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| Meeting | Cabinet |
| Date | 18 April 2013 |
| Subject | Barnet's Local Plan –Sustainable Design and Construction Supplementary Planning Document - Adoption |
| Report of | Cabinet Member for Planning and Regulatory Services |
| Summary | <p>The Local Plan is one of the most important statutory plans in Barnet. The Sustainable Design and Construction Supplementary Planning Document (SPD) implements the policies contained in the Local Plan Core Strategy and Development Management Policies documents.</p> <p>The Sustainable Design and Construction SPD sets out Barnet's sustainability requirements for building design and performance at different scales of development.</p> |

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| Officer Contributors | Assistant Director – Strategic Planning & Regeneration Planning Policy Officer |
| Status (public or exempt) | Public |
| Wards Affected | All |
| Key Decision | Yes |
| Reason for urgency / exemption from call-in | N/A |
| Function of | Executive |
| Enclosures | Appendix A: Sustainable Design and Construction SPD Appendix B: Schedule of consultation responses |
| Contact for Further Information: | Mike Carless – Principal Planner (Policy) - 0208 359 4657 |

1. RECOMMENDATIONS

- 1.1 That Cabinet approve the Local Plan Sustainable Design and Construction SPD (Appendix A) for formal adoption.**

2. RELEVANT PREVIOUS DECISIONS

- 2.1 On 8 May 2007 Cabinet (Decision item 5) approved the current Supplementary Planning Document on Sustainable Design and Construction for adoption.
- 2.2 On 11 September 2012 the Council (Decision item 4.1) approved the Local Plan Core Strategy and Development Management Policies for adoption.
- 2.3 On 29 February 2012 the Business Management Overview and Scrutiny Committee (Decision item 14) agreed the recommendations of the Carbon Footprint Task and Finish Group which included a recommendation [4] to move towards level four of the Code for Sustainable Homes in the review of the Sustainable Design and Construction SPD.
- 2.4 On 26 October 2012 the Cabinet Member for Planning and Regulatory Services approved the draft Sustainable Design and Construction SPD for consultation (Delegated Powers Report 1668)

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 All three priorities in the Corporate Plan 2012 -2013 are embedded within the Sustainable Design and Construction SPD.
- In providing better services with less money it ensures that :-
 - clear, concise and up to date guidance on sustainable design and construction is provided reflecting Barnet's priorities.
 - In sharing opportunities and sharing responsibilities it ensures that :-
 - residents can lead healthy and independent lives in new housing which meets lifetime homes standards. The standard sets out design criteria to ensure housing is designed for flexibility to meet changing household needs.
 - In enabling Barnet to continue to be a Successful London Suburb it ensures that:-
 - minimum residential space standards make new housing fit for purpose across all tenures
 - the environment is protected through ensuring new development is located and constructed in a sustainable way, does not adversely impact on air quality and neighbouring amenity nor is affected by noise and air pollution.

4. RISK MANAGEMENT ISSUES

- 4.1 The proposed changes to the 2007 SPD 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. EQUALITIES AND DIVERSITY ISSUES

- 5.1 The Sustainable Design and Construction SPD implements policy contained in the Core Strategy which has been subject to an Equalities Impact Assessment (EqIA). The Core Strategy is the overarching planning policy document for Barnet and the Sustainable Design and Construction SPD implements the approach set out in the Core Strategy. Because the SPD is subservient to the Core Strategy the SPD has not been subject to an EqIA and will draw from the evidence supporting the Core Strategy. The EqIA of the Core Strategy was based on the seven corporate equalities questions set out in the Corporate Plan and formed part of the evidence base

6. USE OF RESOURCES IMPLICATIONS (Finance, Procurement, Performance & Value for Money, Staffing, IT, Property, Sustainability)

- 6.1 The cost of preparing the Local Plan is included in the Strategic Planning service approved budget for 2012/13 of £1.063m. The Sustainable Design and Construction SPD is one part of the Local Plan and the cost of preparing the SPD is incorporated within the approved budget. Officer time amounted to 282 hours at a cost in staff time of £8,414.
- 6.2 The revision of this SPD follows the adoption of the Local Plan Core Strategy and Development Management Policies in September 2012. The adoption of this Sustainable Design and Construction SPD does not add any additional resource implications to the existing resources in the approved budget.

7. LEGAL ISSUES

- 7.1 The Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012 provide guidance on the preparation and adoption of the Local Plan. Upon adoption the Sustainable Design and Construction guidance becomes a statutory Supplementary Planning Document that provides part of Barnet's formal planning policy.

