

Planning and Highways Committee

Meeting held 28 January 2014

**PRESENT:** Councillors Alan Law (Chair), Trevor Bagshaw, David Baker, Janet Bragg, Tony Downing (Deputy Chair), Ibrar Hussain, Bob Johnson, Bryan Lodge, Bob McCann, Peter Price, Peter Rippon, Garry Weatherall and Joyce Wright

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**1. APOLOGIES FOR ABSENCE**

1.1 There were no apologies for absence.

**2. COUNCILLOR JAYNE DUNN**

2.1 The Committee noted that Cllr Jayne Dunn had stepped down as a Member of the Committee following her appointment as Cabinet Adviser for Health, Care and Independent Living. Members placed on record their thanks and appreciation for the valuable contribution made by Cllr Jayne Dunn whilst serving as a member of the Committee.

**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 Bob Johnson declared a personal interest, as he was appointed to the Board of Pennine Housing 2000, in an application for planning permission for a residential development comprising 9 dwellinghouses and 2 wheelchair-accessible bungalows and associated landscaping on land between Phillips Road and Lee Road and land between 1 and 9 Lee Road (Case No. 13/03792/FUL), but did speak and vote thereon.

4.2 Councillor Peter Rippon declared a personal interest, as he was appointed to the Sanctuary Housing Local Board which included Shiregreen Community Homes, in an application for planning permission for the erection of 46 apartments for elderly persons with associated car parking accommodation and landscaping works at the former Woolley Wood Primary School, Oaks Fold Road (Case No. 13/03758/FUL), but did speak and vote thereon.

4.3 Councillor Garry Weatherall declared a personal interest as a Member of the Ecclesfield Parish Council, in an application for retrospective planning permission for the erection of a fence to a boundary wall at 2 Larch Grove (Case No. 13/02224/FUL) but stated he had not attended a meeting considering the application and would speak and vote thereon.

**5. MINUTES OF PREVIOUS MEETING**

- 5.1 The minutes of the meeting of the Committee held on 7 January, 2014 were approved as a correct record.

**6. SHEFFIELD CONSERVATION ADVISORY GROUP**

- 6.1 The Committee received and noted the minutes of the meeting of the Sheffield Conservation Advisory Group held on 10 December 2013.

**7. SITE VISIT**

- 7.1 **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 17 February 2014, in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

**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 as shown 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) an application for planning permission for a residential development comprising 9 dwellinghouses and 2 wheelchair-accessible bungalows and associated landscaping on land between Phillips Road and Lee Road and land between 1 and 9 Lee Road (Case No. 13/03792/FUL) be granted, conditionally, subject to (i) additional conditions in respect of (A) requirements for the development to mitigate the effects of climate change under Policies CS64 and 65 of the Core Strategy, (B) a dry stone wall to the eastern boundary adjacent to the garden of Plot 1 of the development, (C) measures to protect the existing trees to be retained and (D) a management strategy for the long term maintenance of the public open space area, all as detailed in a supplementary report circulated at the meeting and (ii) the completion of a Legal Agreement;

(c) having noted (i) (A) additional information provided by the Environmental Protection Service which confirmed that, as the applicant had provided adequate information in respect of a phase II contamination report and remediation report, proposed conditions, other than Condition 9 requiring a final validation report, could now be deleted and (B) that the open space contribution had been amended to £7,343.90, all as detailed in a supplementary report circulated at the meeting and (ii) the officer's dual recommendation to meet the Government's target for Local Planning Authorities to determine proposed developments, an application for planning permission for the erection of 46 apartments for elderly persons with associated car parking accommodation and landscaping works at the former Woolley Wood Primary School, Oaks Fold Road (Case No. 13/03758/FUL) be

granted, conditionally, subject to (I) (1) Conditions 5, 6,7 and 8 being deleted, (2) Condition 9 being amended by the addition of the words “(ref Eastwood and Partners 3 May 2013)” after the words “approved remediation strategy”, (3) Condition 2 being amended in respect of the substitution of two drawings and (4) additional conditions in respect of the provision of integrated bat boxes and final building and site level details, all as detailed in the aforementioned supplementary report and (II) the completion of a Legal Agreement for the sum of £7,343.90, but in the event that the Heads of Terms are not concluded by 5 February, 2014, authority be given for the application to be refused over the failure to make adequate provision in light of the requirement to meet the Government’s target time for determining the application;

(d) for the purposes of Regulation 3 of the Town and Country Planning (General) Regulations 1992, planning permission be granted to the City Council for the erection of a primary school in two phases, Phase 1 - Infant School and Phase 2 - Junior School, and provision of associated landscaping works, car parking accommodation and access at Gleadless Primary School, Hollinsend Road (Case No. 13/03688/RG3) subject to (i) Condition 8 being amended in respect of the provision of car parking accommodation and (ii) Condition 32 being deleted, as detailed in a supplementary report circulated at the meeting;

(e) having heard representations from two local residents objecting and from the applicant’s agent in support of the proposed development, an application for planning permission for alterations to a car showroom including installation of roller shutters for use as a car repair garage, rendering of the building and erection of a 1.8 metre boundary wall (retrospective), use of the basement workshop as car parking and reduction of the boundary wall brick piers (adjacent access) to 1 metre at The Meersbrook Garage, 1 to 7 Meersbrook Road (Case No. 13/03502/FUL) be deferred (i) pending a visit of inspection to the site and (ii) to allow officers to clarify the requirements proposed by Condition 3;

