

# Agenda Item 5

## WEST AND NORTH PLANNING AND HIGHWAYS COMMITTEE

Meeting held Tuesday 31st July 2012

**PRESENT:** Councillors Peter Rippon (Chair), Trevor Bagshaw, Janet Bragg, Adam Hurst, Talib Hussain, Bob McCann, Denise Reaney, Ian Saunders, Garry Weatherall and Joyce Wright

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1. **JULIAN WARD**

1.1 Prior to the commencement of the meeting the Chair announced that Julian Ward, Legal Services had retired from the City Council. On behalf of the Committee, the Chair thanked Julian for all his advice and hard work during his many years service at the Council and wished him well for the future.

2. **WELCOME AND HOUSEKEEPING ARRANGEMENTS**

2.1 The Chair welcomed members of the public to the meeting and the basic housekeeping and fire safety arrangements were outlined.

3. **EXCLUSION OF PRESS AND PUBLIC**

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

4. **APOLOGIES FOR ABSENCE FROM MEMBERS OF THE COMMITTEE**

4.1 There were no apologies received.

5. **DECLARATIONS OF INTEREST**

5.1 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.

6. **MINUTES OF LAST MEETING**

6.1 The minutes of the meeting of the Committee held on 19<sup>th</sup> June, 2012 were approved as a correct record.

7. **SITE VISIT**

7.1 **RESOLVED:** That a site visit be arranged for the morning of Tuesday 21st August 2012 at 10.00 am, in connection with any planning applications requiring a site visit by Members prior to the next meeting of the Committee.

8. **PROPOSED DIVERSION OF PART OF THE FOOTPATH BETWEEN BELMONT DRIVE AND EDWARD STREET, STOCKSBRIDGE**

8.1 The Director of Development Services submitted a report seeking authority to process a Diversion Order to move part of the Public Footpath between Belmont Drive and Edward Street, Stocksbridge. It was stated that the footpath follows one side of the wide drive way to numbers 4 and 5 Belmont Drive and then crosses it to follow a flight of steps down the hill. The proposed diversion would move the footpath to the other side of the drive way, directly to the top of the steps, removing the need for pedestrians to cross the drive way half way along it.

8.2 **RESOLVED:** That (a) no objections be raised to the proposed diversion of part of the footpath between Belmont Drive and Edward Street, Stocksbridge, as detailed in the report of the Director of Development Services and as shown on the plans 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 be given for the Director of Legal Services to take all necessary action on the matter under the powers contained within Section 119 of the Highways Act 1980; 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.

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 submitted to this Committee for this date in respect of Case Nos 12/01655/FUL (Oughtibridge Band Hut) and 12/00685/FUL (former Pinegrove Country Club) 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 had regard to an amended plan submitted by the applicant, in respect of the roof design, as detailed in a supplementary report circulated at the meeting, an application for planning permission for the demolition of an existing conservatory and erection of a single-storey rear extension to a dwellinghouse at 18 Blackbrook Drive (Case No. 12/01605/FUL) be granted, conditionally, subject to Condition 2 being amended by the substitution of the words "Plan Number 12-7B" for the words "the following approved documents", as detailed in the aforementioned supplementary report; and

(c) having noted that the Legal Agreement had been completed, an application for planning permission for the partial demolition and refurbishment of an industrial unit to form 11 cottages, the erection of a garage block and the provision of associated landscaping and parking accommodation at the site of Loxley Works, Low Matlock Lane (Case No. 12/00585/FUL) be granted, conditionally, subject to (i)(A) Condition 2 being amended by the addition of the information "Drawing 1849 007", (B) Condition 15 being amended by the addition of the words "including the repair of the existing boundary wall on the Loxley Road frontage" after the words "boundary treatment" and (C) an additional condition being added in respect of bat and bird boxes, all as detailed in a supplementary report circulated at the meeting and (ii)(A) an additional condition restricting the hours of demolition and construction to Monday to Friday 0800 hours to 1700 hours and Saturday 0800 hours to 1300 hours, with no work carried out on Sundays or Public Holidays and (B) an additional directive being added to advise the applicant to seek information from the Council's Building Control Service, to ensure that sufficient insulation is installed to prevent noise transmission into the dwellings.

**10. ENFORCEMENT OF PLANNING CONTROL: LAND BETWEEN 12 AND 14 COOKS WOOD ROAD**

10.1 The Director of Development Services submitted a report on his investigation into complaints received concerning a breach of planning control in respect of the unauthorised use of land for the parking and storage of damaged vehicles and the unauthorised erection of a fence and gate on land between 12 and 14 Cooks Wood Road. The report stated that the use of the area from previously undeveloped land, to the storage of vehicles would require a change of use. A further assessment of the unauthorised use also viewed that it would harm the living conditions of neighbouring residents and would be liable to cause noise nuisance, and as such it was considered to be contrary to Policies B8 and H10 of the Unitary Development Plan. With regard to the fence and gates that had been erected, it was stated that planning permission would be required as they were adjacent to the highway and over a metre in height.

10.2 The Committee heard representations from two local residents in support of enforcement action being undertaken to remove the cars. Reference was made to ensuring the land was reinstated, with particular regard to the removal of any contamination and the replacement of Silver Birch trees that had been cut down. Concern was also expressed that the fencing prevented access to the site and that the storage of cars caused a detrimental impact on the character of the area. The Director of Development Services also referred to a written submission he had received in support of enforcement action being undertaken. In response, the Director of Development Services stated that, whilst the land would be required to be reinstated, the owner could not be required to replace the Silver Birch trees that had been removed as they had not been protected.

10.3 **RESOLVED:** That the Director of Development Services or Head of Planning be (i) authorised to take all necessary steps including, if necessary,

enforcement action, the service of a Stop Notice and the institution of legal proceedings, to secure the removal of the unauthorised vehicles and the cessation of the unauthorised use of the land for the parking and storage of vehicles on land between 12 and 14 Cooks Wood Road and (ii) requested to investigate if there was a right of way through the aforementioned site and notify the Health and Safety Executive of the unauthorised use.

**11. RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS**

- 11.1 The Committee received and noted a report of the Director of 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.