

## SHEFFIELD CITY COUNCIL

### City Centre, South and East Planning and Highways Committee

#### Meeting held 5 November 2012

**PRESENT:** Councillors Alan Law (Chair), Richard Crowther, Tony Downing, Jayne Dunn, Ibrar Hussain (Deputy Chair), Peter Price, Janice Sidebottom and Diana Stimely

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#### **1. EXCLUSION OF PUBLIC AND PRESS**

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

#### **2. APOLOGIES FOR ABSENCE**

- 2.1 An apology for absence was received from Councillor David Baker.

#### **3. DECLARATIONS OF INTEREST**

- 3.1 Councillor Alan Law declared an interest in an application for planning permission for a single-storey rear extension and first-floor rear extension to dwellinghouse (as per amended plans received 18.10.12) at 21 Twitchill Drive (Case No. 12/02949/FUL) as a close friend of the applicant. Councillor Law left the room prior to consideration of the item and took no part in the discussion or vote on the application.

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

- 4.1 The minutes of the meeting of the Committee held on 15<sup>th</sup> October 2012 were approved as a correct record and, arising therefrom it was reported that, in relation to the decision to refuse with enforcement an application for planning permission for lowering of dry stone wall and erection of 4ft fencing panels on top at Amberley, 8 Thornsett Gardens (Case No. 12/02245/FUL), representations had been received from the applicant that he did not believe the officer report to be accurate. As a result the decision notice had not been issued and a report would be submitted to a future meeting.

#### **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 18<sup>th</sup> September 2012.

#### **6. SITE VISIT**

- 6.1 **RESOLVED:** That the Director of Development Services, in liaison with the Chair, be authorised to make arrangements for a site visit on

Thursday 22<sup>nd</sup> November 2012 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 for this date in respect of Case No. 12/02617/CHU 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;

7.2 (b) following consideration of a correction to the report that the third sentence of the penultimate paragraph on page 60 should read 'This has been a clear and consistent development plan policy since 2008', as outlined in a supplementary report circulated at the meeting, an application for planning permission for demolition of buildings on plots 3 and 4, erection of a retail unit including garden centre, car dealership and drive-through coffee shop and provision of associated car parking accommodation on plot 5 and partial removal of embankment and stockpiling of soil of plots 3 and 4 at land and buildings at Meadowhall Way, Meadowhall Drive, Vulcan Road and Weedon Street (Case No. 12/01017/FUL) be refused as the Committee considered that (i) the proposal failed the sequential approach since there was a sequentially preferable site at Moorfoot/St. Mary's Gate on the edge of the City Centre and it was therefore contrary to paragraphs 24 and 27 of the National Planning Policy Framework, (ii) Sheffield City Centre was in a uniquely vulnerable position being in a fragile state with two major retail-led regeneration schemes at a critical stage in their planned development and delivery. Given this context it was considered that the proposal will have a harmful impact on investor and retailer confidence in planned investment in Sheffield City Centre which could undermine the delivery of these schemes which were critical to ensuring the future vitality and viability of the city centre (and identified as key regeneration schemes in Core Strategy Policy CS14). The proposal was therefore contrary to paragraph 26 of the National Planning Policy Framework and (iii) the proposal will result in major non-food retail development in an out of centre location and result in the significant expansion of Meadowhall which was contrary to Core Strategy Policies CS7 and CS14 and Unitary Development Plan Policy S8;

7.3 (c) following consideration of an additional representation, and subject to an amended description and an amendment to condition 2, as outlined in a supplementary report circulated at the meeting, an

application for planning permission for a single storey rear extension and first floor rear extension to dwellinghouse (as per amended plans received 1.11.12) at 21 Twitchill Drive (Case No. 12/02949/FUL) be granted, conditionally;

- 7.4 (d) notwithstanding the officers recommendation, consideration of applications for listed building consent and planning permission for retention of existing wall and associated railings and gates (retrospective application) at Viper Rooms, 35 Carver Street (Case Nos. 12/02941/LBC and 12/02884/FUL) be deferred pending further discussions between the applicant and officers;
- 7.5 (e) following consideration of additional representations, as outlined in a supplementary report circulated at the meeting, an application for planning permission for use of building as House in Multiple Occupation for 8 occupants, and replacement of basement level door with fire escape window on front elevation to provide a 1-person studio unit (use class C3) (in accordance with amended drawings 17.10.12) at 102 Harcourt Road (Case No. 12/02793/FUL) be granted, conditionally; and
- 7.6 (f) (i) an application for planning permission for retention of summerhouse, raised decking and climbing frame and use of land as domestic garden area (retrospective application) at land adjacent the Old Dairy 8, White Lane, Gleadless (Case No. 12/00392/FUL) be refused as the Committee considered that (a) the use of land as an extension of the domestic curtilage/garden area of the Old Dairy was inappropriate development that leads to the encroachment of urban development into the Green Belt which would detrimentally affected the open character and appearance of the Green Belt. It was, therefore, contrary to the Urban Development Plan Policies GE1 and GE4 and Policy CS71 of the Core Strategy and the National Planning Policy Framework and (b) the summer house, decking area and climbing frame were inappropriate development, and by the virtue of their size, siting, design and appearance of the Green Belt and lead to the encroachment of urban development into the Green Belt. The proposal was, therefore, contrary to Urban Development Plan Policies GE1, GE3 and GE4 of the Unitary Development Plan, Policy CS71 of the Core Strategy and the National Planning Policy Framework and (ii) authority be given to the Director of Development Services or Head of Planning to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary to secure the removal of the unauthorised structures, discontinuance of the land as domestic garden area and reinstatement to a natural appearance.

