

PLANNING COMMITTEE

Tuesday, 22nd April, 2014

Present:- Councillor Michael Clarke – in the Chair

Councillors Bailey, Baker, Hambleton, Mrs Hambleton, Matthews, Miss Reddish, Studd, Sweeney, Turner, Williams and Mrs Williams

30. APOLOGIES

Apologies were received from Cllr Fear and Cllr Howells.

31. DECLARATIONS OF INTEREST

There were no declarations of interest.

32. MINUTES OF PREVIOUS MEETING(S)

Resolved: That the minutes of the meeting held on 22nd April 2014 be agreed as a correct record.

33. APPLICATION FOR MAJOR DEVELOPMENT - LAND TO REAR OF ROWLEY HOUSE; IAN MORETON/PETER JACKSON ASSOCIATES; 13/00990/OUT

Cllr Billy Welsh and Cllr Simon White spoke against the application.

A recommendation for refusal was moved on the grounds that there was a potential flood risk and that there were concerns in relation to highway safety. The recommendation was seconded and a vote taken. Two members voted in favour of the recommendation and four voted against therefore the recommendation fell and debate returned to the original recommendation.

It was moved and seconded that the recommendations put forward in the officer reports with the addition of the Urban Vision conditions listed on pages 14 and 15 of the agenda report and a condition that the development be of mixed housetypes including bungalows be agreed. A vote was taken and five members voted in favour and two voted against.

Resolved:

A. Subject to the applicant first entering into a Section 106 obligation by 20th May 2014 to require:-

- A contribution of £49,866 (on the basis that the development as built is for the full 42 dwellings and of the type indicated) or such other sum as determined by the Head of Planning as appropriate on the basis of policy, towards the provision of school spaces at Madeley High School, unless that provision cannot be made within an appropriate period, following which the contribution would be available for the provision of secondary school places in the area;
- Tenure Blind Affordable Housing provision ;

- A contribution of £2,943 per dwelling towards open space improvement/ enhancement/ maintenance at in the first instance Madeley Pool and the Birch Dale play area, and only if that is not possible within an appropriate period at College Gardens

Permit the application, subject to conditions concerning the following matters:

- Condition to reflect outline nature of application
 - Time limit for submission of any approval of reserved matters and for commencement
 - Approved plans and documents
 - Reserved matter submission to be informed by the principles within a revised Design and Access Statement taking into account Urban Vision's recommendations
 - The proposed dwellings to be built to minimum Code for sustainable homes Level 3 standard
 - Recommendations in the submitted tree survey and arboricultural impact report
 - Tree protection measures
 - Arboricultural Method Statement
 - Control works within the Root Protection Areas
 - Landscaping reserved matters to include tree planting
 - Reserved matters to include details relating to surface water drainage and road specification
 - Provision of the new access onto Moss Lane as applied for
 - Off Site footpath widening
 - Provision of details of residential street layout and character
 - Mitigation measures prevent debris being deposited on the Highway
 - Site and construction compound details
 - Contaminated Land Conditions
 - Construction hours restriction where appropriate
 - Construction management plan
 - Internal noise levels in dwellings
 - External noise levels
 - Vibration assessment
 - External lighting
 - Waste storage and collection arrangements
 - Sustainable drainage methods including SUDS and permeable paving
 - Separate storm and foul water drainage
 - Recommendations within the submitted Ecological walk-over Survey are implemented
 - That the development be of mixed housetypes including bungalows.
- B. Failing completion by 20th May 2014 of the above planning obligation, that the Head of Planning be given delegated authority to either refuse the application on the grounds that in the absence of such obligations the proposal fails to make an appropriate contribution to provide appropriate level of affordable housing which is required to provide a balanced and well functioning housing market, the improvement, enhancement and maintenance of off site open space provision , and an appropriate contribution towards school provision; or, if he considers it appropriate, to extend the period of time within which the obligation can be secured.

34. **GREAT OAK, LAND AT BIGNALL END; 00128CPO**

Cllr Ann Beech, Cllr Mike Stubbs and Cllr Dylis Cornes spoke against the application.

