

## **Application Number 16/00824/FUL**

<b>Proposal</b>	Erection of 15, 2-storey houses and 12 apartments in one, 4-storey block.
<b>Site</b>	Land at King Edwards Court, off King Edward Road, Hyde
<b>Applicant</b>	Bardsley Construction Ltd
<b>Recommendation</b>	<b>Grant planning permission subject to the prior signing of a S106 legal agreement and subject to conditions</b>

## **REPORT**

### **1 APPLICATION DESCRIPTION**

- 1.1 The application is for full planning permission for the development of 15, 2-storey houses and 12 apartments in one, 4-storey block on 0.24 hectares of land between King Edward Road and Stockport Road in the Gee Cross area of Hyde. Each of the houses would have 3 bedrooms, utilising the roof space to provide a third bedroom, and 11 of the apartments would have 2 bedrooms whilst the other would have 1 bedroom.
- 1.2 The majority of the development, all but 2 of the houses, would be on the eastern side of King Edwards Court. The first 8 houses would be 4 pairs of semi-detached houses facing on to the adopted highway in King Edward Court. These would be followed by a terrace of 3 houses, another pair of semi-detached houses and then the apartment block, each of which would face on to a private driveway from the end of the road. The remaining 2 houses would be built at the end of the road, facing across the driveway towards the final pair of semi-detached houses on the eastern side.
- 1.3 The proposal includes 3 different house types. The first 4 pairs of semi-detached houses and the terrace of 3 houses would be one type with pitched roofs and gables at the sides. The pair of semi-detached house immediately before the apartment block would include piked gables rising to the roof ridge in the fronts and so give the appearance of 3-storey frontages. The remaining pair of semi-detached are described as 'corner-turning' so that one of the pair would face towards the end of the adopted road and be attached at the rear to the side of the neighbouring house which would face across the private driveway.
- 1.4 Each house would have a front and rear garden and be provided with 2 off-street parking spaces. There would be 12 car parking spaces arranged around a court yard in front for the occupiers of the apartment block.
- 1.5 All of the proposed buildings on each of the sites would be predominantly brick-built with tiled roofs.

### **2.0 SITE & SURROUNDINGS**

- 2.1 The site was once occupied by a joinery business but is now cleared of any buildings. Whilst the majority of the site is relatively flat the land rises towards the western boundary which is formed by a 7.5m tall wall, including a parapet, that retains the land in Stockport Road which is at a higher level. The site faces across

King Edward Court towards relatively newly built houses. There are a number of trees along the site's eastern boundary, some protected, and in the western corner.

- 2.2 The local shopping centre at Gee Cross village is some 250m to the south along Stockport Road. Numerous bus services travel to and from Hyde Town centre, some 4.3km to the north of the site, along Stockport Road and King Edward Road.

### **3.0 PLANNING HISTORY**

- 3.1 Full planning permission (ref. 06/01093/FUL) was granted in November 2006 for the development of 50 residential units, comprising 4 blocks of flats and a mix of house types, on a wider site that encompassed the site of the current application. Subsequently, in November 2007 full permission (ref. 07/00683/FUL), allowed for a revision to the scheme approved previously, including an additional 3 houses. Sixteen of the houses approved by the latter permission are built and occupied and form what is known as King Edward Court. More recently, full planning permission (ref. 12/00601/FUL) was granted in March 2014 for 15 houses and a block containing 12 flats on the same site to which the current application relates.

### **4.0 RELEVANT PLANNING POLICIES**

- 4.1 Tameside Unitary Development Plan (UDP) Allocation

4.1.1 Unallocated.

#### **4.2 Tameside UDP**

##### **4.2.1 Part 1 Policies**

- 1.3: Creating a Cleaner and Greener Environment.
- 1.4: Providing More Choice and Quality Homes.
- 1.5: Following the Principles of Sustainable Development
- 1.11: Conserving Built Heritage and Retaining Local Identity.
- 1.12: Ensuring an Accessible, Safe and Healthy Environment.

##### **4.2.2 Part 2 Policies**

- H1: Housing Land Provision
- H4: Type, Size and Affordability of Dwellings.
- H10: Detailed Design of Housing Developments
- T1: Highway Improvement and Traffic Management.
- T7: Cycling
- T10: Parking
- N4: Trees and Woodland.
- N5: Trees Within Development Sites.
- MW11: Contaminated Land.

