

# APPLICATION REPORT - PA/343341/19

Planning Committee, 18 September, 2019

**Registration Date:** 21/05/2019  
**Ward:** Royton South

**Application Reference:** PA/343341/19  
**Type of Application:** Full Planning Permission

**Proposal:** Erection of 77no. dwellings, open space and associated works.  
Amended application relating to PA/341416/18.  
**Location:** Land to the east of Hebron Street and Brownlow Avenue, Royton,  
Oldham  
**Case Officer:** Matthew Taylor  
**Applicant:** Grasscroft Homes and Property Limited, Annice Dransfield  
Douglas & Matthew Drans  
**Agent :** Hourigan Connolly

---

## UPDATE REPORT

This application was deferred from the Planning Committee meeting held on 28th August 2019 for further information regarding the following:

1. Alternative highway access.
2. Alternative or additional works to the Hebron Street/ Oldham Road junction.

### Item 1

The applicant has confirmed that there is no prospect for a second access for this development for the following reasons:

1. There is no agreement in place with any land owner on Moss Lane Industrial Estate with regard to providing a permanent access. In addition, from a sales and marketing perspective it is undesirable for the applicant to mix industrial and residential traffic via a connection to Moss Lane.
2. There is land in the control of the applicant between the application site and Bullcote Lane, but a vehicular connection would necessitate the creation of a significant length of road through a large area of OPOL, resulting in additional loss. This would be a costly piece of infrastructure that would also impact the viability of the development and the proposed contributions in terms of affordable housing and open space.

### Item 2

Officers are presently discussing options with the applicant for the off-site highway improvements and further details will be provided on the Late List.

### Other Matters

At the 28th August 2019 Planning Committee Councillor Gloster asked whether the applicant had considered additional parking for residents of Hebron Street as part of the proposals. The applicant has taken this request on-board and has amended the lay-by parking arrangement to provide six car parking spaces to benefit existing residents and

visitors to the development.

## THE SITE

The application site is 1.93 ha of greenfield land that is irregular in shape and generally flat.

The site is bounded by Heyside Park and other protected open land to the north, open fields to the east, residential development to the west (Hebron Street and Brownlow Avenue) and an existing industrial estate to the south.

There is a public right of way to the west of the site.

## THE PROPOSAL

This application proposes the erection of 77 two-storey houses of 10 different house types, including 15 affordable houses and 0.4 hectares of public open space. Access to the site will be via Hebron Street.

The submission follows a previous application (PA/341416/18) which was refused following the decision of Planning Committee at its meeting on 13 March 2019 for the reasons set out below.

3. *The proposed development makes inadequate provision for accessing and exiting the site and Hebron Street. As such, the proposal will lead to congestion and obstruction on Hebron Street and beyond, to the detriment of residents' amenity, the free flow of traffic along the street and area, and pedestrian safety. As such, the proposal is unsustainable development and contrary to:*
  - *Policy 5 of Oldham's Local Plan which seeks to ensure highway safety by requiring appropriate highways safety measures and schemes are implemented as part of development proposals; and,*
  - *Policy 9 of Oldham's Local Plan which seeks to protect the amenity of existing and future residents.*
4. *The proposal would result in the loss of Other Protected Open Land (OPOL) land and subsequently would result in a loss of open landscape that would cause harm to the visual amenity of the area, as well as having a transformative effect on its openness and local distinctiveness. This harm significantly and demonstrably outweighs the benefits of the scheme when weighed against the Local Plan and NPPF policies taken as a whole. As such, the proposal is contrary to:*
  - *Policy 6 of Oldham's Local Plan which seeks to protect the borough's Green Infrastructure; and,*
  - *Policy 22 of Oldham's Local Plan which seeks to protect valued OPOL land.*
5. *The proposed development would result in the introduction of residential accommodation of poor design, in terms of unacceptable room sizes, that fails to take the opportunity available for improving the quality of accommodation in Oldham and create places that provide an acceptable degree of amenity for future residents. The proposal would therefore be contrary to:*
  - *Policy 9 of the Oldham's Local Plan and the objectives of the National Planning Policy Framework to secure a good standard of amenity for future occupants of land and buildings.*
6. *The nature of the noise, activity and disturbance created by the adjacent employment site would be detrimental to the residential amenity of the occupiers of the proposed residential properties. As such, the proposal would therefore be contrary to:*
  - *Policy 9 of Oldham's Local Plan which seeks to protect the amenity of future residents from noise, increased activity and disturbance*

These matters are addressed in turn in the report below.

