

APPLICATION REPORT - MMA/344723/20
Planning Committee 21st April 2021

Registration Date: 28th July 2020
Ward: Saddleworth West And Lees

Application Reference: MMA/344723/20
Type of Application: Minor Material Amendment

Proposal: Variation of Conditions 8 (landscaping management) and amendments to approved plans within condition 13 (link road plans) to PA/343269/19 for up to 265 new homes (outline) and new link road between Knowls Lane and Ashbrook Road (full). Changes sought are; , Condition 8 to be separated into two conditions one relating to the link road and one the outline residential development. , Amendments to condition 13 to provide indicative location of speed tables provided within the proposed link road, and the inclusion of a separate cycleway and footway along the route of the proposed link road (no changes to alignment width or gradient of the proposed highway).

Location: Land at Knowls Lane, Oldham, Oldham
Case Officer: Jill Nixon
Applicant: Russell Homes UK Ltd
Agent : Mr Dan Ingram

RECOMMENDATION

It is recommended that the application is approved subject to the conditions set out below and to the requirements of the Section 106 agreement completed in respect of application PA/343269/19 and dated 4th December 2019 for the following:

- 60 affordable housing dwellings;
- Off-site highway works to the value of £115000;
- Management of the open space to be provided on site, and;
- The transference of land to St Agnes Church of England Primary School.

THE SITE

The site comprises an irregular shaped area of land on the south eastern edge of Lees surrounded primarily by existing development to the west, north, and east. Knowls Lane and Thornley Lane demark the southern boundary with open land and scattered development to the south-east.

Most of the site comprises vacant open grassland which was historically used for agricultural purposes. The wooded valley of Thornley Brook runs through the north of the site, alongside which runs public footpath 26 OLDH. Further public footpaths 25 OLDH and 27 OLDH also traverse the site north to south.

Part of the site has recently been designated by Natural England as Ancient Woodland.

RELEVANT PLANNING HISTORY

A Hybrid Planning Application (PA/340887/17) comprising of “Part A - Full Planning Application for the development of a new link road between Knowls Lane and Ashbrook Road and associated works, and Part B - Outline Planning Application for the development of up to 265 dwellings, open space and landscaping, with all matters reserved except for access” was refused on 7th December 2018 following determination by Planning Committee.

A re-submission of that application was received on 26th April 2019 in light of further information in respect of the landscape designation of part of the site which had formed the basis on which the previous decision to refuse had been determined.

This re-submitted Hybrid Planning Application (PA/343269/19) comprised of “Part A - Full Planning Application for the development of a new link road between Knowls Lane and Ashbrook Road and associated works, and Part B - Outline Planning Application for the development of up to 265 dwellings, open space and landscaping, with all matters reserved except for access.” It was granted planning permission on 5th December 2019 subject to a Section 106 legal agreement, following a determination by Planning Committee at its meeting on 1st July 2019.

That decision was subject to a legal challenge on the grounds that officers wrongly advised Planning Committee of the weight to be afforded to landscape harm and the status of the Council’s ‘Other Protected Open Land’ (OPOL) policy; a failure to have regard to the statutory duty in respect of impact on heritage assets; and a failure to have regard to the Council’s policy in respect of Energy (Policy 18).

On all grounds, Mr Justice Julian Knowles rejected the challenges, thereby upholding the planning approval. The period for further legal challenge to the permission has now passed.

That permission (PA/343269/19) remains extant and capable of implementation. This is a significant material planning consideration in respect of the present application.

THE PROPOSAL

The present application seeks amendment to the conditions associated with the extant planning permission (PA/343269/19), with particular regard to Conditions 8 and 13.

The amendments sought are as follows;

Firstly, to vary condition 8 (landscaping management) into two conditions; one relating to the ‘Full application’ link road proposal, and one to the ‘Outline’ residential development.

The applicant considers that, as this condition has been placed in a section of the Decision Notice relating to both the ‘Full’ (the link road) and ‘Outline’ (residential development) it may unduly

prevent implementation of the road scheme until details of the residential development are received, which was not the purpose of the condition.

Secondly, to vary the list of approved plans in condition 13 to provide indicative location of speed tables within the proposed link road, and the inclusion of a separate cycleway and footway along the route of the proposed link road. There are no changes to alignment, width or gradient of the proposed highway.

It should be noted that the planning condition numbers 8 and 13 relate to the condition numbering on the decision notice for planning approval PA/343269/19. The recommended changes will be described in the report below.

Section 73 of the Town and Country Planning Act 1990, as amended

This application is submitted under the provisions of Section 73 of the Town and Country Planning Act 1990 (the Act), as amended.

The Act states that in considering an application under this provision:

“the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted, and (a) if they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and (b) if they decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application”.

In effect, the scope of consideration is limited to changes sought in the present application to the conditions attached to the extant approval. It is not an opportunity to re-assess the merits of the original decision beyond that specific scope.

The National Planning Practice Guidance explains that:

“Permission granted under section 73 takes effect as a new, independent permission to carry out the same development as previously permitted subject to new or amended conditions. The new permission sits alongside the original permission, which remains intact and unamended. It is open to the applicant to decide whether to implement the new permission or the one originally granted. A decision notice describing the new permission should clearly express that it is made under section 73. It should set out all of the conditions imposed on the new permission, and, for the purpose of clarity restate the conditions imposed on earlier permissions that continue to have effect”

“As a section 73 application cannot be used to vary the time limit for implementation, this condition must remain unchanged from the original permission. If the original permission was subject to a planning obligation, then this may need to be the subject of a deed of variation”.

