

Planning and Highways Committee

Meeting held 15 March 2016

**PRESENT:** Councillors Peter Rippon (Chair), David Baker, Jack Clarkson, Tony Damms, Roger Davison, Adam Hurst, Ibrar Hussain, Alan Law, Bryan Lodge, Peter Price, Denise Reaney, Chris Rosling-Josephs, Garry Weatherall and Joyce Wright

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**1. APOLOGIES FOR ABSENCE**

1.1 An apology for absence was received from Councillor Nasima Akther but no substitute was appointed.

**2. MINUTES OF PREVIOUS MEETING**

2.1 The minutes of the previous meeting of the Committee held on 23 February 2016 were approved as a correct record.

**3. EXCLUSION OF PUBLIC AND PRESS**

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

**4. DECLARATIONS OF INTEREST**

4.1 Councillors Jack Clarkson and Alan Law declared personal interests in agenda item 7 (minute no. 6) 'Conversion of Parts of a Public Footpath to a Shared Footpath/Cycle Track: Fox Valley, Stocksbridge' as Stocksbridge Town Councillors. Councillors Clarkson and Law indicated that they were aware of the issue but would participate in the consideration of the item as they had not declared their position on the matter.

**5. SITE VISIT**

5.1 **RESOLVED:** That the Director of Regeneration and Development Services, in liaison with a Co-Chair, be authorised to make arrangements for a site visit on Monday, 4 April 2016, in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

**6. CONVERSION OF PARTS OF A PUBLIC FOOTPATH TO A SHARED FOOTPATH/CYCLE TRACK: FOX VALLEY, STOCKSBRIDGE.**

6.1 The Director of Regeneration and Development Services submitted a report seeking authority to (a) process the Diversion Order required for closing parts of the Definitive Footpath numbered ST0/13 in the Stocksbridge area of Sheffield, as shown by a solid black line on the plan attached as Appendix A to the report and (b) process the Cycle Track Order required for converting parts of the Definitive

Footpath numbered ST0/13 to a shared footpath/cycle track at Fox Valley, in the Stocksbridge area of Sheffield, as shown coloured green on the plan attached to the report.

6.2 **RESOLVED:** That (i) no objections be raised to the proposed diversion of the Definitive Footpath numbered ST0/13, as shown on the plan attached to the report, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected;

(ii) delegated authority be given to the Director of Legal and Governance to: (A) take all necessary action to divert the footpath by Order under the powers contained within Section 257 of the Town and Country Planning Act 1990, (B) confirm the Order as an unopposed Order, in the event of no objections being received, or any objections received being resolved and withdrawn prior to the Order being confirmed and (C) submit the Order to the Secretary of State for confirmation in the event that objections are received which cannot be resolved;

(iii) no objections be raised to the proposal to convert the Definitive Footpath numbered ST0/13, as shown coloured green on the plan attached to the report, to a shared footpath/cycle track, subject to satisfactory arrangements being made with Statutory Undertakers in connection with any of their mains and services that may be affected; and

(iv) delegated authority be given to the Director of Legal and Governance to (A) take all necessary action to convert the footpath to a shared footpath/cycle track under the powers contained within Section 3 of the Cycle Tracks Act 1984, (B) confirm the Order as an unopposed Order, in the event of no objections being received, or any objections received being resolved and withdrawn prior to the Order being confirmed and (C) submit the Order to the Secretary of State for confirmation in the event that objections are received which cannot be resolved.

## 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 and as stated 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) (i) an application for planning permission for siting of a log cabin to rear of garden (retrospective application) at 38 Sandy Acres Close (Case No. 16/00263/FUL) be refused for the reasons outlined in the report and (ii) authority be delegated to the (A) Director of Regeneration and Development Services or Head of Planning to take all necessary steps, including enforcement action and the institution of legal proceedings, if necessary, to secure the removal of the outbuilding or reduction in its height so that it complies with Permitted

Development criteria and (B) the Head of Planning, in liaison with a Co-Chair of the Committee, to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control;

(c) following consideration of representations at the meeting from the applicant's agent speaking against the officer's recommendation and a local resident speaking in favour of the recommendation, and notwithstanding the officer's recommendation, consideration of an application for planning permission to allow the removal of the rear dormer roof extension and alterations to elevations (Application under Section 73 to vary condition No. 2 (approved plans)) as imposed by planning permission No. 14/02958/FUL – alterations to two office buildings to form 12 residential units and 1 retail unit, including a rear dormer roof extension to the rear building at Meade House, 96-100 Middlewood Road (Case No. 15/03524/FUL) be deferred pending a visit to the site; and

(d) following consideration of representations at the meeting from a representative of the applicant speaking in favour of the application, an application for planning permission for hybrid planning application comprising full permission for the erection of a 3,000 capacity indoor arena (Use Class D2), provision of access points and car parking and outline planning permission (with all matters except access reserved) for the redevelopment of the site to provide a mixed-use development (including landscaping and infrastructure) comprising: up to 5,000 spectator outdoor stadium (Use Class D2) with ancillary facilities including café (Use Class A3), gym and changing facilities; a hotel (use Class C1) with up to 100 bedrooms; Advance Wellbeing Research Centre (Use Class B1 (b)) with up to 4,000 sqm floorspace and up to 3,000 sqm ancillary office (Use Class B1) floorspace and additional office building (Use Class B1) with up to 7,000 sqm business floorspace (Amended Environmental Statement received 12 February 2016) at site of Don Valley Stadium, Worksop Road (Case No 15/02142/FUL) be granted, conditionally.