## RELEVANT PLANNING POLICY

The 'Development Plan' is the Joint Development Plan Document (DPD) which forms part of

the Local Development Framework for Oldham. The application site is identified as Land Reserved for Future Development and Other Protected Open Land in the Local Plan.

The following policies are relevant to the determination of this application:

Policy 1 - Climate change and sustainable development;  
Policy 3 - An address of choice;  
Policy 5 - Promoting Accessibility and Sustainable Transport Choices;  
Policy 9 - Local environment;  
Policy 11 - Housing;  
Policy 16 - Local Services and Facilities;  
Policy 20 - Design;  
Policy 21 - Protecting Natural Environmental Assets; and,  
Policy 23 - Open space and sports.

The site also forms part of a wider proposed site allocation, named '*Broadbent Moss*' within the Greater Manchester Plan for Homes, Jobs, and the Environment, Greater Manchester Spatial Framework (GMSF), Revised Draft, January 2019.

## **CONSULTATIONS**

Highways Engineer - No objection subject to a condition to require highway improvements at the junction of Hebron Street and Oldham Road.

Environmental Health - Recommended conditions and informative notes.

LLFA and Drainage - No objection.

Environment Agency - No objection.

Greater Manchester Ecology Unit - No objection.

Greater Manchester Police Architectural Liaison Unit - No objection subject to a condition to reflect the physical security specifications set out in the Crime Impact Statement.

Ramblers Association – Concerns at the footpath width and traffic/parking.

## **REPRESENTATIONS**

This application was publicised by site notice, press notice and neighbour notification letters.

A total of 7 letters of objection were received on the following grounds:

- unacceptable noise and disturbance to local residents;
- the proposed development will be adversely impacted by the noise and disturbance generated by the adjacent employment sites;
- entering and leaving Hebron Street is dangerous due to two blind bends on Heyside;
- Hebron Street is not capable for dealing with the additional volume of traffic; and,
- Hebron Street is double parked currently, as such the traffic flow would not be safe.

## **PLANNING CONSIDERATIONS**

The main issues to consider are:

- Highways Issues
- Principle of development;
- Loss of open space
- Residential amenity;
- Design;
- Ecology; and

- Contamination and Landfill Gas.

## **Highway issues**

The first reason for refusal indicated that the development included inadequate provision for entering and leaving the site from Hebron Street, and it would lead to congestion and obstruction on Hebron Street and beyond.

NPPF paragraph 109 states that *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe"*.

The proposed development is situated within a well established residential area with access to a range of local amenities, access to public transport and opportunities for walking and cycling.

The Highways Engineer and TfGM are satisfied that the proposed development will not have a significant or severe impact on traffic generation or flow in the area.

Concerns were originally raised in respect of the previous application that the intensification of the use of the Hebron Street junction would result in an increase in the risk of accidents as vehicles wait on Oldham Road to enter Hebron Street or emerge from Hebron Street.

In mitigation, the applicant has offered highway improvement works in the form of additional advance warning signs, road markings, waiting restrictions and pedestrian crossing facilities at the Oldham Road / Hebron Street junction which are considered acceptable by the Council's Highway Engineer. An appropriately worded planning condition has been attached. .

The main access to the site will be taken from Hebron Street and not Brownlow Avenue. There is an existing turning area on Hebron Street which allowed vehicles to be turned in what is currently a cul-de-sac. This will not be required once the development is built and this area will be stopped up and reinstated as footway.

The internal layout of the site accords with the Local Highway Authority standards for adoption and there is adequate parking provision provided. The amount of traffic generated by this development will not have a significant effect on the local highway network or be detrimental to highways safety. As such, the scheme is acceptable in highways grounds.

As the applicant has agreed to the highway improvement works recommended by the Council's highway Engineer and taking into account the absence of an objection from TfGM, it is considered that, with appropriate mitigation, the proposed access is suitable for the development. As such, a reason for refusal on highway safety grounds could not therefore be pursued in this case, as no technical evidence of a harmful impact is available..

During the previous application, there were concerns about construction vehicles accessing the site via Hebron Street. As a consequence, the applicant has agreed with adjacent land owners to access the site in the construction phase via the Moss Lane industrial area to the south, thereby avoiding using Hebron Street.

