

**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:-**

<b>Name and Application No.</b>	<b>17/00019/FUL Mosscares Housing and Rowlinson Construction</b>
<b>Proposed Development:</b>	<b>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</b>
<b>Additional Information:</b>	<b>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</b>

	<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><b>Decision:</b></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"> <li>• All previous uses;</li> <li>• Potential contaminants associated with those uses;</li> <li>• A conceptual model of the site indicating sources, pathways and receptors;</li> <li>• Potentially unacceptable risks arising from contamination at the site; and</li> <li>• An assessment to determine the nature and extent of any contamination affecting the site and the potential for off-site migration.</li> </ul> <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><b>Authority.</b></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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<b>Name and Application No.</b>	<p>16/01064/FUL</p> <p>Mr Arjen Cooper-Rolfe</p>
<b>Proposed Development:</b>	<p>Refurbishment and extension of an existing warehouse building, including new office and storage space.</p> <p>Grove Products, Broadway, Hyde</p>
<b>Additional Information:</b>	<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>
<b>Decision:</b>	<b>Approved subject to the conditions as set out in the report.</b>

**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**