

|                      |   |
|----------------------|---|
| Meeting:             | Cabinet   |
| Date:                | 14 <sup>th</sup> May 2009   |
| Subject:             | Sustainable Building Design SPD - Adoption  |
| Responsible Officer: | Andrew Trehern<br>Corporate Director of Place Shaping   |
| Portfolio Holder:    | Councillor Marilyn Ashton<br>Portfolio Holder for Planning, Development and Enterprise  |
| Exempt:              | No  |
| Enclosures:          | Appendix A: A copy of the revised Sustainable Building Design SPD<br>Appendix B – Recommendation from the Local Development Framework Panel (Special) |

## Section 1 – Summary and Recommendations

The Council signed up to the Nottingham Declaration in 2007, affirming the Council's commitment to addressing the impacts of climate change. The objective of the Sustainable Building Design SPD is to ensure that new development within Harrow is designed to be more efficient, cost less to run (heat and maintain) and are more sustainable. It also seeks to encourage all residents to consider the actions they can take to reduce their own impacts by better insulating their home or business, reusing materials, using energy efficient lighting, installing solar panels or simply by turning off unnecessary appliances. Through improving the sustainability of homes and buildings, it is anticipated this SPD will contribute towards the Council meeting its commitment to tackle climate change as well as generally improving the quality of life of its residents.

### Recommendations:

1. The Cabinet is requested to adopt the Sustainable Building Design SPD attached at Appendix A.

### Reason (For recommendation):

Public consultation on the draft SPD has concluded and the key issues raised in consultation have been considered and, where necessary, the SPD has been amended. The SPD is now finalised and ready for adoption. The SPD would, upon adoption, become a material consideration in the determination of planning applications. The SPD was presented to the LDF Panel in the 28<sup>th</sup> April 2009, and has been recommended to Cabinet for adoption.

## **Section 2 – Report**

### **A. Status of the SPD**

1. The adoption of the Sustainable Building Design SPD must be in accordance with the Town and Country Planning (Local Development) (England) Regulations 2004 as amended by the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008.
2. Regulation 17(1)(b) of the 2004 Regulations stipulates that, prior to the adoption of an SPD, the local planning authority must prepare a statement setting out:
  - those consulted in connection with the preparation of the SPD;
  - how they were consulted;
  - a summary of the main issues raised in consultation; and
  - how those issues have been addressed in the SPD.
3. Regulation 18(4) requires the local planning authority not to adopt an SPD until it has considered any representations made and until it has prepared a statement setting out a summary of the main issues raised in the representations and how the representations have been addressed in the SPD which it is intended to adopt.
4. The report to the LDF Panel on 28<sup>th</sup> April 2009 and its appendices fulfil the requirements of the 2004 Regulations referred to above. In accordance with Regulation 19 this report and its appendices must, as soon as reasonably practical following adoption, be made available along with the adopted SPD for inspection at the Civic Centre offices and libraries as well as being published on the Council's website.
5. An 'adoption statement' must also be prepared, to be made available for inspection and online publication as above, but also to be sent to any person that requested to be notified in the adoption of the SPD. Regulation 16 (as amended) prescribes the content of the adoption statement as:
  - the date of adoption of the SPD;
  - setting out the right of any person with sufficient interest to seek to challenge the decision to adopt the SPD in the High Court; and
  - the time limit for the exercise of that right (three months).
6. The adoption statement will therefore be a separate document to the LDF Panel report, to be prepared and made available after the adoption of the SPD.

### **B. Background**

7. In July 2007 the Council signed the Nottingham Declaration. Amongst other actions, the Declaration commits the Council to develop plans that positively address the causes of climate change and to encourage all sectors of the local community to take the opportunity to adapt to reduce their own greenhouse gas emissions. This Supplementary Planning Document (SPD) is intended to help fulfil these commitments by ensuring developers have due regard to the national standards for new homes and other buildings in advance of the mandatory timetable and by offering a source of advice to householders and others on the methods of more sustainable design and construction that are currently available.
8. The SPD was prepared last year and was presented to the LDF Panel at its meeting on 22<sup>nd</sup> September 2008 for consultation approval. The public consultation took place between 16<sup>th</sup> October and 19<sup>th</sup> November 2008. The revised (post consultation) Sustainable Building Design SPD was presented to the LDF Panel on the 28<sup>th</sup> April 2009, and was recommended to Cabinet for adoption.
9. This report sets out details of the consultation and the responses received. It then goes on to detail the Council's consideration of the responses and the proposed changes to the document in light of the comments received. Finally, sustainability appraisal and strategic environmental assessment issues are addressed.

