

Southampton City Planning & Sustainability
 Planning and Rights of Way Panel meeting 26 October 2010
 Planning Application Report of the Planning and Development Manager

Application address: 69 - 72 St. Mary Street Southampton			
Proposed development: Re-development of the site. Erection of a four-storey building to provide 13 flats (11 X one bed, 2 X two bed) and a retail unit (Class A1) with associated parking and storage.			
Application number	10/00006/FUL	Application type	FUL
Case officer	Andrew Gregory	Public speaking time	15 minutes
Last date for determination:	OVER	Ward	Bargate
Reason for Panel referral	Major with associated planning agreement	Ward Councillors	Cllr Bogle Cllr Damani Cllr Willacy

Applicant: Mr Phillip Farminer	Agent: HGP Architects Ltd (Mr Matthew Edwards)
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Recommendation Summary	Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report
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Appendix attached			
1	Development Plan Policies		

Reason for Granting Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Overall the proposed mixed use development is acceptable and the level of development proposed will not adversely harm the character and appearance of the area having regard to the regeneration benefits of redeveloping this site and also the case put forward for losing commercial floor space at ground floor level. On balance, the proposal will not undermine the vitality and viability of this local centre. The residential environment for future occupiers is acceptable given the site's proximity to the city centre. A suitable balance has been achieved between securing additional residential accommodation and parking, whilst ensuring that existing residential amenities are protected. Other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38 (6) of the Planning & Compulsory Purchase Act 2004 Planning Permission should therefore be granted.

Policies SDP1, SDP4, SDP5, SDP7, SDP9, H1, H2 and H7 of the City of Southampton Local Plan Review - Adopted March 2006 policies CS4, CS5, CS13, CS16, CS19, CS20 of the Local Development Framework Core Strategy (January 2010); National Planning Guidance contained within PPS1 (Delivering Sustainable Development), PPS3 (Housing 2010) and PPG13 (Transport) are also relevant to the determination of this planning application.

Recommendation in Full

Delegate to the Planning and Development Manager to grant planning permission subject to 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 (March 2006), policies CS18 and CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended);
- ii. A financial contribution towards strategic transport projects for highway network improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D;
- iii. Financial contributions towards the relevant elements of public open space required by the development in line with policies CLT5, CLT6 of the City of Southampton Local Plan Review (March 2006), Policy CS25 of the adopted LDF Core Strategy (2010) and the adopted SPG relating to Planning Obligations (August 2005 as amended):-

Amenity Open Space (“open space”)
Playing Field
Children’s play area;
- iv. In lieu of an affordable housing contribution an undertaking by the developer that only students in full time education be permitted to occupy the studio flats;
- v. 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.

In the event that the legal agreement is not completed within 1 month following the date of this decision the Planning and Development Manager be authorised to refuse permission on the ground of failure to secure the provisions of the Section 106 Legal Agreement.

1. The site and its context

- 1.1 The application site comprises 69-72 St Mary Street which has been cleared for redevelopment purposes. The site was previously occupied by three-storey units with ground floor commercial use and ancillary space and residential accommodation on the upper floors. The site is situated between the ‘Plume of Feathers’ public house; a two-storey character property at the corner with Kingsland Market, and 66-68 St Mary; a four-storey building containing ground floor commercial use and flatted accommodation on the upper floors. A surface car park is located to the rear of the site with access onto Kingsway.
- 1.2 St Marys Street is a mixed use local centre. Infill flatted blocks and office development up to 4-storey in scale have been integrated into the street scene. The area is highly accessible and located in close proximity to city centre parks and other amenities.

2. Proposal

2.1 The application seeks full planning permission to redevelop the site with the erection of a four-storey building comprising a ground floor retail unit (Class A1) and 13 flats (11 X One Bed, 2 X Two Bed). The rear car parking area provides 6 parking spaces to serve the development. The rear bin and cycle store currently serving 66-68 St Mary street would be enlarged for shared use.

2.2 The ground floor commercial unit has an area of 60 square metres with primary access from St Mary Street. The flats are also primarily accessed from St Marys Street via a communal entrance, with secondary access to the rear. The flat on the ground floor frontage (flat 1) has been recessed to provide some defensible space to that unit. The rear 2-bedroom flat (flat 2) is also provided with some defensible space. The first and second floors comprise 1-bedroom units. The third floor flats are served by private roof terraces.

