

SHEFFIELD CITY COUNCIL

City Centre, South and East Planning and Highways Committee

Meeting held 25 February 2013

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

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1. APOLOGIES FOR ABSENCE

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

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

4.1 Councillor Ibrar Hussain declared an interest as a Licenced Hackney Carriage holder concerning an application for planning permission in respect of the demolition of existing buildings and erection of a three/four storey building (including cinema at third floor level) for use within Classes A1 (Shops), A2 (Financial and Professional Services), A3 (Restaurants and Cafes), A4 (Drinking Establishments), A5 (Hot Food Takeaways) and D2 (Assembly and Leisure), associated infrastructure and ancillary facilities at Block 1, The Moor, comprising land and buildings at 16 to18, 28 to 54 The Moor, 25 to 33 Charter Square, 15 Charter Row, Rockingham Gate and the multi storey car park, Rockingham Way (Case No. 12/03759/FUL), but did speak and vote thereon.

4. MINUTES OF PREVIOUS MEETING

4.1 The minutes of the meeting of the Committee held on 4 February 2013 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 any arrangements for a site visit on Friday 15 March 2013, in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

6. TREE PRESERVATION ORDER 808/389 - LAND AT THE SITE OF PSALTER LANE CAMPUS, PSALTER LANE.

6.1 That no objections having been received, the Tree Preservation Order made on 5 November 2012, in respect of trees on land at the site of Psalter Lane Campus,

Psalter Lane, 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 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 an amendment to the application description in respect of the substitution of “one off-street parking space” for “two off-street parking spaces” as detailed in a supplementary report circulated at the meeting, an application for planning permission for the erection of a detached 4 x bedroom dwellinghouse with one off-street parking space and associated amenity space at land to the rear of Rustlings Road Medical Centre, 105 Rustlings Road (Case No. 13/00074/FUL) be granted, conditionally;

(c) following the officer’s further on-site assessment and a request that Members’ give consideration to authorising enforcement action, in addition to the recommendation to refuse planning permission, as detailed in a supplementary report circulated at the meeting, an application for planning permission for a change of use from an existing drinking establishment (Class A4) to a lap dancing venue (Sui Generis) at Steel House at 53 to 59 West Street (Case No. 12/03972/FUL) be refused and (i) authority be given to the Head of Development Services or Head of Planning to take all appropriate steps including, if necessary, enforcement action and the institution of legal proceedings to secure the cessation of the use of 53 to 59 West Street as a nightclub and/or lap dancing venue and (ii) 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;

(d) having noted missing text in the report now submitted under the heading “Amenity Issues” (Page 47) in respect of the dormer window, as detailed in a supplementary report circulated at the meeting, an application for planning permission for the retention of the front and rear dormer windows to a dwellinghouse at 22 Barber Place (Case No. 12/03914/FUL) be refused and authority be given to the Head of Development Services or Head of Planning to take all appropriate steps including, if necessary, enforcement action and the institution of legal proceedings, to secure the removal of the front dormer window at 22 Barber Place;

(e) in connection with the decision to refuse an application for planning permission for the retention of replacement windows to a dwellinghouse at 75 Machon Bank Road (Case No. 12/03797/FUL), authority be given to the Head of Development Services or Head of Planning to take all appropriate steps including, if necessary, enforcement action and the institution of legal proceedings, to secure the removal of the unauthorised uVPC windows at 75 Machon Bank Road;

(f) an application for planning permission for the demolition of existing buildings and erection of a three/four storey building (including cinema at the third floor level) for use within Classes A1 (Shops), A2 (Financial and Professional Services), A3 (Restaurants and Cafes), A4 (Drinking Establishments), A5 (Hot Food Takeaways) and D2 (Assembly and Leisure), associated infrastructure and ancillary facilities at Block 1, The Moor, comprising land and buildings at 16 to 18, 28 to 54 The Moor, 25 to 33 Charter Square, 15 Charter Row, Rockingham Gate and the multi storey car park, Rockingham Way (Case No. 12/03759/FUL) be granted, conditionally, subject to (i) the completion of a Legal Agreement and (ii) an amendment to Condition 2 by the addition of Highway Closure Plan Ref D722/401C, as detailed in a supplementary report circulated at the meeting;

