

SHEFFIELD CITY COUNCIL

City Centre, South and East Planning and Highways Committee

Meeting held 4 February 2013

PRESENT: Councillors Alan Law (Chair), David Baker, Richard Crowther, Tony Downing, Jayne Dunn, Ibrar Hussain (Deputy Chair), Peter Price, Diana Stimely and Bob McCann (Substitute Member)

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1. APOLOGIES FOR ABSENCE

1.1 An apology for absence was received from Councillor Janice Sidebottom and Councillor Bob McCann attended the meeting as the duly appointed substitute.

2. COUNCILLOR JANICE SIDEBOTTOM

2.1 The Committee received an update on Councillor Janice Sidebottom's illness and they extended their best wishes to her.

3. EXCLUSION OF PUBLIC AND PRESS

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

4. DECLARATIONS OF INTEREST

4.1 There were no declarations of interest.

5. MINUTES OF PREVIOUS MEETING

5.1 The minutes of the meeting of the Committee held on 14 January, 2013 were approved as a correct record, and arising therefrom, Members noted information reported orally by the Director of Development Services that the requirement for an alternative access to Junction 34 Industrial Estate avoiding Greasbro Road, had been added to the Sheffield Development Framework (Page 6, paragraph 6.1(b)(iv)).

6. SHEFFIELD CONSERVATION ADVISORY GROUP MINUTES

6.1 The Committee received and noted the minutes of the meeting of the Sheffield Conservation Advisory Group held on 11th December 2012.

7. SITE VISIT

7.1 **RESOLVED:** That the Director of Development Services, in liaison with the Chair, be authorised to make arrangements for a site visit on Thursday 21 February, 2013 in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

8. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS

8.1 **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 Sheffield Children's NHS Foundation Trust, The Children's Hospital, Western Bank, 8 to 12 Northumberland Road, 5 to 9 Clarkson Street (Case No. 12/03394/CAC) 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 noted that the officer's recommendation, to grant planning permission, would be subject to the completion of a Legal Agreement, as detailed in a supplementary report circulated at the meeting, planning permission for the demolition of offices and erection of 6 dwelling houses with integral garages at the site of Phoenix House, 67 to 73 Common Side (Case No. 12/04037/FUL) be granted, conditionally, subject to the completion of a Legal Agreement;

(c) having noted that authority to undertake enforcement action was sought in connection with the recommendation to refuse planning permission, as detailed in a supplementary report circulated at the meeting, planning permission be refused for the replacement of wooden windows with uPVC at 24 Ashgate Road (Case No. 12/04013/FUL), with authority given for the Director of Development Services or Head of Planning to take all appropriate action including, if necessary, the institution of legal proceedings to secure the removal of the uPVC mock sash windows at 24 Ashgate Road with more appropriate timber sliding sash frames;

(d) in connection with the decision to refuse planning permission for the retention of a combined automated teller machine (ATM) and payphone kiosk at the former telephone box outside 315 to 319 Ecclesall Road (Case No. 12/03838/FUL), authority be given for the Director of Development Services or Head of Planning to take all appropriate action including, if necessary, the institution of legal proceedings to secure the removal of the combined automated teller machine and payphone kiosk outside 315 to 319 Ecclesall Road;

(e) notwithstanding the officer's recommendation, an application for planning permission for the demolition of an existing disused electrical substation and the erection of 2 terraced dwellinghouses with associated landscaping and car parking provision at the former electricity substation adjacent to 47 Roach Road (Case No. 12/03571/FUL) be refused as the Committee considered that the development was out of character with the surrounding area, which

included the use of inappropriate materials, that it would have an overbearing impact, which included the loss of light to neighbouring residents and had insufficient parking provision and as such was contrary to Policies H14 of the Unitary Development Plan, CS31 of the Sheffield Development Framework and in respect of Supplementary Planning Guidance relating to separation distances and the overbearing nature of the development;

(f) having noted that planning reference "Case No. 04/01622/FUL" should be replaced by planning reference "Case No. 04/01622/OUT" under Directive 1, as detailed in a supplementary report circulated at the meeting, an application for planning permission for the erection of a 7.5m high acoustic fence and associated landscaping on land to the south of 91 to 102 Doveholes Drive (Case No.12/03415/FUL) be granted conditionally;

(g) (i) an application to approve details in relation to Condition 13 – sound insulation measures relating to planning permission Case No. 04/01622/OUT at land to the south of 91 to 102 Doveholes Drive (Case No. 12/03452/COND) (i) be deferred, to allow validation of the sound attenuation properties of the proposed acoustic fence, approved at this meeting under planning permission Case No. 12/03415/FUL to be undertaken after construction, to assess that noise levels comply with the aforementioned Condition 13 and (ii) the future discharge of the Condition 13 under planning permission Case No. 04/01622/OUT be reported to a future meeting of this Committee for approval; and

(h) having noted the updated list of plans, as detailed in a supplementary report circulated at the meeting, an application for planning permission for the construction of a new main entrance, outpatients and ward building in the south-east of the hospital site, including new service yard and delivery zone, alterations to 8/10 Northumberland Road, closure of part of Durham Road/part of Durham Lane, alterations/extension of the existing main entrance building along Clarkson Road and provision of a new frontage, demolition of 9 Clarkson Street, and demolition of an extension at 5 to 7 Clarkson Street and at 12 Northumberland Road at Sheffield Children's NHS Foundation Trust, The Children's Hospital, Western Bank, 8 to 12 Northumberland Road, 5 to 9 Clarkson Street, (Case No. 12/03393/FUL) be granted, conditionally.

