

Southampton City Planning & Sustainability  
 Planning and Rights of Way Panel meeting  
 Planning Application Report of the Planning and Development Manager

<b>Application address:</b>			
Martins Garage Services 53 Salem Street SO15 5QE - 10/00879/FUL Land at Southern Corner of St James Road and Salem Street			
<b>Proposed development:</b>			
Erection Of A Two Storey Building Comprising Of Food Retail Unit At Ground Floor (270. Sq.M) And 4 Flats At First Floor (4X1- Bed) With Associated Bin And Cycle Storage, Associated Parking For The Retail Unit And Siting Of Condenser Unit To Rear.			
Application number	10/00879/FUL	Application type	FUL
Case officer	Mathew Pidgeon	Public speaking time	5 minutes
Last date for determination:	24/08/2010	Ward	Shirley
Reason for Panel Referral	Objectors, including Cllr Dean and Alan Whitehead MP, have raised additional reasons for refusal which have not been included in the recommendation	Ward Councillors	Dean Matthews Mead

<b>Applicant:</b> Mr Simon Reeas	<b>Agent:</b> Owen Davies Architects
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<b>Recommendation Summary</b>	<b>Refuse</b>
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**Reason For Refusal**

01.REFUSAL REASON - Design

Whilst the principle of a mixed use redevelopment scheme is accepted, the proposed development will, in the opinion of the Local Planning Authority, result in an incongruous addition to the streetscene by reason of its poor/confused design solution, its relationship with the existing pattern of development and the excessive site coverage (building and hard-standing) with a limited setting to the building. Furthermore:-

(a) The proposed building's footprint and width, associated hard-standing and overall layout results in an excessive site coverage that fails to respond to the spatial characteristics and building to plot ratios of its context;

(b) The emphasis of the proposed design and layout on access, parking, and servicing which dominate the frontage results in a building that places these needs ahead of a legible design solution;

(c) The proposed refuse storage facility is insufficient in scale to accommodate refuse bins capable of serving the needs of the occupants of the proposed residential units.

The combination of these design weaknesses results in a building that fails to respect the character of the area or introduce a building of significant architectural merit and, as such, the proposed development is considered to be contrary to "saved" policies SDP7 (iii) (iv) (v) and SDP9 (i) (iv) (v) of the adopted City of Southampton Local Plan Review (March 2006) and Policy CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006).

## 02.REFUSAL REASON - Residential Environment

The Local Planning Authority is not satisfied that the proposed first floor residential accommodation provides an attractive and acceptable living environment for prospective residents, in particular:

(a) Notwithstanding the proximity of St James Park (and the amenity offered by the grounds to Shirley Parish Church) the proposals fail to provide sufficient external space which is fit for its intended purpose to serve the on-site amenity space needs of prospective residents, as required by adopted City of Southampton Local Plan Review (2006) Policy SDP1(i) as supported by paragraph 2.3.14 and section 4.4 of the Council's approved Residential Design Guide SPD (2006);

(c) Poorly located refuse storage facilities are proposed in relation to the entrance to the residential units, whereby residents will have to exit the private area serving the flats in order to use the refuse store.

Accordingly the scheme does not comply with the Council's adopted Policy SDP1 (i) of the adopted City of Southampton Local Plan (March 2006) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006).

## 03.REFUSAL REASON - Direct Impacts

In the absence of a completed S.106 Legal Agreement or Unilateral Undertaking the proposal fails to mitigate against its direct impacts and does

not, therefore, satisfy the provisions of Policy CS25 (The Delivery of Infrastructure) of the Council's adopted LDF Core Strategy (January 2010) as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005 as amended) in the following ways:-

(a) Measures to support sustainable modes of transport, the strategic highway network, and site specific highway requirements (such as necessary improvements to public transport facilities and pavements in the vicinity of the site) have not been secured contrary to the adopted City of Southampton Local Plan Review (March 2006 Policy SDP1 as supported by policies CS18 and CS25 of the Council's adopted LDF Core Strategy (January 2010);

(b) In the absence of a commitment to undertaking an off-site highway condition survey the development fails to explain how its impacts will be managed both during and after the construction phase.

