

Application Number 19/00873/FUL

Proposal	Construction of 23no. houses at site of former Heritage House Nursing Home, Huddersfield Road, Stalybridge together with associated access road and hard and soft landscaping.
Site	Site of the Former Heritage House Nursing Home, Huddersfield Road, Millbrook, Stalybridge, SK15 3JL
Applicant	Toto Worldwide Properties Ltd
Recommendation	Members resolve to grant planning permission subject to completion of a section 106 agreement.
Reason for Report	A Speakers Panel decision is required because the application constitutes a Major development.

1.0 APPLICATION DESCRIPTION

- 1.1 The application seeks full planning permission for a residential development comprising of 23 dwellings and associated infrastructure. Negotiations on the application have resulted in the loss of a dwelling from that initially proposed.
- 1.2 The accommodation would comprise of 1 x 2bed, 11 x 3bed and 11 x 4bed properties including terrace blocks, semi-detached and detached units measuring from 81 to 129sqm. All of the properties would have private in-curtilage parking with 2 spaces for the 3 & 4 bedroom units and 1 space for the 2 bed unit.
- 1.3 The dwellings would be constructed on land previously occupied by Heritage House Nursing Home. Access would be taken from an existing un-adopted road which extends along the boundary of St James Church to Huddersfield Road.
- 1.4 The application has been supported by the following documents:
 - Design & Access Statement;
 - Heritage Statement;
 - Archaeology Report;
 - Crime Impact Statement;
 - Ecology Report;
 - Drainage Strategy;
 - Flood Risk Assessment;
 - Utilities report;
 - Tree Survey
 - Full Plans Package;
 - 3D Montages.

2.0 SITE & SURROUNDINGS

- 2.1 The application relates to land located to the rear of the Grade II listed St James Church Millbrook, Stalybridge. The site was previously occupied by Heritage House nursing home. The building was subject to a fire and the land has been cleared of the former buildings with only areas of hardstanding and associated building material remaining. The unoccupied nature of the site is attracting incidences of fly-tipping.

- 2.2 The site is rectangular in shape and measures approximately 0.5ha in area. The redline extends to the west where it meets Huddersfield Road. The access road is un-adopted and serves as the access to a car park located to the rear of the church in addition to field entrance to the north. The site is located just within the Millbrook Conservation Area boundary which ends along the northern boundary. Electricity pylons cross the agricultural fields found to the north and east but all supported cables do not cross the site boundary.
- 2.3 Levels fall across the site to the western boundary with Huddersfield Road, the fall from the eastern boundary is in the region of approximately 6m. Tree cover is mainly limited to the sites boundaries particularly that along the access road and St James Church all of which are subject to a group Preservation Order. The nearest residential properties are those which front Shakespeare Avenue across the southern boundary, the majority of these are separated from the site by a former builders compound. No.s 21 & 23 do however share an immediate boundary to the south. Farmland abuts the sites northern and eastern boundaries.

3.0 PLANNING HISTORY

- 3.1 17/00294/CON - Demolition of the fire damaged building known as Heritage House – Approved 07/06/2017

4.0 RELEVANT PLANNING POLICIES

- 4.1 National Planning Policy Framework (NPPF)
- 4.2 Planning Practice Guidance (PPG)
- 4.3 **Tameside Unitary Development Plan (UDP) Allocation:** Unallocated within the northern boundary of the Millbrook Conservation Area.
- 4.4 **Part 1 Policies**
- 1.3: Creating a Cleaner and Greener Environment;
 - 1.4: Providing More Choice and Quality Homes;
 - 1.5: Following the Principles of Sustainable Development;
 - 1.6: Securing Urban Regeneration;
 - 1.11: Conserving Built Heritage and Retaining Local Identity;
 - 1.12: Ensuring an Accessible, Safe and Healthy Environment;
- 4.5 **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 Developments
 - OL4: Protected Green Space.
 - OL10: Landscape Quality and Character
 - T1: Highway Improvement and Traffic Management.
 - T10: Parking
 - T11: Travel Plans.
 - C1: Townscape and Urban Form
 - C2: Conservation Areas
 - C4: Control of development in or adjoining Conservation Areas
 - N4: Trees and Woodland.