“Section 73 cannot be used to make minor material amendments if there is no relevant condition in the permission listing the originally approved plans”.

The present application seeks to amend conditions, including one where the approved plans are specifically listed. The application description clearly defines the scope of the original permission, and the extent of the changes sought to that permission.

Environmental Impact Assessment

National Planning Practice Guidance explains that:

“A section 73 application is considered to be a new application for planning permission under the 2017 Environmental Impact Assessment (EIA) Regulations. Where the development is of a type listed under Schedule 2 to the 2017 EIA Regulations, and satisfies the criteria or thresholds set, a local planning authority must carry out a new screening exercise and issue a screening opinion as to whether EIA is necessary”.

The development represents “Schedule 2” development as defined in the EIA Regulations. That fact does not imply that an Environmental Impact Assessment is invariably required, but that the proposal must be screened under the selection criteria in Schedule 3 of the Regulations.

A screening opinion was issued to the approved application PA/343269. This confirmed the Local Planning Authority’s opinion that Environmental Impact Assessment was not required. This confirmation was reflected in a determination issued by the Planning Inspectorate on 15th May 2019 that in the opinion of the Secretary of State *“whilst there may be some impact on the surrounding area as a result of this development, the proposal would not be of a scale and nature likely to result in significant environmental impact. EIA is not required”*

In respect of the present application, the applicant has sought an Environmental Impact Assessment Screening Opinion which assesses the present proposals within the selection criteria within the EIA Regulations.

It is noted that since the present application was submitted, Natural England has designated a part of the site as Ancient Woodland. This is a material change since the granting of the previous approval. In order to assess the significance of this impact, an independent legal opinion has been obtained.

In addition, the applicant has submitted a ‘Natural Vegetation Classification Survey Report’ (dated 2nd July 2020) which reconsiders the arboricultural and associated ecological implications of the designation.

It should be noted that Ancient Woodland is not a statutory designation and has not been the subject of any formal consultation with the landowner, the Council, or by means of general publicity. Nevertheless, paragraph 175 (c) of the National Planning Policy Framework states that *“development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland or veteran trees) should be refused unless there are wholly exceptional reasons (bullet point 58) and a suitable compensation strategy exists.”*

Bullet point 58 clarifies that such circumstances include *“infrastructure projects.....where the public benefit would clearly outweigh the loss of deterioration of habitats”*

It must also be reiterated that the designation does not apply retrospectively, and the existing permission for development stands unaffected.

With regard to criterion 1 of Schedule 3, the environmental impacts of the development remain fundamentally unchanged from the earlier application, which relates only to minor, incidental features of the road's design and construction. Thus, the proposed variations to the conditions has no effect on the substance of those conditions.

As for criterion (2) of the selection criteria, this requires (sub-paragraph (1)) that the environmental sensitivity of geographical areas likely to be affected by development must be considered, and the designation of the areas of Ancient Woodland fits into the screening analysis. Given the protection afforded to Ancient Woodland under the NPPF, the areas of Ancient Woodland should be considered to be of high sensitivity even though areas of Ancient Woodland are not considered sensitive areas under the 2017 EIA Regulations for the purposes of the definition of schedule 2 development.

In respect of Schedule 3, criterion (3) of the EIA Regulations, the types and characteristics of the potential impact are essentially unchanged from the extant permission. In this latter connection, such matters as the magnitude and spatial extent of the impact (subparagraph (a) of criterion 3) and the nature of the impact (sub-paragraph (b) of criterion (3)) in respect of both the overall development and of the link road itself do not differ from the impact assessed under the extant permission.

The impact of the new road on woodland areas (designated or not) remains unchanged. The impact on the area recently identified as Ancient Woodland is 0.17ha. As set out in the woodland NVC report, a total of 0.58ha of woodland loss occurs, including areas beyond the Ancient Woodland. The impact of that loss has previously been addressed as part of the approved application. Notwithstanding the recent designation, there is no material change in the loss of trees from the site as a result of the proposed amendments.

In addition, there is approximately 0.37ha of mitigation in the form of woodland planting, which will be provided alongside additional new planting to be provided as an integral part of the associated residential development.

Ultimately, the question to be addressed at the screening stage is whether the development as a whole, which is the subject of the Section 73 Application, would be likely to have significant effects on the environment by virtue of factors such as its nature, size or location.

In that context, it would reasonably follow from the fact that the Ancient Woodland areas form both a relatively small part of the overall development site, and that the areas of Ancient Woodland affected by the new road are smaller still (significantly less than half the Thornley Brook Valley area and hardly any of the Ashes Clough area) that the impact of the new road on ancient woodland could legitimately be afforded only relatively modest or limited weight in the overall screening exercise for the whole development, notwithstanding the high sensitivity of the Ancient Woodland.

Taking all these material factors into consideration, it is concluded that the development continues not to require submission of an Environmental Impact Assessment in line with previous determinations by the Council and the Secretary of State.

RELEVANT PLANNING POLICIES

The western part of the site is allocated as Phase 2 Housing land. The eastern parcel of the site is identified as Other Protected Open Land (OPOL) on the Council's development proposals map.