<b>Appendix attached</b>			
1	Development Plan Policies	4	Marketing documentation summary.
2	Relevant Planning History		
3	Decision notice 10/00290/FUL		

## **Recommendation in Full**

### **Refuse**

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

1.1 The site is located within a predominantly residential area characterised by a mix of terraced, semi-detached and detached residential properties. The immediate environment and position from which the development would be most visually prominent is St James Road which is characterised by detached and semi-detached two storey family dwelling houses of traditional design incorporating bay windows and hipped roofs. In contrast to the over-riding character of the street scheme, the site opposite is currently operated as a car sales business with large outdoor vehicular display area.

1.2 The site itself is currently vacant having had all equipment removed associated with it's former use as a petrol filling station. The corner plot comprises 690 sq.m of previously developed land which is significantly larger than the size of individual plots serving the family dwelling houses which front St James Road. In particular, the width of the plot measures 25m as opposed to typical plot width of between 8m and 9m.

1.3 It is bordered by 2m high timber panel boards and a small section of 2m high chain link fencing. The applicant has provided a copy of the marketing documentation produced by Nigel Lawrence Partnership within which it is confirmed that the site has been vacant since 1999.

1.4 The site is allocated within the local plan for housing and it should be noted that the site opposite, the car sales business, is also allocated for housing. The site is not within a primary or secondary retail frontage area nor is it within a district or local centre. The site is within a low accessibility area.

1.5 The closest retail unit (licensed convenience store) to the site is situated on Twyford Avenue approximately 200m walk away to the North East. The opening hours for the store are 06.00 - 22.00.

1.2 The closest areas of public amenity to the site are Shirley Parish Church grounds (approximately 120m to the North West) and St. James Park (approximately 250m to the North West).

## **2.0 Proposal**

2.1 The proposal would see the re-development of the former petrol service station with a mixed use development incorporating 270 Sq.M of commercial floor space at ground floor level with 4 single bedroom residential flats located above.

2.2 The residential units would not be allocated any off street parking. All parking facilities associated with the development will be made available to the customers of the commercial unit with one being allocated for disabled users.

2.3 The proposal provides 55 Sq.M of amenity space for the occupants of the residential units along with refuse and cycle storage facilities.

2.4 The proposal seeks to address the reasons for refusal raised during the determination of the previous application with reference 10/00290/FUL, as fully detailed in **Appendix 3**.

2.5 The proposed opening hours for the retail unit are 06.00 – 23.00 seven days per week.

## **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 (March 2006) and the City of Southampton Core Strategy (January 2010). The most relevant policies to these proposals are set out at **Appendix 1**.

## **4.0 Relevant Planning History**

*Refer to Appendix 2.*

## 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 also undertaken which included notifying adjoining and nearby landowners, placing a press advertisement (12.08.2010) and erecting a site notice 05.08.2010. At the time of writing the report 17 representations have been received including objections from Cllr Dean and Alan Whitehead MP.

### Summary of Comments:

- Opposition to the principal of a mixed use development on a site designated for housing.
- There is a greater need for family housing in Shirley.
- Insufficient evidence suggesting site is not capable of supporting residential development.
- Inappropriate intensification of use, greater intensity than the previous use.
- Retail unit considered unnecessary.
- An existing retail unit is located within 200m of the site.
- Larger supermarkets are located within the nearby Shirley Town Centre.
- No evidence for the need of a retail store.
- The claim that the petrol filling station was last operated in 2005 is disputed, it is claimed that in fact the petrol filling station closed down in 1999.
  
- Impact on neighbouring amenity including impact of plant equipment.
- Opening hours of the shop would reduce the amenities of first floor residents.
- Refuse collection from shop - harm to residential amenity.
- Increased potential for anti social behaviour.
- Design not in keeping (scale and mass) creating a visually unappealing development.
- Balconies are out of character.
  
- Inadequate amenity space.
- Poor natural surveillance from ground floor windows over the entrance to the residential units
- Poor residential environment - lack of windows to kitchens and bathrooms.
  
- Congestion/parking on both Salem Street and St James Road.
- Highways safety on St James Road.
- Potential for vehicular accidents.
- Parking area to the front will be difficult to manage for customer use only

5.2 **SCC Planning Policy** - Having reviewed the retail assessment provided by the applicant the Planning Policy Team do not believe that a mixed use scheme incorporating residential and retail is contrary to the designation of the Local Plan notwithstanding its allocation as a housing site.

