

**SHEFFIELD CITY COUNCIL**

**Planning and Highways Committee**

**Meeting held 9 December 2014**

**PRESENT:** Councillors Alan Law (Chair), David Baker, Tony Damms, Jack Clarkson, Roger Davison, Tony Downing (Deputy Chair), Ibrar Hussain, Bryan Lodge, Roy Munn, Peter Price, Denise Reaney and Joyce Wright

.....

**1. APOLOGIES FOR ABSENCE**

1.1 There were no apologies for absence.

**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 There were no declarations of interest.

**4. MINUTES OF PREVIOUS MEETING**

4.1 The minutes of the previous meeting of the Committee held on 18 November 2014 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 October 2014.

**6. SITE VISIT**

6.1 **RESOLVED:** That the Director of Regeneration and Development Services, in liaison with the Chair, be authorised to make arrangements for a site visit on Monday, 5 January 2015, in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

**7. OBJECTIONS TO TREE PRESERVATION ORDER NO. 393: 2A KINGSLEY PARK GROVE**

7.1 The Director of Regeneration and Development Services submitted a report outlining his response to the objections received to Tree Preservation Order No.393 which had been made on 12 June, 2014 in respect of a tree on land at 2a Kingsley Park Grove. The report stated that the Order had been made as the tree, which was located in the front garden, was at risk due to a proposed development in the rear

garden of 186 Millhouses Lane, in view of the level of excavation required within the tree's root protection area.

- 7.2 It was considered that the tree had substantial visual amenity value and contributed significantly to the character of a leafy area of the city. The tree was also highly visible from surrounding housing and commanded a prominent position in the street.
- 7.3 The Order and Tree Evaluation Method For Preservation Orders was attached as appendices to the report now submitted.
- 7.4 The Committee heard representations from an objector speaking against the Order.
- 7.5 **RESOLVED:** That following consideration of the objections, as now reported, Tree Preservation Order No. 393 on land at 2a Kingsley Park Grove be confirmed unmodified.

## **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 as shown 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) following consideration of oral representations from a local Ward Councillor at the meeting, an application for planning permission by the City Council under Regulation 3 of the Town and Country Planning (General) Regulations 1992, in respect of a single-storey extension to provide 4 additional classrooms, a hall and kitchen and external works including access, parking and play areas at Rowan School, 4 Durvale Court (Case No. 14/03619/RG3) be granted, conditionally, with an additional condition added in respect of the management of construction traffic and associated parking;

(c) an application for planning permission for the retention of a boundary fence at 281 Springvale Road (Case No. 14/03075/FUL) be refused for the reasons detailed in the report now submitted, with authority given for the Director of Development Services and 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 fencing;

(d) following consideration of oral representations at the meeting from a local resident and a local Ward Councillor speaking against the

application and from the applicant speaking at the meeting in support of the development, an application for planning permission for a three-storey rear extension and single-storey front/side and rear extension to a dwellinghouse at 30 Dore Road (Case No. 14/03069/FUL) be granted, conditionally;

(e) having (i) noted additional representations and officer's information on amended drawings, as detailed in a supplementary report circulated at the meeting and (ii) heard oral representations at the meeting from the applicant's agent speaking in support of the proposed development, an application for planning permission for the demolition of part of a building, alterations to an existing public house to form 6 apartments, alterations to outbuildings to form 2 cottages and erection of 3 detached dwellinghouses and garages, including associated external works and a footpath diversion at the former Fleur De Lys Hotel, Totley Hall Lane (Case No. 14/02810/FUL) be granted, conditionally, subject to (A)(1) an additional condition being attached in respect of window details and (2) an amendment to Condition 2 in respect of plan numbers, all as detailed in the aforementioned supplementary report and (B) the completion of a legal agreement, but in the event that the legal agreement is not concluded by 6 January 2015, unless an alternative timescale is agreed with the Local Planning Authority, authority be given for the application to be refused in accordance with the dual recommendation, as detailed in the report now submitted;