2.3 The proposal seeks a contemporary design approach with modern window openings and balustrade detailing. The materials palette includes a mix of yellow stock bricks, render, blue/black engineering bricks, timber cladding and slate (or similar material) on the roof. The upper floor is recessed to incorporate the roof terraces. The building has a shallow pitch roof and incorporates raised solar panels. The commercial unit has a traditional shop front design and incorporates space for fascia signage and security shutters.

2.4 The submitted Design & Access statement indicates that the units have been designed to achieve a Code for sustainable Homes rating of Code Level 3.

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**.

3.2 St Mary Street was previously safeguarded as a local centre under policy REI6 of the Local Plan Review which promoted commercial, leisure and community uses at street level and residential use on the upper floors. This policy has now been superseded by policy CS3 of the Local Development Framework Core Strategy; however St Mary Street has been omitted from the current list of Local Centres because it is to be included within the emerging City Centre Action plan. Saved policy MSA12 of the Local Plan Review safeguards this part of St Mary’s street for mixed use development for shops (A1), offices (B1 and A2) and housing (C3).

3.3 Major developments are expected to meet high sustainable construction standards in accordance with the City Council’s adopted and emerging policies. In accordance with adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.

4.0 Relevant Planning History

04/00026/FUL

WITHDRAWN 25.08.2005

Redevelopment of the site to provide two blocks (three and four storey linked by an external walkway) containing 14 x 1 bedroom flats together with a ground floor shop unit to one block and a workshop to the other.

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 and erecting a site notice (enter date). At the time of writing the report **no** representations have been received from surrounding residents.

5.2 **SCC Highways** – No objection subject to conditions to secure car parking and also to require on-site wheel cleaning facilities during any build.

5.3 **SCC Housing** – No objection.

5.4 **SCC Sustainability Team** – No objection. The development proposes to meet code level 3 and a 15% reduction in CO₂ emissions through renewable which should be secured through condition.

5.5 **SCC Architect's Panel** – The amended design approach is welcomed. However there will be a jump in scale where the building abuts the 'Plume of Feathers' public house; this change in scale will dwarf the pub and may create redevelopment pressure on the pub site.

5.6 **City Design Team** – No objection. The change in scale with the pub is an acceptable arrangement and will not harm the street scene. The Secure by Design Officer should be consulted on the proposed means of enclosure to the ground floor defensible space.

5.7 **SCC Environmental Health (Contaminated Land)** – No objection. However in view of the sensitive nature of the proposed residential use a thorough assessment of the potential land contamination hazards is recommended. Planning conditions should be applied.

5.8 **SCC Ecology** – No objection.

5.9 **Hampshire Constabulary** – The applicant is currently in dialogue with the Secure by Design officer and an update will be provided at the panel meeting.

5.10 **Southern Water** – No objection subject to conditions to safeguard the public sewer and to secure details of means of foul and surface water disposal. An informative should be applied regarding connection to the public sewer network.

5.11 **Archaeology** - No objection. Due to the nature and high archaeological potential of the site, a full programme of archaeological assessment, evaluation and excavation work will be required in advance of the development. Apply conditions.

6.0 Planning Consideration Key Issues

6.1 The key issues for consideration in the determination of this planning application are:

6.2 Principle of Development

6.2.1 The re-development of the site for mixed use development comprising residential and retail use will contribute towards the regeneration of St Mary's Street and is compliant with saved policy MSA12 of the Local Plan Review. The introduction of part residential use at ground floor level is supported in this instance, having regard to the viability case put forward by Hyde housing.

6.2.2 The proposed level of residential development has a density of 285 dwellings per hectare which is acceptable within this area of high accessibility and accords with central government's wishes for more intensive use of brown field sites for housing delivery. The proposed residential mix of 11 x 1-bed units and 1 x 2-bed units is acceptable having regard to the established character of St Mary's Street and will meet a recognised housing need identified by Hyde Housing.

6.2.3 A minimum of 20% affordable housing will be secured as a planning obligation in accordance with CS15 of the Core Strategy.

6.3 Residential design and impact on established character

6.3.1 A Design and Access Statement has been submitted in accordance with the requirements of saved policy SDP6 of the Local Plan Review and identifies measures to be taken into account when maintaining the character of the area and achieving high standards of design.

