

**Planning, Transport & Sustainability Division**  
**Planning and Rights of Way Panel (WEST) 6 October 2015**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 106-113 St Mary Street, Southampton			
<b>Proposed development:</b> Erection of four additional storeys (above the ground floor retail units to be retained) to provide 74 residential units (21 studios, 34 x one bedroom flats, 17 x two bedroom flats and 2 x three bedroom flats) with associated facilities.			
<b>Application number</b>	15/01250/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Anna Lee	<b>Public speaking time</b>	15 minutes
<b>Last date for determination:</b>	23.11.2015 (Extended Target)	<b>Ward</b>	Bargate
<b>Reason for Panel Referral:</b>	Request by Ward Member and five or more letters of objection have been received	<b>Ward Councillors</b>	Cllr Bogle Cllr Noon Cllr Tucker
<b>Referred by:</b>	Cllr Bogle	<b>Reason:</b>	Impact on character and amenity

<b>Applicant:</b> Mr Moses Meisels	<b>Agent:</b> CGMS Ltd
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b>
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<b>Community Infrastructure Levy Liable</b>	<b>Yes</b>
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**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered including the impact on the street scene at St Mary Street and Golden Grove, the impact on adjoining and adjacent properties and highway safety are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should be granted. In reaching this decision the Local Planning Authority offered a pre-application planning service and has sought to work with the applicant in a positive and proactive manner as required by paragraphs 186-187 of the National Planning Policy Framework (2012). Accordingly the proposal complies with policies CS4, CS5, CS6, CS13, CS15, CS16, CS18, CS19, CS20 and CS25 of the Core Strategy (2015) saved policies SDP1, SDP4, SDP5, SDP6, SDP7, SDP8, SDP9, SDP10, SDP13, SDP14, SDP16, SDP17, HE6, H1, H2, REI4, REI6 and MSA12 of the Local Plan (2015), Policies AP 5, AP 8, AP 16, AP 17 and AP 36 of the City Centre Action Plan

(adopted January 2015), Supplementary Planning Document 'Residential Design Guide' (2006), 'Developer Contributions' (2013) and 'Parking Standards' (2011) and the National Planning Policy Framework (2012).

<b>Appendix attached</b>			
1	Development Plan Policies	2	Relevant planning history

### **Recommendation in Full**

1. Delegate to the Planning and Development Manager to grant planning permission subject to the conditions in this report and the completion of a S.106 Legal Agreement to secure:
  - i. Financial contributions towards site specific transport contributions for highway improvements in the vicinity of the site in line with Policy SDP4 of the City of Southampton Local Plan Review (as amended 2015), policies CS18 and CS25 of the adopted LDF Core Strategy (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013);
  - ii. Provision of affordable housing in accordance with Policies CS15, CS16 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
  - iii. Submission of a Training & Employment Management Plan committing to adopting local labour and employment initiatives, in accordance with Policies CS24 & CS25 of the Local Development Framework Core Strategy Development Plan Document - Adopted Version (as amended 2015) and the adopted SPD relating to Planning Obligations (September 2013).
  - iv. Restrictions to prevent future occupiers benefitting from parking permits in surrounding streets. No occupiers, with the exception of registered disabled drivers, shall be entitled to obtain parking permits to the Council's Controlled Parking Zones.
  - v. Financial contributions towards Solent Disturbance Mitigation in accordance with policy CS22 (as amended 2015) of the Core Strategy and the Conservation of Habitats and Species Regulations 2010.
  - vi. Submission of a highway condition survey to ensure any damage to the adjacent highway network attributable to the build process is repaired by the developer.
  - vii. The submission, approval and implementation of a Carbon Management Plan setting out how the carbon neutrality will be achieved and/or how remaining carbon emissions from the development will be mitigated in accordance with policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013).
2. In the event that the legal agreement is not completed by 23<sup>rd</sup> November 2015 the Planning and Development Manager be authorised to refuse permission on the grounds of failure to secure the provisions of the Section 106 Legal Agreement.
3. That the Planning and Development Manager be given delegated powers to add, vary and /or delete relevant parts of the Section 106 agreement and/or conditions as necessary. In the event that the scheme's viability is tested prior to planning

permission being issued and, following an independent assessment of the figures, it is no longer viable to provide the full package of measures set out above then a report will be bought back to the Planning and Rights of Way Panel for further consideration of the planning application.

## **1.0 The site and its context**

- 1.1 The site comprises a two-storey building with a wide plot frontage on the eastern side of St Mary Street. The building contains 4 no. retail units at ground floor level and is vacant at first-floor level (formerly occupied as a nightclub). The retail units can be serviced to the rear with access via Golden Grove.
- 1.2 St Mary Street is a mixed use local centre with buildings generally 2-3 storeys in scale. However there are infill flatted blocks and office development up to 4-storeys in scale within the street scene including a residential building fronting Ascupart Street with a four floor in the gabled roof. St Marys Church is the nearest landmark building located to the south and a residential tower is located to the east within Golden Grove. To the rear Golden Grove flats are four storey with a 4/5 storey building (Gladstone House) on the corner with Clifford Street and Golden Grove. The area is highly accessible and located in close proximity to city centre parks and other amenities.