### **C. Consultation overview**

10. A total of 16 responses were received to consultation on the Sustainable Building Design SPD, with many of these responses giving detailed comments to each of the questions posed in the consultation document. The comments and responses received were used to revise and inform the SPD to better determine the level of sustainability that future developments within the Borough will be required to meet.
11. The public consultation for the Sustainable Building Design SPD commenced on the 16th October and closed on the 19th November 2008. The Council formally advertised the Sustainable Building Design SPD consultation period in the public notice section of the Harrow Leader and the Harrow Observer on the 16th October 2008.
12. This notice listed the local library and civic centre addresses where copies of the document were available for inspection for the duration of the consultation period, postal and email addresses to which representations could be sent and the council website address for the online consultation portal.
13. Letters of notification were sent to statutory consultation bodies, organisations, planning consultants, developers, local groups and individuals on the 16th October 2008, giving details of the consultation period, the arrangements for inspection of the document and an advisory note giving information on the Council's online consultation portal. Those

already registered on the Council's consultation website, who had previously indicated an interest in LDF communications online received an email inviting them to take part in the consultation on the 16th October 2008, with a further reminder email sent on the 31st October 2008. Of the 16 responses received, 12 responses were received via the online consultation portal and four by post.

14. A summary of the draft SPD was presented to Greener Harrow (a sub group of the Sustainable Development and Enterprise Management Group, one of five management groups within the Harrow Strategic Partnership) on the 16<sup>th</sup> September 2008. The presentation informed the group of content of the SPD, the consultation process and invited comments. A similar presentation was given to the Affordable Housing Delivery Group (consisting of Registered Social Landlords and developers) on the 9<sup>th</sup> October 2008.
15. A detailed analysis of the consultation responses and how these were addressed in the revised (post consultation) version of the document is set out in the report to the LDF Panel meeting of 28<sup>th</sup> April, which can be viewed on the Council's website as part of the reports pack for that meeting. The Panel noted the representations received and considered the proposed changes to the SPD in light of the consultees' responses. The Panel resolved to recommend to Cabinet to agree the SPD in its revised form for adoption.

## **E. Sustainability Appraisal and Strategic Environmental Assessment**

16. Section 180 of the Planning Act 2008, which makes amendments to the Planning and Compulsory Purchase Act 2004, and the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2009 which amends Part 5 of the Town and Country Planning (Local Development) Regulations 2004, came into force on 6<sup>th</sup> April 2009. The effect of these changes is that sustainability appraisal of supplementary planning documents is no longer a statutory requirement, although it remains within the discretion of local planning authorities to carry out such appraisal where an SPD would involve significant social, environmental or economic effects not addressed by the appraisal of the development plan document which the SPD seeks to amplify.
17. However, the Council's legal advice reveals that, notwithstanding the removal of the requirement to carry out sustainability appraisal (covering economic & social as well as environmental effects), strategic environmental assessment (SEA) under the European Directive 85/337/EEC may still be required. The Directive, which applies to town and country planning, is given effect in the UK by the Environmental Assessment of Plans and Programmes Regulations 2004 and this is unaffected by the recent changes. Consequently, the Council must satisfy itself that the requirements of 2004 Environmental Assessment Regulations have been fulfilled.

18. The 2004 Environmental Assessment Regulations provides exemptions for (i) plans and programmes that determine the use of only a small area at local level and (ii) minor modifications to existing plans and programmes provided that the authority responsible has determined that the plan or programme is unlikely to have significant environmental effects. In relation to (ii) government advice indicates that ‘modification’ should be interpreted as ‘in elaboration of’ when referring to SPDs, meaning that if an SPD elaborates an existing policy or policies then it should not be necessary to conduct an SEA provided that the SPD would be *unlikely* to have significant environmental effects.
19. A screening opinion was requested and the statutory authorities confirmed that an SEA is not required as it is unlikely that there will be significant environmental effects resulting from the Sustainable Building Design SPD.

## F. Risk Management Implications

| <b>A. Specific Planning Implications</b> |   |
|--|---|
| 1. Reliance on the existing UDP          | <p><b>RISK:</b> A number of relevant UDP policies relating to sustainable buildings and design have been deleted.</p> <p><b>MITIGATION:</b> The revised SPD references the relevant ‘saved’ UDP policies but also establishes clear links to applicable London Plan policies that the Council currently relies on for development control purposes. The SPD brings together these policies and other guidance, thereby ensuring developers take a comprehensive approach to the consideration and incorporation of sustainable design measures early in the process of preparing development proposals.</p> |
| <b>B. Wider Council Implications</b>     |   |
| 1. Financial                             | <p><b>RISK:</b> If the Council is required to prepare SEA there will be additional costs to ensure compliance with the regulations and statutory process.</p>   |

|                        |  |
|------------------------|--|
|                        | <p>MITIGATION: Any costs will need to be met within the current approved planning budget.</p>  |
| 2. Staffing/ workforce | <p>RISK: If the Council is required to prepare SEA this will result in additional planning staff workload and will also impact on other work of the LDF team.</p> <p>MITIGATION: Council to consider the options available to ensure any additional workload is kept to a minimum and accommodated with existing staff levels.</p>   |
| 3. Equalities impact   | <p>The SPD has been subject to wide public consultation and respondent's comments considered and responded to. There are no specific implications arise out of this report.</p>  |
| 4. Community safety    | <p>No specific implications arise out of this report.</p>  |
| 5. Performance Issues  | <p>The SPD will assist the performance of the Borough against a raft of national indicators by promoting more sustainable development, including the consideration of improvements in the existing housing stock where such development requires planning permission. Further information on the contribution of the SPD towards national indicators is provided below.</p> <p>In relation to the adopted Sustainable Community Plan for Harrow (2006) the SPD will contribute to following aspects of the Plan's vision:</p> <ul style="list-style-type: none"> <li>• Be recognised as a leader in the race to reduce carbon emissions through technological innovation and community action</li> <li>• Be a place where people are healthy and stay healthy</li> <li>• Have reduced health inequalities</li> </ul> |

