

Application Number 21/00412/FUL

Proposal	Demolition of existing building, erection of 14 semi-detached houses and associated parking and amenity space.
Site	Jonathan Grange Nursing Home, Micklehurst Road, Mossley
Applicant	Rayton Ltd.
Recommendation	Members be minded to approve, subject to a Section 106 legal agreement, and the conditions set out in this report.
Reason for Report	A Speakers Panel decision is required as the application constitutes a major development.

1.0 APPLICATION DESCRIPTION

- 1.1 The application seeks full planning permission for the demolition of an existing three storey vacant nursing home building occupying the site and its replacement with a comprehensive redevelopment for a residential scheme of 14no. semi-detached dwellinghouses and associated works. Of these, 13no. is a 3-bed property and 1no. property is a 2-bed property.
- 1.2 Plots 1 to 8 would be located to the northern part of the site accessed from Marle Rise whilst Plots 9 to 14 are located to the southern part of the site accessed from Micklehurst Road. Each dwelling is provided with two off street parking spaces, rear gardens, and provision made for storage of bins.
- 1.3 Four property types are proposed with accommodation provided over three floors with the second floor level being incorporated into the roof space and served by rear dormers (House Types A, B and C only) and rooflights to the front elevation. The dwellings would be constructed in facing brick with concrete tiled roofs and uPVC framed windows.
- 1.4 The application has been supported by the following reports;
 - Ecology Report by Elite Ecology;
 - Tree Appraisal Report by Rowbottom's Tree Services; and,
 - Crime Impact Statement by Greater Manchester Police (Design for Security).

2.0 SITE & SURROUNDINGS

- 2.1 The site measures approximately 4,000m² and is located to the west of both Marle Avenue and Marle Rise, to the north of Micklehurst Road, and to the east of Duke Street which provides the existing access to the site. Land levels rise steeply from the east across the site.
- 2.2 The site is currently occupied by a large former care home building and its associated curtilage which meets the planning definition of previously developed land. The vacant nature of the site and building is understood to be attracting frequent anti-social behaviour incidents evident from representations received to the application.
- 2.3 The surrounding area is predominantly residential in character with terraced dwellings to the south west along Duke Street and Micklehurst Road. Properties along Marle Avenue and Marle Rise comprise a mix of detached and semi-detached bungalows (some with front dormers).

2.4 Trees protected by a Tree Preservation Orders flank the southern boundary of the site covering a group of Lime and Horse Chestnuts (G3) and a Lime and 2 Ash Trees (T10, T11, and T12) of the TMBC Micklehurst Mossley (M4) Tree Preservation Order 1997.

2.5 The site is in a highly sustainable location given it is a 12 minute walk (0.6 miles) from Mossley railway station and the services and facilities offered in Mossley town centre.

3.0 PLANNING HISTORY

3.1 20/00691/FUL - Erection of four detached dwellings and associated amenity space and access road to the rear of Jonathan Grange Nursing Home. – Withdrawn, 23 March 2021.

3.2 20/00012/TPO – Felling of a Lime Tree (T10) – Approved, 31 March 2020.

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

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; and,

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;

H7: Mixed Use and Density;

H10: Detailed Design of Housing Developments;

OL10: Landscape Quality and Character;

T1: Highway Improvement and Traffic Management;

T10: Parking;

C1: Townscape and Urban Form;

N4: Trees and Woodland;

N5: Trees within Development Sites;

N7: Protected Species;

MW11: Contaminated Land;

U3: Water Services for Developments;

U4: Flood Prevention; and,

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; and, Tameside Open Space Review 2018.

