

## SHEFFIELD CITY COUNCIL

### Planning and Highways Committee

#### Meeting held 24 March 2015

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

.....

#### **1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from the Chair (Councillor Alan Law), but no substitute was appointed.

#### **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 Councillor Roger Davison declared a personal interest in an application for erection of convenience foodstore (Use Class A1) with associated car parking accommodation and landscaping works, partial demolition and landscaping works, partial demolition of existing buildings and use of remaining building (No. 335) as part of proposed foodstore at 335 and 337 Ecclesall Road South (Case No. 14/00133/FUL), as he had submitted an objection to a previous application but he had not declared his position on this application.

3.2 Councillor Jack Clarkson declared a personal interest, as a Member of the Stocksbridge Town Council, in relation to an application for planning permission for the erection of one detached and two semi-detached dwellinghouses, plus the conversion and extension of the existing building to form a fourth dwellinghouse on land at the junction with Broomfield Court, Broomfield Road, Stocksbridge (Case No. 14/01392/OUT), and he stated that he would participate in its determination as he had not pre-determined his views at the meeting of the Town Council when the application was considered.

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

4.1 The minutes of the meeting of the Committee held on 3 March 2015 were approved as a correct record.

#### **5. SITE VISIT**

5.1 **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 13 April 2015, in connection with any planning applications requiring a

visit by Members prior to the next meeting of the Committee.

**6. CONFIRMATION OF TREE PRESERVATION ORDER NO. 396: SITE OF 28 BEECH HILL ROAD**

- 6.1 **RESOLVED:** That no objections having been received, the Tree Preservation Order No. 396 made on 6 October 2014, in respect of trees at the site of 28 Beech Hill Road be confirmed as an unopposed Order.

**7. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS**

**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 Nos. 15/00179/FUL and 14/03846/FUL, and other applications considered be decided 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 (i) heard representations from five interested parties speaking against the application and the agent for the applicant speaking in favour of the application and (ii) considered additional representations as outlined in a supplementary report circulated at the meeting, and subject to additional conditions as outlined in the aforementioned supplementary report, an application for planning permission for the demolition of 162-170 Devonshire Street and erection of a three storey building to form ground floor commercial units (one A1 shop unit and one A3 restaurant/café unit), 2 studio apartments, 6 one bedroom apartments and 4 two bedroom apartments at 162-170 Devonshire Street (Case No. 14/03473/FUL) be granted, conditionally, subject to the completion of a legal agreement;

(c) having heard representations from the applicant speaking in favour of the application, an application for planning permission for alterations to roof, two-storey side extension, single storey front extension, erection of a carport and erection of a new boundary fence at 205 Tom Lane (Case No. 14/04293/FUL) be granted, conditionally;

(d) having (i) heard representations from a local resident speaking against the application and from the agent for the applicant speaking in favour of the application and (ii) considered additional representations as outlined in a supplementary report circulated at the meeting and subject to (A) the inclusion of an additional directive, as outlined in the aforementioned supplementary report and (B) an additional condition to introduce measures to prevent access to the site after the closure of the petrol station, an application for planning permission for the demolition of public house and construction of petrol filling station and jet wash facility at the site of Elm Tree Public House, 980 City Road (Case No. 14/04152/FUL) be granted, conditionally;

(e) following consideration of additional representations, and subject to amended

and additional conditions, as outlined in a supplementary report circulated at the meeting, an application for planning permission for the erection of two-storey building to form two apartments (amended plans) including car parking space and landscaping and removal of Tree Preservation Order at land between 25 and 27 Charnock Hall Road (Case No. 14/03876/FUL) be granted, conditionally;

(f) subject to the inclusion of two additional conditions and amendments to conditions 7 and 9, as outlined in a supplementary report circulated at the meeting, an application for planning permission for change of use of former Abbey Glen Laundry building to form 20 apartments and erection of a 3 storey building to form 9 apartments, 1 live/work unit and 2 offices and erection of 16 terraced houses/townhouses at Abbey Glen Ltd., 67 Coniston Road (Case No. 14/03493/FUL) be granted, conditionally, subject to the completion of a legal agreement;

(g) having considered a verbal update from the officer that the application for advertisement consent for retention of trailer mounted L.E.D advertisement screen at land opposite Burrows Toyota, 260 Penistone Road (Case No. 14/03471/ADV) had been withdrawn, (i) the Director of Regeneration and Development Services or Head of Planning be authorised to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the advertisement screen and (ii) the Head of Planning, in liaison with the Chair of the Committee, be authorised to vary the action to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control;

(h) having heard (i) representations from three local residents speaking against the application and (ii) the agent for the applicant speaking in favour of the application, an application for planning permission for permanent change of opening hours to allow opening between 0800 hours and 0100 hours the following day on Thursdays and between 0800 hours and 0130 hours the following day on Fridays, Saturdays and the day before Public Holidays - Application under Section 73 to vary condition No. 20 (opening hours) as imposed by planning permission 00/01269/FUL - Erection of flats, basement car parking, retail units (A1), offices (A2), restaurants/bars (A3), leisure (D2) medical centre (D1) and creche (D1) at Units 1 - 2, 3, 8 - 9 and 14 The Plaza, West One, Fitzwilliam Street (Case No. 14/03356/FUL) be granted, conditionally;