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

Policy 1 - Climate Change and Sustainable Development

Policy 2 - Communities

Policy 3 - An Address of Choice

Policy 5 - Promoting Accessibility and Sustainable Transport

Policy 6 - Green Infrastructure

Policy 9 - Local Environment

Policy 10 – Affordable Housing

Policy 11 - Housing

Policy 14 - Supporting Oldham's Economy

Policy 18 - Energy

Policy 19 - Water and Flooding

Policy 20 – Design

Policy 21 - Protecting Environmental Assets Natural

Policy 22 - Protecting Open Land

Policy 23 - Open Spaces and Sports

Policy 24 - Historic Environment

Policy 25 -- Developer Contributions

CONSULTATIONS

Highway Engineer – No objection

Environmental Health – No objection

Transport for Greater Manchester – No objection

Highways England – No objection

Ramblers – Sought clarification of the changes to the right of way; which have been provided

Greater Manchester Police - No objection subject to securing the recommendations of the Crime Impact Assessment

Greater Manchester Archaeology Unit – Comments on the previous application continue to apply.

United Utilities - No objection

Historic England – No comments

Local Lead Flood Authority – No objection

Coal Authority - No additional comments.

Environment Agency - No additional comments

Natural England - No comments on the present application.

Greater Manchester Ecology Unit - No objection subject to the range of species referred to in the conditions continuing to apply to both elements of the development, along with the need for updated surveys and design for surface water outfalls.

REPRESENTATIONS

The application has been advertised by press notice, site notice and neighbour notification letter. Following the submission of amended plans relating to Condition 13, which resulted in amendments to the wording of proposed application, a further consultation exercise has been undertaken and additional site notices posted.

Approximately 160 separate letters of objection have been received.

Objections relating to this application are in summary;

- The need to consider that part of the site is now designated as Ancient Woodland;
- The changes sought should be dealt with as a new application, not a Minor Material Amendment;
- Lack of clarity regarding what changes are sought;
- The application should be supported by an Environmental Impact Assessment;
- Updated Arboricultural Impact Assessment should be provided;
- With respect to Condition 8, the applicant's requested wording includes a change to no above ground works from prior to commencement.

Saddleworth Parish Council has commented that no work should be carried out until all necessary landscaping details have been approved and the original condition should remain in place. There are concerns that the culvert could increase the risk of flooding, and with the impact on Ancient Woodland.

The majority of objections do not relate specifically to the amendments sought in this application, but to the principle of the link road and development as approved in the original planning permission PA/343269/19.

Many of the letters suggest that a substantial increase of the recreational use of the land during Covid warrants a review of the existing consent. The other objections raised to the principle include, but are not restricted to highway safety, pollution, ecology, potential flooding, impact on the landscape, loss of OPOL and recreation land, and impact on footpaths.

These matters were all considered in detail in respect of the previous permission, and only where those impacts have materially changed as a result of the amended proposals, can they be considered within the scope of the present application. Those matters of principle cannot be considered afresh at this stage.

All these matters are addressed within the report.

PLANNING CONSIDERATIONS

Principle of the development

As noted earlier within this report, the application has been submitted under the provisions of Section 73 of the Town and Country Planning Act 1990, as amended.

Consequently, the principle of the development, and those matters over which there is no material planning change within the present application, are not for further consideration at this stage.

The Officer's report on application PA/343269/19 considered those issues in detail, including the local plan designation and landscape impacts.

In considering the materiality of those factors; there have been no fundamental statutory, national, or local changes in planning policy or legislation since the granting of the earlier permission which would require re-assessment. The impact of the Ancient Woodland designation is considered in detail elsewhere in this report.

The previous conclusions in respect of the planning balance and the relevance to the application of the 'presumption in favour of sustainable development' required in Paragraph 11 of the National Planning Policy Framework remain pertinent.

Based on the identified five-year housing land supply and local housing need over the next five years, Oldham remains unable to identify a five-year supply of housing. Consequently, the 'presumption in favour of sustainable development' will still apply as per paragraph 11(d) of the NPPF.

Highway Issues

The changes sought within condition 13 relate solely to design details of the approved link road. The route of the road and its linkages to the existing highway network remain as previously determined.

The details remain indicative insofar as the new link road and associated highway alterations will also need to be subject to a final specification which will be agreed with the Local Highway Authority as part of the formal adoption process. The terms of the planning condition will continue to require the final details to be submitted for approval once that stage is reached.

As the design of any large infrastructure scheme develops, revisions are inevitable. In the context of this present planning application, the primary issue for consideration is whether those changes result in significant environmental or other impacts which are materially different to that for which approval has already been granted.

The detailed scheme will incorporate provision of a segregated two-metre wide footway and 3.5-metre wide cycleway to ensure full and safe accessibility to persons not using a motorised vehicle.

Those revisions have been considered by the Council's technical officers and no objections have been received. In this context, the proposed revisions to the plans under condition 13 are deemed to be acceptable.

Recent concerns have been expressed that the introduction of a diversion and stepped access across the link road, which will dissect public footpath 26 OLDH, would not ensure accessibility for all and therefore impact on the Council's obligations under the Equality Act 2010.