Please note: a summary of the retail assessment, as provided by the applicant, is attached as **appendix 4**.

5.3 **SCC Highways** – Raise some concerns including that the proposed bin store is not large enough to accommodate the needs of 4 separate flats. The number of bins will need to be increased to 3no 360l bins (2x waste, 1x recycle).

5.4 It is also indicated that parking spaces for the retail unit will need to be allocated and marked out for customer use only so that residents do not dominate the parking spaces forcing retail customers to park on street adding pressure and potential obstruction to the public highway

5.5 Accident statistics provided by Southampton City Council's Highways Safety Officer indicates that there has been just one slight accident within close proximity to the application site during the period between 2005 and 2008.

5.6 However it is concluded that subject to the revision of the delivery bay to the location on the most recent plans no objections to the proposal are raised subject to there being a section 106 agreement to cover a TRO to restrict parking in the area on the public highway

5.7 **SCC Housing** – The threshold for affordable housing contribution is no longer exceeded.

5.8 **SCC Sustainability Team** – Retail floor area is less than 500 Sq.M (278.1 Sq.M) therefore there is no requirement to achieve BREEAM. The flats must achieve Code Level 3. It is stated that the development aims to meet Code Level 4, however there is insufficient evidence to suggest how this will be achieved. It is recommended that a pre-assessment estimator is submitted to overcome sustainability objections. The applicant states that PV will be investigated. The applicant must achieve 20% co2 emissions through renewables in order to be in compliance with CS20.

#### 5.9 **SCC Architect's Panel – 8th September 2010:**

The Panel expressed a number of concerns relating the design of the scheme:

- Inadequate design philosophy.
- Dishonest in its physical expression of its dual function.
- Replication of roof forms - poor massing of roof.
- Overcomplicated design, poor junctions.
- Lack of visual interest.
- Forcing local vernacular on a building of this scale is wrong approach - inappropriate windows.
- Unloading in reality will be a problem for highways.
- Dishonest ground floor fenestration.
- Totally unacceptable in design terms.

#### 5.10 **City Design** –

- Mixed use design appears confused - should it look like a commercial unit with flats above or a residential development with retail below? If the scheme was purely retail the design could be quite different and would not need to appear like a residential unit/be strictly in keeping with the surroundings.
- Care would need to be taken over the type of advertisements proposed, subtle signage with down lighters rather than internally illuminated fascia boards.
- The design of the roof into three visually separate elements would break up the form of the building and when viewed from an angle would appear as three separate units, thus the development would achieve some degree of sympathy with the neighbouring properties and the street scene. The pitched nature of the roof reduces bulk and mass.

5.11 **SCC Environmental Health (Pollution & Safety)** – No objection but would ask for the following conditions S005, S025, S030; consideration should be given to limit the opening hours of the shop, which should also limit the hours of any deliveries. Further restriction should be made to the use of delivery trolleys across the car park which can be noisy and harmful to residential amenity.

5.12 **SCC Environmental Health (Contaminated Land)** - Annex 2 of PPS23 considers the proposed land use as being sensitive to the affects of land contamination. Records indicate that the subject site is located on a Former Filling Station. The land use is associated with potential land contamination hazards. To ensure compliance with Annex 2 of PPS23 and policies SDP1 and SDP22 of the City of Southampton Local Plan Review (adopted version, March 2006) this department would recommend the following conditions be attached; L001, L010, L015

5.13 **Hampshire Constabulary** – No Objection.

5.14 **Southern Water** – The applicant will need to make a formal application to connect to the public sewer.

5.15 **Environment Agency** - No objection.

### **6.0 Planning Consideration Key Issues**

6.1 The key issues for consideration are:

- Principal of the development;
- The impact on the character and amenity of the surrounding area;
- The adequacy of the residential environment provided for occupiers;
- The impact on highways safety;
- The adequacy of the scheme in relation to sustainability objectives; and
- The potential to mitigate against the direct impacts of the development.

## 6.2 Principle of Development

6.2.1 The principal of the mixed use re-development of the site is not objected to in Planning Policy terms and is not considered to be a departure from the housing allocation identified in the Local Plan.

