drainage details) applied on approved planning application 17/00719/OUT
Site	Former Hartshead High Secondary School, Greenhurst Road, Ashton-Under-Lyne Tameside
Applicant	Taylor Wimpey Manchester
Recommendation	Approve, subject to conditions
Reason for report	A Speakers Panel decision is required because the application is a major development.

REPORT

1. APPLICATION DESCRIPTION

- 1.1 Outline planning permission has been granted to the Council for residential development of the former Hartshead School site in November 2018. The Council remains the land owner, with the planning permission running with the land. This situation is acknowledged by the applicant who has submitted requisite notice on the Council in their application to vary aspects of the permissions planning conditions. In this regard notice was duly served to the Council's Estates department on the 11/12/2018.
- 1.2 The applicant seeks planning permission for a variation of condition no.6 (Location of proposed access) and variation to the wording of condition no.9 (Drainage details) of planning permission 17/00719/OUT which was approved by Members at the November Speakers Panel.
- 1.3 Condition 06 on the outline decision notice makes reference to a plan detailing the sites entrance (ref: 'SD9501SW prepared by Bill Boaden') as an approved drawing. The approved entrance plan shows vehicular access taken off Greenhurst Road.
- 1.4 The proposal is to retain the access onto Greenhurst Road but in a revised location that would be opposite to Woodlands Road. The proposed replacement drawing, ref: PROP-F03 Hartshead 'Proposed Site Access Arrangement' prepared by Croft shows the revised access location. The applicant confirms that the revised position maintains the relevant visibility standards and the design ensures that there will be no impact on highway safety. The new access would be relocated approximately 35 metres west of the position of the approved access.
- 1.5 Existing wording of condition no.6:
"The development hereby permitted shall be carried out in accordance with the following approved plans: the 1:2500 location plan drawing reference SD9501SW prepared by Bill Boaden and, in so far as it relates to access to the site only drawing ref. HH-CL-5202 'Hartshead Proposed Access Arrangement'".
- 1.6 Proposed wording of condition no. 6:
"The development hereby permitted shall be carried out in accordance with the following approved plans: the 1:2500 location plan drawing reference SD9501SW prepared by Bill Boaden and drawing ref. PROP-F03 Hartshead 'Proposed Site Access Arrangement' prepared by Croft".

- 1.7 Condition 09, as worded on the decision notice, stipulates that no surface water shall be discharged to the public sewerage system either directly or indirectly and that foul and surface water shall be drained on separate systems. Furthermore, it specifies that in the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 10 l/s. The applicant states that the wording is contradictory and places unnecessary restrictions on the developer. It is therefore proposed to amend the wording to allow greater flexibility in agreeing a suitable surface water drainage scheme for the site. The changes proposed would still require the site to be drained in a sustainable manner by treating water at the source.
- 1.8 Existing wording of condition no.9:
“Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall be discharged to the public sewerage system either directly or indirectly. Foul and surface water shall be drained on separate systems unless otherwise agreed in writing and in the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 10 l/s. The development shall be completed in accordance with the approved details”.
- 1.9 Proposed wording of condition no.9:
“Prior to the commencement of any development, details of foul and surface water drainage shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details which must be based on the hierarchy of drainage options in the National Planning Practice Guidance and must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. The development shall be completed in accordance with the approved details”.

2. SITE & SURROUNDINGS

- 2.1 The application site is 6.10 hectares in area and is located to the east of Lees Road, Ashton. The site is effectively split into 2 by Greenhurst Road and the footpath which runs to Knott Hill reservoir. Existing residential development lies to the south, east and west of the site fronting Woodlands Road, Lees Road, Greenhurst Lane and St Christopher's Avenue. The area is characterised by a mix of detached, semi detached properties. Ashton Under Lyne golf club and Knott Hill Reservoir lie beyond the boundary of the site to the East.
- 2.2 The site comprises the grounds of the former Hartshead High School which merged with Stamford High School in September 2008. Both schools were subsequently replaced on a new site off Broadoak Road to the west of Lees Road. The former school on the proposal site was subsequently demolished and all that remains of the former school buildings is the concrete foundation slab and tarmac areas which formed the car park and playground areas to the north of Greenhurst Road and the former playing fields located to the south. Some piles of rubble related to the demolition of the buildings also remain on the northern part of the site.
- 2.3 The northern part of the site is set behind a stone retaining wall with a native species hedge on top which fronts Lees Road, behind which the land level rises to the east. The southern part of the site is relatively level but is surrounded by steep banks as the contour of the land rises to the east.