It should be noted that the proposed arrangement reflects that which has previously been approved and deemed acceptable. The present route of this footpath follows the southern bank of Thornley Brook. It comprises an unmade, meandering footpath, with an undulating surface,

including short stepped sections. Consequently, in consideration of the introduction of the revised route and access, due regard has been given to whether the changes as a result of the new road would unduly impede access, and whether improvements would be practical given the existing situation.

Options, such as the introduction of a tunnel, have been previously considered. However, this has been discounted for practical reasons, including that it may have created a security hazard for vulnerable users and therefore discouraged access.

A separate consent for the diversion of existing public footpaths will nevertheless be required under Section 257 of the Town and Country Planning Act.

Furthermore, as noted above, where new pedestrian infrastructure is to be introduced into the development, this will be designed to ensure a safe and accessible environment, taking into consideration the general undulating topography of the local area. Provision will be made on the new link road at junctions, and where the footpath crosses the new road, for measures to assist pedestrian use and safety, including the construction of speed tables to slow traffic.

Consequently, it is considered that the impacts of the development in respect of highway and access issues has fully addressed the impacts on different groups within the community.

Ecology and Natural Habitats

The application site and development has been subject to a full Ecological Assessment undertaken in September 2017. An updated report was submitted in April 2019. Subsequently, a National Vegetation Classification Survey Report was submitted in 2020. Together these documents assessed the baseline ecological situation on the site, and any impacts resulting from the development, including those in relation to protected species. The latter report also assesses the recent additional Ancient Woodland designation.

The present proposals do not result in changes which would create a development which would result in any demonstrable material additional impact on factors of ecological importance or have any additional impacts on the ecology or natural habitats within the site

The earlier conclusions in relation to the impact on ecological interests remain as previously determined. The conditions associated with the approval set out in detail the measures which will need to be addressed to ensure appropriate protection of habitat, and for the incorporation within the development scheme of measures to promote enhanced biodiversity. The proposed amendments do not reduce that focus and satisfactory arrangements to ensure mitigation and enhancement of the natural environment will continue to apply.

Ecological specialists at the Greater Manchester Ecology Unit, Natural England, and the Environment Agency have been consulted on the present, and previous, applications. Subject to continued imposition of the requirements of relevant conditions, no objections have been raised.

A development of this scale will inevitably need to be implemented over an extended period, and it is recognised that ecological circumstances will evolve during that period. For that reason, the conditions associated with the approval require updated surveys to reflect the phasing of the development. These will continue to form requirements of the permission.

Furthermore, statutory requirements in respect of the Habitats Directive and the Wildlife and Countryside Act 1981 will continue to apply and the developer will need to ensure all necessary licences and consents are obtained beyond the scope of the planning permission.

Notwithstanding any grant of planning permission, the consent from the Forestry Commission may be required to fell any trees.

In considering the present application, all impacts on existing ecological features have been fully considered having regard to local and national planning policies and other material considerations.

Amendments to Condition 8

This condition, as presently applied requires that no phase of residential development shall take place until a landscape management plan has been submitted to and approved in writing by the Local Planning Authority. As noted earlier in this report, the applicant considers that as this condition has been placed in a section of the Decision Notice relating to both the 'Full' (the link road) and 'Outline' (residential development) it may unduly prevent implementation of the road scheme until details of the residential development are received.

The condition goes on to define the detailed matters which would need to be comprised within that landscape management plan.

Whilst this is arguably a matter of semantics; it is nevertheless important that clarity within the wording of the conditions is achieved.

It is equally important that the specific requirements of the conditions continue to fully apply.

Therefore, movement of the original condition to the 'Outline' section of the notice would be appropriate, as the present condition only imposes a restriction on the residential development itself until the management plan is approved and implemented.

In respect of the resultant removal from the requirements in relation to the full application, it is noted that Condition 4 in this part of the decision notice also requires approval of a landscape (and ecological) management plan prior to the commencement of work on the link road. To avoid unnecessary duplication therefore, it is recommended that the specific requirements of Condition 8, as they currently apply to the link road, should be incorporated into this revised condition.

The proposed wording set out in the applicant's statement suggests that the condition should come into force prior to "above ground construction". However, since the purpose of the condition includes protection of existing ecological features, this change is not considered to be appropriate and will remain prior to commencement of the development per se.

Ultimately the change will not remove or weaken any existing obligations with regard to the landscape management plan, but merely provide improved clarity to those requirements. In this context, there are no material planning grounds to oppose the proposed changes.

Heritage and archaeology

The amendments relate only to the areas of the overall application site along the alignment of the link road. There are no material impacts on heritage assets as a result of this development or the

amendments sought. No objections from specialist consultees have been received on these grounds.

Other matters

Other material considerations, including flood risk and drainage, land stability, and future issues associated with the design and layout of the wider residential development, will not be materially affected by the present proposals. Such matters will continue to be subject to the need for submission of further details within the included planning conditions or at reserved matters approval stage.

CONCLUSION

As noted above, this application has been submitted under the provisions of Section 73 of the Town and Country Planning Act 1990, as amended. Consideration of the present application is limited to the changes within those conditions for which amendment is sought.

Taking all material planning factors into consideration, it is concluded that the proposed application should be approved, having due regard to the previously imposed conditions, as now amended, and the Section 106 legal agreement to which the permission will continue to be bound.