(g) an application for planning permission for use of the ground floor as a restaurant/café (Class A3) including the erection of a new shop front and a rear extraction flue at 294 Ecclesall Road (Case No. 12/03516/FUL) be granted, conditionally, subject to (i) Condition 6 being amended by the addition of the word “be” prior to the word “used” and (ii) Condition 14 being deleted, as detailed in a supplementary report circulated at the meeting;

(h) in connection with the decision to refuse an application for planning permission for the erection of a conservatory to the side of a dwellinghouse at 104 Stafford Road (Case No. 12/02946/FUL), authority be given to the Head of Development Services or Head of Planning to take all appropriate steps including, if necessary, enforcement action and the institution of legal proceedings, to secure the removal of the conservatory at 104 Stafford Road within 3 months from the date of this meeting; and

(i) following a decision of this Committee at its meeting held on 17 December 2012, to grant an application for listed building consent, subject to clearance by the Secretary of State, in respect of 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 19,725 sq m of educational floor space, plus landscaping and servicing at the site of the Jessop Hospital for Women, Leavy Greave Road (Case No. 12/02874/LBC), it had come to the Director of Development Service’s attention that not all consultation with the national amenity bodies had been completed in

accordance with Government circular 09/2005 and, in view of this matter, the Director of Development Services submitted a report which detailed the outcome of consultation with the outstanding organisations that had since been undertaken, which considered that no new issues had been raised and, therefore, having considered the outstanding consultation responses in respect of the proposed development, the Committee reaffirms the decision it made on 17 December 2012, to grant listed building consent for the aforementioned application Case No. 12/02874/LBC, subject to clearance by the Secretary of State.

8. ENFORCEMENT OF PLANNING CONTROL: LAND AT THE REAR OF 262 TO 266 BELLHOUSE ROAD

8.1 The Director of Development Services submitted a report on his investigation into a complaint received in respect of a breach of planning control concerning the unauthorised use of land as a scrapyard at the rear of 262 to 266 Bellhouse Road. The report stated that the site had previously been used as an unauthorised scrap and vehicle repair yard which, under the threat of enforcement action, had stopped and the site cleared. Unfortunately, the use of the land for the storing of scrap vehicles had commenced again.

8.2 It was viewed that the use of the land as a scrapyard was an inappropriate use in an Housing Area and as such was considered to be contrary to Policy H10 and H14 of the Unitary Development Plan

8.3 **RESOLVED:** That (a) authority be given to the Head of Development Services or Head of Planning to take all appropriate steps in respect of the land at the rear at 262 to 266 Bellhouse Road, including:-

(i) enforcement action, the service of a Stop Notice and the institution of legal proceedings, if necessary, to secure the cessation of the use of the land as a scrap yard and the removal of all the damaged/scrap vehicles and all machinery and equipment associated with the scrap yard business; and

(ii) the service of a Section 215 Notice and the institution of legal proceedings, if necessary, to secure the removal of all the other waste materials currently stored on the site, such materials include, but are not limited to, plastic containers, building rubble, bricks, wooden pallets, trailers and household waste; 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.

9. ENFORCEMENT OF PLANNING CONTROL: 17 & 19 WOSTENHOLM ROAD

- 9.1 The Director of Development Services submitted a report on his investigation into a complaint received in respect of a breach of planning control concerning the unauthorised side extension at 17 and 19 Wostenholm Road. The report stated that it was the intention of the owner to create extra living space between the two properties at the first floor level and also a large porch across the front entrance which would encompass both bay windows. It was further stated that the owner had not complied with a request from a planning officer to remedy the breach of control.
- 9.2 It was viewed that the unauthorised development was contrary to Policies BE5, H14 and BE16 of the Unitary Development Plan and CS74 of the Development Framework.
- 9.3 RESOLVED: That (a) authority be given to the Head of Development Services or Head of Planning to take all appropriate steps including, if necessary, enforcement action and the institution of legal proceedings, to secure the removal of the side extension between 17 and 19 Wostenholm 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: 8 CHANDOS STREET