4.7 National Planning Policy Framework (NPPF)

Section 2 - Achieving Sustainable Development;
Section 6 - Delivering a Sufficient Supply of Homes;
Section 7 - Ensuring the Vitality of Town Centres;
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; and,
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 (SCI), the application has been advertised as a Major development involving:

- Neighbour notification letters to adjoining and surrounding residents;
- Display of a site notice; and
- Advertisement in the local press (Tameside Reporter)

6.0 RESPONSES FROM CONSULTEES (SUMMARISED)

- 6.1 Arboricultural Officer – No objections raised based on amended scheme which retains trees 7, 8 and 9 which were originally proposed for removal.
- 6.2 Contaminated Land – No objections to the submitted contaminated land reports but request conditions to require further investigation and remediation of the site as may be required.
- 6.3 Environmental Health Officer – No objections subject to conditions relating to working hours.
- 6.4 Greater Manchester Ecology Unit – No objections in principle, subject to a condition requiring the provision of bird and/or bat boxes, but advise that planning permission is not granted until such a time that two additional bat surveys are required during the active season (May – August).
- 6.5 Greater Manchester Archaeology Advisory Unit – No objection.
- 6.6 Highway Authority – The LHA requested amendments to the original scheme including additional provisions for fire appliances to manoeuvre effectively and safely, secure cycle parking facilities, and minor amendments to the layout to help achieve adoptable standards.
- 6.7 Lead Local Flood Authority – No objections received.

- 6.8 Greater Manchester Police (Secure by Design) – Satisfied with the recommendations within the Crime Impact Statement which should be conditioned on any approval.
- 6.9 TfGM – Do not wish to comment on the application.
- 6.10 United Utilities – No objection subject to the imposition of conditions requiring a surface water drainage scheme and for foul and surface water to be drained on separate systems.

7.0 SUMMARY OF REPRESENTATIONS MADE IN RESPECT OF THE APPLICATION

7.1 In response to the publicity undertaken, the following third party representations have been received:

- 21no. objections (from 12 properties, plus two anonymous);
- 16no. letters of support (from 11 properties); and,
- 2no. neutral representations.

7.2 The representations objecting to the proposed development are made on the following (summarised) grounds:

- Access;
- Parking and Highway Safety;
- Loss of privacy;
- Overshadowing and loss of light;
- Harm to visual amenity;
- Drainage and Flood Risk concerns;
- Loss of trees and wildlife;
- Layout and density concerns (overdevelopment); and,
- Impact of noise during construction works.

7.3 Representations in support of the application are made largely on the grounds that the existing vacant building is an eyesore and attracts anti-social behaviour to the detriment of surrounding residents and visual amenity.

7.4 In addition to the above, Councillors Sharif and Homer (Stephen) have made the following comments:

Cllr Sharif – Has no objection in principle to the proposed development but has concerns over parking, traffic generation, overdevelopment of the site, and ask that green space improvements are made to the site along with a requirement for solar electricity generation and provision for electric vehicle charging points.

Cllr Homer (Stephen) – Objects to the development on the basis that it represents overdevelopment of the site and will result in traffic and parking issues for local residents.

7.5 Mossley Town Council has no objection in principle to a residential development of the site but considers the size, design and density of the proposed units unimaginative. Furthermore, it is asked whether the scheme can incorporate green space provision with solar energy and electric vehicle charging points to make the development more sustainable.

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. The current position is that the Development Plan consists of the Policies and Proposals Maps of the Unitary Development Plan and the Greater Manchester Joint Waste Plan Development Document.

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

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

8.3 The main issues to consider as part of the application are:

- The principle of the proposed development;
- Design, layout and residential amenity;
- Parking and Highway Safety;
- Drainage and Flood Risks;
- Trees and Ecology considerations;
- Ground Conditions;
- Affordable Housing and Contributions; and,
- Other matters raised in the report.

9.0 PRINCIPLE OF DEVELOPMENT

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

9.2 Paragraph 213 confirms that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. At the heart of the NPPF is the presumption in favour of sustainable development and Section 5 of the NPPF requires Local Planning Authorities to support the delivery of a wide choice of quality homes in sustainable locations.

9.3 The site is located in a highly sustainable location characterised by existing residential development within easy reach of local shops and services and bus and rail transport options. The site is defined as previously developed land and it is understood that the vacant nature of the site and building is attracting anti-social behaviour causing frequent issues for those living in the immediate vicinity. UDP policies 1.6, H1 and H2 promote the re-use of previously developed sites within accessible areas and it is clear that the proposals would meet these principal policy objectives which are echoed in the more recent NPPF.

