

SHEFFIELD CITY COUNCIL

Planning and Highways Committee

Meeting held 15 October 2013

PRESENT: Councillors Alan Law (Chair), Trevor Bagshaw, David Baker, Janet Bragg, Tony Downing (Deputy Chair), Jayne Dunn, Ibrar Hussain, Bob Johnson, 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. EXCLUSION OF PUBLIC AND PRESS

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

3. DECLARATIONS OF INTEREST

3.1 Councillor David Baker declared a personal interest in an application for planning permission to allow throughput capacity to be increased from 60,000 to 135,000 tonnes per annum, revised external storage layout, introduction of new equipment to process building and extension of acoustic barrier (Application under Section 73 to vary conditions 2 (Approved drawings), 3 (Environmental Statement) and 4 (Noise) of planning permission 08/04136/FUL as amended on 23/05/2013 by 13/01144/FUL – Aggregate Recycling Facility) at Ballast Phoenix Ltd, Beeley Wood Recycling Village, 2 Beeley Wood Lane (Case No. 13/02199/FUL) as he had assisted residents with objections to previous applications at the site. However, he had not declared his position on this application or assisted any objectors.

3.2 Councillor Ibrar Hussain declared a personal interest in an application for planning permission for the use of retail unit (Class A1) as mixed class A1/A3 coffee shop and construction of 1:12 gradient access ramp at Couch, 412-416 Ecclesall Road (Case No. 13/02562/FUL) as he knew the applicant.

3.3 Councillors Alan Law, Peter Price and Tony Downing declared personal interests in an application for planning permission for the erection of 39 apartments in 1 x 4 storey block with associated undercroft and surface car parking accommodation at Sheffield United Football Club Car Park, Cherry Street and Shoreham Street, Highfield (Case No. 13/00837/FUL) as supporters of Sheffield United or Sheffield Wednesday Football Clubs.

3.4 Councillor Bob Johnson declared a personal interest in an application for planning permission to allow throughput capacity to be increased from 60,000 to 135,000 tonnes per annum, revised external storage layout, introduction of new equipment to process building and extension of acoustic barrier

(Application under Section 73 to vary conditions 2 (Approved drawings), 3 (Environmental Statement) and 4 (Noise) of planning permission 08/04136/FUL as amended on 23/05/2013 by 13/01144/FUL – Aggregate Recycling Facility) at Ballast Phoenix Ltd, Beeley Wood Recycling Village, 2 Beeley Wood Lane (Case No. 13/02199/FUL) as he had been approached by local residents but had not declared his position.

- 3.5 Councillor Jayne Dunn declared a personal interest in an application for planning permission for change of opening hours to allow opening between 0800 hours and 0100 hours on the following day on Thursdays and between 0800 hours and 0130 hours the following day on Fridays, Saturdays and the day before Public Holidays for a temporary period of 12 months (Application under Section 73 to vary condition No. 20 (opening hours) as imposed by planning permission 00/01269/FUL – Erection of flats, basement carparking, retail units (A1), offices (A2), restaurants/bars (A3), leisure (D2), medical centre (D1)) and crèche (D1) at Units 1-2, 3, 8-9 and 14, The Plaza, West One, Fitzwilliam Street (Case No. 13/02529/FUL) as she had spoken to an interested party but had not declared her position.

4. MINUTES OF PREVIOUS MEETING

- 4.1 The minutes of the meeting of the Committee held on 24 September 2013 were approved as a correct record.

5. SITE VISIT

- 5.1 **RESOLVED:** That the Director of Regeneration and Development Services, in liaison with the Chair, be authorised to make arrangements for a site visit on Thursday 31 October 2013, in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

6. PROPOSED DIVERSION OF A PUBLIC FOOTPATH BETWEEN QUEEN MARY ROAD AND PIT LANE, MANOR

- 6.1 The Director of Regeneration and Development Services submitted a report seeking authority to process the Footpath Diversion Order required to divert unnamed public footpaths linking Pit Lane with Queen Mary Road, Manor in connection with the proposed new Prince Edward primary school development.
- 6.2 The report stated that agents acting for the Education Funding Agency in partnership with Sheffield City Council, had made a planning application for a new primary school at Queen Mary Road, Manor as a replacement for the current Prince Edward School. The application was now being considered by Development Management, and was expected to be presented to this Committee for decision at a later date.
- 6.3 However, the development, as proposed in the planning application, would require diversion of existing footpaths which cross the site in order to go ahead, as shown in Appendix A of the report.

