

SHEFFIELD CITY COUNCIL

Planning and Highways Committee

Meeting held 5 November 2013

PRESENT: Councillors Alan Law (Chair), David Baker, Janet Bragg, Tony Downing (Deputy Chair), Jayne Dunn, Ibrar Hussain, Bob Johnson, 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.

2. CAROLYN FORSTER

2.1 The Chair reported that this would be the last meeting attended by Carolyn Forster, Legal Services, as she would shortly be leaving the Council. On behalf of the Committee the Chair thanked Ms. Forster for her contribution to the work of the Committee and wished her well for the future.

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 There were no declarations of interest.

5. MINUTES OF PREVIOUS MEETING

5.1 The minutes of the meeting of the Committee held on 15th October 2013 were approved as a correct record.

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 25th November 2013, in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

7. TREE PRESERVATION ORDER 808/391: SITE OF 440 GLOSSOP ROAD AND 1 BEECH HILL ROAD

7.1 **RESOLVED:** That no objections having been received, the Tree Preservation Order No. 808/391 made on 27th August 2013, in respect of trees at the site of

440 Glossop Road and 1 Beech Hill Road be confirmed as an unopposed Order.

8. PROPOSED HIGHWAY IMPROVEMENT UNDER SECTION 278 OF THE HIGHWAYS ACT - MEADOWHALL WAY, VULCAN ROAD AND SHEFFIELD ROAD

8.1 The Director of Regeneration and Development Services submitted a report seeking authority for the Council to sign the Highways Act Section 278 agreement to allow the detailed design and construction of the scheme at Meadowhall Way, Vulcan Road and Sheffield Road.

8.3 The report stated that for many larger developments it was common for the development to include some form of improvement to the adjacent public highway to either allow access to the development site or improve the capacity of the adjacent highway to allow the additional trips generated by the development to be facilitated without detriment to existing highway users. These improvements were normally undertaken via an agreement with the Council under Section 278 of the Highways Act.

8.4 Section 278 agreements were formalised by the Director of Legal and Governance and to comply with the Council's standing orders as regards delegation the requirement for this type of agreement needed to be approved by this Committee to authorise Legal Services to sign the agreement.

8.5 Normally, as part of the planning approval process the reports presented to this Committee clearly indicated the extent of highway improvements that were required for any specific site and included a standard Grampian condition to cover these requirements. Where the Committee approved this type of report it had been accepted that this did give automatic approval for any necessary Section 278 agreement to be entered into by the Council.

8.6 In this particular instance the development which was presented to this Committee under planning application number 12/01017/FUL (which is the "Next" development adjacent to Meadowhall) was refused and therefore no formal consent to enter a Section 278 agreement existed. However, this application was subsequently granted on appeal and it was now necessary to obtain the Committee's approval to enter into a Section 278 agreement as the developer was hoping to commence works very shortly.

8.7 **RESOLVED:** That the Committee delegates authority to the Director of Legal and Governance to sign a Highways Act Section 278 agreement for highway improvement works associated with planning application number 12/01017/FUL (Next Development) on Meadowhall Way, Vulcan Road and Sheffield Road.

9. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

9.1 **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 and 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 two additional representations, as contained within a supplementary report circulated at the meeting, and representations from two local residents opposing the application, an application for planning permission for conversion of existing dwellinghouse to provide 4 self-contained apartments (Use Class C3 – 2 No. x 1 bedroom and 2. No x 2 bedrooms) including erection of single-storey rear extension/decking area and front dormer window/rear elevation rooflights – amended drawings received on 18/10/13 at 95 Harcourt Road (Case No. 13/02716/FUL) be refused for the reasons outlined in the report;

(c) following consideration of representations objecting to the application from the tenant of the property being considered for development and the owner of a neighbouring business, and a representation from the applicant's agent in support of the application, an application for planning permission for change of use of retail unit from shop (class A1) to betting office (class A2), installation of new shop front, installation of two additional air handling units to rear elevation and satellite dish on roof top at Sly, 36 Division Street (Case No. 13/02613/FUL) be granted, conditionally; and

(d) following consideration of additional information in relation to reserved matters and an additional representation, and subject to amendments to conditions 3 and 11, as outlined in a supplementary report circulated at the meeting, an application for outline planning permission for a residential development comprising 65 dwellings (amended plans received – showing minor amendments which were restricted to reconfiguration of plots adjoining the boundary with dwellings in Bushey Wood Road and the realignment of Plots 45 and 46) (as amended 10/10/13) at the site of King Ecgberts Upper School, Furniss Avenue (Case No. 13/02249/RG3) be granted, conditionally.

10. ENFORCEMENT OF PLANNING CONTROL: SHEFFIELD SKI VILLAGE, VALE ROAD

10.1 It was reported that this item had been withdrawn from the agenda by the Director of Regeneration and Development Services to allow further discussions with the site owner.

11. ENFORCEMENT OF PLANNING CONTROL: 263 CEMETERY ROAD

11.1 The Director of Regeneration and Development Services submitted a report in relation to the unauthorised replacement of windows to the front and side of 263 Cemetery Road, facing Grange Crescent Road and Cemetery Road, the erection of a new soil pipe facing Cemetery Road, a new down pipe adjacent to the bay window facing Grange Crescent Road, the replacement of guttering and the erection of roof felt on the ground floor bay windows.

11.2 The report stated that a complaint was received on 16th March 2013, regarding the

replacement of windows at the property. A subsequent site visit was carried out and it was noticed that most of the original timber windows to the front and side of the property facing Grange Crescent and Cemetery Road had been removed and replaced with UPVC windows.

- 11.3 A site meeting was arranged with the representative of the owner of the property informing him that the property was within the Article 4(2) area and that there were no permitted development rights for alterations to dwelling houses fronting the highway. Therefore the replacement of the windows facing Grange Crescent and Cemetery Road without planning permission was unauthorised. It was suggested that a planning application for a more appropriate replacement should be submitted for the Council's consideration. Several assurances had been given that an application would be submitted however, to date, no planning application had been received for the Council's consideration.
- 11.4 On a further site visit it was also noticed that a new black UPVC soil pipe at first floor level had been installed at the front of the property facing Cemetery Road. The gutters above the ground floor bay windows had been replaced and new black UPVC guttering and new black UPVC down pipe had been installed adjacent to the bay window facing Grange Crescent Road and the roofs of the bay windows had been covered with roof felt.
- 11.5 **RESOLVED:** That the Committee delegates authority to (a) the Director of Regeneration and Development Services or the Head of Planning to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the unauthorised ground floor bay window facing Grange Crescent and all the windows at first and second floor, soil pipe, guttering, down pipe and roof felt; and (b) delegates authority to the Head of Planning, in liaison with the Chair, to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

12. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

- 12.1 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.

13. DATE OF NEXT MEETING

- 13.1 It was noted that the next meeting of the Committee will be held on Tuesday 26th November 2013 at 2.00 pm at the Town Hall.