

CITY CENTRE, SOUTH AND EAST PLANNING AND HIGHWAYS COMMITTEE

Meeting held 23 July 2012

PRESENT: Councillors Alan Law (Chair), David Baker, Richard Crowther, Jayne Dunn, Tony Downing, Adam Hurst, Peter Price, Janice Sidebottom and Diana Stimely

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1. **WELCOME AND HOUSEKEEPING ARRANGEMENTS**

1.1 The Chair welcomed members of the public to the meeting and the basic housekeeping and fire safety arrangements were outlined.

2. **EXCLUSION OF PRESS AND PUBLIC**

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

3. **APOLOGIES FOR ABSENCE**

3.1 An apology for absence was received from Councillor Ibrar Hussain and Councillor Adam Hurst attended the meeting as the duly appointed substitute.

4. **DECLARATIONS OF INTEREST**

4.1 There were no declarations of interests

5. **MINUTES OF PREVIOUS MEETING**

5.1 The minutes of the meeting of the Committee held on 2nd July, 2012 were approved as a correct record.

6. **SITE VISIT**

6.1 RESOLVED: That the Director of Development Services, in liaison with the Chair, be authorised to make arrangements for a site visit on Thursday 9th August, 2012 in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

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 in respect of Case Nos. 12/01647/FUL, 12/01332/FUL and 12/00456/FUL 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) in connection with the decision to refuse an application for planning permission for the change of use to a house in multiple occupation within the curtilage of 21 Fieldhead Road (Case No. 12/01210/CHU), (i) authority be given to the Director of Development Services or Head of Planning to take all necessary steps including, if necessary, enforcement action and the institution of legal proceedings to secure the return of 21 Fieldhead Road to its previous use as a C3 dwellinghouse and (ii) officers be requested to enter into discussions with the applicant, with a view to agreeing an appropriate period for compliance with the enforcement action, which would ensure that any occupiers affected by the Notice would be able to find alternative accommodation;

(c) an application for planning permission for the erection of a dwellinghouse and double garage on the garage site at the rear of 47 to 55 Trap Lane (Case No.12/01174/FUL) be granted, conditionally, with a request that officers investigate the serving of a Tree Preservation Order on the trees situated to the rear of properties off Muskoka Drive, which adjoin the proposed development site; and

(d) an application for planning permission for the erection of 3 dwellinghouses within the curtilage of 31 Brickhouse Lane (Case No.12/00289/FUL) be refused as the Committee considered that (i) the development would be out of character and an overdevelopment of the site, when taking into account the cumulative impact of an earlier outline consent for four dwellings (Case No. 11/02416/OUT) and (ii) there would be insufficient on site car parking provided, which would lead to parking on the adjoining streets.

(NOTE: An application under Section 192 for a certificate of lawful use development in connection with the erection of a building for use as garages, workshop, indoor golf practice centre and gym, all incidental to the use of a dwelling at Newfield Farm, 20 Newfield Lane (Case No.12/00610/LD2) was withdrawn from consideration.)

8. ENFORCEMENT OF PLANNING CONTROL: 255 GLOSSOP ROAD

- 8.1 The Director of Development Services submitted a report on his investigation into complaints received concerning a breach of planning control, in respect of the unauthorised erection of an external fume extraction flue and externally mounted plant at 255 Glossop Road. The report stated that the premises, which were used as a restaurant, had recently changed from being an Italian to a Chinese Restaurant and due to the type of cooking now being carried out, it required different extraction equipment to be used. It was explained that the new flue, which had been erected without planning permission and listed building consent, was considered unacceptable due its impact on the Grade II listed building and the streetscene. It was also considered that the external mounted plant was visually prominent and out of character with the building.

With regard to the noise from the new flue, it was further explained this was being assessed by the Environmental Protection Service to establish if a Noise Abatement Notice would be required.

- 8.2 In proposing enforcement action, it was indicated that officers were working with the restaurant operators to seek an acceptable solution to help the business, although this had to be balanced against the wider environmental concerns.
- 8.3 The Committee heard representations from a resident on behalf of residents living on Gell Street and in Westminster Chambers who expressed strong concerns over the noise disturbance being experienced by families, particularly children, who live nearby and in respect of the cooking odours from the restaurant which had taken place over a period of two months. It was asked that urgent action be taken to assist residents, with a request that consideration be given to a Stop Notice being issued to the owners of the business. In response, it was stated that the statutory Enforcement Notice had to be served in respect of the removal of the flue and the other externally mounted equipment. It was further explained that, whilst a Stop Notice could not be served in respect of the noise and odour problems, measures would be sought through the Environmental Protection Service to address these problems.
- 8.4 **RESOLVED:** That the Director of Development Services or Head of Planning be authorised to take all necessary steps including, if necessary, enforcement action and the institution of legal proceedings to secure the removal of the unauthorised fume extraction apparatus and other unauthorised externally mounted plant at 255 Glossop Road.

(NOTE: At the commencement of the meeting, the Chair (Councillor Alan Law) indicated that the above item was to be considered as an urgent item under Council Procedural Rule 26 of the Council's Constitution, in view of the impact of the new flue, other externally mounted plant and the need to consider enforcement action, although it had not been possible to give five clear working days' notice of the item.)

9 RECORD OF PLANNING APPEALS SUBMISSIONS AND DECISIONS

- 9.1 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.

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