

## SHEFFIELD CITY COUNCIL

### Planning and Highways Committee

#### Meeting held 11 March 2014

**PRESENT:** Councillors Alan Law (Chair), Janet Bragg, Tony Downing (Deputy Chair), Ibrar Hussain, Bob Johnson, Bryan Lodge, Bob McCann, Peter Price, Peter Rippon, Garry Weatherall, Joyce Wright, Joe Otten (Substitute Member) and Andrew Sangar (Substitute Member)

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

- 1.1 Apologies for absence were received from Councillors Trevor Bagshaw and David Baker and Councillors Andrew Sangar and Joe Otten attend the meeting as the duly appointed substitutes, respectively.

#### **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 Ibrar Hussain declared a personal interest in the applications for the erection of a fire station, access road and workshop/training building with ancillary facilities including cycle/bin store, car parking accommodation and landscaping works at the former recreation ground, Sheffield Parkway (Case No. 13/02895/FUL) and the erection of a fire station and training tower with ancillary facilities including fire service personnel accommodation, multi-purpose training room, car parking accommodation and landscaping works on land at the junction of Moor Valley And Birley Lane, Moor Valley (Case No. 13/02894/FUL), as a member of the Fire and Rescue Authority, but stated that he had not been involved with the two proposed developments or commented on them and that he would speak and vote thereon.
- 3.2 Councillor Bryan Lodge declared a personal interest in respect of applications for planning permission for a residential development with associated open space and landscaping at the Bannerdale Centre, 125 Carter Knowle Road (Case No: 13/04206/RG3) and a residential development with associated open space and landscaping at the site of Abbeydale Grange School, Hastings Road (Case No. 13/04204/RG3), as he had been involved with the Master Plan process for the site as a former Cabinet Member for Finance and Resources, but stated that he would consider the applications with an open mind and speak and vote thereon.
- 3.3 Councillor Andrew Sangar declared a personal interest in respect of applications for planning permission for a residential development with associated open space and landscaping at the Bannerdale Centre, 125 Carter Knowle Road (Case No: 13/04206/RG3) and a residential development with associated open space and

landscaping at the site of Abbeydale Grange School, Hastings Road (Case No. 13/04204/RG3), as he had been involved with the Master Plan process for the site as a former Cabinet Member for Children's Services and Lifelong Learning, but stated that he would consider the applications with an open mind and speak and vote thereon.

#### **4. MINUTES OF PREVIOUS MEETING**

- 4.1 The minutes of the meeting of the Committee held on 18 February, 2014 were agreed as a correct record, subject to the name of Councillor Bryan Lodge being added to the list of Councillors present at the meeting.

#### **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 Monday 31 March 2014, in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

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

- 6.1 **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 as shown 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 (i) noted (A) additional representations and (B) revised information on the proposed dwellings per hectare for the development site, to those detailed in the report now submitted (Page 36), all as detailed in a supplementary report circulated at the meeting and (ii) heard representations at the meeting from 2 representatives of Spring Wood Park and Carter Knowle and Millhouses Community Groups commenting on the proposals for the development site, an outline planning application under Regulation 3 of the Town and Country Planning (General) Regulations 1992 be granted, conditionally, to the City Council for a residential development with associated open space and landscaping at the Bannerdale Centre, 125 Carter Knowle Road (Case No: 13/04206/RG3), subject to amendments to Conditions 5, 6, 16, 19, 21, 33 and 38, as detailed in the aforementioned supplementary report;

(c) having (i) noted additional representations, as detailed in a supplementary report circulated at the meeting and (ii) heard oral representations at the meeting from 2 representatives of Spring Wood Park and Carter Knowle and Millhouses Community Groups commenting on the proposals for the development site, an outline planning application under Regulation 3 of the Town and Country Planning (General) Regulations 1992 be granted, conditionally, to the City Council for a residential development with associated open space and landscaping at the site of Abbeydale Grange School, Hastings Road (Case No. 13/04204/RG3) subject to

amendments to Conditions 4, 15, 33 and 42, as detailed in the aforementioned supplementary report;

