

Planning and Highways Committee

Meeting held 3 September 2013

**PRESENT:** Councillors Alan Law (Chair), Janet Bragg, Tony Downing (Deputy Chair), Jayne Dunn, Ibrar Hussain, Bob Johnson, Bob McCann, Peter Price, Peter Rippon, Garry Weatherall and Joyce Wright

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**1. APOLOGIES FOR ABSENCE**

1.1 Apologies for absence were received from Councillors Trevor Bagshaw and David Baker but no substitutes were 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 Garry Weatherall declared an interest as a Member of the Ecclesfield Parish Council, in relation to those applications that the Parish Council had considered, but indicated that he would participate in their determination if they were to be considered by this Committee as he had not pre-determined his views on applications during the meetings of the Parish Council.

**4. MINUTES OF PREVIOUS MEETING**

4.1 The minutes of the meeting of the Committee held on 13 August 2013 were approved as a correct record, subject to the addition of a record of thanks in paragraph 9.1 to officers involved in the Gleasons Planning Appeal for all their hard work.

**5. SHEFFIELD CONSERVATION ADVISORY GROUP MINUTES**

5.1 The Committee received and noted the minutes of the meeting of the Sheffield Conservation Advisory Group held on 23 July 2013.

**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 Thursday 19 September 2013, in connection with any planning applications requiring a visit by Members prior to the next meeting of the Committee.

**7. PROPOSED DIVERSION OF PUBLIC FOOTPATH BETWEEN CHORLEY DRIVE AND SLAYLEIGH LANE, FULWOOD**

- 7.1 The Director of Regeneration and Development Services submitted a report seeking authority to submit the City of Sheffield (Public Path between Chorley Drive and Slayleigh Lane, Fulwood) Diversion Order 2013 to the Secretary of State for Environment, Food and Rural Affairs for confirmation in the light of two objections having been received.
- 7.2 The report stated that, following authority obtained along with planning consent 12/02429/FUL at the West and North Planning and Highways Committee on 4<sup>th</sup> December 2012, the City Council made an Order on 18<sup>th</sup> June 2013, under Section 257 of the Town and Country Planning Act 1990, for diversion of part of the public footpath which runs between Chorley Drive and Slayleigh Lane, Fulwood.
- 7.3 This superseded an Order made on 19<sup>th</sup> March 2013 for which, unfortunately, omissions were made in the public advertising process, in terms of display on the Council website and deposit for public viewing at the Town Hall Reception as at the stated publication date. Consequently, given the potential defect in the process, and in view of the recently reported 'Tinseltown' court case in London, it was decided for the avoidance of doubt that the order should be re-served.
- 7.4 The justification for the proposed diversion was that it was necessary in order to enable the development to be carried out in accordance with the planning permission.
- 7.5 Following the publication of the Order, the Director of Legal and Governance had received two objections, one from a resident of one of the houses adjoining the development site, and one from the residents of another house on Chorley Drive.
- 7.6 It was reported at the meeting that officers had written to the objectors informing them that this meeting was taking place and offering to meet with them to attempt to resolve any issues. This was not taken up and a letter had been received stating that one of the objections remained.
- 7.7 A representative of the applicant granted the original planning permission attended the meeting to make representations. He stated that the diversion was a requirement to meet the planning permission conditions and the footpath would remain.
- 7.8 **RESOLVED:** That the Director of Legal and Governance be authorised to submit the City of Sheffield (Public Path between Chorley Drive and Slayleigh Lane, Fulwood) Diversion Order 2013 to the Secretary of State for confirmation.
- 8. PLANNING APPLICATION CONSULTATION FROM BARNSELY COUNCIL ABOUT A PROPOSED WIND TURBINE AT SHEEPHOUSE FARM, CUBLEY**
- 8.1 The Director of Regeneration and Development Services submitted a report in respect of the proposed development of a wind turbine at Sheepphouse Farm, Mortimer Road, Cubley and request from Barnsley M.B.C for comments from Sheffield City Council upon the application.