## **2.0 Proposal**

- 2.1 The proposal seeks to maintain commercial units at ground floor and extend the building to add four floors (following the removal of the existing first floor) to provide residential units on the additional floors. This application would then result in a 5 storey building (with the top floor recessed to reduce its bulk). The layout of the three occupied commercial units will remain and the vacant unit will be converted into reception/lobby areas for access to the residential units with access from both St Mary Street and Golden Grove.
- 2.2 The four additional floors seek to provide 74 flats (21 studios, 34 one-bed, 17 two-bed and 2 three-bed units). The resultant building would frame a central courtyard that is open to its southern side. The scheme would have nil parking for residents.

## **3.0 Relevant Planning Policy**

- 3.1 The Development Plan for Southampton currently comprises the “saved” policies of the City of Southampton Local Plan Review (as amended 2015), the City of Southampton Core Strategy (as amended 2015) and the site lies within the City Centre so the policies of the City Centre Action Plan are relevant. The most relevant policies to these proposals are set out at **Appendix 1**.
- 3.2 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13. As the proposal provides more than 15 units the Council will seek provision of 35% of the units for affordable housing as set out in policy CS15.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is

in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

#### **4.0 Relevant Planning History**

4.1 The most relevant and recent planning approval for this site was in 2005 (05/00938/FUL) for the part demolition of existing buildings to retain ground floor level and construction of a further four floors at the front of the site and a further five floors at the rear to provide a total of 66 flats (8 x one-bed and 58 x two-bed). This scheme was approved by the Planning Panel in 2005 and although this project is some 10 years old and was never implemented it does represent a material consideration in the planning process. The presentation to Panel will set out the similarities and differences between the two schemes, as does section 6 of this report.

4.2 A list of the other relevant applications can be found at **Appendix 2** of this report.

#### **5.0 Consultation Responses and Notification Representations**

5.1 Following the receipt of the planning application a publicity exercise in line with department procedures was undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (03.07.2015) and erecting a site notice (03.07.2015). At the time of writing the report **5** representations have been received; including two ward Councillors and objections from the local residents association (St Marys Tenants and Residents Association), City of Southampton Society and a local resident. The following is a summary of the points raised:

##### **5.2 Impact on the street scene due to the height of the proposed development** **Response**

The adjacent property Gladstone house is a five storey building and this proposal would be similar in height. It is judged to be an acceptable height for this part of the city as agreed by the Council's City Design Officer. The buildings within the vicinity range in height from two storey on site, three storey adjacent and on the corner with Clifford Street full five stories.

##### **5.3 The proposal results in insufficient car parking to serve the development and highway safety issues** **Response**

The proposal provides zero car parking spaces and the site lies within an area of traffic regulation orders with a resident's parking permit zone. It is the Council's policy that development constructed after 2001 will not be eligible for parking permits so future occupiers will be unable to park within the vicinity. Highway officers have not objected to this scheme, and as the site has good links to local transport and services offered by the City Centre it is anticipated that residents could live in the development without the need for a car.

##### **5.4 Concerned about overlooking, overshadowing and loss of light** **Response**

All new development will have an impact on neighbouring properties but whether the harm is sufficiently detrimental to warrant a reason for refusal has to be

assessed. See section 6 of this report for further consideration.

**5.5 Impact on archaeology on the site**

Response

The site does lie within an area of archaeological importance and conditions are recommended to prevent harm to any potential remains.

**5.6 Impact on the commercial units during the construction**

Response

Three of the commercial units are to be retained (including during the construction process). A construction management condition is suggested so that deliveries and construction can be controlled to prevent a detrimental impact on the commercial units and highway safety in terms of storage. There will undoubtedly, however, be an impact on existing retail looking for continuous trading during the construction phase but not one that warrants a reason for refusal.

**5.7 Lack of facilities in terms of doctors surgery**

Response

The scheme is liable to pay a contribution to the Community Infrastructure Levy (CIL), which provides funds for education, health and other essential infrastructure across the city.

**5.8 Should be a comprehensive scheme**

Response

Although officers agree, the proposal needs to be assessed as submitted. The Council has no control over the size of the site put forward to be redeveloped but has a duty to assess the merits of the scheme.

**5.9 No play area or community centre proposed**

Response

The size of the development does not trigger the need for an area of play space for children as less than 100 units are proposed (Policy CLT5 refers). In addition, the proposal does not result in the loss of a community facility so there is no requirement for the provision of one. As discussed, the development is CIL liable and contributions towards open space can form part of this new levy.

**Consultation Responses**

**5.10 SCC Highways – No objection**

Subject to conditions securing details of refuse storage provision including a management plan of how it is to be collected or removed from site and details of cycle parking facilities. In addition, a condition stating that no doors shall open and encroach onto the public highway. Finally, due to the 100% site coverage, a condition requiring construction management details especially relating to where the storage of materials, contractors compound and vehicles are going to be housed is required.

**5.11 SCC Housing – No objection**

Housing Delivery and Renewal team strongly support the principle of redeveloping these underused and semi-dilapidated premises by means of a suitably compliant scheme which improves the overall sustainability of the local area. Affordable housing is applicable.

- 5.12 **SCC Planning Policy** – No objection  
The site lies outside the secondary shopping frontage and therefore the loss of one retail unit is acceptable. The retention of the commercial units and provision of housing to provide a mixed-use development is supported.
- 5.13 **SCC Ecologist** – No objection  
The existing building has negligible biodiversity value.
- 5.14 **SCC Sustainability Team** – No objection  
Subject to the imposition of a conditions securing a green roof and energy and water restriction conditions.
- 5.15 **SCC City Design** – No objection  
The City Centre Action Plan Policy AP 36 restricts height to 4 storey along St Mary Street, however, it is realistic that denser development will logically arrange itself within a district centre there appears to be no design policy justification for restricting the height of this street frontage.