6.2.2 This conclusion has taken into consideration the length of time the site has been vacant whilst being unsuccessfully advertised for housing development; the financial implications of the required remediation works needed should the ground floor be put to residential use; and the contribution which the proposed first floor flats would have on the housing need of the city have been taken into account.

6.2.3 The site was previously occupied by a petrol filling station which ceased operation 11 years ago. Petrol filling stations provide members of the public with specific retail functions whereby convenience products are secondary to vehicular fuel.

6.2.4 The use of the site as a petrol filling station is not dissimilar to the proposed use as both rely upon passing trade whereby members of the public come and go on a fairly frequent basis. However the length of time which the site has remained vacant has led, understandably, to local residents having grown accustomed to a site which no longer attracts traffic, pedestrians and associated activity. The increase in activity associated with the mix of uses proposed is not considered to justify a reason for refusal in itself..

## 6.3 Impact on the character and amenity of the surrounding area.

6.3.1 The layout and design of the store has intentionally directed activity away from the immediate neighbour at number 129 St. James Road by ensuring that the pedestrian entrance is positioned centrally and the vehicular entrance to the site is positioned further away to the North West. Disturbance caused by vehicular headlights can be lessened by incorporating landscape treatment to the edges of the parking bays.

6.3.3 The proposed external plant equipment would be located 9m from the boundary with the neighbouring property number 129 St. James Road. The Pollution and Safety Team (Environmental Health) are satisfied that the equipment will not negatively affect the living environment currently experienced by neighbouring occupants.

6.3.4 The visual impact of the proposal also needs careful consideration. In particular the site occupies a prominent position on a corner of two roads. Having discussed the proposal with the Architects Panel and City Design colleagues the LPA do not believe that the proposal has managed to adequately overcome the previous reason for refusal based on design.



6.3.5 The requirement for residential use at first floor complicates the design and thus the result is a 'confused' appearance to the development and an overcomplicated design.

6.3.6 Mini supermarkets are becoming more and more common across the city however they are usually located in existing commercial centres (Local, District and Town) or within small parades of shops. Although there are commercial properties along Salem Street the dominant character of the area is residential. In which case the design philosophy has been to accommodate the design brief into a development which responds positively to the residential character, however as confirmed by city design and the architects panel, the result has failed to produce a development which is satisfactory in architectural terms.

6.3.7 Whilst the Local Planning Authority have attempted to assist the architect in overcoming the previous reasons for refusal the design philosophy and resulting proposal remains flawed. Whilst the appearance of the development is considered to be improved on that previously submitted, the building design is still not considered to be of sufficient quality or to respond appropriately to it's context to justify officer support. In particular the design cannot be considered to be a good example of 21st century contemporary architecture which appropriately responds to the local environment.

6.3.8 Accordingly the appearance of the development in the street would cause material harm to the character and appearance of the area, poorly contribute to the quality of the local environment and fail to integrate appropriately into the local community.

6.3.9 The footprint of the building has been marginally reduced and as a consequence there is an improved setting to the development however having revisited relevant policies and the Residential Design Guide the view is taken that much of the previous refusal reason 1(a) remains.

6.3.10 The legibility of the design has been improved by reducing the prominence of the delivery area. The needs of pedestrians have been considered and the situation improved however the development remains contrary to paragraph 3.9.2 of the Residential Design Guide as hard surfaced areas and the footprint of the building significantly exceeds 50% and there remains an emphasis on a combination of access, parking and servicing.

6.3.11 The Salem Street elevation is now set back from the pavement edge and contains windows at ground and first floor level. The specific design of the elevation has been discussed more generally above.

6.3.12 The cycle store has been relocated so that occupants do not need to leave the site to gain entry to the facility. The cycle store is also within the gated entrance to the residential units and therefore is afforded greater protection.

6.3.13 The proposed refuse store is no longer proposed to be within the same lobby as the entrance to the residential units however the store is not considered to be adequate in scale to accommodate the refuse generated by the occupants of 4 one bedroom flats.

#### 6.4 Proposed residential environment.

6.4.1 The previously refused scheme failed to provide private amenity space for the residents, and therefore in order to address refusal reason 2 (a) the revised proposal incorporates private balconies for each of the units along with 55Sq.M of shared amenity space. Paragraph 2.3.14 of the Residential Design Guide requires flatted development to provide private amenity space for the occupants which cumulatively measure at least 20Sq.M per residential unit proposed. As the proposal is for four units 55Sq.M is well below standard.

