Application Number 07/00683/FUL

Proposal Alterations to approved layout Ref.06/01093/FUL with substitution of revised apartment building and housing and additional 3no. units

Site Location Land On The South East Side Of King Edward Road Hyde Tameside

Applicant Bardsley Construction Ltd Globe Square Dukinfield Tameside SK16 4RG

Recommendation Approve

REPORT

PLANNING HISTORY
This application was deferred at the Speakers Panel meeting on the 12th September 2007 pending further discussions into the responsibility for the retaining wall.

A planning application under reference 06/01093/FUL was approved on this site for 50 units on the 8th November 2006. This scheme provided 24 apartments and 26 traditional 2/3 storey dwellings.

DESCRIPTION
The site is located on the south east side of King Edward Road close to the junction with Stockport Road and measures 0.8 hectares in area. Stockport Road borders the eastern boundary of the site and is at a substantially higher level, separated by a large retaining wall. The site has been cleared of buildings and the ground filled and modelled in preparation for the housing development.

To the north of the site is a new 3-storey apartment building. The surrounding area is characterised by predominantly two storey terraced dwellings although there are several semi-detached dwellings to the south of the site. Within the site are four trees fronting onto King Edward Road which are subject to a Tree Preservation Order and there are two group TPO's in the area to the south west of the site on the existing banking.

The proposal intends to erect a total of 53no. two, three and four bed dwelling units, consisting of a mix of 26 no. apartments contained in a single block and 27 no. dwellings varying from 2.5 to 3 storeys in height. The mix of house types will be 5no. 4 bed houses and 21no. 3 bed houses. The density of the proposed development would be approximately 65 dwellings per hectare. The apartments will be five storeys in height (four storeys plus accommodation in the roof space).

A total of 81 car parking spaces are proposed 21 of which will be basement car parking spaces serving the apartment block. The existing access to the site via King Edward Court will be improved and extended to adoptable standard. It is also
proposed to create an access off King Edward Road to serve a parking court with 10 spaces for the 5 houses proposed fronting directly onto King Edward Road.

UDP
Unallocated

POLICIES
H1 Housing Land Provision
H2 Unallocated Sites
H4 Types, Size and Affordability of Dwellings.
H5 Open Space Provision
H6 Education and Community Facilities.
H7 Mixed Use and Density
H10 Detailed Design of Housing Developments.
E3 Established Employment Areas
T10 Parking
C1 Townscape and Urban Form
N4 Trees and Woodland
N5 Trees Within Development Sites.

OTHER POLICIES
PPS1 Delivering Sustainable Development.
PPG3 Housing.
PPG13 Transport.
Residential Development Guidelines SPD

CONSULTATIONS.
Several letters of objection from resident of King Edward Road to the proposed private driveway serving the 5 houses facing this street. Access should be solely to the wider King Edward Court. Access would be a nuisance and danger to existing residents, road is busy and a cut through to Dowson school.

Engineering Development Manager: No objections subject to conditions.

United Utilities have no objections.

Head of Environmental Enforcement: No objections subject to conditions covering burning, working hours and refuse facilities.

Arboricultural Officer: Similar issues to previously approved scheme. Private access to King Edward Road involves loss of trees but not covered by the TPO. Some concerns about the proximity of the apartments to the tree belt and planting could be enhanced on western side. All previous tree conditions should be applied. Subsequently improved landscape plans have been submitted.

Landscape Architect has no objections.

Environment Agency have no objections subject to a condition regarding details for a scheme for the provision and implementation of surface water regulation.
HEAD OF PLANNING’S COMMENTS.
The principle of housing on this site has already been accepted following the approval of planning application Nos. 06/01093/FUL, and this application provides only an additional 3no units with a change in house types.

It is considered the addition of three units will not adversely affect neighbours and the scheme will comply with the Council’s Residential Development Guidelines. The revised house types and design will enhance the character of the area and provide additional and varied family accommodation for the Borough. On this basis the scheme will provide benefit to the Borough's housing stock.

On balance it is considered that the redevelopment of the site as proposed satisfies Council and National policy with regard to the redevelopment of employment areas and the provision of suitably located housing on a brownfield site. The development is acceptable on this site and it is appropriate the site is brought forward for housing as any other use, including the existing joinery business, would be incongruous and may lead to development regarded as being inappropriate within a residential area. It is considered the individual merits of the scheme are acceptable.