(d) having (i) noted additional representations, as detailed in a supplementary report circulated at the meeting and (ii) heard oral representations at the meeting from three local residents objecting to the proposed development and two representatives of the applicant in support of the proposed development, an application for planning permission for the erection of 9 apartments with associated undercroft car parking accommodation on land between 1 to 3 and 5 and 7 Dover Road (Case No. 13/03930/FUL) be refused (A) for the reasons detailed in the report now submitted (B) with authority given to (1) the Director of Regeneration and Development Services or Head of Planning to take all appropriate steps including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised structures and excavation works on land between 1 to 3 and 5 and 7 Dover Road and (2) the Head of Planning, in liaison with the Chair of this Committee, to vary the action in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control;

(e) having heard an oral representation at the meeting from a local resident objecting to the proposed development, an application for planning permission under Regulation 3 of the Town and Country Planning (General) Regulations 1992, be granted, conditionally, to the City Council for the siting of two temporary classroom units at Acres Hill Primary School, Mather Road (Case No: 13/03519/RG3);

(f) having (i) noted (A) revised figures quoted for “improved population coverage” to those detailed in the report now submitted (Page 132) and (B) a petition containing 302 signatures objecting to the proposed development, as detailed in a supplementary report circulated at the meeting (ii) heard oral representations at the meeting from three local residents (including an environmentalist) objecting to the proposed development and two representatives of the applicant in support of the proposed development, an application for planning permission for the erection of a fire station, access road and workshop/training building with ancillary facilities including cycle/bin store, car parking accommodation and landscaping works at the former recreation ground, Sheffield Parkway (Case No. 13/02895/FUL) be granted, conditionally, subject to (1) an amendment to Condition 2 in respect of plan references, as detailed in the aforementioned supplementary report and (2) clearance by the Secretary of State; and

(g) having noted revised figures quoted for “improved population coverage” to those detailed in the report now submitted (Page 157), an application for planning permission for the erection of a fire station and training tower with ancillary facilities including fire service personnel accommodation, multi-purpose training room, car parking accommodation and landscaping works on land at the junction of Moor Valley And Birley Lane, Moor Valley (Case No. 13/02894/FUL) be granted, conditionally, subject to (i) Condition 23 being amended in respect of details being submitted concerning the sight line from the vehicle ingress/egress of the site, as detailed in the aforementioned supplementary report and (ii) clearance by the Secretary of State.

## **7. ENFORCEMENT OF PLANNING CONTROL: 20 PADDOCK CRESCENT**

- 7.1 The Director of Regeneration and Development Services submitted a report on his investigation into a complaint received concerning a breach of planning control, in respect of the unauthorised erection of a fence and gate at the front and decking to the rear of 20 Paddock Crescent. The report stated that the fence had been erected to a height of 1.9 metres at its highest point and 1.66 metres at its lowest point, with part of the fence acting as a vehicle access gate. It was further stated that the decking was being erected at a height of 30cm from ground level. In view of these matters, officers had requested that the owner of the property reduce the height of the fence and gate, so that it was not more than 1 metre high along its length and to remove the decking. In response to the owner's concerns, although officers revised their request to reducing the height of the fence and gate adjacent to the highway, including the first panel along the property's side boundary by 0.5 metres and for a screen to be erected along the boundary to 22 Paddock Crescent for the length of the decking, the owner had not complied with this request
- 7.2 The Committee heard representations from the owner of the property who stated that the height of the fence was needed over safety fears for his family and to prevent further damage being caused to the property. He also indicated that the wooden construction to the rear of the property was proposed to be a shed.
- 7.3 **RESOLVED:** That (a) the Director of Regeneration and Development Services or Head of Planning be authorised to take all appropriate steps including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the fence, gates and decking at 20 Paddock Crescent; and
- (b) the Head of Planning, in liaison with the Chair of this Committee, be authorised to vary the action in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