6.4.2 The incorporation of the balconies fails to adequately mitigate against the lack of garden space provided as it is considered good practice to provide both rear garden areas of 20Sq.M per flat as well as private balconies.

6.4.3 Paragraph 4.4.4 of the Residential Design Guide, states that it is necessary for the amenity space to be adequately usable and of good quality. The shape of the proposed amenity space is acceptable and although there is a two storey scale building bordering the site adjacent to part of the amenity space (to the south) it is considered that during the late afternoon, and into the evening, sun light (certainly during the summer months) will be received by much of the proposed rear amenity space. The space is also adequately private. In which case it is only the quantum of the amenity space which is unacceptable and to improve the situation the amenity space should be enlarged and extended to the north. With regard to the balconies, at least two also appear insufficient in size. At just 3 sq.m there does not appear to be sufficient space to accommodate 'table and chairs'.

6.4.4 Although the development provides two flats which are single aspect only, the Environmental Health Team are satisfied that the development can be constructed without requiring windows to be fixed shut, it is however noted that an acoustic report and written scheme to protect the proposed development in terms of habitable rooms, balconies, roof terraces and gardens from external noise sources is required should the LPA be minded to approve the scheme.

6.4.5 Residents would no longer be required to leave the site and enter again when accessing the cycle and refuse store however the refuse store is outside of the private space proposed for residents and therefore does pose a security concern although it should be noted that the Crime Prevention Advisor of Hampshire Constabulary has not raised an objection to the revision.

## 6.5 Highways Safety

6.5.1 The Highways DC team are now satisfied that the proposal would not jeopardise highways safety.

6.5.2 It is reasonable to expect that a greater number of passing motorists, pedestrians and cyclist will stop at the site however it is unlikely that specialist trips shall be made unless customers live within the immediate vicinity of the site. The development provides on-site cycle and vehicular parking for shoppers along with a suitable delivery bay.

6.5.2 A number of objections have been received which highlight the potentially harmful impact which the development could have on highways safety. In appreciating the concern raised Highways Development Control have reviewed accident data for the stretch of St. James Road and Salem Street which is in front of the application site. The conclusion of the research has been that both roads in this location are relatively safe in comparison with other streets within the city. It is however noted that the data used to form this conclusion was recorded whilst the application site was vacant and no data has been submitted by the applicant or identified by Highways Development Control which could disprove a hypothesis that questions whether or not the stretch of road had more accidents whilst the site was in use as a petrol filling station.

6.5.3 Notwithstanding the use of historic accident data the scheme accords with the highways standards supported across the city and therefore provided motorists accord to the highway code and national road laws it is considered that the development would not significantly increase the potential for vehicular accidents.

## 6.6 Sustainability

6.6.1 In response to the previous refusal reason titled 'Code for Sustainable Homes and Climate Change' the applicant has committed to achieving compliance with CS20 and therefore if the panel are minded to approve the scheme standard planning conditions can be applied to ensure that occupancy does not occur until a post construction certificate is issued and renewable energy sources are incorporated.

6.6.2 Notwithstanding the response made by the Sustainability Team it is considered unreasonable to refuse the scheme on sustainability grounds however should the panel be minded to refuse the scheme an informative should be added to identify that any subsequent submission should be accompanied by a pre-assessment estimator for Code For Sustainable Homes.

## 6.7 Direct Impacts

6.7.1 The 5th reason of the original reasons for refusal relating to s106 contributions will be retained subject to the removal of (b) as the scale of the development no longer a necessitates a contribution to affordable housing.

## **7.0 Summary**

7.1 The revised application is a significant improvement to the previously refused application however the development remains an overdevelopment of the site for the reasons listed above, accordingly the application is recommended for refusal.

## **8.0 Conclusion**

8.1 The proposals fail to address a number of issues in the original reasons for refusal and remain unacceptable.

### **Local Government (Access to Information) Act 1985**

#### **Documents used in the preparation of this report Background Papers**

1(a), 1(b), 1(c), 1(d), 2(c), 2(e), 4(s), 6(a), 6(c), 6(l), 7(a),7(c), 7(x), 9(a) and 9(b), and the Residential Design Guide SPD 2006 (MP 12/10/2010 for 26/10/20103PROW Panel).