With regard to the proposed new building there is no objection to the overall architectural aesthetic, other than to request that recessed balconies should be provided to the St Mary Street frontage to better reflect the urban characteristic of this street. Given the depth to the living and bedroom spaces this should not unduly compromise the use of these rooms. A limited number of projecting modern upper floor box bays could then be used to reflect the tradition of upper floor bays represented elsewhere along the street.

Officer comment

*Officers feel that the insertion of projecting balconies adds to the articulation and the overall design of the building without the need for further change. It is noted that fewer balconies would result in a development that picks up design themes from features within the street scene but in this case the proposal is acceptable as there is no uniform character to St Mary Street.*

- 5.16 **SCC Archaeology**– No objection  
The application site lies within the Middle-Saxon town of Hamwic. Numerous archaeological interventions have revealed evidence of nationally important archaeological remains, including structural evidence and inhumations. There is no heritage statement to support the application, and the Southampton HER has not been consulted. The proposals include the retention of the ground floor structure fronting St Mary Street, however it is clear that the construction of a four-storey structure will entail significant demolition and groundworks. The extent of the demolition is unclear, and there are no foundation designs supporting the application. Should planning permission be granted conditions are recommended.

## **6.0 Planning Consideration Key Issues**

- 6.1 The key issues for consideration in the determination of this planning application are:
- Background and comparison with previous scheme
  - Principle of development;
  - Design of the proposed development;

- Impact on Residential Amenity;
- Highway Safety and Parking; and
- Development Mitigation.

## 6.2 Background and comparison with previous scheme

6.2.1 The 2005 permission for 64 units sought to provide a complete redevelopment that was five storeys (four additional storeys) fronting St Mary Street and six storeys (five additional storeys) fronting Golden Grove. The scheme was an amendment to a similar scheme approved in 2004 (03/01333/FUL) to provide four additional storeys. The approved 2005 scheme is similar to the scheme proposed. At ground floor the scheme also retained three of the four existing retail units but provided a reduced fourth unit so there was no net loss of commercial units. Refuse and cycle storage was provided at ground floor within the area that was previously the fourth retail unit as currently proposed. A front and rear access to the residential units was also proposed but with smaller entrance areas than currently sought.

6.2.2 However, the proposed layout of the residential floors differed greatly. A central amenity area was proposed in a similar location but it was smaller in scale and two blocks of residential units surrounded it instead of the 'U' shaped building proposed now. The central gap between both blocks was 5.8m (in comparison to gap varying between 18m and 16m currently sought) but the gap between the blocks reduced dramatically adjacent to the boundary with 3-5 Ascupart Street. The elevation along this shared boundary was longer as the gap was smaller and it was higher in height due to the step up to the rear. In addition, there was a large number of windows fronting Ascupart Street albeit landing, bathroom and secondary bedroom windows on each floor when only obscured glazed landing windows are currently proposed within this scheme. In terms of fronting Gladstone House landing and secondary bedroom windows were proposed on this elevation and only landing windows are proposed currently.

6.2.3 The external appearance was also vertical in its emphasis but many additional windows were provided. A similar number of windows were proposed in the elevation fronting Golden Grove but an additional storey was added and it was not recessed. Overall, although the schemes were similar this current scheme is lower in height and less dominant on the shared boundary with Ascupart Street and St Mary Street and provides an increased level of amenity space for occupiers. Within the wider street scene, due to the recessed appearance of the fifth level, it would form a part of a stepped approach to Gladstone House on the corner. Although the permission for the 2005 has lapsed its approval is still a material planning consideration when determining this application. Officers consider that the current scheme improves on what was originally consented and results in a better scheme for the reasons outlined below:

## 6.3 Principle of Development

6.3.1 The principle of development is acceptable as it provides residential accommodation in line with the provisions of policy CS16 of the Core Strategy with a suitable mix of units to meet the Council's housing need. The application also assists the Council in meeting its current housing need of 16,300 homes by 2026. The application site is allocated within the Council's City Centre Action

Plan. This Plan supports redevelopment up to four stories in height providing it respects the character of the area. The site is located within the city centre and therefore a development of high density - over 100 dwellings per hectare (dph) - is acceptable in principle. The proposal provides housing units with a residential density of 389dph which, although high, complies with the density set out in policy CS5 for the city centre and is comparable with other city centre development. Density is a final check and if the development is acceptable in form and massing then higher density can be supported.

6.3.2 The NPPF introduces a presumption in favour of sustainable housing development. Retaining the existing commercial units and redeveloping the first floor upwards is welcomed, and the principle of the proposal is supported. The development would create additional housing stock for Southampton as well as retaining a mixed-use development.

#### 6.4 Design of the proposed development

6.4.1 The majority of existing properties within the vicinity of the application site are two storey in height, and the proposal seeks to provide a five storey development, albeit with the top floor recessed. The proposed development at four storey height is a similar height to the development at 3-5 Ascupart Street and at fifth storey it is slightly lower than the development on the corner of Clifford Street. Therefore, a building with a recessed fifth floor would not appear at odds within the street scene and is supported.

