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SPEAKERS PANEL (PLANNING)

Day: Wednesday
Date: 26 April 2017
Time: 10.00 am
Place: Conference Room 1, Guardsman Tony Downes House, 5 Manchester Road, Droylsden. M43 6SF

Item No.	AGENDA	Page No
1.	APOLOGIES FOR ABSENCE	
2.	DECLARATIONS OF INTEREST To receive any declarations of interest from Members of the Council.	
3.	MINUTES The Minutes of the meeting of the Speakers Panel (Planning) held on 22 March 2017, having been circulated, to be signed by the Chair as a correct record.	1 - 6
4.	PLANNING APPLICATIONS To consider the schedule of applications.	
a)	16/01115/REM - EAST TAME BUSINESS PARK, REXCINE WAY, HYDE	7 - 20
5.	OBJECTIONS TO PROPOSED WAITING RESTRICTIONS - DURHAM STREET, DROYLSDEN WHARF ROAD AND BRIDGEWATER WHARF, DROYLSDEN Report of the Assistant Executive Director, Environmental Services, attached.	21 - 28
6.	SECTION 119 HIGHWAYS ACT 1980 - DIVERSION OF FOOTPATH ASHTON-UNDER-LYNE 139 Report of the Assistant Executive Director, Environmental Services, attached.	29 - 34
7.	URGENT ITEMS To consider any other items, which the Chair is of the opinion should be considered as a matter of urgency.	

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SPEAKERS PANEL (PLANNING)

22 March 2017

Commenced: 10.00am

Terminated: 10.50am

Present: Councillor McNally (Chair)

Councillors: P Fitzpatrick, Dickinson, Glover, D Lane, J Lane, Middleton, Pearce, Ricci, Sweeton, Ward, Wild and Wills

36. DECLARATIONS OF INTEREST

There were no declarations of interest submitted by Members.

37. MINUTES

The Minutes of the proceedings of the meeting held on 15 February 2017 having been circulated, were taken as read and signed by the Chair as a correct record.

38. PLANNING APPLICATIONS

The Panel gave consideration to the schedule of applications submitted and it was:-

RESOLVED

That the applications for planning permission be determined as detailed below:-

Name and Application No.	17/00019/FUL Mosscafe Housing and Rowlinson Construction
Proposed Development:	Hybrid planning application seeking: Full permission for ground works and remediation of entire site; Full permission for the erection of a three storey block comprising 38 dwellings with associated car parking and landscaping on parcel A of the site; and Outline permission with all matters reserved except from access for residential development up to 24 dwellings on parcel B. Former site of 10 – 12 Castle Street, Stalybridge, Tameside
Additional Information:	The following additional information was circulated at the meeting: Over the course of the application issues including ground contamination at the site had been discussed at length with the Environment Agency (EA). Whilst the EA initially objected to the application, the EA had subsequently confirmed that they had no objection to the proposals subject to a number of conditions being imposed on any planning permission. This

	<p>included a requirement to impose a contaminated land condition on any planning permission.</p> <p>However, the condition requested by the Environment Agency overlapped to some degree with the contaminated land condition requested by the Council's Environmental Health team. To address this matter amended condition wording was proposed (as detailed below), meeting the requirements of both the Environment Agency and Environmental Health.</p>
<p>Decision:</p>	<p>That full planning permission be granted on parcel A and outline planning permission be granted on parcel B, subject to conditions as set out in the report and the following amended wording for condition 9 (full permission) and condition 6 (outline permission):</p> <p>No development, other than site clearance and site compound set up shall commence until such time as a remediation strategy to deal with the risks associated with contamination of the site had been submitted to, and approved in writing by, the Local Planning Authority.</p> <p>This strategy will include the following components:</p> <p>(a) A preliminary risk assessment to determine the potential for the site to be contaminated which has identified:</p> <ul style="list-style-type: none"> • All previous uses; • Potential contaminants associated with those uses; • A conceptual model of the site indicating sources, pathways and receptors; • Potentially unacceptable risks arising from contamination at the site; and • An assessment to determine the nature and extent of any contamination affecting the site and the potential for off-site migration. <p>(b) A site investigation scheme, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.</p> <p>(c) The results of the site investigation and the detailed risk assessment referred to in (b) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken to remove any unacceptable risk to human health, buildings and the environment.</p> <p>(d) Any additional or unforeseen contamination encountered during development shall be notified in writing to the local Planning Authority along with a remedial scheme to deal with this.</p> <p>(e) Upon completion of any approved remediation schemes, and prior to occupation, a completion report demonstrating that the scheme has been appropriately implemented and the site is suitable for its intended end use shall be approved in writing by the Local Planning</p>

	<p>Authority.</p> <p>(f) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</p> <p>Any changes to these components require the written consent of the Local Planning Authority.</p> <p>Upon completion of any approved remediation schemes, and prior to occupation, a completion report demonstrating that the scheme has been appropriately implemented and the site is suitable for its intended end use shall be submitted to, and approved in writing by, the Local Planning Authority.</p> <p>The discharge of this planning condition will be given in writing by the Local Planning Authority 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 Local Planning Authority and occupation/use of the development shall not commence until this time, unless otherwise submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented as approved.</p> <p>And the following additional condition:</p> <p>No development shall take place other than site clearance, remediation and ground engineering operations, until such time as a detailed scheme for bin storage provision has been submitted and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved bin storage scheme.</p>
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Name and Application No.	<p>16/01064/FUL</p> <p>Mr Arjen Cooper-Rolfe</p>
Proposed Development:	<p>Refurbishment and extension of an existing warehouse building, including new office and storage space.</p> <p>Grove Products, Broadway, Hyde</p>
Additional Information:	<p>Members were made aware that an objection had been received from an adjoining land owner, Toray Textiles, where a hybrid planning permission was approved in 2016 for new housing and employment development.</p> <p>Toray objected on the basis that the application did not address the issue of whether any noise generated by the proposed developments would impact on existing residential amenities and that it would be preferable if the roof shape of the proposed warehouse extension was reversed so that the highest point would be where it adjoined the existing building.</p> <p>In dealing with these matters, it was not considered that the proposed development required the provision of a noise assessment as suggested by the objector. The area where the</p>

	<p>proposed warehouse extension would be sited currently comprised an open air service and storage yard used by HGV's which utilised as existing vehicular access and so the proposals to enclose this area would clearly provide an improvement in noise environment over and above the current arrangements. Moreover the planning permission approved for the Toray site included proposals for employment development on the shared boundary between the two sites, which did not present any concerns in terms of the relationship between the two uses.</p> <p>Whilst comments in respect of redesigning the roof shape were noted, the current design was considered to comply with planning policy and ultimately this suggestion would result in an odd design out of symmetry with the remainder of the building when taking into the full roof profile of the existing industrial unit. Such a request was not therefore considered to be reasonable.</p>
Decision:	Approved subject to the conditions as set out in the report.