## **8. ENFORCEMENT OF PLANNING CONTROL: 3 AND 5 NURSERY STREET**

- 8.1 The Director of Regeneration and Development Services submitted a report in relation to a breach of Advertisement Regulations regarding the erection of unauthorised advertisements at 3-5 Nursery Street and making recommendations on any further action required.
- 8.2 The report stated that a complaint had been received from a member of the public, on 9 June 2015, concerning the excessive signage that had been applied to the supermarket's display windows.
- 8.3 On 22 July 2015, correspondence was entered into with the owners of the supermarket informing them that the Local Planning Authority had received a complaint concerning the number of advertisements that were being displayed on the property, and that although they would require advertisement consent, it was unlikely that it would be granted, and therefore, with the exception of the signs that advertised the name of the shop (for which an application for advertisement consent was invited), the remaining signs should be removed.

- 8.4 Although the Local Planning Authority recognised the supermarket's legitimate need to advertise, the number of advertisements currently on display was considered to be excessive. However, it was likely that a less visually intrusive scheme of advertising would be permitted.
- 8.5 The owner of the supermarket had initially agreed to submit an application for advertisement consent, and to remove the unacceptable signs, to date he had yet to do so.
- 8.6 **RESOLVED:** That (a) the Director of Regeneration and Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised signs at 3-5 Nursery Street; and
- (b) the Head of Planning, in liaison with a Co-Chair of this Committee, is delegated to vary the action authorised in order to achieve the objectives hereby confirmed, including taking action to resolve any associated breaches of planning control.

**9. ENFORCEMENT OF PLANNING CONTROL: 87 HIGH STREET, BEIGHTON**

- 9.1 The Director of Regeneration and Development Services submitted a report informing Members of a breach of planning control in relation to the installation of mechanical extract flues at 87 High Street, Beighton and making recommendations on further action required.
- 9.2 The report stated that a complaint had been received on 14 March 2014 from a member of the public concerning the installation of extraction ducting and flues and the emission of odours from these flues.
- 9.3 A site visit to this property revealed that two commercial extract flues had been installed, both of which terminated approximately 1m above the level of the roof of a single storey side extension to the property.
- 9.4 Following this initial visit, the property owner was contacted and made aware that he was required to apply for planning permission for the flues. The owner responded to the letter on 22 July 2014 and asked for application forms to be sent to him so that retrospective planning permission could be applied for.
- 9.5 On 6 January 2015 because an application for planning permission had not been received, information notices were served, under Section 330(1) of the Town and Country Planning Act 1990, on all interested parties.
- 9.6 The information notices were completed and returned to the Local Planning Authority, along with assurances that an application for planning permission would be submitted to the Council. However, to date, no application had been received.
- 9.7 **RESOLVED:** That (a) the Director of Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement

action and the institution of legal proceedings to secure the removal of the unauthorised flues at 87 High Street, Bighton; and

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

**10. ENFORCEMENT OF PLANNING CONTROL: 46 PADDOCK CRESCENT**

10.1 The Director of Regeneration and Development Services submitted a report in relation to a breach of the Planning Regulations regarding the erection of an unauthorised treehouse at 46 Paddock Crescent and making recommendations on any further action required.

10.2 The report stated that a complaint had been received from a member of the public on 20 June 2014 concerning the erection of a treehouse in the property's rear garden.

10.3 Correspondence was entered into with the owner on 13 August 2014 explaining that because the treehouse had more than one storey and a ridge height of more than 4m above ground level, it was not considered to be permitted development and therefore would have required Planning Permission.

10.4 The owners did not respond to this initial letter and so on 6 January 2015 a Section 330 Notice was served by the Local Planning Authority. To date no attempt had been made by the owner to remove the treehouse or to try and regularise it by submitting an application for retrospective planning permission.

10.5 **RESOLVED:** That (a) the Director of Regeneration and Development Services or Head of Planning be authorised to take any appropriate action including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised treehouse at 46 Paddock Crescent; and

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

**11. UPDATE ON AFFORDABLE HOUSING OBLIGATION: DYSON REFRACTORIES LTD, GRIFFS FIRECLAY WORKS, STOPES ROAD**

11.1 The Director of Regeneration and Development Services submitted a report providing an update on application number 16/00341/MDPO – Application to modify Section 106 Agreement for Planning Permission 15/00122/FUL at Dyson Refractories Ltd, Griffs Fireclay Works, Stopes Road.

11.2 The report stated that at the meeting of this Committee on 23 February 2016, Members were updated in respect of the submission of an application to vary the Section 106 Agreement relating to the recently approved residential development

at the Dyson Refractories site at Stopes Road (previous application reference 15/00122/FUL).

11.3 Following the update to Members and subsequent to further discussions and comments from the District Valuation Office on the application, the applicant had withdrawn the application. In withdrawing the application, the applicant had set out the background to, and their original intention in, the submission of the application to modify the Section 106 Agreement. This was set out in the report for the benefit of Members.

11.4 **RESOLVED:** That the withdrawal of Case No. 16/00341/MDPO is noted.

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

12.1 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.

## **13. DATE OF NEXT MEETING**

13.1 It was noted that the next meeting of the Committee will be held on Tuesday, 5 April 2016 at the Town Hall.