9.4 In addition, the Council cannot currently demonstrate a deliverable five-year supply of housing land, and this is a material consideration that carries substantial weight in favour of the proposed development. Providing that the development is considered sustainable having regard to economic, social and environmental factors, paragraph 11 in the NPPF clearly explains that where no five-year supply can be demonstrated the presumption in favour of

sustainable development identified in the footnote of paragraph 11 should be applied to the consideration of planning applications.

- 9.5 Economic benefits would arise from the development during the construction phase and assisting with the viability of local shops and services. Social and environmental benefits would arise from securing the demolition of a vacant building known to attract anti-social behaviour in the area along with financial contributions towards open space provision and highway improvements.
- 9.6 Having regard to the above, it is considered that the principle of residential development on this site is acceptable, which is further supported by the mitigation measures to be achieved through a Section 106 agreement (discussed further below in this report).

10.0 DESIGN, LAYOUT, AND RESIDENTIAL AMENITY

- 10.1 The Unitary Development Plan (including the associated Supplementary Planning Document: Tameside Residential Design), and National Planning Policy Framework, clearly set out their expectations of high quality sustainable development that integrates with and enhances the surrounding area and contributes to local character and place making.
- 10.2 The surrounding area is characterised by terraced dwellings to the west, bungalows to the east, and further to the south west the more recently constructed dwellings on the allocated housing site including those on Earnshaw Clough.
- 10.3 Within objections received to the proposals are opinions that the scheme represents the overdevelopment of the site and causes harm to visual amenity. UDP Policy H7 explains that the Council will encourage and permit the development of schemes which make efficient use of land through housing densities of between 30 and 50 dwellings per hectare or greater in locations accessible by public transport. The site measures approximately 0.4ha equating to 35 dwellings per hectare and is therefore considered to represent a sustainable and efficient use of the site. Policy RD3 in the SPD identifies a minimum density of 30 dwellings per hectare which would result in only one less dwelling on the site than what is proposed. However, density is only one consideration, since the overall layout and form of development must also be considered against the requirements of other policies.
- 10.4 UDP Policy H10 is highly relevant in this regard since the SPD (Tameside Residential Design) is directly linked to it in order to influence the design and layout of housing developments. Broadly, the policy requires the layout, design and external appearance of housing developments to be high quality, provide a design which meets the needs of future occupiers, provides an attractive and convenient safe environment, and complements the character and appearance of the area. Whilst design is somewhat subjective, the proposed layout is considered to represent an efficient use of land as evidenced by the density achieved, and also provides a form of development which is compatible within the context of the surrounding area.
- 10.5 Amendments made to the plans relating to the access and highway configuration are supported by the Local Highway Authority and identifies with the SPD requirement in favour of short, curved or irregular streets. The layout facilitates a high degree of natural surveillance since habitable room windows to the proposed properties face the street at both ground and first floor levels. Policy RD5 sets out a minimum requirement for privacy distances as 14 metres on street frontages and 21 metres between other facing habitable room windows. The scheme achieves and in some places exceeds these minimum requirements. However, it is acknowledged that Plots 6, 7 and 8 and their relationship with Plots 10, 12 and 13 fall slightly short given they include rear dormers serving habitable rooms. In this case the interface distance is considered acceptable having regard to the character

set by existing properties in the surrounding area and the need for the development to have regard to existing building lines so as to integrate sympathetically.