6.4.2 The existing building does not provide an attractive street frontage at first floor fronting St Mary Street or to the rear at ground floor fronting Golden Grove and therefore partial redevelopment is welcomed. The design of the proposal, which provides balconies, adds articulation and depth and would enhance the street scene. The proposal has been designed with a vertical emphasis which seeks to respond to the Victorian terrace by providing a similar rhythm. The materials proposed are a mix of red brickwork with vertical and floor level separation, including balconies detailed in anthracite grey metal and polished concrete pillars at ground floor separating the commercial units. The fifth recessed level would be designed using a lightweight glazed structure. The rear elevation is designed in the same manner. The design complements the street and is considered to meet policy CS13 of the LDF Core Strategy.

#### 6.5 Impact on Residential Amenity

6.5.1 The amenity space for this proposal is 92sq.m in total, which equates to 1.2sq.m per unit. There is an area of amenity on the fifth floor but it is not confirmed as to how this terraced area will be used. In terms of the impact on future occupiers as the site lies within the city centre, amenity space lower than the standards is not a sufficient reason for refusal as there are many parks for occupiers to use within a five minute walk.

6.5.2 All units look into a central amenity area and therefore inter-looking between units could occur as the privacy distances vary between 18.5m to 16m nearer Ascupart Street within the u-shaped part. However, the window layout at the corner has been redesigned to reduce the inter-looking between corner units by providing moveable and fixed screens setting back the units to provide additional privacy. Moveable screens are provided for the other units. In the case of city centre dwellings due to site constraints, there will inevitably be mutual



overlooking, this impact is usual and occupiers will be aware of this relationship when purchasing the units. The resulting impact of the proposed development has been minimised by the introduction of moveable shutters and therefore overlooking within the site is mitigated.

- 6.5.3 With respect to the impact of the proposed development on existing neighbouring properties. 3-5 Ascupart Street to the side and 114 St Mary Street would be the properties most affected by the proposal. The development at Ascupart Street was built with habitable windows fronting onto the site with a distance of 3.3m from its rear elevation to the site boundary. The privacy distance between the proposed units within the central u-shaped area and the units facing Ascupart Street is 16m. However, due to the siting of these units within the centre of the site their view is only onto the end part of 3-5 Ascupart Street development where the number of windows is reduced. On this part of the neighbouring property, at first and second floor, two flats per floor would be affected (four in total). A lounge window from one unit and a living room window from another, on each floor, could have views into proposed flats and vice versa. However, the separation distance is 16m which, although it does not comply with guidance (21m), would still be acceptable given the city centre location and the window-to-window relationship involved. In addition, no habitable windows are provided on the side elevation fronting Ascupart Street only windows serving the stairs core thereby reducing this impact.
- 6.5.4 The application includes a daylight assessment carried out by Elcock Associates who are building surveyors. Not only did the report assess the daylight received to the proposed flats, the report also undertook an assessment as to whether daylight received by adjoining properties would be detrimentally affected. In terms of the loss of daylight at 3-5 Ascupart Street, four windows which serve dining areas in the centre of the rear elevation would have the daylight reduced. Although, this development would reduce the daylight received by existing neighbours, these units currently gain borrowed light from the site. In effect, if existing daylight levels are to be protected then these affected windows prejudice any development taking place on the site. The daylight assessment report does not take into account the window size of neighbouring property and applies standard formulae. In this case as the windows on this elevation affected are large/full height (as they are both window/door units) the impact will be lessened. The report does not conclude that development would be harmful and that it shouldn't proceed. In light of these conclusions officers consider that as a separation gap is retained, and these windows will still receive daylight, the harm is suitably mitigated to enable the site's redevelopment to continue as proposed.
- 6.5.5 With respect to 114 St Mary Street there will also be a change to the outlook and daylight received to this building. The daylight report submitted states that the bedroom window on the rear elevation would receive an acceptable reduction in daylight. The lounge/diner and kitchen are not affected in terms of daylight according to the report. The blank elevation of the existing building is already sited adjacent to 114 St Mary Street and therefore in terms of outlook from 114 St Mary Street no view can currently be gained across the neighbouring site so the outlook will not dramatically alter. With respect to the development opposite at 81-88 St Mary Street the daylight assessment does show that the development would reduce the daylight received to these properties. The daylight lost would mainly be to 88 St Mary Street and the windows affected are

at ground and first floor and are two bedrooms, lounge/kitchen diner and stairway on each floor. Although this reduction is below recommended levels only the lounge windows are a concern; but they lie on the corner of building and therefore gain light from separations within the street scene. Furthermore, as the development site lies due east of the properties on St Mary Street the harm would be not detrimental.

6.5.6 With respect to the daylight received to the proposed units four windows would receive daylight less than the recommended levels. As these rooms are bedrooms, and are not afforded the same level of protection as other rooms, the report states that the courtyard of the proposed development around the courtyard is adequately lit. The report concludes that the initial assessment carried out for previous revisions of this development required the scheme to be amended to provide sufficient daylight to the courtyard and to reduce the impact on neighbouring properties. The conclusion of the report relating to the development submitted states that *'the proposed building is now more sympathetic in its effect on the daylight provided to its neighbours'*. With respect to the neighbouring properties it is clear that on balance the proposed development would be acceptable in terms of the resulting daylight received to the adjacent/adjoining units.