N5: Trees Within Development Sites.
N7: Protected Species
MW11: Contaminated Land.
U3: Water Services for Developments
U4 Flood Prevention
U5 Energy Efficiency

4.6 **Other Policies**

Greater Manchester Spatial Framework - Publication Draft October 2016
Residential Design Supplementary Planning Document
Trees and Landscaping on Development Sites SPD adopted in March 2007.

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

Section 2 Achieving sustainable development
Section 8 Promoting healthy and safe communities
Section 9 Promoting sustainable travel
Section 11 Making effective use of land
Section 12 Achieving well-designed places
Section 14 Meeting the challenge of climate change, flooding and coastal change
Section 15 Conserving and enhancing the natural environment

4.8 **Planning Practice Guidance (PPG)**

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.

5.0 **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 within a Conservation Area and Setting of Listed Building:

- Neighbour notification letters to 48 addresses (issued on two occasions to reflect amendments)
- Display of a site notice
- Advertisement in the local press

6.0 **RESPONSES FROM CONSULTEES**

6.1 Arboricultural Officer – Site has been amended to reflect previous comments to ensure the retention of TPO tree on the western boundary, the root protection and canopy area of which will not be constructed within. Removal of trees to facilitate the access road can be tolerated subject to a condition securing replacement planting within a high quality scheme.

6.2 Coal Authority – Site falls within a low risk area therefore further investigation into coal mining legacy is not required. Recommend that standing advice is applied as an informative in the interests of Health and safety.

6.3 Contaminated Land – In recognition of the former development there is potential for contamination to be present at the site associated with the former building. No objections subject to a contaminated land condition in order to ensure all risks posed by contamination are appropriately addressed during any development of the site.

- 6.4 Environment Health Officer – No objections recommend restrictions on the hours between which works should be undertaken.
- 6.5 Greater Manchester Ecology Unit – No objections. Note that where possible boundary vegetation, and particularly the trees and shrubs at the southern / eastern boundaries should be retained. Also advise;
- That a Construction Management Plan be prepared for the development, with particular attention paid to the need to prevent any contamination of the small watercourse adjacent to the site from surface water discharges.
 - That no tree felling or vegetation clearance required to facilitate the works should take place during the optimum time of year for bird nesting (March to July inclusive). All nesting birds their eggs and young are protected under the terms of the Wildlife and Countryside Act 1981.
- 6.6 GMAAS – Confirm that the Archaeological Desk Based Assessment has been prepared in accordance with agreed professional standards and meets the objectives set-out in National Planning Policy Framework (2019) paragraph 189. The DBA concludes that there is a very low potential for any archaeological interest to remain in this site. GMAAS accepts the conclusions and are satisfied that the proposed development does not threaten the known or suspected archaeological heritage. On this basis there is no reason to seek to impose any archaeological requirements.
- 6.7 Highway Authority – Are satisfied that the size of the development and the number of car journeys predicted would have a negligible impact on existing vehicle trips on Huddersfield Road. In addition they are satisfied that Tameside Parking Standards have been met under the Residential Design SPD RD8 and all turning heads required for site traffic/refuse vehicles /emergency service vehicles to enter/leave the site in a forward gear comply with Tameside Highway Standard Details for adopted roads and Manual for Streets Requirements.
- 6.8 Lead local Flood Authority – Recommend that full drainage details are conditioned which will require full investigation into the drainage hierarchy.
- 6.9 TFGM – Note that the quantum of development falls below TfGM’s requirement for a highway impact assessment. Consider that the number of trips likely to be generated by the development would be negligible. Comment that:
- The access serving the development should be able to accommodate two way traffic flows and the access junction should have dropped kerbs and tactile paving.
 - Adequate sightline visibility should be achievable from both sides of the site access point in line with Manual for Streets and junction protection should be implemented to ensure the visibility splays can be achieved.
 - 2 metre wide footways should be provided along both sides of the access road and into the site connecting residents safely to Huddersfield Road.
 - Service vehicles should be able to enter and exit the site in forwards gear, carrying out turning manoeuvres within the site safely and appropriately.
 - Each dwelling should have provision for cycle parking within the site curtilage of the properties, as confirmed within the D&A Statement.
- 6.10 United Utilities – Raise no objections subject to recommended condition. The site should be drained in accordance with the drainage hierarchy and detailed design will be required for any connections into the drainage network.
- 6.11 Waste Management – No comments received.