**MP3 for 26/10/2010 PROW Panel**

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS13	(Fundamentals of Design)
CS15	(Affordable Housing)
CS18	(Transport: reduce - manage - invest)
CS19	(Car & Cycle Parking)
CS20	(Tackling and adapting to climate change)
CS21	(Protecting and enhancing open space)
CS25	(The delivery of infrastructure and developer contributions)

City of Southampton Local Plan Review – (March 2006)

SDP1	(Quality of Development)
SDP4	(Development Access)
SDP5	(Parking)
SDP6	(Urban Design Principals)
SDP7	(Context)
SDP8	(Urban Form and Public Space)
SDP9	(Scale, Massing and Appearance)
SDP10	(Safety and Security)
SDP11	(Accessibility and Movement)
SDP12	(Landscape and Biodiversity)
SDP13	(Resource Conservation)
SDP14	(Renewable Energy)
SDP16	(Noise)
SDP17	(Lighting)
SDP22	(Contaminated land)

H1	(Housing Supply)
H2	(Previously Developed Land)

TI2	(Vehicular Access)
REI1	(Shopfronts)

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Planning Obligations (Adopted - August 2005 and amended November 2006)

Other Relevant Guidance

PPS1	(Delivering Sustainable Development)
PPS3	(Housing)
PPS4	(Planning for sustainable economic growth)
PPG24	(Planning and Noise)

**Relevant Planning History**

**Relevant Site History and Land Uses including history of pre-application discussions and key correspondence:**

According to the submitted details the site has been vacant for 11 years, prior to which the site was a Petrol Filling Station with a small element of retail.

**Pre app (JT):**

Principal of mixed use scheme will have to be explored in greater depth. Site is allocated for ten residential units on the adopted proposals map. Officers could be flexible in order to bring this vacant site back into use however sufficient justification needs to be provided.

**Architect Panel Notes 21/10/2009**

- Building line should respect the existing building line of Salem Street
- 2 storey scale next to 129 Salem Street – required.
- Should aim to strengthen building line between 129 and 139a St James Road.
- Parking and servicing from the front has a difficult visual relationship.
- Query the retail use in this location (at odds with residential nature).
- Limited setting to the development.

**Correspondence from JT to Nick Mansfield (applicant) dated 29/10/2010:**

Information from letting agent is rather brief, SCC need details of how and what the site was marketed for in 2006. Responses to the marketing need to be provided. Once a full justification is provided SCC will be able to indicate whether the principal is acceptable.

**Application submitted: 10/00290/FUL** - Erect Two Storey Building Comprising Shop At Ground Floor (297.5sq.m) With 5 Flats Over (4 X 1 Bed And 1 X Studio) With Integral Bin / Bikes Stores And Associated Parking Area And Including External Siting Of Condenser Units To Shop. REF 28.04.2010. The 5 reasons for refusal were titled as follows **(refer to appendix 3 for full reason for refusal):**

- Design
- Residential Environment
- Highway Safety
- Code for Sustainable Homes and Climate Change
- Direct Impacts

**Pre app meeting 27th July 2010, (MP, AA, VW):** Confirmed that a mixed use scheme could be considered given the need to bring development forward on this site however concern was raised regarding the constraints which such an approach would cause namely difficulty in achieving amenity space provision also potential highways conflict was highlighted along with overlooking potential. Overdevelopment of the site and respect for the character of the area is important.

#### Key issues

- Highways.
- Design/character.
- Relationship with number 129.
- Impact on neighbours - opening hours no later than 23.00.
- Information should be provided re the plant proposed to the rear.
- Revision to parking layout.
- Balcony size reduction at front.
- Reduce footprint.
- Increase amenity space.

#### **Letter sent to Owen Davies (agent) following further review of pre app notes provided by JT as detailed above.**

- Principal of the use would not have been supported at the meeting held on 27th July 2010 had we not been led to believe that the principal of mixed use had been agreed at pre app which took place with JT. Instead a purely residential scheme would have been suggested in accordance with the Local Plan (site allocations map). However we should note that although the principal of a mixed use has been supported the scale proposed has not been. The council have always highlighted the potential for an overdevelopment of the site and confirmed that the starting point to an assessment will always be whether or not a scheme addresses previous reasons for refusal.