- 2.4 The northern part of the site is currently secured by a mixture of chain link and palisade fencing and is generally unkempt. The southern part of the site which contains the former school playing fields is surrounded by palisade fencing on the northern and eastern sides and by wooden fencing to the southern and western sides where it bounds the rear of existing residential properties fronting Woodlands Road and St Christopher's Avenue.
- 2.5 The site is within 240m of the nearest primary school and 1.3km of the nearest doctors surgery.
- 2.6 The nearest bus stops immediately front the site on Lees Road, a further 4 bus stops are located within 400m of the site. A total of 6 bus services operate from these 5 stops offering access to Ashton, Hurst, Hartshead, Smallshaw, Manchester, Backstones and Stalybridge. The nearest railway stations are located at Ashton and Stalybridge which are approximately 2.9 and 2.7km from the site respectively. Weekday services operate at half-hourly frequencies both westbound to Manchester Piccadilly, once per hour onwards to Liverpool Lime Street, and eastbound towards Leeds and beyond. Extra trains are provided to and from Manchester Piccadilly during peak hours. Monday to Saturday daytimes there are three trains per hour westbound to Manchester Victoria and eastbound to Huddersfield.
- 2.7 As such the site has good access to public transport and it is considered to be a sustainable location for residential development.

3. PLANNING HISTORY

The site history relevant to this application is as follows:

- 3.1 12/00218/NDM – Notification of Demolition of school buildings – Granted April 2012
- 3.2 17/00719/OUT – Outline application for residential development and associated works – Granted November 2018

4. RELEVANT PLANNING POLICIES

- 4.1 **Tameside Unitary Development Plan (UDP) Allocation: Partly Protected Green Space**
Unallocated

Part 1 Policies

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

Part 2 Policies

- H2: Unallocated Sites.
H4: Type, size and affordability of dwellings
H5: Open Space Provision
H6: Education and Community Facilities
H7: Mixed Use and Density.
H10: Detailed Design of Housing Layouts
OL4: Protected Green Space.
OL10: Landscape Quality and Character
T1: Highway Improvement and Traffic Management.
T11: Travel Plans.
T14 Transport Assessments
C1: Townscape and Urban Form

C9: Historic Parks and Gardens
N4: Trees and Woodland.
N5: Trees Within Development Sites.
N7: Protected Species
MW11: Contaminated Land.
MW14: Air Quality
U3: Water Services for Developments

4.2 **National Planning Policy Framework (NPPF)**

Chapter 2: Achieving sustainable development
Chapter 6: Delivering a sufficient supply of homes
Chapter 8: Promoting healthy and safe communities
Chapter 9: Promoting sustainable
Chapter 11: Making effective use of land
Chapter 12: Achieving well-designed places
Chapter 14: Meeting the challenge of climate change, flooding and coastal change

4.3 **Other Policies**

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

Planning Practice Guidance (PPG)

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

5. **PUBLICITY CARRIED OUT**

- 5.1 Planning Practice Guidance advises that Local Planning Authorities should adopt a proportionate approach to the advertisement of applications made under section 73 of the Town and Country Planning Act.
- 5.2 As part of the planning application process 142 notification letters were sent out to neighbouring properties on 20th December 2018.

6. **RESPONSES FROM CONSULTEES**

- 6.1 Local Highway Authority – The LHA has noted the minor Junction amendment to the approved planning permission for 17/00719/OUT to vary Condition 06 (Access). With regard to drawing number no PROP-F03, the details shown satisfy the LHA on the grounds that:
- The visibility from the proposed junction onto Greenhurst Road is adequate
 - The capacity of the junction with the minor amendment to the junction will remain the same under the original application
 - There are no further highway safety concerns with regards to the minor Junction amendment
- 6.2 LLFA – The discharge figure of 10 l/s in the original condition appears to have been a general figure for which justification has not been identified. It is advised removing the restriction that no discharges be made to the public sewerage system as this is clearly in conflict with the remainder of the condition and not relevant to the situation.

- 6.3 United Utilities – Agree condition 9 does need varying as it is contradictory and the flow rate is over-restrictive. Recommend that the condition re-worded as follows;

‘Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 30 l/s’.

7. SUMMARY OF THIRD PARTY RESPONSES RECEIVED

- 7.1 27 objections have been received from neighbouring properties, raising the following concerns:

Condition No. 6 Access / Highways

- It is not clear what the proposal will entail so it's not possible to make a judgement
- Greenhurst Road will have a 10 fold increase in traffic usage, there will be 3 junctions within 50 metres of each other which could be affected by between 264 and 400 additional vehicles. In addition to this there are 2 senior schools and 1 primary school within 200 metres of the proposed junction. This doesn't include additional traffic for deliveries, visitors and services which will also increase road use. This will cause an impact on highway safety. For this reason the traffic measures other than school signage should remain and reassessed once the properties have been built and are occupied.
- The revised access will increase the traffic problems by having a crossroads.
- A 20 MPH speed restriction need to be introduced to Greenhurst Road and a pedestrian crossing near the junction with Lees Road.

