

**Planning, Transport & Sustainability Division**  
**Planning and Rights of Way Panel meeting 11 December 2012**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 100-102 East Street			
<b>Proposed development:</b> Conversion of the mezzanine space (Class A1/A3) to create an additional 6 flats (3 x two-bed and 3 x one-bed)			
<b>Application number</b>	11/01624/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Steve Lawrence	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	08.12.2011	<b>Ward</b>	Bargate
<b>Reason for Panel Referral:</b>	Departure from Local Plan	<b>Ward Councillors</b>	Councillor Tucker Councillor Noon Councillor Bogle
<b>Applicant:</b> Warrant Securities Ltd		<b>Agent:</b> Hives Architects LLP FAO Cornelius Kavanagh	
<b>Recommendation Summary</b>	<b>Delegate to the Planning and Development Manager to issue a conditional permission, subject to the completion of a planning legal agreement.</b>		

**Reason for granting Permission**

The application constitutes a departure from the Development Plan policy CS20 of the adopted Core Strategy but is compliant with the other relevant Policies of the Development Plan set out below. On the basis of seeking to ensure long term availability of appropriately sized retail units within the city centre, and in the interests of providing residential accommodation within the city (in accordance with the aspirations of policies REI4 of the Local Plan and CS4 of the Core Strategy), the inability to meet a 20% reduction in CO2 emissions is not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been allied 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 therefore 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).

Policies - SDP1, SDP5, SDP7, SDP9 and REI4 of the City of Southampton Local Plan Review (March 2006) and CS3, CS13, CS16, CS19 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

<b>Appendix attached</b>			
1	Development Plan Policies		

## **Recommendation in Full**

1. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of an undertaking by the Senior Manager - Property, Procurement and Contract Management under S.106 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 improvements in the wider area as set out in the Local Transport Plan and appropriate SPG/D.
  - iii. Financial contributions towards the open space improvements 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) and to mitigate for the loss of that part of the site which is currently protected open space.
  - iv. Provision of affordable housing in accordance with Core Strategy CS15.
  - 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.
2. In the event that the legal agreement is not completed within two months of the Panel resolution 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.
3. That delegation be given to the Planning and Development Manager to vary the wordings of conditions and S.106 clauses

### **1.0 Background**

- 1.1 At its meeting on 18 September 2012, the Panel resolved to grant planning permission subject to no further representations being received by the end of statutory publicity (none has been) and the completion of a planning legal agreement (draft currently with applicant for comment/an necessary adjustment). The Panel also resolved to impose the following further planning condition:-

**13. APPROVAL CONDITION – Sustainability Measures (Pre-commencement Condition)**

*No development shall take place until the applicant has provided to the Local Planning Authority for approval in writing a report assessing the feasibility of incorporating a green roof, green wall or other additional retro fit energy minimisation, renewable energy or low carbon technologies to the building. If feasible, the report shall include an action plan detailing how these measures will be integrated into the development. The approved scheme shall then be provided in accordance with these details prior to the first occupation of the development hereby granted consent.*

**REASON:**

*To ensure the development minimises overall demand for resources and is compliant with the City of Southampton Core Strategy Development Plan Document (January 2010) policy CS20 and the City of Southampton Local Plan (March 2006) saved policies SDP13 and SDP6.*

- 1.2 The applicant now asks for that matter to be reconsidered and their request is reproduced as **Appendix 2**. They also ask for adjustments to the plans (differences detailed in paragraph 3.5 below) to be approved by the Panel and for the original condition 6 to be deleted as it appeared to duplicate the requirements of condition 3 relating to sustainable measures that could be included as part of the development based upon a detailed assessment written by Elmhurst Energy (dated 5.10.2011). This has given a thorough overview of the various sustainable measures that might have been considered , concluding that air source heat pumps were the best option to pursue. Condition 3 refers to the 21.8.12 review of that option, which concluded such measures were not feasible. Whilst being prepared to provide a feasibility report on the incorporation of a green wall/green roof system, the applicant considers that the previous detailed assessment has already looked into providing:-

*“or other additional retro fit energy minimisation, renewable energy or low carbon technologies to the building”*

*- set in the wording of the Panel’s condition 13 above, and concluded that the measures set out, were what could feasibly be achieved to reduce the building’s carbon emissions.*

- 1.3 In summary, this matter is brought back to the Panel to ask the Panel to (a) sanction the alternative plans/drawings, (b) delete condition 06 and (c) vary the wording to condition 13 above to only require a feasibility study into green wall/roof systems to be incorporated on the building.