**FULL APPLICATION - REFUSAL**

**Proposal:** Erect Two Storey Building Comprising Shop At Ground Floor (297.5sq.m) With 5 Flats Over (4 X 1 Bed And 1 X Studio) With Integral Bin / Bikes Stores And Associated Parking Area And Including External Siting Of Condenser Units To Shop.

**Site Address:** Land At Southern Corner Of St James Road \_ Salem Street Southampton SO15 5QE

**Application No:** 10/00290/FUL

For the following reason(s):

**01.REFUSAL REASON - Design**

Whilst the principle of a mixed use redevelopment scheme is accepted, the proposed development will, in the opinion of the Local Planning Authority, result in an incongruous addition to the streetscene by reason of its poor design solution, its relationship with the existing pattern of development and the excessive site coverage (building and hard-standing) with a limited setting to the building. Furthermore:-

(a) The proposed building's footprint and width, associated hard-standing and overall layout results in an excessive site coverage that fails to respond to the spatial characteristics and building to plot ratios of its context and the needs, safety and comfort of pedestrians and residents of this mixed-use environment;

(b) The emphasis in the proposed design and layout on access, parking, servicing and the prominence of the deliveries area as part of the projecting element of the St James' Road frontage results in a building that places these needs ahead of a legible design solution and the requirements of pedestrians and residents;

(b) The Salem Street elevation fails to include windows along its ground floor elevation and, in combination with its length and proximity to the back of pavement fails to provide an adequate setting to this elevation. This approach is inappropriate and does not respond to the established pattern of development and the associated setbacks in this location;

(c) A poorly located cycle storage facility is proposed in relation to the entrance to the residential units, whereby residents have to enter the public highway between the store and the entrance to the flats. The isolated position and lack of any surveillance is symptomatic of an overdevelopment and has also raised criticism from Hampshire Constabulary;



(d) A poorly designed "combined" pedestrian entrance and refuse store is proposed with a visually detrimental gated entrance and lack of separation. It is poorly considered, symptomatic of an overdevelopment and has also raised criticism from Hampshire Constabulary regarding safety;

The combination of these design weaknesses results in a building that fails to respect the character of the area or the needs of its users and, as such, the proposed development is considered to be contrary to "saved" policies SDP7 (iii) (iv) (v), SDP8 (i) (ii) and SDP9 (i) (iv) (v) of the adopted City of Southampton Local Plan Review (March 2006) and Policy CS13 of the adopted Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006).

## 02.REFUSAL REASON - Residential Environment

The Local Planning Authority is not satisfied that the proposed first floor residential accommodation provides an attractive and acceptable living environment for prospective residents, in particular:

(a) Notwithstanding the proximity of St James Park (and the amenity offered by the grounds to Shirley Parish Church) the proposals fail to provide any external space which is fit for its intended purpose to serve the on-site amenity space needs of prospective residents, including external seating and areas for drying clothes, as required by adopted City of Southampton Local Plan Review (2006) Policy SDP1(i) as supported by paragraph 2.3.14 and section 4.4 of the Council's approved Residential Design Guide SPD (2006);

(b) The creation of 4 single aspect flats (3 of which have been designed with habitable rooms served by fixed shut openings and mechanical ventilation due to the site's proximity to traffic and off-site noise) will lead to unacceptable and claustrophobic living conditions. As such the development would be contrary to policies SDP1 (i) of the adopted City of Southampton Local Plan Review (March 2006) and Policy CS13 of the adopted LDF Core Strategy (January 2010). The proposals would also be likely to prove contrary to LPR policies SDP16 (ii) and H2 (iii), as supported by PPG4 (Industrial, Commercial Development and Small Firms - paragraph 18) and PPG24 (Planning and Noise - paragraph 12 and paragraphs 3 and 4 of Annex 1), if ultimately no sealed glazing came to be fitted in the flats fronting St James Road;

(c) Poorly located refuse and cycle storage facilities are proposed in relation to the entrance to the residential units, whereby residents have to enter the public highway between the cycle store and the entrance to the flats. The refuse storage is ventilated via the main residents entry lobby with conflicts arising between openings;

Accordingly the scheme does not comply with the Council's adopted Policy SDP1 (i) of the adopted City of Southampton Local Plan (March 2006) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006).

