

Southampton City Planning & Sustainability
Planning and Rights of Way Panel meeting 17.04.12
Planning Application Report of the Planning and Development Manager

Application address: 39 Thornbury Avenue			
Proposed development: Erection of a detached two-storey building to provide 2 x residential care units, in association with the existing residential care home, following demolition of existing garage			
Application number	11/02002/FUL	Application type	FUL
Case officer	Jenna Turner	Public speaking time	5 minutes
Last date for determination:	17.02.12	Ward	Freemantle
Reason for Panel Referral:	Referred by Planning and Development Manager at request of Ward Cllr Ball	Ward Councillors	Cllr Parnell Cllr Moulton Cllr Ball

Applicant: Mr J Hosanee	Agent: Concept Design & Planning
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Recommendation Summary	Conditionally approve
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Reason for granting Planning Permission

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Other material considerations have been considered and are not judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Policies - SDP1, SDP4, SDP5, SDP7, SDP8, SDP9, SDP10, SDP13, SDP14, H1, H2, H3 and H7 of the City of Southampton Local Plan Review (March 2006) and CS4, CS5, CS13, CS19 and CS20 of the Local Development Framework Core Strategy Development Plan Document (January 2010).

Appendix attached			
1	Development Plan Policies	2	Planning History

Recommendation in Full

Conditionally approve

1. The site and its context

1.1 The application site comprises a two-storey, semi-detached care home, located

on the corner of Thornbury Avenue and Darwin Road. The property has been extended previously and includes accommodation within the roof space which is accessible via an external staircase. To the rear of the site is an existing pitched roof garage structure which is accessed from Thornbury Avenue.

- 1.2 The surrounding area is residential in nature and typically comprises two-storey, semi-detached, red brick properties with double-height bay windows to the front elevations.

2. Proposal

- 2.1 The application seeks planning permission for construction of two-storey building that would comprise two residential care units. The units would be associated with the main care home facility at 39 Thornbury Avenue but would enable more independent living for residents. There would not be a requirement for additional members of staff to support the proposal.

- 2.2 The proposed building would be positioned broadly on the footprint of the existing garage which is to be demolished. It would have a contemporary appearance with an asymmetrical roof design. The elevations are proposed to be finished using render and cladding with a slate roof.

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 New developments are expected to meet high sustainable construction standards in accordance with the City Council’s adopted Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 Having regard to paragraph 214 of the National Planning Policy Framework dated 27 March 2012 the policies and saved policies set out in **Appendix 1** which have been adopted since 2004 retain their full material weight for decision making purposes.

4.0 Relevant Planning History

- 4.1 Planning permission was originally granted to convert the existing property to a care home in 1985 (planning application W/03/1660 refers). Subsequent applications were approved to enable the property to be used as a home for disabled persons and to create a more independent living unit within the roof space of the property. A list of the relevant applications are included within **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 and erecting a site notice (19.01.12). At the time of writing the report **4** representations have been received from surrounding

residents. The following is a summary of the points raised:

5.2 ***The proposed development would appear out of keeping with the Edwardian properties within the street and have a negative impact on the street and attracting crime/anti-social behaviour***

5.3 **Response**

Whilst the proposal does not replicate the character and design of other properties within the street, it is considered that a good quality design approach is proposed and the development would add interest in the street scene. Furthermore, it's positioning towards the end of the street would ensure that the addition would not appear anomalous but rather help to create a focus as encouraged by the Residential Design Guide. The care home use has existed in the street for nearly 30 years without issues. The intensification of the use is unlikely to generate criminal activity.

5.4 ***The development would result in the loss of on-site car parking which is used by the current care home and lead to overspill car parking onto the streets which would exacerbate issues within the areas.***

5.5 **Response**

The planning permission for the use of 39 Thornbury Avenue does not require the existing car parking on site to be retained for the use. Furthermore, the provision of no on-site car parking to serve either the existing or the proposed use is in accordance with adopted policies and guidance.

5.6 ***The building would not respect the building line within Thornbury Avenue***

5.7 **Response**

The proposed building would be sited between approx 500mm and 1000mm forward of the neighbouring property at 37 Thornbury Avenue, however it would not project forward of the flank elevation of No. 39 and the low-rise nature of the structure in comparison to the neighbouring properties would ensure that it would not appear unduly prominent and thereby not visually harmful within the street.

5.8 ***The positioning of the building forward of 37 Thornbury Avenue would harm the amenities of the occupiers.***

5.9 **Response**

As stated above the proposed building would project forward of the neighbouring property at 37 by between 500mm and 1000mm. This degree of projection proposed would not result in harm to the amenities of the neighbouring properties and would comply with the 45 degree test as set out in the Residential Design Guide.