Condition No. 9 Drainage

- The condition is perfectly reasonable and should not be relaxed as there is insufficient capacity
- The existing drainage system struggles to cope as it is - so cannot withstand additional houses using it.
- There are current water issues for local residents so any variation to the condition would result in further drainage and groundwater problems.
- There is nothing contradictorily about the restriction on the rate of flow to the existing drainage system that requires any surface water collected to be discharged into the existing system at 10/s. This will ensure an already struggling system will not be overwhelmed under any circumstances. The high-water table on the field has been ignored so have the existing ground problems residents are experiencing.
- All they have done is simply reiterate their aspiration to change conditions free of technical qualification by simply inferring the original wording needs to be changed because there are “contradictions within the wording”. They have not done or wrote anything to address the issue raised. The contractor needs to provide evidence that the rate of flow can be guaranteed at 10 litres per second and this needs to be verified independently by an independent drainage engineer approved by Building Control.
- Taylor Wimpey should be asked to ensure that the flow is achieved via a slow release attenuation tank installation.

General

- Concerned that the outline draft designs shown a new road being built directly against rear garden which is completely unacceptable on both noise and safety reasons.
- Timing of consultation not ideal
- Variations should not be allowed to approved planning applications The applicant is trying renege on their requirements.
- Remain strong objections to building on the former school playing fields. Development should be limited to the footprint of the school.

8. ANALYSIS

8.1 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 consent. 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.

8.2 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. The principle established on the outline planning consent for the sites residential development remains established and cannot be re-visited under this planning application.

8.3 The applicant is seeking to vary 2 conditions of the original approval which relates to the location of where access future residential development will be taken from and what controls to flow levels should be applied in the event of a connection to the public sewer. These changes include:

- A relocation of the entrance bellmouth 35m (approx.) West of approved location so that it is located opposite Woodlands Road.
- Flexibility to the surface water flow in the event of a connection to the public sewer.

An assessment of the potential impacts must be considered within the context of the extant planning permission.

8.4 If this variation of condition application is approved, it would in effect re-issue the original outline planning permission and as such all of the conditions on that original consent that remain relevant would be re-imposed. Case law from 2002 (Reid v Secretary of State) confirms that conditions can be imposed on variation of condition applications in 2 ways:

1. impose fresh conditions mirroring the original conditions save for the variation; or
2. impose only the varied condition(s) and incorporate the unaffected conditions by cross-reference to the original permission.

Recognising that no approval of Reserved Matters has been granted an acceptance to the variation of the conditions would be subject to the requirement of the other 22 conditions applied on the outline consent.

9. CONDITION NO.6 SITE ACCESS

9.1 The scale of the residential development will be determined through the submission of Reserved Matters. In the context of the local highway the relocation of the access by

approximately 35m represents a modest alteration to the approved details. The revised access as detailed on the submitted drawing works to the parameters of visibility, capacity and safety established on the extant consent. More crucially the Highways Authority have confirmed that they are satisfied with the arrangements noting that the revision would not result in a compromise to highway safety for vehicle or pedestrian users alike. The proposal would therefore not have a material impact upon the operation of the local highway network above those previously considered. The proposed location for the access would therefore comply with UDP Policies T1, T7, T10 and T11 as well as Chapter 4 of the NPPF.

10. CONDITION NO.9 DRAINAGE

- 10.1 The applicant seeks to amend the requirements of the sites drainage by the removal of controls applicable to flow rate of any surface water connection to the public sewer. The proposals are not for the deletion of the condition but rather to reword its requirements. The applicant's justification is twofold; to address contradictions with the original wording, and to remove restrictions on future flow rates of surface water connections. Importantly the requirement for the site to be drained in accordance with the drainage hierarchy with details to be approved by the relevant drainage bodies is not being varied.
- 10.2 Condition no.9 was applied at the request of the drainage bodies (LLFA & UU) consulted on the outline planning permission. The contradiction in the wording relates to the reference that no surface water from the site shall be drained to the public sewerage system, the latter part of the condition then alludes to a connection to the public sewer being accepted on the provision of the forward flow rate being restricted to 10 l/s. It is therefore accepted that the wording of the condition is somewhat ambiguous owing to its positive and negative connotations.
- 10.3 A full flood risk assessment accompanied the Outline Planning the parameters of which are not being revisited. It will remain that all developed areas of the site will be positively drained with any connections to existing infrastructure being via an attenuated system. There is also potential for surface water outfall to be taken via Greenhurst Clough which is located directly north of the site. The variation which applicant seeks does not remove control from the Local Planning Authority. It will remain the condition would only be able to be discharged following consultation and acceptance from United Utilities and the LLFA which will include acceptable to any forward flow rates to any existing drainage infrastructure if deemed necessary.
- 10.4 The concerns within the representations are acknowledged, the rewording of the condition will still ensure that appropriate controls are exercised so that the site is drained in an appropriate and sustainable manner. Consultations undertaken with the LLFA and United Utilities (summarised above) acknowledge that the wording of the condition is overly restrictive and raise no objections to it being reworded.