- 8.2 The report stated that a planning application, including an Environmental Statement, had been submitted to Barnsley M.B.C for the erection of a 900kW wind turbine, with a height to hub of 52 metres and with a 27 metre rotor radius giving a height to blade tip of 79 metres.
- 8.3 The application also included a proposal for a 60 metre high meteorological mast to be erected for 2 years prior to the construction of the wind turbine in order to obtain detailed wind data from the site.
- 8.4 The turbine was required to power a dairy unit at the farm, replacing a generator, and any surplus energy generated would be fed back into the National Grid.
- 8.5 The turbine was to be located at Sheephouse Farm, approximately 1 kilometre north of the nearest built up area of Stocksbridge and about the same distance from Midhopestones. The turbine was close to and would be visible from Stocksbridge and its surrounds within the City Council area and, accordingly, Barnsley M.B.C had notified the City Council of the receipt of the application and requested comments.
- 8.6 Representations were made by two local residents and a local ward Councillor, opposing the application and requesting that the City Council write to Barnsley MBC to object to the development. They commented that the consultation process had been flawed, taking place during the Summer holidays and not consulting with all those affected. The size and scale would be overly dominant in the landscape and would set a precedent.
- 8.7 **RESOLVED:** That the Committee:-
- (a) notes the officer's comments within the report submitted; and
  - (b) requests that Barnsley MBC be informed that the Local Planning Authority had no objection to the proposal to erect a wind turbine at Sheephouse Farm, Mortimer Road, Cubley subject to a condition requesting an alternative TV service to be provided where the wind turbine affects TV reception, but that the City Council had concerns that residents within Sheffield had not been consulted properly in respect of the application.
9. **TREE PRESERVATION ORDER 390: THOMAS CHAMBERS NEWTON MEMORIAL HALL, COWLEY LANE, CHAPELTOWN**
- 9.1 **RESOLVED:** That no objections having been received, the Tree Preservation Order made on 9<sup>th</sup> April 2013, in respect of trees on land at Thomas Chambers Newton Memorial Hall, Chapeltown be confirmed as an unopposed Order.
10. **TREE PRESERVATION ORDER 808/389: SITE OF PSALTER LANE CAMPUS, PSALTER LANE**
- 10.1 **RESOLVED:** That no objections having been received, the Tree Preservation Order made on 9<sup>th</sup> April 2013, in respect of trees on land at the site of Psalter Lane Campus, Psalter Lane, be confirmed as an unopposed Order.

## **11. APPLICATIONS UNDER VARIOUS ACTS/REGULATIONS**

11.1 **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 No. 13/00838/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) having considered representations objecting to the application from a resident of a neighbouring property, and in support of the application from the applicant's agent, and, notwithstanding the officer's recommendation, consideration of an application for planning permission for a two-storey rear extension including provision of lightwell to basement and replacement rear stairs to first floor to form a single flat at basement/ground floor levels at 13 College Street (Case No. 13/02220/FUL) be deferred pending a visit to the site;

(c) having considered representations from a local Ward Councillor and two local residents opposing the application, and two representations in support, and, subject to the inclusion of an additional condition that details of external lighting at the building and car park are to be approved by the Local Planning Authority, an application for planning permission for the demolition of existing single storey garages and erection of a 2/2.5 storey split level residential/supported housing development comprising 20 one bed supported flats with ancillary accommodation and associated car parking (amended as per plans received on 20/08/13) at the garage site at rear of 33 to 35 Daisy Walk, adjoining 49-65 Lilac Road and Sevenairs Road, Beighton (Case No. 13/02050/FUL) be granted, conditionally;

(d) having considered representations from the applicants, an application for planning permission for change of use of public house for uses as a dwellinghouse at Crossfield Tavern, 201 Mortomley Lane (Case No. 13/01810/CHU) be granted, conditionally; and

(e) following consideration of two additional letters of representation, as contained within a supplementary report circulated at the meeting, and having considered representations from two members of the Friends of Handsworth opposing the application, an application for planning permission for change of use from B2 bakery to sauna/massage parlour (sui generis) (retrospective application) at Pastry Plus, 8 Finchwell Close (Case No. 13/01764/FUL) be granted, conditionally.

## **12. ENFORCEMENT OF PLANNING CONTROL: 36 STANWOOD CRESCENT**

12.1 The Director of Regeneration and Development Services submitted a report informing Members of a breach of planning control in respect of an unauthorised conservatory at 36 Stanwood Crescent, Stannington.