- 10.6 There are no side facing habitable room windows proposed other than at the second floor level of each house type which serves non-habitable rooms. Each of the proposed dwellings exceeds the minimum requirement of floor space set out by the DCLG Technical housing standards – nationally described space standard document – which is a requirement of UDP Policy H10 through the associated SPD. Furthermore, having regards to RD11 and RD12 in the SPD, the private outdoor amenity space is considered to be an acceptable size for a family home accepting that for Plots 3 and 4 this provision is more limited due to the tapered northern boundary of the application site.
- 10.7 The relationship of the proposed dwellings with existing dwellings particularly on Duke Street, Marle Rise and Marle Avenue is also an important consideration. No.39 Duke Street is located adjacent to Plot 9 and has a small first floor window in the gable elevation serving a non-habitable room and this relationship is considered acceptable. No.40 Duke Street has a staggered relationship with Plot 5 but has no windows within its side elevation facing the application site. Plot 5 is at a higher level and therefore it is important to consider whether the impact on no.40 would be overbearing and/or result in overshadowing or loss of privacy to its garden area. Amendments have been made to reduce the extent of the stagger and despite being at a higher level it is how considered acceptable having regard to the orientation and need to find a balance between interface distances between the new properties and between new and existing dwellings. The relationship with the gable of 6 Breezehill Cottages is considered acceptable given this property has no side elevation windows and has a large two storey rear extension extending the side elevation rearward.
- 10.8 In terms of the design of the proposed dwellings it is firstly acknowledged that there is no uniformity to the character of surrounding properties which are a mix of sizes, heights, ages and type. Whilst the three house types proposed are therefore different to those in the immediate vicinity it is nevertheless considered that they will readily integrate without causing harm to established street scenes.
- 10.9 In summary, having regard to the above matters, it is considered that the proposal adheres to the aims and objectives of UDP policy H10 and the adopted SPD which highlight the importance of residential development being of an appropriate design, scale, density and layout. However, this would be subject to the imposition of conditions requiring samples of materials to be approved, and a detailed scheme for hard and soft landscaping works which would include boundary treatments.
- 10.10 Enclosed bin stores are provided serving Plots 9 to 14 close to Micklehurst Road whilst provision within the curtilages of plots 1 to 8 is proposed as identified on the proposed site plan. This arrangement is considered to be acceptable.

11.0 HIGHWAY SAFETY

- 11.1 Access to the proposed development is achieved from Marle Rise to serve Plots 1 to 8 whilst Plots 9 to 14 would be served from a new vehicular entrance created from Micklehurst Road. Each dwellinghouse would be provided with two off road parking spaces which is considered sufficient given the size of the properties and is consistent with the requirements of the SPD.
- 11.2 The Local Highway Authority (LHA) have been consulted on the application and are satisfied that the access and egress arrangements from the development onto both Marle Rise and Micklehurst Road is satisfactory and meets the requirements for a maximum gradient of 1:14. Furthermore, the visibility splays comply with the requirements of Manual for Streets, and the LHA considers that provision is made for vehicles to enter and exit the development in a forward gear.

- 11.3 It is acknowledged that many of the objections received raise objections about highway safety in terms of traffic generation on Micklehurst Road in particular. The LHA are satisfied that the vehicle trips generated by the proposals is expected to generate only a minimal increase in vehicular trips over the course of an entire day. It is expected to generate an addition 18 trips in the morning and afternoon peak and the LHA consider this additional demand can be accommodated by the existing local highway network without any significant detrimental impact.
- 11.4 It is also acknowledged that some objections refer to an increase in parking demand in the area. The development proposed a minimum of 26no. off-road parking spaces which is considered acceptable by the LHA. This, together with the proposals for secure/covered cycle storage facilities and the sustainable location of the development, means the LHA have no objection to the level of parking provision proposed to serve the proposed development. In addition, a condition is attached to the recommendation requiring the provision of electric vehicle charging points.
- 11.5 However, the impact of the proposed development on vehicular movements from the creation of 14no. dwellings must also be considered in the context of vehicular movements associated with the former care home which remains its established lawful use. Having regard to this, and the lack of objection from the Local Highway Authority who have considered the information submitted with the application, it is not considered the development would result in a cumulative severe impact to highway safety which is the necessary planning test set out in paragraph 109 of the National Planning Policy Framework. However, this is on the basis of the conditions attached to the recommendation.
- 11.6 The existing access to the former care home from Micklehurst Road is flanked either side by large stone pillars one on which contains a post box. However, this entrance would be closed up, and a condition is attached to the recommendation requiring this. It would be replaced with a new entrance in a more central position relative to the southern boundary of the application site.
- 11.7 As such, having regard to the requirements of UDP policies T1, T10, and the guidance in the SPD associated with UDP Policy H10, the layout, parking and access proposals are considered to be acceptable.