## 6.6 Highway issues

6.6.1 The proposal is for a development free from parking. This is acceptable for a city centre location. The ground floor is retained for active commercial use and this is not uncommon for this form of development. The site lies within an area of a controlled car parking zone, and future occupiers are unlikely to be given parking permits. It is unlikely that any overspill from visitors will detrimentally alter the character of the area as the parking in the area is restricted via varying parking restrictions. Residents are less likely to bring a car to the city if they know they will have difficulty parking it, and when they find a space it is remote from their flat and potentially less secure than would otherwise be the case.

6.6.2 With respect to cycle storage there are three areas to house bikes, one is within the centre part of ground floor and the other two open onto Golden Grove. Refuse storage has also been provided within the ground floor fronting Golden Grove. These facilities are to be secured by suggested conditions. No Highways objection has been raised to the proposal on parking or highway safety grounds. A S106 legal agreement is proposed to deal with any site specific issues.

## 6.7 Development Mitigation

6.7.1 As with all major development the application needs to address and mitigate the additional pressure on the social and economic infrastructure of the city, in accordance with Development Plan policies and the Council's adopted Planning Obligations SPD (2013). Given the wide ranging impacts associated with a development of this scale, an extensive package of contributions and obligations is proposed as part of the application. The main areas of contribution for this development, in order to mitigate against its wider impact, are highway and affordable housing contributions. In terms of highway contributions, contributions towards a traffic regulation order to prevent overspill parking pressure in the vicinity, improvements to the pedestrian environment in the near vicinity focussing on safe crossing points and cycle route connections in the near

vicinity of the site to provide quality links to the strategic cycle network are required. With respect to the affordable housing policy requirement the contribution from this site is 26 units. Southampton city Council will work with a Registered Social Landlord (RSL) to find applicable tenants/occupiers. In the event that the viability of the scheme is affected by this level of provision the whole scheme would be reassessed and reported back to the Planning and Rights of Way panel for further consideration.

- 6.7.2 The Conservation of Habitats and Species Regulations 2010 (as amended) provides statutory protection for designated sites, known collectively as Natura 2000, including Special Areas of Conservation (SAC) and Special Protection Areas (SPA). This legislation requires competent authorities, in this case the Local Planning Authority, to ensure that plans or projects, either on their own or in combination with other plans or projects, do not result in adverse effects on these designated sites. The Solent coastline supports a number of Natura 2000 sites including the Solent and Southampton Water SPA, designated principally for birds, and the Solent Maritime SAC, designated principally for habitats. Research undertaken across south Hampshire has indicated that current levels of recreational activity are having significant adverse effects on certain bird species for which the sites are designated. A mitigation scheme, known as the Solent Disturbance Mitigation Project (SDMP), requiring a financial contribution of £172 (application submitted before July 2015 when the figure was increased to £174) per unit has been adopted. The money collected from this project will be used to fund measures designed to reduce the impacts of recreational activity. When the legal agreement is signed and actioned this application will have complied with the requirements of the SDMP and met the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended).

## **7.0 Summary**

- 7.1 Overall the part redevelopment of the site into 74 residential units and retention of the commercial units is acceptable as the level of development proposed will not result in an adverse impact on the amenities enjoyed by surrounding occupiers, highway safety issues or to the character and appearance of the area. Therefore the proposals are consistent with adopted local planning policies.

## **8.0 Conclusion**

- 8.1 As such, the application is recommended for approval subject to securing the matters set out in the recommendations section of this report and the conditions set out below

### **Local Government (Access to Information) Act 1985** **Documents used in the preparation of this report Background Papers**

1(a)(b)(c)(d), 2(b)(d), 4(f) & (qq), 6(c)

**ARL for 06/10/15 PROW Panel**

## **PLANNING CONDITIONS**

### **1. APPROVAL CONDITION - Full Permission Timing Condition - Physical works**

The development works hereby permitted shall begin not later than three years from the date on which this planning permission was granted.

Reason:

To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

### **2. APPROVAL CONDITION - Details of building materials to be used**

Notwithstanding the information shown on the approved drawings and application form no development works shall be carried out unless and until a written schedule of external materials and finishes has been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details. These shall include full details of the manufacturers, types and colours of the external materials to be used for external walls, windows, doors and the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site.

Reason:

To enable the Local Planning Authority to control the development in detail in the interests of amenity by endeavouring to achieve a building of visual quality.

### **3. APPROVAL CONDITION - Archaeological damage-assessment**

No development shall take place within the site until the type and dimensions of all proposed groundworks have been submitted to and agreed by the Local Planning Authority. The developer will restrict groundworks accordingly unless a variation is agreed in writing by the Local Planning Authority.

Reason:

To inform and update the assessment of the threat to the archaeological deposits.

### **4. APPROVAL CONDITION - Archaeological evaluation**

No development shall take place within the site until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason:

To ensure that the archaeological investigation is initiated at an appropriate point in development procedure.

### **5. APPROVAL CONDITION - Archaeological evaluation work programme**

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason:

To ensure that the archaeological investigation is completed.

## **6. APPROVAL CONDITION - Archaeological investigation (further works)**

The Developer will secure the implementation of a programme of archaeological works in accordance with a written scheme of investigation which will be submitted to and approved by the Local Planning Authority.

Reason:

To ensure that the additional archaeological investigation is initiated at an appropriate point in development procedure.

## **7. APPROVAL CONDITION - Archaeological work programme (further works)**

The developer will secure the completion of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved by the Local Planning Authority.

Reason:

To ensure that the archaeological investigation is completed.

## **8. APPROVAL CONDITION - Green roof specification [Pre-Commencement Condition]**

A specification for the green roof must be submitted and agreed in writing with the Local Planning Authority prior to the commencement of the development hereby granted consent. The green roof to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained and maintained thereafter.