## **8. ENFORCEMENT OF PLANNING CONTROL: 492 BARNESLEY ROAD**

- 8.1 The Director of Regeneration and Development Services submitted a report on his investigation into a complaint received concerning a breach of planning control, in respect of the unauthorised use of a property for the sale of takeaway hot food and erection of an external fume extraction flue at 492 Barnsley Road and Skinnerthorpe Road. The report explained that the property had been converted from an estate agents office into two self-contained shop units, with one a barber's shop and the other a bakery/shop. It was stated that planning and advertising controls had not been contravened and the changes undertaken were within permitted development with regard to the subdivision of the property, signage and concerning the new use of the two units. Subsequently the bakery/shop began selling hot food products to take-away, changing the use to A5 and an inappropriate large external metal flume extraction unit was erected. It was further explained that, although the change of use to Class A5 for the sale of hot takeaway food, was acceptable in the area, it was necessary for a satisfactory fume extraction unit to be provided.

8.2 **RESOLVED:** That (a) the Director of Regeneration and Development Services or Head of Planning be authorised to take all appropriate steps including, if necessary, enforcement action and the institution of legal proceedings to secure:-

(i) the removal of the unauthorised externally mounted fume extraction apparatus/flue duct at 492 Barnsley Road; and

(ii) the cessation of the use of the ground floor of the aforementioned property for the sale of takeaway hot food, in the event that an acceptable solution for fume extraction is not found by the owner or occupier of the property, within four months of the date of this meeting;

(b) it be noted that the use of the ground floor of the property at 492 Barnsley Road for the sale of takeaway hot food be regularised by Director of Development and Regeneration Services, under delegated powers, in the event that an acceptable solution is found for the fume extraction;

(c) the Head of Planning, in liaison with the Chair of this Committee, be authorised to vary the action in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

## 9. **ENFORCEMENT OF PLANNING CONTROL: 24 TO 30 WALKLEY BANK ROAD**

9.1 The Director of Regeneration and Development Services submitted a report on his investigation into a complaint received concerning a breach of planning control, in respect of the unauthorised use of land for the mixed use of residential flats (existing use) and for the parking of commercial vehicles at 24 to 30 Walkley Bank Road. The report explained that three removal vans were being parked on the land, which was in an elevated position, making them prominent and out of keeping with the area and highly visible from surrounding residential properties. It was stated that the business and land owners had been informed accordingly and time allowed until 31 January 2014 to find alternative parking arrangements. Although two of three vans were allowed to remain on site until the aforementioned date, the parking was still taking place.

9.2 **RESOLVED:** That (a) the Director of Regeneration and Development Services or Head of Planning be authorised to take all appropriate steps including, if necessary, enforcement action and the institution of legal proceedings to secure the cessation of the use of the land at 24 to 30 Walkley Bank Road for the mixed use of residential flats (existing use) and for the parking/storage of commercial vehicles; and

(b) the Head of Planning, in liaison with the Chair of this Committee, be authorised to vary the action in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

## 10. **AN OUTSTANDING DEBT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990: LAND AT NEW STREET, HOLBROOK**

- 10.1 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 the erection of an industrial unit and office at land off New Street, Holbrook (Case No. 05/4212/FUL) the Council's attempts to recover the sum of £3000 had been exhausted.
- 10.2 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.
- 10.3 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.
- 10.4 **RESOLVED:** That (a) the writing-off of an outstanding Section 106 Agreement debt for the amount of £3,000 in relation to Planning Application Case No. 05/04212/FUL, be endorsed; and
- (b) the Director of Finance be advised of the aforementioned decision accordingly.

## **11. DATE OF NEXT MEETING**

- 11.1 It was noted that the next meeting of the Committee will be held on Tuesday 1 April 2014 at 2.00 pm at the Town Hall.