The Engineering Development Manager is satisfied with the access and parking arrangements, including the private drive leading to 10 parking spaces for the houses fronting King Edward Road. This access meets technical criteria and is preferable to individual driveways.

The Section 106 Agreement signed for the original scheme is still valid and a Deed of Unilateral Undertaking has been signed for the additional 3no. units to top up the education, open space and transport contributions.

RECOMMENDATION
The Panel is recommended to approve the application subject to the following conditions and to authorise the Engineering Development Manager to process any Traffic Regulation Order considered necessary in connection with the development and in accordance with the Road Traffic Regulation Act 1984. Subject to the resolution of any objections received during the public consultation period.

REASON FOR GRANTING PLANNING PERMISSION
The application is determined having regard to Policies H1, H2, H4, H5, H6, H7, H10, E3, T10, C1, N4 and N5 of Tameside’s Unitary Development Plan and the Supplementary Planning Guidance contained in 'Residential development Guidelines’ SPD and 'Developer Contributions’ SPD. Planning Permission is granted because the Council considers that the proposal accords with the Policies and the Guidance for the reasons identified in the report and there are no material planning considerations that outweigh this finding.

APPROVAL subject to the following conditions
1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. Samples of all external materials shall be submitted to and approved in writing by the Local Planning Authority before any work commences. The development shall be constructed in accordance with such approved materials.
3. A desk based survey to determine whether the site is contaminated shall be undertaken, submitted to and approved in writing by the Council. Prior to any physical site investigation being undertaken to determine whether the site is contaminated a methodology for the survey shall be first agreed with the Council. The physical site investigation shall include an assessment to identify the extent and type of any contamination and where necessary a programme of remedial measures to avoid risk to the public/buildings/environment when the site is developed. Any remedial measures approved in the survey and where requested by the Council in a remediation statement shall be implemented prior to the commencement of the development or as otherwise prescribed in the approved implementation programme. Upon completion of the approved remedial measures a site completion report will be provided to the satisfaction of the Council including conclusive evidence that remedial measures have been implemented and the site is suitable for its intended use. The discharge of this planning condition will be given in writing by the Council on completion of the development and once all information specified within this condition and other requested information have been provided to the satisfaction of the Council. Any additional or unforeseen contamination encountered during the development of the site shall be notified to the Council as soon as is practicable. Subsequently a scheme to deal with this contamination shall be submitted to and approved in writing by the Council and shall be undertaken to the satisfaction of the Council. The applicant/developer is requested to contact the Council's Environmental Protection Unit (Tel: 0161 342 2691) as soon as is practicable should contamination be encountered during the development of the site. A guide to what a survey and remediation scheme should include is provided in the attached Guidance Note on Contaminated Land.

4. All hard and soft landscape works shall be carried out in accordance with the approved details. Details of the proposed size and species of the trees and shrubs to be planted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed previously with the Local Planning Authority. Any newly planted trees or plants forming part of the approved landscaping scheme, which within a period of 5 years from the completion of the planting are removed, damaged, destroyed or die, shall be replaced in the next appropriate planting season with others of similar size and species by the developer, unless the Local Planning Authority gives written consent to any variation.

5. Throughout the period of site preparation and construction, till the occupation of the (final) building, no trees, shown to be retained on the approved plan within the site, shall be felled, uprooted, lopped, topped or otherwise destroyed or damaged, including disturbance to roots, without the previous written consent of the Local Planning Authority. Where any tree is so wilfully damaged or destroyed without consent, another tree shall be planted of such size, species, and in such a position as maybe specified in writing by the Local Planning Authority.

6. The developer shall erect sturdy fencing at appropriate sitings (as specified in the Trees & Landscaping on Development Sites SPD) for the protection of retained trees; prior to any equipment, machinery or materials being brought on to the site, and they shall be maintained undisturbed until all equipment, machinery and surplus materials are removed and construction completed.
No ground level changes or excavations within the protected area, or movement of the fence, shall be carried out without the written consent of the Local Planning Authority.