39. PRIVATE STREET WORKS POWERS AT ST STEPHEN'S CHURCH, BENNETT STREET, HYDE, TAMESIDE. SK14 4PP

Consideration was given to a report of the Assistant Executive Director, Environmental Services, outlining the mechanism to secure the making up of a private access road to adoptable standard at no cost to the Council.

It was reported that approval had been granted by Speakers' Panel (Planning) in 2015 for a residential development on the land at the rear of St Stephen's Church, Hyde, with an access from Bennett Street (15/01034/FUL). At this time, details of the access were approved.

As a part of the approval the existing private access road to the site from Bennett Street was to be improved and subsequently adopted under a highway agreement. It has since become evident that a section of this private road approximately 45m in length fell outside the ownership of the developer, and was in unknown and unregistered ownership.

To enable the adoption of the new access road over the area in unknown and unregistered ownership, it was proposed that Private Street Works (PSW) Powers contained within the Highway Act 1980 were used to secure the making up of the existing access road and its subsequent adoption in combination with a Section 38 Agreement (Highways Act 1980) to secure its construction and subsequent adoption.

The costs of advertising the proposal and subsequent construction were to be fully met by the developer.

In normal circumstances, requests for authority to use Private Streetworks Powers would be included within the Planning Application report to Speakers' Panel but the fact that a section was not within the applicant's ownership, was not known at that time.

Frontages to the street upon which works were to be carried out had the right to object to the cost apportionment of the work. In this instance there was no apportionment between frontages as all costs were to be met by the developer.

RESOLVED

- (i) That the Assistant Executive Director, Environmental Services, be authorised to use the Council's statutory powers under the Highways Act 1980 to enable the approved development to take place and at the developers expense;**
- (ii) In that the section of unadopted street is not to the Authority's satisfaction, sewered, levelled, channelled, metalled, flagged, made good and lighted, the Authority should execute streetworks on it under part XI of the Highways Act 1980;**
- (iii) That the Assistant Executive Director, Environmental Services, be authorised to approve the specification, plans, sections, estimate, and provisional apportionment; and**
- (iv) That on completion of the works the Assistant Executive Director, Environmental Services proceed, on expiry of the maintenance period, to declare the street to be a highway, maintainable at public expense.**

CHAIR

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Application Number 16/01115/REM

Proposal Approval of details held in reserve, namely the layout, scale, appearance and landscaping of the development (42 houses) following the grant of outline planning permission.

Site East Tame Business Park, Rexcine Way, Hyde

Applicant Wainhomes (North West) Ltd And Northern Trust Company Ltd

Recommendation Grant planning permission subject to conditions

REPORT

1.0 REASON FOR SPEAKERS PANEL DECISION

1.1 A Speakers Panel decision is required because the application proposes a major development, as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015.

2.0 PREAMBLE

2.1 Outline planning permission (ref. 15/00721/OUT) was granted in December 2015 for the demolition of the existing buildings on part of the East Tame Business Park and for the redevelopment of the site for residential use. The grant of outline planning permission included approval of the detail of the means of access to the development with all other matters of detail held in reserve for subsequent approval. This application seeks approval for those details held in reserve, namely the layout, scale, appearance, and landscaping of the development.

3.0 APPLICATION DESCRIPTION

3.1 The application proposes that the site would be redeveloped to provide 42 houses. Three and four bedroom houses are proposed and would include fourteen different house types. The house types include:

- Eight, three-bedroom semi-detached houses;
- Ten, four-bedroom semi-detached houses;
- Five, three-bedroom detached houses, and
- Nineteen, four-bedroom detached houses

3.2 As included in the outline permission the sole means of access to, and egress from, the development would be from a new road junction formed between existing houses (nos. 231 and 237) Talbot Road. From the junction the new road in to the site would travel northward before turning to the right, eastward. Approximately half way along the east-west axis of the road there would be a short spur to the south and in the north-eastern corner the road would bend to the south. The spur and the road itself would terminate in private driveways serving specific houses. The new houses would face on to the new road and its spurs.

3.3 Each new house would be 2-storey and be brick-built with tiled roofs. At least two in-curtilage car parking spaces would be provided for each house. As was indicated in

the outline application, a row of six car parking spaces would be provided on the western side of the new access road close to the junction with Talbot Road, for use by existing residents in Talbot Road.

- 3.4 Tree and hedge planting are proposed throughout the site and in particular to the south and east of the site, as well as along the northern boundary and along the new access road.

4.0 SITE AND SURROUNDINGS

- 4.1 Located approximately 1.5 km north east of Hyde town centre, the site has been cleared of previously-vacant industrial buildings and measures approximately 1.69 hectares. The site slopes by approximately 2 metres from east to west and by approximately 1 metre north to south. There is a steep decline at the eastern and southern sides of the site and, due to the severity of the slope and an existing landscape buffer, these areas are not included within the developable area. With an average width of 25 metres, the steep embankment has an approximate fall of 10 metres from west to east.

- 4.2 There are mature trees along the southern and eastern boundaries of the site beyond which are 2-storey houses in Talbot Road to the south and Victoria Street to the east. To the north are existing commercial buildings within the remaining business park. To the west, Rexcine Way leads to a housing estate.

5.0 PLANNING HISTORY

- 5.1 Outline planning permission (ref. 15/00721/OUT) was granted in December 2015 for the demolition of the existing buildings on the site and the redevelopment of 49 residential dwellings (use Class C3) and associated landscaping parking and access. Although the outline consent included 49 dwellings this was indicative only.

6.0 RELEVANT PLANNING POLICIES

- 6.1 Tameside Unitary Development Plan (UDP) Allocation
6.1.1 Development Opportunity Area.

6.2 Tameside UDP

6.2.1 Part 1 Policies

- 1.3 Creating a Cleaner and Greener Environment
- 1.4 Providing more Choice and Quality of Homes
- 1.5 Following the Principles of Sustainable Development
- 1.12 Ensuring an Accessible, Safe and Healthy Environment.

6.2.2 Part 2 Policies

- E2(14) Development Opportunity Area (industrial and residential uses)
- H4 Type, Size and Affordability of Dwellings
- H10 Detailed Design of Housing Developments
- T1 Highway Improvement and Traffic management
- N4 Trees and Woodland
- N5 Trees within Development Sites.

6.3 Other Policies

6.3.1 Residential Design Supplementary Planning Document.

6.4 National Planning Policy Framework (NPPF)

Section 6 Delivering a wide choice of high quality homes

Section 7 Requiring good design

Section 11 Conserving and enhancing the natural environment

6.5 Planning Practice Guidance (PPG)

This is intended to complement the NPPF and to provide a single resource for planning guidance, whilst rationalising and streamlining the material. Almost all previous planning Circulars and advice notes have been cancelled. Specific reference will be made to the PPG or other national advice in the Analysis section of the report, where appropriate.

