

City Centre, South and East Planning and Highways Committee

Meeting held 17 December 2012

PRESENT: Councillors Alan Law (Chair), David Baker, Richard Crowther, Tony Downing, Ibrar Hussain (Deputy Chair), Peter Price and Diana Stimely

.....

1. APOLOGIES FOR ABSENCE

1.1 Apologies for absence were received from Councillors Jayne Dunn and Janice Sidebottom, but no substitutes were provided.

2. EXCLUSION OF PUBLIC AND PRESS

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

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 26th November, 2012 were approved as a correct record.

5. SITE VISIT

5.1 **RESOLVED:** That the Director of Development Services, in liaison with the Chair, be authorised to make arrangements for a site visit on Thursday 10th January, 2013 in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

6. PROPOSED CLOSURE OF TWO PUBLIC FOOTPATHS AT SILKSTONE ROAD AND WICKFIELD GROVE, FRECHEVILLE

6.1 The Director of Development Services submitted a report seeking authority to process a Highway Closure Order for the proposed closure of two sections of public footpath at Silkstone Road and Wickfield Grove, Frecheville. The report stated that the footpaths were located within the Scowerdons, Weaklands and Newstead Housing Regeneration Project area and that the Council housing, which the footpaths served, had already been demolished. As a result, the development company for the site had submitted an application indicating that the footpaths were no longer required and requesting that they be closed under Section 118 of the Highways Act 1980 or Section 257 of the Town and Country Planning Act 1990.

6.2 **RESOLVED:** That (a) no objections be raised to the proposed closure of the

sections of footpath at Silkstone Road and Wickfield Grove, Frecheville, as detailed in the report of the Director of Development Services and 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 for the Director of Legal Services to take all necessary action on the matter under the powers contained within Section 118 of the Highways Act 1980 or Section 257 of the Town and Country Planning Act 1990; and

(c) in the event of no objections being received or all objections received 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. 12/03326/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) notwithstanding the officer's recommendation, an application for planning permission for alterations to a door and window openings and use of the building as 6 flats at 102 Harcourt Road. (Case No. 12/03456/FUL) be refused, as the Committee considered that the development would provide a change of use, leading to overdevelopment and an over concentration of flats and shared housing in the area, which would have a detrimental impact on the community and as such was viewed to be contrary to policies H5 and H14 of the Unitary Development Plan;

(c) notwithstanding the officer's recommendation, an application for planning permission for the retention of an existing boundary fence at 161 Psalter Lane (Case No. 12/03306/FUL) be granted, (i) as the Committee considered that the development was not out of character within the Nether Edge Conservation Area with other examples of such fencing erected at properties within the area and as such was not contrary to Policies BE15, BE16, and H14 of the Unitary Development Plan and (ii) with a condition attached requiring details to be submitted for approval by the Local Planning Authority, on the planting of a climbing plant to the front of the fence;

(d) an application for planning permission for the demolition of a storage building and erection of two dwellings, including construction of a temporary access road at Fern Glen Farm, Hathersage Road (Case No. 12/03177/FUL) be deferred, to allow the applicant to submit additional visual representations of the proposed development to the next meeting of this Committee;

(e) an application for listed building consent for the demolition of the Edwardian

extension of the former Jessop Hospital for Women and the construction of a five storey plus basement building, to provide up to 19,725sqm of educational floorspace, plus landscaping and servicing at Leavy Greave Road (Case No. 12/02873/LBC) be granted, conditionally, subject to clearance by the Secretary of State;

(f) an application for planning permission for the demolition of the Edwardian extension of the former Jessop Hospital for Women and the construction of a five storey plus basement building, to provide up to 19,725sqm of educational floorspace, plus landscaping and servicing at Leavy Greave Road (Case No. 12/02873/FUL) be granted, conditionally, subject to (i) an amendment to (A) Condition 3 in respect of highway improvements, (B) Condition 6 in respect of securing the reconstruction of the footways adjoining the site, (C) Condition 8 in respect of cycle parking accommodation, (D) Condition 10 in respect of a hard and soft landscaping scheme, (E) Condition 14 in respect of the finalised gas protection measures, (F) Condition 21 in respect of surface water drainage and (G) Condition 22 in respect of the inclusion of public art within the development and (ii) an additional condition being attached in respect of the piped discharge of surface water, all as detailed in a supplementary report circulated at the meeting;