#### **4.3 Other Policies**

- 4.3.1 Residential Design Supplementary Planning Document.

#### **4.4 National Planning Policy Framework (NPPF)**

- 4.4.1 Section 1 Delivering sustainable development  
Section 6 Delivering a wide choice of high quality homes  
Section 7 Requiring good design  
Section 8 Promoting healthy communities

#### **4.5 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.

#### **5.0 PUBLICITY CARRIED OUT**

5.1 As part of the planning application process 39 notification letters were sent out to neighbouring properties on 26<sup>th</sup> September 2016 and a notice was posted at the site and published in a local newspaper on 29<sup>th</sup> September 2016.

#### **6.0 RESPONSES FROM CONSULTEES**

6.1 Although the proposal does not include a footway alongside the adopted highway on to which the development would face, the Head of Environmental Services – Highways has raised no objections to the proposal and has requested conditions and informative notes to be attached to any approval.

6.2 The GM Ecological Unit has confirmed that the site is not of substantive nature conservation value and has raised no objections to the proposal and has requested that a condition be attached to any approval.

6.3 United Utilities has identified a sewer that crosses the site but has raised no objections to the proposal and has requested that conditions be attached to any approval.

#### **7.0 SUMMARY OF THIRD PARTY RESPONSES RECEIVED**

7.1 None received.

#### **8.0 ANALYSIS**

8.1 The principal issues in deciding this application are:-

- 1) The Principle of the Development
- 2) Layout and Design
- 3) Highway Safety, Accessibility and Car Parking
- 4) Trees and Landscaping
- 5) Section 106 Legal Agreement

#### **9.0 The principle of the development**

9.1 Being unallocated on the UDP proposals map and constituting a brownfield, or previously-developed site, according to policy H2, unless other considerations take precedence, the proposal for residential development on the site is acceptable in principle. Moreover, a previous planning permission (ref. 07/00683/FUL) that covers the application site has been partly implemented and so remains extant and so could

be completed, whilst the more recent permission (ref. 12/00601/FUL), relating to the same site as does the current application, remains extant also.

- 9.2 The development is therefore considered compliant with Section 6 of the NPPF and policy H2 of the UDP and therefore acceptable in principle.

## **10. Layout and design**

- 10.1 The layout of the proposed development differs from that approved in 2014 in so much as the apartment block would now be located at the southern end of the site whereas previously its location was at the northern part close to the existing apartment block that was built under the provisions of the permission granted in 2007. Otherwise, the layout of the houses is broadly similar to that included in the 2014 permission.
- 10.2 Being located at the northern end of the site, the apartment block would be in the least obtrusive position. The new houses immediately neighbouring would be those including piked gables that rise to the roof ridges in the fronts, so give the appearance of 3-storey frontages, and so the step-up from the height of the houses to that of the apartment block would not appear too great.
- 10.3 A distance of at least 21m is achieved between the proposed houses and the existing houses opposite across King Edwards Court. The distances are greater than the minimum normally required.
- 10.4 Both the scale and the general design and appearance of the proposed houses are akin to those aspects of the existing houses in King Edwards Court. The conformity of scale and a consistent palette of external finishes throughout the wider development would achieve a unified scheme that acknowledges the character of the locality within which it is set.
- 10.5 All of the proposed dwellings achieve National Space Standard requirements for minimum gross internal floor area and built in storage.
- 10.6 It is considered that the design and appearance of the development conforms to the requirements of the Residential Design SPD, UDP Policy H10 and Sections 1, 6 and 7 of the NPPF and is therefore acceptable.

## **11.0 Highway Safety, Accessibility and Car Parking**

- 11.1 The site is reasonably well located for public transport with there being regular bus services along Stockport Road and King Edward Road connecting the site to the town centre and Manchester city centre. The local shopping centre at Gee Cross village is within a relatively short walk from the site.
- 11.2 Satisfactory visibility splays would be provided at the junction of each driveway where these meet the existing highway in King Edwards Court and with the junction with the private driveway.
- 11.3 Four existing visitor parking spaces at the entrance to site would be retained. The proposal includes 2 off-street car parking spaces for each house and one for each of the apartments.