6.3.2 The proposed building has a contemporary form which will complement and enhance the existing street scene. The scale and massing of the building respects the scale of established development within St Mary's Street, notably the four-storey buildings occupying 63-68 St Mary's Street. The top floor has been recessed to reflect the parapet height of the adjacent flatted block to the south. There will be a change in scale at the junction with the 'Plume of Feathers' however this is not considered adversely harmful to the character and appearance of the area and is not an uncommon arrangement in areas of high density, although careful consideration needs to be given to the treatment of the side (north-facing) gable. The fenestration detailing gives the building a vertical emphasis which acceptably responds to the surrounding context. Details of materials will be secured through condition; however an acceptable materials palette is currently proposed.

6.3.3 Part of the ground floor has been recessed to provide privacy and defensible space of the ground floor residential accommodation which is considered an acceptable design solution. The shop front and been designed to accommodate fascia signage which is welcomed.

6.4 Impact on Residential Amenity

6.4.1 The residential amenities of neighbouring residents will not be adversely harmed.

The proposed development will not give rise to a harmful sense of enclosure, loss of light, shadowing or overlooking / loss of privacy.

6.5 Residential Standards

6.5.1 In amenity terms the residential environment proposed for the potential occupants is acceptable. The internal layout is compatible with modern living standards and all habitable rooms are served by natural lighting and ventilation.

6.5.2 The amenity space provision is satisfactory for an edge of city centre location, with the provision of roof terraces for the top floor accommodation and a small area of defensible space at ground floor level. The site is well located for access to a wide range of amenities including central parks. It would be inappropriate to request the introduction of projecting balconies within this street scene given they are not an architectural feature within St Mary's street.

6.6 Highway Issues

6.6.1 The application site is located within an area, which is defined as a high accessibility zone; this is defined in relation to principle bus routes and railway stations. The level of parking provision proposed needs to be assessed against the parking standards set within the adopted local plan. The development proposes 6 parking spaces which accords with the Councils maximum parking standards. The level of parking provision and access arrangement will not prejudice highway safety.

7.0 Summary

7.1 Overall the proposed mixed use development is acceptable and the level of development proposed will not adversely harm the character and appearance of the area having regard to the regeneration benefits of redeveloping this site and also the case put forward for loosing commercial floor space at ground floor level. On balance, the proposal will not undermine the vitality and viability of this local centre. The residential environment for future occupiers is acceptable given the sites proximity to the city centre. A suitable balance has been achieved between securing additional residential accommodation and parking, whilst ensuring that existing residential amenities are protected.

8.0 Conclusion

8.1 By securing the matters set out in the recommendations section of this report, the proposal would be acceptable. The application is therefore recommended for delegated approval to the Planning and Development Manager.

Local Government (Access to Information) Act 1985

Documents used in the preparation of this report Background Papers

1(a), 1(b), 1(c), 3(a), 4(f), 5 (e), 6(a), 6(c), 6(f), 6(h), 7 (a), 7(b), 7(e), 7 (k), 7 (o), 7 (u), 7 (v), 9(a), 10 (a), 10 (b).

AG for 26/10/10 PROW Panel

PLANNING CONDITIONS

01. 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).

02. APPROVAL CONDITION - Samples details of building materials to be used [Pre-Commencement Condition]

No work for the construction of the buildings hereby permitted shall commence unless and until details and samples of the materials and finishes to be used for the external walls, windows, doors and roof of the building have been submitted to and approved in writing by the Local Planning Authority. Development shall be implemented only in accordance with the agreed details.

Reason:

To enable the Local Planning Authority to control the development in detail in the interest of the visual amenities of the locality and to endeavour to achieve a building of high visual quality.

03. APPROVAL CONDITION - Hours of work for Demolition / Clearance / Construction [Performance Condition]

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.

04. 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.

05. APPROVAL CONDITION- Land Contamination investigation and remediation [Pre-Commencement & Occupation Condition]

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved by the Local Planning Authority. That scheme shall include all of the following phases, unless identified as unnecessary by the preceding phase and approved in writing by the Local Planning Authority:

1. A desk top study including;
historical and current sources of land contamination
results of a walk-over survey identifying any evidence of land contamination
identification of the potential contaminants associated with the above
an initial conceptual site model of the site indicating sources, pathways and receptors
a qualitative assessment of the likely risks
any requirements for exploratory investigations.
2. A report of the findings of an exploratory site investigation, characterising the site and allowing for potential risks (as identified in phase 1) to be assessed.
3. A scheme of remediation detailing the remedial actions to be taken and how they will be implemented.

On completion of the works set out in (3) a verification report shall be submitted to the Local Planning Authority confirming the remediation actions that have been undertaken in accordance with the approved scene of remediation and setting out any measures for maintenance, further monitoring, reporting and arrangements for contingency action. The verification report shall be approved by the Local Planning Authority prior to the occupation or operational use of any stage of the development.

