

Planning and Highways Committee

Meeting held 20 October 2015

PRESENT: Councillors Alan Law (Chair), Nasima Akther, David Baker, Tony Damms, Roger Davison, Adam Hurst, Ibrar Hussain, Bryan Lodge, Peter Price, Chris Rosling-Josephs, Peter Rippon, Garry Weatherall, Joyce Wright, Joe Otten (Substitute Member) and John Booker (Substitute Member)

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1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors Denise Reaney and Jack Clarkson and Councillors Joe Otten and John Booker attended 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 David Baker declared a personal interest in an application for planning permission for demolition and site clearance, erection of 88 dwellings, with access, parking, open space, landscaping and associated works (amended plans) at Dyson Refractories Ltd, Griffs Fireclay Works, Stopes Road (Case No. 15/00122/FUL) as he had been contacted by a number of members of the public in relation to the application. Councillor Baker stated that he had not declared his position on the application and came to it with an open mind.

3.2 Councillor Alan Law declared a personal interest in an application for planning permission for demolition and site clearance, erection of 88 dwellings, with access, parking, open space, landscaping and associated works (amended plans) at Dyson Refractories Ltd, Griffs Fireclay Works, Stopes Road (Case No. 15/00122/FUL) as an employee at the factory in the 1980's.

3.3 Councillor Ibrar Hussain declared a personal interest in an application for planning permission for demolition and site clearance, erection of 88 dwellings, with access, parking, open space, landscaping and associated works (amended plans) at Dyson Refractories Ltd, Griffs Fireclay Works, Stopes Road (Case No. 15/00122/FUL) as he had also been contacted by a number of members of the public in relation to the application. Councillor Hussain stated that he had not declared his position on the application and came to it with an open mind.

3.4 Councillor Chris Rosling-Josephs declared a personal interest in agenda item 8 'Enforcement of Planning Control: 34 Leebrook Avenue' (see minute 7 below) as he had been contacted by a number of members of the public in relation to the

site but had not declared his position prior to the meeting.

4. MINUTES OF PREVIOUS MEETING

- 4.1 The minutes of the meeting of the Committee held on 29 September 2015 were approved as a correct record.

5. SITE VISIT

- 5.1 **RESOLVED:** That the Director of Regeneration and Development Services, in liaison with a Co-Chair of the Committee, be authorised to make arrangements for a site visit 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, granted or refused as stated in the report to this Committee for this date in respect of Case No. 15/003117/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) (i) subject to an amendment to the recommendation to read 'Grant Conditionally, subject to a Legal Agreement', additional conditions and following consideration of additional representations, all as outlined in a supplementary report circulated at the meeting, and (ii) subject to an additional condition to provide an interpretation board on the chimney stack at the site, and, (iii) having heard representations at the meeting from a representative from the Campaign for the Protection of Rural England, a representative of the Loxley Valley Protection Society and a local resident speaking against the application and the applicant's agent speaking in favour of the application, and (iv) taking into account all the sustainability elements of the application along with the affordable housing contribution which, taken as a whole, had reduced the impact of the development to a degree that it would not have a greater impact on the openness of the Green Belt than the existing site, an application for planning permission for demolition and site clearance, erection of 88 dwellings, with access, parking, open space, landscaping and associated works (amended plans) at Dyson Refractories Ltd, Griffs Fireclay Works, Stopes Road (Case No. 15/00122/FUL) be granted, conditionally, subject to legal agreement;

(c) following consideration of amendments to conditions 35, 50, 51 and 60 and to the heads of terms in the section 106 agreement in relation to the bus service enhancement contribution, as outlined in a supplementary report circulated at the meeting, and, following consideration of representations at the meeting from a representative of the University speaking in favour of the application, an application for outline planning permission for development of Advanced

Manufacturing and Research Centre Campus (AMRC2) including demolition of hangars, with development to include up to 66,983sqm of B1(b) and B1(c) advance manufacturing and research floorspace, up to 37,551sqm of C2 residential training centre and conferencing floorspace, D2 outdoor and indoor recreation (up to 450sqm of floor space) (amended description) at land between Europa Link and Europa Court, Europa Link (Case No. 15/01262/OUT) be granted, conditionally, subject to legal agreement and agreement from the Secretary of State;