7.0 PUBLICITY CARRIED OUT

7.1 As part of the planning application process notification letters were sent out on 13th December 2016 to 39 neighbouring properties in Talbot Road, Victoria Steet, Matley Close and Birchwood Crescent and to 10 premises in the Industrial Park and another 4 in the Newton Business Park. A notice was posted at the site and published in a local newspaper on 22nd December 2016.

8.0 RESPONSES FROM CONSULTEES

8.1 The Head of Environmental Services – – Highways has raised no objections to the proposal and has requested conditions be attached to any approval.

8.2 United Utilities has identified that a public sewer crosses the site but raised no objection to the proposal.

9.0 SUMMARY OF THIRD PARTY RESPONSES RECEIVED

9.1 An objection has been received from a resident in Talbot Road. The reasons given for objecting are:

- Access being taken from onto Talbot Road directly and, should this be permitted, the junction being signal-controlled unless this is a video-controlled signal that operates only if a vehicle is waiting to egress onto Talbot Road; and,
- Disturbance from vehicle headlights and street lights with the site being at a higher level.

10.0 ANALYSIS

10.1 The principle that residential development is acceptable on the site having been established by the granting of the outline planning permission, the issues to be considered in deciding this application are :-

- 1) the layout,
- 2) the scale,
- 3) the appearance,
- 4) landscaping of the development and
- 5) the impact that these factors may have on any existing amenities.

11.0 Layout

- 11.1 The layout of the proposed development allows for each house to have an appropriate garden area, commensurate with family homes. Each house would be provided with at least two in-curtilage car parking spaces. Being a mix of detached and semi-detached houses there would be external means of access from the front to the rear of each house so that refuse bins could be stored at the rear and transported to the front for collection.
- 11.2 The difference in levels are accommodated in the layout so that adequate separation distances between the houses proposed and existing houses, and between houses within the development, are achieved in accordance with policies designed to prevent undue over-looking and over-shadowing.
- 11.3 The proposed layout is such that it would not impinge unduly on the amenity of existing residents whilst providing an appropriate residential environment for future residents and so is considered appropriate and in compliance with both the SPD and policy H10 of the UDP.

12.0 Scale

- 12.1 Being 2-storey, and in some cases utilising the roofspace to provide accommodation, the scale of the proposed houses is akin to the local vernacular and appropriate within the existing context they would be set. The scale of the proposed houses is thus considered appropriate and in compliance with both the SPD and policy H10 of the UDP.

13.0 Appearance

- 13.1 Being generally brick-built with tiled roofs the houses would have a traditional appearance. Architectural features such as artstone window sills and brick window-header features would be incorporated throughout the development. Houses facing down the roads, which would terminate the longer views within the development, would be distinguished by the external walls being finished with render. Otherwise, a largely consistent palette of external finishes would be used throughout the development so as to achieve a cohesive scheme that acknowledges the character of the locality within which it is set whilst remaining identifiably a discrete development. It is therefore considered that the detailed design of the proposed houses complies with the relevant requirements of UDP policy H10, the SPD and Section 7 of the NPPF.

14.0 Landscaping

- 14.1 Both hard and soft landscaping are proposed within the site so as to provide sustainable boundaries between public and private areas, whilst at the same time

achieving clear delineation between different elements of the site and to soften the appearance of the built form and mask parking within the development.

- 14.2 The tree planting proposals are of suitable species for a residential development and in adequate numbers to compensate for loss of existing trees within the site. The proposed planting is appropriate, incorporating grassed areas and suitable species hedges and shrubs and would complement the existing landscaped buffer that would be retained and maintained along the eastern and southern boundaries of the site.
- 14.3 Alternative surface treatments to the road and its spur where these terminate as private driveways and at the entrance to the site and at the junction with the spur block paving would be used as an alternative surface finish.
- 14.4 There would be a variety of boundary treatments between the house plots and where these meet the highway. Rear gardens would be delineated by 1.8m high close-boarded timber fences and, where appropriate, frontages would be defined by 900mm metal railings with hedge planting along part boundaries.
- 14.5 The proposed scheme of hard and soft landscaping are considered compliant with the relevant requirements of UDP policy H10, the SPD and Sections 7 and 12 of the NPPF.

15.0 Conclusion

- 15.1 Given that the means of vehicular access to the site, via a priority-controlled junction between existing houses in Talbot Road is consented under the provisions of the outline planning permission, the specific aspects of the development included in this application relating to the layout, scale, appearance and landscaping of the development, are considered to be acceptable. Without impinging unduly on any existing amenities, it is considered that the proposed development constitutes a sustainable development that conforms to the relevant requirements of the Residential Design SPD, the UDP and the NPPF. The recommendation is therefore for approval.

RECOMMENDATION

Grant planning permission subject to the following conditions.

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

1531WHD/RWH/SL01 rev H
5376.01 rev. F
3.113CB/P/BU/L10/300
3.205(PAIR)CB/P/BU/L10/300 rev. #
3.236CB/SW/P/B/L10/300 rev. A

received on 06.03.2017
received on 10.03.2017
dated 13/08/15
dated 04/11/2016
dated 14/06/13

4.201/P/BU/L10/300 rev. A	dated 16/06/15
4.201SH/P/BU/L10/300 rev. #	dated 16/02/16
4.203/P/BU/L10/300 rev. B	dated 22/05/15
4.209CB/P/BUR/L10/300 rev. #	dated 06/02/17
108/4.318/P/UR/L10/300 rev. #	dated 06/02/17
4.341/P/BU/L10/300 rev. A	dated 16/06/15
4.342/P/BU/L10/300 rev. B	dated 02/07/15
4.350/P/BU/L10/300 rev. #	dated 23/08/16
4.404CB/P/BUR/L10 300 rev. #	dated 06/02/17
4.404DACB/P/BUR/L10 300 rev. #	dated 06/02/17
4.406/P/BU/L10/300 rev. A	dated 12/06/15
SG/4.0/1/B rev. #	dated 21/02/2013
1531WHD/RWH/SE01	dated 3 rd March 2017

3. The boundary treatments for each house, as indicated on the approved plan, ref. 1531WHD/RWH/SL01 rev H, received on 06.03.2017, shall be provided prior to the first occupation of that house.
4. The car parking facilities for each house, as indicated on the approved plan, ref. 1531WHD/RWH/SL01 rev H, received on 06.03.2017, shall be provided prior to the first occupation of that house, and thereafter kept unobstructed and available for the intended purpose.
5. All hard and soft landscape works shall be carried out in accordance with the approved details. 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.
6. No part of the development hereby approved shall be occupied until details of a maintenance management plan for the extraneous car parking spaces to be provided for residents in Talbot Road, and the associated landscaping, and for the landscaped buffer, as indicated on the approved plan ref. 1531WHD/RWH/SL01 rev H, received on 06.03.2017, has been submitted to, and approved in writing by, the local planning authority. The management plan shall include details of the timescale for the provision of the car parking spaces and, following the first occupation, the management plan shall be implemented in accordance with the approved details.