- 6.12 GMP Architectural Liaison Officer – Sufficient Crime Impact Statement has been prepared. Request that its recommendations are conditioned as part of any planning approval.

7.0 SUMMARY OF THIRD PARTY RESPONSES RECEIVED

- 7.1 In response to the consultation undertaken there have been 4 letters of objection including a request to speak.

- 7.2 The following concerns have been raised with the individual objection letters which are summarised as follows:

- Loss of privacy to Shakespeare Avenue Properties
- Loss trees impacting upon wildlife
- Increase in noise and light pollution
- Increase in local traffic especially given the level of local development
- 3 storey construction is not appropriate and exacerbates impact upon amenity of existing residents
- Material are not sympathetic
- Impact upon the setting of the church
- Development should be restricted to the footprint of the former Heritage House
- Pedestrian risk from increased use of the access
- Number of units exceeds capacity of the access
- Further loss of Green Space within Millbrook
- Mature protected trees are being removed unnecessarily and cannot be adequately compensated for by new planting
- Lack of detailed traffic assessment provided
- Huddersfield Road is prone to speeding vehicles the access is not safe
- Increase in flooding

- 7.3 The Property Manager for the Diocese of Chester comments that the site is subject to restrictive covenants which the proposed scale of development exceeds. It is stated that the development would be undeliverable.

8.0 ANALYSIS

- 8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.

- 8.2 The current position is that the Development Plan consists of the policies and proposals maps of the Unitary Development Plan and the Greater Manchester Joint Waste Plan Development Document.

- 8.3 The National Planning Policy Framework (NPPF) is also an important consideration. The NPPF states that a presumption in favour of sustainable development should be at the heart of every application decision. For planning application decision making this means:-

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:-
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - specific policies in the Framework indicate development should be restricted.

9.0 PRINCIPLE OF DEVELOPMENT

- 9.1 At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development. This includes proactively driving and supporting economic development and encouraging the effective use of land by reusing land that has been previously developed. The density of the proposed housing would equate to approximately 46 units per hectare which is considered to be an efficient use of land.
- 9.2 The site is located within an established residential area. It is within the catchment of local schools, services, public transport and convenience services are on hand within Millbrook. The location is considered wholly sustainable for planning purposes.
- 9.3 The Council's current lack of a 5 year housing supply is afforded significant weight to the assessment process. The NPPF is clear that the presumption in favour of sustainable development should be applied to determine planning applications in such instances, unless the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole.
- 9.4 Section 11 of the NPPF promotes the effective use of land. Paragraph 118 strongly encourages LPAs to promote the re-use of previously developed land through decision making. This is aligned to UDP policy H2 which also promotes the development of Previously Developed Land (PDL), recognising the sites former use residential development would be an appropriate and compatible reuse of the land.
- 9.5 In terms of the assessment against paragraph 11, all developments must be considered in light of their sustainable credentials, which the NPPF identifies as having three dimensions (Economic, Social and Environmental). The development would contribute directly to the choice of housing which would also contribute to meeting employment and servicing needs. There would also be direct economic gains associated with the construction phase of the development. The social role would be fulfilled with the commitment to section 106 requirements. 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 development would be designed to reduce energy/CO2 emissions Therefore to conclude, 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.
- 9.6 The Diocese of Chester made the representation that the site is subject to restrictive covenant that does not permit development of this scale, it is thus reported that the development could not be delivered. Covenants cannot be disregarded or removed unless this is done by agreement, discharged by the Lands Tribunal or the land comes into single ownership. This is a separate legal regime to the planning process. The existence of any planning permission does not remove this legal issue, and in some cases a planning permission may not be capable of being implemented without the removal of the covenant in the first instance.
- 9.7 Subject to acceptability of the proposals from a heritage perspective, the influence upon the setting of St James Church and the character of the Millbrook Conservation Area there are no land use objections to the proposals.

