

Planning and Highways Committee

Meeting held 9 August 2016

**PRESENT:** Councillors Chris Rosling-Josephs (Chair), Alan Law, Jack Clarkson, Michelle Cook, Dawn Dale, Tony Damms, Roger Davison, Dianne Hurst, Zahira Naz, Peter Rippon, Zoe Sykes and Bob Pullin (Substitute Member)

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**1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from Councillor David Baker and Councillor Bob Pullin attended the meeting as the duly appointed substitute. Apologies for absence were also received from Councillors Ian Auckland, Joe Otten and Peter Price but no substitutes were appointed.

**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 The Chair, Councillor Chris Rosling-Josephs, declared a personal interest in agenda item 12 'Enforcement of Planning Control: The Crown Inn Public House, Hillfoot Road, Totley' (See minute 8 below) as he had spoken to a member of the public about the application but had not declared his view prior to the meeting.

**4. MINUTES OF PREVIOUS MEETING**

4.1 The minutes of the previous meeting of the Committee, held on 19 July 2016, were approved as a correct record.

**5. SHEFFIELD CONSERVATION ADVISORY GROUP**

5.1 The Committee received and noted the minutes of the meeting of the Sheffield Conservation Advisory Group held on 21 June 2016.

**6. SITE VISIT**

6.1 **RESOLVED:** That the Director of Development Services, in liaison with a Co-Chair, 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.

**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 and as amended 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) an application for planning permission for retention of service meter boxes on front elevation at 13 College Street (Case No. 16/02068/FUL) be refused for the reasons outlined in the report and (ii) the 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 two service meter boxes and restore the building's frontage to its condition prior to the unauthorised works; and

(c) following consideration of representations from a representative of the applicant speaking in favour of the application, an application for planning permission for the erection of three dwellinghouses at the curtilage of Lyndon and Cobblestone House, 8 High Matlock Road and 10 High Matlock Road (Case No. 16/00610/FUL) be granted, conditionally.

## **8. ENFORCEMENT OF PLANNING CONTROL: THE CROWN INN, HILLFOOT ROAD, TOTLEY**

- 8.1 The Director of Development Services submitted a report informing the Committee of a breach of planning control in relation to the unauthorised use of Green Belt land at the rear of the Crown Inn Public House, Hillfoot Road, Totley and making recommendations on any further action required.
- 8.2 The report stated that the Planning Service received a complaint about a section of hedgerow being removed behind the public house and a large section of the natural vegetation being mown to allow tables and chairs to be placed on the adjacent field. The complaint was concerned with preparation of land within the Green Belt for use as a beer garden, which would spoil this part of the countryside.
- 8.3 The landlord of the Crown Inn had carried out the work himself and a visit to the site showed that a large section of hedgerow had been removed to allow 8 large, wooden outdoor pub tables with attached benches to be placed in the field, along with some children's play items. A large section of the field containing these items had been mown.
- 8.4 Following a discussion with a senior planning officer and the area team leader, a letter was sent to both the landlord and owners of the public house and the land requesting that all fixtures, fittings and furniture be removed from the field and the hedgerow restored to how it was previously. The letter also stated that the use was unacceptable within the Green Belt.
- 8.5 A Temporary Stop Notice was served on the land to prevent further unauthorised

- use for a period of 28 days. This was served personally on the landlord and by recorded delivery to the land owners.
- 8.6 Before the 28 day period had lapsed, the landlord breached the notice by allowing a large marquee to be placed on the land for the purposes of holding a wedding reception. The landlord had applied to the Licensing Service for an events notice a few days prior to the event taking place, in full knowledge that he would be breaching the Temporary Stop Notice.
- 8.7 The Crown Inn was also advertising on their Facebook page, an event for August Bank Holiday, which will more than likely take place on the field, involving live music, bouncy castles and a barbeque.
- 8.8 The Landlord of the Crown Inn, Jack Halsall, attended the meeting to make representations to the Committee. He stated that he had received a letter from the Council in June 2016 to cease the unauthorised use and at that point the tables had been removed. There were permitted development rights which allowed for the use of the Green Belt for 28 days, which the pub had used for the wedding. A Temporary Event Notice had been applied for and the Council had issued a certificate to allow this.
- 8.9 Mr Halsall added that the City Council had stated that the area in question was a local nature reserve/conservation area, which was incorrect. The Cricket Inn, which was 0.3 miles away had 40 benches outside on Green Belt land, so why was the Crown Inn not even allowed 10?
- 8.10 Catherine Hughes, a local resident, also attended the meeting to make representations to the Committee. She commented that the Landlord and Brewery were well aware that the area concerned was Green Belt land and therefore couldn't be used as a beer garden. It was unthinkable that the change to the Green Belt land could commence without Council permission. The area had been specifically referred to within the Totley Conservation Area and had been marked on local maps as important open space. It was also a view enjoyed by many walkers.
- 8.11 **RESOLVED:** That: (a) the 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, the removal of all fixtures and fittings and furniture and the re-instatement of the hedgerow to prevent further encroachment onto the Green Belt at the Crown Inn, Hillfoot Road, Totley;
- (b) the Head of Planning, in liaison with a Co-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;
- (c) any action, as outlined in (a) and (b) above, be suspended for a 6 week period to allow further discussions between the City Council, the landlord of the Crown Inn and interested parties, with a view to achieving a solution acceptable to all; and

(d) the Director of Development Services be requested to provide an update to the meeting of this Committee to be held on 20 September 2016.

**9. ENFORCEMENT OF PLANNING CONTROL: 126 BIRLEY SPA LANE**

9.1 The Director of Development Services submitted a report informing Members of a breach of planning control in relation to an unauthorised change of use to a fast food takeaway at 126 Birley Spa Lane.