Recommended conditions

Condition that apply to the Link Road only (full application)

1. (Updated to reflect relevant legislation)

The development of the link road must be begun not later than 4th December 2022.

Reason - To comply with the provisions of Sections 73 and 91 of the Town & Country Planning Act 1990, as amended.

2.

Prior to the commencement of development, scheme details of the new culverted link road and detailed mitigation package for this and the wider Thornley Brook river corridor shall be submitted to and approved in writing to the local planning authority. Thereafter the culverted link road crossing shall be constructed as set out in the approved scheme.

The scheme shall include the following features for maximising the riverine habitat potential and retaining a high-quality ecological network:

- a) Detailed habitat reinstatement plans should reflect the updated culvert crossing designs.
- b) The outline Thornley Brook mitigation package (as per TEP drawings, March 2018) should be developed to a detailed design.
- c) Clear detail should be provided as to how the stated 300mm of natural bed will be achieved within the new culvert crossing.
- d) Details are to be provided of the mammal ledge and oversized culvert to maximise natural light and wildlife passage.
- e) Details of any bank re-profiling near the river.

- f) Where new soft landscaping is to be introduced to the river valley, that this be based on appropriate native species for this relatively shaded and damp location and look to introduce native woodland ground flora as well as new tree and shrub species.
- g) Appropriately locate any new habitat piles within the retained riparian woodland areas and outside of river high flow area.

Reason – To ensure that the proposed major crossing of river and stated mitigation package (as per TEP drawings, March 2018) are developed and designed in a way that contributes to the nature conservation and fisheries value of the site, in accordance with the National Planning Policy Framework (NPPF) paragraph 170, which states that planning decisions should conserve and enhance the natural and local environment by minimising impacts on biodiversity.

3.

Notwithstanding the features shown on the approved plans, written agreement should be sought prior to the commencement of works to the new embanked road crossing and culvert for the following items:

- a) Detail of in-culvert 300mm natural stream bed including material size, retaining mechanism, projections of stability during flood events.
- b) The culvert design schedule should include for maintenance and remediation should the bed feature fail within 5 years of installation. The maintenance schedule should identify who is responsible for post construction/ establishment / snagging monitoring and the date when the structure is passed over to the Local Authority.
- c) Lighting of road deck to provide details of best available industry standard lighting which accords with BS 5489-2: Code of Practice for the Design of Road Lighting to prevent light spillage and retain as much of a dark corridor as possible.
- d) Height of mammal ledge confirmed against heights during flood events of 1 in 100 year.
- e) The location of 6 bat boxes and bird boxes (dipper and pied wagtail) to be agreed and approved by the local planning authority to ensure the boxes provide a variety of conditions for bat and bird roosting.
- f) Planting and features on gabion edge specified and provided as amendment to Landscape Masterplan (TEP drawing no D6363.001).

Reason – To ensure the ecological interests of the site are fully considered and the detail of the requirement to divert / underdrain parts of the Link Road are submitted to and approved in writing by the Local Planning Authority and carried out in compliance with the approved details and are sympathetic to the natural landscape.

4. (Updated to incorporate former Condition 8 as it relates to the link road)

Prior to the commencement of development of the Link Road, a revised Landscape and Ecological Management Plan (LEMP) for habitat compensation works for the Link Road shall be submitted to and approved in writing by the Local Planning Authority. The revised LEMP should contain the following:

- a) Details of the landscape and habitat mitigation / compensation works for the culvert construction in Area 1 and the wooded valley of Thornley Brook. Details and further specification should follow the principles of the submitted plan - Riverbank Habitat Improvement Area 1 (TEP, drawing no D6363.003C).
- b) Location and design of the 2 artificial otter holts.

- c) Size, height and location of habitat piles with all surplus cut material from trees and brash removed from the site. Location of access routes and temporary storage for silt & dredged material to be removed from the pond.
- d) Detail of any works to the pond outfall to make good or improve its functioning.
- e) Making good any construction / habitat compensation access routes that will be subsequently used by the public.
- f) Details and locations of other countryside management features or furniture including new / reinstated paths, gates or steps. Willow spilling, passive dog deterrents, signage, path drainage.
- g) Monitoring and management process for the sequential removal and treatment of INNS rhododendron, laurel and Himalayan balsam.
- h) Details of riverine reseedling and any other planting proposals to include locally native species and methods of remediation/reseedling if planting fails.
- i) Management plan for the retained and new woodland in the valley and the link road embankment. All matters of the LEMP should be included with mechanisms for resourcing and identification of responsibility in perpetuity.
- j) Details of the extent and type of new soft landscaping including planting schedule based on UK provenanced and native species.
- k) Details of retained BAP woodland, acid & marshy grassland habitats.
- l) Details of maintenance regimes.
- m) Details of any new habitat created on site.
- n) Details of any bluebell translocation areas.
- o) Details of sensitively designed and located SUDs features adjoining retained greenspace corridors.
- p) Details of treatment of site boundaries and/or buffers around steep valley stream corridors.
- q) Details of management responsibilities.

The LEMP and its initial implementation shall be the responsibility of the developer for a minimum of the 5-year establishment period.

Reason - To protect the natural environment and to ensure the LEMP is based on up-to-date information.

Conditions that apply to both the outline element and full planning of this permission

5.