## **2.0 The site and its context**

- 2.1 The site is located on the south western corner of the junction of East Street and Queens Way within the city centre.
- 2.2 The site is allocated under saved policy REI 4 (Primary Frontage) under the City of Southampton Local Plan Review.
- 2.3 The five storey building is comprised of two retail units at ground floor and mezzanine floor and 18 residential flats to upper floors. Service access for the retail and the residential units is indicated from Canal Walk, with a separate entrance for the residential units from the middle of the buildings Queen's way frontage.

## **3.0 Proposal**

- 3.1 The application seeks consent to alter the external appearance of the front elevation to enable the conversion of the existing mezzanine space to residential dwellings and split the existing two retail units into four.
- 3.2 The A1/A3 use of the ground floor commercial space will be retained as presently consented
- 3.3 The loss of retail space will be 339m<sup>2</sup>, with a loss of 308m<sup>2</sup> of retail space at mezzanine level and another 31m<sup>2</sup> of retail area at ground floor. This is a result of the division of the units and the increase amount of bicycle and bin storage.
- 3.4 A new residential access will be created fronting Queensway, and individual entrances to each of the proposed shop units will be inserted within the glazed shop frontages.
- 3.5 E-mail 18.10.12 from the agent summarises the elevational changes and reasoning behind them as:-
  - 1. Air bricks to the front and side elevations. Whilst these are shown on the plans as being dark in colour, it is proposed that the bricks will be in keeping/of the same colour as those existing bricks to the front and side elevations.
  - 2. Alteration to the stores at mezzanine floor level to provide provision for vertical smoke vents to comply with Building Control requirements.
  - 3. Removal of tenants storage boxes from within the stores at mezzanine floor level due to their alteration.
  - 4. Internal alterations to the ground floor retail space

## 5. Increased provision of bicycle storage on ground floor

As these changes are relatively minor, the only re-consultation that has been undertaken is with the SCC Pollution and Safety Team, whose comments are set out below in paragraph 6.6.

### **4.0 Relevant Planning Policy**

- 4.1 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**.
- 4.2 Policy RE14 of the Local Plan Review requires development within secondary retail frontage to retain an ‘A’ use class which retains an active frontage and offers a direct service to the public.
- 4.3 Policy CS4 of the adopted Core Strategy identifies that in order to meet sufficient housing provision within the city, homes will generally need to be built at higher densities, be more energy efficient, and use more sustainable building methods.

### **5.0 Relevant Planning History**

- 5.1 10/01084/PREAP1 - Change of use of mezzanine retail space to provide 3 x 1 and 3 x 2 bed flats and subdivision of existing A1/A3 of ground floor units into 4 x A1/A3 Units - Closed.
- 04/00012/FUL - Construction of five storey building comprising retail (class A1 / A3) on ground and mezzanine floors and 18 residential apartments (one and two-bedroom units) on upper three floors, following the demolition of the existing building - CAP - 24.01.2005.

### **6.0 Consultation Responses and Notification Representations**

- 6.1 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 on the 03.11.2011. At the time of writing the report 0 representations have been received.
- 6.2 **SCC Highways** – No objection.
- 6.3 **SCC Sustainability Team** – No objection
- 6.4 **SCC Urban Design** – No objection
- 6.5 **Southern Water** – No objection.

6.6 **SCC Pollution and Safety** – The amended plans have been reviewed and there are no objections. There is no odour /noise nuisance caused by the re-positioning of the flues

## 7.0 **Planning Consideration Key Issues**

7.1 The application needs to be assessed in light of the following key issues

Key issues:

- Principle of Development
- Design and Residential Amenity
- Parking and Highway Safety Issues
- Sustainability

### 7.2 Principle of Development

7.2.1 The A1/A3 use of the ground floor commercial space will be retained as presently consented, with the existing two retail units split into four. The applicant argues that the size of the proposed retail units are more viable in today's economic climate. In planning terms, a commercial frontage is retained within a primary shopping area and it is inherently better to encourage unit types that will be occupied rather than left vacant. As such, there is no objection to splitting the units as proposed. In addition, there is no objection to the loss of retail floor space for residential purposes as it is considered that sufficient and accessible retail units are retained.

7.2.2 The principle of residential units on this site has been established. Therefore, the addition of six residential units on site is accepted subject to compliance with residential amenity standards.

### 7.3 Design and Residential Amenity

7.3.1 The original building (ref: 04/00012/FUL) was designed as a statement building, one to address the corner and provide a link between East Street and the East Street shopping area.