Application Number: 16/01115/REM

Photo 1



Photo 2



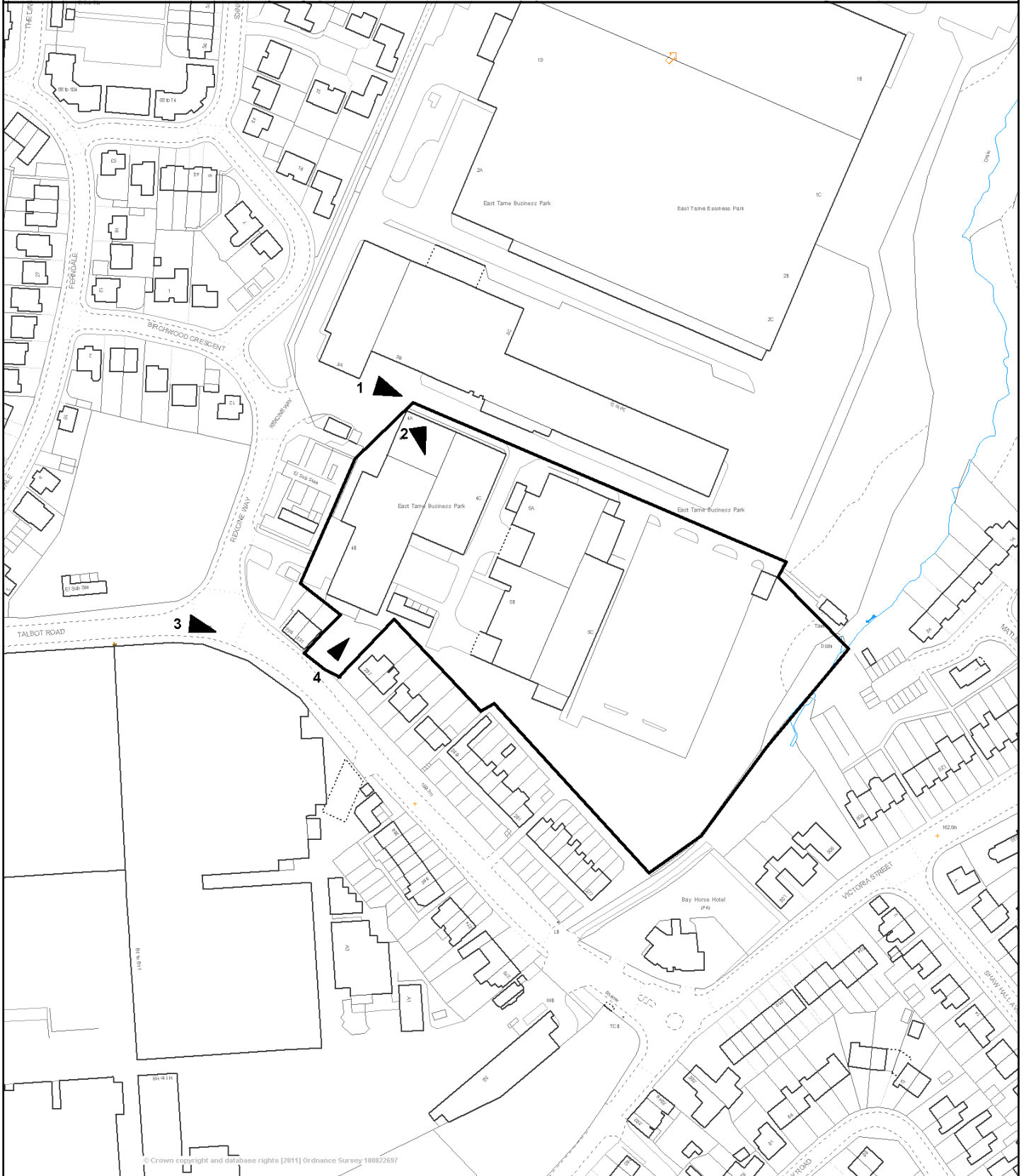
Photo 3



Photo 4



Planning Application 16/01115/REM



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Scale 1/2000 Date 18/4/2017

Centre = 396448 E 396442 N

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Talbot Road, Hyde

NORTH



Page 17

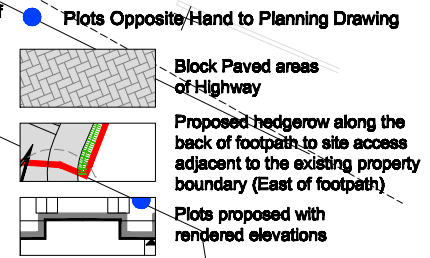
Red Edge Application Site

TALBOT ROAD

PLANNING SUBMISSION

No.	Date	Revision Description	Drawn	Checked
1	04.07.17	Assessments made following further comments from Planning Officer	DGL	
2	05.07.17	Weekend and edge completed and been there to plot 1 for 2 checked	DGL	
3	16.08.17	Plot 1 to be adjusted to accommodate 1.8m high timber close board plot divisional fencing to be 1.8m high and plot 1 to be adjusted to accommodate 1.8m high timber close board plot divisional fencing	DGL	
4	08.09.17	Various Design Amendments following planning comments	DGL	
5	09.11.18	Assessments made to existing trees retained / removed	DGL	
6	09.11.18	Finalised Floor Levels added	DGL	
7	14.11.18	Plot 28 amended as a 20m wide (total) access road - 10m wide	DGL	
8	06.11.18	Finalised Floor Levels added	DGL	
9	06.11.18	Finalised Floor Levels added	DGL	

Proposed site access off Talbot Road



Grey = Adoptable Hard Surface Highway
Green = Adoptable Grass Service Margins

Legend

- Existing Trees to be retained and associated Root Protection Zones
- Existing Trees to be removed (Dashed Lines)
- 1.8m High Timber Close Boarded Plot Divisional Fencing (Dashed Line) Drawing No. Ref. FD03
- 1.8m High Timber Close Screen Fencing (Double Line) Drawing No. Ref. FD03
- 900mm High Brick Wall with Brick Piers and Timber Infill Panels (Solid dashed line) and points X to Y
- 900mm Metal Railings (Solid dashed-dot/dot line)