10.0 DESIGN & LAYOUT

- 10.1 Having previously supported Heritage house nursing home (which was a former vicarage) there is an established precedent for the sites development.

- 10.2 UDP, NPPF polices and the guidance of the SPD are clear in their expectations of achieving high quality development that enhances a locality and contributes to place making. The framework emphasises that development should be refused where it fails to take opportunities available to improve the character and quality of an area and the way that it functions (para. 130). 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.
 - Retaining and providing appropriate outdoor amenity space, parking & access.
- 10.3 Minor amendments have been made to the layout following concerns raised by Officers and Consultees. The subsequent layout responds to the issues raised in a positive manner and would create a welcoming residential environment. The properties would be positioned in a manner which observes building lines and creates active frontages to St James Church. The arrangement takes a traditional/logical form which provides appropriately for off street parking, private amenity space and achieves secure by design objectives. Spacing distances to existing properties on Shakespeare Avenue would be exceeded with the nearest property (plot 15 to no.23) being 25m apart from one another. Subject to the safeguarding of the recommended conditions it is considered that levels of amenity and overall privacy of existing residents would be acceptable.
- 10.4 In responding to the local context the scale, materials and fenestration the dwellings draw upon the local vernacular through the use of stone and natural slate roof. The design, form and detailing also draws upon prevailing features of dwellings within the Conservation Area. All of the properties are served with a private front to rear access which allow for the storage of bins outside of the public domain
- 10.5 The development would constitute a density of approximately 46uph; this is considered to be an efficient use of the land which is largely achieved through the use of terrace house types. An increase to the density would not be desirable recognising this would be at loss to landscaping and character. The majority of the properties would be 2 storey in height, the 2.5 storey properties have an eaves and ridge height directly comparable to 2 storey counterparts. Overall it is considered the scale of the development, both in terms of the numbers and heights is appropriate to the local context.
- 10.6 Parking arrangements would be provided mainly to the front of dwellings, to address dominance these would be separated by walled landscaped areas. This provides a visual break and also defines public from private (defensible) space. The design follows precedent from Design/Conservation practice. Provision is also made within the layout to accommodate appropriate levels of visitor parking within the street.
- 10.7 Within the development boundaries would consist of a mixture of treatments including railing, brick pier and panel walls and timber fences to rear gardens. This creates appropriate levels of defensible space and also provides a suitable finish to the public areas that ensures relevant privacy standards are achieved. 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 by enhancing the setting of individual plots, this would be particularly desirable along the frontage to St James Church.
- 10.8 Having full consideration to the overall 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. It is considered that the design has

sufficient regard 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.