(g) having noted information provided by officers concerning the need to limit the throughput of the proposed plant to ensure emission levels are maintained within an acceptable level, as detailed in a supplementary report circulated at the meeting, an application for planning permission for the erection of a rail connected aggregates depot with a coated roadstone plant, a ready-mixed concrete plant and an aggregate recycling facility at Unit 3 Europa Way (Case No. 12/02771/FUL) be granted, conditionally, subject to an additional condition concerning the limit on the output from the coated roadstone plant, as detailed in the aforementioned supplementary report;

(h) in connection with the decision to refuse an application for planning permission to lower a dry stone wall and the erection of 1.4 metre fencing panels on top at 8 Thornsett Gardens (Case No. 12/02245/FUL), the Director of Development Services or Head of Planning be authorised to take all appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the fence at 8 Thornsett Gardens;

(i) in connection with the decision to grant, conditionally, an application for planning permission for the retention of a external flue and incinerator at 34 Tannery Street (Case No. 12/02135/FUL), the Head of Planning, in consultation with the Chair, be requested to write to the Manager of the Environmental Protection Service requesting that the concern now raised over the incinerator waste odours affecting a nearby property at night be investigated at the earliest opportunity; and

(j) an application for planning permission under Section 73 in respect of removing/altering Condition 8 (No amplified music) imposed by Case No. 04/04689/FUL, to allow amplified music within the building, subject to the findings of an acoustic report, at Mylnhurst Preparatory School and Nursery at Button Hill (Case No. 12/01891/FUL), be granted with conditions.

(Note: The aforementioned application in respect of Mylnhurst Preparatory School and Nursery at Button Hill (Case No. 12/011891/FUL) was considered consecutively with a report of the Director of Development Services concerning a Breach of Planning Control at the School (Item 8 of the minutes))

8. ENFORCEMENT OF PLANNING CONTROL: MYLNHURST SCHOOL, BUTTON HILL

8.1 Following a decision of the Committee to approve an application for planning permission in respect of allowing amplified music within the building, subject to the findings of an acoustic report, at Mylnhurst Preparatory School and Nursery at Button Hill (Case No. 12/01891/FUL) (Item 7.1 of these minutes), consideration was given to a report of the Director of Development Services on his investigation into complaints received in respect of perceived breaches of planning control, in relation to the use and construction of the school sports hall/swimming pool at Mylnhurst Preparatory School and Nursery. The report outlined the issues which related to the use of the swimming pool/gymnasium, the approved landscaping scheme and the omission of solar panels from the building roof. Members noted that, as detailed above, the issue relating to the playing of amplified music had already been considered,

8.2 It was stated that residents living near to the School were invited to give their comments on the matters raised and the responses received were outlined. An officer assessment of the remaining perceived breaches of control was also detailed, along with consideration being given to the enforcement options that could be introduced, to require compliance with the planning permission Case No 04/04689/FUL.

8.3 The Committee heard representations from a representative of the community in connection with the Planning Application Case No. 12/01891/FUL and which also related to the enforcement proposals detailed in the report now submitted. In summary, the representations related to the noise nuisance out of school hours experienced by residents and the impact this had on their quality of life, and a request was made that Condition 8 in respect of planning permission Case No. 04/04689/FUL be enforced and that a restriction of use be put on the sports building at the weekend.

8.4 **RESOLVED:** That (a) in respect of the use of the swimming pool/gymnasium building, it be noted that no material change of use had occurred and accordingly no further action be taken on respect of this matter;

(b) with regard to a decision of the Committee to approve an application for planning permission for Mylnhurst Preparatory School and Nursery in respect of allowing amplified music within the building subject to the findings of an acoustic report (Case No. 12/01891/FUL) (Item 7.1 of these minutes), no further action be taken in respect of the breach of Condition 8 (amplified sound) with regard to planning permission Case No. 04/04689/FUL;

(c) in respect of Condition 3 (landscaping), it be noted that the School was actively working towards the implementation of a revised landscape scheme, and

accordingly no further action be taken at this stage, but in the event that the Head of Planning was not satisfied sufficient progress is being made towards this implementation, the Director of Development Services and Head of Planning be authorised to take any appropriate action including, if necessary, the service of enforcement notices and the instigation of legal proceedings to secure compliance with the Condition 3;

(d) in respect of the omission of solar panels from the roof of the swimming pool/gymnasium building, it be noted that this did not constitute a breach of planning control and accordingly no further action be taken on this matter; and

(e) delegated authority be given to the Head of Planning, in consultation with the Chair (Councillor Alan Law); to vary the action authorised to achieve the objectives hereby confirmed including taking action to resolve any associated breaches of planning control.

