

Planning, Transport & Sustainability Division
Planning and Rights of Way Panel - 22 April 2014
Planning Application Report of the Planning and Development Manager

Application address: The Bungalow, 54A Roselands Gardens, SO17 1QJ			
Proposed development: Minor Material Amendment to planning permission ref 12/01376/FUL for a one-bedroom single storey dwelling not in accordance with Condition 8 (Code for Sustainable Homes). Application proposes to change the requirement from Code for Sustainable Homes Level 4 to Level 3. [Retrospective]			
Application number	14/00330/MMA	Application type	MMA
Case officer	Andrew Gregory	Public speaking time	5 minutes
Last date for determination:	18.4.14	Ward	Portswood
Reason for Panel Referral:	Departure from the Development Plan	Ward Councillors	Cllr Adrian Vinson Cllr Matthew Claisse Cllr Linda Norris

Applicant: Mr Saeed Poswall	Agent:
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Recommendation Summary	Conditionally approve
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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 4 to meet policy CS20 cannot be technically achieved because of the particular circumstances of the case and because the dwelling is now built and occupied. However, following revaluation and retrofitting works the dwelling can be brought up to a reasonable level of sustainability with the development meeting level 3 of the Code for Sustainable Homes. It would be unsustainable to re-build the house to achieve code level 4 and therefore on balance with housing delivery the development can be accepted as a departure from the Development 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 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, 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. Background

- 1.1 On 24.10.2012 planning permission was granted for a one bedroom single-storey dwelling to the rear of 54 Roselands Gardens (SCC Ref 12/01376/FUL). Condition 8 of the permission required the development to achieve code level 4 of the Code for Sustainable Homes (in accordance with Policy CS20 of the Core Strategy) and for a post construction assessment and certificate to be submitted to demonstrate this.
- 1.2 Prior to the commencement of development a code pre-assessment was carried out by an independent assessor which showed the development could achieve the 68 credits required for code level 4 compliance. However, the post completion assessment undertaken, by a different code assessor, indicated that the completed development had only achieved 40 credits which only meets code level 1.
- 1.3 Therefore the development is in breach of condition 8 of permission reference 12/01376/FUL by achieving code level 1 rather than code level 4. The applicant was advised to reevaluate the development and to look at areas where points could be increased through retrofitting works in order to increase the code level as much as reasonably possible.

2. Proposal

- 2.1 A revaluation has been carried out by a third assessor which indicates that the development can achieve 63.82 points through retrofitting works and reappraisal and therefore the development can reach code level 3. It is not possible to achieve code level 4 on this completed development because points cannot be added to the completed building fabric and because over shading of the site would make photovoltaic's unviable. As such, this application has been submitted to vary condition 8 to allow the development to reach code level 3 and is brought to the Panel as a departure from Policy CS20 of the Core Strategy.
- 2.2 The revised code assessment by Mathew Carter of Energy Calculations Ltd indicates that additional points can be gained in the following areas:
 - Installation of energy display device to allow occupants to monitor and manage energy consumption;
 - To provide energy labelled white goods;
 - To add air flow limiters to taps and showers to reduce indoor water use;

- To reassess the value of the insulating material in relation to global warming;
- Additional points can be gained in relation to construction site impacts;
- Additional points can also be gained in relation to the responsible sourcing of materials, meeting lifetime homes criteria, and in relation to the ecology value of the site.
- Installation of solar thermal panels.

3. 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 Major developments are expected to meet high sustainable construction standards in accordance with Core Strategy Policy CS20 and Local Plan “saved” Policy SDP13.
- 3.3 The National Planning Policy Framework (NPPF) came into force on 27th 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.

4. Relevant Planning History

- 4.1 On 24.10.2012 planning permission was granted for a one bedroom single-storey dwelling to the rear of 54 Roselands Gardens (SCC Ref 12/01376/FUL). A copy of the planning history is attached as **Appendix 2**.

5. 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, placing a press advertisement (07.03.2014) and erecting a site notice (27.02.2014). 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 the following condition:
Within six months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum a score of 63 in the Code for Sustainable Homes 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)

- 5.3 There is no feasible reason why, if considered at the correct time and in the correct way, that this scheme would not have achieved Code for Sustainable

Homes (The Code) Level 4. However, the house is now built. It would be perverse to require a completed home, with the embodied carbon it contains, to be demolished or significant parts of it removed and replaced. On this basis, the applicant has investigated what measures can be retrofitted to the as-built house to improve the Code score.

