

# SHEFFIELD CITY COUNCIL

## Planning and Highways Committee

### Meeting held 24 September 2013

**PRESENT:** Councillors Alan Law (Chair), David Baker, Tony Downing (Deputy Chair), Ibrar Hussain, Bob McCann, Peter Price, Peter Rippon, Garry Weatherall, Joyce Wright and Andrew Sangar (Substitute Member)

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#### **1. APOLOGIES FOR ABSENCE**

- 1.1 An apology for absence was received from Councillor Trevor Bagshaw and Councillor Andrew Sangar attended the meeting as the duly appointed substitute.
- 1.2 Apologies for absence were also received from Councillors Jayne Dunn and Bob Johnson but no substitutes were appointed.

#### **2. DECLARATIONS OF INTEREST**

- 2.1 Councillor Garry Weatherall declared an interest as a Member of the Ecclesfield Parish Council, in relation to those applications that the Parish Council had considered, but indicated that he would participate in their determination if they were to be considered by this Committee as he had not pre-determined his views on applications during the meetings of the Parish Council.
- 2.2 Councillor Ibrar Hussain declared an interest in an application for planning permission for the use of building as a Residential Hostel for 16 adults (sui-generis use) at the Urban Theology Unit 208-210 Abbeyfield Road (Case No. 13/00891/FUL) as he had been involved in discussions on the application. Councillor Hussain left the room prior to discussion of the item and took no part in the discussion or vote on the application.

#### **3. MINUTES OF PREVIOUS MEETING**

- 3.1 The minutes of the meeting of the Committee held on 3 September 2013 were approved as a correct record.

#### **4. SITE VISIT**

- 4.1 **RESOLVED:** That the Director of Regeneration and Development Services, in liaison with the Chair, be authorised to make arrangements for a site visit on Thursday 10 October 2013, in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

#### **5. EXCLUSION OF PUBLIC AND PRESS**

- 5.1 **RESOLVED:** That the public and press be excluded from the meeting before part of the representations are made in objection to the application for planning

permission for use as building as a Residential Hostel for 16 adults (Sui-generis use) at the Urban Theology Unit, 208-210 Abbeyfield Road (Case No.13/00891/FUL) on the grounds that, if the public and press were present during the transaction of such business, there would be a disclosure to them of exempt information as described in paragraph 2 of Schedule 12A to the Local Government Act 1972, as amended.

## **6. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS**

6.1 **RESOLVED:** That (a) the applications now submitted for permission to develop land under the Town and Country Planning Act 1990 and the Regulations made thereunder and for consent under the Town and Country Planning (Control of Advertisements) Regulations 1989, be decided, granted or refused as stated in the report to this Committee for this date in respect of Case Nos. 13/00337/HOARD and 13/00307/FUL and other applications considered be amended as in the minutes of this meeting, and the requisite notices issued; the granting of any permission or consent shall not constitute approval, permission or consent by this Committee or the Council for any other purpose;

(b) (i) following consideration of additional information recommending the addition of a condition in respect of ground stability and an amendment to Condition 4 in respect of the final finish of the ground floor columns, as contained within a supplementary report circulated at the meeting, an application for planning permission for a ten storey office block (use class B1) with two ground floor retail or office units (use class A1/A2/A3/A4/B1), basement car park and screened roof top plant room (amended as per plans received on 11/09/2013) at land at Charles Street, Arundel Gate and Norfolk Street (Office 3) (Case No. 13/02539/FUL) be granted, conditionally, (ii) no objections are raised to the proposed stopping-up of the areas of highway shown on the plan which was displayed at the meeting, subject to satisfactory arrangements being made with Statutory Undertakers with regards to such of their mains and services that may be affected, and it be noted that any unresolved objections will be the subject of a later, separate report, (iii) the Director of Legal and Governance be authorised to take all necessary action on the matter under the relevant powers contained within either The Highways Act 1980, or The Town and Country Planning Act 1990, dependent upon which statute is appropriate at the time of processing the stopping-up Order;

(c) following consideration of representations from the applicant's agent in support of the application, an application for planning permission for a two-storey rear extension including provision of lightwell to basement and replacement rear stairs to first floor to form a single flat at basement/ground floor levels at 13 College Street (Case No. 13/02220/FUL) be granted, conditionally;

(d) following consideration of a late objection to the application as reported at the meeting and a representation opposing the application from a local resident, and two representations in favour of the application, an application for change of use of dwellinghouse as a restaurant/café (class A3) on the ground floor with a flat at first floor level (as amended plans received 27/08/13) at Village News, 176-178 Main Street, Grenoside (Case No. 13/02171/CHU) be granted, conditionally;

(e) following consideration of representations from the applicant's agent requesting that the application be granted, and three representations from local residents and a local Ward Councillor supporting the recommendation to refuse the application, an application for planning permission for the erection of a 2 storey building to provide 6 apartments at the site of Norton Church Hall, Norton Lane (Case No. 13/02168/FUL) be refused as the Committee considered that (i) the proposed development did not include sufficient parking accommodation within the site and the Local Planning Authority considered that, in the absence of such car parking accommodation, the proposed development could lead to an increase in on-street parking in the vicinity of the site, which would be detrimental to the safety of road users and, as such, contrary to Unitary Development Plan Policy H14 and (ii) an assessment of open space provision within the locality had identified a shortfall of informal and formal open space, and the applicant had not provided a completed Section 106 Planning Obligation, securing a financial contribution to allow for enhancement of existing off site open space, and, as such, the proposal failed to comply with the requirements of Policy H16 of the Unitary Development Plan for Sheffield;

