

CITY CENTRE, SOUTH AND EAST PLANNING AND HIGHWAYS COMMITTEE

Meeting held 13 August 2012

PRESENT: Councillors Alan Law (Chair), David Baker, Richard Crowther, Jayne Dunn, Tony Downing, Ibrar Hussain, 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 There were no apologies for absence.

4. **DECLARATIONS OF INTEREST**

4.1 Councillor Jayne Dunn declared an interest in an application for planning permission for alterations to retail unit, including the change of use from office to retail to part of the first floor at Williamson Hardware, 222 Fulwood Road (Case No. 12/91352/FUL (formerly PP-01964952)) as she had made representations in objection to the application. Councillor Dunn left the room during consideration of the item and did not take part in the discussion or vote on the application.

5. **MINUTES OF PREVIOUS MEETING**

5.1 The minutes of the meeting of the Committee held on 23rd 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 30th 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. 12/01352/FUL (formerly PP- 01964952)), 12/01691/FUL (formerly PP- 01978832)) and 12/01696/FUL (formerly PP- 02021435)) 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) following consideration of additional representations, as contained within a supplementary report circulated at the meeting, and, notwithstanding the officer's recommendation, an application for planning permission for change of use to hot food takeaway (Use class A5) and erection of an external flue at 44 High Street, Mosborough (Case No. 12/01609/FUL (formerly PP- 02004802)) be refused as the Committee considered that the application failed to comply with Policy S10 of the Unitary Development Plan as the development would lead to unacceptable living conditions for local residents due to noise, smells, litter and general disturbance and would lead to an over dominance of non A1 retail use class buildings in the area which would reduce the daytime vitality of the centre;

(c) following consideration of additional representations and an amendment to condition 2, as contained within a supplementary report circulated at the meeting, and, notwithstanding the officer's recommendation, an application for planning permission for the use of retail unit as hot food takeaway (Use class A5) and new shop front and extraction flue to rear at 48 High Street, Mosborough (Case No. 12/01763/FUL (formerly PP-02031553)) be refused as the Committee considered that the application failed to comply with Policy S10 of the Unitary Development Plan as the development would lead to unacceptable living conditions for local residents due to noise, smells, litter and general disturbance and would lead to an over dominance of non A1 retail use class buildings in the area which would reduce the daytime vitality of the centre;

(d) following consideration of an amendment to page 25 of the report, as contained within a supplementary report circulated at the meeting, an application for planning permission for the erection of 12 apartments in 4 x 3 storey blocks with associated landscaping and car parking accommodation (as amended 11/07/12) at Abbeydale Hall Gardens, 240 Abbeydale Road South (Case No. 11/03818/FUL) be granted, conditionally, subject to a unilateral agreement;

(e) subject to the inclusion of an additional condition that 'Before the development hereby permitted is occupied arrangements shall be agreed with the Local Planning Authority and be put in place to ensure that, with the exception of disabled persons, no resident of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force in the City at any time' and an additional directive that 'You are advised that residential occupiers of the building should be informed in writing prior to occupation that: (a) limited/no car parking provision is available on site for

occupiers of the building and (b) resident's car parking permits will not be provided by the Council for any person living in the building, as contained within a supplementary report circulated at the meeting, an application for planning permission for the development of land and buildings to provide 107 residential units, conversion of Eagle Works to form shop/restaurant (use class A1/B3) and creative arts space (Use class B1), conversion of gateway building to provide shop/restaurant (Use class A1/3), erection of 5 storey building for use as energy centre with office spaces above (Use class B1) and laying out of associated car parking, access roads and landscaping (amended as per plans received on 21/7/12, 23/7/12 and 26/7/12) at the site of former Green Lane Works, Green Lane, Shalesmoor (Case No. 12/01401/FUL (formerly PP-01966428)) be granted, conditionally subject to legal agreement; and

(f) subject to the revision of conditions 2, 38, 23, 24, the removal of condition 22, new conditions to state that (i) 'The development shall be carried out in accordance with the approved Flood Risk Assessment Reference: NTS/2153/FRA/C received on 26 July 2012 which included the following mitigation measure: Finished Floor Levels of the new building are set no lower than 58.7 metres above Ordnance Datum (AOD) and (ii) For the avoidance of doubt, the section of tactile paving at the bottom of the stairs in front of the main entrance shall be 800mm deep, as contained within a supplementary report circulated at the meeting, an application for planning permission for new build and refurbishment of existing Sidney Works buildings to form a new university technical college, with associated external works including flood lit rooftop multi-use games area at the car park at junction with Matilda Street, Shoreham Street (Case No. 12/01729/FUL) be granted, conditionally.

