

SUPPLEMENTARY INFORMATION

APPLICATIONS UNDER VARIOUS ACTS / REGULATIONS – SUPPLEMENTARY INFORMATION

1. **Application Number** **1/03355/FUL**

Address **Fox Hill Primary School, Keats Road**

Additional condition

35. No development shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority, after consultation with Sport England:

(i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could affect playing field quality; and

(ii) Based on the results of the assessment to be carried out pursuant to (i) above, a detailed scheme which ensures that the playing field will be provided to an acceptable quality. The scheme shall include a written specification of soils structure, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation. The approved scheme shall be carried out in full and in accordance with a timeframe agreed with the Local Planning Authority, after consultation with Sport England. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Development Plan Policy CF1.

2. **Application Number** **13/03199/FUL**

Address **Land Adjoining Prince Edward Primary School
Queen Mary Road
Sheffield
S2 1EE**

Amended Condition 2

The development must be carried out in complete accordance with the following approved documents plan reference number

Location Plan PE-AG(-1)X99-001 P2

Proposed Site Plan PE-AL(-1)X99-001 P7

Ground Floor Plan PE-AL(-2)X00-001 P12

First Floor Plan PE-AL(-2)X01-002 P12

Roof Plan PE-AL(-2)X02-003 P5

Proposed elevations PE-AL(-2)X99-203 CP3

Proposed elevations PE-AL(-2)X99-204 CP3
Proposed Sections 1 of 2 PE-AL(-2)X99-300 P4
Proposed Sections 2 of 2 PE-AL(-2)X99-301 P4
Site sections PE-LG(90)X99-100 P1
Swept Path analysis for Pit Lane Turning Head PE-H-G(90)X99-003 P2
External Lighting Strategy PE-EG(90)X99-001 P1
Fencing and Access PE-LG(90)X99-012 P7
General Arrangement sheet 1 of 2 PE-LG(90)X99-003 P15
General Arrangement Sheet 2 of 2 PE-LG (90) X99-011 P13
Proposed Footpath PE-LG(90)X99-016 P3
Proposed Footpath levels and Gradients PE-LG(90)X99-017 P1
Planting Strategy PE-LG(90)X99-014 P6
Tree removal plan PE-LG(90)X99-010 P3

3. Application Number 13/03363/FUL

Address Norton Church Hall, Norton Lane, Sheffield, S8 8GZ

Additional Representations

After completion of the report a further nine representations have been received from addresses which had previously commented in regards to the most recently submitted amended drawings. The comments made can be summarised as follows:

- Amendments fail to address the previous concerns.
- Represents overdevelopment in a Conservation Area. Amendments do not address the concerns of the Norton History Group.
- Drawings reduce number of parking spaces, given previous concerns about parking provision shortage same concerns should apply.
- Site is already highly dense. Therefore, additional parking will take place virtually on a blind bend.
- Tandem parking doesn't work.
- Developer should be advised that no further amendments will be allowed.
- Two of the spaces are on a steep slope (1 in 12 gradient) making them impractical.
- Has any evidence of the developer's claims of financial unviability been provided?

These representations include a written comment from Cllr Auckland, who comments that the amendments do not overcome the grounds for refusal, and his previous comments are re-iterated. He states that Committee Members should give a firm steer that no further modifications will be acceptable and the development has already gone beyond what is acceptable in Norton Conservation Area.

Response

The additional comments have been largely addressed in the main committee report. The sloped portion relates to the approach to the excavated parking spaces, and doesn't exceed the maximum allowable gradient.

No evidence has been provided to support the developer's view that the extra accommodation is needed for viability reasons; however the scheme has been assessed purely on its planning merits.

Completed Legal Agreement – Amended Recommendation

The necessary legal agreement has been submitted and the recommendation is therefore amended to Grant Conditionally Legal Agreement

4. Application Number 13/01263/LD2

Address rear of 69 Baslow Road

Additional Representations

Following the production of the main agenda report, further representation has been received from the applicant, disputing officers judgement that the balance of probability is that the use is not lawful

He states:-

- The photographs submitted are taken at various dates, showing continuous use, rather than taken at the time of submission as stated in the report;
- The letters submitted with the application, particularly from Mr Hogan demonstrate continuous use since 2001, rather than identifying gaps as stated in the report;
- The report refers to land ownership and that no response had been received from the applicant to the claim from a neighbouring land owner that a sliver of the application site was outside the applicant's ownership. The applicant confirms that he has since responded to this point stating that the land registry plans show this claim to be wrong.
- He states further evidence could have been provided if requested;
- Before submission of the application, neighbours stated the use had been in operation for more than 10 years, but post application say there has been a break;
- The officer's conclusions show a misunderstanding of the facts;
- Too much weight is being given to correspondence received prior to the submission of the application.

Additional Information

In making the additional representations, additional information has also been submitted by the applicant to support his application in the form of:-

- Confirmation from insurance brokers that the site has been insured, and contents including building materials, separately insured for over 10 years;
- Photographs showing external storage in 2002, 2005 and 2010;
- A copy of a 2002 appeal decision confirming the use is not linked to 69 Baslow Road.

Officer Comment

The photographs submitted with the application are undated so cannot be considered to offer true evidence.

Mr Hogan's letter does not provide clear evidence of the continuous use, and is a statement that is not supported by any evidence of specific time periods or intensity/frequency of the use.

The land ownership point is noted however, whichever party is correct on this point; this has no bearing on the Council's ability to grant or refuse the lawful use application.

A decision has to be made on the evidence before the Council at the time, not on information that could be provided. The applicant was given several opportunities during the validation of the application, and the application itself, to provide the information.

There is some inconsistency in the views expressed by neighbours in the two separate periods regarding the continuous nature of the use (i.e. some neighbour's state more than 10 years use, and others identify breaks).

The insurance broker's confirmation is specific in confirming the building has been insured since August 2001, but merely states that building materials at the site are included on an all risks policy for the company which it has held for more than 15 years. It does not provide any specific evidence of when this commenced, and 15 years is prior to the building of the garage/store.

The additional photographs which are not date stamped, do show limited materials storage, but the one stated to be from 2001 is outside the ten year period; the 2005 one shows a very limited amount of storage, and that stated to be from 2010 is commensurate with officers own witnessed levels of storage, acknowledged in the report.

The question of linkage to no 69 does not arise with the lawful use application that is specifically related to the red line boundary of the application, and which excludes no 69.

Having taken account of the additional representation and information supplied, officer's view of the balance of probability is unchanged, and refusal of the application for a lawful use certificate is still recommended.