- 12.2 The report stated that a complaint was received about a large conservatory, which was already completed (after 30<sup>th</sup> May 2013). A visit from officers confirmed that the conservatory projected from the rear of the house by 5.7m and that it was erected without planning permission and in contravention of the new prior notification procedure contained in the new - Town and Country Planning (General Permitted Development) (Amendment) Order 2013 – ‘GPDO’ - as it related to household development.
- 12.3 The original GPDO had been amended for a temporary period of 3 years (from 30/5/13 to 30/5/16) to allow larger rear extensions than would otherwise be allowed under the household ‘permitted development’ (PD) that was brought into force in 2008. In the case of a semi-detached house, under the new permitted development rights, a single storey extension at the rear of the house could project up to 6m without the need to apply for planning permission provided certain conditions in the GPDO were complied with. Previously, the maximum allowed was a 3m projection under Class A.1 (e). The GPDO was amended as of 30/5/13 by the insertion of a new line which described the circumstances and conditions of when larger extensions were allowed.
- 12.4 One of the conditions under the new PD was that a prior notification process should be followed whereby the developer must send details of the proposal to the Local Planning Authority (LPA). The LPA then would notify immediate neighbours about the proposal and if no representations were made in response the development can proceed as permitted development.
- 12.5 If an objection was received then the ‘prior approval’ of the Local Planning Authority was required for the development. At this point, the Local Planning Authority must consider the impact of the proposal on the amenity of all adjoining premises.
- 12.6 In this case, the extension (conservatory) was begun and completed without the Local Planning Authority being notified. This extension fell within the 6m limit set out in the new household PD, however because the Local Planning Authority was not notified it did not benefit from the PD conditions and it was therefore unauthorised. In addition, an objection had already been received from a neighbour, so the approach taken by officers in this matter was to assess any harm caused by the impact of the conservatory on the amenity of all the occupiers of a neighbouring property.
- 12.7 **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 rear extension at 36 Stanwood Crescent; and
  - (b) delegates authority to the Head of Planning, in consultation with the 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.

**13. ENFORCEMENT OF PLANNING CONTROL: 17 FIELDER MEWS**

- 13.1 The Director of Regeneration and Development Services submitted a report updating Members about a breach of planning control in respect of the erection of a rear extension at 17 Fielder Mews and making recommendations on any further action required in light of Government changes to household permitted development and following a Committee resolution dated 8<sup>th</sup> April 2013 to take enforcement action.
- 13.2 The report stated that a 6m projecting single storey extension attached to the rear of the house was substantially completed around October 2012 without planning permission. It was built in two stages, the first being a 3m projection within the permitted development (PD) limits of the time. The builder incorrectly advised the owner that the household PD allowance had been relaxed to allow 6m projecting extensions without the need for planning permission. The temporary relaxation of PD was to become law later and was in force by 30<sup>th</sup> May 2013.
- 13.3 Following the builder's advice the extension was lengthened to the 6m projection. A complaint was received alleging that a separate self-contained two storey living accommodation was being constructed. The complainant was not a neighbour of 17 Fielder Mews and he was motivated by concerns that a new dwelling was being created. The extension remained one storey when completed.
- 13.4 A retrospective application was refused on 8<sup>th</sup> April 2013 at the former City Centre, South and East Planning and Highways Committee with authority for enforcement action, taking into account the relevant Unitary Development Plan policy and Supplementary Policy Guidance for house extensions.
- 13.5 Having regard to the recent changes in legislation it was proposed that no further action be taken in respect of the extension for the following reasons:-
- (a) after the Committee decision was made and following the introduction of the new temporary PD limits (three weeks later), letters were sent to the neighbouring properties explaining that enforcement action was authorised to remove the extension and further letters were sent explaining the changes to PD. The letter asked if there were any objections to the 6m extension. This extra consultation letter was similar to that required under the new PD conditions, which were in force by then.
  - (b) it was 7 weeks since the extra consultation letter was sent and no objections had been received;
  - (c) if the extension was wholly taken down or part taken down (to the usual 3m projection), it could be immediately rebuilt to the new 6m PD limit, provided no objections were received from neighbours, following a prior notification process; and
  - (d) the 6m PD limit and any absence of neighbour representation could be taken

into account by any Planning Inspector at appeal.

- 13.6 **RESOLVED:** That in light of the Government's changes to the Town and Country Planning (General Permitted Development) Order, relating to the temporary relaxation of household permitted development limits for rear extensions, and the absence of objections from immediate neighbours, the Director of Regeneration and Development Services or Head of Planning be authorised to take no further action pursuant to the Committee resolution of 8<sup>th</sup> April 2013 in connection with the single storey 6m projecting rear extension at 17 Fielder Mews.

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

15. The Committee received and noted a report of the Director of Regeneration and Development Services, together with additional information contained in a supplementary report circulated at the meeting, 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.

**15. DATE OF NEXT MEETING**

- 15.1 It was noted that the next meeting of the Committee will be held on Tuesday 24th September 2013 at 2.00 pm at the Town Hall.

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