

SHEFFIELD CITY COUNCIL

Planning and Highways Committee

Meeting held 1 April 2014

PRESENT: Councillors Alan Law (Chair), Trevor Bagshaw, David Baker, Janet Bragg, Tony Downing (Deputy Chair), Ibrar Hussain, Bob Johnson, Bryan Lodge, 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 There were no declarations of interest.

4. MINUTES OF PREVIOUS MEETING

4.1 The minutes of the meeting of the Committee held on 11 March, 2014 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 17 April 2014, in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

6. PROPOSED CONVERSION OF AN EXISTING FOOTPATH LINKING EARL MARSHALL ROAD AND RUSHBY STREET INTO A SHARED FOOTPATH/CYCLE TRACK

6.1 The Director of Regeneration and Development Services submitted a report seeking authority to process a Cycle Track Order, required to convert the existing footpath linking Earl Marshall Road to Rushby Street into a shared footpath/cycle track. The report stated that the proposed shared facility would form part of a new signed cycle route, required as a planning condition attached to the new Fir Vale Primary School. Following initial consultations undertaken in accordance with the Cycle Track Regulations 1984, officers had provided responses to two utility companies who had objected to the Order. It was further stated that additional consultation would be undertaken, subject to the Committee's approval of the

proposed Order.

6.2 The Director of Regeneration and Development Services reported orally that the two utility companies had now withdrawn their objections to the Order.

6.3 **RESOLVED:** That (a) no objections be raised to the proposed conversion of the existing footpath between Earl Marshall Road and Rushby Street to a shared footpath/cycle track, as detailed in the report of the Director of Regeneration and Development Services now submitted and as 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;

(b) authority be given to the Director of Legal Services to take all necessary action on the matter under powers contained within Section 3 of the Cycle Tracks Act 1984; and

(c) in the event of no objections being received, or all objections being resolved, authority be given for the Order to be confirmed as an Unopposed Order.

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 No. 13/04176/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) having heard representations from a representative of the South Yorkshire Badger Group commenting on the development, an application for planning permission for the erection of 4 dwellinghouses with associated car parking and landscaping at 183 Greystones Road (Case No. 14/00221/FUL) be granted, conditionally, with a request that officers (i) undertake a further inspection of the trees on the site to ascertain, in addition to those already protected by a Tree Preservation Order, if any others are worthy of being protected by an Order and (ii) seek the support of the developer to liaise with the South Yorkshire Badger Group over works they are undertaking on site in relation to the badger sets and runs;

(c) having noted that the Legal Agreement had been completed, an application for planning permission for the demolition of the south east corner of Bells Court and conversion and extension to form 39 student apartments with associated landscaping at Bells Court, Bells Square (Case No. 13/04176/FUL) be granted, conditionally; and

(d) having noted the amended Heads of Terms in respect of the Section 106 Legal Agreement concerning phase contributions, as detailed in a supplementary report circulated at the meeting, an application for planning permission for the erection of

51 dwellings, 731.6 square metres of commercial floor space, reinstatement of Kelham Street, access, car parking, landscaping and associated works at the site of Richardson's Cutlery Works, Alma Street and Russell Street (Case No. 13/01959/FUL) be granted conditionally, subject to (i) completion of a Legal Agreement and (ii) an amendment to Condition 3 requiring the developer to submit details to the Local Planning Authority for approval, in respect of a public display concerning the heritage of the site.

8. ENFORCEMENT OF PLANNING CONTROL: 85 ROBIN LANE

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 erection of a first floor balcony at the rear of 85 Robin Lane. The report stated that the owner had been asked to remove or submit an application for the development and that, although some details had been submitted, the information was insufficient to validate the application.

8.2 It was viewed that, whilst the modern design was appropriate for the building, without the assessment of a planning application, the balcony was considered contrary to Policy H14 of the Unitary Development Plan and Guideline 1, 2 and 6 of the Supplementary Planning Guidance.