9. ENFORCEMENT OF PLANNING CONTROL: 227-229 ABBEYDALE ROAD

- 9.1 The Director of Development Services submitted a report on his investigation into a complaint concerning a breach of planning control in respect of illegal advertisements at 227 and 229 Abbeydale Road. The report stated that the complaint was with regard to a new illuminated projecting sign at 229 Abbeydale Road which caused excessive light in the complainant's flat. On inspection several signs were identified as illegal at both 227 and 229. Each unit had a

projecting illuminated sign at first floor window level. A sign above each shop front was illuminated by each character however additional strip lighting had been fitted to further illuminate the signs. There was also an illuminated forecourt sign.

9.2 An assessment of the breach of control viewed that the two projecting signs were inappropriately located at a high level causing excessive harm to neighbouring residential properties and creating a cluttered appearance in the street scene that was detrimental to the character of the area. As such, the signs were considered contrary to Policies S11 and BE13 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, the institution of legal proceedings in relation to (i) the illegal display of the projecting illuminated sign at 227 Abbeydale Road to prevent its continued display and (ii) the illegal display of the projecting sign at 229 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: WINDSOR HOTEL PUBLIC HOUSE, 35-39 SOUTHEND ROAD

10.1 The Director of Development Services submitted a report on his investigation into a complaint concerning a breach of planning control in respect of the unauthorised formation of self contained flats at the first floor of the former Windsor Hotel Public House at 35 to 39 Southend Road. The report stated that the owner had failed to submit a planning application to regularise the work and that 5 of the flats had been occupied since August 2012.

10.2 As the proposed enforcement action would require residents' to be moved out of their flats, regard was made to Articles 8 and 1 (First Protocol) of the Human Rights Act 1988.

10.3 An assessment of the breach of control viewed that the flats provided a poor quality of living accommodation and that having considered the occupiers position under the Human Rights Act 1988, the proposed cessation of the unauthorised use was considered to be justified.

10.4 The Director of Development Services reported orally that a planning application had recently been submitted by the owner of the building and that, whilst the details were being assessed, it was requested that enforcement action be authorised in the event that the application details did not overcome officer concerns, as detailed in the report now submitted.

10.5 **RESOLVED:** That (a) the Director of Development Services or Head of Planning be authorised to take all appropriate action including, if necessary, enforcement action, service of a Stop Notice and the institution of legal proceedings, to secure the cessation of the use of the upper floor of the Windsor Hotel Public House at 35 to 39 Southend Road as self contained flats; 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: 3 LONG LINE

11.1 The Director of Development Services submitted a report on his investigation into a complaint concerning a breach of planning control in respect of the unauthorised outbuilding in the front garden of 3 Long Line, Dore. The report stated that the large wooden outbuilding was situated forward of the front elevation of the property and that the owner had not repositioned the building to the rear, although assurances had been given to officers that it would be moved.

11.2 An assessment of the breach of control viewed that the position of the building was contrary to Policy GE3 of the Unitary Development Plan, and that there were no "very special circumstances" demonstrated to justify a departure from the Policy.

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 removal of the unauthorised outbuilding at 3 Long Line; 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. ENFORCEMENT OF PLANNING CONTROL: DORE MASONIC HALL, DORE ROAD

12.1 The Director of Development Services submitted a report on his investigation into a complaint concerning a breach of planning control in respect of an illegal sign at the Dore Masonic Hall Company Ltd. The report stated that two signs at the property had been replaced by the owners and that the complaint received related to the sign at the entrance to the drive. It was explained that this sign, in a slightly altered position, was felt by a neighbour to be unsightly and a danger to vehicles reversing out of their adjoining drive.

- 12.2 An assessment of both signs viewed them to be acceptable and did not have a detrimental impact on visibility or highway safety and as such were not considered contrary to Policy BE13 of the Unitary Development Plan.
- 12.3 The Committee heard submissions from (a) the resident who had made the complaint in respect of the sign, who highlighted concerns over its new position at the end of the Masonic Hall drive which, in summary, he considered it to be untidy, out of character and caused difficulties with the visual splay when reversing out of the drive on to Dore Road and that planning permission was required, and he requested that the sign be relocated to its original position and (b) the Chair of the Masonic Hall, who in summary, indicated that the sign had been in the location for 35 years and that whilst it was not the identical sign in the same position, it had only moved position slightly and was still located on the drive within the boundary of the property.
- 12.4 **RESOLVED:** That this Committee concurs with the officer's planning assessment and, accordingly, no further action be taken in respect of the two new signs at Dore Masonic Hall, Dore Road.

13. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

- 13.1 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.

14. DATE OF NEXT MEETING

- 14.1 It was noted that the next meeting of the Committee will be held on Monday, 25 February, 2013 at 2.00 pm at the Town Hall.