|  |   |
|--|---|
|  | <p>between wards and communities by levelling up health outcomes</p> <p>The revised SPD will re-affirm the Council's commitment to tackling climate change. The SPD is intended to ensure applicants have due regard to the ability of their development to reduce greenhouse gas emissions through design and construction considerations.</p> |
|--|---|

## G. Environmental Impact

The Sustainable Design SPD is an important element of the council's emerging Climate Change Strategy. It will help to drive reductions in CO2 emissions – thereby contributing to the LAA target for the reduction of per capita emissions of CO2 in the borough.

## H. Performance Issues

The following table summarises relevant planning performance indicators.

| <b>Achievement of Corporate Priorities</b>   |   |
|--|---|
| 1. Deliver cleaner and safer streets   | <p>In terms of the Council's Corporate Priorities for 2009, the SPD is focused on building design and quality and will have a very limited impact upon priorities 1 and 2.</p> <p>The SPD will, however, have an impact on priority 3, as it will improve the sustainability of homes and buildings and will, in the long term improve the quality of life for residents in the borough.</p>  |
| 2. Improve support for vulnerable people   |   |
| 3. Building stronger communities   |   |
| <b>Performance Check Key Questions</b>   |   |
| <b>What is the current performance of this area of work against national indicators?</b> | <p>National Indicator 186 measures the per capita CO2 emissions in the Borough. For 2008/09 Harrow Council exceeded the target of a 3.5% carbon saving achieving a 4% reduction.</p> <p>National Indicator 187 tackling fuel poverty measures the percentage of people receiving income based benefits living in homes with a low energy efficiency rating. NI 187 has been designed to measure the proportion of households on income related benefits</p> |

|  |   |
|--|---|
|  | <p>for whom an energy assessment of their housing has been carried out and have a SAP of below 35 or greater than 65. This is ensuring energy efficiency is tackled in the most energy inefficient households (SAP less than 35) and also measures progress towards achieving a SAP of 65, which could potentially fuel poverty proof a home. Measuring began in the first quarter of 2009 by survey. Initial results show that for the first quarter of 2009 89 households were measures SAP below 35 (20.14%), with 289 between 35 and 65 (65.38%) and 64 (14.48%) measured over 65.</p> <p>National Indicator 188 Adapting to climate change is designed to embed the management of climate risks and opportunities across the local authority and partner services. The current level of achievement for Harrow Council on NI 188 is level 0 – Getting Started as the Authority has begun the process of assessing the potential threats and opportunities across its estate and services and has identified and agreed the next steps to build on that assessment in a systematic and coordinated way.</p> |
| <p><b>What impact will the document have on national indicators and key lines of enquiry?<br/>How much will the current performance be improved or mitigate effects?</b></p> | <p>National Indicator 186 – SPD will help to ensure that new buildings are more efficient, reducing energy needs for heating and cooling.</p> <p>National Indicator 187 – SPD will ensure that new buildings are more efficient, reducing energy needs for heating and cooling and therefore the cost to individuals.</p> <p>National Indicator 188 Adapting to climate change – It is envisaged that the SPD will contribute to delivery of this indicator provided that developments carried out by or on behalf of the Council do so in accordance with the best practice set out in the SPD.</p>  |
| <p><b>What is the potential impact on the CAA position?</b></p>  | <p>Having an up-to-date SPD on Sustainable Building Design will help the Council to continue to achieve well against the national and local ‘place shaping’ targets.</p>  |

Risk included on Directorate risk register? No

Separate risk register in place? No



### Section 3 - Statutory Officer Clearance

Name: Sheela Thakrar



on behalf of the  
Chief Financial Officer

Date: 5 May 2009

Name: Hugh Peart



on behalf of the  
Monitoring Officer

Date: 5 May 2009

## **Section 4 – Performance Officer Clearance**

Name: Tom Whiting



on behalf of the\*  
Divisional Director  
(Strategy and  
Improvement)

Date: 1<sup>st</sup> May 2009

## **Section 5 – Environmental Impact Officer Clearance**

Name: Andrew Baker



on behalf of the\*  
Divisional Director  
(Environmental  
Services)

Date: 30<sup>th</sup> April 2009

## **Section 6 - Contact Details and Background Papers**

Contact: Anna Morecombe. Assistant Policy Planner, tel. 020 8736 6304

Background Papers:

- Draft Revised Sustainable Building Design SPD (proposed final) (2009)