Any changes to these agreed elements require the express consent of the local planning authority.

Reason: To ensure land contamination risks associated with the site are appropriately investigated and assessed with respect to human health and the wider environment and where required remediation of the site is to an appropriate standard.

06. APPROVAL CONDITION - Use of uncontaminated soils and fill [Pre-Commencement 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.

07. 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.

08. APPROVAL CONDITION - Code for Sustainable Homes [Pre-Occupation Condition]

Written documentary evidence demonstrating that the development will achieve at minimum Level 3 of the Code for Sustainable Homes shall be submitted to the Local Planning Authority and verified in writing prior to the first occupation of the development hereby granted, unless an otherwise agreed timeframe is agreed in writing by the LPA. The evidence shall take the form of a post construction certificate as issued by a qualified Code For Sustainable Homes certification body.

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).

09. APPROVAL CONDITION - Renewable Energy (Pre-Commencement Condition)

Prior to development of this proposal commencing full details of the renewable energy systems to be incorporated within the development shall be submitted to and agreed in writing with the Local Planning Authority. The details should include the full specification of the solar hot water heating system which shall achieve the agreed target of 15% reduced CO2 emissions as detailed within the agreed submitted energy assessment.

REASON:

To reduce the impact of the development on climate change and finite energy resources and to comply with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010).

10. APPROVAL CONDITION - Sustainable Drainage Systems (Pre-Occupation Condition)

Prior to the commencement of development a feasibility study demonstrating an assessment of the potential for the creation of a sustainable drainage system on site shall be carried out and submitted to the Local Planning Authority. Any measures shown to be feasible shall be verified in writing by the Local Planning Authority and implemented prior to first occupation of the development hereby granted consent. If the study demonstrates the site has the capacity for the implementation of a sustainable drainage system, a specification shall be agreed in writing with the Local Planning Authority. A sustainable

drainage system to the approved specification must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter. In the development hereby granted consent, peak run-off rates and annual volumes of run-off shall be no greater than the previous conditions for the site.

REASON:

To conserve valuable water resources, in compliance with and to demonstrate compliance with policy CS20 of the Local Development Framework Core Strategy Development Plan Document Adopted Version (January 2010) and to prevent an increase in surface run-off and reduce flood risk.

11. APPROVAL CONDITION - Public Sewer protection [Performance Condition]

The developer must advise the Local Planning Authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development.

Reason:

In order to safeguard the public sewer.

12. APPROVAL CONDITION - Surface / foul water drainage [Pre-commencement Condition]

No development approved by this permission shall commence until a scheme for the disposal of foul water and surface water drainage have been submitted to and approved in writing by the Local Planning Authority and no building shall be occupied unless and until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority and subsequently implemented and maintained for use for the life of the development.

Reason:

To ensure satisfactory drainage provision for the area.

13. APPROVAL CONDITION - Active frontages

Notwithstanding figure 92 of the applicant's Design & Access Statement (January 2008 as updated) and the provisions of Class 12 of Schedule 3 of the Town and Country Planning (Control of Advertisements) Regulations 2007 the occupier(s) of the non residential uses hereby approved on the ground floor shall retain an 'active window display' along the length of the shop frontages hereby approved (without the installation of window vinyls) in accordance with details that shall have been submitted to and approved in writing by the Local Planning Authority prior to the occupation the commercial unit.

REASON:

In the interests of retaining a lively and attractive streetscene.

14. APPROVAL CONDITION - Hours of Use – Non Residential Uses

The non residential uses hereby approved shall not operate outside of the hours hereby set out:

07:00 (7am) and 22:00 (10pm) 7 days a week including Sundays, Bank and/or Public Holidays.

REASON:

In the interests of existing and proposed residential amenity

15. APPROVAL CONDITION - Hours of Delivery No deliveries shall be taken at or despatched from the site outside the hours of 07:00 (7am) and 22:00 (10pm) nor at any time on Sundays, Bank and/or Public Holidays.

REASON:

In the interests of existing and proposed residential amenity

16. APPROVAL CONDITION – Archaeological investigation [Pre-Commencement Condition]

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

17. APPROVAL CONDITION – Archaeological work programme [Performance Condition]

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.

18. APPROVAL CONDITION – Archaeological damage-assessment [Pre-Commencement Condition]

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.