5.10 ***The loss of parking for the existing premises would be to the detriment of the safety of the occupiers of the existing care home as there are no other opportunities on the site for parking.***

5.11 **Response**

There is no requirement to provide disabled car parking spaces for the level of development proposed and Highways are satisfied that the absence of car parking does not create a highway safety issue for occupants.

5.12 ***The proposed building would have an overbearing impact when viewed from the adjoining site of 17 Darwin Road***

5.13 **Response**

The proposed asymmetrical roof design would assist in reducing the massing of

the building as perceived from the neighbouring property and garden. Furthermore, the positioning the building off of the boundary with the neighbouring property would also reduce its impact. Whilst two-storeys of accommodation are proposed, the overall height and massing of the proposed structure is significantly less than other two-storey properties within the street.

5.14 ***The north facing, first floor bedroom window could lead of a loss of privacy to the neighbouring property***

5.15 **Response**

A condition is suggested to ensure the first floor, north-facing roof light is no less than 1.7 metres from the internal floor level to avoid a harmful impact on privacy.

5.15 **Consultation Responses:**

5.15.1 **SCC Highways** - No objection. Suggests a condition to manage the construction process

5.15.2 **SCC Sustainability Team** – No objection. Suggests a condition to secure the required sustainability measures.

6.0 Planning Consideration Key Issues

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

- i. The principle of development;
- ii. The design of the proposal together with the impact on the character of the area;
- iii. The impact on the amenities of neighbours of the site;
- iv. The quality of the residential environment proposed and;
- v. Parking and highways.

6.2 **Principle of Development**

6.2.1 The application would make good use of previously developed land to provide housing that would meet a specialist need and is therefore considered to be acceptable in principle.

6.3 **Character and Design**

6.3.1 The application proposes a contemporary design approach which does not replicate the existing pattern of development within the street, however, the proposal is considered to be in accordance with Residential Design Guide which encourages developments which add visual interest at ends of street. It is considered that the proposal would have a high quality appearance and take a novel approach to the development of the site which would enhance the appearance of the street scene. Whilst the building would project slightly forward of the neighbouring property at 37 Thornbury Avenue, it would respect the building line of the existing building line on site. Moreover, the development still provides a 6 metre deep front curtilage and as such, the degree of forward projection is not considered to appear unduly prominent within the street scene.

6.3.2 As set out in **Appendix 2** of this report, a dwelling to the rear of 16 Darwin Road, which lies to the north of the site, was refused planning permission in 2006. The current proposal is considered to be significantly different to the appeal scheme in terms of the manner in which the proposed use is associated with the main house at 39 Thornbury Avenue and furthermore the proposed design approach is

considered to be preferable in this instance. In addition to this is noted that the visual impact of the parking arrangements were also a factor in the appeal at 16 Darwin Road being dismissed.

6.4 Residential Amenity

6.4.1 The key issue in this respect is considered to be the relationship with the neighbouring property at 17 Darwin Road. The proposed building would be taller than the existing garage on the site. The proposed asymmetrical roof design would assist in reducing the massing of the building as perceived from the neighbouring property and garden. Where as the existing garage is positioned directly onto the boundary with the neighbouring property, the proposed building would be located approximately 1 metre off of the boundary with the neighbouring property and this combined with the overall form of the building would reduce the impact of the structure when viewed from the neighbouring property. Having regard to the orientation of the plot, it is considered that whilst the proposal would result in some additional overshadowing within the early part of the day, the neighbour would be unaffected by shading from midday onwards and as such the proposal would not have a harmful impact on residential amenity.

6.5 Residential Environment

6.5.1 The proposed units would have access to the communal amenity space which serves the existing care home. Having regard to the small size of the units and linked nature of the site to the main care home, this arrangement is considered to be acceptable. A condition is suggested to restrict the use of the accommodation to care units in association with 39 Thornbury Avenue. Outlook from habitable rooms is considered to be acceptable. The refuse and cycle storage would be conveniently located in relation to the highway and the units themselves.

6.6 Parking and Highways

6.6.1 The development would result in the loss of existing on-site parking to serve the existing care home, it is noted that the planning permission for the use of 39 Thornbury Avenue does not require this parking to be retained for this use. Furthermore, the provision of no on-site car parking to serve either the existing or the proposed use is in accordance with adopted policies and guidance. There is also no requirement to provide disabled car parking spaces for the level of development proposed. There are no parking restrictions on the surrounding streets and notwithstanding the relatively high levels of on-street car parking, the Highways Team are satisfied that the proposal is acceptable in highway safety terms and the proposal is therefore considered satisfactory in this respect.

7.0 Summary

7.1 The provision of two specialist care units is supportable and the proposed design approach would have a positive appearance which minimises the impact on the surrounding residential occupiers.