- Indicative New Tree Planting
- Proposed Pleached Trees
- Arrows denote entrance points into dwelling
- Clarification of parking allocations to individual plots.
- Shared drive areas

House Name	No.
Trevithick (Tre)	6
Conway (Con)	2
Brancoaster (Bra)	3
Nelson (Nel)	4
Wren (Wre)	3
Wren DA (Wre-da)	1
Newton (New)	3
Newton Special (New-sp)	1
Scott (Sco)	2
Jennar (Jen)	10
Shakespeare (Sha)	2
Stephenson (Ste)	2
Haversham (Hav)	1
Delton (Dal)	2
TOTAL	42No



Barn Meadow House
Southfield Fold Farm
Southfield
Bury
Lancashire
BB10 3RH
Tel : 01282 801157
Mbl : 07978 762876

Revision	Drawn	Checked
H	D.G.Laver	Approved
Scale: 1:200		
Date: 29th Oct 2016		
Drawing No: 1531 WHD/RWH/SL01		
E-mail: dg.laver@dgl.co.uk		A3

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Plot No. 6
Trevithick

7
Trevithick

8
Jenner

9
Jenner

10
Nelson

11
Conway

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ILLUSTRATIVE
STREETSCENE





Barn Meadow House
 Southfield Fold Farm
 Southfield
 Bury
 Lancashire
 BB10 3RH
 Tel : 01282 601157
 Mob : 07976 782876

Client	WAINHOMES NV		
Project	Talbot Road, Hyde		
Drawing Title	Illustrative Streetscene		
Drawing No.	1531WHD/RWH/SS01		

Revision		Checked
1	Drawn: D.G. Lever	Approved:
	Scale: 1:200	Drawn: 9th Feb 2017
E-mail: dglever@dglassoc.co.uk		A4

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Agenda Item 5

Report To:	SPEAKERS PANEL (PLANNING)
Date:	26 April 2017
Reporting Officer:	Ian Saxon – Assistant Executive Director, Environmental Services
Subject:	OBJECTIONS TO PROPOSED WAITING RESTRICTIONS – DURHAM STREET, DROYLSDEN WHARF ROAD AND BRIDGEWATER WHARF, DROYLSDEN
Report Summary:	The report outlines objections received to the advertised proposed waiting restrictions in relation to the above roads.
Recommendation:	It is recommended that authority be given for the necessary action to be taken in accordance with the Road Traffic Regulation Act 1984 to seal The Tameside Metropolitan Borough (Durham Street, Droylsden Wharf Road and Bridgewater Wharf) (Prohibition of Waiting and Restriction of Loading) Order 2016.
Links to Community Strategy:	The proposals underpin a number of targets within the Tameside Community Strategy (2009-2019) and more especially in the promotion of a Safe Environment through the provision of safer roads in our Town Centres and elsewhere.
Policy Implications:	None arising from the report.
Financial Implications: (Authorised by the Section 151 officer)	None. Costs to be borne by the developer, Watkin Jones.
Legal Implications: (Authorised by the Borough Solicitor)	Members should have regard to the Council's statutory duty under S122 of the Road Traffic Regulation Act 1984 which is set out in Appendix A .
Risk Management:	Objectors have a limited right to challenge the Orders in the High Court.
Background papers:	Appendix B – Drawing No.001: All documentation can be viewed by contacting Andy Marsh, Traffic Operations by:  Telephone:0161 342 3929  e-mail: andrew.marsh@tameside.gov.uk

1. BACKGROUND

- 1.1 Following the approval and subsequent construction of dwellings in connection with the Droylsden Wharf Marina project, Traffic Regulation Orders were advertised to enable all classes of vehicles to safely negotiate the small network of roads, namely Durham Street, Droylsden Wharf Road and Bridgewater Wharf (under construction). It should be noted that this new development embraces the shared space concept where (apart from a small section of Durham Street) the highway does not have separate footways, encouraging better road manners and lower vehicle speeds. The (original) Orders proposed No Waiting at any Time on :
- Bridgewater Wharf, both sides full length
 - Droylsden Wharf Road, both sides full length
 - Durham Street, both sides full length apart from the northeast side of Durham Street from a point 65m from its junction with Market Street up to a point 14m from Market Street (covered by an existing no waiting at any time / no loading at peak times restriction).
- 1.2 Following the closing date of the advertised order, 13 objections were received, however, 7 have subsequently been withdrawn or resolved after consultation and reasoned debate.

2. OBJECTIONS (Outstanding)

No	Objection	Officer Response
1	That the estate has been badly planned. People living on the canal boats should not be parking in the area, provision should be made on the opposite side of the canal, hence freeing up space for visitors to the new development	The estate has received planning permission and the developer has built the infrastructure according to the approved drawings. The TRO's are required to ensure adequate manoeuvring space for the emergency services and the refuse collection vehicle.
2	Other roads in the area do not have the same restrictions preventing parking especially for those with 2 cars and no parking for visitors	The revised restrictions are a good compromise between allowing sufficient on street parking but also providing enough space for the emergency services and the refuse collection vehicle to circulate.
3	Everybody parks sensibly, there is no need for parking restrictions	Observations have shown that double parking is regularly taking place and there is insufficient room for delivery and refuse vehicles, resulting in hazardous reversing over long distances, hence the need for waiting restrictions.
4	Majority of households have 2 cars and there is no alternative parking.	As above.
5	The imposition of waiting restrictions will prevent those households with only 1 off road parking space to park on the road, restrictions only needed at the corners of Durham St adjacent to the marina.	As above.
6	The imposition of waiting restrictions will prevent those households with only 1 off road parking space to park on the road, restrictions only needed	As above.

	at the corners of Durham St adjacent to the marina (duplicate objection, different resident).	
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3 FUNDING

- 3.1 These proposals are being funded by the Developer of the adjacent site, Watkin Jones.

4. PROPOSALS/SCHEDULE OF WORKS

- 4.1 Having considered the high level of objections to the original proposals and the highway safety issues associated in maintaining adequate accessibility for the emergency services and deliveries, a compromise has to be agreed. The proposed waiting restrictions shown in **Appendix B** Drawing No.001 are deemed to be the “best fit” taking into consideration the sinuous nature of the kerblines and the varying carriageway widths of Durham Street and Droylsden Wharf Road.
- 4.2 The shared space road width on Droylsden Wharf Road is too narrow to implement No Waiting at any Time outside residential property as some driveways are not long enough to accommodate an average car length. For this reason, the proposed No Waiting at any Time is now only proposed at the junction of Durham Street. The No Waiting at any Time restriction on the residential (South West) side of Durham Street has been relaxed so that it doesn’t affect any of the objectors. The No Waiting at any Time restriction on the non-residential (North East) side has been relaxed up to the point where the road width dips below 5.8m, it would be impractical and unsafe to relax the restrictions any further.
- 4.3 In terms of parking spaces available – the new proposals allow for at least 1 space outside each property on Droylsden Wharf Road and outside numbers 1- 27 Durham Street, those remaining properties where No Waiting at any Time is proposed, private (off street) bays (or driveways) are provided.
- 4.4 It should be noted that no objections to No Waiting at any Time were received regarding Bridgewater Wharf.
- 4.5 The revised proposals are as follows:-

Maintain the existing No Waiting at Any Time and No Loading 8am – 9.30am and 4.30pm – 6pm restrictions (both sides) on Durham Street Droylsden from its junction with Market Street for a distance of 14m in a north westerly direction, (no change from original proposal).