7.3.2 The proposed alterations to the front elevation are considered to be of sympathetic proportions to the existing building and will not detract from the commercial appearance of the buildings ground floor frontage.

7.3.3 During the course of the application an amendment to the design was sought by the applicant to increase the window head height to the curtain wall elements. This is necessary to meet building regulations.

7.3.4 The drawing revision C shows the current head height, with window and door detail added. Due to the acoustically rated window ventilation the clear glazed height would be reduced to an

- unacceptable 1790mm.
- 7.3.5 The drawing revision D shows the proposal to increase this by 150mm (i.e. 2 courses of brickwork). In this case the clear height to the top of the glazing would be 1940, roughly a standard door height, and therefore more comfortable for future residents.
- 7.3.6 In addition and in order to get sufficient ventilation on the North and South facades, a single window has been made into a double window.
- 7.3.7 The proposed amendment is considered acceptable. It does not adversely affect the appearance of the building.
- 7.3.8 Sufficient access, outlook, light and privacy is afforded to the new dwellings without adversely affecting existing residents of the building.
- 7.3.9 Sufficient cycle and refuse storage is provided. There is no amenity space provided for the flats, however, the city centre location and close proximity to city parks makes it unreasonable to refuse an application on such grounds.
- 7.3.10 The proposal provides no car parking. The site is located centrally with good access to public transport systems and public car parks. A zero parking scheme is therefore considered acceptable.

#### 7.4 Sustainability Issues

- 7.4.1 It was originally the applicant's intention to provide air source heat pumps in order to achieve compliance with policy CS20 of the adopted Core Strategy's requirement of a 15% reduction in Co2 from new conversions. However, it has become apparent that the cost to supply and install the necessary equipment will render the scheme financially unviable.
- 7.4.2 The alternatives to Air Source Heat Pumps were previously discounted, as the service risers in the existing building do not provide sufficient space in which to run solar thermal pipe work from the roof to the proposed flats, as these risers are to be retained to facilitate the A3 Restaurant use at ground floor level.
- 7.4.3 The original SAP calculations submitted in the early stages of planning were based upon an approximate build and therefore did not consider the chosen materials/construction details proposed to be employed as part of the conversion, nor were some aspects of the existing structure fully considered. The details have been considered in respect of the existing structure, as in developing the original building in 2006/7 a concrete frame construction with dense block work which provided superior levels of thermal insulation, rather than the cheaper option at the time of steel frame and stud/timber, was used.

- 7.4.4 The applicant has obtained a 'Baseline' SAP calculation, using generic building materials/construction details to accord with the minimum standards set out in the 2010 Building Regulations.
- 7.4.5 Based upon a comparison of the updated SAP calculation and the 'baseline' SAP model, the applicant identified a number of efficiency improvements such as using improved efficient lighting, reduced number of light fittings, improved efficiency hot water cylinders, improved glazing u-values in respect of the curtain walling, etc. from which it has been calculated the CO<sub>2</sub> reduction (offered by the construction of the proposed conversion) of 3.59% from that of the 'baseline'.
- 7.4.6 The level of work carried out to meet a reduction in CO<sub>2</sub> is both detailed and comprehensive. The Southampton City Council Sustainability team is satisfied that the assessment made is accurate. In the interests of enabling the continued use of retail units within the city centre, and providing residential dwellings it has been agreed by officers of the Council that in order to secure a financially viable form of development, a reduction in 3.59% of CO<sub>2</sub> emission is accepted.
- 7.4.7 The applicant notes that there has never been any complaint from any resident of the existing eighteen flats as to the heat loss or the cost of heating. It is considered that this is due to the thermal properties of the development, which retains the heat and provides sufficient ambient temperatures to allow the residents to reduce their individual heating demand.

## **8.0 Summary**

- 8.1 The proposed development would make good use of the site to provide housing whilst retaining retail floor space within the city centre.
- 8.2 The improved layout of retail floor space is likely to encourage users into the units, which in turn will boost the vitality of East Street and Queens Way. In this instance, such benefits to the city are considered to outweigh the requirement of meeting a 15% reduction in CO<sub>2</sub> emissions.

## **9.0 Conclusion**

- 9.1 Subject to the imposition of the suggested conditions attached to this report, the proposal would be acceptable. The application is therefore recommended for approval.



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

1(a), 1(b), 2 (b), 2(d), 4(f) 7(a)

**SL for 11.12.2012 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 - Details of building materials to be used [Pre-Commencement Condition]**

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 shop front of the 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.