12.0 DRAINAGE AND FLOOD RISK

- 12.1 The Lead Local Flood Authority and United Utilities have been consulted on the planning application. The site is in Flood Zone 1 on the Environment Agency's Flood Risk Maps and is therefore considered to be at a lower risk of flooding. United Utilities have requested the imposition of conditions requiring a scheme for surface water runoff to be submitted for approval and that foul and surface water are discharged on separate systems. Such conditions are attached to the recommendation and will ensure that appropriate schemes are designed and agreed with the Local Planning Authority as part of the development.

13.0 TREES

- 13.1 Policy N5 seeks to protect trees of a recognised quality, which are located within development sites.
- 13.2 The site is largely overgrown and semi-natural – particularly to the north. There are trees of significance to the south east, west and north boundaries of the site. The application site is subject to a Tree Preservation Order ("The TMBC Micklehurst Mossley (M4) Tree Preservation Order 1997. Permission was granted in March 2020 to fell a Lime Tree (20/00012/TPO) immediately adjacent to the existing vehicular entrance to the site on

Micklehurst Road. Alongside this, on the other side of the entrance and parallel to Micklehurst Road, the TPO is relevant as a Group Order known as G3.

- 13.3 The TPO also applies to two individual trees including an Ash which is identified as T2 on the Proposed Masterplan and is to be removed. The Tree Appraisal Report submitted with the application identifies that this tree, which is approximately 19m high, as a mature tree in fair condition but is rated as a C1 category tree which are those of low quality with an estimated remaining life expectancy of at least 10 years. The tree has been topped in the past, is of low vigour, with early signs of ash die back disease. The Council's Arboricultural Officer has been consulted on the planning application and raised no objections to the removal of the trees.
- 13.4 The absence of an objection from the Council's Arboriculturalist is on the basis that the proposed root protection system should be used to protect the root areas of the trees on the Micklehurst Road boundary and other retained trees be protected to the recommendations in BS5837 during all works. Furthermore, a Landscape Plan should be submitted detailing adequate new tree planting in mitigation for the losses. Conditions requiring these are attached to the recommendation.

14.0 ECOLOGY

- 14.1 UDP Policy N7 states that the Council will not permit development which would have an adverse impact on badgers or species protected by the Wildlife and Countryside Act unless it can be demonstrated that such impact can be successfully mitigated. Furthermore, Section 11 of the NPPF advocates biodiversity enhancement. The biodiversity value of the site could be enhanced as part of the landscaping proposals to be approved by condition. GMEU advise that this should include planting of native species and the fixture of bat and bird boxes across the development.
- 14.2 The existing building has the potential to support roosting bats and the Greater Manchester Ecology Unit have reviewed the Preliminary Roost Assessment report submitted with the application. This has followed reasonable efforts to survey the structure of the building internally and externally for signs of current or historic use by bats and made an assessment of the likelihood that bats would use the structure at other times. The report acknowledges that the survey was carried out outside the bat activity season and although it found no evidence of bat use it assessed the building as having moderate potential to support bats despite its poor condition. The report recommends that two additional bat activity surveys are required during the active season (May to August).
- 14.3 The Greater Manchester Ecology Unit agree with the findings and conclusions of the report and, as such, recommend that the planning application is not determined until such a time as the additional survey work has been undertaken. This stance is supported by Defra Circular 01/2005 paragraph 99 which discourages the use of planning conditions to require such surveys except in exceptional circumstances. As such, the recommendation is made on the basis that the decision is not issued until such a time as the surveys have been carried out and satisfy the requirements of GMEU.
- 14.4 GMEU have also recommended conditions in relation to nesting birds and biodiversity enhancements which are attached to the recommendation.

15.0 GROUND CONDITIONS

- 15.1 The site does falls outside of a high risk mining area and therefore consultation with the Coal Authority has not been necessary. The development is therefore not prejudiced by any mining legacy issues.