Reason:

To reduce flood risk and manage surface water run-off in accordance with core strategy policy CS20 and CS23, combat the effects of climate change through mitigating the heat island effect and enhancing energy efficiency through improved insulation in accordance with core strategy policy CS20, promote biodiversity in accordance with core strategy policy CS22, contribute to a high quality environment and 'greening the city' in accordance with core strategy policy CS13, improve air quality in accordance with saved Local Plan policy SDP13, and to ensure the development increases its Green Space Factor in accordance with Policy AP 12 of City Centre Action Plan Adopted Version (March 2015)

## **9. APPROVAL CONDITION - Energy & Water [Pre-Commencement Condition]**

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER) (Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of a design stage SAP calculations and a water efficiency calculator shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

Reason:

To ensure the development minimises its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

## **10. APPROVAL CONDITION - Energy & Water [performance condition]**

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum 19% improvement over 2013 Dwelling Emission Rate (DER)/ Target Emission Rate (TER)

(Equivalent of Code for Sustainable Homes Level 4 for Energy) and 105 Litres/Person/Day internal water use (Equivalent of Code for Sustainable Homes Level 3/4) in the form of final SAP calculations and water efficiency calculator and detailed documentary evidence confirming that the water appliances/fittings have been installed as specified shall be submitted to the Local Planning Authority for its approval.

Reason:

To ensure the development has minimised its overall demand for resources and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

#### **11. APPROVAL CONDITION - Storage / Removal of Refuse Material**

Before the building is first occupied full details of facilities to be provided for the storage and removal of refuse from the premises including a refuse management plan together with the provision of suitable bins accessible with a level approach shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall include accommodation and the provision of separate bins for the separation of waste to enable recycling. The approved refuse and recycling storage shall be retained whilst the building is used for residential / commercial purposes.

Reason:

In the interests of visual amenity, the amenities of future occupiers of the development and the amenities of occupiers of nearby properties.

#### **12. APPROVAL CONDITION - Cycle storage facilities [Pre-Commencement Condition]**

Adequate cycle storage facilities to conform to the Local Planning Authorities standards shall be provided within the site before the development hereby permitted commences and such parking and storage shall be permanently maintained for that purpose.

Reason:

To prevent obstruction to traffic in neighbouring roads and to encourage cycling as an alternative form of transport.

#### **13. APPROVAL CONDITION - Landscaping, lighting & means of enclosure detailed plan [Pre-Commencement Condition]**

Notwithstanding the submitted details before the commencement of any site works a detailed landscaping scheme and implementation timetable shall be submitted, which includes:

- i. proposed finished ground levels; means of enclosure, hard surfacing materials, structures and ancillary objects (refuse bins, lighting columns etc.);
- ii. planting plans; schedules of plants, noting species, plant sizes and proposed numbers/planting densities where appropriate; and
- iii. a landscape management scheme.

Any trees, shrubs, seeded or turfed areas which die, fail to establish, are removed or become damaged or diseased, within a period of 5 years from the date of planting shall be replaced by the Developer in the next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation. The Developer shall be responsible for any replacements for a period of 5 years from the date of planting.

The approved hard and soft landscaping scheme (including parking) for the whole site shall be carried out prior to occupation of the building or during the first planting season following the full completion of building works, whichever is sooner. The approved scheme implemented shall be maintained for a minimum period of 5 years following its complete provision.

Reason:

To improve the appearance of the site and enhance the character of the development in the interests of visual amenity, to ensure that the development makes a positive contribution to the local environment and, in accordance with the duty required of the Local Planning Authority by Section 197 of the Town and Country Planning Act 1990

**14. APPROVAL CONDITION- Unsuspected Contamination [Performance Condition]**

The site shall be monitored for evidence of unsuspected contamination throughout construction. If potential contamination is encountered that has not previously been identified no further development shall be carried out unless otherwise agreed in writing by the Local Planning Authority.

Works shall not recommence until an assessment of the risks presented by the contamination has been undertaken and the details of the findings and any remedial actions has been submitted to and approved by the Local Planning Authority.

Any changes to the agreed remediation actions will require the express written consent of the Local Planning Authority.

Reason:

To ensure any land contamination not previously identified is assessed and remediated so as not to present any significant risks to human health or, the wider environment.

**15. APPROVAL CONDITION - Use of uncontaminated soils and fill [Performance Condition]**

Clean, uncontaminated soil, subsoil, rock, aggregate, brick rubble, crushed concrete and ceramic shall only be permitted for infilling and landscaping on the site. Any such materials imported on to the site must be accompanied by documentation to validate their quality and be submitted to the Local Planning Authority for approval prior to the occupancy of the site.

Reason:

To ensure imported materials are suitable and do not introduce any land contamination risks onto the development.

**16. APPROVAL CONDITION - Demolition Statement [Pre-Commencement Condition]**

Precise details of the method and programming of the demolition of the existing property shall be submitted to and approved by in writing by the Local Planning Authority prior to the implementation of the scheme. The agreed scheme shall be carried out to the details as specified in the demolition programme unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In the interests of the amenity of adjacent residential properties.

**17. APPROVAL CONDITION - Hours of work for Demolition / Clearance / Construction**

All works relating to the demolition, clearance and construction of the development hereby granted shall only take place between the hours of;

Monday to Friday 08:00 hours to 18:00 hours (8.00am to 6.00pm)

Saturdays 09:00 hours to 13:00 hours (9.00am to 1.00pm)

And at no time on Sundays and recognised public holidays.