- 11.4 The access and car parking arrangements are therefore considered acceptable and in compliance with UDP Policy H10 and T10 and the Residential Design SPD.

## **12.0 Trees and landscaping**

- 12.1 There are several trees on the site that are covered by the King Edward Road Tree Preservation Order (H7) 1995. These trees will remain. A number of other trees have, or will have, to be removed to facilitate works to the retaining wall along the site's eastern boundary. The landscaping proposals in the application include suitable mitigation for the loss of the trees. The planting scheme includes new trees spread throughout front gardens, so to help soften the appearance of the highway frontage, and also at the open, southern end of the site.
- 12.2 The private driveway would be surfaced in a contrasting material to the existing highway in King Edwards Court. Driveways at the houses and the parking spaces for the apartments would be block paved.
- 12.3 The proposed retention, loss and replacement of trees and the landscaping of the site conforms to the requirements of UDP policies H10, N4 and N5, the Residential Design SPD and Section 11 of the NPPF and is therefore acceptable.

## **13. Section 106 agreement**

- 13.1 The planning permission that was granted in 2006 (ref. 06/01093/FUL), under the provisions of which the houses on the western side of King Edwards Court have been built, included permission also for houses on the site to which the current application relates. That permission was accompanied by an obligation on the part of the developer to provide a financial contribution to compensate for the impact of the development, including development on the site of the current application, on demand for education facilities and green space. The financial contribution towards education that was included in that obligation has been paid to the Council and this, in effect, includes the compensatory contribution in relation to current application. Included also in the obligation was the payment by the developer of £17,000 towards green space and this is still outstanding to be paid to the Council. This green space contribution would be in relation to the wider site, including the houses that are already built and those in the current application.

A clause of the previous obligation is the freedom to develop free from the obligation in respect of future planning permissions. Within the terms of that clause, if approved this application would constitute a future planning permission. It is therefore recommended that any permission should be subject to the prior completion of an Agreement under Section 106 of the Planning Act 1990 in order to secure the outstanding green space contribution.

- 13.2 In accordance with the Community Infrastructure Levy Regulations 2015, which is intended to provide infrastructure to support development, rather than to make individual planning applications acceptable in planning terms, it is agreed with the applicant, so as to compensate for the impact of the development on the demand for green space, the terms of the agreement would be that a financial contribution of £17,000 be made toward improvements, including repairs to footpaths, at Sam Redfern Green in Gee Cross village centre and Werneth Low Country Park.

- 13.3 In order to achieve and maintain an appropriate residential environment for occupants of the apartments, and so that the condition of the apartment block and its surroundings are maintained in a condition that would not detract from the amenities enjoyed by occupiers of the houses, it is further recommended that the agreement includes also that none of the apartments hereby approved are occupied until details of a maintenance management plan for the building and its environs has been submitted to, and approved in writing by, the local planning authority. Following occupation, the management plan shall be implemented in accordance with the approved details
- 13.4 Should the s106 agreement not be signed within 3-months from the date the application is presented to the Speakers Panel, it is recommended that the Panel authorise the Head of Planning to use delegated powers to refuse the planning application.

#### **14 Other Issues**

- 14.1 In partnership with Bardsley Construction, the applicant, the Council is currently carrying out works to refurbish and strengthen the retaining wall forming the site's eastern boundary. This involves the building of a new wall immediately beside, and tied in to, the existing wall. The rear gardens of the houses backing on to the wall would be terraced with a step up so as to hide the foundations of the new wall. The responsibility for the maintenance of the wall will be with the Council. There would be an easement in each plot to be kept clear so the Council can carry out this task indefinitely.
- 14.2 In order to ensure compliance with the NPPF and PPG, it is recommended that any permission is conditional, among other things, upon the site being drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.
- 14.3 As is confirmed by the GM Ecology Unit, the site is not of substantive nature conservation value. It does however contain some trees and vegetation that is to be removed. It is therefore recommended that any permission be conditional, among other things, upon, there being no further tree felling or vegetation during the optimum period for bird nesting (March to July inclusive).

