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|  | <h2 style="text-align: center;">Policy and Resources Committee</h2> <h3 style="text-align: center;">5th October 2016</h3> |
| Title | Sustainable Design and Construction and Residential Design Guidance Supplementary Planning Documents |
| Report of | Neil Taylor - Commissioning Director Growth and Development |
| Wards | All Wards |
| Status | Public |
| Enclosures | Appendix 1: Consultation Report - Sustainable Design and Construction Supplementary Planning Document Appendix 2: Sustainable Design and Construction Supplementary Planning Document (SD&C SPD) Appendix 3: Consultation Report - Residential Design Guidance Supplementary Planning Document Appendix 4: Residential Design Guidance SPD (RDG SPD) |
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Summary

This report brings forward revisions to key existing planning guidance on design and construction bringing those documents into line with current London Plan standards and other guidance and bringing clarity to the decision making process for planning applications enabling more timely delivery of developments in the Borough.

The proposed revised Sustainable Design and Construction SPD sets out the Council's sustainability requirements and supplements policies in the Local Plan Core Strategy and Development Management Policies documents. The proposed Residential Design Guidance SPD sets out an approach to housing design that is sensitive to and reflective of Barnet's suburban character. The refocused SPDs capture changes on space standards as well as addressing new standards relating to accessibility, security, energy, noise, air pollution, flood risk and water conservation.

The revised Residential Design Guidance SPD cross references these changes and also clarifies the Council's approach to conversions including small HMO conversions.

Recommendations

1. That the Committee note the responses in the Consultation Report for the proposed Sustainable Design and Construction Supplementary Planning Document attached at Appendix 1.
2. That the proposed Sustainable Design and Construction Supplementary Planning Document attached at Appendix 2 is approved for adoption for use as guidance for planning applications.
3. That the Committee note the responses in the Consultation Report for the proposed Residential Design Guidance Supplementary Planning Document attached at Appendix 3.
4. That the proposed Residential Design Guidance Supplementary Planning Document attached at Appendix 4 is approved for adoption for use as guidance for planning applications.

1. WHY THIS REPORT IS NEEDED

- 1.1 Barnet's Sustainable Design and Construction Supplementary Planning Document (SD&C SPD) was first published in 2007 and was subsequently updated in 2013. Its main purpose is to clarify the Council's interpretation of sustainable development in light of national and regional policies and standards and within the context of the *Three Strands Approach (Protection, Enhancement, and Consolidated Growth)*. Since 2013, the *London Plan* has undergone a review with the '*Further Alterations to the London Plan*' adopted in March 2015. The Government has also established national standards for housing.
- 1.2 It is therefore now timely to update the SD&C SPD and Residential Design Guidance SPD (RDG SPD). Both SPDs have been revised to focus on the design standards required for different scales of development as well as the performance standards of buildings. The refocused SD&C SPD captures changes on space standards as well as new standards that address accessibility, security, energy, noise, air quality and water conservation. The RDG SPD cross references these changes and also clarifies the approach to be taken in respect of conversions including small HMO conversions.

Supplementary Planning Documents

- 1.3 A supplementary planning document is required to be put in place where it can help applicants make successful applications or aid infrastructure delivery (Para 153 NPPF, March 2012)
- 1.4 In so doing, it should build upon and provide more detailed advice or guidance on the policies in the Local Plan without adding unnecessarily to the financial burdens on development (Local Plans – Paragraph 28, NPPG, March 2014).
- 1.5 Government regulations set out the requirements for producing a supplementary planning document.
- 1.6 In this instance the changes made are considered not to be significant as to warrant screening for Strategic Environmental Assessment. Strategic Environmental Assessment is a requirement to consider the environmental effects of a plan or proposal and SPD usually only require sustainability appraisal in exceptional circumstances where there are significant environmental effects.