Introduce No Waiting at Any Time restrictions on -

- 1) Durham Street (north west and north east side) from a point 20m south west of Droylsden Wharf Road to a point 120m from its junction with Market Street (includes turning head 20m south west of Droylsden Wharf Road, but excludes private parking spaces).
- 2) Durham Street (south east and south west side) from a point 20m south west of Droylsden Wharf Road to a point 132m from its junction with Market Street and from a point 67m from Market Street to a point 14m from its junction with Market Street.
- 3) Droylsden Wharf Road (south west side) from its junction with Durham Street for a distance of 25m in a south easterly direction.

- 4) Droylsden Wharf Road (north east side) from its junction with Durham Street for a distance of 3m in a south easterly direction.
- 5) Bridgewater Wharf (both sides) from its junction with Canal Street up to and including both its cul-de-sac ends.

Introduce No Waiting and No Loading on -

- 6) Droylsden Wharf Road (both sides) 8am – 9.30am and 4.30pm – 6pm from its junction with Market Street for a distance of 15m (no change from original proposal).

5. RECOMMENDATION

- 5.1 It is recommended that the proposed waiting restrictions described in 4.2 above (shown in Appendix B Drawing No.001) be implemented as determined by the Council's statutory duty under S122 of the Road Traffic Regulation Act 1984.

APPENDIX 'A'

Section 122 Road Traffic Regulation Act 1984

- (1) It shall be the duty of every local authority upon whom functions are conferred by or under this Act, so to exercise the functions conferred on them by this Act as (so far as practicable having regard to the matters specified in sub-section (2) below) to secure the expeditious convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of suitable and adequate parking facilities on and off the highway.
- (2) The matters referred to in sub-section (1) above, as being specified in this sub-section are:
 - (a) The desirability of securing and maintaining reasonable access to premises;
 - (b) The effect on the amenities of any locality affected and (without prejudice to the generality of this paragraph) the importance of regulating and restricting the use of roads by heavy commercial vehicles, so as to preserve or improve the amenities of the areas through which the roads run;
 - (c) The strategy prepared under Section 80 of the Environment Act 1995 (national air quality strategy);
 - (d) The importance of facilitating the passage of public service vehicles and of securing the safety and convenience of persons using or desiring to use such vehicles; and
 - (e) Any other matters appearing to the local authority to be relevant.

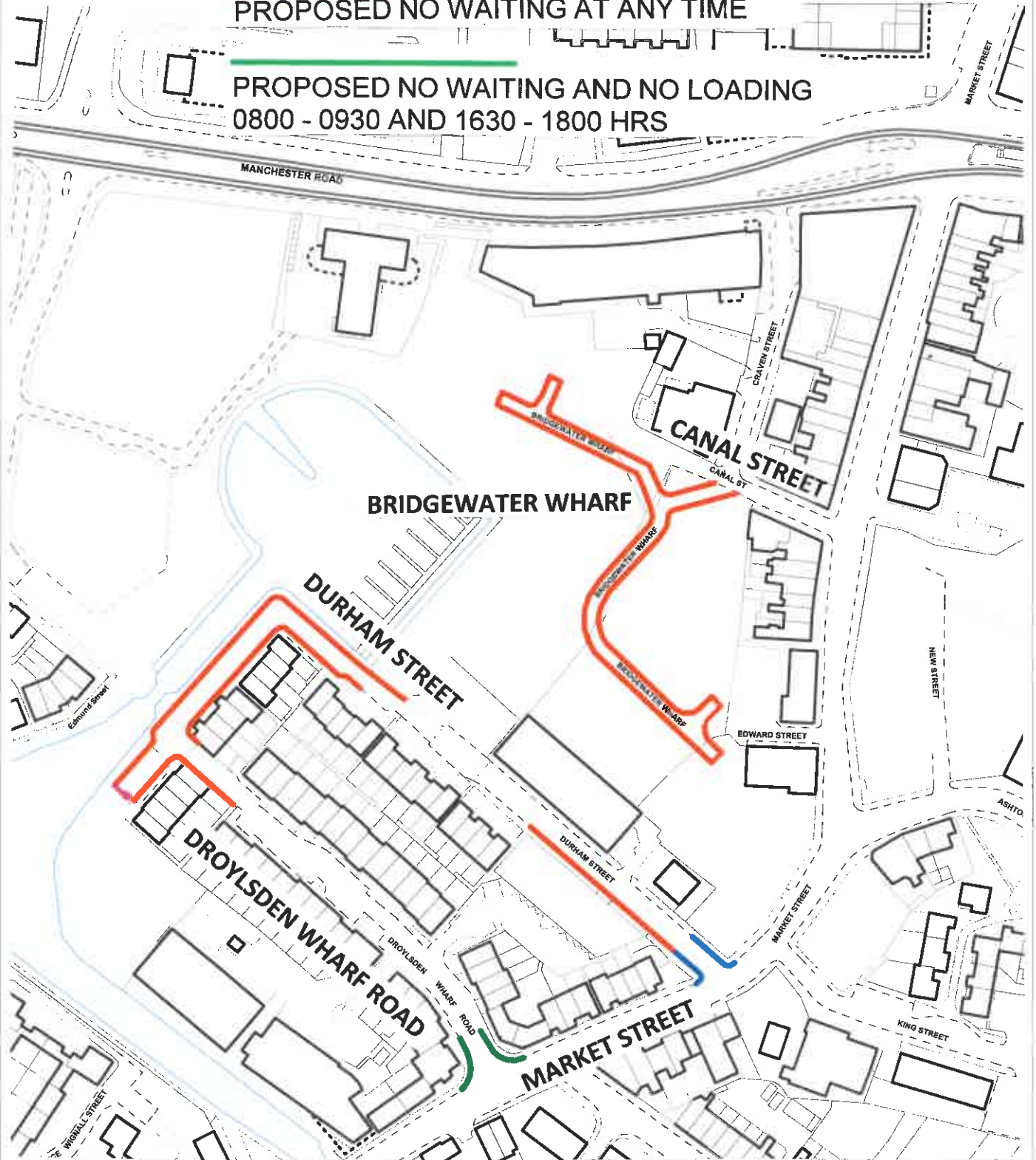
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KEY

