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PLANNING COMMITTEE

12 July 2011

Present:- Councillor Fear in the Chair

Councillors Boden, Cairns, Clarke D, Clarke M, Cooper, Matthews, Miss Reddish, Sinnott, Studd, Sweeney, Mrs Williams and Williams

Apologies were received from Councillors Mrs Burke, Howells and Lawton.

164. * **DECLARATIONS OF INTERESTS**

Councillor D Clarke declared a pecuniary interest in planning application 11/283/TDET. He left the meeting during its consideration.

Councillor J Cooper declared an interest in application 11/340/CPO as a member of the County Council. He left the meeting during its consideration.

165. * **MINUTES OF PREVIOUS MEETINGS**

Resolved:- That the minutes of the meetings of this Committee held on 19 April, 10 May and 1 June 2011 be approved as correct records.

166. * **CHANGE OF USE FROM OIL REFINERY TO SCRAP METAL AND DRY WASTE RECYCLING FACILITY
MOORES METALS, CHEMICAL LANE, LONGBRIDGE HAYES
MOORES METALS. 11/00340/CPO**

The Committee was invited to submit its comments on this application that was to be determined by Staffordshire County Council.

Resolved:- That, subject to the views/comments of the Environmental Health Division, the County Council be advised that the Borough Council raises no objections to the proposal, subject to conditions being imposed controlling:

- (i) Hours of use.
- (ii) Noise and dust mitigation schemes.
- (iii) The County Council identifying whether the proposal requires a financial contribution to be secured towards NTADS and if required the contribution is appropriately secured.

167. * **RESIDENTIAL DEVELOPMENT (87 DWELLINGS) AND MIXED EMPLOYMENT USE
LAND AT WEST AVENUE, KIDSGROVE
TAYLOR WIMPEY/REVELAN PROP LTD. 11/00237/OUT**

Resolved:- (a) That, subject to the completion of a S106 obligation by 12 August 2011 securing:-

- (i) A TRO contribution of £7,500.

- (ii) An NTADS contribution of £4000 towards the residential development and £34,200 towards the commercial element.
- (iii) A Travel Plan monitoring contribution of £10,900 for the commercial element, together with a Travel Plan framework.
- (iv) A POS maintenance contribution of £167,000 (unless alternative satisfactory long term maintenance and management arrangements are made).
- (v) 20% affordable housing.
- (vi) That the financial viability assessment be reviewed if the housing development has not been substantially commenced within one year of being granted or if the development was to be constructed in phases and the securing of a clawback or overage provision to allow for account to be taken of increases in Residential Land Value.

Permit subject to the conditions set out in the report.

That failing the securing of the above obligation by 12 August, the Head of Planning and Development be given delegated authority to refuse the application on the grounds set out in the advance supplementary report to the Committee, or if he considers it appropriate to extend the period of time within which the obligation can be secured.

168. * **FIRST FLOOR EXTENSION TO SINGLE STOREY BUILDING AND CHANGE OF USE OF THE GROUND FLOOR OF THE EXTENDED BUILDING TO A HOT FOOD TAKEAWAY (CLASS A5 USE) WITH THE PROPOSED FIRST FLOOR OPERATING AS A TAXI BUSINESS
ROSEVILLE TAXICABS, STANIER STREET, NEWCASTLE
ROSEVILLE TAXICABS. 11/00245/FUL**

Resolved:- That the application be refused for the following reasons:

- (i) Increase in highway safety problems due to on-street parking associated with the development.
- (ii) Loss of amenity by virtue of noise, odour and litter.
- (iii) Increase in anti-social behaviour and fear of anti-social behaviour.
- (iv) Adverse impact on the character and appearance of the area contrary to Policy D2 of SSSP, CSP1 of CSS and PPS1.
- (v) Failure to enter into a S106 to secure NTADS contribution.

169. * **INSTALLATION OF 12 METRE HIGH SHARED MONOPOLE, EQUIPMENT CABINET AND COMPOUND FENCE
WEST AVENUE SPORTS AND SOCIAL CLUB, KIDSGROVE
VODAFONE UK LTD. 11/00283/TDET**

Resolved:- That the application be permitted with no conditions.

170. * **CHANGE OF USE OF GROUND FLOOR TO HOT FOOD TAKEAWAY
96 LIVERPOOL ROAD, KIDSGROVE
MR SIDDIQUEE. 11/00292/COU**

Resolved:- That the application be refused for the following reasons:

- (i) Increase in anti-social behaviour and fear of anti-social behaviour.
- (ii) Loss of amenity due to noise, odour and litter as a result of the cumulative impact of the proposed HFT in addition to such existing uses in the area.

- (iii) Highway safety due to on-street parking.
- (iv) Failure to enter into a S106 to secure NTADS contribution.

171. * **ERECTION OF FUEL EXTRACTION SYSTEM
61 MILEHOUSE LANE, NEWCASTLE
MR A KYRIACOU. 11/00297/FUL**

It was reported that the application had been withdrawn from the agenda.

Resolved:- That the information be received.

172. * **TWO STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION
21 WESTLANDS AVENUE, NEWCASTLE
MR R TAIT. 11/00304/FUL**

Resolved:- That the application be permitted subject to the undermentioned conditions:

- (i) Standard time limits.
- (ii) Approved plans.
- (iii) Approved materials.

