

# SHEFFIELD CITY COUNCIL

## West and North Planning and Highways Committee

### Meeting held 4 December 2012

**PRESENT:** Councillors Peter Rippon (Chair), Trevor Bagshaw, Janet Bragg, Adam Hurst, Talib Hussain, Bob McCann, Roy Munn, Garry Weatherall, Joyce Wright and Joe Otten (Substitute Member)

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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 FROM MEMBERS OF THE COMMITTEE**

2.2 An apology for absence was received from Councillor Denise Reaney and Councillor Joe Otten attended the meeting as the duly appointed substitute.

#### **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 13<sup>th</sup> November, 2012 were approved as a correct record, subject to the substitution of the word "Tuesday" for the word "Monday" under Item 11.1 (Date of Next Meeting).

#### **5. SHEFFIELD CONSERVATION ADVISORY GROUP**

5.1 The Committee received and noted the minutes of the meeting of the Sheffield Conservation Advisory Group held on 23<sup>rd</sup> October, 2012.

#### **6. SITE VISIT**

6.1 RESOLVED: That a site visit be arranged for the morning of Tuesday 2<sup>nd</sup> January 2013 at 10.00 am, in connection with any planning applications requiring a site visit by Members prior to the next meeting of the Committee.

#### **7. OBJECTION TO TREE PRESERVATION ORDER 808/388: LAND BETWEEN 2A PENISTONE ROAD AND 51 ROJEAN ROAD**

7.1 The Director of Development Services submitted a report outlining his response to an objection received to Tree Preservation Order No. 808/388 on land between 2a Penistone Road and 51 Rojean Road.

7.2 The report explained that the trees were located on land which was allocated as open space in the Unitary Development Plan. The land had

been maintained by the City Council until it became known in late 2011 that it was privately registered. Accordingly, the Order had been served to protect the visual amenity of the site and avoid the potential of trees being removed.

7.3 The objections to the Order were outlined and details of the responses were provided by the Director of Development Services to each of the points made by the objector.

7.4 **RESOLVED:** That (a) following consideration of the objection now reported, Tree Preservation Order No. 808/388 be confirmed as advertised; and

(b) officers be requested to investigate how maintenance of the land subject to the Order would be carried out and that the outcome be reported to a future meeting of this Committee.

## **8. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS**

8.1 **RESOLVED:** That the application now submitted for permission to erect a dwellinghouse with an integral garage and associated landscaping on land between 30 and 32 Chorley Drive (Case No. 12/02429/FUL), under the Town and Country Planning Act 1990 and the Regulations made thereunder, be granted, conditionally, subject to (a) the advertising of a Footpath Diversion Order and with regard to this matter (i) no objections be raised to the proposed diversion of the Adopted Public Footpath linking Chorley Drive with Slayleigh Lane, as detailed in the report now submitted and shown on the plan now exhibited, subject to satisfactory arrangements being made with the Statutory Undertakers with regard to their mains and services that may be affected, (ii) authority be given for the Director of Legal Services to take all necessary action on the matter to divert the footpath using the powers contained within Section 257 of the Town and Country Planning Act 1990 and (iii) 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, (b) Condition 3 being amended to require the applicant to construct the diverted footpath as approved by the Local Planning Authority, prior to the substantial completion of the dwellinghouse and (c) 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.

## **9. ENFORCEMENT OF PLANNING CONTROL: REAR OF 7 SOUTHEY HILL**

9.1 The Director of Development Services submitted a report on his investigation into complaints received concerning a breach of planning control, related to the unauthorised use of an outbuilding as a vehicle repair garage at the rear of 7 Southey Hill. The report stated that, whilst the occupier stated the property was only repairing cars for his own personal use, it had been established that vehicle parts were being advertised for sale. To ascertain more details in respect of this matter, a Planning Contravention Notice was served on 21 September 2012 to the occupier of the building and on 27 September 2012 to the owner of the

property, although a response had not been received.

9.2 It was considered that the use of the building as a vehicle repair garage was an inappropriate use in a Housing Area. In particular, the use of tools, power equipment, movement of vehicles and other associated activities in close proximity to residential properties could be a source of excessive noise and disturbance to the living conditions of the neighbouring residents. The location of the building also allowed for the possibility of vehicles being repaired outside, further increasing the problems of noise and disturbance to local residents and that the parking of vehicles on the access drive and on the road could be detrimental to highway and pedestrian safety.

9.3 **RESOLVED:** That authority be given to the Head of Development Services or Head of Planning to:-

(a) institute legal proceedings under section 171D of the Town and Country Planning Act, 1990 against the recipients of the Planning Contravention Notice served on the property occupier on the 21 September 2012 and on the property owners on the 27 September 2012 at 7 Southey Hill for failing to reply to the Notice; and

(b) take all appropriate steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the cessation of the unauthorised use of the property as a vehicle repair garage and require the removal of all vehicles, tools and equipment in connection with the unauthorised use from the property at 7 Southey Hill.

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

10.1 The Committee received and noted a report of the Director of Development Services detailing the outcome of recent planning appeals along with a summary of the reasons given by the Secretary of State in his decision.