

# Late Representations

## Planning Committee 20 February 2020

Item No. 10	<p><b>Application No. - VG/2018/3366</b></p> <p><b>Description of Development</b> - Application for the Registration of land as a Town or Village Green</p> <p><b>Site Address</b> - Juniper Park Woodridge Avenue</p> <p><b>Consultation</b></p> <p>3 further public responses have been received. These can be summarised as follows:</p> <p>A request for a copy of the documentation referred to in 4.26 of the inspector's report and if this cannot be provided then the application should be withdrawn from Committee.</p> <p>Comments that the Councils interpretation of 4.24 &amp; 4.26 of the Inspectors report is incorrect and that the registration authority must take account of further evidence, namely how the Council appropriated the land as public open space and if it is not proven that the land has been appropriated under "normal formal process" then the application should be referred back to the Inspector. They also state that the Inspectors recommendation of checking the title documents should be adhered to prior to committee and that this information should be provided to them. They also raise the issue of conflict of interest as the Council is the Planning Authority, Registration Authority and landowner and that the committee report does not highlight the commercial Hallam Interest or proposed public transport route, which was not highlighted to the Inspector.</p> <p>Further comments that there is documentation that the Council has been requested to provide that was not made available to the Inspector and that the item should therefore be adjourned</p> <p><b>Appraisal</b></p> <p>Para. 4.26 of the inspector's report states;</p> <p><i>"The transfer does not identify the purpose for which the Land was acquired. According to the Landowner's representations dated 22 October 2019: "The Land was later appropriated as Public Open Space under the normal formal process." Unfortunately, despite a request, the Landowner has not produced any documentation in support of such appropriation. I must make my findings on the basis of the evidence made available. If any further supporting or contradictory evidence relating to my findings is made available to the Registration Authority prior to it reaching its decision, such evidence must of course be taken into account by the Registration authority in determining the application."</i></p> <p>This does not say that further evidence must be made available, but that if any further evidence comes to light it should be taken into consideration by the Registration Authority. The Inspector was satisfied that a recommendation could be made on the basis of the documents provided and without the full details of 'how the land was appropriated as public open space' as there was no evidence to contradict the assertion that the land is held as public open space. Notwithstanding the appropriation of the land, the key to this whole argument made by the Inspector, is whether the land has been</p>
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	<p>used by right or as of right, and the Inspector is clear in her conclusion that it is 'by right' and consequently that all of the criteria for registration are not met.</p> <p>As the City Council are Registration Authority, Planning Authority and Landowner in this instance, in order to avoid any conflict of interest, it was considered appropriate to appoint an independent inspector to assess the information submitted in respect of the application and make a recommendation.</p> <p>Any commercial interests in the land or proposed public transport routes are not material to this case as an application to register land as a town or village green is not determined on its merits, but on the facts of the case and whether ALL of the elements of the qualifying criteria under section 15(1) and 15(2) of the Commons Act 2006 are met.</p>
<p>Item No. 7</p>	<p><b>Application No. - FUL/2019/2898</b></p> <p>Description of Development - Erection of a replacement storage building</p> <p><b>Site Address</b> - Wall Hill Farm Wall Hill Road</p> <p><b>Consultation Responses:</b></p> <p>Following the publication of the report a further six representations have been received in support of the application.</p> <p>The following comments are material planning considerations:</p> <ul style="list-style-type: none"> <li>• This is much needed rural business supplying a local; excellent and necessary service to local people; farmers and businesses.</li> <li>• The council is keen for residential properties why not support a hard-working business which supports hard working people.</li> <li>• The new building would be a considerable improvement on what is already there-the building will not be visible to the street scene.</li> <li>• The site will be tidy and more secure.</li> <li>• The building is to be in keeping with other buildings within the site.</li> <li>• The additional job being created has to be good for the area and will go some way to mitigating the loss of jobs because of agricultural land being given over to housing by the council's local plan.</li> </ul> <p>The following comments are non-material planning considerations:</p> <ul style="list-style-type: none"> <li>• A letter of support for the proposal has been received from the adjoining land owner. The letter clarifies the position of adjoining structures but does not add any further comment to the proposed development itself.</li> </ul> <p><b>Appraisal:</b></p> <p>These material planning considerations have been considered within the officer report.</p>

Item  
No. 8

**Application No. - FUL/2019/3094**

Description of Development - Demolition of existing single storey garage and bathroom, construction of a new three bedroom dwelling including formation of new vehicle access and extension of dropped kerbs to existing vehicle access

**Site Address** - 3 Postbridge Road

**Consultation**

One late representation has been made objecting to the application on the grounds of reduced parking for visitors and the proposed dwelling utilising an existing rear access for other properties in the vicinity.

Ward members made no representations in relation to this application.

**Appraisal**

These matters have been covered in the report as part of the parking and road safety considerations.

**Additional Conditions**

In order to further support sustainable development, two additional conditions are proposed to be added to the decision notice if approved.

7. Prior to occupation of the proposed development engineering details of the proposed 2 No. new footway crossings for vehicular access are to be submitted and approved in writing by the Local Planning Authority. [this should include detail that the short section of the existing footway crossover currently serving the retained dwelling house is to be reinstated and permanently closed to vehicles to prevent the possibility of continued vehicular over-running of the gully]. Then prior to occupation the new footway crossovers shall be implemented, retained therein after and kept available for this use at all times.

**Reason:** *In the interests of highway safety and the free flow of traffic using the Adjoining Highway.*

8. Prior to occupation of the proposed development the visibility splays shown on the submitted drawing B19/22/BL01D shall be provided in accordance with that drawing and shall be kept clear of all obstructions (both landscaping and/or structures) and nothing within the splays shall exceed 600 mm in height.

**Reason:** *In the interests of highway safety and the free flow of traffic using the adjoining Highway.*