11.0 Design & Heritage

- 11.1 The site is located in the north east corner of the Millbrook conservation area and has a number of listed buildings in close proximity as indicated and listed below, with the Church of St. James directly neighbouring the site. The primary feature of the Conservation Area other than the listed buildings is the late Victorian mill developments and associated terraced housing in a similar style
- 11.2 Section 16 of the NPPF relates to Conserving and enhancing the historic environment. Paragraph 192 provides guidance on the desirability of enhancing the significance of heritage asset. Specifically the potential for 'new development' to make a 'positive contribution to local character and distinctiveness'. Locally policy C4 permits new development whereby they would contribute positively to the local environment.
- 11.3 The LPA engaged in pre-application discussions with the applicant which have informed the design choices and layout. The materials palette would include; natural split stone facings; dressed stone window surrounds; timber windows and doors; natural slate roofs; chimney stacks and pot and natural stone feature walls this. This in turn would be complemented by a high specification hard and soft landscaping scheme. The materials and design is reflective of notable buildings within the Conservation Area which carries positive weighting to the assessment.
- 11.4 The church's Car Park would be present a buffer between the development site and Church Building. Nonetheless the orientation of the buildings is such that they complement the setting of the building through active engagement of the principal elevations. The scale of the dwellings would not compete with the church which would remain the dominant feature. Weight is also attributed to the long-term stewardship of the site which would be secured. Some peripheral trees would be lost along the northern boundary of the sites entrance but the impact of these works would be adequately mitigated through the landscaping strategy.
- 11.5 In recognition of the above there are no objections raised and the impact upon the heritage asset and Conservation Area is acceptable in accordance with UDP policies C2 and C4 and section 16 of the NPPF.

12.0 DESIGN AND RESIDENTIAL AMENITY

- 12.1 The policies of the adopted Residential Design Guide 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. Technical standards (spacing distances policy RD5) form part of the criteria to the assessment of good design, but this should not override principles of successful place making. Good design is about how buildings relate to one another, their place within the streetscape and interaction within their surroundings. Developments should not be dictated by highway (policy RD13) they should observe established Street Patterns (policy RD3) and promote Natural Surveillance at street level (policy RD4). Building For Life states that basic principles should be observed when designing layouts, the use of strong perimeter blocks is advocated and specific reference is made to avoiding houses which back on to the street and create what is effectively a 'dead edge'.
- 12.2 The layout demonstrates that all relevant spacing standards would be observed between proposed and existing properties. Rear principle elevations would be approximately 25 and

30 m from the nearest properties on Shakespeare Avenue, which is fully compliant with policy RD5.

- 12.3 Occupants of the dwellings would be served with a good level of amenity. The design of the properties is such that they have well-proportioned room sizes which exceed the technical standards. Rear gardens are also of a size which is suited to family occupation.
- 12.4 The site is within an established residential area, which represents a highly accessible and sustainable location. It is located close to a bus route with bus stops located directly on Huddersfield Road. Millbrook also provides amenities which would be immediately on-hand. The accessibility of the site to these services would be of significant benefit to future occupants.
- 12.5 The design approach would be sympathetic in terms of its siting, scale, massing, design, roofline, materials and landscaping, it would build upon local distinctiveness of the Conservation Area. The density of development reflects that which prevails within the locality and strikes the correct balance between the need to protect residential amenity, local character, and the efficient use of land. The layout and form of development represents a considered response to its context, and would avoid any undue impact on the amenity of neighbouring properties which overlook the site, and for future occupiers by reason of visual intrusion, overshadowing, loss of daylight, overlooking or loss of privacy and accords with the provisions of policy H10 and the adopted SPD.