2 REASON FOR RECOMMENDATIONS

- 2.1 The current SD&C SPD and the RDG SPD both require updating in order to reflect regulatory changes relevant for planning in Barnet.
- 2.2 The following changes are proposed to be made to the SD&C SPD:
 - In response to the introduction of the National Housing Technical Standards in October 2015 the new nationally described space standard have been introduced. The nationally described space standards are reflected in the London Plan and Mayor's Housing Supplementary Planning Guidance. The SPD has been updated to be consistent with the London Plan which is consistent with the nationally described space standard.
 - In response to the introduction of the National Housing Technical Standards in October 2015 the SPD has been revised to reflect the optional Building Regulations in relation to accessible and adaptable dwellings. The accessible and adaptable dwellings are reflected in the London Plan and Mayor's Housing Supplementary Planning Guidance. The SPD has been updated to be consistent with the London Plan which is consistent with the optional accessible and adaptable standards.
 - In response to updated Energy Planning Greater London Authority guidance on preparing energy assessments the SPD has been revised to include reference to the London Plan cooling hierarchy and update changes in terminology.

- In response to the introduction of the National Housing Technical Standards in October 2015 the SPD has been revised to reflect the optional Building Regulations in relation to water efficiency. This replaces the reference to the Code for Sustainable Homes standard.
- In response to adoption of the new Mayor's Dust and Emissions Supplementary Planning Guidance the air quality section has been revised to include reference to meeting new minimum standards on construction dust management.
- In response to consultation new references to the environmental benefits of trees in relation to reducing impact of air pollution and reducing flood risk have been added.
- In response to publication of Guidance by Chartered Institute of Environmental Health Acoustics and Noise Consultants Institute of Acoustics the Noise Quality section has been revised to include a new pre-assessment classification. This replaces the noise exposure categories formerly contained in the Planning Practice Guidance 24: Planning and Noise. Also a new standard for noise levels in external amenity areas has been introduced and appropriately cross referenced to the relevant British Standard in response to comments received at consultation
- References in response to the introduction in March 2015 of the Non statutory technical standards for SUDs and Council's responsibility as Lead Local Flood Authority have been made. Also reference to flood risk and sequential testing has been updated for further clarity and reference to flood risk and basements has been revised to introduce refinement in relation to geology and groundwater and slope stability.
- All references to the Code for Sustainable Homes have been removed following its cessation.

2.3 The following changes are proposed to be made to the RDG SPD:

- In response to the introduction of the National Housing Technical Standards in October 2015 the SPD has been revised to reference the incorporation of the former Secured by Design section 2 standard into Building Regulations part Q.
- Further to the Councils' confirmation of the small Houses in Multiple Occupation Article 4 Direction which came into affect 29 May 2016 reference to the Article 4 Direction has been made and the detail on conversions has been updated to include references to parking standards, bin storage and HMO room space standards
- In response to the introduction of the National Housing Technical Standards in October 2015 the new nationally described space standard have been introduced. The nationally described space standards are reflected in the London Plan and Mayor's Housing Supplementary Planning Guidance. The SPD has been updated to be consistent with the London Plan which is consistent with the nationally described space standard.

3 ALTERNATIVE OPTION CONSIDERED AND NOT RECOMMENDED

3.1 The alternative option is to do nothing and not update the SD&C and RDG SPDs. However, it is considered that this would impede the decision making process and as a consequence restrict timely delivery of development in the Borough.

4 POST DECISION IMPLEMENTATION

4.1 If members are minded to approve the adoption, then the process of adoption of the SD&C and RDG SPDs will include the following steps:

- Informing internal consultees of the decision to approve the adoption
- Preparation of an adoption statement
- Making the approved SD&C and RDG SPDs available on the Council's website, Barnet House reception and local libraries with the adoption statement for a period of 3 months from the date of adoption
- Sending a copy of the adoption statement to any person who has asked to be notified of the adoption of the SD&C and/or RDG SPDs
- After the planning challenge period has expired, updating the Planning, Conservation and Building Control pages ('Planning Policies') of the Council's website by replacing the existing versions (2013) with the revised versions;

5 IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

Approval of the proposed SPDs is aligned with the Council's Corporate Plan (2015-2020 with 2016/17 addendum and targets) priorities (page 4) to

- 'manage demand for services' by delivering services differently and more efficiently ("Fairness" principle).
- get the basics right to ensure that clients who need to transact with regulatory services such as Planning and Building Control are able to do so with greater speed and certainty ("Opportunity" principle)
- manage the budget reductions in place to 2020 by delivering (services) more efficiently (differently and better) by the Council and the wider public sector. ("Opportunity" principle)

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

- 5.2.1 The cost of preparing this SPD is included in the Strategic Planning Core Fee budget for 2015/16 (and 2016/17). The SPD concerns housing design standards, and there are no specific financial implications for the Council.