8. CONSTITUTIONAL POWERS (Relevant section from the Constitution, Key/Non-Key Decision)

- 8.1 Constitution, Part 3 (Responsibility for Functions), Section 3 (Responsibilities of the Executive) – details that the adoption of Supplementary Planning Documents (SPD) are the responsibility of the Cabinet.

9. BACKGROUND INFORMATION

- 9.1 The first version of the Sustainable Design and Construction SPD, published in 2007 set out our interpretation of sustainable development in the context of the Three Strands Approach of Protection, Enhancement and Growth and on the basis of the planning policy framework provided by the 2006 Unitary Development Plan (UDP) and the 2004 version of the London Plan.
- 9.2 Since 2007 the Core Strategy, which is underpinned by Three Strands as the place shaping strategy for Barnet, and the Development Management Policies documents have been developed and have replaced the UDP in September 2012. The London Plan published in July 2011 has been subject to a full review. In March 2012 the Government published the National Planning Policy Framework (NPPF) as the replacement for 44 planning documents which previously formed Government policy towards planning. Therefore the planning policy framework which supports the 2007 SPD has been revised.
- 9.3 The SPD has been revised to set out details on building design and performance at different scales of development. Some of this detailed guidance now needs to be updated to reflect new areas of policy such as minimum residential space standards and the emerging use of new technologies like decentralised energy. Some of the other changes made to the 2007 SPD include incorporating standards previously set out in the UDP such as the outdoor amenity space standards and the privacy standards.
- 9.4 This revision retains the innovative elements of the original 2007 document whilst condensing it to produce a clear, user friendly document which simply states the sustainability and design principles and requirements which need to be applied in Barnet.
- 9.5 The Mayor has provided a considerable amount of detail on the quality and design of housing to support the London Plan policies which are set out in draft Supplementary Planning Guidance (SPG) on Housing. The SPD complements the Mayor's draft SPG which the Council broadly welcomes as a practical approach to ensuring consistent housing standards across London.
- 9.6 The following sub-headings reflect the main issues raised by representations received during the consultation and the Councils action follows in *italics*. The full schedule of responses and the Councils response are set out in Appendix A2.

Basements – A number of residents responded requesting that further policy be added to address the potential impacts caused by basement development such as flooding from surface and ground water, land stability and the potential damages to neighbouring properties and the surrounding environment. Responses referred to the emerging policy approaches of several neighbouring and other London boroughs.

We recognise residents concerns regarding the potential impacts caused by basement development and further amendments have been made to the Sustainable Design and Construction SPD. It will now be a requirement to ensure that all basement development which requires planning permission has to produce and agree with the Council a Construction Management Plan to address potential impacts on residential amenity. The approach also enables hydrology and flooding to be addressed on a case by case basis and the

design considerations for basement development are contained in the Residential Design SPD. The concerns raised over the structural integrity of basement development are governed by Building Regulations.

Archaeology and Heritage – A local society responded suggesting that a new section Archaeology and the Historic Environment should be included to compliment the section on the natural environment.

A new section setting out the requirements for archaeology has been added.

Decentralised Energy – A developer responded objecting to the requirement to enter into a legal agreement that requires connection to a future decentralised energy network.

The supporting text has been amended to remove the reference to a legal agreement but developers will still need to make a commitment to making a future connection.

Sustainable Urban Drainage systems (SUDS) – Whilst a number of statutory bodies and utility company responded and welcomed the added emphasis on SUDs a number made the point that soakaways were not necessarily suitable in parts of Barnet because of the clay soils which prevail in the borough.

The supporting text has been amended.

Biodiversity and trees – a number of statutory bodies and local wildlife groups responded with suggestions on how the biodiversity section could be strengthened to support the retention of biodiversity.

The supporting text has been amended to include various references which aim to enhance biodiversity and highlight the requirements on protecting wildlife.

Water Efficiency – A local wildlife group responded to encourage stronger targets to be set out in the document.

A more stringent target would go beyond the strategic policy context set out in the London Plan and require further local evidence to justify. It is therefore not considered necessary at this stage to take this suggestion forward.

Flood Risk and Water Quality – The Environment Agency and a local wildlife group responded to encourage further detail and referencing to expand on the risk of flooding and the detail required to help developments become more flood resilient and also to help improve water quality.

The supporting text has been amended and references added.

Outdoor Amenity Space – A developer responded to request clarification on what determines 'usable' outdoor amenity space when provided communally.

A cross reference was added to the detail contained in the Residential Design Guidance SPD.

10. LIST OF BACKGROUND PAPERS

10.1 Sustainable Design and Construction SPD, 2007

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| Cleared by Finance (Officer's initials) | JH |
| Cleared by Legal (Officer's initials) | CH |