Prior to commencement of the link road and each subsequent and separate phase of development, a detailed method statement for removing or for setting out the long-term management / control of Himalayan balsam and Rhododendron identified on the site shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include proposed measures that will be used to prevent the spread of Himalayan balsam and Rhododendron during any operations (e.g. mowing) and shall also contain measures to ensure that any soils brought into the site are free of the seeds / root / stem of any invasive plant covered under the Wildlife and Countryside Act 1981, as amended.

Development shall proceed in accordance with the approved method statement.

Reason – To prevent the spread of Himalayan balsam and Rhododendron which are invasive species.

6.

Prior to the commencement of the link road and each subsequent and separate phase of development, updated bat and badger surveys shall be submitted to and approved in writing by the local planning authority. These should be undertaken no earlier than 6 months prior to the commencement of development, including any precautionary mitigation measures.

Reason – To ensure the protection of protected species (in line with the relevant legislation).

7.

Prior to the commencement of the link road and each subsequent and separate phase of development, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The construction of the embankment should be implemented according to a submitted Construction Environmental Management Plan, which provides the following details and is approved in writing prior to commencement of development:

- a) Location, boundary treatments and temporary lighting to any work compounds, locations for storage of materials and imported spoil to construct the embankment.
- b) Details and routes of any access / haul roads including protective measures to surrounding habitats, surfacing and / or temporary drainage requirements.
- c) Certification of clean spoil for construction of the embankment and biosecurity monitoring and management for Invasive Non-Native Species, particularly Japanese knotweed. This should continue for a minimum of 5 years post completion of the works and be the responsibility of the construction contractor.
- d) Details of facilities for the storage and removal of refuse and waste material, working methodologies and measures to prevent spillage of materials, excess surface water run-off and increased sediments into Thornley Brook during construction.
- e) Details of temporary high visibility fencing to all retained trees and their root zones, woodland edge (to root zones) and 5m stand-off to retained watercourse.
- f) Vegetation removal (including undergrowth such as bramble). This should occur outside the bird nesting season (March – August inclusive).

Reason – To ensure the adequate handling of refuse and waste materials, to minimise any detriment to the natural environment through the risks of pollution and dangers to highways safety during the construction phase.

8. (Formerly Condition 9, re-numbered following changes to the original condition 8.

Prior to the construction of the Link Road a surface water drainage strategy, based on sustainable drainage principles and an assessment of the hydrological and topographical context of the development site, should be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- a) Details of proposed new SUDs features which positively integrate with existing wildlife habitats and topography, particularly the steep stream valleys.
- b) Details of SUDs features that maximise the multiple environmental benefits including wildlife, water quality in combination with flood risk as outlined in CIRA guidance (https://www.cira.org/Memberships/The_SuDs_Manual_C753_Chapters.aspx).
- c) Details of how the scheme shall be maintained and managed after completion.

Reason - To ensure that the site can be adequately drained and is connected to suitable drainage systems in order to protect the water quality of the adjoining Thornley Brook Water Framework Directive (WFD) waterbody and improve ecological value within retained greenspace corridors.

9. (Formerly Condition 10, re-numbered following changes to original condition 8)

Prior to commencement of any residential development and any subsequent and separate phase of residential development, a foul and surface water drainage scheme for that phase, based on sustainable drainage principles and an assessment of the hydrological and topographical context of the development site, should be submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include:

- a) Details of proposed new SUDs features which positively integrate with existing wildlife habitats and topography, particularly the steep stream valleys.
- b) Details of SUDs features that maximise the multiple environmental benefits including wildlife, water quality in combination with flood risk as outlined in CIRA guidance (https://www.cira.org/Memberships/The_SuDs_Manual_C753_Chapters.aspx).
- c) Details of how the scheme shall be maintained and managed after completion.

Reason - To ensure that the site can be adequately drained and is connected to suitable drainage systems in order to protect the water quality of the adjoining Thornley Brook WFD waterbody and improve ecological value within retained greenspace corridors.

10. (Formerly Condition 11, re-numbered following changes to original condition 8.

Prior to the construction of the Link Road and for each subsequent and separate phase of development, a site investigation and assessment in relation to the landfill gas risk should be carried out. The consultant's report and recommendations should be submitted to and approved in writing by the Local Planning Authority.

Written approval from the Local Planning Authority will also be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition.

Reason – In order to protect public safety, because the site is within 250m of a former landfill site.

11. (Formerly Condition 12, re-numbered following changes to original condition 8.

Prior to the construction of the Link Road and each subsequent and separate phase of development, a site investigation and assessment to identify the extent of land contamination should be carried out. The consultant's report and recommendation should be submitted to and approved in writing by the Local Planning Authority. Written approval from the Local Planning Authority will be required for any necessary programmed remedial measures and, on receipt of a satisfactory completion report, to discharge the condition.

Reason - In order to protect public safety and the environment and to secure the satisfactory development of the site in terms of human health and the wider environment.

12. (Formerly Condition 13, re-numbered following changes to original condition 8, and updated to reflect the amended drawings submitted as part of the present application.