Any works outside the permitted hours shall be confined to the internal preparations of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect the amenities of the occupiers of existing nearby residential properties.

**18. APPROVAL CONDITION - Amenity Space Access [Pre-Occupation Condition]**

The external amenity space serving the development hereby approved, and pedestrian access to it, shall be made available as a communal area prior to the first occupation of the development hereby permitted and shall be retained with access to it at all times for the use of the flat units.

Reason:

To ensure the provision of adequate amenity space in association with the approved flats.

**19. APPROVAL CONDITION – Privacy screens [Pre-Occupation Condition]**

The fixed and moveable privacy screens shown on the approved plans shall be installed as detailed prior to the first occupation of the development hereby permitted, and shall be retained at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To ensure an adequate level of privacy for the proposed occupiers.

**20. APPROVAL CONDITION - Glazing panel specification [Pre-Occupation Condition]**

The windows to be inserted into the side elevations of the building hereby approved shall be obscure glazed and only have a top light opening. The windows shall at all times unless otherwise agreed in writing by the Local Planning Authority be permanently maintained in that form.

Reason:

To protect the privacy enjoyed by the occupiers of the adjoining property.

**21. APPROVAL CONDITION – No doors opening onto the highway [Performance Condition]**

Notwithstanding the approved plans no doors to be inserted at ground shall open outwards onto the highway unless agreed in writing by the Local Planning Authority.

Reason:

In the interests of highway safety.

**22. APPROVAL CONDITION - Construction Environment Management Plan (Pre-Commencement Condition)**

Prior to the commencement of any development a written construction environment management plan shall be submitted to and approved by the LPA. The plan shall contain method statements and site specific plans to prevent or minimise impacts from noise, vibration, dust and odour for all operations, as well as proposals to monitor these measures at the site boundary to ensure emissions are minimised beyond the site



boundary. All specified measures shall be available and implemented during any processes for which those measures are required.

Reason:

To protect the amenities of the occupiers of existing nearby properties.

### **23. APPROVAL CONDITION - Contractors Compound (Pre-Commencement Condition)**

No commencement of work pertaining to this permission shall be carried out on the site unless and until there is available within the site, provision for all temporary contractors buildings, plant and storage of materials associated with the development and such provision shall be retained for these purposes throughout the period of work on the site; and the provision for the temporary parking of vehicles and the loading and unloading of vehicles associated with the phased works and other operations on the site throughout the period of work required to implement the development hereby permitted in accordance with details to be submitted to and agreed in writing by the Local Planning Authority.

Reason:

To avoid undue congestion on the site and consequent obstruction to the access in the interests of road safety.

### **24. APPROVAL CONDITION - Wheel Cleaning Facilities [Pre-Use Condition]**

During the period of the preparation of the site, excavation for foundations or services and the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels are sufficiently clean to prevent mud being carried onto the highway.

Reason:

In the interests of highway safety.

### **25. APPROVAL CONDITION - Approved Plans**

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule attached below, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning

### **Note to Applicant - Public sewerage system**

A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

### **Note to Applicant - Pre-Commencement Conditions**

Your attention is drawn to the pre-commencement conditions above which require the full terms of the condition to be satisfied before development commences. In order to discharge these conditions you are advised that a formal application for condition discharge is required. You should allow approximately 8 weeks, following validation, for a decision to be made on such an application. If the Decision Notice includes a contaminated land condition you should contact the Council's Environmental Health Department, and allow sufficient time in the process to resolve any issues prior to the commencement of development. It is important that you note that if development

commences without the conditions having been formally discharged by the Council in writing, any development taking place will be unauthorised in planning terms and this may invalidate the Planning Permission issued. Furthermore this may result in the Council taking enforcement action against the unauthorised development. If you are in any doubt please contact the Council's Development Management Service.

**Note to Applicant - Performance Conditions**

Your attention is drawn to the performance conditions above which relate to the development approved in perpetuity. Such conditions are designed to run for the whole life of the development and are therefore not suitable to be sought for discharge. If you are in any doubt please contact the Council's Development Control Service.

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**POLICY CONTEXT**

Core Strategy - (as amended 2015)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS15	Affordable Housing
CS16	Housing Mix and Type
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS25	The Delivery of Infrastructure and Developer Contributions

City of Southampton Local Plan Review – (as amended 2015)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP6	Urban Design Principles
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP13	Resource Conservation
SDP14	Renewable Energy
SDP16	Noise
SDP17	Lighting
HE6	Archaeological Remains
H1	Housing Supply
H2	Previously Developed Land
REI4	Secondary Retail Frontages
REI6	Local Centres
MSA12	St. Mary's Area

City Centre Action Plan - March 2015

AP 5	Supporting existing retail areas
AP 8	The Night time economy
AP 16	Design
AP 17	Tall buildings
AP 36	St Mary Street and Northam Road

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Planning Obligations (Adopted - September 2013)  
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework (2012)  
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

**Relevant Planning History**

Site history

950778/E\_ Conditionally Approved 22.09.1995  
Relief from conditions 3 and 4 of permission 5685/1625/m18 - use of 1st floor as private members sports social and recreational club and change permitted hours to 11am-11.20pm mon-sat and 12.30-3.20pm and 7pm-10.30pm Sunday

951384/E Conditionally Approved 21.02.1996  
Variation of condition 3 of planning permission 950778/5685/e to extend hours of opening from Thursday to Saturday to 12.00 midnight and Sunday from 12 noon to 10.50pm

961084/E Conditionally Approved 21.02.1997  
Change of use of the first floor from nightclub to student residential accommodation for 28 persons.