11. CONCLUSION

- 11.1 The principle of the sites redevelopment for housing has already been established and cannot be revisited under the application. It is only matters relating to condition no.6 and 9 against which a decision can be issued.
- 11.2 Responses from technical consultees have demonstrated clear support for the application and on this basis there would be no reasonable or justified reason to not support the variations as proposed. It will remain that in the revised wording sufficient safeguards would be in place to ensure the development is served with a safe access arrangement and that surface water would be sustainably drained and remain policy compliant.

11.3 In all other respects, the proposed development would remain as previously approved.

12. RECOMMENDATION

Grant planning permission subject to the following conditions:

1. Application for approval of reserved matters must be made not later than the expiry of three years beginning with the date of this permission and the development must be begun not later than the expiry of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: As required by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Reason: To safeguard the character and appearance of the area to influence the design of the future layout.

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

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

4. The plans and particulars to be submitted with the reserved matters shall include full details of both hard and soft landscape works, inclusive of existing vegetation cover and ancillary built structures. These details shall include:-
 - a) hard - existing and proposed finished levels or contours, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, hard surfacing materials, minor artefacts and structures [eg: furniture, play equipment, refuse or other storage units, signs, lighting etc], proposed and existing functional services above and below ground [eg; drainage, power, communications cables, pipelines etc indicating lines, manholes, supports etc];
 - b) soft - planting plans, written specifications [including cultivation and other operations associated with plant and grass establishment], schedule of plants [noting species, plant sizes and proposed numbers/densities where appropriate], implementation programme).
 - c) details of bin storage areas
 - d) details of the type, height, position and materials to be used in the construction of any boundary treatments
 - e) details of the pedestrian and cycling environment within the proposed site

Reason: To safeguard the character and appearance of the area in the interests of securing good design

5. Detailed plans shall accompany the reserved matters submission for any phase of the development indicating existing ground levels, finished floor levels of all dwellings and

associated structures, road levels and any proposed alterations to ground levels. Thereafter the development shall proceed in accordance with the approved details.

Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with UDP Policy H10: Detailed Design of Housing Layouts.

6. The development hereby permitted shall be carried out in accordance with the following approved plans: the 1:2500 location plan drawing reference SD9501SW prepared by Bill Boaden and drawing ref. PROP-F03 Hartshead 'Proposed Site Access Arrangement' prepared by Croft.

Reason: For the avoidance of doubt to clarify the site boundary and ensure that a safe access can be achieved.

7. Development shall not commence until the following information has been submitted in writing and written permission at each stage has been granted by the Local Planning Authority;
 - i) A preliminary risk assessment to determine the potential for the site to be contaminated shall be undertaken and approved by the Local Planning Authority. Prior to any physical site investigation, a methodology shall be approved by the Local Planning Authority. This shall include an assessment to determine the nature and extent of any contamination affecting the site and the potential for off-site migration.
 - ii) Where necessary a scheme of remediation to remove any unacceptable risk to human health, buildings and the environment shall be approved by the Local Planning Authority prior to implementation.
 - iii) Any additional or unforeseen contamination encountered during development shall be notified to the Local Planning Authority as soon as practicably possible and a remedial scheme to deal with this approved by the Local Planning Authority.
 - iv) Upon completion of any approved remediation schemes, and prior to occupation, a completion report demonstrating that the scheme has been appropriately implemented and the site is suitable for its intended end use shall be approved in writing by the Local Planning Authority.The discharge of this planning condition will be given in writing by the Local Planning Authority on completion of the development and once all information specified within this condition and other requested information have been provided to the satisfaction of the Local Planning Authority and occupation/use of the development shall not commence until this time.

Reason: To safeguard against the risks of contamination in the interests of future inhabitants.