### 03.REFUSAL REASON - Highway Safety

The proposed development by reason of its footprint and vehicular parking layout, which includes an informal delivery arrangement that conflicts with the proposed on-site customer parking area and may result in delivery vehicles reversing out onto St James Road, will give rise to highway safety concerns and vehicular and pedestrian conflicts. Furthermore, the proposed mixed-use scheme is likely to result in a displacement of car parking onto the public highway around the junction of St James Road and Salem Street leading to a possible conflict with existing sightlines, added congestion and an obstruction of the public highway. Accordingly the scheme fails to comply with "saved" policies SDP4, SDP11 and TI2 of the adopted City of Southampton Local Plan Review (March 2006) as supported by the relevant sections of the Council's approved Residential Design Guide SPD (2006).

04.REFUSAL REASON - Code for Sustainable Homes and Climate Change  
In the absence of any commitment to the Code for Sustainable Homes, an improvement of energy and water efficiency, sustainable urban drainage and a low carbon development the application has failed to demonstrate that it can satisfy the requirements of the adopted LDF Core Strategy Policy CS20 as supported by Part 7 of the Council's approved Residential Design Guide SPD (2006) which seek to contribute towards tackling climate change as required by the Council's Climate Change Strategy (2004) and PPS1.

### 05.REFUSAL REASON - Direct Impacts

In the absence of a completed S.106 Legal Agreement or Unilateral Undertaking the proposal fails to mitigate against its direct impacts and does not, therefore, satisfy the provisions of Policy CS25 (The Delivery of Infrastructure) of the Council's adopted LDF Core Strategy (January 2010) as supported by the Council's Supplementary Planning Guidance on Planning Obligations (August 2005 as amended) in the following ways:-

(a) Measures to satisfy the public open space requirements of the development have not been secured. As such the development is also contrary to the adopted City of Southampton Local Plan Review (March 2006) Policy CLT5 as supported by Policy CS21 of the adopted LDF Core Strategy (2010);

(b) In the absence of an agreement to secure the proposed tenure the development triggers the need for an affordable housing contribution and without such a commitment the scheme fails to assist the City with its current housing needs issues and, as such, is contrary to Policy CS15 of the Council's adopted LDF Core Strategy (January 2010);

(c) Measures to support sustainable modes of transport, the strategic highway network, and site specific highway requirements (such as necessary improvements to public transport facilities and pavements in the vicinity of the site) have not been secured contrary to the adopted City of Southampton Local Plan Review (March 2006 Policy SDP1 as supported by policies CS18 and CS25 of the Council's adopted LDF Core Strategy (January 2010);

(d) In the absence of a commitment to undertaking an off-site highway condition survey the development fails to explain how its impacts will be managed both during and after the construction phase.

Note to Applicant:

This final reason for refusal could be overcome following the submission of an acceptable proposal and the completion of a S.106 legal agreement which address each of the above points.

Note to Applicant

1. Section 106A Informative

The applicant is advised that the third reason for refusal could be overcome following the completion of a S.106 Legal Agreement to support an acceptable scheme.

**IMPORTANT NOTE TO APPLICANT**

This decision has been made in accordance with the submitted application details and supporting documents and in respect of the following plans and drawings.

<b>Drawing No:</b>	<b>Version</b>	<b>Description:</b>	<b>Date Received:</b>	<b>Status:</b>
01	:	Floor Plan	02.04.2010	Refused
02		Elevational Plan	02.04.2010	Refused
10-012-01		Site Survey	02.04.2010	Refused
1010-010		Block Plan	02.04.2010	Refused
		Design and Access Statement		Refused

**Marketing documentation summary:**

- In July 1999 the site was decommissioned with all identified subsurface tanks and flow lines removed.
- The site was originally marketed during late 2005.
- It was considered uneconomic for residential development due to the need for further remediation.
- In 2006 the property was withdrawn from the market.
- In 2008 decommissioning works were completed.
- Site remarketed early to mid 2009.
- Due to nature of ongoing works some form of commercial use at ground floor is considered the most suitable use from an economic point of view.



10/00879/FUL



Scale : 1:1250

Date : 13 October 2010

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