

**SPEAKERS PANEL
(PLANNING)**

26 May 2021

Present: Councillor McNally (Chair)
Councillors: Dickinson, Glover, Jones, Naylor, Owen and Ricci

Apologies: Councillors Choksi and Ward

Newly appointed Members: Councillors Affleck, Boyle and P Fitzpatrick did not take part in the business of the Panel.

1. MINUTES

The Minutes of the proceedings of the meeting held on 21 April 2021, having been circulated, were approved and signed by the Chair as a correct record.

2. DECLARATIONS OF INTEREST

There were no declarations of interest declared by Members.

3. THE PROVISIONAL COACH HOUSE/CHARLOTTE HOUSE, HYDE, TREE PRESERVATION ORDER (2021)

Consideration was given to a report of the Development Manager outlining representations received, and the circumstances in connection with a provisional Tree Preservation Order (TPO).

Members were informed that a planning application (15/01038/FUL) was submitted for the development of the site at Charlotte House Residential Home, Hyde in March 2016. The application proposed the demolition of the now demolished fire-damaged care home to facilitate the redevelopment of the site to form a new build block of 16no. two-bed self-contained apartments. The application was considered and approved by the Speakers Panel (Planning) on 25 May 2016.

It was further explained that on 10 July 2019, a planning application (19/00614/FUL) was submitted under Section 73 of the Town and Country Planning Act 1990 proposing minor material amendments to the planning permission granted under 15/01038/FUL. The amendments were approved by the Speakers Panel (Planning) on 13 November 2019 and the planning permission had since been implemented on site and the development was nearing completion.

The Development Manager advised the Panel that on 23 March 2021, the Council was contacted by the owner/occupier of the adjoining property known as The Coach House, Chapel Street, Hyde, which shared a boundary with the development site. The individual considered an elm tree, claimed to be within their boundary, was at risk of being felled by the contractors working on the application site. It was explained that the boundary between the two properties had formed part of a civil dispute.

Following contact from the resident at the adjoining property, the Council's Arboricultural and Countryside Estates officer undertook a survey of the tree and requested that a TPO be urgently made given the tree was under immediate threat of removal. A provisional Order was made on 30 March 2021 to afford the tree temporary protection until such time the situation could be fully investigated.

Members were informed that the owner of Charlotte House objected to the provisional TPO on the basis that the tree was identified for removal on the approved plans associated with planning application 19/00614/FUL. The Development Manager confirmed that the tree was in a location where its removal was required to facilitate the construction of the car park serving the development.

The Development Manager explained that given the removal of the tree formed part of, and was necessary to implement the extant planning application for the development of the site, there was no utility in confirming the provisional Order since it would be ineffective in preventing the tree from being felled under the Tree Preservation Regulations. Regulation 14(1)(a)(vii) within the Town and Country Planning (Tree Preservation) (England) Regulation 2012 allowed trees that were subject to a TPO to be felled if it was necessary to implement a planning permission granted on an application.

A neighbouring resident, Sophie Baugh, addressed the Panel objecting to the recommendation not to confirm the temporary Tree Preservation Order. Ms Baugh explained that she had contracted an independent arboriculturist to inspect the tree and had been advised that the specimen was estimated to be 95 years old and an important habitat for butterflies. The Panel were informed that the type of tree was becoming increasingly rare in North West England due to Dutch Elm Disease and there were no other elm trees in the area to provide a similar habitat for wildlife.

Ms Baugh claimed that she had not been consulted in the initial planning phase and did not believe that the tree was at risk of being felled when the application was originally submitted.

Members were informed that even if the tree was felled, it would not provide adequate land for four parking spaces as detailed within the approved plans. Ms Baugh believed the developer was attempting to claim land that did not belong to them. She explained that it had now been established independently of the Council that the tree sat on the boundary of the two properties.

The agent, Alan Boucker, on behalf of the applicant, addressed the Panel in support of the officer's recommendation. Mr Boucker explained that the disagreement over the felling of the tree had caused significant delay to the construction work on the site.

Members sought clarification on whether the elm tree in question had been included on the original plans when planning permission was granted. The Development Manager confirmed that this was the case and formed part of the area that had been earmarked for parking spaces.

It was stressed that the Council could only decide on the issue of whether or not to confirm the temporary Order and any dispute regarding the boundary between the two properties was a civil matter. The Panel therefore:

RESOLVED

That authority be given to not confirm the Coach House/Charlotte House Tree Preservation Order (2021).