## **Principle of Development:**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that decisions must be taken in accordance with the development plan unless material considerations indicate otherwise. However, Paragraph 11 of the NPPF is clear that relevant policies for the supply of housing should not be considered up-to-date when an authority has substantially under-delivered and/or cannot demonstrate a five-year housing land supply.

At present the Authority is not able to demonstrate a 5 year housing land supply and the Housing Delivery Test indicates that the delivery of housing has been substantially below the housing requirement for the past 3 years.

Therefore the 'tilted balance' provided by paragraph 11 (c) (d) of the NPPF applies to the consideration of this application. Once the tilted balance is engaged, it means that the Authority cannot rely on giving its relevant adopted development plan policies full weight and planning permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the NPPF when taken as a whole or where specific policies in the NPPF indicate development should be restricted.

#### *The case for new housing*

It is recognised that for the provision of new housing has significant economic and social benefits and a failure to deliver new housing development in Oldham will contribute to and exacerbate the economic and social problems that stem from the under-supply of housing (e.g. lack of housing supply and choice, affordability, less labour movement and overcrowding amongst other things).

Given the significant economic and social benefits new housing brings, the benefit of providing much needed housing weighs heavily in favour of the scheme.

#### *Affordable Housing*

All residential development of 15 dwellings and above, in line with national guidance, will be required to provide an appropriate level of affordable housing provision. The current target is for 7.5% of the total development sales value to go towards the delivery of affordable housing, unless it can be clearly demonstrated to the Council's satisfaction that this is not viable, in accordance with DPD Policy 10.

The proposed scheme includes the provision of 15 on-site affordable units (19.5%) made up of 6 two-bed semi-detached units, 3 detached three-bed units and 6 semi-detached three-bed units. This level and mix of affordable units is considered acceptable and weighs heavily in favour of this scheme.

#### *Is the site within a sustainable location?*

DPD Policies 3, 5 and 11 are concerned with ensuring that new dwellings are provided in sustainable locations which are defined as being within 480 metres or a ten minute walk of at least three 'key services'. The site is within the prescribed walking distance of Blackshaw Lane Primary School, and Crompton School, the Duke of York and Bulls Head public houses and Heyside Cricket Club, whilst also being located on a main bus route operating along Shaw Road for purposes of compliance with DPD Policy 5. The site is also located adjacent to established residential areas.

The proposal therefore complies with the above criteria and is regarded to be in a sustainable location which, together with the contribution the proposed development would make to the Council's housing land supply, it is considered that the principle of the proposed development is acceptable and that the land is a suitable location for housing.

This must be weighed against the loss of OPOL and LRFD.

#### *Loss of Land Reserved for Future Development (LRFD) and Other Protected Open Land (OPOL)*

##### *Loss of LRFD*

DPD Policy 22 states that the development of LRFD will only be permitted where it would not prejudice the later development and would be acceptable in the green belt. LRFD land should only be considered for development if other allocated land and brownfield is insufficient to meet the future development needs.

The current LDF allocated land and brownfield sites are insufficient to meet the need for future development of homes within the borough. Therefore, the development of the whole

LRFD is in accordance with DPD Policy 22.

### *Loss of OPOL*

OPOL land is open land which, although not Green Belt, is locally important because it helps preserve the distinctiveness of an area. The previous application was refused because the harm resulting from its loss was considered to outweigh the need for housing.

DPD Policy 22 states that development on OPOL will be permitted:

*"where it is appropriate, small-scale or ancillary development located close to existing buildings within the OPOL, which does not affect the openness, local distinctiveness or visual amenity of the OPOL, taking into account its cumulative impact."*

The development would result in the loss of 0.65 hectares of OPOL land that is in private ownership with no public access.

However, OPOL is not one of the designations listed in Footnote 6 to Paragraph 11 of the NPPF where the presumption in favour of sustainable development does not apply to. Therefore, the designation cannot be given full weight in the assessment of this application when weighed against the other material considerations.

The authority has identified the site for residential development in the emerging GMSF and, although the GMSF itself carries no weight, the fact that the site has been assessed by the authority indicates that housing need has been judged to outweigh the need to protect the land as OPOL.

Moreover, it should be noted that this OPOL land is not designated with any form of landscape protection. Therefore, whilst the loss of OPOL is contrary to the DPD Policy 22 and considered a negative impact of the proposal, it is considered that the weight applied to the impact is not sufficient to outweigh the substantial benefits this housing scheme delivers.

