

**Planning, Transport & Sustainability Division**  
**Planning and Rights of Way Panel - 19 November 2013**  
**Planning Application Report of the Planning and Development Manager**

<b>Application address:</b> 207 Spring Road SO19 2NY			
<b>Proposed development:</b> Retention of a one bedroom single storey dwelling with rooms in the roof and Dormer Windows, not in accordance with Condition 3 of Planning Permission Ref 11/00720/Ful relating to Code For Sustainable Homes (Departure From The Local Plan)			
<b>Application number</b>	13/01496/FUL	<b>Application type</b>	FUL
<b>Case officer</b>	Stuart Brooks	<b>Public speaking time</b>	5 minutes
<b>Last date for determination:</b>	15.11.2013	<b>Ward</b>	Peartree
<b>Reason for Panel Referral:</b>	Departure from the Development Plan	<b>Ward Councillors</b>	Cllr Dr Darren Paffey Cllr Eamonn Keogh Cllr Paul Lewzey

<b>Applicant:</b> Mr Nick Kalarai	<b>Agent:</b> none
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<b>Recommendation Summary</b>	<b>Delegate to Planning and Development Manager to grant planning permission subject to criteria listed in report</b>
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**Reason for granting Permission**

The development is acceptable taking into account the policies and proposals of the Development Plan as set out below. Although the full credits for level 3 to meet policy CS20 cannot be technically achieved as the dwelling is built out and occupied, it is considered that the retrofitting works proposed would bring the dwelling up to a reasonable level of sustainability in accordance with the Code for Sustainable Home measures which can be achieved and any shortfall will be mitigated by financial contributions towards the Carbon Offset Fund and, therefore, can be accepted as a departure from the Local Plan.

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. 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, SDP10, SDP11, SDP12, SDP13, H1, H2, H7 of the City of Southampton Local Plan Review (March 2006) and CS4, CS5, CS13, CS18, CS19, CS20, CS of the Local Development Framework Core Strategy Development Plan Document (January 2010) as supported by the Council's Planning Obligations (Adopted - September 2013).

<b>Appendix attached</b>
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1	Development Plan Policies	2	Relevant Planning History
3	Code for Sustainable Homes works	4	Decision notice 11/00720/FUL

## Recommendation in Full

1. Delegate to the Planning and Development Manager to grant planning permission subject to the completion of a S.106 Legal Agreement to secure:

i. The submission of a Carbon Management Plan setting out the differential between the scheme as built and what is required by policy CS20 of the Core Strategy and the Planning Obligations SPD (September 2013) and the provision of contributions towards the Carbon Offset Fund to mitigate any shortfall identified.

### 1.0 The site and its context

1.1 This application site contains a recently built and occupied detached bungalow with the address 207a Spring Road. It is located to the rear of 207 Spring Road. The surrounding area is mainly characterised by a mixed style of dwellings in a residential area.

### 2.0 Proposal

2.1 The applicant is in breach of the pre-occupation condition 3 relating to Code for Sustainable Homes under planning permission ref no. 11/00720/FUL granted for the bungalow (see **Appendix 4** for decision notice). This application seeks to regularise this breach by re-granting the permission not to be in accordance with condition 3. All other aspects of the built development are in accordance with the original permission, including the compliance with other pre-commencement/occupation conditions.

### 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 The development of a new dwelling is expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13. This includes meeting level 3 under Code for Sustainable Homes at the time of the original permission in 2011.

3.3 The National Planning Policy Framework (NPPF) came into force on 27<sup>th</sup> March 2012 and replaces the previous set of national planning policy guidance notes and statements. The Council has reviewed the Core Strategy to ensure that it is in compliance with the NPPF and are satisfied that the vast majority of policies accord with the aims of the NPPF and therefore retain their full material weight for decision making purposes, unless otherwise indicated.

3.4 The Planning Obligations SPD (September 2013) requires developments to make a financial contribution towards the Carbon Offset Fund to mitigate any shortfall identified in meeting the requirements of Policy CS20.

#### **4.0 Relevant Planning History**

- 4.1 Permission was granted for the bungalow in 2011, with a subsequent discharge of conditions application where all details submitted for pre-commencement/ occupation conditions was approved with exception to condition 3. The relevant history is set out in **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 undertaken which included notifying adjoining and nearby landowners, and erecting a site notice (27.09.2013) and placing an advertisement in the local press (27.09.2013). At the time of writing the report **0** representations have been received from surrounding residents.

##### **Consultation Responses:**

- 5.2 **SCC Sustainability Team** – No objection, subject to carrying out the proposed sustainability measures to retrofit the dwelling within a set timeframe.