POLICY CONTEXT

Core Strategy - (January 2010)

CS3	Town, district and local centres
CS4	Housing delivery
CS5	Housing density
CS13	Fundamentals of Design
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 – (March 2006)

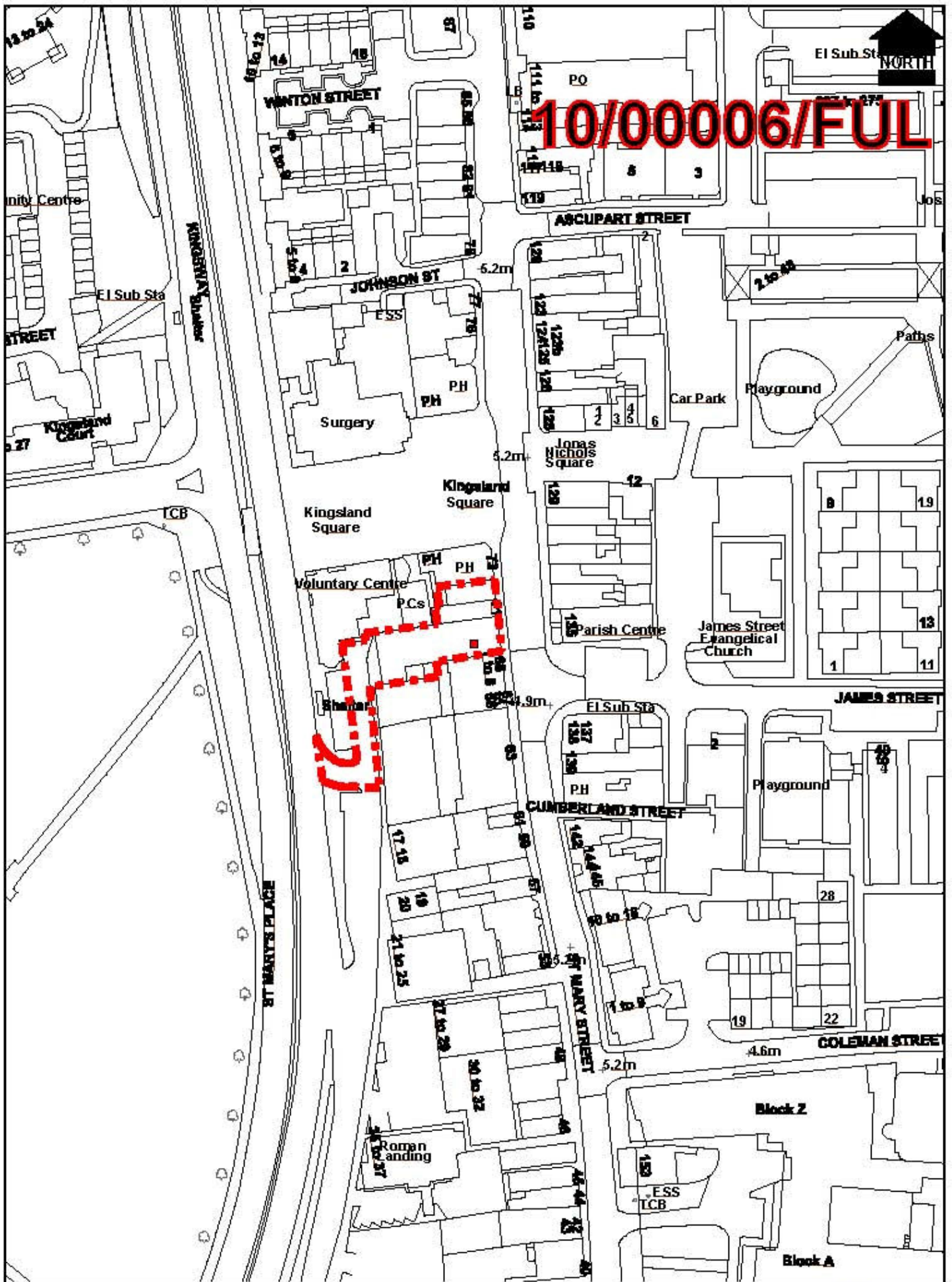
SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP11	Accessibility & Movement
SDP13	Resource Conservation
SDP16	Noise
H1	Housing targets
H2	Previously developed land
H7	Residential environment

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 (2004)
PPS3	Housing (2010)
PPG13	Transport (2001)
PPG17	Planning for open space, sport and recreation (2002)
PPS23	Planning & Pollution Control (2004)
PPG24	Planning & Noise (2004)
PPG17	Planning for open space, sport and recreation (2002)



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