

# SHEFFIELD CITY COUNCIL

## Planning and Highways Committee

### Meeting held 17 December 2013

**PRESENT:** Councillors Trevor Bagshaw, Janet Bragg, Tony Downing (Deputy Chair), Ibrar Hussain, Bob McCann, Peter Price, Peter Rippon, Garry Weatherall, Tony Damms (Substitute Member), Mohammad Maroof (Substitute Member), Roy Munn (Substitute Member) and Joe Otten (Substitute Member)

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#### **1. CHAIR OF THE MEETING**

1.1 In the absence of the Chair (Councillor Alan Law), the Deputy Chair (Councillor Tony Downing) chaired the meeting.

#### **2. APOLOGIES FOR ABSENCE**

2.1 Apologies for absence were received from Councillors David Baker Jayne Dunn, Bob Johnson and Joyce Wright and Councillors Joe Otten, Tony Damms, Roy Munn and Mohammed Maroof attend the meeting as their respective duly appointed substitutes. An apology was also received from Councillor Alan Law, but as it was on the day of the meeting a substitute could not be appointed.

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

3.1 No items were identified where resolutions may be moved to exclude the press and public.

#### **4. DECLARATIONS OF INTEREST**

4.1 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.

#### **5. MINUTES OF PREVIOUS MEETING**

5.1 The minutes of the meeting of the Committee held on 26 November, 2013 were agreed as a correct record, subject to (a) the addition of a new paragraph 3.4 under Declarations of Interest (Item3, Page 5), to show that Councillor Peter Rippon declared an interest in respect of an application for planning permission for the siting of two wind turbines with a tip height of 34.5 metres at Hollin Edge Farm, Common Lane, Deepcar (Case No. 13/02433/FUL) as a Member of the Peak District National Park Planning Authority and (b) the addition in item 7 of the words "with an additional condition requiring the boundary wall to be retained to the Dover Road frontage" after the words "be granted, conditionally" under paragraph 7.1(c) (Page 6).

**6. SITE VISIT**

- 6.1 **RESOLVED:** That the Director of Regeneration and Development Services, in liaison with the Chair, be authorised to make arrangements for a site visit on Monday 6 January 2014, in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

**7. PROPOSED CLOSURE OF A PUBLIC FOOTPATH LINKING WYBOURN HOUSE ROAD AND MALTRAVERS PLACE**

- 7.1 The Director of Regeneration and Development Services submitted a report seeking authority to process a highways Stopping – Up Order required to close the footpath linking Wybourn House Road and Maltravers Place, Wybourn. The report stated that the closure was required to facilitate a planning permission granted on 22 May, 2013 for 88 dwellings, with associated parking accommodation and landscaping works on land between Wybourn House Road and Maltravers Road (Case No. 13/00638/FUL).

- 7.2 **RESOLVED:** That (a) no objections be raised to the proposed closure of the footpath linking Wybourn House Road and Maltravers Place, as detailed in the report of the Director of Regeneration and Development Services and as shown on the plan now exhibited, subject to satisfactory arrangements being made with the Statutory Undertakers with regard to their mains and services that may be affected;

(b) authority being given to the Director of Legal and Democratic Services to take all necessary action to close the aforementioned footpath on the matter under the powers contained with Section 257 of the Town and Country Planning Act 1990; and

(c) in the event of no objections being received, or all objections received being resolved, authority be given for the Order to be made as an Unopposed Order.

**8. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS**

- 8.1 **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. 13/03312/FUL and 13/02270/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) having (i) noted (A) an additional representation detailed in a supplementary report circulated at the meeting and (B) a paper copy of an A4 plan and a drawing showing elevations, as displayed at the meeting, in view of an electronic copy not being available and (ii) heard two oral representations objecting to the proposed development, an application for planning permission for the erection of a dwellinghouse at the curtilage of 12 Chatsworth Road (Case No. 13/03312/FUL) be granted, conditionally;

(c) an application for planning permission for a single-storey rear extension to a dwellinghouse at 89 Carr Road, Walkley (Case No. 13/03281/FUL) be granted, conditionally, subject to an amendment to Condition 2 by the deletion of the words “unless otherwise authorised in writing by the Local Planning Authority”;

(d) an application for planning permission for the erection of a conservatory to the rear of a dwellinghouse at 87 Bowden Wood Crescent (Case No. 13/03160/FUL) be refused with authority being given (i) for the Director of Regeneration and Development Services or Head of Planning to take all appropriate steps including, if necessary, enforcement action and the institution of legal proceedings, to secure the removal of the conservatory at 87 Bowden Wood Crescent and (ii) for the Head of Planning, in liaison with the Chair of this Committee, to vary the action in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control;

