

**SPEAKERS PANEL
(PLANNING)**

28 June 2023

Commenced: 10:00am

Terminated: 11:05am

Present: Councillor McNally (Chair)
Councillors Affleck, Bowerman, Dickinson and Owen

Apologies: Councillors Mills, Pearce, Quinn and Ricci

8. DECLARATIONS OF INTEREST

There were no declarations of interest from Members of the Panel.

9. MINUTES

The minutes of the proceedings of the meeting held on 31 May 2023, having been circulated, were approved and signed by the Chair as a correct record.

10. 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:	22/01080/FUL Mr Bywater
Proposed Development:	Conversion of the existing property from 10 bedsits to 12no. 1 bedroom self-contained flats including associated works. 4 Richmond Street, Ashton-under-Lyne, OL6 7TX
Speaker(s)/Late Representations:	Peter Marland addressed the Panel on behalf of the applicant.
Decision:	Officer recommendation was to refuse for the reasons outlined within the submitted report. Members resolved to grant planning permission for the following reason: 1. The development is to provide for short-term accommodation provided by the applicant that is not intended to be permanent. On this basis, the shortfall in floor space in relation to the nationally prescribed space standards is acceptable, such that on balance the proposal complies with the development plan. Planning permission would be granted subject to the following conditions:

1. The development hereby permitted must begin before the expiration of 3 years from the date of this permission.

Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in full accordance with the following drawings:
 - a. Drawing number 200 (Location Plan)
 - b. Drawing number 202 (Site Plan as Proposed)
 - c. Drawing number 204 rev 2 (Ground Floor GA Plans)
 - d. Drawing number 206 (First Floor GA Plans)
 - e. Drawing number 208 rev 1 (Elevations as Proposed)

Reason: For the avoidance of doubt.

3. During construction / conversion 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.

Reason: To protect the amenities of occupants of nearby properties/dwelling houses in accordance with UDP policies 1.12 and H10.

4. The new window proposed at first floor level serving flat 6 on the northern elevation of the development hereby approved, as identified on drawing numbers 206 (Proposed Floor Plan) and 208 rev 1 (Proposed Elevations) , shall be installed with obscure glass achieving at least Level 3 on the Pilkington Scale of Obscuration and be retained at all times thereafter. Any replacement glass shall be provided to the same specification.

Reason: In the interests of residential amenity having regard to UDP Policy H10.

5. Notwithstanding the submitted details, none of the dwellings hereby approved shall be occupied until details of the means of storage and collection of refuse generated by the development have been submitted to and approved in writing by the Local Planning Authority. The details shall include scaled plans showing the location of the required number of bins to be stored within each plot and any communal bin storage areas and scaled plans of the means of enclosure of all bin stores, including materials and finish. The bin storage arrangements for each dwelling shall be implemented in accordance with the approved details prior to the occupation of that dwelling and shall be retained as such thereafter.

Reason: To safeguard the general amenity of the area in accordance with UDP policy 1.12/1.13/H10 and to ensure that the bin capacities are sufficient.

	<p>6. Prior to the first occupation of the approved apartments full details of proposals to provide a long-stay cycle parking facility/s for the accommodation (which shall be in the form of a covered and secure cycle store that will accommodate a minimum of one cycle for the/each apartment) have been submitted to and approved in writing by the Local Planning Authority. The approved apartments within the development shall not be occupied until the cycle parking facility/s for the accommodation has been provided in accordance with the approved details. The cycle parking facility/s shall then be retained and shall remain available for use at all times thereafter.</p> <p>Reason: To ensure that safe and practical cycle parking facilities are provided so as to ensure that the site is fully accessible by all modes of transport in accordance with UDP Policies T1: Highway Improvement and Traffic Management, T7 Cycling and T10 Parking.</p> <p>7. This permission shall ensure solely for the benefit of the applicant, Ashton Pioneer Homes, and not for the benefit of the land to which the application relates, and on Ashton Pioneer Homes ceasing to operate and manage the premises the use shall revert to its former use as a 10 bed House in Multiple Occupation. This permission shall not be implemented or carried on by any other person, company or organisation, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: The Council has had regard to the special circumstances of the applicant, however the use would be inappropriate to the area unless only carried on by the applicant in the manner specified in the application.</p> <p>Informative Notes</p> <p>1. The responsibility to properly address contaminated land issues, including safe development and secure occupancy, irrespective of any involvement by this Authority, lies with the owner/developer of the site. Should any evidence of contamination (including asbestos), unusual ground conditions, wastes, and / or organic materials (e.g. peat etc.) be encountered during the development of the site the applicant / developer should contact the Council's Environmental Protection Unit (Tel: 0161 342 3680 / 0161 342 2691) as soon as is practicable.</p>
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Name and Application No:	<p>22/00262/FUL</p> <p>Mr D Wilcox</p>
Proposed Development:	<p>Construction of 3no. 3 bed dwellings and 6no. 2 bed dwellings including ancillary works/excavation.</p> <p>Land on Stamford Road, Mossley</p>

Speaker(s)/Late Representations:	<p>Councillor Stephen Homer, Ward Member, addressed the Panel objecting to the application.</p> <p>Paul Judge addressed the Panel on behalf of the applicant.</p>
Decision:	That planning permission be refused for the reasons set out in the submitted report.

