REF. NO. X/16/78037

PLANNING APPLICATION REPORT

DESCRIPTION/ ADDRESS	-	Variation of conditions 4 & 5 of planning permission F/13/72524 to vary code level 4 sustainability requirements. Land Adjacent to Badhi Mirchi, 190 Leigh Road, Eastleigh, SO50 9DX

SITE VISIT DATE – Due to the "technical nature" of the application a site inspection is not required.

ARE PLANS ACCURATE? – The submitted drawings and associated documentation allows a comprehensive assessment of the development proposed.

HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED? – In accordance with the Local Planning Authority's publicity of planning proposals all relevant neighbours have been consulted.

THE SITE AND ITS SURROUNDINGS

DESCRIPTION OF APPLICATION	Variation of conditions 4 & 5 of planning permission F/13/72524 to meet code level 4 for sustainable homes requirement for energy and water only.
SITE AREA	Approx 330 square metres.
RESIDENTIAL DEVELOPMENT DENSITY (NET)	Approx 60 dwellings per hectare.
TOPOGRAPHY	Flat and level.
TREES	There are a number of small trees within what was the old beer garden but none are or any significant size or worthy of retention.
BOUNDARY TREATMENT	The site is currently bounded by 1.8 metre timber fences on the northern, eastern and western sides. The southern boundary onto the car park is a little more open.
SITE CHARACTERISTICS	The Badi Mirchi is a former public house built in the 1920s/30s in an Arts & Crafts style and sits at the corner of Leigh Road and Woodside Avenue and is designated as a Locally Listed Building. The application site sits to the north-west of the main building on what was the beer garden and a small part of the car park. To the north of the site is a residential dwelling, to the east, the rear garden of the restaurant, to the south the restaurant car park and to the west is Woodside Avenue, which the site will use as its direct access.
CHARACTER OF LOCALITY	The surrounding area is quite mixed, with residential areas to the north and east. Further north are a number of industrial estates and a retail park on the opposite side of Woodside Avenue. To the south of Leigh Road is a hotel and offices, with Fleming Park and the leisure centre beyond this. Further significant features are Leigh Road and Woodside Avenue, both of which are main through routes between the

REF. NO. X/16/78037

THE SITE AND ITS SURROUNDINGS

town centre and the M3 motorway to the west and M27 to the south.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
F/13/72524	Erection of 2No. 3-bed semi-detached dwellings with parking and amenity space.	Approved Jul 2013

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
None received.	

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Head of Regeneration and Planning Policy - Sustainability	No objection to conditions being varied but the submitted information does not demonstrate that the current sustainability requirements would be met.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Within Established Residential Area Affects the setting of a Locally Listed Building

DEVELOPMENT PLAN SAVED POLICIES, EMERGING LOCAL PLAN POLICIES AND SPD'S

Eastleigh Borough Local Plan Review (2001-2011), saved policies – 34.ES (Energy & climate change)

Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014, (the Submitted Local Plan) comprising:

- Revised Pre-submission Eastleigh Borough Local Plan 2011 - 2029, published February 2014; and
- Schedule of Proposed Minor Changes, submitted to the Secretary of State in July 2014'
- Policy DM2 (Sustainability)

Supplementary Planning Document: Environmentally Sustainable Development

NATIONAL PLANNING POLICY GUIDANCE

National Planning Policy Framework

POLICY COMMENTARY

The above policies and guidance combine to form the criteria against which this application will be assessed.

COMMENT ON CONSULTATION RESPONSES

Noted.

COMMENT ON REPRESENTATIONS RECEIVED

n/a

PLANNING OBLIGATION/CONSIDERATIONS

On the basis of the "technical detail" of the application namely variation of planning conditions following amendments to the interruption of the Code for Sustainable Homes, contributions are not sought to offset the impact of the development on local infrastructure.

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

> *"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."*

Policy 34.ES only grants planning permission for proposals which make an appropriate contribution towards the Government's target to reduce levels of carbon dioxide and other greenhouse gases in the atmosphere by:

i. ensuring the use of the most sustainable construction materials and construction methods;

ii. minimising the energy demands associated with the occupation of the development by using energy efficient equipment and incorporating high levels of insulation; and

iii. maximising the proportion of energy that is generated from renewable sources.

The original sustainability conditions were imposed in line with the Council's Environmentally Sustainable Development SPD. However, following a Written Update to Parliament from the Secretary of State for Communities and Local Government on 25th March 2015 and the coming into law of the Deregulation Act on 26th March 2015, the outcomes of the Housing Standards Review has come into force that partly relate to sustainable design standards. The outcome of the review has meant significant changes for the implementation of the EBC Environmentally Sustainable Development Supplementary Planning Document (ESD SPD).

Local Planning Authorities are no longer able to grant planning permission requiring compliance with specific standards in the Code for Sustainable Homes. However, Local Planning Authorities are able to continue applying energy standards which exceed the Building Regulations (i.e. at Code 4 standard) until the 'Zero Carbon Homes' policy comes into force in late 2016.

It is Eastleigh Borough Council's position to continue to require specific standards of water efficiency as well, given our existing policy requirement in the ESD SPD is for Code 4 where there is a mandatory water consumption standard to be met. The combined energy and water standards are to be secured through standard conditions at design stage and post-construction stage.

Unfortunately the information submitted with the application has not demonstrated that these current water and energy requirements have been met by that built. However, rather than refusing the application a condition is recommended for further information to be submitted and agreed with the LPA prior to the occupation of the development.

OTHER MATERIAL CONSIDERATIONS

Reference needs to be made the Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014. However very little weight can be given to these policies as, although the Submission Local Plan has

not been withdrawn the Council has confirmed that it has decided to prepare a new local plan which will cover the period up to 2036. With regards to this application, the new policies essentially echo those of the current plan and are not considered to affect the recommendation put forward.

CONCLUSIONS

For the reasons given above the application is recommended for approval subject to conditions.