8. ENFORCEMENT OF PLANNING CONTROL

8.1 (a) 20 Albany Road

8.1.1 The Director of Development Services submitted a report informing Members of a breach of planning control in relating to unauthorised replacement windows and boundary wall to the front of the dwelling at 20 Albany Road which lay within the Nether Edge Article 4 Conservation Area.

8.1.2 The report stated that the Council was first alerted that workmen were converting the house into separate flats and taking out the windows on 2nd October 2008. A visit to the site was made that day and officers witnessed interior work being carried out on the house but traditional windows had already been replaced with new brown UPVC windows not considered to be in keeping with the character of the Article 4 Conservation Area.

8.1.3 The workmen advised that the new owner had intended to use the house as a traditional family home and had no intentions to convert the property into separate flats. The next day the owner rang the office and was advised that the work to replace the windows was unauthorised and the new windows fitted were not considered suitable or in keeping with the character of the properties within the Conservation Area. He was informed the Council would write confirming this and would also consider taking enforcement action to secure

the removal of the windows unless an appropriate application for suitable replacement windows was duly submitted.

- 8.1.4 A letter was sent to the owner concerning the unauthorised works, together with a Section 330 Notice, that was returned on 28th October 2008 (A Section 330 Notice required the owner to provide the information for the Council such as their interest in the building, and works that had been carried out etc).
- 8.1.5 In December 2008 a further phone call was received from a neighbour advising that the original small front boundary wall and the hedging had now been replaced by a breeze block wall. Again this wall was unauthorised and not in keeping with the character of the Conservation Area. Officers also noted a velux window had been installed on the roof of the front elevation, which had also been fitted post the Article 4 restrictions.
- 8.1.6 Officers acknowledged that a considerable amount of time had passed since the breach was first noticed. They also acknowledged that delays had occurred in trying to take further action against this site. Since the creation of the new enforcement team processes were being introduced to identify these delayed cases and take further action and ensure that similar delays no longer happened.
- 8.1.7 Enforcement action in respect of all breaches of planning control was subject to time limits – 4 years for operational development and 10 years for change of use, and the onus is on the owner to prove this. In this case no evidence had been produced by the owner to show that the works were carried out more than 4 years ago. It was considered that on the balance of probability, the lack of evidence submitted by the owner and information held by the Council was sufficient to consider that the works were carried out within the last 4 years.
- 8.1.8 RESOLVED: That authority be given to the Director of Development Services or the 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 unauthorised boundary wall, the unauthorised windows (excluding the velux windows in the roof) and their replacement with a suitable alternative as specified in any Notice at 20 Albany Road.

8.2 33 Albany Road

- 8.2.1 The Director of Development Services submitted a report informing Members of a breach of planning control in relation to unauthorised replacement windows to the front of the dwelling at Albany Court, 33 Albany Road which lay within the Nether Edge Article 4 Conservation Area.
- 8.2.2 The report stated that, on 2nd October 2008, officers were first alerted that workmen were fitting a brown UPVC window into a Dormer window at the front of the property. A visit to the site was made that day and officers witnessed work being carried out on the Dormer window and that a window on the 2nd floor had just been replaced with a brown UPVC window, not considered to be in keeping with the character of the Article 4 Conservation Area.