#### **RECOMMENDATION**

Grant planning permission subject to a) the prior signing of a Section 106 Legal Agreement and b) the following conditions.

a) Section 106 Legal Agreement which secures the following:

a green space contribution of £17,000 to be spent at Sam Redfern Green and Werneth Low Country Park – payment of contribution to be made prior to occupation of first dwelling; and,

that none of the apartments are occupied until details of a maintenance management plan for the apartment building and its environs has been submitted to, and approved in writing by, the local planning authority and that the approved plan will be carried out.

b) Conditions

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.
- 2) No above ground construction works shall take place until samples and/or full specification of materials to be used externally on the buildings 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.
- 3) The approved scheme of landscaping, including all boundary treatments, shall be implemented before the development is brought in to use or in accordance with a programme agreed previously with the local planning authority. Any newly planted trees or plants forming part of the approved 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
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: those ref. 2096\_LOC, 2096\_BR\_SP01 A, 2096\_BR\_SP02 A, 2096\_BR\_105 A, 2096\_BR\_106 A, 2096\_BR\_115 A, 2096\_BR\_116 A, 2096\_BR\_125 A, 2096\_BR\_126 A, 2096\_BR\_135 A, 2096\_BR\_136 A, 2096\_BR\_160, 2096\_BR\_161, 2096\_BR\_162, 2096\_BR\_163, 2096\_BR\_165, 2096\_BR\_205 A, 2096\_BR\_215 A, 2096\_BR\_225 A, 2096\_BR\_235 A, 2096\_BR\_250 A, 2096\_BR\_251, 2096\_BR\_252, 2096\_T500\_005\_SS01 and 2096\_T500\_005\_SS02.
- 5) A clear view shall be provided on both sides of any driveway access where it meets the highway. It shall measure 2.4metres along the edge of the site access and 2.4 metres along the footway. It must be clear of anything higher than 600mm above the access, except for vertical iron railings to a design that includes rails of not greater than 15mm diameter spaced at not less than 100mm intervals.
- 6) The car parking as shown on the approved plan, ref. 2096\_BR\_SP01 A, shall be provided prior to the first occupation of the development and thereafter kept unobstructed and available for its intended purpose at all times.
- 7) 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, has been submitted to, and approved in writing by the local planning authority. The approved wheel wash measures shall be implemented and retained in operation through the duration of the building works.
- 8) Development shall not commence until the following information has been submitted in writing and written permission at each stage has been granted by the Local Planning Authority.
  - i) A preliminary risk assessment to determine the potential for the site to be contaminated shall be undertaken and approved by the Local Planning Authority. Prior to any physical site investigation, a methodology shall be approved by the Local Planning Authority. This shall include an assessment to determine the nature and extent of any contamination affecting the site and the potential for off-site migration.
  - ii) Where necessary a scheme of remediation to remove any unacceptable risk to human health, buildings and the environment shall be approved by the Local Planning Authority prior to implementation.

iii) Any additional or unforeseen contamination encountered during development shall be notified to the Local Planning Authority as soon as practicably possible and a remedial scheme to deal with this approved by the Local Planning Authority.

iv) 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 Authority.

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 agreed by the Local Planning Authority.

- 9) This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to a Sustainable Drainage System to meet the requirements of the National Planning Policy Framework (PPS 1 (22) and PPS 25 (F8)).
- 10) Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the local planning authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and, unless otherwise agreed in writing by the local planning authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed, maintained and managed in accordance with the approved details.

- 11) No tree felling or vegetation removal shall take place during the optimum period for bird nesting (March to July inclusive).
- 12) During construction no work (including vehicle and plant movements, deliveries, loading and unloading) shall take place outside the hours of 07:30 and 18:00 Mondays to Fridays and 08:00 to 13:00 Saturdays. No work shall take place on Sundays and Bank Holidays.
- 13) The development hereby approved shall not be first occupied unless and until the bin storage facilities for the apartment block have been provided and each dwelling has been provided with adequate facilities and receptacles for the storage and collection of refuse and recyclable materials.
- 14) Prior to first occupation of the apartment block a scheme for any television/radio aerial/satellite dish or other form of antenna shall be submitted to, and approved in writing by, the local planning authority. The development shall be constructed with such approved details.