- 15.2 The Environmental Protection Unit has no objection to the proposed development from a contaminated land perspective. However, the site and adjacent areas have had a number of uses that may potentially pose a contamination risk to the site. A brief review of historical mapping available for the area has been undertaken which shows that the site in the mid nineteenth century appears to form part of the Marle House Stately home. In the 1940s a Vale Mills (woollen) is shown adjacent to the site. From the 1950s the description of Vale Mills as a woollen mill is no longer present on mapping and it is possible that it was used for other manufacturing purposes. The area appears to have been redeveloped in the 1960s/1970s and only Marle House is shown to be located on the site, a number of other buildings have been demolished. The surrounding area also appears to have been redeveloped for housing.
- 15.3 The former mill and also the development of the area during the 1960s/1970s may have introduced contamination into the soils at the site, which will need to be assessed as part of the above planning application. As such, a condition is attached to the recommendation requiring further survey works to be undertaken.

16.0 AFFORDABLE HOUSING

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

17.0 CONTRIBUTIONS

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

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

- 17.2 The LHA have requested that the Highway contributions is used towards upgrades and improvements to signage and footpaths from the development to Mossley Hollins High School including lining to secure safe access into the development.
- 17.3 The Green Space Manager has been consulted and requested that the Green Space Contribution is used towards infrastructure improvements to green space in Mossley and in particular Roaches which is located nearby.
- 17.4 These commuted sum payments are considered to satisfy the CIL requirements for their use since they are considered to mitigate against the impacts likely to be caused by the proposals.

18.0 OTHER

- 18.1 Greater Manchester Police (Design for Security) support the application subject to the layout issues within Section 3.3 being addressed and recommend that the physical security measures within Section 4 of the Crime Impact Statement are conditioned. A condition requiring this is attached to the recommendation.

19.0 CONCLUSION

- 19.1 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.
- 19.2 Taking into account the relevant development plan policies and other material considerations, and subject to the identified mitigation measures, it is considered that there are no significant and demonstrable adverse impacts that would outweigh the benefits associated with the granting of planning permission. The proposals represent an efficient re-use of a previously developed site that would meet sustainability requirements, and contribute positively to the borough's affordable housing supply.

RECOMMENDATION:

That Members resolve that they would be MINDED TO GRANT planning permission for the development subject to the following:

- 1) To complete a suitable legal agreement under S106 of the Town and Country Planning Act 1990 (as amended) to secure:
 - Contribution of £8,845.79 towards off site green space infrastructure improvements in Mossley and in particular Roaches; and,
 - Contribution of £10,967.97 towards used towards upgrades and improvements to signage and footpaths from the development to Mossley Hollins High School including lining to secure safe access into the development.
- 2) To have discretion to refuse the application appropriately in the circumstances where a S106 agreement has not been completed within a reasonable period of the resolution to grant planning permission;

- 3) That Officers are afforded discretion to amend the wording of any conditions;
- 4) That before planning permission is granted the applicant first carries out further bat surveys as required by the submitted Ecology Report and provides evidence of this to the Local Planning Authority which is accepted by the Greater Manchester Ecology Unit; and,
- 5) Upon satisfactory completion of the above, GRANT planning permission subject to the following conditions:

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

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

- 2) The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission.

- Drawing Number DA20020.5.001 Rev 2 – Site Location Plan and Block Plan
- Drawing Number DA20020.5.004 Rev 6 – Proposed Site Masterplan
- Drawing Number DA20020.5.402 Rev 1 – Site Sections
- Drawing Number 1722/05 Rev C – Proposed Micklehurst Road Access
- Drawing Number DA200.20.4.005 Rev 2 – Proposed House Plans and Elevations – Type A
- Drawing Number DA20020.4.006 Rev 1 – Proposed House Plans and Elevations – Type B
- Drawing Number DA20020.4.007 Rev 007 – Proposed House Plans and Elevations – Type C
- Drawing Number DA20020.4.008 – Proposed House Plans and Elevations – Type D
- Drawing Number DA20020.4.301 – Materials Schedule – Type A
- Drawing Number DA20020.4.303 – Materials Schedule – Type B
- Drawing Number DA20020.4.302 – Materials Schedule – Type C
- Drawing Number DA20020.4.304 – Materials Schedule – Type D
- Drawing Number DA20020.5.008 Rev 2 – Street Scene Elevations
- Drawing Number 1722/06 Rev A – Swept Path Tracking: Fire Tender
- Drawing Number WJR/17082020 21 TPP 004 – Tree Protection Plan 004