### *Open Space and Sports*

The proposed scheme includes the provision of 0.4 hectares of on-site open space and is considered to be in accordance with the Policy 23, which states that all residential developments should contribute towards the provision of new or enhanced open space, unless it can be demonstrated by the developer that it is not financially viable for the development proposal or that this is neither practicable nor desirable.

### *Land Use Conclusion*

In this instance, negative weight is still attached to the proposal resulting in a loss of OPOL land. However, the harm associated with its loss is considered to be sufficiently outweighed by the positive economic and social impacts brought about by new housing within the area and the scheme delivering much needed market and affordable housing.

Significant weight is also given to the new housing in view of the presumption in favour of development given that the Council is not delivering the numbers required to meet its housing needs. This view is reinforced given the application site is suitable for residential development, in terms of its location within a sustainable area, on land capable of being developed for housing, and in an area with identified housing need.

The release of this LRFD is considered acceptable, given the borough does not have sufficient land to meet the need for future development.

The previous reason for refusal could not therefore be justified in the light of the 'tilted balance', and the housing use of the site is considered acceptable in principle.

### **Residential Amenity**



DPD Policy 9 states it is necessary to consider how the proposal impacts on the amenity of the occupants of adjoining residential properties from the impacts likely to be associated with the proposal.

#### Impact on adjoining dwellings

##### *Relationship with 19 to 25 Hebron Street and 6 to 12 Brownlow Avenue:*

It is considered that the 10m separation distance between the rear elevations of proposed units 66 to 72 and the rear private gardens of these neighbouring dwellings is adequate. Moreover, across this distance is the public right of way that runs along the site's western boundary. As such, the development would not result in a significant loss of privacy.

In regards to the rear elevation to rear elevation separation, it is noted that these neighbouring dwellings are all orientated at oblique angles to the proposed units, resulting in limited direct visibility between windows. As such, the development would not appear overly oppressive to the occupiers of these dwellings.

##### *Relationship with 58 Hebron Street:*

The site is orientated favourably and a separation distance exceeding 18m would exist between the off-set front elevation of Unit 1 and this neighbouring property. As such, the development would not appear overly oppressive and would not result in a significant loss of light to the habitable rooms of this neighbouring property.

##### *Relationship with 15 Brownlow Avenue:*

It is noted that this neighbouring dwelling has a number of east facing side elevation windows that will overlook the rear private garden and side elevation of Unit 65 of the proposed development.

However, given that this neighbouring dwellings side elevation windows are directly visible from the public right of way that runs along the side common boundary of the property, and the proposed unit is orientated at an angle to this neighbouring property, the development would not appear overly oppressive to the occupiers of this dwelling or result in an additional loss of privacy.

As such, it is considered the impact on residential amenity would not warrant a refusal.

#### Impact of the adjoining employment site on future occupiers

The southern boundary of the site adjoins an existing area of business and employment uses. An objection to the development has been received from Dronsfield, a vehicle maintenance and breakers firm which directly adjoin the site.

National Planning Policy Framework (NPPF) paragraph 123 states that planning decisions should aim to:

*'avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development'*

Given that the uses within this area have potential effects of noise and disturbance to the future occupiers of the dwellings, the applicant has provided a noise impact assessment in support of the application (Environmental Noise Report 646511/05 – 22<sup>nd</sup> November 2018), undertaken in accordance with BS4142:2014.

This assessment notes the activities associated with the service yards of the Dronsfield site and the adjacent engineering works. A small vehicle crusher is located approximately 120 m from the nearest proposed dwelling and this activity was also found to occur infrequently

and for short duration.

It is noted that the noise impact assessment does not make reference to Howarth Brother's haulage yard,. However, it is clear that the closest neighbouring dwellings are 48 to 58 Hebron Street and the proposed open space will provide a separation buffer from the proposed dwellings.

The results of the noise assessment indicate that, during both daytime and nighttime, the site is predominately of low to negligible noise risk. In addition, the applicant has submitted a detailed Acoustic Design Statement (ADS). This details mitigation measures to reduce the effects of noise.

The following mitigation measures are proposed:

- a) Minimum 2.5 m acoustic barrier to the south-eastern site boundary with the Dronsfield site, located as close as practicable to the boundary.
- b) 2.1 m high barrier to the southern site boundary near to the skip storage area.
- c) Minimum 1.8 m close boarded fencing provided to all other gardens.
- d) Glazing to be minimum 29 dB Rw + Ctr (e.g. 4-16-4); and
- e) Ventilation to be provided via an EnviroVent PIV (positive input ventilation) system to each dwelling.

