MINOR DEVELOPMENT PLANNING APPLICATION REPORT REF. NO. X/15/76431

DESCRIPTION/ ADDRESS	Application for variation of conditions 10 & 11 of planning permission F/15/75793 in relation to code for sustainable homes requirements (amended description) St Martins Botley Road Horton Heath Eastleigh SO50 7DU

SITE VISIT DATE	No
ARE PLANS ACCURATE?	N/A
HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED?	Yes

THE SITE AND ITS SURROUNDINGS

DETAILED DESCRIPTION OF APPLICATION	Variation of conditions 10 & 11 of planning permission F/15/75793 in relation to code for sustainable homes requirements
SITE AREA	2152sqm / 0.215 hectares
RESIDENTIAL DEVELOPMENT DENSITY (NET)	13.9dph
TOPOGRAPHY	Generally flat site
TREES	There are a number of mature trees along the northern boundary, adjacent to a public footpath. With two ever green trees situated on the southern boundary of the application site. Potential for trees to be impacted, Arboricultural Impact Assessment submitted.
BOUNDARY TREATMENT	• The eastern (front) boundary consists of a 1.5m brick wall; • The northern (side) and western (rear) boundary consists of 1.8m close boarded fencing; • Part of the southern boundary treatment consists of 1.7 metre high close boarded fence and double gates providing vehicular access to the existing garage and rear garden area of St Martins.
SITE CHARACTERISTICS	Site is currently occupied by detached single storey dwelling with frontage parking and access from Botley Road, and rear garden containing two detached pitched roofed garages. A public footway runs along the northern boundary on slightly elevated land and the rear of the site is served by a vehicular access from the private road named Orchard Drove.
CHARACTER OF LOCALITY	The character of the street is dominated by a ribbon pattern of development with 1930's bungalows with spacious plots, in the form of extensive rear gardens. Numerous of these gardens have been sub-divided to form groups of residential properties served by private roads. Botley Road now

THE SITE AND ITS SURROUNDINGS

	comprises a mixture of single, chalet and two-storey dwellings, typically detached and set back from the road, with frontage parking and rear gardens. The built form varies in design, roof form and materials.

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
F/15/75793	Erection of 2no. 4bed dwellings with integral garages, 1no. 4 bed dwelling with detached garage, with associated car and cycle parking following demolition of existing dwelling	Permitted STCs 18/3/15
F/14/73968	Erection of 2no. 4 bed dwellings with integral garages following demolition of existing dwelling St Martins	Permitted STCs 23/4/14
F/12/71506	Erection of 1No. 4 bed dwelling within the rear garden are of St Martins	Permitted STCs 17/01/2013
Z/37458/000/00	Erection of 3 No. detached two storey dwellings with garages, car parking and vehicular access from Botley Road. Land rear of Edenfield and St Martins, Botley Road Horton Heath.	Permitted STCs 9/11/01

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
3 The Drove	Objected to the proposal on the basis that: • The proposal results in more traffic on the road and intensification of use • the intention of the condition is to protect the environment • other applicant may seek a similar request

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Fair Oak Parish Council	No comments received
Head of Planning Policy and Design	No objection.

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
Within Built-up Area Boundary Within Established Residential Area Within an existing Character Area

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

Eastleigh Borough Local Plan Review (2001-2011):

- 34.ES (Energy and Climate Change),

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

- 59.BE (Development Criteria)

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

- DM1 (Development Criteria)
- DM2 (Sustainable Development)

Supplementary Planning Guidance: Quality Places
Supplementary Planning Document: Environmentally Sustainable Development

CHARACTER APPRAISAL AREA

Bishopstoke Fair Oak and Horton Heath Character Area – BiFOHH 26

SPECIAL POLICY AREA

Not within a Special Policy Area

NATIONAL PLANNING POLICY GUIDANCE

The NPPF carried a presumption in favour of sustainable development (para. 14), which incorporates three elements: economic, social and environmental, (para. 7). Planning law requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise (para. 11). Should a development proposal accord with the development plan, approval should be given without delay (para.14).

POLICY COMMENTARY

The above policies and guidance combine to form the criteria against which this application will be assessed with particular regard to sustainability

COMMENT ON CONSULTATION RESPONSES

Noted.

COMMENT ON REPRESENTATIONS RECEIVED

This application does not allow further consideration of the proposal as a whole only the variation of the requested condition.

All other comments are noted and addressed below.

PLANNING OBLIGATION/CONSIDERATIONS

N/A

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

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

MATERIAL CONSIDERATIONS

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 come into force which partly relate to sustainable design standards.

The outcome of the review will mean significant changes for the implementation of the EBC Environmentally Sustainable Development Supplementary Planning Document (ESD SPD).

We are no longer able to grant planning permission requiring compliance with specific standards in the Code for Sustainable Homes. We 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.

We are able 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 can be secured through standard conditions at design stage and post-construction stage.

All applications for new residential dwellings must be designed to achieve Code 4 standards for energy and water.

The existing sustainability conditions are therefore applicable for variation. It is proposed that they be replaced with a new condition that require pre development evidence of compliance demonstrating Code 4 standards have been achieved for energy and water at design stage and pre-occupation evidence of compliance demonstrating Code 4 standards have been achieved for energy and water at post construction stage.

OTHER MATERIAL CONSIDERATIONS

Also of relevance Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014. While not yet adopted it does carry weight by virtue of being intended as the current local plan's replacement. 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

In view of the above the proposal is considered to comply with existing and emerging policies and is therefore recommended that the variation be approved with an amended condition imposed in its place.

REF. NO. «AltRef»