(f) having noted the required financial contribution for the proposed development of £4,315.70, as detailed in a supplementary report circulated at the meeting and heard oral representations from the applicant speaking at the meeting in support of the development, an application for planning permission for the demolition of outbuildings and erection of 2 dwellinghouses with associated landscaping and parking provision at the barns to the rear of Moor View Farm, 522 Manchester Road, Fulwood (Case No. 14/02232/FUL) be granted, conditionally, subject to (i) an additional directive being attached to advise the applicant to contact the Health and Safety Executive in respect of the Control of Asbestos Regulations, as detailed in the aforementioned supplementary report, as detailed in the aforementioned supplementary report and (ii) the completion of a legal agreement, but in the event that the legal agreement is not concluded by 19 December 2014, unless an alternative timescale is agreed with the Local Planning Authority, authority be given for the application to be refused in accordance with the dual recommendation, as detailed in the report now submitted;

(g) having noted (i)(A) additional representations and the officer's response and (B) the required financial contribution for the proposed development of £10,094, as detailed in a supplementary report circulated at the meeting and (ii) heard oral representations from the applicant speaking at the meeting in support of the development, an

application for planning permission for the erection of 5 dwellinghouses with associated landscaping and parking provision at Moor View Farm, 522 Manchester Road, Fulwood (Case No. 14/02155/FUL) be granted, conditionally, subject to the completion of a legal agreement, but in the event that the legal agreement is not concluded by 19 December 2014, unless an alternative timescale is agreed with the Local Planning Authority, authority be given for the application to be refused in accordance with the dual recommendation, as detailed in the report now submitted;

(h) an application under Section 73 to vary planning permission Case No. 12/02078/FUL in respect of Condition 2 (to make minor material changes to the rear elevation) and to remove Condition 33 (Sustainable Homes Level 3) and Condition 34 (BREEAM 'very good') (Amended elevations received 05/08/14 and District Valuer information received 19/11/14) for the erection of 90 student bedrooms in 10 cluster apartments in a 6 storey block with Class A1/A3/A5 and B1 units on the ground floor at Yorkshire Co Op Society Car Park, Beeley Street (Case No 14/01710/FUL) be granted, conditionally; and

(i) having (i) noted a representation, as detailed in a supplementary report circulated at the meeting and (ii) heard oral representations at the meeting from a local resident and a representative of the Loxley Valley Protection Society speaking against the development and from the applicant's agent speaking in support of the development, an application for planning permission for the demolition of an existing garage and erection of a new dwellinghouse on land at the rear of 45 to 47 Rodney Hill, Occupation Lane, Loxley (Case No 14/00701/FUL) be refused for the reasons detailed in the report now submitted.

## **9. OBJECTIONS TO TREE PRESERVATION ORDER NO. 395: TOTLEY LANE BRIDLEWAY, OFF LONGFORD ROAD, TOTLEY**

9.1 The Director of Regeneration and Development Services submitted a report outlining his response to the objections received to Tree Preservation Order No.395 which had been made on 16 July, 2014 in respect of 20 trees on land at Totley Lane Bridleway, off Longford Road, Totley. The report stated that the Order had been made as the trees were at risk due to a tree surgeon reporting a request made by a resident adjoining the lane, to fell one of the larger trees at the height of the garden boundary hedge.

9.2 It was considered that these trees make a significant contribution to the amenity of the local environment and its enjoyment by the public. They are visible from surrounding streets as well as the Totley Lane public bridleway, and are an essential component of the character of this historic route.

9.3 The Order and Tree Evaluation Method For Preservation Orders was

attached as appendices to the report now submitted.

9.4 The Committee heard representations from an objector speaking against the Order.

9.5 **RESOLVED:** That following consideration of the objections, as now reported, Tree Preservation Order No. 395 at Totley Lane Bridleway, off Longford Road, Totley be confirmed unmodified.

## **10. ENFORCEMENT OF PLANNING CONTROL: 33 PAVILION WAY**

10.1 The Director of Regeneration and Development Services submitted a report on his investigation into complaints received concerning a breach of planning control relating to the unauthorised erection of a single storey side and rear extension at 33 Pavilion Way. The report stated that the structure did not comply with permitted development rights and that a retrospective planning application had not been submitted by the owner to regularise it, although officers indicated that it would be unlikely to receive planning permission. It was viewed that, whilst a single-storey rear extension projecting up to 3m would be allowed under permitted development rights, the extension, as constructed, had been completed since officers had initially met with the owner to discuss the requirement for planning permission.

