

# SHEFFIELD CITY COUNCIL

## Planning and Highways Committee

### Meeting held 16 September 2014

**PRESENT:** Councillors Alan Law (Chair), David Baker, Jack Clarkson, Roger Davison, Tony Downing (Deputy Chair), Ibrar Hussain, Bryan Lodge, Roy Munn, Peter Price, Denise Reaney and Joyce Wright

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

1.1 An apology for absence was received from Councillor Nasima Akther.

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

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

#### **3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

#### **4. MINUTES OF PREVIOUS MEETING**

4.1 The minutes of the previous meeting of the Committee held on 26 August 2014 were approved as a correct record.

#### **5. SHEFFIELD CONSERVATION ADVISORY GROUP**

5.1 The Committee received and noted the minutes of the meeting of the Sheffield Conservation Advisory Group held on 22 July 2014.

#### **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 October 2014, in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

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

7.1 **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 No. 13/02892/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) following consideration of representations from the Chair of Carterknowle and Millhouses Community Group, a local Ward Councillor and three local residents speaking against the application, and, notwithstanding the officer's recommendation, an application for planning permission to remove condition no. 7 (retention of car parking area) – an application under Section 73 as imposed by planning permission no. 01/00240/FUL – alterations and erection of canopy to front entrance and alterations to rear elevation and external area at Robin Hood Hotel, Millhouses Lane (Case No. 14/02739/FUL) be refused as the Committee considered that the condition imposed was necessary and relevant owing to the alterations at the time which were designed to attract more visitors to the public house and that it remains necessary and relevant as the removal of the condition, and parking would result in inadequate parking provision for the public house;

(c) subject to amendments to conditions 4, 47 and 35, the deletion of conditions 5, 6, 15, 14, 48, 49 and 35 and the inclusion of additional conditions, as outlined in a supplementary report circulated at the meeting, an application for planning permission for mixed use development incorporating commercial unit (use classes A1, A2, A3, B1) (395 sq. m), kiosk (A1 use) (41 sq. m), 53 student cluster flats (287 bedspaces) with associated facilities, 100 apartments and associated car parking accommodation and landscaping works (phase 1) and partial demolition, conversion and refurbishment of former St. Luke's School building for office use (Phase 2) at the site at 29 to 65 Garden Street (Case No. 14/02393/FUL) be granted, conditionally, subject to legal agreement;

(d) following consideration of an additional representation and officer response, as outlined in a supplementary report circulated at the meeting, and representations from a local resident and local Ward Councillor opposing the application, and subject to an amendment to the report to remove the words Rev A next to drawing no. 6475 PL01 in condition 2, an application for planning permission for erection of one detached dwellinghouse (C3 use) and associated landscaping at curtilage of 7 Stocks Green Court and land rear of 3-7 Stocks Green Court (Case No. 14/02178/FUL) be granted, conditionally; and

(e) notwithstanding the officer's recommendation, an application for planning permission for the repositioning of existing refrigeration unit to rear elevation and encasement in sound reduction enclosure (amended description) (as per amended drawings received on 7 August 2014 and 4 September 2014) at Village News 176-178 Main Street, Grenoside (Case No. 14/01042/FUL) be deferred to allow the application to be considered with a further application at the site at the next meeting of the Committee.

## **8. ENFORCEMENT OF PLANNING CONTROL: 140 TO 142 ABBEYDALE ROAD**

8.1 The Director of Regeneration and Development Services submitted a report in relation to the erection of an unauthorised timber canopy on the front of business premises at 140-42 Abbeydale Road.

8.2 The report stated that Abbeydale Road was an area of the City that had been

targeted, by the Council's Planning Enforcement Team, with the aim of improving the general appearance of the street scene, and, to date, enforcement action had been successful in securing the removal of 3 unauthorised canopies (in 2007) and a number of illegal advertisements in 2013. A further report appears on this agenda relating to additional illegal advertisements.

- 8.3 A complaint from a Planning Enforcement Officer, was received, on 11 February 2014 concerning with a corrugated metal roof, that had been erected on the premises' forecourt which faced Abbeydale Road.
- 8.4 Correspondence was entered into with the owner of the premises informing them that planning permission was required to erect a canopy on the front of retail premises but that because of the detrimental effect to the amenities of the street scene, it was unlikely that it would be granted for the one that had been built.
- 8.5 The owner responded to the letter, and although they agreed to remove the canopy, and replace it with one that was considered as being more acceptable, this work was not carried out and as a result a Section 330 Notice was served on the premises owner on 11 April 2014, which the owner failed to complete and return to the Council.
- 8.6 To date no attempt had been taken by the owner to remove the canopy as requested in the original correspondence dated 20 February 2014, or to submit an application for an alternative and more acceptable canopy that would continue to meet the needs of this business.
- 8.7 **RESOLVED:** That (a) the Director of Regeneration and Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised canopy at 140-142 Abbeydale Road 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.

**9. ENFORCEMENT OF PLANNING CONTROL: 755 TO 757 ABBEYDALE ROAD**

- 9.1 The Director of Regeneration of Development Services submitted a report in relation to the erection of an unauthorised timber and Perspex canopy on the front of business premises at 755-757 Abbeydale Road.
- 9.2 The report stated that a complaint was received, on 5 March 2013, concerning the erection of a 2.4m high timber and Perspex canopy that had had been attached to the premises' front elevation.
- 9.3 Correspondence was entered into with the owner of the premises informing them that planning permission was required to erect a canopy on the front of retail premises but that because of the detrimental effect to the amenities of the street scene, it was unlikely that it would be granted for the one that had been built.
- 9.4 The owner responded to the letter and a meeting was arranged on 8 April 2013, to

discuss the matter and to discuss types of canopy that would be deemed as being acceptable in order to meet the needs of the business. Unfortunately the owner failed to attend this meeting.