6. Planning Consideration Key Issues

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

- Principle of development
- Design Impact

Principle of Development

6.2 The development has been completed and the dwelling is now occupied. Following a post completion assessment it is not possible for the dwelling to achieve level 4 of the code for sustainable homes and therefore the development is not in compliance with condition 8 of planning permission 12/01376/FUL. Since 2012, Policy CS20 of the Core strategy has required all residential development to achieve a minimum of level 4 of the code for sustainable homes.

6.3 The completed development only reaches code level 1 with 40 points. However the scheme can reach code level 3 with 63 points following reappraisal and with retrofitting works. It is now not possible to achieve code level 4 because the building is completed and because of the constraints of the site (points cannot be gained from the completed building fabric and photovoltaic's are unviable because of overshadowing). Furthermore it would be unsustainable to require the new building to be demolished or significant parts of it removed and replaced. Therefore code 3 would still represent a departure from policy CS20 but would represent a significant improvement to code level 1. The Council would not normally support development that fails to achieve the required sustainable construction levels but it is considered that approving this scheme will not set a precedent that ignores these requirements, as retro-fitting costs are expensive and each scheme will have to be assessed on its merits. There should not be any consideration from this recommendation that the policy can be ignored on other schemes.

6.4 Design Impact

The proposed retrofitting works will have no adverse impact on the design of the property or the visual amenities of the area. The majority of the proposed works are internal and the proposed solar thermal panels will have no adverse impact.

7. Summary

7.1 Given the particular circumstances of the case and on balance with the merits of the completed house in terms of meeting housing need; the proposed departure is considered acceptable. The development can reach 63 points which is five points short of the amount needed to reach code level 4 (68 points needed). It would be unsustainable to require the new building to be demolished or significant parts of it removed and replaced.

8. Conclusion

- 8.1 It is recommended that the application be approved as a departure from policy CS20. A condition will be added to ensure the development is completed to code level 3 within six months of the date of permission.

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)

AG for 22/04/14 PROW Panel

PLANNING CONDITIONS

01. APPROVAL CONDITION - Code for Sustainable Homes

Within six months of any part of the development first becoming occupied, written documentary evidence proving that the development has achieved at minimum a score of 63 in the Code for Sustainable Homes 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)

02. APPROVAL CONDITION - Refuse provision

The refuse bins shall be stored in the enclosed garden area and shall only be brought forward to the edge of pavement on collection days and returned to enclosed garden area at all other times.

Reason:

In the interest of the visual amenities of the area.

03. APPROVAL CONDITION - Residential - Permitted Development Restriction for existing and approved dwelling [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 both the retained dwelling at 54 Roselands Gardens and the new 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 D (porch),
- 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.

04. APPROVAL CONDITION - No other windows or doors other than approved
[Permanent 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 windows, doors or other openings including roof windows or dormer windows other than those expressly authorised by this permission shall be inserted in the development hereby permitted without the prior written consent of the Local Planning Authority.

Reason:

To protect the amenities of the adjoining residential properties

05. APPROVAL CONDITION - Cycle, amenity space and boundary treatment

The cycle parking, amenity space and boundary treatment as approved under planning permission reference 12/01376/FUL or the subsequent discharge of conditions shall be retained as approved in connection with the residential use hereby approved.

Reason:

In the interests of the visual amenities of the area and to protect the amenities and privacy of the occupiers of adjoining property.

06. APPROVAL CONDITION - Restricted use of flat roof area [Permanent Condition]

The roof area of the building hereby approved shall not be used as a balcony, terrace, roof garden or similar amenity area without the grant of further specific permission from the Local Planning authority.

Reason:

In order to protect the privacy of adjoining occupiers

07. 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
CS5	Housing Density
CS13	Fundamentals of Design
CS18	Transport: Reduce-Manage-Invest
CS19	Car & Cycle Parking
CS20	Tackling and Adapting to Climate Change

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
SDP12	Landscape & Biodiversity
SDP13	Resource Conservation
H1	Housing Supply
H2	Previously Developed Land
H7	The Residential Environment

Supplementary Planning Guidance

Residential Design Guide (Approved - September 2006)
Parking Standards SPD (September 2011)

Other Relevant Guidance

The National Planning Policy Framework 2012
The Southampton Community Infrastructure Levy Charging Schedule (September 2013)

Relevant Planning History

12/01376/FUL - Erection of a one bedroom single storey dwelling to the rear of 54 Roselands Gardens - Conditionally Approved on 07.11.2012

CONDITION 8 - 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 4 of the Code for Sustainable Homes 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).

13/00110/DIS - Application for discharge of conditions 2 (materials), 3 (roof drainage), 7 and 8 (code for sustainable homes), and 13 (boundary treatment) of planning permission 12/01376/FUL (erection of 1 bed dwelling) - Split decision issued on 29.04.2013

14/00330/MMA



Scale: 1:1,250

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