

## PLANNING AND HIGHWAYS COMMITTEE 24 September 2013

### SUPPLEMENTARY INFORMATION

#### APPLICATIONS UNDER VARIOUS ACTS / REGULATIONS – SUPPLEMENTARY INFORMATION

1.     **Application Number**        **13/01689/FUL.**  
  
       **Address**                    **Adjacent 47, Roach Road.**

#### **Additional Information**

The applicant has provided some additional supporting information.

- A) In relation to the window that has been inserted into the side elevation of 47, Roach Road, a copy of a letter from the previous owner of the site dated 5 February 2010 is enclosed along with photographs of the side of 47, Roach Road before the window was inserted and afterwards.

The letter says that the then site owner, Yorkshire Electricity Distribution Ltd. (YED) have no knowledge of the works regarding the new window on the party boundary. YED state that they will not be granting any consent for the window and note that it has only been in place for a few weeks. There is photographic evidence to support this.

YED also state that to establish right to light under the Prescriptions Act 1832, a period of 20 years uninterrupted benefit is required, which is not the case at this site.

The occupier of 47 Roach road has responded to this submission by stating that he never received the letter referred to and despite several conversations with the previous owners, not once did they inform him it was illegal.

Officer Comment: This dispute does not directly relate to the planning issues associated with the proposed development of the site. As stated in the report, the recently inserted window is borrowing amenity and light from neighbouring land and should not be afforded any weight in the determination of the application.

- B) In relation to the garden areas of approximately 35 square metres per property as stated in the report the applicant has provided his own calculated areas of 45 and 48 square metres, which include areas such as front gardens/forecourts which were not reflected in the report.

Officer Comment: These figures are not disputed and do not change the overall view that the garden areas are reflective of the character and density of the locality.

2.     **Application Number**        **13/02539/FUL**

**Address** **Office 3 on Land at Charles Street, Arundel Gate and Norfolk Street**

**Additional Information**

Following receipt of comments from The Coal Authority, the following condition is proposed:

No development shall commence until the further intrusive investigation works recommended in Section 3.0 of the Geo-Environmental Executive Summary Report are undertaken and, in the event that the site investigations confirm the need for additional remedial works, such remedial works shall be undertaken and completed prior to the commencement of development.

To ensure the safety and stability of the proposed development.

In addition, condition 4 is amended to read:

No development shall commence until full details of the following have been submitted to and approved in writing by the local planning authority:

- a) colonnaded area to Norfolk Street, including the steps to Norfolk Street and Charles Street and the material finish of all ground level columns;
- b) steps between St Paul's Place and Charles Street;
- c) retail unit frontages; and
- d) street lighting to Norfolk Street and Charles Street.

**3. Application Number: 13/00770/FUL**

**Address: Former Head Post Office, Fitzalan Square, S1**

**Additional Information**

At the time of writing the report the details of the financial contribution under Section 106 were still under discussion. This is now resolved and the applicants have agreed to pay a total of £72,398 towards public open space provision in the city centre. The signed Unilateral Planning Obligation has been received for approval.

The rate of £740 for Shared Housing in the City Centre Living Strategy would have produced a figure of £210,460 for the 279 bedspaces in the residential tower. However, it would not be reasonable to require the full amount in view of the unusual costs with the scheme being recommended for approval. These include the refurbishment of the listed building, the public realm enhancements to Fitzalan Square, Pond Street and Flat Street much of it in Primary Palette, the new cycle route, and the long lengths of kerbs being realigned. It is acknowledged that the shape of the site is unusual, with a large perimeter relative to the site area.

Taking these factors into account the revised sum has been requested on the basis of the new build elements only, namely the student residential tower and the new commercial building to Pond Street behind the retained façade, which the applicants

have accepted. The phasing of payment is at the applicants request but still meets planning objectives.

**RECOMMENDATION:**

Grant, subject to the recommended conditions and to a Unilateral Planning Obligation under Section 106 with the following Heads of Terms:

- (a) A financial contribution of £62,398 towards public open space in the City Centre payable on commencement of development of the student residential tower;
- (b) A financial contribution of £10,000 towards a study by the Council of the enhancement of Fitzalan Square, including redesign and any impact upon traffic and bus movements, payable upon commencement of the conversion of the listed building.

**4. Application Number            13/02171/FUL**

**Address                                176-178 Main Street, Grenoside**

**Representations**

1 additional letter of objection has been received. The grounds of objection are included in the report but with the addition of the concern that the café will lead to a loss of jobs in the local area as existing businesses will not be able to cope with the increased competition and will close as a result.

Members will be aware that competition is not a planning consideration.

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