

**SPEAKERS PANEL
(PLANNING)**

15 November 2017

Commenced: 10.00am

Terminated: 11.05am

Present: Councillor McNally (Chair)
Councillors Dickinson, P Fitzpatrick, D Lane, S Quinn, Ricci,
Sweeton, Travis, Ward and Wild

Apologies for absence: Councillors Glover and Kinsey

13. DECLARATIONS OF INTEREST

There were no declarations of interest submitted by Members.

14. MINUTES

The Minutes of the proceedings of the meeting held on 6 September 2017 having been circulated, were taken as read and signed by the Chair as a correct record,

15. APPEAL DECISION NOTICES

Application reference/Address of Property.	Description	Appeal Decision
Appeal APP/G4240/W/17/3171363 5 Market Place, Hyde, Tameside SK14 2LX	Ref: Change of use from a range of flexible uses A1, A2, A3, A4 and A5 to A1, A2, A3, A4, A5 and Betting Shop (Sui Generis).	Appeal allowed. The application for an award of costs was refused.

16. SECTION 119 HIGHWAYS ACT 1980 – DIVERSION OF FOOTPATH DENTON 53

Consideration was given to a report of the Assistant Director, Environmental Services, seeking 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.

It was explained that one of section of Footpath DEN/53 ran alongside the River Tame. Over the years the river had eroded the embankment upon which Footpath DEN/53 ran. The erosion of the embankment had led to the public footpath becoming very narrow and several sections were now in danger of total collapse. Officers from Operations and Greenspace section had carried out retaining works to the embankment for a number of years to slow the erosion. Unfortunately, they had now conceded that a collapse of the embankment and footpath was inevitable. It was considered that the engineering works needed to re-inforce the footpath and to permanently address the danger of collapse would be prohibitively expensive. The most effective solution therefore was deemed to be to divert part of Footpath DEN/53 to a parallel alignment that was further from the river's edge.

Details of the proposed diversion were shown in an appendix to the report.

It was further explained that the rights of way organisations that operated in the Tameside area had been given the opportunity to informally comment on the proposed diversion. The only comment received during this discussion related to the potential loss of views of the river from the diverted alignment. This comment did not result in an objection however after it was explained that views of the river were available on the approach to this section of path from both directions.

RESOLVED

That the order be made to divert Footpath Denton 53 as indicated on the plan attached to the report at Appendix A and that the Borough Solicitor be authorised to take the necessary steps to implement this decisions.

17. 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	17/00427/FUL Mr Shaz Naz
Proposed Development:	Pair of semi-detached houses. 31 – 33 Market Street, Hollingworth
Speaker(s)/Late Representations:	Mr Chapman spoke against the application.
Decision:	Approved subject to conditions as set out in the report.

Name and Application No:	17/00375/FUL Kenneth Griffiths
Proposed Development:	Two storey side and rear extension 23 Boyds Walk, Dukinfield
Speaker(s)/Late Representations:	No speakers.
Additional Information:	A correction was made to information contained at para 3.1 of the report, which should read: ‘This application relates to a semi-detached residential dwelling located on Boyds Walk, Dukinfield’ and not Denton as stated in the report.
Decision:	Approved subject to the conditions as set out in the report.

Name and Application No:	17/00489/OUT TMBC
Proposed Development:	Outline application for residential development and associated works. Former Mossley Hollins High School, Huddersfield Road,