- 6.4 Traditionally applications for footpath closure or diversion orders in connection with new developments have been made after planning consent had been obtained. However, the Growth and Infrastructure Act 2013 modified the Town and Country Planning Act 1990 so that such Orders can be made prior to planning consent being granted, in the hope of speeding up new developments which required changes to the highway network. Due to the tight timescales for this particular development, the applicants had asked the Council to use this new power to start the process, and to make as much progress with it as possible in parallel with the planning application process.
- 6.5 The report further stated that it was important to note that, whilst it was now possible for such a highway Order to be made by the Council prior to planning consent being granted, that Order remained subject to the granting of planning consent, and could in no way be either confirmed or implemented until the associated development had got planning consent.
- 6.6 **RESOLVED:** That (a) no objections are raised to the proposed diversion of the public footpaths between Queen Mary Road and Pit Lane, Manor as shown on the plan included as Appendix A to the report, subject to planning consent being obtained for the development, and satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected; and (b) authority be given to the Director of Legal and Governance to (i) take all necessary action to divert the footpaths under the powers contained within Section 257 of the Town and Country Planning Act 1990; and (ii) confirm the Order as an Unopposed Order, once any objections received had been resolved, and the development had planning consent.

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. 13/01827/FUL, 13/02964/FUL and 13/01874/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, and following consideration of an amended recommendation, as contained within a supplementary report circulated at the meeting, and consideration of representations from the applicant's agent in favour of the application, an application for planning permission for the erection of 39 apartments in 1 x 4 storey block with associated undercroft and surface car parking accommodation at Sheffield United Football Club Car Park, Cherry Street and Shoreham Street, Highfield (Case No. 13/00837/FUL) be granted, conditionally, subject to legal agreement;
- (c) following consideration of representations against the application from a

resident speaking on behalf of local residents of Ash Lane and New Street, and representations in support of the application from the applicant, an application for planning permission for the erection of 3 dwellinghouses and associated off street parking and landscaping (resubmission) at land opposite 9 to 15 New Street, Stocksbridge (Case No. 13/01277/FUL) be granted, conditionally;

(d) following consideration of representations from the applicant speaking against the recommendation to refuse, (i) an application for planning permission for the use of ground floor as a hot food take-away (use class A5) including extraction flue and bin store to side at 42 Dundas Road (Case No. 13/02291/FUL) be refused as the Committee considered that (A) the proposed development would be detrimental to the amenities of the surrounding housing area and to the living conditions of nearby residents owing to the noise, smells, litter and general disturbance which would be generated by the use of the building for the purpose of a hot food takeaway and (B) that the proposed flue extraction discharge duct, by reason of its design (including height, size and projection) and prominent low level position, was an obtrusive and unattractive feature which detrimentally affected the character and appearance of the building and the visual amenities of the surrounding residential area, and the proposal was therefore contrary to Policy H14 of the Unitary Development Plan and (ii) the Director of Regeneration and Development Services or Interim Head of Planning be authorised to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the flue extraction discharge duct from the front of the property;

(e) following consideration of 3 additional letters of objection, as outlined in a supplementary report circulated at the meeting, an application for planning permission to allow throughput capacity to be increased from 60,000 to 135,000 tonnes per annum, revised external storage layout, introduction of new equipment to process building and extension of acoustic barrier (application under Section 73 to vary conditions 2 (approved drawings), 3 (environmental statement) and 4 (noise) of planning permission 08/04136/FUL as amended on 23/05/2013 by 13/01144/FUL – Aggregate Recycling Facility) at Ballast Phoenix Ltd, Beeley Wood Recycling Village, 2 Beeley Wood Lane (Case No. 13/02199/FUL) be granted, conditionally;

(f) following consideration of representations from the applicant speaking in favour of the development, and, subject to the City Council providing 9 car parking permits for new residents living on the proposed premises to be supplied on a first come first served basis, an application for planning permission for the re-development of former furniture store to form 12 residential units comprising 9 no. 2-bed dwellinghouses and 3 no. 3-bed dwellinghouses in 2 x 2/3 storey blocks including partial demolition of existing buildings, external alterations to both blocks and the creation of a courtyard area (as amended plans received 16/09/13) at the site of Barkers Furniture Centre, E Barker & Son (Hillsboro) Ltd Garage and 44 Trickett Road, Dodd Street (Case No. 13/02403/FUL) be granted, conditionally, subject to legal agreement;

(g) following consideration of 2 additional letters of representation, as outlined in a supplementary report circulated at the meeting, and representations from the applicant speaking against the recommendation to refuse and a local resident speaking in support of the recommendation, and, notwithstanding the officer's recommendation, an application for planning permission for the change of opening hours to allow opening between 0800 hours and 0100 hours the following day on Thursdays and between 0800 hours and 0130 hours the following day on Fridays, Saturdays and the day before Public Holidays for a temporary period of 12 months (application under Section 73 to vary condition No. 20 (opening hours) as imposed by planning permission 00/01269/FUL – erection of flats, basement carparking, retail units (A1), offices (A2), restaurants/bars (A3), leisure (D2), medical centre (D1) and crèche (D1)) at Units 1-2, 3, 8-9 and 14, The Plaza, West One, Fitzwilliam Street (Case No. 13/02529/FUL), be granted for a trial period of 12 months, as the Committee considered that a departure from established adopted planning policy was acceptable in this case, with bars nearby operating similar hours, as such, it was viewed that the proposed extra 30 minutes opening on a Thursday and an additional 1 hour opening on a Friday, Saturday and the day before a bank holiday would not materially add to the noise and disturbance to adjacent residents;