Resolved:

That the County Council be informed that the Borough Council objects to this proposal and considers that it involves inappropriate development in the Green Belt and that very special circumstances do not exist to justify such development as the economic benefits, and any other benefits, of the scheme do not outweigh the harm to the openness and the visual appearance of the Green Belt that arises.

The Borough Council are not satisfied that enough has been done to ascertain that remains of any casualties of the Diglake Colliery disaster, that may lie in the former workings, will not be disturbed by the proposed development and that the submission does not provide suitable assurances as to what the developer considers should happen should any remains be disturbed during operations on site. The Borough Council request that the application should therefore be refused.

Should the County Council not accept the above, the Borough Council request that careful consideration is given to the consultation response of the Environmental Health Division and that planning permission should only be granted if the County Council are satisfied that the environmental issues, from dust, noise and particle emissions can be suitably addressed.

In addition the Borough Council consider that very special circumstances that justify inappropriate development will not exist, without the security of a financial bond through a Section 106 Planning Obligation by agreement that can be called upon to complete the restoration of the site if necessary. Such a bond is also justified on the basis of the harm to the setting of the listed Wedgewood Monument that arises as a result of the proposed extraction.

If the County Council are minded to permit the application conditions relating to the following should be imposed;

- All conditions to secure appropriate mitigation measures as recommended by the Environmental Health Division.
- A routing agreement for vehicles.
- All existing trees on boundaries and in undisturbed areas within the site to be retained and protected during the works.
- All recommendations of the Arboricultural Survey Report to be followed.
- Submission of a Tree Protection Plan and Arboricultural Method Statement to BS5837:2012;
- Submission of detailed restoration proposals including landscaping and planting proposals and a forward programme for planting management and establishment.
- Requirement that all footpaths affected by the development are reinstated to their existing routes.

Consideration should also be given to securing a significant financial contribution toward the restoration of the Wedgewood Monument, provided the County Council considers that such a contribution would meet the requirements of Section 122 of the CIL Regulations.

- 2) The Borough Council requests that the County Council Planning Committee undertakes a site visit prior to making any decision on the application.
- 3) The Borough Council requests that in the event of a Health Impact Assessment being submitted, it be consulted upon such an assessment
- 4) If the Borough Council is consulted upon such an Assessment that a further report is brought to the Planning Committee to establish what the response of the Borough Council should be.

35. **APPLICATION FOR MAJOR DEVELOPMENT - THORP PRECAST LTD UNIT G1 APEDALE; THORP PRECAST/FORSHAW GREAVES & PARTNERS; 14/00140/FUL**

Resolved:

That the application be permitted subject to conditions relating to the following matters:-

1. Standard Time limit
2. Approved plans/drawings/documents
3. Landscaping Scheme including full schedules and specifications
4. Approval of a landscape management plan including weed control and litter picking measures
5. Approval of any external lighting scheme

36. **APPLICATION FOR MINOR DEVELOPMENT -THE CROFTS PINWOOD ROAD, ASHLEY HEATH; MR AND MRS DAWSON; 14/00150/OUT**

Resolved:

That the application be permitted subject to conditions relating to the following:-

- Standard time limit.
- Reserved matters submissions.
- Approved Plans.
- Proposed ground and floor levels
- Access, surfacing, parking, turning and visibility provision to be detailed on any reserved matter application that includes layout.
- Gate location and opening arrangements
- Tree and hedgerow protection measures.
- Landscaping to be carried out in accordance with the submitted scheme subject to amendments that include replacement trees and hedgerow along the front boundary 2m from the edge of the carriageway that shall be approved beforehand.
- Submission of hardstanding materials
- Submission and approval of any external lighting

37. **APPLICATION FOR MINOR DEVELOPMENT -ST MARYS AND ALL SAINTS CHURCH WHITMORE. REVEREND NIGEL CLEMAS; 14/00158/FUL**

Resolved:

That the application be permitted subject to the following conditions;

- Standard Time limit
- Approved plans/drawings/documents
- Materials and colour as per submission
- Lighting as per submission
- Recommendations of the Arboricultural Assessment and Method Statement.
- All service connections to be completed in accordance with NJUG recommendations.
- Prior submission and approval of a schedule of pruning works
- Prior submission and approval of an arboricultural site monitoring schedule in accordance with BS5837:2012.
- Submission and approval of an archaeological watching brief

38. APPLICATION FOR OTHER DEVELOPMENT -21 RATHBONE AVENUE; C HORNE; 14/00183/FUL

An alternative recommendation for approval was moved and seconded. Two members voted in favour of the alternative recommendation and seven voted against it. The alternative recommendation fell and debate returned to the original recommendation contained within the report.