- 10.1 The Director of Development Services submitted a report on his investigation into a breach of planning control concerning the unauthorised removal of a chimney stack at the front of 8 Chandos Street. The report explained that the property was located in the Broomhill Conservation Area and was subject to an Article 4(2) Direction which removed Permitted Development rights. It was stated that, whilst a retrospective planning application had been submitted for alterations to the roof and the replacement windows to the front of the property, the owner had agreed with officers to replace the chimney stack. Unfortunately, this work had not been carried out and a response had not been made to a Notice served under Section 330 of the Town and Country Planning Act, which had requested further information regarding ownership of the property.
- 10.2 It was viewed that the breach of planning control failed to preserve or enhance the character of the Broomhill Conservation Area and, as such, was considered contrary to Policies BE15, 16, 17 of the Unitary Development Plan.
- 10.3 RESOLVED: That (a) authority be given to the Head of Development Services or Head of Planning to:-

- (i) take all appropriate steps including, if necessary, enforcement action and the institution of legal proceedings, to secure the reinstatement of the brick built chimney stack substantially similar to what existed previously at 8 Chandos Street; and
- (ii) institute legal proceedings against the recipient of the Section 330 Notice served by the City Council on 7 August, 2012 for failing to reply; 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. QUARTERLY OVERVIEW OF ENFORCEMENT ACTIVITY

- 11.1 The Committee received and noted a report of the Director of Development Services providing a quarterly update of progress on the work being undertaken by the enforcement team in the City Centre, South and East area.

12. QUARTERLY UPDATE OF ENFORCEMENT CASES IN THE CITY CENTRE AND EAST AREA

- 12.1 The Committee noted (a) a report of the Director of Development Services providing an update on the progress of enforcement cases being undertaken with respect to developments and advertisements in the City Centre and East area and (b) further information provided by the Director of Development Services to Members' questions in respect of enforcement matters

13. QUARTERLY UPDATE OF ENFORCEMENT CASES IN THE SOUTH AREA

- 13.1 The Committee noted (a) a report of the Director of Development Services providing an update on the progress of enforcement cases being undertaken with respect to developments and advertisements in the South area and (b) further information provided by the Director of Development Services to Members' questions in respect of enforcement matters.

14. OUTSTANDING DEBTS UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990

- 14.1 Further to Members consideration of two reports submitted to this Committee at its meetings held on 6 and 20 December, 2010 by the Director of Development Services concerning the recovery of outstanding debts arising from Section 106 Legal Agreements under the Town and Country Planning Act 1990, the Director of Development Services submitted a report explaining that, in respect of two Section 106 Agreements concerning a development at the site of Loadhog Limited, Fourth Weir Works at 99 Carbrook Street, Planning Application Case No. 03/00752/FUL) and at the site of Hope Works, 17 to 39

Mowbray Street, Planning Application Case No. 05/04371/FUL, the Council's attempts to recover the sums of £40,000 and £75,030.35, respectively, had been exhausted.

- 14.2 Details concerning the two Agreements were outlined and reasons were given as to why no further action was proposed in respect of recovering the debts.
- 14.3 It was stated that a complete review of Section 106 Agreement procedures had now taken place and revised processes had been adopted in an attempt to prevent similar cases arising in the future.
- 14.4 **Resolved:** That (a) the writing-off of outstanding Section 106 Agreement debts in relation to Planning Application Case Nos. 03/00752/FUL in respect of the sum of £40,000 and 05/04371/FUL in respect of the sum of £75,030.35, be endorsed; and
- (b) the Director of Finance be advised of the aforementioned decision accordingly.

15. RECORD OF PLANNING APPEAL SUBMISSIONS AND DECISIONS

- 15.1 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.

16. DATE OF NEXT MEETING

- 16.1 It was noted that the next meeting of the Committee will be held on Monday, 18 March 2013, at 2.00 pm at the Town Hall.