8.3 **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 balcony at the rear of 85 Robin Lane; 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.

9. ENFORCEMENT OF PLANNING CONTROL: OAK LODGE FARM

9.1 The Director of Regeneration and Development Services submitted a report on his investigation into complaints received, concerning a breach of planning control in respect of the unauthorised siting of 2 caravans and 4 metal containers on land at the Oak Lodge Farm Livery Yard, Thompson Hill. The report referred to officer meetings/correspondence with the land owner and occupier of the land and to a Planning Contravention Notice that had been served to establish the current use of the land and concerning the siting of the caravans and containers. In addition, the Notice also asked for information as to the reasoning for tyres being stored on the land. It was stated that, other than known information about the site, no further information had been received from the owner, occupier or their representatives and that the unauthorised use of the caravans and containers on the land was still taking place.

9.2 In view of the enforcement action being sought, as it would likely mean the removal of living accommodation from the aforementioned land, Article 8 and Article 1 (First Protocol) of the Human Rights Act 1998 was detailed and reasons given why interference with the occupiers' Human Rights on this occasion was

necessary and justified.

9.3 The Committee heard oral representations from the owner of the containers and caravans who outlined the need for them to remain on site, that he had held meetings with neighbours and had a petition containing 100 signatures supporting improvements to the site. In response, the meeting was informed by the Director of Regeneration and Development Services that, as the caravans and containers had not been removed from the site and as a Certificate of Lawful Use/planning application had not been submitted, it was necessary that enforcement action was sought in respect of the matter.

9.4 **RESOLVED:** That (a) having considered the requirements of Articles 8 and 1 (First Protocol) of the Human Rights Act 1998, 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 for stationing caravans for residential accommodation and provision of welfare facilities, their removal and for the removal of the unauthorised containers also sited within land at Oak Lodge Farm Livery Yard, Thompson Hill; 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. ENFORCEMENT OF PLANNING CONTROL: 13 COLLEGE STREET

10.1 The Director of Regeneration and Development Services submitted a report on his investigation into complaints received, concerning a breach of planning control in respect of the unauthorised replacement roof tiles at 13 College Street. The report indicated that the property was situated within the Broomhill Conservation Area and was included in the Broomhill Article 4(1) Direction, which removed permitted development rights. It was stated that planning permission had been approved for alterations to the property, but that this did not include replacement of the natural roof tiles with artificial ones.

10.2 An assessment of the breach of control considered the replacement artificial tiles were an inappropriate modern material and of poor design in the Conservation Area and as such was contrary to Policies S10, BE5, BE15, BE16 and BE17 of the Unitary Development Plan.

10.3 Reference was also made to a decision of the Planning Inspectorate supporting the enforcement action undertaken by the City Council, in respect of the change of roofing material to another property in the Broomhill Conservation Area.

10.4 **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 artificial roof tiles at 13 College Street; 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.

11. AN OUTSTANDING DEBT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990: HERRIES ROAD

11.1 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 22 flats on a site at the junction of Herries Road and Wordsworth Avenue (Case No. 02/03814/FUL), the Council's attempts to recover the sum of £6,050.00 had been exhausted.

11.2 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.

11.3 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.

11.4 **RESOLVED:** That (a) the writing-off of an outstanding Section 106 Agreement debt for the amount of £6,050.00 in relation to Planning Application Case No. 02/03814/FUL, be endorsed;

(b) the Director of Finance be advised of the aforementioned decision accordingly; and

(c) officers be requested to provide an update report to a future meeting of this Committee concerning Section 106 Legal Agreements where the associated funding was subject to recovery procedures.

12. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

12.1 The Committee received and noted a report of the Director of Regeneration and 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.

13. DATE OF NEXT MEETING

13.1 It was noted that the next meeting of the Committee will be held on Tuesday 22 April 2014 at 2.00 pm at the Town Hall.

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