(e) an application for planning permission for the retention of uPVC windows, soffits and fascias to the front elevation and repainting of stone lintels and the string course at 261a, 1st Floor Flat 269 Fulwood Road, Flats 1, 2 and 3, 271 to 273 Fulwood Road (Case No. 13/02775/FUL) be refused with (i) authority being given (A) for the Director of Regeneration and Development Services or Head of Planning to take all appropriate steps including, if necessary, enforcement action and the institution of legal proceedings, to secure the removal of the uPVC windows and the removal of orange paint finish applied to the stone cills and string course at 261a, 1<sup>st</sup> floor flat, 269 Fulwood Road, flats 1,2 and 3, 271 to 273 Fulwood Road, (B) for the Head of Planning, in liaison with the Chair of this Committee, to vary the action in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control and (ii) no further action be taken in respect of the soffits and fascias, which had been added prior to the Article 4(2) Direction being confirmed for the Broomhill Conservation Area in October 2009;

(f) having noted that the fascia signs as erected were different to those applied for and that the projecting signs indicated on the application had not been erected, an application for advertisement consent for the installation of two internally illuminated fascia signs and two projecting signs at 87 The Moor (Unit 4) (Case No. 13/02621/ADV) be refused

with authority being given (i) for the Director of Regeneration and Development Services or Head of Planning to take all appropriate steps including, if necessary, enforcement action and the institution of legal proceedings, to secure the removal of the currently erected unauthorised fascia signs at 87 The Moor, Unit 4 and (ii) for the Head of Planning, in liaison with the Chair of this Committee, to vary the action in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of advertisement control;

(g) having (i) noted an additional representation and the officer's response and an amendment to the report, as now submitted, concerning the rear elevation of a bay window, as detailed in a supplementary report circulated at the meeting and (ii) heard two oral representations objecting to the proposed development, an application for planning permission for the erection of a dwellinghouse at land adjacent to 39 Muskoka Drive (Case No. 13/02270/FUL) be granted, conditionally;

(h) an application for planning permission for the demolition of workshops and offices, and erection of mixed use development comprising 153 student accommodation units (maximum of 14 storeys high and including 452 bedspaces contained within 71 apartments and 82 cluster flats), ancillary resident only facilities, and business space (530 square metres), 29 retirement apartments (maximum of 5 storeys high), a care home facility (maximum of 4 storeys high and including 60 bedspaces), associated car parking and landscaping works at Globe II Business Centre, 128 Maltravers Road (Case No. 13/01528/FUL), be deferred to allow the applicant to consider changes to the proposed development in respect of (i) a reduction in the density, scale and massing of the student accommodation to provide a more appropriate, complimentary and balanced development to the adjacent residential area and (ii) increase the number of car parking spaces to accord more closely with the Local Planning Authority's maximum car parking standards, as opposed to the minimum standards currently indicated; and

(i) having (i) noted (A) an amendment to Condition 2 to confirm the date that plans had been received by officers, as detailed in a supplementary report circulated at the meeting, (B) that the Legal Agreement had been completed and (C) an additional representation from Friends of Gilchrist Wood and Meadow (FOGWAM) circulated at the meeting and (ii) heard oral representations from a local Ward Councillor and a representative of FOGWAM objecting to the development and from the applicant in support of the development, an application for planning permission for the erection of 14 dwellinghouse with garages at land at Hallamshire Drive and adjoining 31 Canterbury Crescent (Case No. 13/00155/FUL), be granted, conditionally, subject to an additional condition requiring tree protection measures to be placed on trees along the boundary of the

site and with a request that officers liaise with the Local Area Partnership on consultation being undertaken with FOGWAM on the allocation of the monies associated with the Legal Agreement.

## **9. ENFORCEMENT OF PLANNING CONTROL: 41 PARK GRANGE MOUNT**

9.1 The Director of Regeneration and Development Services submitted a report on his investigation into a complaint received concerning a breach of planning control in respect of the unauthorised erection of a raised patio at 41 Park Grange Mount. The report stated that the decking, as constructed, allowed for significant overlooking of neighbouring gardens. An assessment of possible screening being provided, considered that it would lead to unacceptable bulk and dominance of the structure on the neighbouring gardens and possible overshadowing. Furthermore, side screens would not prevent overlooking of the areas close to the houses and that a third screen would be needed at the front edge of the platform, which would enclose it on three sides.

9.2 It was viewed that breach of planning control contravened policy H14 of the Unitary Development Plan and Guideline 6 of the Supplementary Planning Guidance.

9.3 **RESOLVED:** That (a) the Director of Regeneration and Development Services or Head of Planning be authorised to take all appropriate steps including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised raised patio development at 41 Park Grange Mount; and

(b) the Head of Planning, in liaison with the Chair of this Committee, be authorised to vary the action in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

## **10. RECORD OF JUDICIAL REVIEW CASE OUTCOMES 2013**

10.1 The Committee received and noted a report of the Director of Regeneration and Development Services detailing all judicial review cases in relation to planning/listed building applications heard during 2013 and detailing outcome, including where given, the Judges' reasoning in their decisions.

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

11.1 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.

**12. DATE OF NEXT MEETING**

- 12.1 It was noted that the next meeting of the Committee will be held on Tuesday 7 January 2014 at 2.00 pm at the Town Hall.