9.2 The report stated on 5 April 2016 an application for planning permission to change 126 Birley Spa Lane from a retail shop (Use Class A1) into a hot food takeaway (Use Class A5) with ancillary seating area was received by the Local Planning Authority (Case No. 16/01299/FUL) and was a resubmission of a previously refused application (15/00705/FUL) for the same proposal.

9.3 On 27 May 2016 a complaint was received, from a member of the public, concerning the erection of a stainless steel flue on the rear of the property.

9.4 Planning permission was refused on 2 June 2016, because the proposed change of use was considered to result in an unacceptable concentration of hot food takeaways in the shopping area as well as being detrimental to the amenities and living conditions of occupiers of neighbouring properties.

9.5 Correspondence was entered into with the owner of the premises on 14 June 2016 explaining that because his application for planning permission (which included the siting of the flue) had been refused, this extraction system would have to be removed.

9.6 On 15 June 2016, a further complaint was received from a member of the public concerning a sign that had been fixed to the shop front that advertised it would be opening as a hot food takeaway in the near future.

9.7 On 8 July 2016 an additional complaint was received concerning the placement of a large shipping container on the hard-standing at the rear of this property.

9.8 **RESOLVED:** That (a) the 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 flue, and shipping container, and prevent the unauthorised use of 126 Birley Spa Lane as an A5 Fast Food Takeaway; and

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

**10. ENFORCEMENT OF PLANNING CONTROL: 142 DEVONSHIRE STREET**

10.1 The Director of Development Services submitted a report informing Members of a breach of Listed Building and Advertisement Control in respect of unauthorised

advertisements and painting of the shop front to a Grade II listed building at 142 Devonshire Street.

- 10.2 The report stated that a complaint, from a Conservation Officer, was received on 27 January 2015, concerning painting of the shop front without listed building consent.
- 10.3 On 16 February 2015 correspondence was entered into with the owners of the property informing them that because it was a Grade II listed building, listed building consent was required for works of this nature. They were also advised that the garish colour scheme painted on the shop front was unacceptable as it was at odds with the character of the wider building.
- 10.4 The business owner contacted the Local Planning Authority and explained that, whilst he had no intention of repainting the shop front in a more acceptable colour, he would be submitting an application for Listed Building Consent, even though it was reiterated that it was unlikely that this would be successful.
- 10.5 On 19 May 2016, representatives from the Local Planning Authority met with the business owner, and during this meeting, it was explained why the current colour scheme was unacceptable; and also that the advertisements he had attached to the building's façade and shop front were also not in keeping with the character of the building. He was also made aware of the options available to enable him to resolve this matter.
- 10.6 As a result of this meeting, the business owner confirmed that he would apply for the necessary consents and was given a period of 28 days in which to do so.
- 10.7 To date, no attempt had been made by the owner to either submit any formal applications or to rectify this matter, although officers remained willing to work with him to try to secure a solution that will see the restoration of the building's original character as well as trying to accommodate his wish to display the union flag in some form. In the absence of any willingness on the owner's part to resolve this matter, there was no option but to report this matter to the Committee.
- 10.8 **RESOLVED:** That (a) the Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure removal of the unauthorised advertisements and the repainting of the shop front at 142 Devonshire Street in a colour scheme that was more in keeping with the original 19<sup>th</sup> century characteristics of the building; and
- (b) the Head of Planning, in liaison with a Co-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 control.

## **11. ENFORCEMENT OF PLANNING CONTROL: 25 ARMSTEAD ROAD**

- 11.1 The Director of Development Services submitted a report informing Members of alterations to the raised decking within the rear garden of 25 Armstead Road which had been made to comply with the decision of the Planning and Highways

Committee on 7 June 2016 and to request that no further action be taken.

- 11.2 The report stated that Planning Application no. 16/00706/FUL for the retention of raised decking, a timber shed and reed fencing within the rear garden of 25 Armstead Road was refused and enforcement action agreed by the Planning and Highways Committee on 7 June 2016. At this time, the Committee decided that the decking should be reduced in height to ground level with a reduction in height of the reed fence so it didn't exceed the height of the original boundary fence. The timber shed was sited on the decking.
- 11.3 Since the Committee made its decision, the applicant had carried out works to lower the decking but had not lowered the entire deck to ground level. The reed fencing had been reduced in height to match the height of the original boundary fence and the timber shed relocated onto the lowered deck.
- 11.4 The garden to the rear of 25 Armstead Road slopes up from the back of the property. The original raised deck was built out 150mm above the highest ground level adjacent to the rear boundary of the site resulting in its front elevation being elevated 550mm above the original garden level. The deck was accessed via steps adjacent to the boundary with 27 Armstead Road. The works now carried out had secured a reduction in height of the front of the deck to 280mm above the original garden level with the rear part now below original ground level. As a consequence the upper access step had been removed.
- 11.5 The applicant had now contacted Planning Officers to seek their approval that the deck as lowered was now acceptable. The Planning Officer had visited the site and could confirm that whilst the raised deck and lowered reed fencing still allowed limited views over the rear of neighbouring property this was not at a level which officers considered required further action.
- 11.6 **RESOLVED:** That (a) this Committee agrees that (i) whilst the overall height of the decking had not been reduced in total compliance with its previous recommendation, that the lowered deck within the rear garden of 25 Armstead Road was now at a level that did not cause unreasonable overlooking of neighbouring property, and (ii) in addition, the retention of the timber shed on the lowered deck raised no overbearing or overshadowing concerns which would justify further action; and
- (b) this Committee agrees that, accordingly, no further enforcement action be taken.

## **12. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS**

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

## **13. DATE OF NEXT MEETING**

- 13.1 It was noted that the next meeting of the Committee will be held at 2:00p.m on Tuesday 30 August 2016 at the Town Hall.

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