

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel 6th December 2016
Planning Application Report of the Service Lead - Planning, Infrastructure and Development

Application address: 106-113 St Mary Street, Southampton			
Proposed development: 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.			
Application number	15/01250/FUL	Application type	FUL
Case officer	Anna Lee	Public speaking time	15 minutes
Last date for determination:	N/A	Ward	Bargate
Reason for Panel Referral:	Request to vary Affordable Housing obligation within the Section 106 by way of a Deed of Variation	Ward Councillors	Cllr Bogle Cllr Noon Cllr Paffey
Referred by:	N/A	Reason:	Viability Issues

Applicant: Mr Moses Meisels	Agent: CGMS Ltd
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Recommendation Summary	Delegate to the Service Lead - Infrastructure, Planning and Development to agree a deed of variation to the Section 106 Agreement dated the 10th December 2015
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Community Infrastructure Levy Liable	Yes
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Appendix attached	
1	Planning & Rights of Way Panel Report (6 th October 2015)
2	DVS Viability Appraisal Report

1.0 Recommendation in Full

To delegate to the Service Lead – Infrastructure, Planning and Development to make a Deed of Variation to vary the Section 106 Agreement dated the 10th December 2015 to waive the Affordable Housing provision, on viability grounds, imposing the Council’s standard viability review mechanism clause.

2.0 Proposal & Background

2.1 This application was approved by the Planning & Rights of Way Panel in October 2015, subject to the completion of a Section 106 Agreement. A copy of the officer's report is appended at Appendix 1

2.2 The site has remain undeveloped from its current position for a number of years, with the current consented scheme having been demonstrated to be unviable and therefore unlikely to come forward with the current level of planning obligation being sought through the Section 106 Agreement dated the 10th December 2015.

2.3 The applicant has submitted a viability assessment which has been appraised by the Council's independent expert (DVS) and it has been found to be unviable, based on the current market conditions and established viability guidelines. A copy of the DVS Viability Appraisal Report can be found at Appendix 2 of this report.

2.4 A Deed of Variation is therefore sought to waive the Affordable Housing provision based on the inclusion of the council's standard viability review and completion clauses, to ensure that if the development does not come forward for development in the short term, the council has the ability to review the viability position at a fixed point in the future.

3.0 Relevant Planning Policy

3.1 The Development Plan for Southampton currently allows viability to be taken into account as set out within the "saved" policies of the City of Southampton Local Plan Review (as amended 2015), the City of Southampton Core Strategy (as amended 2015) at Policy CS15 – Affordable Housing.

4.0 Relevant Planning History

4.1 The most recent planning approval for this site was in December 2015 (15/01250/FUL) for the 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. This scheme was approved by the Planning Panel in December 2015 and has not yet been implemented.

5.0 Planning Consideration Key Issues

5.1 The key issue for consideration is whether the Planning & Rights of Way Panel are willing to vary the terms of the original Section 106 Agreement by way of waiving the provision of the Affordable Housing obligation, on viability grounds, with the aim of encouraging the development proposal to be built out in the short term. If the proposal is rejected it is unlikely that the consented development will come forward and a revised planning proposal will be required.

6.0 Conclusion

6.1 As such, the proposal is recommended for approval subject to securing the matters set out in the recommendations section of this report.