8. No development or works of site preparation shall take place until all trees that are to be retained within or adjacent to the site including those in the woodland to the North have been enclosed with temporary protective fencing in accordance with BS:5837:2012 Trees in relation to design, demolition and construction. The fencing shall be retained throughout the period of construction and no activity prohibited by BS:5837:2012 shall take place within such protective fencing during the construction period.

Reason: To ensure the long-term retention of trees in accordance with UDP Policy N5.

9. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public surface water sewer,

details of the pass forward flow rate to the public sewer must be provided and approved in writing to the Local Planning Authority with the development carried out in accordance with the approved details.

Reason: To ensure the development is adequately drained in a sustainable manner

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

Reason: In the interests of highway safety in accordance with T1 Highway Improvement and traffic Management.

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

Reason: In the interests of highway safety and convenience.

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

Reason: In the interests of highway safety and convenience.

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

Reason: In the interests of the amenity of local residents to minimise disturbance.

14. No tree felling or vegetation removal shall take place during the optimum period for bird nesting (March to July inclusive) unless evidence showing that breeding birds are absent at the site has been provided by a suitably qualified ecologist and approved in writing by the Local Planning Authority.

Reason: To safeguard protected species in accordance with UDP policy N3 Nature Conservation Factors

15. No development other than site preparation works and remediation shall take place unless and until the design of the noise mitigation measures recommended in the Noise Impact Assessment undertaken by Capita, reference CS087106-01, dated 23 June 2016, and submitted as part of the planning application have been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied unless the requisite attenuation measures relevant to that dwelling have been implemented in accordance with the approved scheme. The approved remediation measures shall thereafter be retained.

Reason: To protect the amenities of future occupants of the development in accordance with UDP policy MW12 Control of Pollution

16. No development shall be commenced unless and until a full Residential Travel Plan together with measures to secure its implementation and monitoring have been submitted to and agreed in writing with the Local Planning Authority. The Travel Plan shall be implemented in accordance with the approved details.

Reason: To enhance the provision of or access to sustainable modes of transport in association with the development.

17. The development hereby approved shall not be occupied/brought in to use until the road works and traffic management measures necessary to secure satisfactory access to the site have been completed in accordance with details having first been agreed in writing with the Local Planning Authority.

Reason: To secure the provision of satisfactory access to the site and in the interests of road safety.

18. A clear view shall be provided on each side of any site access/drive where it meets the footway or any shared access way. Its area shall measure 2.4 metres along the edge of the site access and 2.4 metres along the footway/roadway. It must be kept clear of anything higher than 600mm above the access.

Reason: To allow users of the site access and highway to see each other approaching, in the interest of highway safety.

19. The development hereby permitted shall not be commenced unless and until a scheme of intrusive site investigations, designed by a competent person and adequate to properly assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity has been undertaken and the submission of a report of findings arising from the intrusive site investigations and any remedial works and/or mitigation measures considered necessary submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved report with any necessary mitigation measures implemented in full in accordance with the recommendations of the approved report.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with UDP Policy MW11: Contaminated Land

20. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.

Reason: In the interests of the visual amenities of the locality, in accordance with UDP Policy H10 Detailed Design of Housing Layouts

21. The layout to be submitted as part of the Reserved Matters application shall make appropriate provision for an area of on-site children's play and informal recreation. The design and layout of this area and wider development shall incorporate the principles of active design and include a minimum of 5 items of play equipment. Full management responsibilities and maintenance schedules and a programme for installation, shall be submitted for approval in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the agreed timetable for installation.

Reason: In the interests of residential and visual amenity to ensure adequate provision of public open space in accordance with UDP Policy H5 Open Space Provision

22. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future

- i. The numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 15% of housing units/bed spaces;
- ii. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii. The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord involved;
- iv. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: To meet identified housing need in accordance with UDP Policy H4 Type, Size and Affordability of Dwellings.

23. The development hereby permitted shall not begin until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of or enhancement to off-site public open space in accordance with Unitary Development Plan Policy H5. The provision or enhancement of the off-site open space shall be provided prior to completion of the development in accordance with the approved scheme.

Reason: In the interests of residential and visual amenity to ensure adequate provision of public open space in accordance with UDP Policy H5.

24. No development shall commence until a suitable air quality impact assessment has been undertaken to determine what the impact of the completed development will have on local air quality. The methodology shall have been approved in writing with the local planning authority prior to the start of the assessment. Any required mitigating measures identified as being necessary shall then be implemented to the satisfaction of the local planning authority prior to the first occupation of the dwellings and shall be retained thereafter.

Reason: To protect the amenities of occupiers of the development and occupants of nearby properties in accordance with UDP policy T14.