**03. APPROVAL CONDITION – Sustainability [Pre-Occupation Condition]**

The development hereby approved must be constructed so as to achieve a 3.49% reduction in CO2 emissions over part L of the Building Regulations (as set out in an email from the agent on 21<sup>st</sup> August 2012). The works shall be verified in writing prior to the first occupation of the development hereby granted. Technologies that meet the agreed specifications must be installed and rendered fully operational prior to the first occupation of the development hereby granted consent and retained thereafter.

Reason

To ensure the development minimises its overall demand for resources

**04. Approval Condition - Ancillary equipment details (pre-occupation condition)**

The equipment installed for any use within Class A3 of the commercial floor space shall include an odour neutralisation plant including fume filtration and extraction equipment that is suitably sound attenuated. Such equipment shall be maintained in good working order and operated in such a manner as will effectively suppress the emission of fumes or smells. Details of the equipment must be submitted to and approved in writing by the Local Planning Authority and the equipment must be installed and in full working order prior to the commencement of any A3 commercial use.

**REASON:**

To protect the amenities of the occupiers of adjoining properties.

**05. Approval Condition - Soundproofing (Pre-commencement condition)**

Before the change of use hereby permitted is implemented a detailed scheme for the soundproofing of the flats shall be submitted to and approved by the Local Planning Authority. The agreed scheme of soundproofing shall include double glazing to windows and noise attenuation insulation to the floor space and walls between the residential flat accommodation and the commercial areas. The agreed scheme of soundproofing shall be fully implemented to the satisfaction of the Local Planning Authority before the flats hereby approved are first occupied.

**REASON**

To protect the amenities of the occupiers of adjoining properties.

**06. Approval Condition - Control of use (Performance Condition)**

The ground floor of the building shall be used for shop use (Class A1) and / or restaurant use (Class A3) purposes.

**Reason:**

To control the use for the benefit of the general amenities of the area, and specifically for the amenities of surrounding residential properties.

**07. Approval Condition - Hours of operation - (Performance Condition)**

Unless the Local Planning Authority agree in writing, the commercial floor space proposed as part of the premises to which this permission relates shall not be open for business outside the hours specified below:

Sundays to Thursdays 8.00am to 11.00pm

Fridays to Saturdays 8.00am to 12.00pm

**REASON**

To protect the amenities of the occupiers of adjoining residential properties.

**08. Approval Condition - Hours of Construction (Performance Condition)**

All works relating to the construction of the development hereby granted, shall only take place between the hours of 8am and 6pm on Monday to Friday and 9am to 1pm on Saturdays and at no time on Sundays and Bank Holidays.

REASON

To protect the amenities of occupiers of nearby dwellings during the construction period.

**09. Approval Condition - Wheel Cleaning (Performance Condition)**

During the construction of the development, wheel cleaning facilities shall be available on the site and no lorry shall leave the site until its wheels have been cleaned sufficiently to prevent mud being carried onto the highway.

REASON

In the interests of highway safety.

**10. Approval Condition - Refuse and Cycle Storage (Performance Condition)**

The refuse and cycle storage for the residential and commercial units hereby approved must be made available prior to their first occupation and thereafter retained for that purpose at all times.

Reason

in the interests of residential amenity and to encourage cycling as a mode of sustainable transport in accordance with policy SDP5 of the adopted Local Plan Review (March 2006).

**11. 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.

**12. APPROVAL CONDITION – Sustainability Measures (Pre-commencement Condition)**

No development shall take place until the applicant has provided to the Local Planning Authority for approval in writing a report assessing the feasibility of incorporating a green roof, green wall system to the building. If feasible, the report shall include an action plan detailing how these measures will be integrated into the development. The approved scheme shall then be provided in accordance with these details prior to the first occupation of the development hereby granted consent.

REASON:

To ensure the development maximises the potential to enhance biodiversity and is compliant with the City of Southampton Core Strategy Development Plan Document (January 2010) policies CS20 and CS22 and the City of Southampton Local Plan (March 2006) saved policies SDP6 and SDP12.

## Note to Applicant

1. 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.

2. The site is situated within a city centre location and is surrounded by public footpaths. Any disruptions due to the construction to the public highway would be of concern. But because the site is so close to the public footpath, a temporary road closure/diversion would probably be required in which case a licence will need to be obtained. This is however a separate process to planning. Please contact Mark Chase on 203 8079 8073 to discuss such a licence.