EXISTING NO WAITING AND NO LOADING
0800 - 0930 AND 1630 - 1800 HRS

PROPOSED NO WAITING AT ANY TIME

PROPOSED NO WAITING AND NO LOADING
0800 - 0930 AND 1630 - 1800 HRS



**Proposed Waiting Restrictions Appendix 'B' – Drawing No. 001
Durham Street, Droylsden Wharf Road and Bridgewater Wharf**

Environmental Services Tame Street Depot, Tame Street, Stalybridge, Tameside, SK15 1ST	Drawn By : AJM	Date : FEBRUARY 2017
	Scale : NTS	APPENDIX B

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Agenda Item 6

Report To:	SPEAKERS PANEL (PLANNING)
Date:	26 April 2017
Reporting Officer:	Ian Saxon, Assistant Executive Director, Environmental Services
Subject:	SECTION 119 HIGHWAYS ACT 1980 – DIVERSION OF FOOTPATH ASHTON-UNDER-LYNE 139
Report Summary:	The report seeks authority to make an order under Section 119 Highways Act 1980 to divert a public right of way to make it more commodious for the users. Under the Council's constitution, the Speakers Panel (Planning) is responsible for decisions that affect the definitive rights of way network.
Recommendations:	It is recommended that an order be made to divert the footpath known as Footpath Ashton-under-Lyne 139 as indicated on the plan attached at Appendix A and that the Borough Solicitor be authorised to take the necessary steps to implement this decision.
Links to Community Strategy:	Provides a safer and secure Environment for the people of Tameside.
Policy Implications:	None arising from the report.
Financial Implications: (Authorised by the Section 151 officer)	The Council will use existing budgets from Public Rights of Way to meet the full costs involved in the diversion procedure as well as the costs incurred in bringing the new path into a fit condition for use by the public.
Legal Implications: (Authorised by the Borough Solicitor)	<p>DEFRA Circular 109 on Rights of Way advises at 5.32 that Section 119(6) of the 1980 Act provides - with direct reference to section 119(1) - that in deciding whether or not to confirm a diversion order, the Secretary of State (or the order making authority if the order is unopposed) must be satisfied that, in the interests of the owner, lessee or occupier or the public, it is expedient to divert the way. At 5.33 it advises In deciding whether or not it is expedient to confirm a diversion order under section 119 of the 1981 Act the Secretary of State, or the order making authority if there are no outstanding objections, must have regard to the effect that:</p> <ul style="list-style-type: none">• the diversion would have on the public enjoyment of the path as a whole;• the coming into operation of the order would have as respects other land served by the existing right of way; and• any new public right of way created by the order would have with respect to any land held with it.
Risk Management:	There is a possibility that the order may not be confirmed if there are substantial objections. Some informal discussions have been taking place with rights of way groups to enable early consideration of any issues arising if the diversion is taken forward to minimise the risk of objections.

Access to Information:

Appendix A – Location plan showing the proposed diversion

All documentation can be viewed by contacting Michael Hughes,
Sustainable travel Officer



Telephone:0161 342 3704



e-mail: michael.hughes@tameside.gov.uk

1. BACKGROUND

- 1.1 Public Footpath Ashton-under-Lyne 139 (ASH/139) runs from Mill Brow in the Park Bridge area to Fields Farm on Lees Road in Ashton-under-Lyne.
- 1.2 The footpath in part runs through the Rocher Vale site which is managed by the Council's Operations and Greenspace Section. The footpath forms part of the Tameside Trail promoted route.

2. REASONS FOR THE DIVERSION

- 2.1. One section of Footpath ASH/139 as it passes through Rocher Vale runs alongside a natural watercourse. In periods of very wet weather, this watercourse drains a large area of farm land and the resulting flow of water is eroding the embankment upon which Footpath ASH/139 runs.
- 2.2 The erosion of the embankment has led to the public footpath now running in part on an overhanging piece of land. Officers from the Operations and Greenspace service reported this issue as potentially dangerous for the users and as a result, the footpath is currently subject to a temporary closure.
- 2.3 It is considered that in order to re-open this footpath and to address the potential danger, the most effective solution is to divert part of Footpath ASH/139 to a parallel alignment that is further from the eroding path edge.

3. PROPOSED DIVERSION

- 3.1. The proposed diversion would run from point A to point B as shown by a bold, broken line in **Appendix A**. The exiting footpath to be closed is shown between point A and point B by a bold, continuous line
- 3.2. The proposed diversion route would move the footpath to a parallel alignment approximately 12 metres away.
- 3.3 The existing footpath follows a path that was constructed by the Council's Countryside Service through a woodland area. The relevant section of path through the woodland has a flight of steps on it and a timber constructed stile. The path then exits the woodland and enters agricultural land with a natural surface. The footpath has a width of approximately 1 metre.
- 3.4 The proposed diversion will be 1.5 metres wide with one flight of steps and a kissing gate barrier. The diverted path will have a compacted stone surface in the woodland area and will revert to a natural surface on the agricultural land.
- 3.5 The landowner and tenant farmer for the agricultural land have been contacted and they are both in agreement with the proposed diversion. The conditions requested by the tenant farmer is that all new fencing works and barriers are installed to a high standard and at the expense of the Council.
- 3.6 The Council will use existing budgets from Public Rights of Way to meet the full costs involved in the diversion procedure as well as the costs incurred in bringing the new path into a fit condition for use by the public.