8.0 Conclusion

8.1 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) (b) (c) (d), 2 (b) (c) (d), 4 (b) (f), 6 (a) (i), 7 (a), 8 (a), 9 (a), (b)

JT for 17/04/12 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 the roof of the proposed buildings. It is the Local Planning Authority's practice to review all such materials on site. The developer should have regard to the context of the site in terms of surrounding building materials and should be able to demonstrate why such materials have been chosen and why alternatives were discounted. If necessary this should include presenting alternatives on site.

Reason:

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

03. APPROVAL CONDITION – Boundary Treatment [performance condition]

Unless otherwise agreed in writing by the Local Planning Authority, the boundary treatment shall be installed in accordance with the plans hereby approved before the development first comes into occupation and thereafter retained as approved. For the avoidance of doubt, the boundary treatment between the site and the rear garden of 17 Darwin Road shall be demarcated by a brick boundary wall of no less than 1.8 metres in height.

Reason:

To ensure a satisfactory form of development and in the interests of the amenities of the occupiers of the neighbouring properties.

04. APPROVAL CONDITION – Restriction of use [performance condition]

Notwithstanding the Town and Country Planning (Use Classes) Amendment Order 1991, the two units hereby approved shall be occupied as residential care units to be associated with the existing care home at 39 Thornbury Avenue and not for any other purpose.

Reason:

The link between the existing care home and the proposed units is a key reason why the proposal is considered to be acceptable in terms of the residential environment proposed.

05. APPROVAL CONDITION – Window Details [performance condition]

Unless otherwise agreed by the Local Planning Authority in writing, the roof lights hereby approved shall have an internal sill height of no less than 1.7 metres from the internal first floor level and shall thereafter be retained in this manner.

Reason:

In the interests of the privacy of the neighbouring occupiers.

06. APPROVAL CONDITION - Code for Sustainable Homes [Pre-Commencement Condition]

Before the development commences, written documentary evidence demonstrating that the development will achieve at minimum Level 3 of the Code for Sustainable Homes and 20% reduction in carbon dioxide emissions in the form of a design stage assessment, shall be submitted to the Local Planning Authority for its approval, unless an otherwise agreed timeframe is agreed in writing by the LPA.

Reason:

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

07. APPROVAL CONDITION - Code for Sustainable Homes [Performance Condition]

Within 6 months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum Level 3 of the Code for Sustainable Homes and 20% reduction in carbon dioxide emissions in the form of post construction assessment and certificate as issued by a legitimate Code for Sustainable Homes certification body, shall be submitted to the Local Planning Authority for its approval.

Reason:

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

08. APPROVAL CONDITION - Construction Management [pre-commencement condition]

Prior to the commencement of the development hereby approved, details of areas of storage for all temporary contractors buildings, plant, materials and equipment associated with the development shall be submitted to and approved in writing by the Local Planning Authority. The agreed provision shall be made available for use throughout the period of work on site. At no time shall any material or equipment be stored or operated from the public highway.

Reason:

In the interests of the safety and convenience of the users of the adjoining highway.

09. APPROVAL CONDITION - Hours of Construction [Performance condition]

In connection with the implementation of this permission any demolition, conversion and construction works, including the delivery of materials to the site, shall not take place outside the hours of 8am and 6pm Mondays to Fridays and 9am and 1pm on Saturdays. Works shall not take place at all on Sundays or Public Holidays without the prior written approval of the Local Planning Authority. Any works outside the permitted hours shall be confined to the internal preparation of the buildings without audible noise from outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To protect local residents from unreasonable disturbances from works connected with implementing this permission.

10. 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.

POLICY CONTEXT

Core Strategy - (January 2010)

CS4	Housing Delivery
CS6	Housing Density
CS13	Fundamentals of Design
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change
CS21	Protecting and Enhancing Open Space

City of Southampton Local Plan Review – (March 2006)

SDP1	Quality of Development
SDP4	Development Access
SDP5	Parking
SDP7	Urban Design Context
SDP8	Urban Form and Public Space
SDP9	Scale, Massing & Appearance
SDP10	Safety & Security
SDP13	Resource Conservation
SDP14	Renewable Energy
H1	Housing Supply
H2	Previously Developed Land
H3	Special Housing Need
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)