173. * **CHANGE OF USE FROM OFFICE (B1) TO RESIDENTIAL
CEMETERY LODGE, 7 LYMEWOOD GROVE, NEWCASTLE
NEWCASTLE BOROUGH COUNCIL. 11/00324/DEEM4**

Resolved:- That the application be permitted subject to the undermentioned conditions:-

- (i) Standard time limits.
- (ii) Removal of pd rights.
- (iii) Submission of parking details and subsequent retention.
- (iv) Hard and soft landscaping plan.
- (v) Recyclable and refuse storage.
- (vi) Unexpected contamination.
- (vii) Importation of soil.

174. * **OUTSTANDING ENFORCEMENT MATTERS**

Consideration was given to a report updating the Committee on the current situation with regard to the enforcement caseload.

Resolved:- (a) That the information be received.

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

175. * **APPLICATIONS FOR FINANCIAL ASSISTANCE (HISTORIC BUILDINGS
GRANTS) FROM THE CONSERVATION AND HERITAGE FUND**

- (i) Coachman's Cottage, Main Road, Betley (Ref 11/12003/HBG)

Consideration was given to an application for financial assistance towards the cost of roof repairs to this building of special architectural and historic interest.

The estimated cost of the works was £6967 including VAT.

Resolved:- That a grant of £697 towards the costs of roof repairs to Coachman's Cottage be approved subject to the appropriate standard conditions.

(ii) 27 Marsh Parade, Newcastle (Ref: 11/12004/HBG)

Consideration was given to an application for financial assistance towards the cost of internal redecoration and restoration of sash windows/shutters of this buildings of special architectural and historic interest.

The estimated cost of the above works was £4637 plus VAT.

Resolved:- That a grant of £927 be approved towards the above works subject to the appropriate standard conditions.

176. * **APPEAL DECISION**

Receipt was reported on the following appeal decision:-

<u>Ref</u>	<u>Proposed development and name(s) of appellant(s)</u>	<u>Decision</u>
10/00080/OUT	Commercial business use (Class B1, B2 and B8) and small/medium sized retail A1 foodstore. Linley Trading Estate, Linley Road, Talke. Realty Estates.	Appeal allowed with conditions.

Resolved:- That the information be received.

177. * **GRANGE LANE, WOLSTANTON BLOOR HOMES. 99/00918/FUL**

Consideration was given to a detailed report suggesting amendments to the terms of the previously approved Section 106 Agreement that had been entered into prior to the grant, on appeal, of the outline planning permission for housing development on the site known as Grange Lane.

Resolved:- That the local planning authority enter into a supplemental S106 agreement to replace current obligation, with a requirement to expend the money received on the improvement of open space and recreation facilities at Wolstanton Marsh/Park and that the supplemental agreement enables the expenditure of that sum and the other received open space financial contribution to be undertaken within the next 2½ years.

178. * **INTERNET PHARMACY 35 SHERBORNE DRIVE, WESTLANDS**

The Committee considered a report dealing with informal advice previously given by the Council's Planning and Development Service as to whether or not

planning permission was required for the use of part of the above detached dwelling house as an internet pharmacy.

The information given, based on the information provided by the occupant of the dwelling house and operator of the proposed internet pharmacy, was that planning permission was not required because the scale of the proposal did not represent a material change of use to the dwelling.

A petition signed by 200 residents objecting to the proposed use had been presented to Full Council on 29 June 2011 by the organiser of the petition, who also was granted the opportunity to address that meeting referring particularly to residents' concerns about additional traffic movements to and from the dwelling and the secure storage of medicines there.

Having received the petition the Council resolved to refer the matter to the Planning Committee to enable all of the issues arising from the proposed use and petitioners' concerns to be fully considered.

Resolved:- (a) That the report be received and actions taken by officers noted.

(b) That Members also asked that the applicant be invited to submit an application for a certificate of lawfulness for the proposed use – without prejudice. Chair to write to Head of Planning and Development requesting that delegated authority to determine certificate of lawfulness application should not be exercised and the application should be reported to Committee for decision.

179. * **TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTY PLANNING (TREES) REGULATIONS 1999
TREE PRESERVATION ORDER NO 139 (2010)
BARTON BEECHES, PINWOOD DRIVE, LOGGERHEADS**

Consideration was given to a report recommending that the above Order, made using delegated powers on 1 December 2010 be confirmed without modification.

No objections had been made to the Order.

Resolved:- That Tree Preservation Order No 139 (201) Barton Beeches, Pinewood Drive, Loggerheads be confirmed as made and the owners of the trees be advised accordingly.

180. * **DISCLOSURE OF EXEMPT INFORMATION**

Resolved:- That the public be excluded from the meeting during consideration of the following item by reason of the likely disclosure of exempt information as defined in paragraphs 1, 2 and 6 of Schedule 12A of the Local Government Act 1972.

181. * **QUARTERLY REPORT ON ENFORCEMENT ACTION**

Consideration was given to a report providing details of progress made on cases where enforcement action had been authorised by the Planning Committee under delegated powers.

Resolved:- (a) That the report be received.

(b) That the actions agreed by the Committee in respect of a number of cases included in the Appendix to the report be pursued by the Head of Planning and Development.

**A FEAR
Chair**