The access, alignment and standard of the Link Road and associated highways infrastructure will be developed in accordance with the following approved drawings:

- Proposed Link Road Schematic Drainage (Sutcliffe) Drawing No. 28959-620-P5;
- Proposed Link Road Longitudinal Section (Sutcliffe) Drawing No. 28959-625-P9;
- Proposed Link Road Cross Sections (Sutcliffe) Drawing No. 28959-626-P8;
- Proposed Culvert Longitudinal Section (Sutcliffe) Drawing No. 28959-627-P7;
- Path Realignment Works (Sutcliffe) Drawing No. 28959-628-P5;
- Proposed Link Road Visibility Check (Sutcliffe) Drawing No. 28959-629-P3;
- Proposed Link Road Vehicle Tracking (Sutcliffe) Drawing No. 28959-630-P3;
- Proposed Link Road Junction with Knowls Lane including Widening, New Footways and Visibility (Axis) 2123-01-GA-101;
- Proposed Development Site Access Locations from Proposed Link Road including New Footways and Visibility.

Reason – To ensure that the development is carried out in accordance with the approved plans and ensure a safe road design in accordance with the Manual for Streets and the Design Manual for Roads and Bridges.

13. (Formerly Condition 14, re-numbered following changes to original condition 8)

No development shall commence until:

- a) A written programme of archaeological investigation, which should include on-site work and off-site work such as the analysis, publishing and archiving of the results, has been submitted to and approved by the Local Planning Authority; and,
- b) The approved programme of archaeological work has been carried out in accordance with the approved details

Reason - To enable the recording of any matters of archaeological interest.

Conditions relating to the outline element only

14. (Former Condition 8 to reflect the outline development only).

No phase of the residential development shall take place until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas (except privately owned domestic gardens), shall be submitted to and approved in writing by the local planning authority.

The landscape management plan shall be carried out as approved for each phase of development.

The scheme shall include the following elements:

- Details of the extent and type of new soft landscaping including planting schedule based on UK provenanced and native species.
- Details of retained BAP woodland, acid & marshy grassland habitats.
- Details of maintenance regimes.
- Details of any new habitat created on site.
- Details of any bluebell translocation areas.

Details of sensitively designed and located SUDs features adjoining retained greenspace corridors.

Details of treatment of site boundaries and/or buffers around steep valley stream corridors.

Details of management responsibilities.

Reason - To ensure that a landscape / planting scheme is submitted and implemented in the interests of visual amenity and in compliance with the guidance set out in paragraphs 109 and 118 of the National Planning Policy Framework.

15. (Updated to reflect relevant legislation)

Details of the appearance, landscaping, layout and scale (hereinafter called “the reserved matters”) of the residential elements of the proposal shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any residential development on the site. The development shall be carried out in accordance with the approved details.

Reason - To comply with Sections 73 and 92 of the Town and Country Planning Act 1990, as amended.

16. (Updated to reflect relevant legislation)

The development to which this permission relates must be begun not later than whichever is the later of the following dates:

- i) The expiration of five years from 5th December 2019; or
- ii) The expiration of two years from the final approval of the reserved matters or in the case of different dates, the final approval of the last such matter to be approved.

Reason - To comply with the provisions of Sections 73 and 92 of the Town & Country Planning Act 1990, as amended.

17. (Updated to reflect relevant legislation)

In the case of the reserved matters, an application for approval must be made not later than 4th December 2022.

Reason – To comply with the provisions of Section 73 of the Town & Country Planning Act 1990, as amended.

18.

The submission of reserved matters application(s) shall include a detailed landscape environmental management plan (LEMP) for the open space to be provided within the site. The LEMP should consider the following:

- a) A landscape buffer to south (approx. 20m) and transition zones on the northern boundary should provide appropriate semi-natural habitat recreation, with an emphasis on grassland habitats including acid and marshy grassland types.
- b) Habitat permeability that is to be incorporated into garden / property curtilages and other boundary features to allow passage of small mammals (e.g. hedgehog) and amphibians.
- c) Features that benefit wildlife within the built development, such as bird and bat boxes and wildlife sensory ornamental garden planting. These measures are to be incorporated into at least 10% of the properties.

d) Long-term objectives, planting schedules, habitat management prescriptions, management responsibilities and maintenance schedules. This would also include the long-term management of the SuDS system for both its functioning as attenuation and its biodiversity.

Reason – To ensure adequate landscaping is provided and the LEMP is based on up-to-date information.

19.

The submission of reserved matters relating to each phase of the development hereby approved shall include a Design Framework demonstrating how that phase complies with the approved Design and Access Statement (dated September 2017); Illustrative Masterplan (reference SK (90) 09 Rev B); and Site Parameters Plan (reference 6802_SP (90)18 Rev E).

The Design Framework shall include details of the design process undertaken; justification for the design approach and architectural styles adopted; the core design principles guiding development of that phase and how the phase has been designed to accord with the design objectives and principles within the approved Design and Access Statement, Illustrative Masterplan and Site Parameters Plan.

iii) The Design Framework shall include details of how the layout addresses the following considerations:

iv) Connection with the surrounding network of public rights of way.

v) Street types and movement throughout the scheme via car, cycle and by foot.

vi) Boundary treatments, trees and hedgerows.

vii) Lighting and street furniture.

viii) Public open space required for the development.

ix) Alignment with proposed character areas.

x) Treatment of the development edge.

xi) Housing mix.

xii) Building heights.

xiii) Parking strategy, including layout parking allocations for motor vehicles and cycles.

xiv) Street cross sections.

xv) Palette of materials for housing and public realm works.

xvi) Location of emergency services infrastructure.

