

City Centre, South and East Planning and Highways Committee

Meeting held 15 October 2012

**PRESENT:** Councillors Alan Law (Chair), David Baker, Richard Crowther, Tony Downing, Jayne Dunn, Ibrar Hussain, Peter Price, Janice Sidebottom and Diana Stimely

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**1. EXCLUSION OF PUBLIC AND PRESS**

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

**2. APOLOGIES FOR ABSENCE**

2.1 There were no apologies for absence.

**3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

**4. MINUTES OF PREVIOUS MEETING**

4.1 The minutes of the meeting of the Committee held on 24th September 2012 were approved as a correct record.

**5. SITE VISIT**

5.1 **RESOLVED:** That the Director of Development Services, in liaison with the Chair, be authorised to make arrangements for a site visit on Thursday 1<sup>st</sup> November 2012 in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee

**6. ARTICLE 4 (1) DIRECTION, 20 NEWFIELD LANE, DORE**

6.1 The Committee received a report of the Director of Development Services providing details of a decision taken under delegated powers to serve an Article 4(1) Direction upon the owner of land at 20 Newfield Lane, and of its implications

6.2 It was noted that 20 Newfield Lane was a modest isolated dwelling on a large and generally open plot within the adopted Green Belt, classed as an Area of High Landscape Value, as identified by the Unitary Development Plan. The dwelling, on the edge of Dore, had previously been significantly extended over and above its original footprint. Views across the plot are prevalent to open countryside beyond.

6.3 It was further noted that the owner of 20 Newfield Lane was seeking to erect a substantial outbuilding within the extensive garden area to the side of the dwelling. Plans have been formally submitted (ref: 12/00610/LD2) to seek to establish that

the proposed building falls within Class E to Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The application was due to be considered by Members at the City Centre, South & East Planning and Highways Committee on 23 July 2012, but it was withdrawn from the agenda by officers to allow for further examination of the legal interpretation of the case, and to allow the applicant to submit further evidence. It was noted that there was significant local opposition to the proposal.

- 6.4 The erection of any detached outbuildings within the curtilage of the dwelling or further extension of the dwelling was capable of having a significant and damaging impact on the open character of the Green Belt adjacent open countryside and fronting the west side of Newfield Lane, which is not substantially developed. Consequently, such developments are potentially damaging to the public interest.
- 6.5 There was therefore evidence of a significant threat to the open character of the Green Belt, and the Area of High Landscape Value in this location. In recognition of this, and of the significant level of public opposition to the proposed outbuilding, officers considered that in order to ensure all forms of future development in this prominent location would be subject to an application for planning permission, it would be appropriate to exercise powers set out within the Town and Country Planning (General Permitted Development Order) 1995 (as amended) to remove permitted development rights from the property.
- 6.6 **RESOLVED:** That Members note the imposition of an Article 4(1) Direction at 20 Newfield Lane, Dore removing permitted development rights from the property.

## **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 2007, be decided, granted or refused as stated in the report submitted to this Committee for this date in respect of Case Nos. 12/02481/FUL, 12/02245/FUL, 12/02161/CAC, 12/02160/FUL, 12/01976/FUL and 12/01916/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) subject to the inclusion of additional conditions, as outlined in a supplementary report circulated at the meeting, an application for planning permission for the erection of two dwellinghouses for use as houses in multiple occupation (class C4) at 6 Wilkinson Street (Case No. 12/02443/FUL (formerly PP-02126343)) be granted, conditionally;

(c) subject to an amendment to condition 2 and the inclusion of additional conditions, as outlined in a supplementary report circulated at the meeting, and the strengthening of the wording to condition 8 to ensure the continued retention

of the 2 metre high brick wall between the application site and the Foxwood Public House, an application for planning permission for the erection of two dwellinghouses at the car park adjoining the Embassy Ballroom and Foxwood Public House, 57 Mansfield Road (Case No. 12/02287/FUL) be granted, conditionally;

(d) subject to the deletion of condition 15, as outlined in a supplementary report circulated at the meeting, an application for planning permission for the erection of 90 student bedrooms in 10 cluster apartments in a 6 storey block with class A1/A3/A5 and B1 units on ground floor at the Yorkshire Co Op Society Car Park, Beeley Street (Case No. 12/02078/FUL) be granted, conditionally, subject to legal agreement;

(e) subject to an amendment to condition 13 that the reference to '240' car parking spaces should now read '247, as outlined in a supplementary report circulated at the meeting, an application for planning permission for the reorganisation of depot site including demolition of buildings and provision of new salt barn, modular two storey mess building, new green waste bays and alterations to side entrance gate and walls, alteration to existing building to create offices and additional parking (amended scheme) at Sheffield City Council Olive Grove Depot, Olive Grove Road (Case No. 12/01933/FUL) be granted, conditionally; and

(f) notwithstanding a request for a deferral of the application by the applicant, as outlined in a supplementary report circulated at the meeting, an application for certificate of lawful use development for the erection of building for use as quadruple garage, workshop, home office, indoor golf practice area, tennis pavilion, music room and gymnasium, all incidental to the use of No. 20 Newfield Lane as a dwelling (application under Section 192 of the Town and Country Planning Act 1990) at Newfield Farm, 20 Newfield Lane (Case No. 12/00610/LD2) be refused as the Committee considered that (i) the application site was the subject of a Direction under Article 4(1), the effect of which was to remove deemed planning permission under Class E of the Town and Country Planning (General Permitted Development) Order 1995 (and any amendments) in respect of the provision of buildings within the curtilage of a dwellinghouse, (ii) the proposed building included two floor levels and was therefore contrary to Class E.1(c) of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) Order 2008 and (iii) the scale of the proposed workshop, music room, tennis pavilion and gymnasium were excessive in relation to the reasonable enjoyment of the domestic activities associated with the dwelling and the office was not associated with the dwelling and the office was not associated with the domestic enjoyment of the dwellinghouse.

(Note. The application for planning permission for the erection of 5 x 8 m high floodlights to provide additional floodlighting for 2 tennis courts at Brentwood Lawn Tennis Club, Brentwood Road (Case No. 12/01943/FUL) was withdrawn from consideration from the meeting).

## **8. ENFORCEMENT OF PLANNING CONTROL: 2 ALBANY ROAD**

8.1 The Committee received a report of the Director of Development Services providing

details of a breach of planning control with regard to the unauthorised replacement of windows to the front and side of 2 Albany Road, Sheffield, S7, facing Albany Road and Chippinghouse Road.

- 8.2 **RESOLVED:** That authority be given to the Director of 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 windows at 2 Albany Road.

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

- 9.1 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

**10. DATE OF NEXT MEETING**

- 10.1 It was noted that the next meeting of the Committee would be held on Monday 5<sup>th</sup> November 2012 at 2.00 pm in the Town Hall.