7. The development hereby approved shall incorporate measures to minimise the risk of crime and to meet the specific security needs of the application site and the development. Any security measures to be implemented in compliance with this condition shall seek to secure the 'Secure by Design' accreditation awarded by the Greater Manchester Police. Written confirmation of those measures are to be provided to the Local Planning Authority prior to the occupation of any building.

8. The developer shall not start any part of the development unless it has notified the Local Planning Authority at least 14 days before by completing and returning the attached form.

9. During demolition/construction there shall be no burning of waste or other materials on the application site.

10. During demolition/construction no work shall take place on Sundays and Bank Holidays or outside the hours of 07.30 and 18.00 Monday to Friday and 08.00 to 13.00 Saturday.

11. The development hereby approved shall not be occupied unless and until details facilities for the storage of refuse and waste materials have been submitted to and approved by the Local Planning Authority and implemented in accordance with the approved scheme.

12. A clear view shall be provided at the junction of the private parking access with King Edward Road. Its area shall measure 2.4 metres along the centre of the site access and 33 metres in each direction along the edge of the carriageway in King Edward Road. It must be kept clear of anything higher than 0.6 metre above the edge of the adjoining roadway or access.

13. A clear view shall be provided on each side of any vehicular access where it meets the back of footway. Its area shall measure 2.4 metres along the edge of the site access and 2.4 metres along the footway. It must be kept clear of anything higher than 600mm above the access, on land which you control.

14. Prior to occupation, the car parking indicated on the approved plan shall be provided to the full satisfaction of the Local Planning Authority and thereafter kept unobstructed and available for their intended purposes. Parking areas of driveways must be at least 3.1 metres wide and 6 metres long where in front of house doors or 5.5 metres long where in front of a garage. The areas shall be maintained and kept available for the parking of vehicles at all times.

15. The gradient of any driveways/parking bays shall not be steeper than 1 in 14.

16. The development shall not commence until details of the wheel cleaning facilities, temporary access, vehicle parking and turning facilities to be provided during the construction period, have been submitted to and approved in writing by the Local Planning Authority. These approved measures shall be implemented to the full satisfaction of the LPA and retained through the construction period.
17. No work shall commence on site until the detailed design of the culvert diversion has been submitted to and approved in writing by the Local Authority. The design to include a full survey and report on existing and proposed flows and capacities of the system. The LA will supervise the approved culvert construction with the developer meeting the reasonable costs of such supervision under a Section 38 Agreement. TMBC will accept no subsequent liability for maintenance, the ownership and maintenance responsibilities rest with the landowner and are subject to the provision of the Public Health Act 1936. A management company shall be legally established with responsibility for the upkeep of the watercourse within the development site. Sufficient funds to be deposited or secured by bond to provide maintenance of the culvert through its anticipated lifetime, in the event of the management company being dissolved at some future date.

18. Before the development is brought into use that part of the site designated for vehicle use shall be constructed and laid out in a manner to be approved by the Local Planning Authority and shall thereafter be kept available for this use.

19. The development shall not commence until details of a lighting scheme (to an adoptable standard) to provide street lighting to the shared private driveway have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the lighting will be funded for both electricity supply and future maintenance. The approved works shall be completed to the satisfaction of the Local Planning Authority prior to the occupation of any part of the development.

20. Disposal of surface water and waste water from the site shall be carried out in a manner to be agreed with the Local Planning Authority.

21. Prior to the commencement of development a survey of the retaining wall adjoining Stockport Road shall be undertaken to establish its structural condition. The survey shall be in accordance with Department of Transport and Highways Agency codes of practice and include for intrusive investigation to confirm wall dimensions/construction and backfill material strength to allow a reasonable structural appraisal of the complete wall including parapets. The report shall identify any repairs/strengthening measures necessary to ensure the structural integrity of the whole wall for a minimum period of 75 years which shall be discussed with and approved in writing by the Local Planning Authority. Any works agreed as being necessary shall be carried out and funded by the developer prior to the construction of any dwellings adjoining the wall. The developer shall also agree in writing with the Local Planning Authority a commuted sum for its future maintenance which shall be paid to the Authority on the completion of any mitigation works and upon payment of which the Council will assume responsibility for maintenance of the wall subject to completion of all necessary works as referred to above.