

DEVELOPMENT POLICY COMMITTEE

11 July 2007

AGENDA ITEM 10

Subject:	Sustainable Development Supplementary Planning Document SPD Guidance on Sustainable Design & Construction Techniques
Report by:	DIRECTOR OF PLANNING & BUILDING CONTROL SERVICES

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Purpose

This report presents the draft Supplementary Planning Document on Sustainable Development and Construction and seeks approval for the document to be forwarded to Cabinet for adoption.

Recommendation(s)

1. That Members approve the amended SPD to be treated as a material planning consideration in the determination of planning applications, pending adoption of the Core Strategy and Development Control Policies DPD, and request Cabinet to ratify the decision.
2. That the Director of Planning and Building Control Services be authorised to and make minor amendments that are necessary to improve the content and presentation of the document before final adoption.

Corporate Implications

Legal:	Public consultation has been undertaken in accordance with the Town and Country Planning (Local Development) (England) Regulations 2004 and the Council's own Statement of Community Involvement.
Financial:	None
Personnel:	None
Risk Management:	None
Equalities and Diversity:	None
Health and Safety:	None
IT:	None
Other:	None

Consultees:	Formal consultation was undertaken between 7 November and 19 December 2006 under Regulation 17 of the Town and Country Planning (Local Development) (England) Regulations 2004. Prior to the public consultation, internal consultation was
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	undertaken with Housing Services, Planning Policy, Development Management, Building Control, Legal Services and Environmental Services. A workshop was held on 21 July 2006 to which interested parties representing architects, developers and others were invited.
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Policies and Strategies

The report takes into account the following policies and strategies of the Council:

The draft SPD expands on policies contained within the Council's Submission Core Strategy and Development Control Policies Development Plan Document.

Corporate Priorities

The report relates to the following corporate priority/priorities [tick the relevant box]

- | | |
|-----------------------------|-------------------------------------|
| Social Inclusion | <input checked="" type="checkbox"/> |
| Excellent Customer Services | <input checked="" type="checkbox"/> |
| Regeneration | <input checked="" type="checkbox"/> |
| Value for Money | <input checked="" type="checkbox"/> |
| Environment | <input checked="" type="checkbox"/> |

1 Introduction

This purpose of this report is to allow Members to consider the representation responses and subsequent proposed changes to the Sustainable Development Supplementary Planning Document (SPD) Guidance on Sustainable Design and Construction Techniques. This follows the formal consultation under Regulation 17 of the Town and Country Planning (Local Development) (England) Regulations 2004, which was undertaken between 7 November and 19 December 2006.

2 Policy Context

The Sustainable Design and Construction Supplementary Planning Document supports and supplements policies contained within the Core Strategy and Development Control Policies DPD, primarily:

CP1 Securing sustainable development

CP11 Energy and resource efficiency, renewable energy and recycling

CP13 Minimising environmental impact

CP21 Ensuring buildings are well designed

DC26 Energy efficient design and use of materials

DC27 Water efficiency and sustainable drainage

3 The purpose of the document

3.1 The Sustainable Design and Construction SPD has been produced to guide developers to design and construct developments to reduce

- carbon emissions by being energy efficient and by using sustainable resources for the generation of energy
- consumption of potable water by recycling rainwater and greywater
- waste through efficiency measures and the selection of construction methods and materials.

3.2

The SPD identifies how the Core and Development Control Policies translate into practical measures to achieve sustainable buildings and landscape. It sets out the Council's detailed guidance on designing and constructing to embrace the range of environmental performance objectives relevant to planning, together with suggestions as to how developers and designers can address the requirements.

3.3

Developers are also provided with, as appropriate, references, additional contacts and the identity of examples.

4 Revised SPD

4.1 Changing Government Policy

Climate change issues are driving Government policy changes that will be implemented through individual development. The Consultation Paper "Planning Policy Statement: Planning and Climate Change Supplement to Planning Policy Statement 1" sums up the emerging direction of Government Policy when it states "spatial planning, on providing for the new homes, jobs and infrastructure needed by communities, should help shape places with lower carbon emissions and resilient to the climate change now accepted as inevitable." Subsequent to the publication of this SPD for public consultation the Government published the above and the following documents, with the matters raised in them addressed as appropriate:

- the "Code for Sustainable Homes A step change in sustainable home building practice"
- "Planning for a Sustainable Future White Paper"
- the Consultation Paper Building a Greener Future: Towards Zero Carbon Development"
- "Changes to Permitted Development Consultation Paper 1: Permitted Development Rights for Householder Microgeneration"
- and "Water Efficiency in New Buildings A consultation document".

4.2 Response to Consultation

The document has been subject of ongoing community involvement.