(i) having considered 15 additional representations objecting to the proposed development and 1 additional representation in support of the proposed development, as detailed in a supplementary report circulated at the meeting and (ii) heard representations from people speaking at the meeting against the proposed development, an application for planning permission for the erection of a convenience foodstore (Use Class A1) with associated car parking accommodation and landscaping works, partial demolition of existing buildings and use of the remaining building (No. 335) as part of proposed foodstore at 335 and 337 Ecclesall Road South (Case No. 14/00133/FUL) be refused as the Committee considered that the development (A) would create an excessive level of noise and disturbance and loss of amenity to an adjoining house (B) would result in a loss of housing at time of a shortage in supply and (C) did not provide adequate off-street

parking and service arrangements and would therefore cause highway safety issues on Ecclesall Road South;

(j) an application for planning permission for the change of use of floors 1 to 9 to residential (Use Class C4 - shared student accommodation) creating 17 apartments at The Tower 2, Furnival Square (Case No. 13/03896/CHU) be granted, conditionally, subject to the completion of a legal agreement; and

(k) having (i) considered 5 additional representations objecting to the proposed development and the officer's response, and noted an amended recommendation requiring the applicant to enter into a legal agreement in respect of the two windows being blocked up in the adjoining building's gable wall that face North, all as detailed in a supplementary report circulated at the meeting and (ii) heard representations at the meeting from a local Ward Councillor and local resident objecting to the development, and from the applicant's agent in support of the development, an application for planning permission for the erection of a dwellinghouse with an integral garage at land at the rear of 2 Slack Fields Lane (Case No. 13/02131/FUL) be granted, conditionally, subject to (A) the completion of a legal agreement and (B) Condition 9 being amended with the addition of the word "surfacing" prior to the words "vehicular access".

## **8. ENFORCEMENT OF PLANNING CONTROL: REAR OF 784 ATTERCLIFFE ROAD**

8.1 The Director of Regeneration and Development Services submitted a report on his investigation into a complaint received concerning a breach of planning control in respect of the unauthorised use of a yard for the storage of scaffolding materials, general building materials and machinery and the unauthorised erection of gates at the rear of 784 Attercliffe Road. The report explained that the property was a three storey former public house building with a rear yard, which was located in a Local Shopping Centre and an Area of Special Character as designated in the Unitary Development Plan. The occupier of the yard had stated that the use of the property as open storage had occurred for more than 10 years, but no response had been received from the owner or occupier of the property to confirm the extent of use, which would negate enforcement action being taken.

8.2 An assessment of the breach of planning control was detailed which considered that the use was contrary to Policies BE5, BE17 and BE18 of the Unitary Development Plan and Policy CS74 of the Core Strategy.

8.3 **RESOLVED:** That (a) the Director of Regeneration and Development Services and Head of Planning be authorised to take all necessary steps including, if necessary, enforcement action, the service of a Stop Notice and the institution of legal proceedings to secure the cessation of the use of the yard for a scaffolding and storage business and the removal of all scaffolding materials associated with the business, all other building materials, machinery from the yard and the unauthorised gates at the rear of 784 Attercliffe 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.

**9. OUTSTANDING DEBT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 - 260 TO 262 LANGSETT ROAD**

9.1 Further to Members' consideration of reports submitted to the former Planning and Highways Committees in November and December 2010 and January 2011 concerning the recovery of outstanding debts arising from Section 106 Legal Agreements under the Town and Country Planning Act 1990, the Director of Regeneration and Development Services submitted a report explaining that, in respect of a Section 106 agreement with regard to the erection of 18 flats on a site at 260 to 262 Langsett Road (Case No. 05/02961/FUL), the Council's attempts to recover the sum of £20,764 had been exhausted.

9.2 Details concerning the Agreement were outlined and the reasons given as to why no further action was proposed in respect of recovering the debt, along with advice given by Legal Services in respect of this matter.

9.3 It was stated that a complete review of Section 106 Agreement procedures had been undertaken and a revised process had been adopted in an attempt to prevent similar cases arising in the future.

9.4 **RESOLVED:** That (a) the writing off of an outstanding Section 106 Agreement debt of £20,764 in relation to Planning Application Case No. 05/02961FUL, be endorsed; and

(b) the Director of Finance be advised of the aforementioned decision accordingly.

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

10.1 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.

**11. DATE OF NEXT MEETING**

11.1 It was noted that the next meeting of the Committee will be held on Tuesday, 14 April 2015, at 2.00 pm, at the Town Hall.

**12. TREE PRESERVATION ORDER NO. 397 AT 28 DORE ROAD, SHEFFIELD**

12.1 The Director of Regeneration and Development Services submitted a report outlining a response to objections received to Tree Preservation Order No. 808/397 which had been made in respect of trees situated on land at 28 Dore Road. The report referred to planning applications for the site where the foundations encroached within the root protection area of the trees. It was stated that the group of trees in the front garden at the property had significant visual amenity and were an important element in the character of the streetscene on Dore Road, but were

deemed to be under threat from the proposed developments at the property. The objections received to the Tree Preservation Order and responses to those objections and legal considerations were detailed.

12.2 The Committee heard oral representations at the meeting from an arboriculture consultant representing the owner of the property, in which he stated that there was no reason for the Tree Preservation Order as the planning application for the site had been approved. He further stated that the trees received good management and that the Order would create an administrative hurdle for future maintenance. He also questioned the use of the TEMPO system for assessing Trees. In response the officer stated that the trees were worthy of protection following the assessment, which was an established amenity assessment used by the City Council.

12.3 **RESOLVED:** That, following consideration of the objections, as now reported, Tree Preservation Order 808/352 on land at 28 Dore Road be confirmed unmodified.

(NOTE: At the commencement of the meeting, the Chair (Councillor Tony Downing) indicated that the above item was to be considered as an urgent item under Council Procedure Rule 26 of the Council's Constitution, in view of the notice period for the Tree Preservation Order ending on 9 April 2015, and the need for it to be considered within the required six month period, although it had not been possible to give five clear days' notice of the item.)