	Mossley
Speaker(s)/Late Representations:	No speakers.
Additional Information/comments:	<p>The Head of Planning outlined the details of the application as set out in the report.</p> <p>He made particular reference to the principle of the development and the National Planning Policy Framework (NPPF), paragraphs 208 – 219, which set out how its policies should be implemented and the weight which should be attributed to the Unitary Development Plan policies. Paragraph 215 confirmed that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. At the heart of the NPPF was the presumption in favour of sustainable development and support for the delivery of a wide choice of quality homes with housing applications being considered in the context of a presumption in favour of sustainable development.</p> <p>The Head of Planning explained that in policy terms, the site consisted of a former school site which comprised brownfield land which was outside of the settlement boundary for Mossley and was also within the Green Belt. The location of the site within the Green Belt and the subsequent effect of the development upon the openness of the Green Belt was considered to be one of the key issues in determining this application. Paragraph 79 of the NPPF stated that the fundamental aim of Green Belt policy was to prevent urban sprawl by keeping land permanently open. It was also noted that the site was located within a ‘major developed site’ in the Green Belt, to which policy OL3 of the UDP applied. It was clear, however, that Policy OL3 was drafted prior to the publication of the NPPF and related to policy support for infilling of the site in its previous use as a school, not for redevelopment as housing. As such policy OL3 was considered to carry little, if any, weight in consideration of the current scheme. It was considered that the application should be considered having regard to the Green Belt policies set out within the NPPF.</p> <p>The principle areas of consideration were: whether or not the development was appropriate or inappropriate development in the Green Belt and whether it was necessary to demonstrate very special circumstances to outweigh the harm to Green Belt Policy.</p> <p>Paragraph 88 of the NPPF stated ‘when considering any planning application, Local Planning Authorities should ensure that substantial weight was given to any harm in the green belt. ‘Very special circumstances’ would not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, was clearly outweighed by other circumstances. There were however a number of permitted exceptions to this set out at paragraph 89 and 90 of the NPPF.</p> <p>The Head of Planning went on to outline the effect on the openness of the green belt and informed Members that the</p>

	<p>applicant had submitted a Landscape Visual Impact Assessment (LVIA) which concluded that with the incorporation of the suggested mitigation there would be no adverse effects on the majority of the landscape-related designations and features identified and that the proposed development could improve the existing situation.</p> <p>It was concluded that there was strong evidence in the LVIA and indicative Sketch Masterplan that the proposal would not have any greater impact on the openness of the Green Belt than the site in its current condition, would not conflict with purposes of Green Belt as set out in para 80 of the NPPF and would thus accord with the final bullet of paragraph 89 of NPPF and be an appropriate development in the Green Belt which was not harmful to its openness.</p> <p>In order to ensure that development was carried out as envisaged it was important to condition compliance with the recommendations of the LVIA in order that the reserved matters (such as landscaping and layout) were developed in accordance with the key principles which had informed the outline planning application.</p> <p>Members agreed the proposals were compliant with the relevant paragraphs of the NPPF and would therefore be appropriate development in the Green Belt, and particular discussion ensued in respect of:</p> <ul style="list-style-type: none"> • Drainage and flood risk, which was dealt with in the report; • The wider implications of such developments in respect of, in particular, transport infrastructure, which whilst not of serious concern in relation to this development, was a factor to keep in mind as development increased; and • Developer contributions. <p>The Head of Planning and the Senior Engineer addressed the above issues. The Head of Planning also made reference to para 20.1 of the report regarding s 106 obligations and in any event they were not applicable in relation to Council owned land.</p>
Decision:	Approved subject to conditions as set out in the report.

Name and Application No.	17/00534/REM Contour Homes
Proposed Development:	Approval for the layout, scale, appearance and landscaping details for a residential development comprising 44 dwellings. Former Samuel Laycock School, Mereside, Stalybridge
Speaker(s)/Late Representations:	No speakers.
Comments:	The Head of Planning outlined the proposals as detailed in the

	<p>report.</p> <p>Members raised concerns in respect of Developer Contributions and sought clarification with regard to the lack of Section 106 monies for this development.</p> <p>The Head of Planning explained that this again was a site owned by the Council and that clearly the Council could not enter into a section 106 agreement with itself.</p> <p>The Head of Legal Services agreed to prepare a briefing note for Members in relation to s 106 obligations and agreements under the Town and Country Planning Act 1990.</p>
Decision:	Approved subject to the conditions as set out in the report.

18. URGENT ITEMS

The Chair advised that there were no urgent items of business of consideration by the Panel.

CHAIR