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

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

- Principle of development
- Sustainability measures

##### 6.2 Principle of Development

The development has been completed and occupied, however, this is not in compliance with condition 3. This required sustainability measures to be installed to meet level 3 of Code for Sustainable Homes under the requirement of policy CS20 of the Core Strategy and, therefore, is a departure from the Local Plan.

##### 6.3 Sustainability measures

- 6.3.1 The Code for Sustainable Homes accreditation scores the sustainability of developments from level 0 to 6 (6 being the most sustainable), which is based on set credits given for 9 different categories. Certain categories are mandatory (M), and the remaining are flexible in terms of mixing the credits to achieve the overall required score for each code level.

- Energy and CO<sub>2</sub> emissions (M),
- Water (M),
- Materials (M),
- Surface Water Run-off (M),
- Waste (M),
- Pollution,
- Health and Wellbeing (M),
- Management,
- Ecology.

The applicant has been unable to achieve the credits required to meet level 3.

Currently the built development is achieving a score of 10, which is 0 code level as 36 is required for level 1, 48 for level 2 and 57 for level 3. There are number of particular credits which are no longer possible as they could have only been achieved by incorporating the following measures at the pre-construction and design stage:

- Energy emissions from the building fabric
- Sourcing of materials
- Construction Site Waste Management
- Lifetime Homes
- Considerate Constructors Scheme
- Secure By Design
- Ecology mitigation

6.3.2 The applicant has submitted an assessment by a qualified assessor for retrofitting measures which would bring the score up to 43.74 (see attached to **Appendix 3**). This still does not meet some of the mandatory requirements so will still be 0 code level, but will be a significant improvement on a score of 10.

6.3.3 Although the development cannot achieve the number of credits required for level 3, the Sustainability Officer accepts that the retrofitting measures proposed are a fair assessment of what can be done at this stage as the fabric of the building can not be changed, given that it is already built out and occupied.

6.3.4 The evidence to assess retrofitting carried out shall take the form of a post construction assessment and certificate as issued by a legitimate Code For Sustainable Homes certification body. It would be reasonable to limit these works to be carried out within 6 months of the decision date, given that the works are non integral to the building.

6.3.5 The Planning Obligations SPD (September 2013) requires the development to make a financial contribution towards the Carbon Offset Fund to mitigate any shortfall identified in meeting the requirements of Policy CS20. The applicant will need to secure a S.106 legal agreement, submitting a Carbon Management Plan setting out the differential between the scheme as built and what is required by policy CS20 to calculate the sum of the contribution.

## **7.0 Summary**

7.1 In summary, although the full credits for level 3 to meet policy CS20 cannot be technically achieved as the dwelling is built out and occupied, it is considered that the retrofitting works proposed would bring the dwelling up to a reasonable level of sustainability in accordance with the Code for Sustainable Home measures which can be achieved and any shortfall will be mitigated by financial contributions towards the Carbon Offset Fund and, therefore, can be accepted as a departure from the Local Plan.

## **8.0 Conclusion**

In conclusion, the proposed works sufficiently justifies the development not being in accordance with condition 3, therefore, is recommended for approval as a departure from policy CS20.

**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), 3(a), 4 (f), (vv) 6 (a), (c), (f), (i), 7 (a)

**SB for 19/11/13 PROW Panel**

**PLANNING CONDITIONS**

**01. APPROVAL CONDITION - Code for Sustainable Homes Residential Development**

Written documentary evidence demonstrating that the development will achieve at minimum a score of 43.74 of the Code for Sustainable Homes including the individual credits as set out in the pre-assessment document dated 28th June 2013 shall be submitted to the Local Planning Authority and verified in writing within 6 months of the date of the decision notice. The evidence shall take the form of a post construction assessment and certificate as issued by a legitimate 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).

**02. APPROVAL CONDITION - Residential - Permitted Development Restriction  
[Performance Condition]**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), or any Order amending, revoking or re-enacting that Order, no building or structures within Schedule 2, Part 1, Classes as listed below shall be erected or carried out to any dwelling house hereby permitted without the prior written consent of the Local Planning Authority:

Class A (enlargement of a dwelling house), including a garage or extensions,

Class B (roof extensions),

Class E (curtilage structures), including a garage, shed, greenhouse, etc.,

**Reason:**

In order that the Local Planning Authority may exercise further control in this locality given the small private garden and amenity areas provided as part of this development in the interests of the comprehensive development and visual amenities of the area.

**03. Approval Condition - Means of enclosure [Performance Condition]**

The means of enclosure as approved under discharge of condition application 12/00313/DIS must be retained at all times.

**Reason**

To avoid obstruction to the public highway and to ensure an appropriate means of enclosure is created in the interests of visual amenity.

