

# SHEFFIELD CITY COUNCIL

## Planning and Highways Committee

### Meeting held 23 February 2016

**PRESENT:** Councillors Alan Law (Chair), Peter Rippon (Chair), Nasima Akther, David Baker, Jack Clarkson, Tony Damms, Roger Davison, Bryan Lodge, Peter Price, Denise Reaney, Chris Rosling-Josephs and Garry Weatherall

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

1.1 Apologies for absence were received from Councillors Adam Hurst, Ibrar Hussain and Joyce Wright but no substitutes were appointed.

#### **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 Councillor Nasima Akther declared a personal interest in an application for reserved matters for the erection of 58 dwellinghouses with associated car parking accommodation and landscaping works (Application to approve details in relation to appearance, landscaping, layout and scale – matters reserved by 13/04204/RG3) at site of Abbeydale Grange School, Hastings Road (Case No. 15/03543/REM) as a Ward Councillor in the area of the proposed development.

3.2 The Chair (Councillor Alan Law) declared a personal interest in agenda item 14 'Review of Affordable Housing Obligation: Dyson Refractories Ltd., Griff Fireclay Works, Stopes Road' as a former employee at the site.

3.3 Councillor David Baker declared a personal interest in agenda item 14 'Review of Affordable Housing Obligation: Dyson Refractories Ltd., Griff Fireclay Works, Stopes Road' as a Ward Councillor for the area.

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

4.1 The minutes of the meeting of the Committee held on 2 February, 2016 were agreed as a correct record.

#### **5. SITE VISIT**

5.1 **RESOLVED:** That the Director of Regeneration and Development Services, in liaison with a Co-Chair, be authorised to make arrangements for a site visit on Monday, 14 March 2016, in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

## 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. 15/04643/FUL and 15/04019/OUT 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 additional information and subject to an additional condition and an additional directive, as outlined in a supplementary report circulated at the meeting, an application for planning permission for alterations to garages for use as a community centre (Use Class D1) at garages to side of 127 Bevercotes Road (Case No. 15/03567/FUL) be granted, conditionally;

(c) following consideration at the meeting of representations from a representative of the applicant speaking against the recommendation to refuse, and two representatives from the Loxley Valley Protection Society speaking in support of the recommendation to refuse, applications for planning permission for erection of a detached dwelling to be used in conjunction with existing cattery business and an application for planning permission to separate cattery business from domestic accommodation (application to remove condition 6 of planning permission no. 10/02243/FUL) (Re-submission of 14/03602/FUL) at 100 Myers Grove Lane (Case Nos. 15/03556/FUL and 15/03555/FUL) be refused for the reasons outlined in the report; and

(d) (i) subject to an amendment to condition 1 and an additional condition, as outlined in a supplementary report circulated at the meeting, and following consideration at the meeting of representations from a representative of the Carterknowle and Millhouses Community Group speaking against the application and the agent for the applicant speaking in favour of the applicaton, an application for approval of reserved matters for erection of 58 dwellinghouses with associated car parking accommodation and landscaping works (application to approve details in relation to appearance, landscaping, layout and scale – matters reserved by 13/04204/RG3) at site of Abbeydale Grange School, Hastings Road (Case No. 15/03543/REM) be granted, conditionally and (ii) authority be delegated to the Head of Planning, in consultation with a Co-Chair of the Committee, to redraft condition 8 as he deems necessary, removing reference to ‘the principal contractor’ in order to achieve the same outcome, and ensure dust control measures are employed.

**7. ENFORCEMENT OF PLANNING CONTROL: 198 TO 200 CROOKES VALLEY ROAD**

- 7.1 The Director of Regeneration and Development Services submitted a report informing the Committee of a breach of the advertising regulations in relation to the erection of an unauthorised sign at 198-200 Crookes Valley Road.
- 7.2 The report stated that a complaint from a member of the public had been received concerning a large advertisement board that had been fixed to the Crookes Valley Road elevation of the property.
- 7.3 Correspondence was entered into with the owners of the property on 21 July 2015, informing them that, because this property is a Grade II listed building, advertisement and listed building consent were required for a development of this nature. It was also explained that because the sign was not in keeping with the character of the building, it was unlikely that advertisement and listed building consent would be granted.
- 7.4 A representative, acting on behalf of the property owner, responded to this letter to confirm the sign would be removed, within the 28 day time period specified in the letter. However, a recent visit to site revealed that the advertisement had yet to be removed.
- 7.5 **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 sign at 198-200 Crookes Valley Road; and
- (b) the Head of Planning, in liaison with a Co-Chair of the Committee is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