**POLICY CONTEXT**

Core Strategy - (January 2010)

CS4	Housing Delivery
CS13	Fundamentals of Design
CS16	Housing Mix and Type
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change

City of Southampton Local Plan Review – (March 2006)

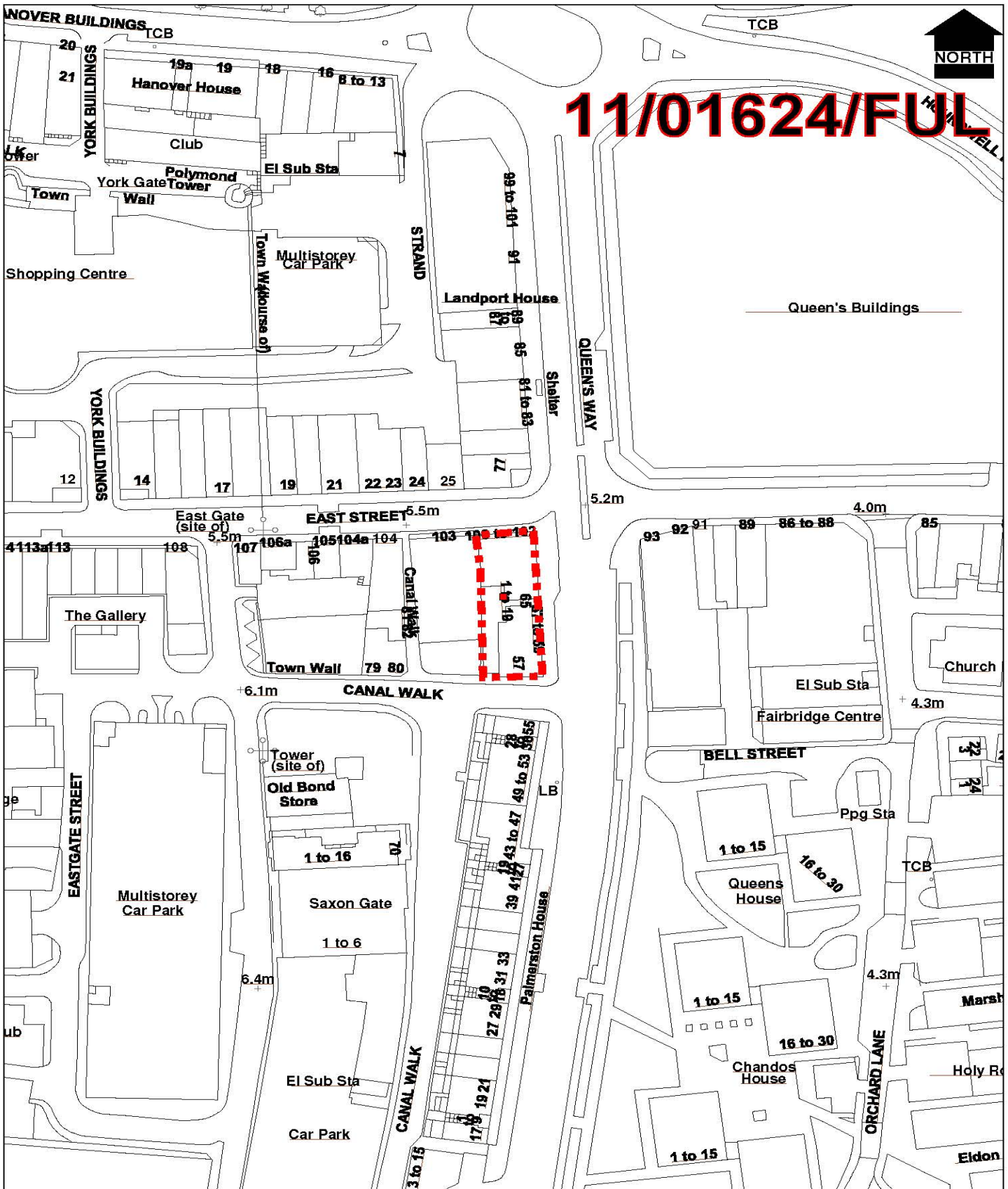
SDP1	Quality of Development
SDP5	Parking
SDP7	Urban Design Context
SDP9	Scale, Massing & Appearance
H1	Housing Supply
H2	Previously Developed Land
REI4	Secondary Retail Frontage

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)  
Parking Standards SPD



**11/01624/FUL**



Scale : 1:1250

Date 28 November 2012

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