13.0 HIGHWAY SAFETY

- 13.1 The existing access would be upgraded to adoptable standards. This would include a separate segregated pedestrian footway, improved pedestrian access to the church, new lighting and dedicated drainage. Offsite highway works would include the relocation of the existing pedestrian island and tactile pavement to pedestrian crossing points. These matters will be addressed by condition with the works picked up by the developer.
- 13.2 The development would be set around two cul-de-sacs served of a central (adopted access) off which there would be private driveways. The design would allow for appropriate manoeuvring and servicing to take place.
- 13.3 The Highways Authority comment that the access arrangements are suitable to protect all road users. There is adequate capacity on the highways network and appropriate visibility splay can be achieved at entrances to private drives.
- 13.4 In line with the maximum standards of the adopted SPD on parking all of the 3 & 4 bedroom properties have 2 off street parking spaces. The position and orientation of the properties ensure that these parking spaces are accessible and in the interests of security are also covered by good surveillance. Secure provision will be secured via a condition.
- 13.5 Traffic movements to and from the site would be acceptable in terms of local capacity. There are key amenities in Millbrook/Carrbrook which fall within a 10-minute walk. In addition to public transport is immediately on hand with bus stops on Huddersfield Road. On this basis is considered in highway terms to be a highly appropriate location for a residential development.
- 13.6 The access and parking arrangements have been designed in conjunction with advice given from the Highways Authority and they have raised no objections. Therefore subject to the recommended conditions, it is considered that the development adheres to the provisions of policies T1 and T10.

14.0 TREES & ECOLOGY

- 14.1 Policy N5 seeks to protect trees of a recognised quality which are located within development sites. The tree survey identified a total of 23 items of vegetation (12 individual trees, 10 groups of trees and 1 hedgerow). Of these, 8 trees and 5 groups were identified as retention category 'B', 4 trees, 5 groups and 1 hedgerow were identified as retention category 'C'.
- 14.2 There are 5 groups and 6 individual trees which would be removed. The loss of the trees is regrettable but is a necessity of the development. In total there would be 26 replacement trees included around the site. This level of replacement planting would also include a new tree lined 'boulevard' along the sites entrance separating highway carriageway from footway. Overall this would provide sufficient mitigation and as such the loss can be tolerated. The detailed planting of this mitigation can be adequately secured by condition, likewise conditions relating to the timing of works can minimise the ecological impacts of the development.
- 14.3 Section 11 of the NPPF advocates biodiversity enhancement. The biodiversity value of the site could be enhanced as part of the landscaping proposals to be approved by condition. GMEU advise that this should include planting of native species and the fixture of bat and bird boxes to both trees and dwelling of the development. Such initiatives will complement enhancements secured by condition on the applicants adjoining development sites.

15.0 DRAINAGE

- 15.1 The site is in Flood Zone 1 and is therefore considered to be at a lower risk of flooding. The demands of the development from a drainage perspective would be no greater than when the site supported the nursing home. United Utilities have confirmed that there are no objections made to the layout and the site can be adequately served.
- 15.2 Surface Water would be positively drained and attenuated to ensure that greenfield run-off rates can be achieved.
- 15.3 The proposals include diverting an existing culvert along the sites entrance. This must be agreed with the LLFA before site work commences and any commuted sum regarding the culvert that need to be levied.
- 15.4 Subject to the safeguarding of the recommended conditions requiring drainage details to be submitted no objections are raised from a drainage perspective.

16.0 GROUND CONDITIONS MINING & CONTAMINATION

- 16.1 The site is not within a defined high risk area from Coal Mining legacy and no further investigations are required in this regard.
- 16.2 Consultation with the Contaminated Land Officer confirms that no objections are raised subject to the further site investigations being undertaken. This would be secured through the requirements of a planning condition.

17.0 CONTRIBUTIONS

- 17.1 The scale of the development constitutes a major development which meets the thresholds for Affordable Housing, Green Space, Education and Highways contributions.

- 17.2 The developer has offered to provide 3 units on an affordable (intermediate basis) in addition to the payment of a commuted sum towards infrastructure requirements.
- 17.3 In accordance with the adopted contributions calculation the following contributions would need to be secured with the developer to fund offsite improvements in the locality. Consultations undertaken with the respective services have identified the following areas for funding allocation:

- Green Space £13,217.38 – To be allocated towards improvements within Stalybridge Country Park including the access to the duck pond at Carrbrook;
- Education £32,879.87 – To be allocated towards classroom improvements;
- Highways: £20,568.63 – To fund additional widening of footway adjacent to the site entrance including cycle lanes and traffic safety measures in advance of the junction.