Subject to these mitigation measures being implemented, it is considered that suitable internal sound level levels can be achieved in all plots across the site.

With regards to outdoor amenity, the assessment indicates that all external amenity spaces would be below the lower guideline value of 50 dB LAeq,16h.

Having regards to this submitted supporting information; the Council's Environmental Health Department has raised no objections.

In the absence of any technical evidence to indicate that an adverse impact on amenity would result, it has been demonstrated that the adjoining commercial uses would not have a significantly detrimental impact on the amenity of the future occupiers, and taking into account the absence of an objection from Environmental Health, it is considered that, with appropriate mitigation, the proposed site is suitable for residential development. As such, a reason for refusal on noise grounds cannot be substantiated.

#### Amenity of the future occupiers

DPD Policy 9 states that the Council will ensure development does not cause significant harm to the amenity of the occupants and future occupants of the development.

The main amendment between the previous and present applications is that the internal living space provided by the house types of the current scheme have been designed to fully meet the 'Technical housing standard- nationally described space standards', March 2015 (NDSS). This is considered to fully address the previous application reason for refusal no.3.

Having considered the layout of the development, it is considered that the relationship between the buildings within the site are acceptable since none of the windows proposed within the site would result in detrimental overlooking or loss of privacy to the occupiers of each of the proposed dwellings. However, given the proposed dwellings have been increased in internal floor area to meet the NDSS, it is clear the separation distances between the dwelling is not sufficient to allow permitted development extensions and alterations to be made to the properties. As such, an appropriately word planning condition has been included removing permitted development rights across the development, so that all future extension to the properties are considered by the Local Planning Authority and residential amenity across the site is maintained.

Moreover, given each of the proposed units will benefit from both a front and rear garden



area, it is considered the development would provide adequate amenity space for the future occupiers.

## **Design**

DPD Policies 1, 9 & 20 seek high quality design that is in keep in with the character of the natural and built environment.

The layout of the proposed development is largely the same as the previous application (Ref: PA/341416/18) and the dwellings are in keeping with the design of the dwellings within the surrounding area. in accordance with DPD Policy 20,

Moreover, the proposed hard and soft landscaping, that will form part of the development, is considered to be acceptable, incorporating areas of green space and landscaping. Overall, it is considered that the high quality design of the proposed development would have a positive impact on the character of the area, in accordance with DPD Policies 9 and 20.

## **Ecology**

DPD Policies 6 and 21 are concerned with protecting, conserving and enhancing our local natural environments.

The Greater Manchester Ecology Unit has been consulted and notes that no significant ecological constraints were identified by the developers consultants. Measures will be required during construction to ensure the developer complies with statutory required to protect birds and other species.

No evidence of any other protected species was found on the site (badger, water vole, brown hare etc).

Japanese knotweed was recorded approximately 10m, outside the proposed development area. Himalayan balsam was recorded along the river in the area that the surface drain outfall is proposed. To this end, it is recommended a management plan for invasive species is submitted for approval.

## **Contamination and Landfill Gas**

The Contaminated Land Officer has confirmed that a condition should be attached requiring that the remediation strategy as outlined in the submitted site investigation report is undertaken on site.

## **CONCLUSION**

Paragraph 38 of the NPPF states that '*Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible*'.

Paragraph 11 of the Framework explains how the presumption in favour of sustainable development, the 'tilted balance' applies. Where the development plan is absent, silent, or the relevant policies are out of date, permission should be granted 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.

There is no doubt that the additional housing arising from this scheme would be a significant public benefit for the area. It would introduce much needed housing for local people. It would boost the supply of housing, in accordance with the Framework, contributing 77 dwellings. It would bring about additional housing choice and competition in the housing market. Additionally, the proposal would lead to the provision of 15 affordable units and an area of on-site open space measuring 0.4 hectares in area. As such, these benefits are

given substantial weight in the planning balance.

Additionally, the scheme would generate other economic and social benefits. It would create investment in the locality and increase spending in shops and services. It would result in jobs during the construction phase. It is acknowledged that the site is in a sustainable location, with a range of the shops, services, schools and the other facilities in Royton and Shaw available. There are bus and rail services available in the locality. A range of employment opportunities exist nearby. In all these respects, the scheme would comply with the economic and social dimensions of sustainability.