980410/E Conditionally Approved 30.07.2001  
Construction of a second floor to provide 12 no. 1-bed flats and 6 no. 2-bed flats and change of use of part of first floor to provide 2 no. 1-bed flats.

03/01333/FUL\_ Conditionally Approved 27.09.2004  
Part demolition of existing building to leave ground floor level. Construction of a further four floors to provide 63 units of residential accommodation.

05/00938/FUL Conditionally Approved 22.09.2005  
Part demolition of existing buildings to retain ground floor level. Construction of a further four floors at the front of the site and a further five floors at the rear to provide a total of 66 flats (8 x one-bed and 58 x two-bed).

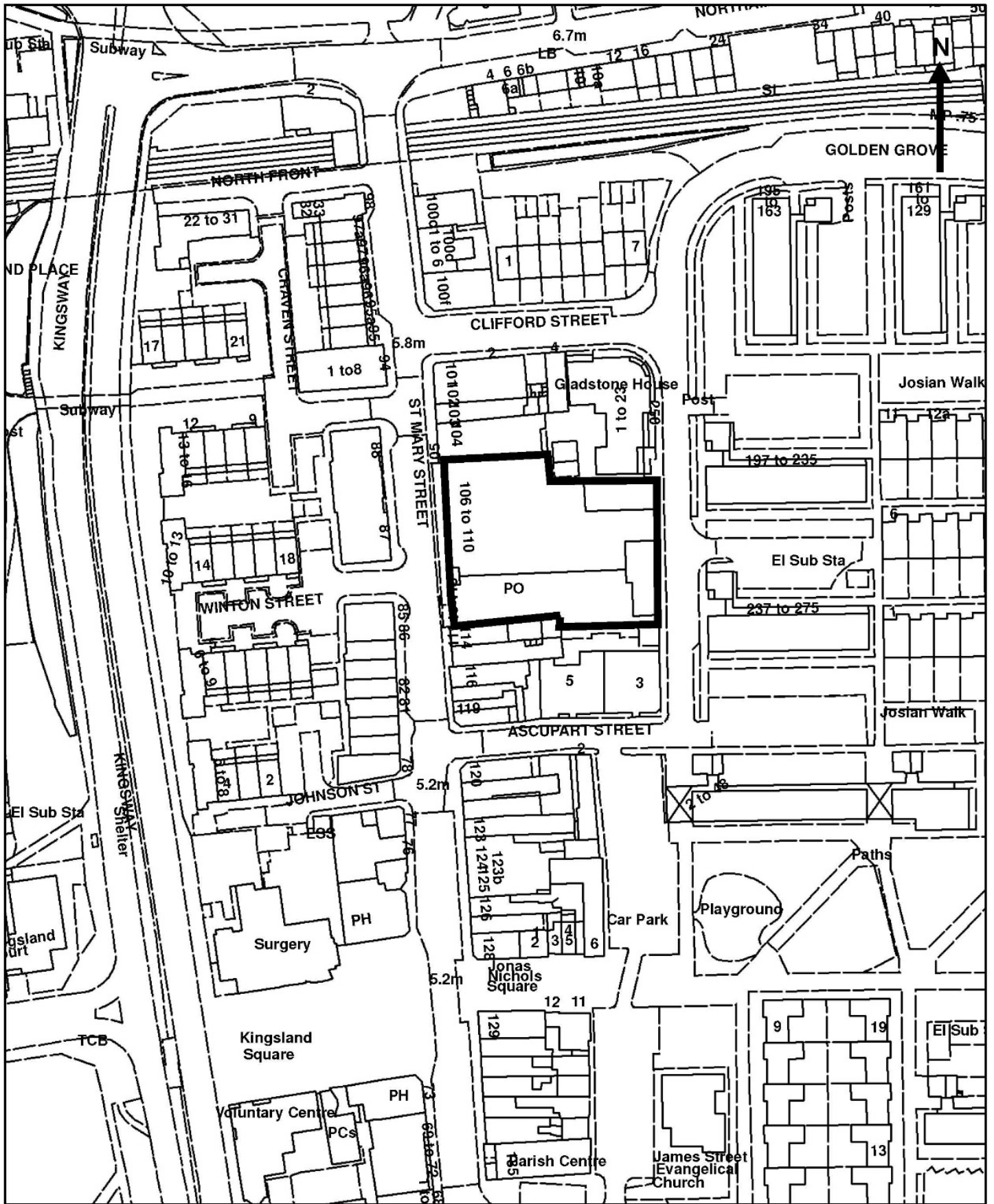
87-88 St Mary Street

980624/E Conditionally Approved 04.09.2000  
Demolition/refurbishment existing buildings. Mixed use redevelopment; 60 2 bed flats, 31 3 bed houses, 7 shops, surgery, street market, public toilets, car parks, private amenity space, landscaping, access, crossing over Kingsway.

3-5 Ascupart Street

01/00489/FUL Conditionally Approved 18.09.2001  
Construction of 22 one bedroom flats and 2 two bedroom maisonettes.

# 15/01250/FUL



Scale: 1:1,250

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