Name and Application No:	<p>22/00940/FUL</p> <p>Mr Frank Tinnirello</p>
Proposed Development:	<p>Two storey extension at rear.</p> <p>3 Downing Close, Ashton-under-Lyne, OL7 9LX</p>
Speaker(s)/Late Representations:	<p>Charlie Schofield addressed the Panel objecting to the application.</p> <p>Sohail Musa addressed the Panel on behalf of the applicant.</p>
Decision:	That planning permission be granted, subject to the conditions outlined in the submitted report.

Name and Application No:	<p>22/00818/FUL</p> <p>Wiggett Construction</p>
Proposed Development:	<p>New residential development 32no. units consisting of 18no. 3 bedroom houses and 14no. 4 bedroom houses with associated car parking and landscaping.</p> <p>Land at the end of Fern Lodge Drive, Ashton-under-Lyne</p>
Decision:	<p>The planning application outlined above was brought before Members of the Speakers Panel on 19 April 2023. Members resolved to support the officer recommendation to grant planning permission subject to a Unilateral Undertaking (UU) securing a financial contribution to local green space and biodiversity net gain.</p> <p>The Head of Planning explained that the applicant was in the process of purchasing the site from the Council. Contracts had been exchanged, but completion was subject to planning approval having been issued. As the current landowner was the Council, it could not enter into an agreement with itself. The update report sought authorisation to amend the previous recommendation to enable an alternative process to be followed under Section 111 of the Local Government Act 1972. It was highlighted that the it was not the purpose of the report to revisit the planning merits of the application as previously reported in April.</p> <p>Members were informed that a Section 111 agreement was a legally binding covenant that would require the applicant to complete a Unilateral Undertaking once it had required a legal interest in the land.</p>

In addition, it was advised that since the application was reported, the applicant had also sought to review conditions relevant to site contamination and mining legacy and landscaping.

Subject to the completion of a Section 111 agreement under the Local Government Act 1972, binding the applicant into the unconditional completion of the Unilateral Undertaking on transfer of the land to Wiggett Construction, Members resolved to grant planning permission, subject to the conditions recommended in the report with the following amendments:

Condition no. 4 reworded as follows:

“No development, other than site clearance and site compound set up, shall commence until a remediation strategy, detailing the works and measures required to address any unacceptable risks posed by contamination at the site to human health, buildings and the environment has been submitted to, and approved in writing by, the Local Planning Authority (LPA). The scheme shall be implemented and verified as approved and shall include all of the following components unless the LPA dispenses with any such requirement specifically in writing:

1. A Preliminary Risk Assessment which has identified: All previous and current uses of the site and surrounding area. All potential contaminants associated with those uses. A conceptual site model identifying all potential sources, pathways, receptors and pollutant linkages.

2. A site investigation strategy, based on the Preliminary Risk Assessment in (1) detailing all investigations including sampling, analysis and monitoring that will be undertaken at the site in order to enable the nature and extent of any contamination to be determined and a detailed assessment of the risks posed to be carried out. The strategy shall be approved in writing by the LPA prior to any investigation works commencing at the site.

3. The findings of the site investigation and detailed risk assessments referred to in point (2) including all relevant soil / water analysis and ground gas / groundwater monitoring data.

4. Based on the site investigation and detailed risk assessment referred to in point (3) an options appraisal, remediation strategy and verification plan setting out full details of the remediation works and measures required to address any unacceptable risks posed by contamination and how they are to be implemented. This will need to include any requirements for long term monitoring and maintenance.

Reason: To ensure any unacceptable risks posed by contamination are appropriately addressed and the site is suitable for its proposed use in accordance with paragraph 183 of the National Planning Policy Framework.”

Condition no. 6 to be removed.

Condition no.7 to be removed.

Condition no.23 reworded as follows:

	<p>“In addition to the soft landscaping planting detailed on drawing 6849.03 rev A (landscaping plan), a scheme for the Biodiversity Enhancement and Mitigation Measures comprising of bird and bat boxes shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the Local Planning Authority) the approved measures shall be retained thereafter.</p> <p>Reason: In the interests of biodiversity to ensure sufficient protection is afforded to wildlife in accordance with policy N7: Protected Species.”</p>
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11. APPEAL DECISIONS

Application Reference/Address of Property	Description	Appeal/Cost Decision
APP/G4240/W/22/3313168 57 Yew Tree Lane, Dukinfield, SK16 5DB	Proposed erection of a new 1.8m timber fence (to match existing fences around the estate) along the new boundary line, requiring a change of use from agricultural use to residential use (current area of shrubbery to be removed and made into amenity space (garden)).	Appeal dismissed.
APP/G4240/D/23/3316529 14 Luxor Grove, Denton, M34 2NR	Proposed side extension to replace existing prefabricated garage with a proposed first floor bedroom.	Appeal dismissed.
APP/G4240/D/23/3317688 13 Buxton Lane, Droylsden, M43 6HL	Proposed gable extension and floor over existing garage; and single storey morning room extension.	Appeal dismissed.

12. URGENT ITEMS

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

13. DATE OF NEXT MEETING

RESOLVED

That the next meeting of the Panel would take place on 26 July 2023.

CHAIR