9. ENFORCEMENT OF PLANNING CONTROL: 137 TO 139 ABBEYDALE ROAD

9.1 The Director of Development Services submitted a report on his investigation into complaints received in respect of a breach of planning control in relation to the unauthorised extension to the rear of the Caspian Restaurant at 137 to 139 Abbeydale Road. The report stated that the building as constructed, due to its size and appearance, was unacceptable and that the owner had not submitted a revised application that would be in accordance with planning policies.

9.2 An assessment of the breach of control considered that the extension as constructed was contrary to Policies BE5(c) and H14(a) of the Unitary Development Plan.

9.3 **RESOLVED:** That (a) the Director of Development Services or Head of Planning be authorised to take all appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised rear extension at 137 to 139 Abbeydale Road; and

(b) delegated authority be given to the Head of Planning, in consultation with the Chair (Councillor Alan Law), to vary the action authorised to achieve the objectives hereby confirmed including taking action to resolve any associated breaches of planning control.

10. ENFORCEMENT OF PLANNING CONTROL: 79 BARBER ROAD

10.1 The Director of Development Services submitted a report on his investigation in to a complaint concerning a breach of planning control relating to the unauthorised front dormer window at 79 Barber Road. The report stated that due to its size and appearance, the dormer window was unacceptable and that the owner had not submitted a revised application that would be in accordance with planning policies.

10.2 An assessment of the breach of planning control considered that the dormer window as constructed was contrary to Policies BE5(c) and H14(a) of the Unitary Development Plan and Supplementary Planning Development Guideline DHE5.

- 10.3 **RESOLVED:** That (a) the Director of Development Services or Head of Planning be authorised to take all appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised front dormer window at 79 Barber Road; and

(b) delegated authority be given to the Head of Planning, in consultation with the Chair (Councillor Alan Law), to vary the action authorised to achieve the objectives hereby confirmed including taking action to resolve any associated breaches of planning control.

11. ENFORCEMENT OF PLANNING CONTROL: RICHARDSON CUTLERY WORKS, ALMA STREET

- 11.1 The Director of Development Services submitted a report on his investigation in to a breach of planning control relating to the use of a car park at the site of Richardson Cutlery Works, Alma Street. The report detailed the history of the site being used as a car park, initially with temporary permission granted for Site "A", although this had now expired and to the unauthorised use of Site "B", all as shown in the plan attached to the report now submitted. Reference was also made to the demolition of a boundary wall at Cotton Street to allow access to Site "B" and to a Conservation Enforcement Notice served by the Council requiring its reinstatement. It was further stated that this Notice was now subject to an appeal and that an application for the use of site "A" and "B" as a car park had been refused planning permission, under delegated powers, on 5th October 2012.

- 11.2 The reasons for refusing planning permission and an assessment of the breach of control was detailed in the report now submitted, along with the planning policies that it was considered would be contravened by the continued use of the site as a car park.

- 11.3 **RESOLVED:** That (a) the Director of Development Services or Head of Planning be authorised to take all appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the cessation of the unauthorised use of land for car parking at the site of Richardson Cutlery Works, Alma Street; and

(b) delegated authority be given to the Head of Planning, in consultation with the Chair (Councillor Alan Law), to vary the action authorised to achieve the objectives hereby confirmed including taking action to resolve any associated breaches of planning control.

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) 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. CLLR JANICE SIDEBOTTOM

13.1 The Committee learnt that Councillor Janice Sidebottom had been unable to attend the meeting due to a fall, and Members expressed their sympathies at her plight and requested that their good wishes be conveyed to her.

14. DATE OF NEXT MEETING

14.1 It was noted that the next meeting of the Committee will be held on Monday, 14 January, 2013 at 2.00 pm at the Town Hall.

This page is intentionally left blank