- 8.2.3 The workmen were advised that the new windows were unauthorised and as such no further work other than to secure the Dormer should be carried out. The next day the owner rang the office as requested and was advised that the work to replace the windows was unauthorised and the new windows fitted were not considered suitable or in keeping with the character of the properties within the Conservation Area. He asked for a meeting on site to discuss the matter further and to try and resolve the situation without the need for formal enforcement intervention.
- 8.2.4 A meeting arranged for 16th October 2008 was attended by the owner of the house, the Conservation Officer and the Enforcement Officer. The owner confirmed that he lets out the property and was unaware that planning permission was required for any alterations made on the property or that the Article 4 Directive was in operation within the area.
- 8.2.5 The reasons behind the Article 4 Directive and the standards expected on any alterations to properties within the Conservation Area were carefully explained to the owner and he was also advised that on its inception, every property within the Article 4 area had received a letter of information explaining the Article 4 Directive and all planning issues relating to it.
- 8.2.6 It was explained to the owner that the Council was trying to be fair and consistent in its approach to these matters and would work with owners wherever possible to ensure a satisfactory conclusion but the owners also needed to show a level of commitment that they were willing to work within the guidelines and act accordingly. The owner appreciated this and asked for more time, possibly a year, to change the windows, by taking out all the unauthorised windows and replace them with more suitable ones, to be approved by the Council. It was suggested that an application be submitted by the owner to this effect, which could contain a Legal Agreement and/or conditions with instructions giving the time period allowed. To date no application or further information had been received from the owner of the property regarding the matter.
- 8.2.7 RESOLVED: That authority be given to the Director of 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 unauthorised windows and their replacement with a suitable alternative, as specified in any Notice at Albany Court, 33 Albany Road.

8.3 44 Fellbrigg Road

- 8.3.1 The Director of Development Services submitted a report informing Members of a breach of planning control in relation to the unauthorised siting of timber storage building forward of the principal elevation of a dwelling house at 44 Fellbrigg Road.
- 8.3.2 The report stated that a complaint had been received regarding the siting of a timber storage building on a hard standing in front of the principal elevation to No. 44 Fellbrigg Road.

8.3.3 Correspondence was entered into with the owner/occupier advising him that the storage building did not meet the requirements of Class E of the Permitted Development Order 2008, and that given that it was unlikely that planning permission would be granted he should arrange to have it removed.

8.3.4 The owner/occupier responded by claiming the building was a temporary store for materials whilst renovation work was being carried out at the property; but he would not specify how long it was to remain there. Despite correspondence instructing the owner to remove or relocate the building in the rear garden he has yet to do so.

8.3.5 RESOLVED: That 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 timber building at 44 Fellbrigg Road.

8.4 204 Chippinghouse Road

8.4.1 The Director of Development Services submitted a report informing Members of a breach of planning control in relation to the unauthorised replacement of windows and door to the front of 204 Chippinghouse Road.

8.4.2 A complaint was received on 15th February 2012 regarding the replacement of windows and door at the property. A site visit was carried out and it was noticed that the original timber sliding sash window on the ground floor nearest to number 202 and the first floor timber framed window nearest to 202 and the remainder of the first floor UPVC windows had been removed and replaced with top opening UPVC windows. The original timber door to the front of the property had also been replaced with a new white UPVC door without consent.

8.4.3 A meeting was arranged with the owners and they were informed that there were no permitted development rights for alterations to dwelling houses fronting the highway. Therefore, the replacement of the windows and door without planning permission was unauthorised. The owner agreed that details would be submitted via a joiner showing either a more appropriate replacement or a similar replacement. To date, no attempt had been made to resolve the issue.

8.4.4 RESOLVED: That authority be given to the Director of 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 unauthorised windows and door and their replacement with a suitable alternative as specified in any Notice, at 204 Chippinghouse Road.

9. **QUARTERLY PLANNING ENFORCEMENT UPDATE**

9.1 Quarterly Overview of Enforcement Activity

The Committee noted for information a report of the Director of Development Services providing a quarterly update of progress on the work being undertaken by the enforcement team.

9.2 Quarterly Enforcement Update in the City Centre, South and East Area

The Committee noted for information a report of the Director of Development Services outlining progress on enforcement actions authorised by the Committee, or under delegated powers, in the City Centre, South and East area.

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

- 10.1 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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