(f) having (i) considered (A) an amended layout plan involving the relocation of an electricity substation, (B) the amended reasons for refusal and (C) an amended Directive in respect of plans dated 17 December 2013 and 27 January 2014, as detailed in a supplementary report circulated at the meeting and (ii) heard two representations from the applicant’s representatives in support of the development, an application for planning permission for the demolition of an existing food retail unit and two dwellinghouses and the erection of a new food retail unit with associated car parking accommodation and landscaping works and the relocation of an electricity sub-station at Lidl Supermarket, Castlebeck Avenue and 322 and 324 Prince of Wales Road (Case No. 13/03286/FUL) be refused for the two reasons detailed in the aforementioned supplementary report; and

(g) having (i) noted the officer’s oral amendment at the meeting to the reason for recommending refusal by the deletion of the word “retrospective” prior to the word “fence” and (ii) heard a representation from a local resident objecting to the development as constructed, an application for retrospective planning permission for the erection of a fence to a boundary wall at 2 Larch Grove (Case No. 13/02224/FUL) be refused and authority given to (A) 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 unauthorised fence at 2 Larch Grove and (B) 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.

**9. ENFORCEMENT OF PLANNING CONTROL: REAR OF 33 AND 35 NOTTINGHAM CLIFF**

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 building for the purpose of a dwelling to the rear of 33 and 35 Nottingham Cliff. The report stated that although records showed that the site was occupied by two small single storey buildings, the owner had maintained that the development undertaken was the refurbishment of an existing house. It was further stated that there were no records of any residential use of the site and that the two former buildings were small one storey high buildings, making them unlikely for the purpose of practical living space.

9.2 A retrospective planning application (Case No. 13/03341/FUL) for the development as constructed on site was refused planning permission, under delegated powers, on 3 December, 2013. An assessment of the breach of planning control considered that the development was contrary to Policies H14 of the Unitary Development Plan and CS74 of the Core Strategy.

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 building from the land to the rear of 33 and 35 Nottingham Cliff; 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: 12 AND 14 CROOKES ROAD**

10.1 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 replacement of roof tiles, guttering and fascia at 14 Crookes Road and replacement guttering and fascia at 12 Crookes Road. The report stated that the properties were situated within a District Shopping Area, the Broomhill Conservation Area and were subject to Broomhill Article 4 (1) and Article 4 (2) respectively. It was considered that, given the planning controls in the conservation area, the unauthorised changes and the resulting appearance were not appropriate.

10.2 An assessment of the breach of planning control viewed that the replacement artificial roof tiles and uPVC guttering and fascia were inappropriate modern materials and of poor design in a conservation area and as such were contrary to

policies S10, BE 5,15,16 and 17 of the Unitary Development Plan and CS74 of the Core Strategy.

- 10.3 **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 artificial roof tiles, guttering and fascia at 14 Crookes Road and guttering and fascia at 12 Crookes 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.

## 11. **ENFORCEMENT OF PLANNING CONTROL: 201 CHIPPINGHOUSE ROAD**

- 11.1 The Director of Regeneration and Development Services submitted a report on his investigation into a failure to comply with a Breach of Condition Notice at 201 Chippinghouse Lane. The report stated that the breach related to Condition 2 in respect of planning permission Case No. 11/00667/FUL concerning replacement windows to the front of the house. An assessment had been carried out which found that the ground floor window had not been constructed in accordance with the approved plans. The Breach of Condition Notice was served on 5 June 2013 and the time period for the owner to comply had now lapsed.

- 11.2 **RESOLVED:** That (a) the Director of Regeneration and Development Services or Head of Planning be authorised to take all appropriate steps including, if necessary, the institution of legal proceedings to ensure, in relation to 201 Chippinghouse Lane, compliance with the Breach of Condition Notice served on 5 June 2013 and thereafter take all necessary action to ensure compliance with the Conditions attached to planning approval Case No. 11/00667/FUL; 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.

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

- 12.1 The Director of Regeneration and Development Services submitted a quarterly update of progress on the work being undertaken by the enforcement team within the city.

- 12.2 **RESOLVED:** That (a) the report be noted; and

(b) officers be requested to submit a report to a future meeting of the Committee, providing a comparison of Notices served and prosecutions carried out in 2013/14 with those undertaken during 2012/13.

## 13. **QUARTERLY UPDATE OF ENFORCEMENT CASES IN THE CITY CENTRE AND EAST AREA**

- 13.1 The Committee noted (a) a report of the Director of Regeneration and Development Services providing an update on the progress of enforcement cases being undertaken with respect to developments and advertisements in the City Centre and East area of the city and (b) further information provided by the Director of Regeneration and Development Services in response to Members' questions in respect of enforcement matters.

**14. QUARTERLY UPDATE OF ENFORCEMENT CASES IN THE SOUTH AREA**

- 14.1 The Committee noted (a) a report of the Director of Regeneration and Development Services providing an update on the progress of enforcement cases being undertaken with respect to developments and advertisements in the South area of the city and (b) further information provided by the Director of Regeneration and Development Services in response to Members' questions in respect of enforcement matters.

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

- 15.1 The Committee noted (a) a report of the Director of Regeneration and Development Services providing an update on the progress of enforcement cases being undertaken with respect to developments and advertisements in the West and North area of the city and (b) further information provided by the Director of Regeneration and Development Services in response to Members' questions in respect of enforcement matters.

**16. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS**

- 16.1 The Committee received and noted a report of the Director of Regeneration and Development Services 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.

**17. DATE OF NEXT MEETING**

- 17.1 It was noted that the next meeting of the Committee will be held on Tuesday 18 February 2014 at 2.00 pm at the Town Hall.