#### 04. APPROVAL CONDITION - Refuse & Recycling [Performance Condition]

The refuse and recycling facilities as approved under discharge of condition application 12/00313/DIS must be permanently maintained and retained for that purpose.

Reason:

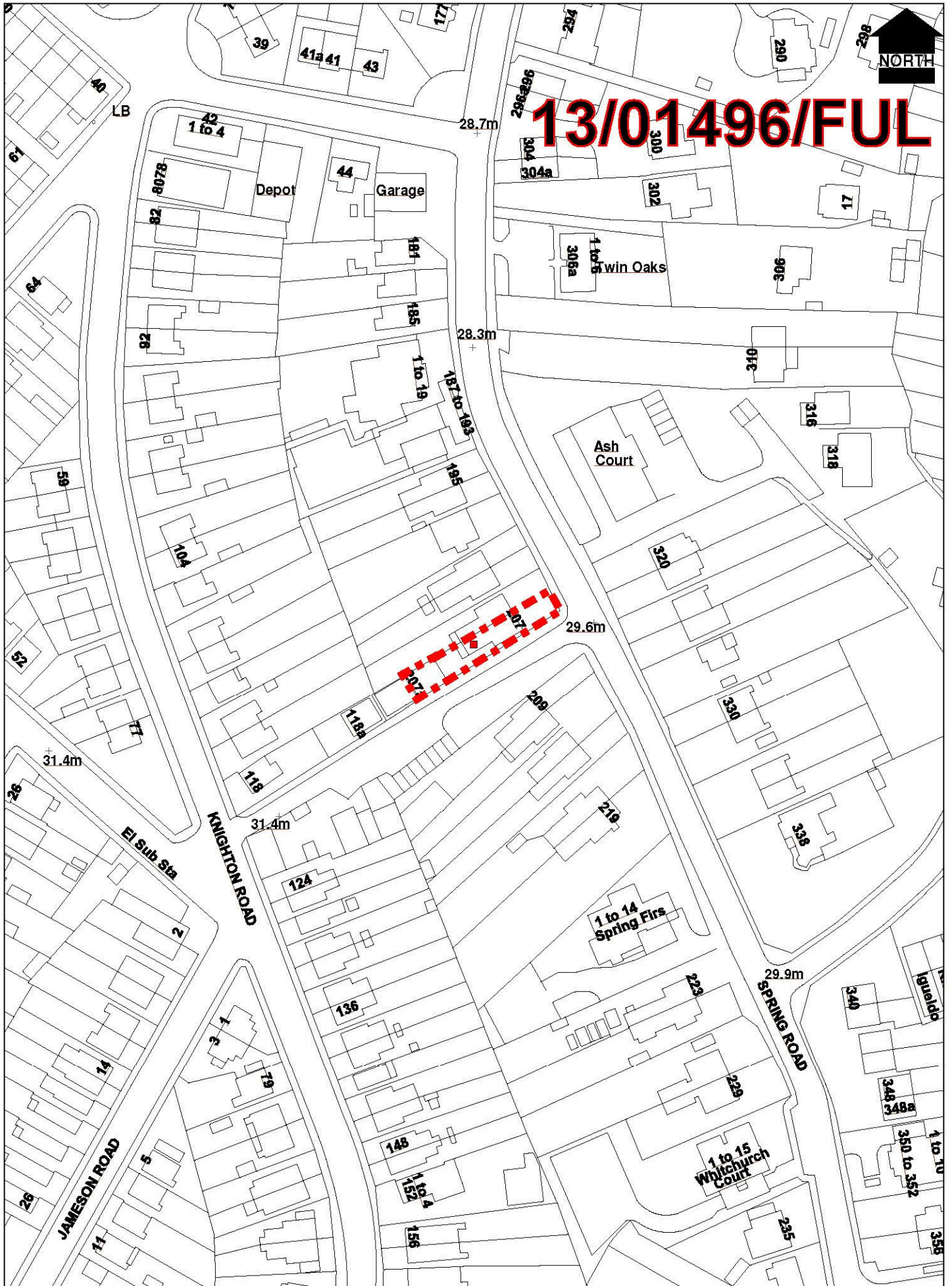
In the interests of visual amenity, the amenities of future occupiers of the development and the occupiers of nearby properties and in the interests of highway safety.

#### 05. APPROVAL CONDITION - Approved Plans

The development hereby permitted shall be carried out in accordance with the approved plans listed under planning permission 11/00720/FUL, unless otherwise agreed in writing with the Local Planning Authority.

Reason:

For the avoidance of doubt and in the interests of proper planning.



Scale : 1:1250

Date 06 November 2013

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