Total £66,658.88

- 17.4 In order for this to be adequately addressed payment should be secured through a Section 106 agreement of the Town and Country Planning Act 1990. In the absence of such an agreement being entered the development fails to adequately mitigate its impacts contrary to the requirement of polices H4 'Type, Size and Affordability of Dwellings', H5 'Open Space Provision', H6 'Education and Community Facilities' and T13 'Transport Investment'.

18.0 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 Development Plan to be approved without delay, and where the Development Plan is absent, silent or out of date granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework as a whole or specific policies in the framework indicate that development should be restricted.
- 18.2 Residential development at the site would be consistent with local and national policies through the delivery of housing to meet the demands of a growing economy and population in an established residential location. The development would add to and contribute too much needed good quality housing in a period of under supply.
- 18.3. 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 previously developed site that would meet sustainability requirements, and contribute positively to the Borough's housing supply.

RECOMMENDATION

That Members resolve that they would be MINDED 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 provision of 3 dwellings on a Affordable Housing basis, off site Highways Improvements, Open Space and Education Contributions as detailed in section 17 of this report to the satisfaction of the Borough Solicitor;

- (ii) To have discretion to refuse the application appropriately in the circumstances where a S106 agreement has not been completed within six months of the resolution to grant planning permission; and,
- (iii) That upon satisfactory completion of the above legal agreement that planning permission be GRANTED subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- 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.
Existing Site / Red Line plan Drwg no. 01
Proposed Site Layout Drwg no.10 Rev E
Proposed Street Scene Drwg no.12 Rev D
House Type A Drwg no.13
House Type B Drwg no. 14
House Type C Drwg no.15
Site Sections A, B, C and Drwg no.16
Proposed Access Road details Drwg no. 17

Reports:

Arboricultural report ref JCA 15136/PH
Archaeological Report Y429/19
Crime Impact Statement version A25.10.19 ref 2016/0677/CIS/02
Design & Access Statement
Ecological Appraisal July 2018
SUDS Strategy Ref QFRA 1466
Utilities Report

- 3) Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and/or full specification of materials to be used: externally on the buildings; in the construction of all boundary walls, fences and railings; and, in the finishes to all external hard-surfaces have been submitted to, and approved in writing by, the local planning authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.
- 4) The car parking indicated on the approved plan ref Proposed Site Plan Drwg no.10 Rev E shall be provided to the full satisfaction of the Local Planning Authority and thereafter kept unobstructed and available for its intended purpose. The areas shall be maintained and kept available for the parking of vehicles at all times.
- 5) Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be approved in writing by the Local Planning Authority.
- 6) A clear view shall be provided at the junction of the proposed access road with Huddersfield Road. Its area shall measure 2.4 metres along the centre of the proposed access road and 43 metres along the edge of the roadway in Huddersfield Road. It must

be kept clear of anything higher than 0.6 metre/s above the edge of the adjoining roadway or access, on land which you control.

- 7) The gradient of driveways shall not be steeper than 1 in 14.
- 8) The development shall not commence until details of a lighting scheme to provide street lighting (to an adoptable standard), to the shared private driveway have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the lighting will be funded for both electricity supply and future maintenance. The approved works shall be completed to the satisfaction of the Local Planning Authority prior to the occupation of any part of the development.
- 9) No work shall take place in respect to the construction of the approved highway, as indicated on the approved Proposed Site Plan, until a scheme relevant to highway construction has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of:

Phasing plan of highway works;
Provisions for Staff/Visitor parking;
Reinstatement of redundant vehicle access points as continuous footway to adoptable;
Provision of tactile paving and dropped kerbs should be provided at the junctions / site access points serving the site;
Details of carriageway markings and signage
Works to existing traffic island on Huddersfield 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.