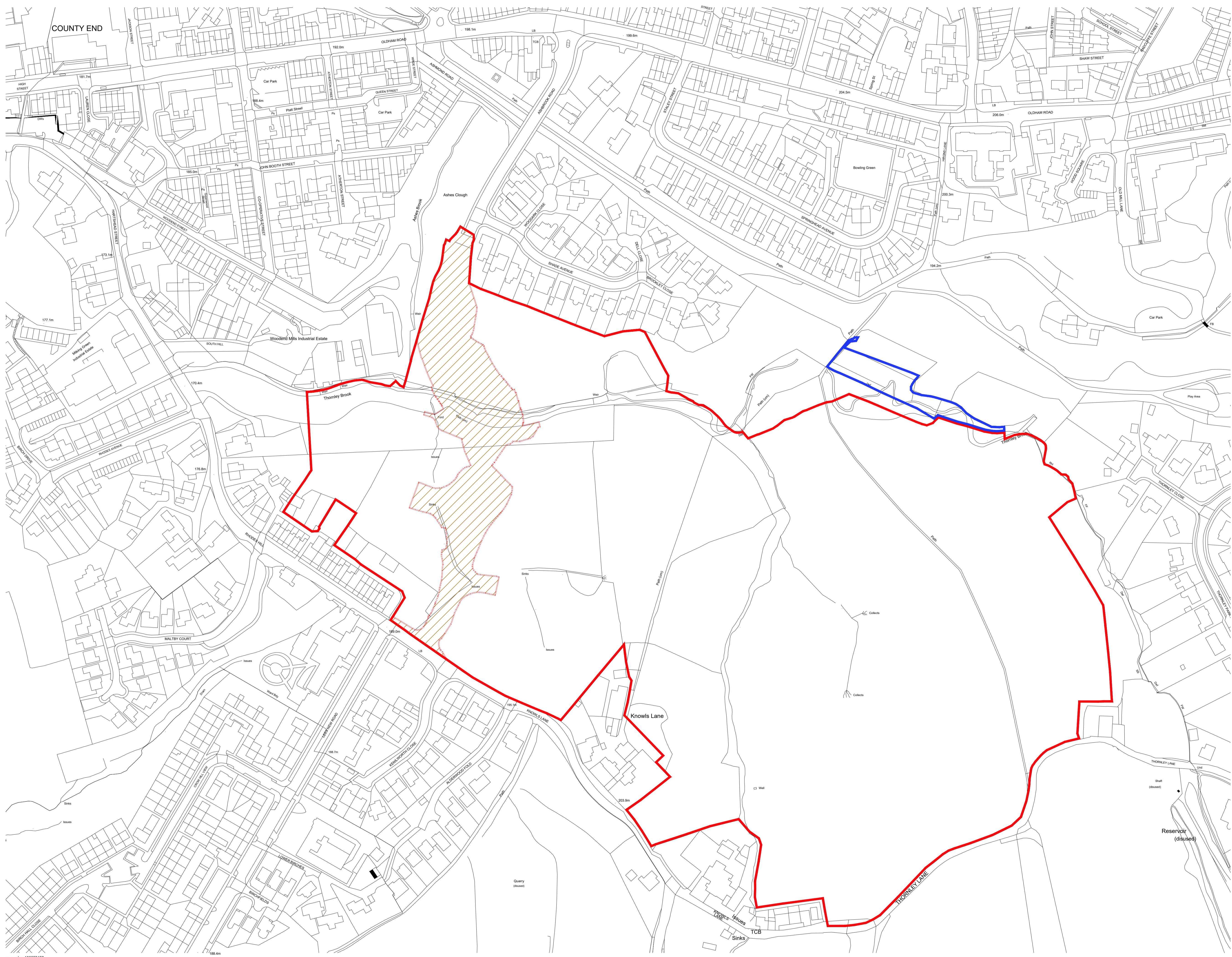
xvii) Environmental standards and sustainable design elements (to include electric vehicle charging infrastructure).

Reason – To ensure a high-quality designed scheme and in the interests of the visual appearance of the development.

20.

No phase of the development shall take place until a phasing plan, which shall include the access arrangements for each specified number of dwellings for each phase relative to a site maximum of 265 dwellings, has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved phasing plan.

Reason – To ensure highway safety.



Notes:

- This drawing is copyright.
- Do not scale dimensions from this drawing.
- This drawing is to be read in conjunction with all other relevant drawings.
- All discrepancies on this drawing are to be reported to the architect.
- Do not modify any element of this drawing.
- Use drawing only for purposes(s) issued.

North Sign / Key Plan

The following external model files are included within this drawing:

- Site Boundary - 15.79 Ha
- Detailed Application Element - 1.13 Ha
- Land in the Ownership of the Applicant - 0.21 Ha

D	12/09/17	Minor tweaks	DM	GP
C	31/08/17	Minor tweaks along northern boundary	DM	GP
Rev	Date	Revision Notes	Dn	Rv

Client / Contractor

IB Intelligence Buildings Infrastructure www.bigroup.com

Project
LEES VILLAGE

Drawing Title
SITE BOUNDARY PLAN

Job Number 6802	Drawing Originated Date 27/06/2017	PAS 1192 Status Code -
Scale@A1 1:1250	Purpose PRELIMINARY	

Drawing Number SP(90)08	Revision D
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