**8. ENFORCEMENT OF PLANNING CONTROL: 3 NETHER EDGE ROAD**

- 8.1 The Director of Regeneration and Development Services submitted a report informing Members of a breach of planning control in relation to the unauthorised erection of a forecourt canopy at 3 Nether Edge Road.
- 8.2 The report stated that the Planning Service had received complaints about a new forecourt canopy being erected that potentially caused a safety hazard and highlighting safety issues and the design structure being out of keeping and visually harmful to the conservation area.
- 8.3 The initial visit confirmed that the structure was development that required a planning application. It was mostly a timber structure, consisting of a raised timber floor, posts and roof frame with plastic panels serving as the roof covering. One of the complaints was that steps (made of timber) had been incorporated into the structure, making it potentially difficult for elderly customers.
- 8.4 The owner was advised in writing that the forecourt structure was unauthorised

and that a planning permission to retain it would be unlikely to receive support from officers. The owner did contact officers and an application for this structure, amongst other things such as a change of use for the property was discussed. However, an application had not been submitted. A follow up letter was sent and the owner had now passed on the matter to her new tenant. The tenant, only occupying the property since the end of November, had contacted officers and was cooperating to find a solution. This contact was made quickly following the reminder letter, when this report was already prepared. No firm plan had been submitted but discussion was at the initial contact stage. The forecourt structure was erected before the current tenant occupied the property.

8.5 It was acknowledged by officers that prior to the canopy structure being erected there were two smaller canvas canopies attached to the front of the shop. These were immune from enforcement action having been present for many years. They had become rather shabby and rather ugly and the removal of these was a benefit to the visual appearance of the property. Underneath the former canopies there was a portable table/stall which had fruit, vegetables etc. displayed on it.

8.6 **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 forecourt structure at 3 Nether Edge Road; and

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

## **9. QUARTERLY OVERVIEW OF ENFORCEMENT ACTIVITY**

9.1 The Committee received and noted a report of the Director of Regeneration and Development Services providing a quarterly update of progress on the work being undertaken by the enforcement team within the City.

## **10. QUARTERLY UPDATE OF ENFORCEMENT CASES IN THE SOUTH AREA**

10.1 The Committee noted (a) a report of the Director of Regeneration and Development Services providing an update on the progress of enforcement cases in the South area of the city and (b) further information provided orally by the Director on enforcement matters in response to questions from Members of the Committee.

## **11. QUARTERLY UPDATE OF ENFORCEMENT CASES IN THE CITY CENTRE AND EAST AREAS**

11.1 The Committee noted (a) a report of the Director of Regeneration and Development Services providing an update on the progress of enforcement cases in the City Centre and East areas of the city and (b) further information provided orally by the Director on enforcement matters in response to questions from Members of the Committee.

**12. QUARTERLY UPDATE OF ENFORCEMENT CASES IN THE WEST AND NORTH AREA**

- 12.1 The Committee noted (a) a report of the Director of Regeneration and Development Services providing an update on the progress of enforcement cases in the West and North areas of the city and (b) further information provided orally by the Director on enforcement matters in response to questions from Members of the Committee.

**13. REVIEW OF AFFORDABLE HOUSING OBLIGATION: DYSON REFRACTORIES LTD., GRIFF FIRECLAY WORKS, STOPES ROAD**

- 13.1 The Director of Regeneration and Development Services submitted a report outlining a position statement on an application submitted under Section 106BA of the Town and Country Planning Act 1990 seeking a review of a planning obligation attached to a previous planning permission Case No. 15/00122/FUL at Dyson Refractories Ltd, Griffs Fireclay Works, Stopes Road.

- 13.2 Members expressed their dissatisfaction that the developer had signed a Section 106 agreement on 11 January 2016, which suggested that they were happy that the Scheme was viable with the inclusion of the affordable housing provision agreed with the planning permission, but had now, on 21 January 2016, ten days later, submitted an application to review the planning obligation for affordable housing arguing that the scheme was not viable with the affordable housing provision.

- 13.3 **RESOLVED:** That: (a) the report be noted pending a further report providing a recommendation on the application; and

(b) the following statement be unanimously approved by the Committee and forwarded to the developer, Avant Homes:-

'We are very disappointed with the lack of respect that Avant Homes has shown to this Planning Committee and to the local community. It would appear that we have been misled.

It isn't good enough for Avant Homes to state that they always said affordable housing wasn't viable and should not be seen as playing the system. By agreeing to, and signing a legal agreement to, provide affordable housing they made a commitment. This commitment weighed significantly in the Committee's decision to approve planning permission. Without the affordable housing element then planning permission would almost certainly have been refused.

To sign a legal agreement to get planning permission and then, only two weeks later, apply for that to be removed on viability ground is misusing the regulations that are designed for genuinely stalled development sites.

This Planning Committee expect higher standards of behaviour from developers and we would urge Avant Homes to reconsider and withdraw this application.'

(NOTE: The votes on the above resolution were ordered to be recorded and were as follows:-

For the resolution (11) - Councillors Alan Law, Nasima Akther, David Baker, Jack Clarkson, Tony Damms, Roger Davison, Bryan Lodge, Peter Price, Denise Reaney, Chris Rosling-Josephs and Garry Weatherall.

Against the resolution (0) - None

Abstentions (0) - None

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

14.1 The Committee received and noted a report of the Director of Regeneration and Development Services detailing (a) the 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.

#### **15. DATE OF NEXT MEETING**

15.1 It was noted that the next meeting of the Committee will be held on Tuesday, 15 March 2016 at the Town Hall.