

# SHEFFIELD CITY COUNCIL

## Planning and Highways Committee

### Meeting held 21 May 2013

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

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#### **1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from Councillor Bob McCann but no substitute was appointed.

#### **2. EXCLUSION OF PUBLIC AND PRESS**

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

#### **3. DECLARATIONS OF INTEREST**

3.1 There were no declarations of interest.

#### **4. SITE VISIT**

4.1 **RESOLVED:** That the Director of Development Services, in liaison with the Chair, be authorised to make arrangements for a site visit on Thursday 6 June 2013, in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

#### **5. PLANNING AND DESIGN BRIEF - FORMER ABBEYDALE GRANGE SCHOOL, BANNERDALE CENTRE AND PARK SITES**

5.1 The Director of Development Services submitted a report informing Members about the outcome of public consultation on the draft Planning Brief in respect of the former Abbeydale Grange School, Bannerdale Centre and Park Sites and seeking formal adoption of the final version of the Brief as a material consideration in determining planning applications for the site.

5.2 Representatives of the Friends of Springwood Park and the Carterknowle and Millhouses Community Group attended the meeting to make representations to the Committee in respect of the Planning Brief.

5.3 **RESOLVED:** That the Committee:-

(a) approves and adopts the Brief as a material consideration in determining planning applications within the former Abbeydale

Grange School, Bannerdale Centre and Park Sites;

- (b) approves the Brief to inform development proposals for the site; and
- (c) extends its thanks to Councillor Leigh Bramall, Cabinet Member for Business, Skills and Development for referring the Planning Brief at an important site for the City to this Committee for endorsement.

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

- 6.1 The Director of Development Services submitted a report informing Members of the confirmation of an Article 4(1) Direction in respect of 20 Newfield Lane and its implications.
- 6.2 The report stated that the owner of 20 Newfield Lane submitted an application in respect of a substantial outbuilding within the extensive garden area to the side of the dwelling in April 2012. The application sought to establish that the outbuilding fell within Class E to Part 1 of Schedule 2 to the General Permitted Development Order (GPDO). There was significant local opposition to the proposal.
- 6.3 The application provided evidence of a significant threat to the open character of the Green Belt and the Area of High Landscape Value. In recognition of this, and of the significant level of public opposition to the proposed outbuilding, officers considered that all forms of future development in this prominent Green Belt location adjacent to open countryside and fronting the west side of Newfield Lane, which was not substantially developed, should be subject to an application for planning permission. Members agreed that it was appropriate to exercise powers set out within the Town and Country Planning (General Permitted Order) 1995 (as amended) to make an Article 4(1) Direction to remove permitted development rights from this property, in the public interest.
- 6.4 The Direction came into force on 10<sup>th</sup> September 2012 and was reported to Members on 15<sup>th</sup> October 2012. The Direction did not prevent the works that would otherwise be permitted development from taking place, but instead it required that planning permission be first obtained.
- 6.5 The Article 4(1) Direction was confirmed on 8 March 2013. No objections were received during the formal consultation process although the owners of the subject property had confirmed that their lack of objection was made without prejudice to any future applications, appeals and legal proceedings made by them in respect of the development of the land in which they have an interest, at or adjacent to the subject site. The representation explained that the caveat included any action which may be taken to establish rights relating to development commenced prior to the service of the Direction.
- 6.6 **RESOLVED:** That confirmation of the previously served Article 4(1) Direction at 20 Newfield Lane, Dore removing permitted development rights from the property, as set out in the report, be noted.