(d) following consideration of representations from a local Ward Councillor speaking against the application, and the applicant speaking in favour of the application, an application for planning permission for use of dwellinghouse (Use Class C3) as a House in Multiple Occupation (Use Class C4) and associated two-storey side extension, single-storey rear extension and provision of 2 parking spaces to rear at 57 Stannington View Road (Case No. 15/01577/FUL) be granted, conditionally;

(e) following consideration of representations at the meeting from a local resident speaking against the application and a representative of the applicant speaking in support of the application, and, subject to the inclusion of an additional condition that any trees cut down as a result of the development be replaced elsewhere, an application for planning permission for erection of a dwellinghouse at curtilage of 1 Stumperlowe Hall Chase (Case No. 15/02950/FUL) be granted, conditionally;

(f) following consideration of an additional representation, as outlined in a supplementary report circulated at the meeting, an application for planning permission for construction of a partially buried water treatment building (Clarifier building) at Rivelin Water Treatment Works, Manchester Road, Crosspool (Case No. 15/02893/FUL) be granted, conditionally, subject to approval from the Secretary of State;

(g) following consideration of an amended postcode for the site, and subject to amendments to conditions 9 and 18 and the inclusion of additional conditions, as outlined in a supplementary report circulated at the meeting, an application for planning permission for erection of a three and part four-storey building constructed from shipping containers to create a mixed use development comprising of restaurants/cafes (Use Class A3), drinking establishments (Use Class A4) (including use of external spaces at ground floor and roof top level), offices (Use Class B1), assembly and leisure (Use Class D2) at land adjoining 288 to 292 Shalesmoor (Case No. 15/02720/FUL) be granted, conditionally; and

(h) subject to the inclusion of an additional condition, as outlined in a supplementary report circulated at the meeting, applications for listed building consent and planning permission for alterations and extensions to building including two-storey front/side/rear extensions to create mixed use development comprising bar/café, office accommodation and 6 apartments with associated car parking and landscaping works at W A Tyzack and Co Ltd, Green Lane Works, Green Lane, Shalesmoor (Case Nos. 15/01781/LBC and 15/01780/FUL) be granted, conditionally.

7. ENFORCEMENT OF PLANNING CONTROL: 34 LEEBROOK AVENUE

- 7.1 The Director of Regeneration and Development Services submitted a report informing Members of a breach of the Planning Regulations in respect of an unauthorised extension of rear garden into green belt land at 34 Leebrook Avenue and making recommendations on any further action required.
- 7.2 The report stated that complaints had been received about the unauthorised extension of garden curtilage into green belt land. At the initial site visit it was observed that the rear garden had been extended 4 metres across its width into Green Belt woodland and a wooden means of enclosure of 2 metres high had been erected. Inside the enclosure, garden landscaping had taken place and a patio and a summer house had been installed.
- 7.3 A letter was sent to the householder informing him that this was a breach of planning control and was unacceptable. He was advised to remove the means of enclosure and return the land back to its previous condition within 28 days. A letter was also sent to the landowners of the land where encroachment had taken place.
- 7.4 A site meeting was held with the householder and he showed officers where he had started to remove the patio from the encroached area and asked for a time extension. It was agreed a further six weeks would be allowed – to Friday 10 July 2015 – to allow the fence to be removed and the land returned to its previous condition. This was confirmed in a letter to the householder.
- 7.5 A site visit on 21 July 2015 confirmed that the means of enclosure and outbuilding was still in place. A reminder letter was sent out. To date, no attempt had been made to remove the enclosure and return the land to its previous condition and it is still being used as an extension to the garden.
- 7.6 **RESOLVED:** That (a) the Director of Regeneration and 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 removal of the unauthorised curtilage extension at 34 Leebrook Avenue; and (b) the Head of Planning, in liaison with a Co-Chair of the 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. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

- 8.1 The Committee received and noted a report of the Director of Regeneration and Development Services detailing (a) the 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.

9. DATE OF NEXT MEETING

- 9.1 **RESOLVED:** That it be noted that the next meeting of the Committee will be held on Tuesday 10 November 2015 at 2.00 pm at the Town Hall.

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