5.3 Legal and Constitutional References

- 5.3.1 Annex A to Responsibility for Functions, the Policy and Resources Committee has the authority under para (2) "To be responsible for the overall strategic direction of the Council including the following specific functions/activities: consider for approval and adoption Local Development Scheme, Statement of Community Involvement, Supplementary Planning Documents and Planning Briefs.."
- 5.3.2 Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012 set out the requirements for the production and adoption of a supplementary planning document.

5.4 Risk Management

- 5.4.1 The proposed changes to the SD&C SPD and RDG SPDs are mainly necessary updates and clarifications to reflect changes at a national and London Plan level and the Council's priorities on delivering sustainable development.

5.5 Equalities and Diversity

- 5.5.1 The Public Sector Equality Duty contained in section 149 of the Equality Act 2010 requires public authorities to have due regard to a number of equality considerations when exercising their functions. The principal of equalities impact assessment is to identify whether people with protected characteristics are likely to be affected disproportionately and/ or differentially by impacts arising as a result of the proposals contained in the Supplementary Planning Documents. A disproportionate equality effect arises when an impact has a proportionately greater effect on people sharing a protected characteristic as compared to other members of the general population at a particular location.
- 5.5.2 The most recent Equalities and Cohesion Data Summary published by the Council in January 2016 was considered in drafting the revised SPDs. The revisions on accessibility reflect the 2015 Building Regulations which were revised to address current and future needs to include standardised accessibility and adaptability requirements for all new residential development across England. The changes introduced voluntary standards which were considered by the Mayor of London who set how the standards would be applied in London. The standard in Barnet is therefore set and simply repeated in this document for clarity.
- 5.5.3 Projects using the revised SPDs will, where appropriate develop further

equalities analysis for consideration where necessary at submission of planning applications for development.

- 5.5.4 The revised SPDs should support the Council in meeting the Public Sector Equality Duty in delivering services and the Council's priorities and to achieve the Strategic Equalities objective which is set out in the Corporate Plan. The Council's Strategic Equalities objective: "Citizens will be treated equally, with understanding and respect, and will have equal access to quality services which provide value to the taxpayer."

5.6 Consultation and Public Participation

Draft Sustainable Design and Construction SPD and draft Residential Design Guidance SPD

- 5.6.1 Consultation on the proposed Sustainable Design and Construction SPD and Residential Design Guidance SPD took place over a 6 week period extending from 14th July until 25th August 2016. Consultation involved letters that were e-mailed to stakeholders on the Local Plan consultation database. A Public Notice was published in the Barnet Press to publicise the consultation and the draft SPDs and Pre-production Consultation Statement were published on the Council's website in compliance with Regulation 12 requirements (2012 Regs).
- 5.6.2 There were 8 responses received during the consultation. They were received from a mix of statutory stakeholders including the Historic England, Natural England, Mill Hill Neighbourhood Forum, developers, local residents and the Woodland Trust.
- 5.6.3 A Consultation Report summarising the main issues raised by those persons to the proposed SD & C SPD (Appendix 2); the complete representations and the Council's response is attached at Appendix 1:
- 5.6.4 A consultation report summarising the main issues raised by those persons to the proposed RDG SPD (Appendix 4); the complete representations and the Council's response is attached at Appendix 3

6 BACKGROUND PAPERS

- 6.1 Policy and Resources Committee, 28 June 2016, item 12, Draft Sustainable Design and Construction and draft Residential Design Guidance Supplementary Planning Documents
<http://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=692&MId=8728&Ver=4>
- 6.2 Cabinet, 18 April 2013, Item 5, Barnet's Local Plan –Sustainable Design and Construction Supplementary Planning Document - Adoption

<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=120&MId=6752&Ver=4>

- 6.3 Cabinet, 18 April 2013, Item 6 Barnet's Local Plan – Residential Design Guidance Supplementary Planning Document – Adoption
<https://barnet.moderngov.co.uk/ieListDocuments.aspx?CId=120&MId=6752&Ver=4>