- 3) Notwithstanding any description of materials in the application, no above ground construction works shall take place until samples and/or full specification of materials to be used: externally on the buildings; in the construction of all boundary walls, fences and railings; and, in the finishes to all external hard-surfaces have been submitted to, and approved in writing by, the local planning authority. Such details shall include the type, colour and texture of the materials. Development shall be carried out in accordance with the approved details.

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

- 4) No development shall commence until such time as a Construction Environment Management Plan has been submitted to and approved in writing by the Local Planning Authority.

This shall include details of:

- Wheel wash facilities for construction vehicles;
- Any arrangements for temporary construction access;

- Contractor and construction worker car parking;
- Turning facilities during the remediation and construction phases; and,
- Details of on-site storage facilities.

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

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

- 5) Prior to the first occupation of the development hereby approved each house shall be provided with an electric vehicle charging facility. The specification of the charging points installed shall:

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

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

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

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

- 7) No work shall take place in respect to the construction of the approved highway, as indicated on the approved site plan, until a scheme relevant to highway construction has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include full details of:

- Phasing plan of highway works;
- 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;
- Surface and drainage details of all carriageways and footways;
- 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;
- Details of an Approval in Principle must be obtained for proposed retaining walls within the development including temporary retaining structures required for the proposed site be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, (this does not define adoption of the asset but merely the design constraints should they be approved by the LHA.);
- 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;
- Details of carriageway markings and signage; and,

- Details of a lighting scheme to provide street lighting (to an adoptable standard), to the shared private driveway and pedestrian/cycle pathways have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the lighting will be funded for both electricity supply and future maintenance.

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

Reason: In the interests of highway safety.

- 8) A clear view shall be provided at the junction of the proposed with Micklehurst Road. Its area shall measure 2.4 metres along the centre of the proposed road and 43 metres along the edge of the roadway in Micklehurst Road. It must be kept clear of anything higher than 0.6 metre/s above the edge of the adjoining roadway or access, on land which you control and shall be retained as such thereafter.

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

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

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

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

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

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

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

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

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

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

1. A Preliminary Risk Assessment which has identified:
 - 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 assessment referred to in point (2) including all relevant soil / water analysis and ground gas / groundwater monitoring data.
4. Based on the site investigation and detailed risk assessment referred to in point (3) an options appraisal and remediation strategy setting out full details of the remediation works and measures required to address any unacceptable risks posed by contamination and how they are to be implemented.
5. A verification plan detailing the information that will be obtained in order to demonstrate the works and measures set out in the remediation strategy in (4) have been fully implemented including any requirements for long term monitoring and maintenance.

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

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

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

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

14) No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- 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;
- A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and,
- A timetable for its implementation.

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

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

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

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

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

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

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

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

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

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

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

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

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

1. How the recommendations in Section 3.3 of the Crime Impact Statement (reference 2021/0170/CIS/01, Version A, 05/05/2021) have been incorporated into the discharge of condition 3 (boundary treatments);
2. That the Physical Security requirements set out in Section 4 of the Crime Impact Statement (reference 2021/0170/CIS/01, Version A, 05/05/2021) have been provided in full unless otherwise justified and approved in writing by the Local Planning Authority.

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

21) Notwithstanding the plans hereby approved the second floor side elevation windows to each of the house types shall be installed with obscure glazing achieving at least Level 4 on the Pilkington Scale of Obscuration. The windows shall be maintained in such specification at all times thereafter.

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