Some environmental benefits would also occur. There is the potential for biodiversity enhancement through additional planting. This coupled with the proposed landscape mitigation means that there are substantial environmental benefits associated with the scheme. The potential improvements to biodiversity are significant and can be given positive weight in the planning balance.

Importantly, the Council needs to significantly boost the supply of housing. The requirement to significantly boost the supply of housing in the district attracts substantial weight in favour of granting permission for the proposals. However, the need to boost the supply of housing does not necessarily override all other considerations.

In this case, although there are concerns in respect of the loss of OPOL land, given the significant economic and social benefits associated with the scheme and the positive weight that is given to the environmental benefits of the scheme, the fact that the site is part allocated for future development, it has no significant design, ecology, amenity, flood risk, drainage, highways or other impact that would sustain a reason for refusal, it is considered that the benefits of new housing and presumption in favour of it outweigh the limited harm caused in this case. Accordingly, on balance, it is recommended that planning permission be granted.

## **RECOMMENDATION**

It is recommended that Committee resolves to grant permission subject to the inclusion of the following conditions:

1. The development must be begun not later than the expiry of THREE years beginning with the date of this permission.

Reason - To comply with the provisions of the Town & Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be fully implemented in accordance with the plans and specifications, which are referenced as follows:

Location Plan Drawing Number: SK534 LP 01, received 21/05/2019.

Planning Layout Re Plan Drawing Number: SK534-PL-02, Rev B, received 05/09/2019.

Boundary Plan Re Plan Drawing Number: SK534-BP-02, Rev B, received 05/09/2019.

Materials Schedule Drawing Number: SK534-MAT-02, received 21/05/2019.

Streetscenes Re-Plan Drawing Number: SK534-SS-02, received 21/05/2019.

Fence Types A to D Drawing Number: NSD-9102, received 21/05/2019.

Wall Types 1 to 4 Drawing Number: NSD-9001, received 21/05/2019.

Topographical Survey Drawing Number: S17-715-1 Rev A, received 21/05/2019.

Topographical Survey Drawing Number: S17-715-2 Rev A, received 21/05/2019.

Construction Detail For Indoor Sub Station Drawing Number: ES352 A2 006 02L, received 21/05/2019.

Typical Headwall Detail Drawing Number: STND/19/011 Rev A, received 21/05/2019.

**The Arun (NDSS):**

- Ground Floor Plans Drawing Number: ARUN-01, received 21/05/2019,
- First Floor Plans Drawing Number: ARUN-02 Rev B, received 21/05/2019; and
- Elevations Drawing Number: Arun-6.0-SEMI Rev A, received 21/05/2019.

**The Bourne (NDSS):**

- Ground Floor Plans Drawing Number: BRNE-01 Rev C, received 21/05/2019;
- First Floor Plans Drawing Number: BRNE-02 Rev C, received 21/05/2019; and
- Elevations Drawing Number: BRNE-6.0-SEMI Rev C, received 21/05/2019.

**The Midford (NDSS):**

- Ground Floor Plans Drawing Number: BMFRD-01 Rev A, received 21/05/2019;
- First Floor Plans Drawing Number: MFRD-02 Rev B, received 21/05/2019;
- Elevations Drawing Number: MFRD-6.0-SEMI(A), received 21/05/2019; and
- Elevations Drawing Number: MFRD-6.1-SEMI(A), received 21/05/2019.

**The Southwick (NDSS):**

- Ground Floor Plans Drawing Number: STHK-01, received 21/05/2019;
- First Floor Plans Drawing Number: STHK-02 Rev A, received 21/05/2019;
- Elevations Drawing Number: STHK-6.0-SEMI(A), received 21/05/2019; and
- Elevations Drawing Number: STHK-6.1-SEMI(A), received 21/05/2019.

**The Southwick SA (NDSS):**

- Ground Floor Plans Drawing Number: STHKSA-01, received 21/05/2019;
- First Floor Plans Drawing Number: STHKSA-02 Rev A, received 21/05/2019;
- Elevations Drawing Number: STHKSA-6.0-SEMI(A) Rev A, received 21/05/2019; and
- Elevations Drawing Number: STHKSA-6.1-SEMI(A), received 21/05/2019.