Other Relevant Guidance

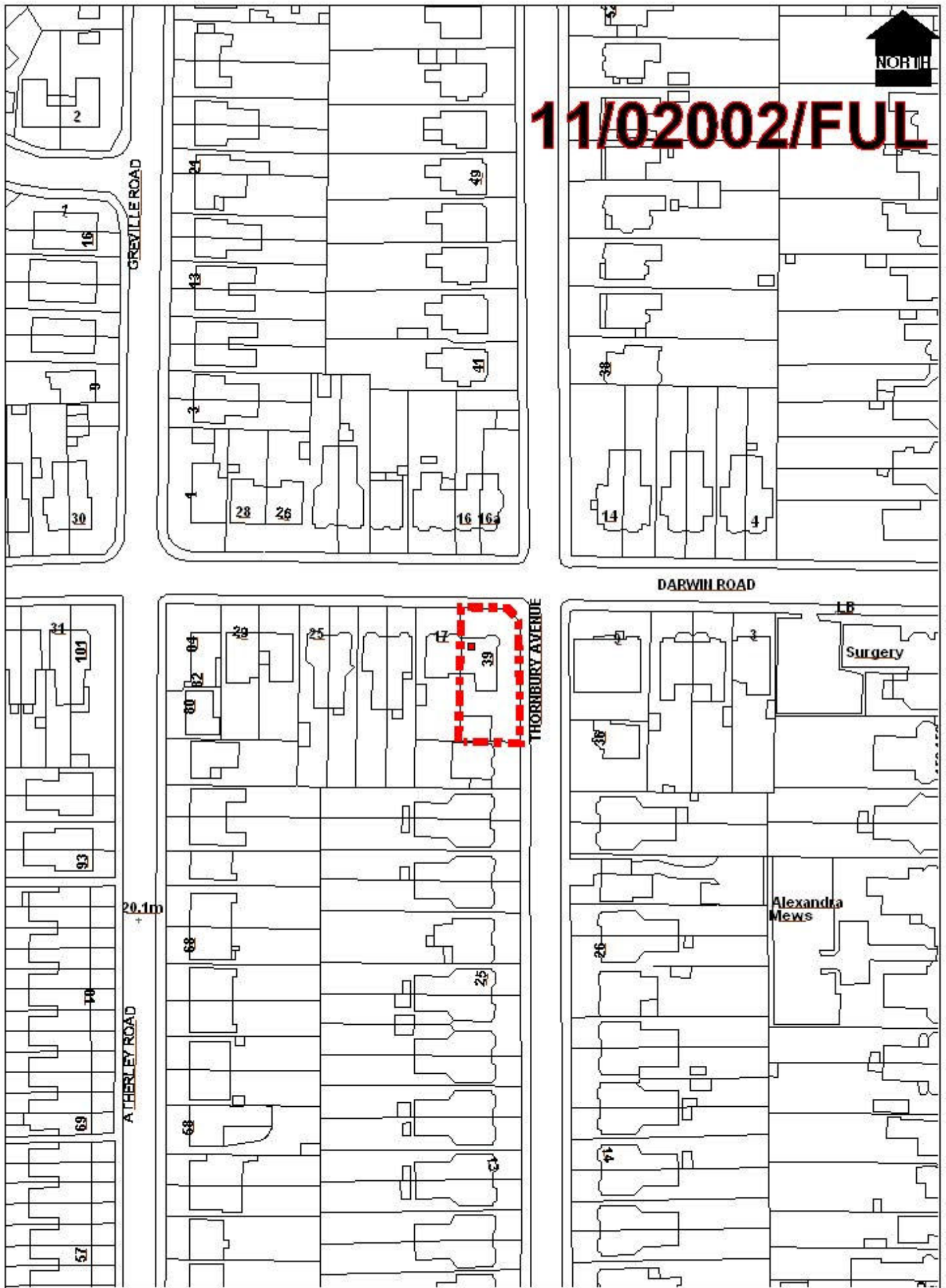
National Planning Policy Framework March 2012

Relevant Planning History

W03/1660 Change use from residential to rest home & single storey rear extn	Conditionally Approved 14.05.85
870034/W erection of an external fire escape staircase to rear of existing rest home	Conditionally Approved 08.04.87
891255/W Dormer window to form self contained flat for owners use as 2nd floor of rest home	Conditionally Approved 21.09.89
920054/W Relief from condition 3 of planning consent W03/1660/22145 (to use as nursing home and rest home)	Conditionally Approved 19.02.92
940233/W Installation of dormer windows to form self-contained flat for owners use at 2nd floor level	Conditionally Approved 09.06.94
960476/W Change of use to home for 5 disabled persons	Conditionally Approved 28.06.96
02/01178/FUL Alteration to planning permission SCC ref 960476/22145/W to allow for 6 people instead of 5 people to reside at the home.	Conditionally Approved 01.11.02
16 Darwin Road 06/01469/FUL Revision to permission 06/00963/FUL by erection of two storey building to rear of property (in place of previously approved double garage) to form garage for previously approved house and separate two bed dwelling (top floor in roofspace) with associated car parking.	Refused 20.11.06 and Appeal Dismissed



11/02002/FUL



Scale : 1:1250

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