## 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 1989, be decided, granted or refused as stated in the report to this Committee for this date in respect of Case Nos. 12/03919/FUL, 12/03920/LBC, 13/00938/FUL and 13/01248/CHU 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;
- 7.2 (b) following consideration of an amended description and additional information and, subject to an amendment to condition 2 and additional conditions, as contained within a supplementary report circulated at the meeting, an application for planning permission for the erection of 2 x 4 storey blocks of student accommodation (providing 40 bedspaces in 6 cluster flats) and provision of associated disabled car parking spaces, bike/refuse storage and landscape works at Norfolk Park Student Residence, 200 Norfolk Park Road (Case No. 11/02455/FUL) be granted, conditionally, subject to legal agreement;
- (c) following consideration of representations made at the meeting from the agent to the applicant, speaking against the recommendation to refuse and, notwithstanding the officer's recommendation, consideration of an application for planning permission for the erection of a dwellinghouse at the curtilage of Wadsley Lodge, 1 Laird Road be deferred pending further negotiation with the applicant in respect of materials for the development;
- (d) following consideration of (i) additional information and an additional representation and, subject to amendments to various conditions and additional conditions, as outlined in a supplementary report circulated at the meeting, and (ii) a representation at the meeting from the applicant speaking in favour of the development, applications for planning permission for the erection of a mixed-use development incorporating educational facilities and associated functions (Class B1/D1), 53 student cluster flats containing 287 bedspaces and facilities together with associated works including access and ancillary facilities (Phase 10; conversion and refurbishment of former St. Lukes School Building for office use (Phase 2). Site at 29 to 65 Garden Street (Case No. 13/00576/FUL) be granted, conditionally, subject to legal agreement; and for Conservation Area Consent for the demolition of modern extensions attached to 29-31 Garden Street (former St. Luke's School Building) (Case No.13/00577/CAC) be granted conditionally; and
- (e) subject to amendments to various conditions and additional conditions, as outlined in a supplementary report circulated at the meeting, and an amendment to condition 4 requiring an information board to be erected following the development, an application for planning permission for the erection of 88 dwellings with associated car parking accommodation and landscaping works at land between Wybourn House Road, Maltravers Place, Cricket Inn Road and

Cricket Inn Crescent (Case No. 13/00638/FUL) be granted, conditionally, subject to legal agreement.

**8. ENFORCEMENT OF PLANNING CONTROL: 5 CLIFFE FARM DRIVE**

- 8.1 The Director of Development Services submitted a report informing Members of a breach of planning control in relation to the unauthorised use of a residential property as a base for a dog boarding/dog crèche business at 5 Cliffe Farm Drive.
- 8.2 The report stated that Planning Enforcement had received complaints from a number of sources in April 2012 with regard to the use of 5 Cliffe Farm Drive as the base for a dog boarding business. These complaints also mentioned that the owner of the property was operating a dog crèche and dog walking business from the property.
- 8.3 It was clear on receipt of these concerns that the animal warden service needed to be involved and as such regular joint site visits had been made throughout this investigation.
- 8.4 The premises were visited by a planning officer and enforcement officer to see what activity was actually taking place at the premises. The owner was advised at this initial meeting that the use of residential premises for this kind of business would be unacceptable and that any planning application, should it be made, would not be supported.
- 8.5 It was shortly after this initial meeting that the owner of the business advised officers that he was looking for alternative premises and that he would try and move the business away from his home.
- 8.6 In October 2012 the owner applied to change the use of a disused industrial building on Little London Road in the south area of Sheffield. This application was to convert the building into a dog day care centre where people can have their dogs looked after during the working day. Alongside this there was also a boarding element which would allow dogs to be kennelled for overnight stays.
- 8.7 After lengthy discussions and a number of amendments the application was granted permission conditionally on the 7<sup>th</sup> December 2012. Work commenced on site quickly after this, however the owner has encountered some difficulties in obtaining the appropriate license for the premises.
- 8.8 Further complaints were received about the number of dogs at the premises in Cliffe Farm Drive and a Temporary Stop Notice was served in January 2013 in an attempt to limit the number of dogs at the premises to 3. This was the number that officers considered not to be unduly excessive for a normal family household to own, and at a level that could be undertaken without the need for planning

permission.