10.2 An assessment of the unauthorised structure was detailed which concluded that it was contrary to Policy BE5 of the Unitary Development Plan, Supplementary Planning Guidance "Designing House Extensions" Guideline 3 and Policy CS74 of the Core Strategy within the Local Development Framework.

10.3 **RESOLVED:** That (a) the Director of Regeneration and Development Services and Head of Planning be authorised to take all appropriate steps including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised extension at 33 Pavilion Way; and

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

## **11. ENFORCEMENT OF PLANNING CONTROL: LAND TO THE REAR OF THE FORMER MIDDLEWOOD TAVERN, MIDDLEWOOD ROAD NORTH**

11.1 The Director of Regeneration and Development Services submitted a report on his investigation into a complaint received concerning a breach of planning control relating to the unauthorised excavation of land to the rear of the former Middlewood Tavern off Middlewood Road North. The report stated that the work undertaken appeared to be in preparation for a new car park, with an access pathway from the

existing car park at the former Middlewood Tavern. A Planning Contravention Notice was sent on 5 November 2014 to the registered landowners to establish the purpose of the works, but contact had not been established as they had moved address and their new address was not known.

11.2 An assessment of the unauthorised works considered that as the land was designated as Green Belt and in view of the need to maintain, conserve and enhance the landscape and the natural environment it would be contrary to Policy GE1, GE2 and GE4 of the Unitary Development Plan and as the works were seen as constituting unrestricted urban growth and encroachment into the open countryside it was also contrary to the adopted Policy CS71 of the Core Strategy.

11.3 **RESOLVED:** That (a) the Director of Regeneration and Development Services and Head of Planning be authorised to take all appropriate steps including, if necessary, enforcement action and the institution of legal proceedings to secure the backfilling of the excavated land at the rear of the former Middlewood Tavern, Middlewood Road North and restoration of the land to green field with the reinstatement of a physical border; and

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

## **12. ENFORCEMENT OF PLANNING CONTROL: 209 STANNINGTON ROAD**

12.1 The Director of Regeneration and Development Services submitted a report on his investigation into a complaint received concerning a breach of planning control relating to the unauthorised conservatory/porch erected on the front elevation of 209 Stannington Road. The report stated that the structure did not comply with permitted development rights and the owner was advised in a letter dated 3 June 2013, as it was unlikely to receive planning permission, that it should be removed. Details submitted by the applicant outlining a reduction in the size of the structure was seen as not sufficient to meet permitted development rights and on 2 October 2014, a Section 330 Notice was sent requiring the owner to provide information about any person/s with any interest in the property within 21 days to the Local Planning Authority. The owner was also advised that unless the unauthorised structure was removed within the same timescale, an enforcement action would be sought.

12.2 An assessment of the unauthorised structure considered it to have a detrimental impact upon the character of the locality and, as such, was contrary to Policy H14 of the Unitary Development Plan.

12.3 **RESOLVED:** That (a) the Director of Regeneration and Development

Services and Head of Planning be authorised to take all appropriate steps including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised structure from 209 Stannington Road; and

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

### **13. ENFORCEMENT OF PLANNING CONTROL: 523 LOXLEY ROAD**

13.1 The Director of Regeneration and Development Services submitted a report on his investigation into a complaint received concerning a breach of planning control relating to an unauthorised car port and balcony erected to the rear of 523 Loxley Road. The report stated that the structure did not comply with permitted development rights and that a retrospective planning application (Case No. 13/00974/FUL), submitted by the owner, was refused planning permission on 27 December, 2013. A planning appeal submitted on 1 April 2014 was also dismissed by the Planning Inspectorate and it was viewed that a compromise solution suggested by the applicant was not sufficient to retain the structure.

13.2 Officers in assessing the unauthorised structure considered that it was unacceptable in terms of its scale and built form and would provide a significant amount of overlooking if used as a balcony and as such it would be contrary to Supplementary Planning Guidance and Policy H14 of the Unitary Development Plan.

13.3 **RESOLVED:** That (a) the Director of Regeneration and Development Services and Head of Planning be authorised to take all appropriate steps including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised structure from 523 Loxley Road; and

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

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

14.1 The Committee received and noted a report of the Director of Regeneration and 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.

### **15. DATE OF NEXT MEETING**

- 15.1 It was noted that the next meeting of the Committee will be held on Tuesday, 6 January 2015 at 2.00 pm at the Town Hall.