The document was subject of formal public consultation during November/December 2006. The document was made available in a variety of formats, was subject to general publicity and was sent directly to hundreds of organisations/groups and individuals during the consultation period.

Sixty representations received from fifteen separate respondents, mostly representing developers, Government agencies and other stakeholders.

- 31 representations comment on elements of the SPD
from: Chelmsford Environment Consultative Group, Countryside Properties PLC, Essex County Council, GO-East, Home Builders Federation, Persimmon Homes,
- 18 representations oppose elements of the SPD
from: Bellway Homes, Crest Nicholson (Eastern) Limited, Croudace Strategic Limited, Essex County Cricket Club, Wm. Morrison Supermarkets,
- 11 representations support the SPD
from: Environment Agency, Great Waltham Parish Council, Natural England, RSPB,

4.3 Main issues raised

- The document should not go beyond the remit of planning into other regulatory areas and thereby conflict with published PPSs.

CBC response: The SPD has been reworded to clarify that matters beyond the remit of planning control, but which become evident at planning application stage, are suggestions for consideration.

- Ensure all items have a clear policy base in the Core and DC policies, which is identified for each item, and ensure there is no conflict with CBC's draft policies.

CBC response: This has been made clearer.

- Cannot be adopted prior to Core & DC policies.

CBC response: The intention is to adopt the SPD as interim guidance.

- The requirements are too onerous on developers and are unreasonable, they should only be suggestions with flexibility permitted in the application where they exceed Building Regulations etc.

CBC response: The Council in its Core Strategy and Development Control Policies DPD, has expressed an intent to set a minimum standard for the environmental performance of development. There is great flexibility available to developers as to how that standard can be met.

- Standards for developments should be set higher than the minimum requirements of Building Regulations etc.
- BREEAM & EcoHomes standards and the use of Sustainable Design & Construction Checklist are too onerous and inappropriate.
- BREEAM & EcoHomes standards and the use of Sustainable Design & Construction Checklist are welcomed.

CBC response: The Council in its Core Strategy and Development Control Policies DPD, has expressed an intent to set a minimum standard for the environmental performance of development that is greater than the current Building Regulations. The Council's sustainability checklist is not a new requirement, having been used since 2004.

- Biodiversity matters are welcomed

CBC response: No change.

- Car-free developments are not attractive to purchasers

CBC response: The criteria for car-free developments have been amended to be the same as for high-density developments, as stated in the Making Places SPD.

- Reduce water discharge rates from sites

CBC response: The requirements for the control of surface water discharge rates and flow from sites has been clarified, in accordance with national standards.

Attached at Appendix 1 is a summary of the changes made to the SPD. Attached at Appendix 2 is the revised version of the SPD. Attached at Appendix 3 is the schedule of representation summaries and proposed responses.

4.4 Sustainability appraisal

The document has been subject to an independent sustainability appraisal, which concluded that the SPD provides sustainable benefits for Chelmsford.

4.5 Related guidance documents

The document and the Making Places Site guidance for designers, developers and planners Supplementary Planning Document (SPD) are interrelated and will be formatted to the same common presentation format, in common with the Affordable Housing Supplementary Planning Document SPD.

4.6 Section 4 Walking, Cycling and Public Transport section is closely related to the car parking, cycling, walking and public transport matters contained in the Making Places Site guidance for designers, developers and planners Supplementary Planning Document (SPD).

5 Conclusion

5.1 The Sustainable Design and Construction SPD once adopted will help raise the environmental sustainability quality of new development across the Borough and assist in reducing the negative impacts of development upon the global and local environment.

In accordance with the Council's Local Development Scheme (LDS) – First Review 2007, the amended SPD will be treated as a material planning consideration in the determination of planning applications. Any changes to the Core Strategy and Development Control Policies DPD arising from the Inspector's report may require amendments to this SPD to retain consistency with those policies. The formal adoption of the SPD will follow once the Independent Examination into the Core Strategy and Development Control Policies DPD has concluded and the Inspector's report received.

5.2 The schedule of representations, the proposed responses and the revised SPD will be considered at Cabinet on 17 July 2007 with a recommendation for approval to be treated as a material planning consideration in the determination of planning applications.

List of Appendices

Appendix 1 is a summary of the changes made to the SPD.

Appendix 2 is the revised version of the SPD.

Appendix 3 is the schedule of representation summaries and proposed responses.

Background Papers

Our Planning Strategy for the future – Submission Core Strategy and DC Policies

Statement of Community Involvement (February 2006)

Sustainable design and construction Planning Guidance

Sustainable Design and Construction Guidance SPD – Sustainability Appraisal Report (October 2006), Chelmsford Environment Partnership