- 8.9 The Temporary Stop Notice was served on 4<sup>th</sup> January 2013 and lasted for 28 days. When the premises were visited during this time, excessive numbers of dogs were not witnessed and no reports were received. It was therefore considered at this stage that the notice was being complied with. In addition to Planning Enforcement action, the number of dogs the owner was permitted to house through his licence issued by the Licensing Service was reduced to 3 dogs, from the 6 that had previously been the case.
- 8.10 More recently however, reports had been received that more than 3 dogs were being looked after at the premises and when a joint visit with the Animal Warden took place it was found that there were at least 6 dogs in the property. There was no response from the owner to officer's attempts to gain access to the property, in order to verify this for certain.
- 8.11 Complaints were received from local residents on Cliffe Farm Drive, and on Greystones Road concerned with a business being run from residential premises and its impact on neighbours, particularly with regard to noise and disturbance, from up to 18 dogs being housed or cared for at any one time, through both day and night. They also raised safety concerns as on a number of occasions dogs had escaped from the property and entered neighbouring gardens.
- 8.12 Further comments within the complaints referred to the distress and tension this caused for residents, and the reduction in property values and/or increase in the number of neighbouring properties for sale that had occurred as a result.
- 8.13 **RESOLVED:** That:-
- (a) the Director of Development Services or Head of Planning be authorised to take any appropriate action including, if necessary enforcement action and the institution of legal proceedings to secure the cessation of the use of 5 Cliffe Farm Drive as a base for a Dog Boarding/Dog crèche business for more than 3 dogs at any one time; and
  - (b) delegated authority be given to the Head of Planning, in consultation with the Chair of the Planning and Highways Committee, to vary the action authorised to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

## **9. ENFORCEMENT OF PLANNING CONTROL: WHIRLOW ELMS CHASE**

- 9.1 The Director of Development Services submitted a report informing Members of a breach of planning control in relation to the

unauthorised retention of buildings and use of land and building as a builder's store and compound, Whirlow Elms Chase.

- 9.2 The report stated that planning approval was granted in 2008 for 5 dwelling houses and garages, reference 07/04759/FUL. Subsequent to this there have been 2 more applications relating to the substitution of house types. These have included amendments to the design of the houses such as the addition of solar panels and conservatories.
- 9.3 During these planning applications there were a number of representations received. These covered a variety of issues such as increase of traffic in area and the impact/disturbance caused by the development on the nearby protected species.
- 9.4 The area that was the subject of the report was previously occupied by the school caretaker's house and was shown on all approved plans as a reclaimed landscaped area. Demolition of the caretaker's house was an important consideration in the assessment of an acceptable level of built form on the site, taking into account the impact of the development upon the Green Belt, and ensuring its open character was maintained. None of the plans on any application showed this area as anything but an open landscaped area. Indeed, the demolition of the former building was detailed in the following condition:-
- "No dwelling house shall be occupied prior to demolition of the former caretaker's dwelling house."
- 9.5 The houses were completed and were occupied. The development was completed apart from the area which was the subject of the report, which was required to be landscaped. The failure to demolish this was therefore a breach of condition 15 of 11/01022/FUL.
- 9.6 The developer has maintained that he has complied with the wording of the appropriate planning condition. He has claimed that the boiler house did not form part of the caretaker's house and therefore as such did not need to be demolished.
- 9.7 It was officer opinion that as the boiler house was attached to the house that occupied the site then the condition covered all aspects of the building and therefore this would have led to the site being left as indicated on the approved plan.
- 9.8 The developer attended the meeting to make representations against the recommendation to enforce and submitted a variance of condition application. Also in attendance was a member of the public speaking in favour of the recommendation on behalf of local residents.
- 9.9 **RESOLVED:** That:-

(a) the Director of Development Services or Head of Planning be

authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the complete demolition of remaining caretaker's house buildings, the cessation of the land as a builder's store and compound and full implementation of the landscaping proposals for the site; and

- (b) delegated authority be given to the Head of Planning, in consultation with the Chair of the Planning and Highways Committee, to vary the action authorised to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

**10. APPOINTMENT OF DEPUTY CHAIR**

- 10. **RESOLVED:** That Councillor Tony Downing be appointed as Deputy Chair of the Committee in place of Councillor Peter Rippon for the 2013/14 municipal year.

**11. DATE OF NEXT MEETING**

- 11.1 It was noted that the next meeting of the Committee will be held on 11 June 2013.