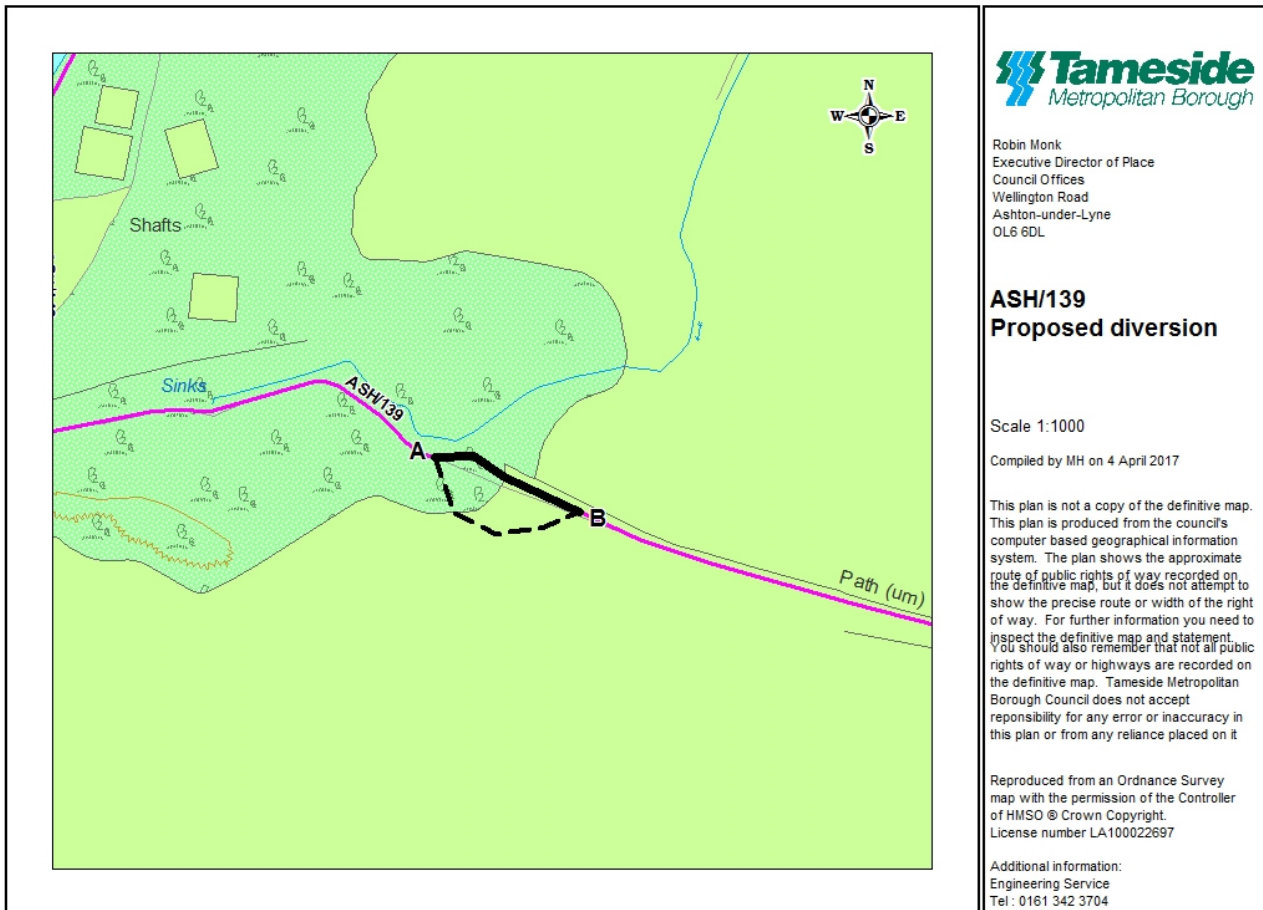
4. COMMENTS OF THE EXECUTIVE DIRECTOR OF PLACE

- 4.1 It is not felt that the proposed diversion route will be less commodious for the users in terms of alignment, surface construction and length as all these factors remain to all extents and purposes the same.
- 4.2 The diverted section of the footpath will be wider than the existing path and so this will be to the benefit of the public that use Footpath ASH/139.
- 4.3 The public rights of way organisations that operate in the Tameside area have been given the opportunity to comment on the proposed diversion. No objections were received from them during this period.
- 4.4 If approval is granted to proceed with the diversion of Footpath 139 then the order will be advertised for consultation with the public in accordance with the statutory process.

5. RECOMMENDATION

- 5.1 It is recommended that the order be made to divert Footpath Ashton-under-Lyne 139 as indicated on the plan attached at **Appendix A** and that the Borough Solicitor be authorised to take the necessary steps to implement this decision.

APPENDIX A



Robin Monk
Executive Director of Place
Council Offices
Wellington Road
Ashton-under-Lyne
OL6 6DL

ASH/139 Proposed diversion

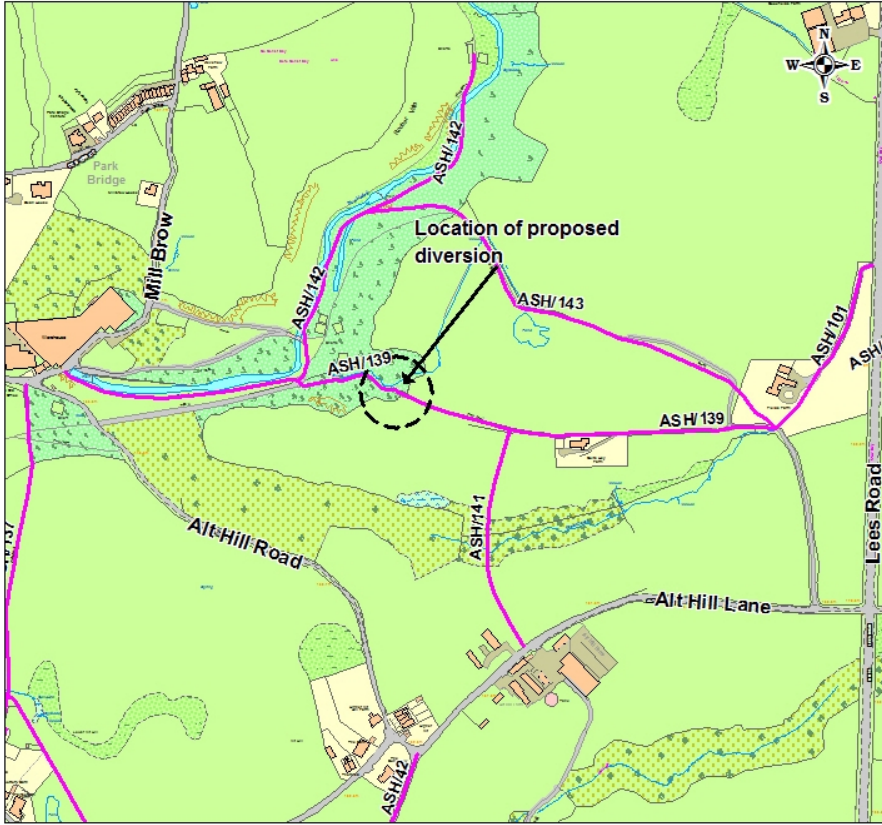
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Compiled by MH on 4 April 2017

This plan is not a copy of the definitive map. This plan is produced from the council's computer based geographical information system. The plan shows the approximate route of public rights of way recorded on the definitive map, but it does not attempt to show the precise route or width of the right of way. For further information you need to inspect the definitive map and statement. You should also remember that not all public rights of way or highways are recorded on the definitive map. Tameside Metropolitan Borough Council does not accept responsibility for any error or inaccuracy in this plan or from any reliance placed on it.

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Additional information:
Engineering Service
Tel: 0161 342 3704



Robin Monk
 Executive Director of Place
 Council Offices
 Wellington Road
 Ashton-under-Lyne
 OL6 6DL

**ASH/139
 Proposed diversion**

Scale 1:5000

Compiled by MH on 4 April 2017

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