

<b>APPLICATION NO.</b>	<a href="#">P15/S2665/FUL</a>
<b>APPLICATION TYPE</b>	FULL APPLICATION
<b>REGISTERED</b>	5.8.2015
<b>PARISH</b>	ROTHERFIELD PEPPARD
<b>WARD MEMBERS</b>	Charles Bailey David Nimmo-Smith
<b>APPLICANT</b>	Property Specialists (UK) Ltd
<b>SITE</b>	Vine Lodge, Peppard Hill, Peppard Common, RG9 5ER
<b>PROPOSAL</b>	Removal of condition 4 (Code for sustainable homes) of planning permission P14/S3795/FUL.
<b>AMENDMENTS</b>	None
<b>OFFICER</b>	Emma Bowerman

1.0 **INTRODUCTION**

1.1 This application is referred to the Planning Committee due to the objection raised by Rotherfield Peppard Parish Council.

1.2 The application site (**attached** as Appendix A) is positioned on a triangular plot that lies on the junction of Peppard Hill and Stoke Row Road. The site is within the built-up limits of Rotherfield Peppard and does not fall within any areas of special designation.

1.3 Planning permission was granted on 23 February 2015 for the demolition of the existing dwelling and the erection of two dwellings on the site. Condition 4 of the planning permission required the dwellings to achieve Code Level 4 of the Code for Sustainable Homes. The condition is as follows:

*The dwellings hereby approved shall achieve Level 4 of the Code for Sustainable Homes (or any such equivalent national measure of sustainability for house design which replaces that scheme). No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 (or any such equivalent national measure of sustainability for house design which replaces that scheme) has been achieved.*

*Reason: To ensure high standards of sustainable design and construction in accordance with Policy CSQ2 of the South Oxfordshire Core Strategy 2027.*

2.0 **PROPOSAL**

2.1 The application has been made under section 73 of the Town and Country Planning Act 1990 to remove condition 4 of planning permission P14/S3795/FUL.

3.0 **SUMMARY OF CONSULTATIONS & REPRESENTATIONS**

3.1 Rotherfield Peppard Parish Council - Considers the application should be refused and that the condition 4 (Code for sustainable homes) should remain. The proposed properties have been advertised for sale for a combined value of approximately 3.6m and therefore the applicants cannot argue that it is not cost effective to develop the properties to meet Level 4 of the Code for Sustainable Homes.

3.2 Neighbour representations – None received

4.0 **RELEVANT PLANNING HISTORY**

4.1 [P14/S3795/FUL](#) - Approved (23/02/2015)

Demolition of existing dwelling and garage. Erection of two detached two-storey 5-bedroom dwellings with garages. Closure of existing access and creation of new access.

5.0 **POLICY & GUIDANCE**

5.1 **National Planning Policy Framework (NPPF)**

5.2 **National Planning Policy Framework Planning Practice Guidance (PPG)**

5.3 **South Oxfordshire Core Strategy (SOCS)**

CSQ2 - Sustainable design and construction

6.0 **PLANNING CONSIDERATIONS**

6.1 When assessing section 73 applications the council can only consider the original condition and the reasons for applying the condition. If the council decides that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they should refuse the application.

6.2 The condition was applied to ensure that the development was in accordance with policy CSQ2 of the SOCS. Policy CSQ2 requires new dwellings to achieve Code Level 4 of the Code for Sustainable Homes. The Code for Sustainable Homes is a nationally recognised standard for the design and construction of new homes. It measures the sustainability of a new home against nine categories of sustainable design and aims to reduce carbon emissions and create homes that are more sustainable. The Code uses a one to six rating system to communicate the overall sustainability performance of a new home.

6.3 On 27 March 2015, following a fundamental review of technical housing standards, the Government withdrew the Code for Sustainable Homes, aside from the management of legacy cases. Legacy cases are:

- Those where residential developments are legally contracted to apply a code policy (e.g. affordable housing)
- Where planning permission has been granted subject to a condition stipulating discharge of a code level, and developers are not appealing the condition nor seeking to have it removed or varied.

6.4 In this case, the applicant is seeking to have the Code for Sustainable Homes condition removed and I am therefore of the opinion that it does not fall within the above definition of a legacy case. I therefore consider that it would be unreasonable for the council to refuse permission to remove the condition.

6.5 Condition 4 of planning permission P14/S3795/FUL also allowed for an alternative national measure of sustainability for house design which replaces the Code for Sustainable Homes. No such scheme has been introduced by the Government.

7.0 **CONCLUSION**

7.1 The council has received in excess of 20 applications to remove the Code for Sustainable Homes condition from other planning permissions. All have been approved without delay. In my opinion it would be unreasonable to withhold planning permission to remove this condition given that the Government has withdrawn the Code for Sustainable Homes. In other respects the proposal accords with the Development Plan Policies.

8.0 **RECOMMENDATION**

8.1 **That planning Permission is granted for the removal of condition 4 (Code for Sustainable Homes) of planning permission P14/S3795/FUL.**

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