## **8. ENFORCEMENT OF PLANNING CONTROL: 29 RATCLIFFE ROAD**

- 8.1 The Director of Development Services submitted a report informing Members of breaches of control in relation to the breach of condition 2 of planning permission 07/02026/FUL and the unauthorised erection of

- a single storey extension to the rear of 29 Ratcliffe Road and making representations on any further action required.
- 8.2 The report stated that a complaint was received concerning a rear extension to number 29 and investigations revealed that it was single storey; brick built with a slate covered mono-pitched roof, and had been added to an existing offshoot.
- 8.3 Correspondence was entered into with the property owner advising that, because of its size the extension exceeded permitted development limits set out in the General Permitted Development Order, relating to house extensions and therefore planning permission was required. The owner was also advised that it was unlikely that planning permission would be recommended for approval for the reasons outlined in the report.
- 8.4 The owner was further advised that the extension could be reduced in size by 2.65m to comply with permitted development rights; so as not to require an application. The owner responded by stating that because the extension did not project 3m beyond the original single storey offshoot it was permitted development, however further investigation proved this to be incorrect because the extension was more than half the width of the original property and extended beyond the rear elevation; therefore, permitted development rights did not apply to the development.
- 8.5 Responding to a second complaint regarding the erection of a front dormer window, it was discovered to have been built in breach of condition 2 of planning permission 07/02026/FUL in that the material used to clad the dormer front and side cheeks did not match the existing roof covering.
- 8.6 In spite of further correspondence, reminding the owners of the two breaches of control identified, they had not applied for retrospective planning permission for the extension; nor had they taken any steps to comply with the condition requiring front dormer to be finished in materials which were in keeping with the existing roof.
- 8.7 RESOLVED: That the Director of 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 compliance with condition 2 of planning permission 07/02026/FUL and secure the removal of the unauthorised rear extension at 29 Ratcliffe Road.
- 9. ENFORCEMENT OF PLANNING CONTROL: 64 TO 68 WICKER**
- 9.1 The Director of Development Services submitted a report informing Members of a breach of planning control in relation to the unauthorised erection of flues at the rear of 64 and 66 Wicker, the unauthorised

erection of first floor rear extension and railings at 66 Wicker and the unauthorised erection of rear extension, steps, railings and the creation of an entrance door at the side of 68 Wicker, and the untidy appearance of the side elevation of 68 Wicker, S3.

- 9.2 The report stated that a written enquiry was received regarding an extension at the rear of 68 Wicker when officers investigated this they found that the extension had planning consent (11/00222/FUL), however, none of the planning conditions attached to the planning permission had been discharged and officers also noticed a number of other planning breaches at the rear of these properties.
- 9.3 At 64 and 66 Wicker two flues had been erected at the rear of the property to the side of No. 64 adjacent to No. 66. Enforcement action was taken against one of the flues in 2008 and this was subsequently removed. However, since then the flue that was removed had been re-erected together with another unauthorised flue.
- 9.4 At No. 66 Wicker a rear first floor extension had been erected without planning consent. At No. 68 an unauthorised rear ground floor extension had been erected. A stop notice was served in April 2010. A subsequent planning permission (11/00222/FUL) was obtained on 17<sup>th</sup> June 2011 for the single storey rear extension and alterations to shop front of No. 68, increased height to rear extension at No. 66, external stair way to side of No. 68 and over the single storey rear extension of No. 66. This planning consent required the unauthorised extension to be removed and rebuilt in accordance with the approved plans. This had not happened and furthermore none of the planning conditions had been complied with yet. A second external staircase had also been erected at the side of the property leading to an unauthorised entrance that had been created at first floor level.
- 9.5 Metal railings had been erected around the flat roof of the ground floor rear extensions at 66 and 68 Wicker creating an enclosed area.
- 9.6 It was considered expedient that these matters were reported directly for enforcement action because of the extensive nature of the problems and the fact that the owner had been un-cooperative in the past with these and other properties within Sheffield and in many cases the Council has had to take legal action against the owner to resolve the issues and ensure that they complied with the notices.
- 9.7 **RESOLVED:** That authority be given to the Director of Development Services or the Head of Planning to take all necessary steps:
- (a) Including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the unauthorised flues at 64-66 Wicker, the rear first and ground floor extensions and the railings at 66 and 68 Wicker and the unauthorised steps and door at the side of 68 Wicker;

- (b) including the service of a Breach of Condition Notice and the institution of legal proceedings to comply with the Breach of Condition Notice and thereafter take all necessary action required to ensure compliance with the conditions of the planning approval 11/00222/FUL dated 17<sup>th</sup> June 2011 for 68 Wicker; and
- (c) including the service of a S215 Notice and the institution of legal proceedings, if necessary, secure the removal of the boards and replace them with glazing, render the area of exposed brick work at the side of the building at ground floor level with cream render, and pebbledash the exposed brick work at first floor level area to match the existing pebbledash as approved by planning permission 11/00222/FUL, and generally tidy the ground at the side of No. 68 Wicker by creating permeable paving.

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

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

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

- 11.1 The next meeting of the Committee will be held on Monday 26<sup>th</sup> November 2012 at 2.00pm at the Town Hall.