A member moved the original recommendation contained within the report, this was seconded and a vote taken with nine members voting in favour and one against.

Resolved:

That the application be refused for the following reason:

That the conservatory is harmful to residential amenity levels due to its inappropriate scale and overbearing appearance.

39. ENFORCEMENT REPORT FOLLOWING REFUSAL OF APPLICATION 14/00080/FUL; TADGEDALE QUARRY

Resolved:

It having been concluded that the development has an unacceptable impact on residential amenity having regard to the provisions of the Development Plan and to all other material consideration, including the imposition of conditions, it is expedient to take enforcement action, and that the Head of Legal Services be authorised to issue enforcement and all other notices and to take and institute on behalf of the Council all such action and prosecution proceedings as are authorised by and under the Town and Country Planning Act 1990 to secure the removal of the building from the site.

That the period for compliance be within 1 month of the Notice coming into effect.

40. FOURTH QUARTER REPORT ON EXTENSIONS TO TIME PERIODS WITHIN WHICH OBLIGATIONS UNDER SECTION 106 CAN BE ENTERED INTO.

Resolved:

- a) That the report be noted
- b) That the Head of Planning and Development continue to report on a quarterly basis on the exercise of his authority, to extend the period of time for an applicant to enter into the Section 106 obligations.

41. APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT) -MADELEY WAR MEMORIAL; 13/14011/HBG

Resolved:

That a grant of £2,160 be approved for the repair of the War Memorial at Madeley, subject to the appropriate standard conditions

42. APPLICATION FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS GRANT) -2 COURT WALK, BETLEY; 13/14014/HBG

Resolved:

That a grant of £2,250 be approved for the repair of part of the former kitchen garden wall at 2 Court Walk, subject to the appropriate standard conditions and a specific condition that the height of the wall should remain the same as existing.

43. APPEAL DECISION - 20 THE AVENUE, KIDSGROVE; 13/00190/FUL

Resolved:

That the decision be noted.

44. APPEAL DECISION -WOLSTATON RETAIL PARK; 13/00366/ADV

Resolved:

That the decision be noted.

45. PLANNING PERFORMANCE AND PLANNING CONTRIBUTIONS

Resolved:

That the Head of Planning and Development in consultation with the Chairman and Vice Chairman draws up and submits responses to each of the questions posed by the Government on the basis of the views indicated in the report.

46. **AFFORDABLE HOUSING CONTRIBUTIONS CONSULTATION**

Resolved:

That the Head of Planning and Development in consultation with the Chairman and Vice Chairman draws up and submits responses to each of the questions posed by the Government on the basis of the views indicated in this report.

47. **DIGLAKE QUARRY, BIGNALL END - CONFIRMATION OF A TPO**

Resolved:

That Tree Preservation Order No 152 (2013) be confirmed as amended and that the owners of the trees are informed accordingly.

48. **CHESHIRE EAST COUNCIL LOCAL PLAN STRATEGY – SUBMISSION VERSION**

Resolved:

- 1) That the Committee endorse the content of the report and that it forms the basis of the Borough Council's formal joint response to the consultation on the Submission Local Plan Strategy within the required timescale.
- 2) That delegated authority be given to officers to agree a joint response to the consultation with Stoke-on-Trent City Council.

49. **OPEN ENFORCEMENT CASES**

Resolved:

- a) That the report be received
- b) That a further update be provided alongside the next quarterly monitoring report on cases where enforcement action has been authorised.

50. **ENFORCEMENT QUARTERY REPORT ON ENFORCEMENT CASES WHERE ENFORCEMENT ACTION HAS BEEN AUTHORISED.**

Resolved:

That the information be received.

COUNCILLOR MICHAEL CLARKE
Chair