**Reason -** For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and specifications.

3. Prior to any walls being constructed of the development hereby approved, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. The hard landscape details shall include proposed finished levels or contours; means of enclosure; hard surfacing materials and street furniture, where relevant. The soft landscaping works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants and trees, noting species, plant/tree sizes and proposed numbers/densities and the implementation programme.

All planting, seeding or turfing comprised in the approved landscaping details shall be carried out in the first planting and seeding seasons following the occupation of the buildings or in accordance with an alternative timescale which has been agreed in writing by the Local Planning Authority.

Any trees or plants which die, are removed, or become seriously damaged or diseased within a period of five years from the completion of the development, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

**Reason -** To ensure that the development site is landscaped to an acceptable standard in the interests of protecting the visual amenity and character of the site and its surroundings.

4. The development shall only be carried out in full accordance with the approved remediation proposals outlined in the Phase I and Phase II Geo-Environmental Site Assessment by e3p (Report Ref:11-753-r1 Rev 2), dated January 2018.

Should, during the course of the development, any contaminated material other than that referred to in the investigation and risk assessment report and identified for treatment in the remediation proposals be discovered, then the development should cease until such time as further remediation proposals have been submitted to and approved in writing by the Local Planning Authority.

Reason - To protect the environment and prevent harm to human health by ensuring that the land is remediated to an appropriate standard for the proposed end use.

5. No works to trees or shrubs shall occur between the 1<sup>st</sup> March and 31<sup>st</sup> 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 - To ensure the protection of bird habitats, which are protected species under the Wildlife and Countryside Act 1981.

6. Prior to commencement of any phase of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction of that phase. The Construction Management Plan shall provide for: (i) the means of highway access and parking for construction vehicles, plant and construction workers' vehicles and sustainable travel methods for construction workers, including measures to prevent HGV construction vehicles or plant accessing the site via Hebron Street, (ii) loading and unloading of plant and materials, and (iii) wheel cleaning facilities.

Reason - In the interests of amenity and highway safety.

7. No above ground works shall take place until a scheme for the provision of affordable housing on the site has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework (or any future, equivalent guidance that replaces it) and shall include details of:

- (i) the type, tenure and location of the affordable housing provision, which shall consist of not less than 15 housing units;
- (ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- (iii) the arrangements for the transfer of the affordable housing to a registered affordable housing provider or the management of the affordable housing (if no registered provider is involved);
- (iv) the arrangements to ensure that such provision is affordable for both the first and subsequent occupiers of the affordable housing; and
- (v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy shall be enforced.

The affordable housing shall thereafter be provided in full accordance with the details, phasing and timetable contained within the duly approved scheme.

This condition shall not be binding on a mortgagee or chargee (or any receiver including an administrative receiver) appointed by such mortgagee or chargee or any other person appointed under any security documentation to enable such mortgagee or chargee to realise its security or any administrator (howsoever appointed) including a housing administrator (each a Receiver ) of the whole or any part of the affordable dwellings or any persons or bodies deriving title through such mortgagee or chargee or Receiver.

Reason - To ensure that the contribution towards affordable housing put forward by the applicant is delivered on the site in an appropriate manner which meets local need

and to ensure that any affordable housing remains affordable in perpetuity in accordance with the requirements of Joint Core Strategy and Development Management Policies Development Plan Document Policy 10 and the National Planning Policy Framework.

8. No dwelling shall be occupied until the access road and car parking space for that dwelling has been provided in accordance with the approved plan received on 21st May 2019 (Ref: Dwg No.SK534-PL-02). The details of construction, levels and drainage shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any works to the access road or parking spaces. Thereafter the parking spaces shall not be used for any purpose other than the parking and manoeuvring of vehicles.

Reason - To ensure that adequate off-street parking facilities are provided and remain available for the development so that parking does not take place on the highway to the detriment of highway safety.

9. The development hereby approved shall not be commenced until a scheme detailing a highway improvement to the junction of Oldham Road and Hebron Street has been submitted to and approved in writing by the Local Planning Authority. As a minimum the scheme shall include additional road markings and road signs on Oldham Road on the approach to Hebron Street, pedestrian crossing facilities on Hebron Street and the introduction of waiting restrictions on Hebron Street in the vicinity of the Oldham Road junction. No dwelling shall be occupied until the approved scheme has been completed.

Reason - To facilitate the movement of traffic generated by the development in the interests of highway safety.







