

## REPORT TO CABINET

Title: **LOCAL DEVELOPMENT FRAMEWORK:  
SUSTAINABLE DESIGN AND CONSTRUCTION  
SUPPLEMENTARY PLANNING DOCUMENT (NOVEMBER  
2008): REPORT OF CONSULTATION**

Date: 25 June 2009

Member Reporting: Councillor Mrs Knight

Contact Officer(s): Peter Hitchen, Planning Policy Manager  
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Wards affected: All Wards

### 1. SUMMARY

- 1.1.1 The council is committed to delivering its services in a sustainable manner and helping to create sustainable communities. The Sustainable Design and Construction Supplementary Planning Document (SPD) provides additional information to support existing planning policy and best practice on the sustainability performance of buildings and spaces. The guidance extends to all forms of development.
- 1.1.2 The draft SPD was published for a six-week period of consultation. Copies of the consultation documents are available in the Group Rooms and can be accessed on the council's website at [http://www.rbwm.gov.uk/web/pp\\_sustainable\\_design\\_and\\_construction\\_spd.htm](http://www.rbwm.gov.uk/web/pp_sustainable_design_and_construction_spd.htm). Comments from twenty-one respondents were received. Overall, there was general support for the SPD and its objectives; however, a number of concerns were raised. Changes are recommended to satisfy a number of objections.
- 1.1.3 Upon adoption, the SPD will form part of the council's Local Development Framework, and be of significant weight in the determination of planning applications.

### 2. RECOMMENDATION:

**That the amended Sustainable Design and Construction Supplementary Planning Document be adopted and that the associated sustainability appraisal and consultation report be approved.**

What will be different for residents as a result of this decision?
Residents and developers will have greater certainty and clarity over what is likely to be acceptable in terms of development and measures required upon new development to cope with climate change.

### **3. SUPPORTING INFORMATION**

#### **3.1 Background**

- 3.1.1 The council is committed to delivering its services in a sustainable manner and helping to create sustainable communities. In 2007 the council signed the Nottingham Declaration pledging systematically to address sustainability issues relating to climate change.
- 3.1.2 The Sustainable Design and Construction SPD provides additional information to support existing planning policy and best practice on the sustainability performance of buildings and spaces. The guidance extends to all forms of development but would be applied proportionately, that is while all developments are expected to make improvements, major developments are required to achieve a higher level of sustainability performance as opportunities are greater.
- 3.1.3 The preparation of the SPD was informed by a sustainability appraisal and published for consultation over a six-week period. Upon adoption, the SPD would form part of the council's Local Development Framework and be of significant weight in the determination of planning applications.

#### **3.2 Results of Consultation**

- 3.2.1 Comments from twenty-one respondents were received. Key issues raised include:
- ❖ Clarity of advice for different types and scales of planning applications, and the associated use of planning conditions.
  - ❖ Overlap between the SPD and the requirements of Building Regulations.
  - ❖ The lack of a wider council vision.
  - ❖ The lack of recognition regarding future development requirements.
  - ❖ Possible impacts to the viability and the delivery of development.
  - ❖ The need for the SPD to be applied flexibly.
  - ❖ The contribution to sustainability by crime reduction approaches such as Secure by Design principles.
  - ❖ The lack of timeframe information regarding the government's intention to improve building performance through the amendment of construction related legislation.
  - ❖ The need to protect the character of towns and villages.
  - ❖ The need to retain Maidenhead's position as a dynamic centre of commerce.
- 3.2.2 A schedule of detailed comments and recommended responses is provided in Appendix A to this report (available in Group Rooms, Member's Rooms, the Borough website and from Democratic Services). Key matters to note include:

- ❖ Further clarification has been provided that it may not be suitable or feasible in all instances to meet the full requirements of the SPD, and that upon consideration of sound reasoning and evidence the requirements are capable of being applied flexibly.
- ❖ Local planning authorities are expected under government policy statements and regional planning policy to design to address the causes of climate change and its implications. Standards in advance of Building Regulations can be justified through the planning system.
- ❖ The inclusion of reference to the council's wider commitments and actions regarding sustainability and climate change to provide a vision for the SPD and to encourage other organisations to similar actions and achievements.
- ❖ The format of requirements has been amended to improve clarity of advice for different types and scales of planning applications, particularly for homeowners.
- ❖ The SPD does not seek to cover all aspects of sustainability. Matters such as development requirements, location, land use, detailed design, and transport are considered by alternative planning documents.
- ❖ The policy context and links throughout the SPD have been updated to reflect the government's approval of the South East Plan.

3.2.3 A copy of the amended SPD is provided in Appendix B to this report (available in Group Rooms, Member's Rooms, the Borough website and from Democratic Services).

### 3.3 Next Steps

3.3.1 The expectations within the SPD require a response from the development industry towards design and construction. Additionally, it is essential that Officers (planning, building control and sustainability functions) and Members receive training so to be able to provide advice and assess developments against the new expectations.

3.3.2 It is recommended that the introduction of the SPD be phased in and applied only to new planning applications. The expectations relating to BREEAM / the Code for Sustainable Homes and on-site renewable energy generation would particularly require promotion and training before application. It is anticipated that full implementation of the SPD would be within 3-5 months.

## 4. OPTIONS AVAILABLE AND RISK ASSESSMENT

### 4.1 Options

	Option	Comments	Financial Implications
1.	Do not adopt the SPD	Not recommended. Failure to adopt the SPD will reduce the council's ability to improve the	Revenue: None. Capital: None.

	<b>Option</b>	<b>Comments</b>	<b>Financial Implications</b>
		sustainability of buildings and spaces.	
2.	Adopt the SPD	Recommended. The SPD will carry significant weight in the determination of planning applications. The documents have been tested by public consultation. The recommended changes will further improve the document.	Revenue: Costs associated with training for staff and councillors relating to assessment capability. Capital: None.

## 4.2 Risk assessment

- 4.2.1 The main risk of not adopting the SPD is that the council will not have detailed guidance on expectations to improve the general sustainability of buildings and spaces, including matters which address the causes and impacts of climate change. Not adopting the SPD could reduce the council's ability to meet the specific Local Area Agreement targets on adapting to climate change and reducing the per capita consumption of CO<sub>2</sub>.

## 5. CONSULTATIONS CARRIED OUT

- 5.1.1 The consultation draft SPD and associated sustainability appraisal were published for a six-week period from 7<sup>th</sup> November to 19<sup>th</sup> December 2008. The documents were sent to local and statutory groups, representatives of the development industry, made available at the council receptions and at all libraries, and downloadable via the council's website. Notification of the consultation was also publicised by a public notice within local newspapers and letters to contacts on the planning consultation system.

## 6. COMMENTS FROM THE OVERVIEW AND SCRUTINY PANEL

- 6.1.1 To be inserted following the meeting of the Panel on 17<sup>th</sup> June.

## 7. IMPLICATIONS

- 7.1.1 The following implications have been addressed where indicated below.

Financial	Legal	Human Rights Act	Planning	Sustainable Development	Diversity & Equality
✓	✓	✓	✓	✓	✓

Background Papers:

Sustainable Design and Construction Draft Supplementary Planning Document November 2008.

Sustainability Appraisal: Sustainable Design and Construction Draft Supplementary Planning Document, November 2008.

Revised Scoping: Sustainability Appraisal Sustainability Design and Construction Draft Supplementary Planning Document September 2008.

Scoping Report: Sustainability Appraisal Sustainability Design and Construction Draft Supplementary Planning Document, May 2008.