(h) following consideration of additional representations and amended conditions, as contained within a supplementary report circulated at the meeting, an application for planning permission for the use of retail unit (Class A1) as mixed Class A1/A3 coffee shop and construction of 1:12 gradient access ramp at Couch, 412-416 Ecclesall Road (Case No. 13/02562/FUL) be granted, conditionally; and

(i) following consideration of representations from the applicant's agent and a local resident speaking in favour of the development, an application for planning permission for the demolition of a Public House and erection of a convenience store (Class A1) with associated landscaping, car parking accommodation and servicing at the Bradway Hotel, Bradway Road (Case No. 13/02630/FUL) be granted, conditionally.

8. AN OUTSTANDING DEBT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990: LAND AT CORNISH SQUARE, PENISTONE ROAD, CORNISH STREET AND GREEN LANE (CASE NO. 04/00270/FUL)

- 8.1 Further to Members' consideration of reports submitted to the former Planning and Highways Committees in November and December 2010 and January 2011, concerning the recovery of outstanding debts arising from Section 106 Legal Agreements under the Town and Country Planning Act 1990, the Director of Regeneration and Development Services submitted a report explaining that, in respect of a Section 106 Agreement with regard to a development at the site of Cornish Square, Penistone Road, Cornish Street and Green Lane (Case No.04/00270/FUL) the Council's attempts to recover the sum of £39,109.00 had been exhausted.

- 8.2 Details concerning the Agreement were outlined and reasons given as to why no further action was proposed in respect of recovering the debt, along with advice given by Legal Services in respect of this matter.
- 8.3 It was stated that a complete review of Section 106 Agreement procedures had been undertaken and a revised process had been adopted in an attempt to prevent similar cases arising in the future.
- 8.4 RESOLVED: That (a) the writing-off of an outstanding Section 106 Agreement debt in relation to Planning Application Case No. 04/00270/FUL, be endorsed; and
- (b) the Director of Finance be advised of the aforementioned decision accordingly.

9. ENFORCEMENT OF PLANNING CONTROL: LAND ADJACENT TO BAILEY BRIDGE, EFFINGHAM STREET

- 9.1 The Director of Regeneration and Development Services submitted a report on his investigation into a breach of planning control in respect of the unauthorised erection of a 20.9 metre high telecommunications mast, supporting three antennae and two transmission dishes and an associated ground based equipment compound enclosed by a 1.8 metre high palisade fencing and containing radio equipment cabinet and earth rod at land adjacent to Bailey Bridge, Effingham Street. The report stated that the mast was originally erected under emergency powers, to provide continued network coverage to the Burngreave area following the decommissioning of equipment at the site at Tempered Springs Company Ltd. It was stated that planning application Case No 12/01093/FUL and a lawful development certificate Case No 12/03522/LU1 to retain the mast and equipment at the site had been refused permission, and that subsequent appeals to the Planning Inspectorate concerning the planning application and lawful use certificate had also been dismissed.
- 9.2 An assessment of the mast and equipment considered that owing to its design, size, prominent siting and proximity to the River Don and the refurbished Bailey Bridge, which forms the entrance to the Five Weirs Walk, the development detracted from the setting and appearance of the River Don and detrimentally affected the appearance of the street scene. As such the development was considered contrary to Policies IB9, BE14 and GE17 of the Unitary Development Plan.
- 9.3 RESOLVED: That (a) authority be given to the Director of Regeneration and Development Services or the Interim Head of Planning to take all necessary steps including enforcement action, the service of a temporary Stop Notice, a Stop Notice and, if necessary, the institution of legal proceedings, including injunctive action, to secure the removal of the unauthorised mast, associated equipment, fencing and compound and the reinstatement of the ground to its original condition at land adjacent to Bailey Bridge, Effingham Street; and
- (b) delegated authority be given to the Interim Head of Planning, in consultation

with the Chair (Councillor Alan Law), to vary the action authorised to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

10. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

- 10.1 The Committee received and noted a report of the Director of Regeneration and Development Services, together with additional information contained in a supplementary report circulated at the meeting, 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.

11. DATE OF NEXT MEETING

- 11.1 It was noted that the next meeting of the Committee will be held on Tuesday 5 November 2013 at 2.00 pm at the Town Hall.