- 10) Secure and weather proof cycle storage to LPCB LPS1175 Security Rating 2, or similar approved shall be provided prior to the first occupation of the development hereby approved and thereafter kept available for its intended purposes at all times
- 11) No development shall commence until such time as a Construction Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority. This shall include details of:

Phasing of the development;
Hours of construction work and deliveries;
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;
Measures to control Mud and Dust;
Details of the siting of the site compound / office;
Details of Site Hoarding;
Contact details for persons responsible for site management and security.

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

- 12) The details of an emergency telephone contact number for the site manager shall be displayed in a publicly accessible location on the site from the commencement of development until construction works are complete.
- 13) In the event that contamination is found at any time when carrying out the development hereby approved which was not previously identified, it must be reported in writing

immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation strategy detailing how this contamination will be appropriately addressed and the remedial works verified should be submitted to, and approved in writing by the LPA. The remediation strategy shall be fully implemented and verified as approved.

- 14) Prior to the occupation of any of the dwellings hereby approved, details of an electric vehicle charging strategy for the development shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of the number of charging points to be installed, their location within the development and details of the management and maintenance of these facilities. The infrastructure shall be installed in accordance with the approved details, prior to the first occupation of any of the dwellings hereby approved and shall be retained as such thereafter.
- 15) 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.
- 16) Foul and surface water shall be drained on separate systems unless otherwise agreed in writing with the Local Planning Authority.
- 17) 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 discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.
- 18) 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 Local Planning Authority.
- 19) A landscape management plan, including long term design objectives management responsibilities and maintenance schedules for all landscaped areas shall be submitted to and approved by the Local Planning Authority prior to the first residential occupation of the development. The landscape management arrangements plan shall be carried out in accordance with the approved details throughout the development.
- 20) No development above ground level shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including a time table of works, 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 along with all hard surface finishes. The approved landscaping details shall be implemented in accordance with the approved timetable.
- 21) All planting, seeding or turfing comprised in the approved details of landscaping required by condition 21 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 5 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.

- 22) The erection of fencing for the protection of any retained tree 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 Local Planning Authority.
- 23) Notwithstanding any description of boundary treatments and materials listed in the application or detailed on the approved plans, no works shall be undertaken to any boundary treatment until full details have been provided in writing by the Local Planning Authority. The details shall include specification of all materials, cross section and elevation drawing. The approved details shall be implemented in accordance with a timetable to be agreed in writing by the Local Planning Authority.
- 24) No development shall commence until a statement detailing Reasonable Avoidance Measures to be implemented on site to prevent harm to mammals and amphibians during the construction phase of the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The avoidance measures shall be implemented in accordance with the approved details on the first commencement of development and shall remain in force as such for the full duration of the construction phase of the development.
- 25) The development hereby approved shall be carried in accordance with the measures listed in the Security Strategy of the Crime Impact Statement version A25.10.19 ref 2016/0677/CIS/02 submitted with the planning application and shall be retained as such thereafter. Confirmation that this has been achieved shall be submitted to the Local Planning Authority for approval in writing prior to the first occupation of the development.
- 26) A scheme detailing Biodiversity Enhancement Measures across the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the Local Planning Authority) and shall be retained thereafter as part of on-going landscape management responsibilities.
- 27) Dust suppression equipment in the form of sprinklers or water bowsers shall be employed at the site at all times. During periods of hot or dry weather water suppression shall be undertaken at regular intervals to prevent any migration of dust from the site. All surface water run off associated with the equipment shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway at any time.
- 28) No installation of any externally mounted plant equipment (including utility meter boxes, flues, ventilation extracts, soil pipe vents, roof vents, lighting, security cameras, alarm boxes, television aerials) shall take place until details (including the location, design, method of support, materials and finishes) have been submitted to and approved in writing by the local planning authority. Such plant and other equipment shall not be installed other than in accordance with the approved details and thereafter maintained as such.