9.5 To date no attempt had been taken by the owner to remove the canopy as requested in the original correspondence dated 26 March 2013, or to submit an application for an alternative and more acceptable canopy.

9.6 **RESOLVED:** That (a) the Director of Regeneration and Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised canopy at 755 -757 Abbeydale Road; 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. ENFORCEMENT OF PLANNING CONTROL: 166, 223 TO 225, 234, 235, 243 TO 245 AND 280 ABBEYDALE ROAD**

10.1 The Director of Regeneration and Development Services submitted a report in relation to breaches of planning control in respect of illegal signs at 166, 223-225, 234, 235, 243-245 and 280 Abbeydale Road.

10.2 The report stated that two complaints had been received from the public in relation to illuminated signs at 227 and 229 Abbeydale Road. Enforcement action was taken against these signs which resulted in a successful prosecution and the subsequent removal of three illegal signs. The owner of the two properties made a counter complaint regarding similar illuminated signs in the area at first floor level. In the interests of fairness, an area of Abbeydale Road was targeted and five properties were identified as displaying illegal signs.

10.3 Of the targeted action, five signs had been removed after negotiation; however eight of the signs, which are the subject of the report, remain. Each property displaying an illegal sign had received numerous communications from the Council since December 2012 identifying and explaining the illegal signs, requesting their removal and offering advice on alternative, more acceptable proposals.

10.4 In 2014 two new signs appeared at 280 Abbeydale Road, one a large illuminated sign causing nuisance to the first floor flats and the second a large banner sign at first floor level. Several letters had been sent to the occupiers and owners but no effort had been made to contact the Council or to remove the signs.

10.5 It was officers' opinion that if retrospective advertisement applications were submitted for the signs they would be contrary to UDP Policy and would likely be refused. Therefore, advertisement applications had not been invited.

10.6 **RESOLVED:** That (a) authority be given to the Director of Regeneration and Development Services or the Head of Planning to take all necessary steps, including enforcement action, the institution of legal proceedings, and, if

necessary, discontinuance action, to secure the removal of the signs at the properties at Abbeydale Road identified in the report now submitted and (b) the Head of Planning, in liaison with the Chair of the 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.

## **11. ENFORCEMENT OF PLANNING CONTROL: 111 PAGE HALL ROAD**

- 11.1 The Director of Regeneration and Development Services submitted a report informing Members of an error in the recommendation relating to an application for planning permission in respect of 111 Page Hall Road which was considered at the Planning and Highways Committee on 26 August 2014, and to make recommendations on further action required.
- 11.2 The report stated that the application, which was retrospective, was for cladding of the house with insulated render which was refused. It was also agreed that the Director of Regeneration and Development Services or the Head of Planning be authorised to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the traditional features that had been obscured by the cladding were re-instated.
- 11.3 Unfortunately, at the time of writing the report on 111 Page Hall Road, officers were unaware of an earlier Enforcement Report which was agreed at the Planning and Highways Committee on 24 June 2014. This report addressed the unauthorised installation of external wall insulation (EWI), a form of cladding, to 31 houses on Staniforth Road, Earl Marshall Road and Page Hall Road. 111 Page Hall Road was included in this group of houses.
- 11.4 In considering whether or not the EWI render can be accepted as Permitted Development (PD), the view of the Council was that the replacement materials at the front needed to be of a similar colour and style as the existing material. A brick property would need a brick like finish, for example.
- 11.5 The assessment in paragraph 5.8 of the Enforcement report of the EWI finish to the front elevation of 111 Page Hall Road noted that the traditional stone heads and cills detail and the red brick finish had been lost due to over cladding, giving a blank finish to the front elevation, spoiling the look and character of the property and the wider terrace of houses as a whole.
- 11.6 The assessment in the officer report for the planning application considered on 26 August 2014 by the Planning and Highways Committee reached the same conclusion, resulting in the recommendation for refusal.
- 11.7 The Committee authorised action, including enforcement action and the institution of legal proceedings, if necessary, to prevent further harmful, unauthorised external wall insulation to elevations fronting the highway. However, the Committee also agreed that no further action be taken on addresses set out in paragraph 9.1 of the Enforcement report, which included 111 Page Hall Road.
- 11.8 It was the case, therefore, that two separate, differing courses of action have been

agreed on the same property by the Planning and Highways Committee, following recommendations made by officers. Officers apologised for this. The reason it arose was because this planning application was submitted before the matter was reported as an enforcement matter. Hence, there was no record of an enforcement procedure registered against it. Current technical procedure effectively linked enforcement cases with subsequent planning applications intended to resolve a breach of planning control. Officers will be updating enforcement records to ensure that this does not happen again.

- 11.9 **RESOLVED:** That the Director of Regeneration and Development Services or Head of Planning be authorised to: (a) disregard the authority given at the meeting of the Planning and Highways Committee held on 26 August 2014 to secure the removal of the cladding at 111 Page Hall Road and (b) take no further action in relation to external wall insulation at 111 Page Hall Road, which had already been agreed at the meeting of the Planning and Highways Committee held on 26 June 2014.

## **12. DATE OF NEXT MEETING**

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