(f) following consideration of representations against the application from a local resident and in support of the application from a representative of Sheffield University, an application for planning permission for the erection of multi-storey car park (to provide 530 spaces) and retail unit (amended as per plans received on 6/9/2013) at the car park adjacent to 388 Glossop Road, Durham Road (Case No. 13/01699/FUL) be granted, conditionally;

(g) following consideration of additional information, as contained within a supplementary report circulated at the meeting, representations from 3 local residents opposing the application, and from the applicant's agent in support of the application, an application for planning permission for the demolition of existing disused electrical substation and erection of 2 terraced dwellinghouses with associated landscaping and car parking provision at the site of electricity substation adjacent to 47 Roach Road (Case No. 13/01689/FUL) be granted, conditionally;

(h) following consideration of representations opposing the application from a representative of the owners of the Children's Home near to the site of the proposed application, the Cabinet Member for Children, Young People and Families and the Acting Director, Children and Families and representations in support of the application from the proposed manager of the hostel and two residents from a hostel in Rotherham owned by the company making the application, an application for planning permission for the use of building as a Residential Hostel for 16 adults (Sui-generis use) at the Urban Theology Unit, 208-210 Abbeyfield Road (Case No. 13/00891/FUL) be refused as the Committee considered that the application failed to comply with Policy CS41 of the Core Strategy as the development would result in a concentration of similar uses resulting in an imbalanced community and the development would cause a potential threat to the health and safety of residents of the nearby Children's Home and the residents of the proposed Hostel; and

(i) following consideration of additional information and an amended

recommendation, as contained within a supplementary report circulated at the meeting, applications for listed building consent and planning permission for the alteration and conversion to form Educational Facility (class D1), Business Use (Class B1), Shops (Class A1), Restaurants and Cafes (Class A3), Drinking Establishments (Class A4), Non-Residential Institutions (Class D1) and Assembly and Leisure (Class D2) including ancillary student common room areas and associated plant and storage space, and erection of a 22/14 storey building to provide 279 student bedspaces in 52 cluster flats with ancillary accommodation and commercial unit for class A1 (Shops), A3 (Restaurants and Cafes) and A4 (Drinking Establishments) purposes, as amended 31/7/13, 9/8/13, 27/8/13, 29/8/13 and 9/9/13, at the former Head Post Office, Fitzalan Square (Case Nos. 13/00771/LBC and 13/00770/FUL) be granted, conditionally, subject to legal agreement being completed in connection with application no. 13/00770/FUL.

## **7. ENFORCEMENT OF PLANNING CONTROL: 73 SANDFORD GROVE ROAD**

- 7.1 The Director of Regeneration and Development Services submitted a report updating Members on enforcement action taken in relation to 73 Sandford Grove Road since it was discussed at the Committee on 23 July 2013 and the current enforcement position.
- 7.2 It was stated that the report related to a breach of planning control that was reported to the Committee on 23 July 2013 for the unauthorised excavation works to the front of the garden and the unauthorised erection of fences at the front of 73 Sandford Grove Road. At the meeting, Members requested an update report to a Planning and Highways Committee meeting in September 2013 on enforcement actions taken.
- 7.3 In the meeting on 23 July, Members authorised all necessary steps, including enforcement action, service of a temporary stop notice, stop notice and the institution of legal proceedings, including injunctive action, to secure the cessation of the excavation works, the reinstatement of the ground levels and the removal of the fences at 73 Sandford Grove Road.
- 7.4 Officers had written and spoken with the owner requesting that the excavation works stopped, the ground level was reinstated and the fences were either removed or reduced in height to make them permitted development.
- 7.5 A Temporary Stop Notice was served on 6 August 2013 and it required the excavation works at the front of the property to cease until 4 September 2013. The owner had stopped further excavation of the front garden area.
- 7.6 An Enforcement Notice was also served on 10 September 2013 and if it was not appealed against it would come into effect on 15 October 2013. The Enforcement Notice required the owner to remove the unauthorised fences at the front of the property within 2 months from when the Notice came into effect.
- 7.7 Further excavation works had stopped, but no progress had been made to reinstate the ground level or to remove the unauthorised fences.

- 7.8 With regards to the injunctive relief, the Council had now complied with the pre-litigation requirements of the Pre-action Protocol, evidence was in the final stages of being gathered and Counsel had been identified and should be briefed by today's meeting. Counsel was expected to draft the injunction application and attend at the County Court for the hearing of this matter.
- 7.9 The Temporary Stop Notice had expired, but before it did the Letter Before Claim on the injunction was served specifying the requirement of no further excavation works. Should attempts at further excavation occur, Counsel would include in the proceedings an application for an interim injunction to prevent further excavating pending final hearing.
- 7.10 Several site visits had been carried out since the service of the Temporary Stop Notice and no further excavation had taken place at the front of the property and consequently the Temporary Stop Notice had been complied with.
- 7.11 An Enforcement Notice regarding the fences had been served and the injunction had passed its pre-litigation stages and should be with Counsel for drafting of proceedings for issue.
- 7.12 **RESOLVED:** That the current progress on enforcement actions in relation to 73 Sandford Grove Road be noted.

## **8. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS**

- 8.1 The Committee received and noted a report of the Director of Regeneration and Development Services, together with additional information contained in a supplementary report circulated at the meeting, detailing (a) planning appeals recently submitted to the Secretary of State and (b) the outcome of recent planning appeals along with a summary of the reasons given by the Secretary of State in his decision.

## **9. DATE OF NEXT MEETING**

- 9.1 It was noted that the next meeting of the Committee will be held on Tuesday 15 October 2013 at 2.00 pm at the Town Hall