4. 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:	21/00272/FUL Homes for Life Ltd
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Proposed Development:	Erection of 12 no. apartment block (Use Class C3) and associated landscaping, car parking and infrastructure works following demolition of existing building. 58 Spring Gardens, Hyde, SK14 4RZ
Speaker(s)/Late Representations:	Jim Seymour, on behalf of the applicant, addressed the Panel in relation to the application.
Decision:	That planning permission be granted subject to the prior completion of a Section 106 agreement and the conditions as detailed within the submitted report.

Name and Application No:	21/00170/FUL Mr Darren MacKinnon
Proposed Development:	Creation of first floor roof terrace to rear in connection with existing bar/restaurant. 118-120 Market Street, Droylsden, M43 7AA
Speaker(s)/Late Representations:	The Planning Officer advised Members that Councillor Quinn had submitted a statement objecting to the application. Councillor Quinn expressed concern that individuals using the terrace could throw items into the playground of St Mary's CE Primary School and children attending the school could potentially overhear patrons swearing. Councillor Quinn also queried who would be responsible for the maintenance and upkeep of the proposed wall. Mrs Susan Marsh addressed the Panel objecting to the application. Mr Darren MacKinnon, the applicant, addressed the Panel in relation to the application.
Decision:	That planning permission be granted subject to the conditions as detailed within the submitted report.

Name and Application No:	20/00329/FUL Mr Paul Williamson
Proposed Development:	Detached dwelling house – retrospective. Land adjacent to 124 Mottram Old Road, Hyde, SK14 3BA
Speaker(s)/Late Representations:	The Planning Officer advised Members that Councillor Welsh had submitted a statement objecting to the application. Councillor Welsh believed that the applicant had disregarded the planning process by constructing a dwelling that did not have the relevant planning permission at the time of building. A number of previous planning applications for the site had been refused. Councillor Welsh claimed that additional land had been excavated to allow the property to be made bigger and believed

	<p>if the plans for the current property had been brought before the Panel prior to construction they would have been recommended for refusal.</p> <p>Dr Helen Mayall addressed the Panel objecting to the application.</p>
Decision:	That consideration of the application be deferred to a future meeting to enable the case officer to ensure that the height of the dwelling corresponded with the plans as detailed within the submitted report.

5. APPEAL / COST DECISIONS

Application Reference/Address of Property	Description	Appeal Decision
<p>APP/G4240/W/20/3265445</p> <p>Bridge Louvre Company, Units 1&2, Northend Road, Stalybridge, SK15 3AZ</p>	<p>Proposed extension to existing property at both ends and rear elevations.</p> <p>Dispute in relation to condition 3 of the approved planning application:</p> <p>Notwithstanding the plans hereby approved, no above ground construction work shall commence unless and until a scheme for providing flood barriers to external access points to the building, and details of finished floor levels, has first been submitted to and approved in writing by the Local Planning Authority. The development proceed in full accordance with the approved scheme and the measures within it shall be retained at all times thereafter.</p> <p>The reason given for the condition is:</p> <p>To ensure that appropriate flood mitigation measures are in place.</p>	Appeal allowed.
<p>APP/G4240/Z/21/3266801</p> <p>189 Ashton Road, Denton, M34 3LG</p>	Proposed upgrade of existing 48-sheet advertisement to support digital poster.	Appeal dismissed.
<p>APP/G4240/Z/21/3266485</p>	Proposed removal of existing billboards and replacement	Appeal allowed.

189 Ashton Road, Denton, M34 3LG	with 48-sheet freestanding digital advertisement.	
APP/G4240/W/20/3266035 189 Kings Road, Ashton-under-Lyne, OL6 8HD	Change of use from rear yard into hand car wash & valeting service without complying with a condition to planning permission ref 19/00879/FUL, dated 13 March 2020. Condition 5 restricted the businesses hours of operation between 1000 and 1600 hours, Monday to Friday.	Appeal dismissed.
APP/G4240/X/20/3262764 Land at easterly side of Bury Street, adjacent to 66a Bury Street, Mossley, OL5 9HN	Appeal against the non-determination of a certificate of lawfulness application relating to the use of land for purposes incidental to the use of a dwelling house.	Appeal dismissed
APP/G4240/W/20/3265228 Greenside Lane, Droylsden, M43 7UT	Proposed telecommunications upgrade. Proposed 20m AGL Phase 8 monopole c/w wrap-around cabinet at base and associated ancillary works.	Appeal allowed.
APP/G4240/W/21/3267049 Land adjacent to 325 Birch Lane, Dukinfield, SK16 5AU	Proposed two-storey detached dwelling house.	Appeal dismissed and award of costs refused.
APP/G4240/Z/21/3266916 Land bounded by Stamford Street and King Street, Stalybridge, SK15 1JP	Proposed upgrade of existing advertisement to support digital poster.	Appeal dismissed.

6. URGENT ITEMS

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

CHAIR