
Meeting of Local Development Framework
Working Group

17th October 2006

Report of the Director of City Strategy

Draft Supplementary Planning Guidance: Sustainable Design and Construction

Summary

1. The purpose of this report is to seek a view from Members on the approach taken in the redrafted Supplementary Planning Guidance (SPG): Sustainable Design and Construction (attached as Annex A), before it goes forward to Planning Committee seeking approval for public consultation.

Background

2. A report and earlier draft of the SPG was brought to the Local Development Framework (LDF) Working Group on 24 August 2006 for consideration. The group concluded that the SPG needed to be strengthened to include specific targets. In addition, it was suggested that the SPG was too long and generally needed re-structuring. As a result of these comments Officers have redrafted the SPG which is attached as Annex A. The main changes to the document are:
 - reduction in the amount of text and explanations;
 - provision of minimum standards where appropriate for each section of the policy; and
 - extensive use of the most up to date guidance.

Consultation

3. In addition to those consulted on the previous draft of the SPG, the following people/organisations have been consulted as part of the redrafting:

Internal:

Development Control
Building Control
Waste Strategy
Council's Energy Champion

External:

The Building Research Establishment
Department of Trade and Industry
Considerate Constructors Scheme
York Environment Forum

4. If approved by the Planning Committee, the SPG will be published for consultation. The purpose of the draft attached to this report is to seek Member's views on the overall approach taken. Should this approach be considered appropriate, the draft which is published for consultation will also include relevant photos and a foreword explaining the consultation process. The consultation will run for three months and take the form of:
 - i) copies of the SPG and comments form sent to organisations and individuals with an interest in sustainability in York (including all parish councils, planning panels, residents associations and adjacent planning authorities, as well as interested groups);
 - ii) a Press Release will be published;
 - iii) publication of the SPG and comments form on the Council's website;
 - iv) copies of the SPG and comments form provided in all libraries within the Council area;
 - v) copies of the SPG and comments form provided in Reception at the Guildhall and St Leonard's Place;
 - vi) consultation events with the construction industry and other interested groups; and
 - vii) a presentation to the York Environment Forum.

Options and Analysis

5. Members are asked to consider a number of options relating to the draft SPG:

Option A

6. Members recommended that the SPG should be strengthened to include specific minimum targets which we will expect developments to meet. To address these concerns the SPG now includes standards to guide applicants as to what they are expected to achieve as a minimum when addressing the criteria from Policy GP4a. It is proposed that the standards used are drawn mainly from those developed by the Building Research Establishment.
7. For over a decade, the Building Research Establishment's Environmental Assessment Method (BREEAM) has been used to assess the environmental performance of both new and existing buildings. BREEAM assesses the performance of buildings in terms of site management, energy use, health and well-being, pollution, transport, land use, ecology, materials and water. Credits are then awarded in each of these areas according to performance. These credits are weighted and combined to provide an overall rating for the development on a scale of PASS, GOOD, VERY GOOD or EXCELLENT.
8. Members need to consider whether they think the use of BREEAM is appropriate, and if so, what level of BREEAM standard we should require developers to achieve.

Analysis

9. BREEAM is regarded by the UK construction and property sectors as the measure of best practice in environmental design and management. BREEAM assessments cover a wide range of environmental issues and present the results in a way that is widely understood by those involved in property procurement and management.

Given the weight attached to the BREEAM standards by the construction industry and property sectors it is considered appropriate that they be used as minimum standards in the SPG.

10. Advice was sought from the BRE who advised that BREEAM 'excellent' was a very challenging standard. Indeed it has proved very difficult for the Council's EcoDepot to achieve this standard. It would therefore seem appropriate to take a cautious approach at this stage and review this requirement as part of the policy development for the LDF.
11. Following advice from BRE it is proposed that the minimum standard is set at 'very good'. Applicants would need to provide clear evidence to the Local Planning Authority (LPA) as to why this could not be achieved, for example, site constraints.

Option B

12. The introduction of specific minimum targets in the SPG, means that we need to consider whether these targets should apply to all developments. Whilst it is considered appropriate to use the BREEAM standards for the reasons outlined above, it is also considered that it would be too onerous to require that all sizes and types of development comply with these standards. For example, BREEAM standards would require all applications to provide 10% of their energy needs from on-site renewable resources. This could be seen as excessive for developments which are small-scale or only involve an extension to an existing building.
13. It is therefore proposed in the SPG that whilst all applicants will still be required to submit a sustainability statement in line with GP4a, the length, detail and minimum standards that are required should be dependent on the size and type of development proposed. This will reduce the burden on small-scale developments whilst still requiring them to consider sustainable design and construction issues.
14. For the purposes of the SPG it is therefore proposed that development be divided into three different types and that the SPG provides clear guidance to applicants on what is required for each. The three categories are:
 - (i) large-scale developments: development over 5 residential dwellings or over 500m² for all other types of development;
 - (ii) small-scale developments: developments of 4 dwellings or less, or development under 499m² for all other types of development; or
 - (iii) extensions to existing residential dwellings.

Analysis

15. National policy guidance¹ and the Building Research Establishment, advise that authorities should introduce a threshold when considering how to apply certain sustainability standards. Research into the current practices of other local authorities and organisations such as English Partnerships shows that they apply different sustainability standards according to the size of development proposed.

¹ *Planning Policies for Sustainable Building - Guidance for Local Development Frameworks*, Planning Officers Society, Enfield Council, Local Government Association, Planning Advisory Service, Constructing Excellence and WRAP, July 2006. Copy available in the members library.

16. One of the reasons why it would be inappropriate to require smaller-scale developments to meet the BREEAM standards is that it would place an undue financial cost on small-scale proposals. To comply with the BREEAM standards applicants are required to appoint an accredited BREEAM assessor to carry out the assessment. Although part of the fee charged by the BREEAM assessors is based on the size of the proposed development (for example for residential development, the fee charged is related to the house types and number of units), the majority of the fee is a set cost for all developments. Therefore it may be seen as unreasonable to request a BREEAM assessment for small scale developments.
17. National guidance states that thresholds should be set in accordance with local conditions, therefore it is suggested that York uses a threshold of 5 new dwellings or 500 square metres for consultation purposes to reflect the nature of development coming forward in York.
18. Due to the additional cost imposed on the applicant through requiring a BREEAM assessment and the nature of applications in York it is considered appropriate to include a threshold in the SPG of 5 dwellings and 500m² for all other development.
19. Although only developments above this threshold will be required to meet the BREEAM standards, particular minimum standards have also been introduced for small-scale development where appropriate. Namely for energy and water efficiency, site management and recycling. We want to encourage all applicants to consider sustainable design and construction issues as part of their proposals, however, for certain types of development, such as extensions to existing residential dwellings, it is considered unreasonable to require them to meet similar standards to those requested for larger developments. It is therefore proposed that domestic extensions are treated as a different type of development within the SPG.
20. To reflect the above categories, the SPG is structured around the three types of development identified in paragraph 14 above and separate guidance is provided for each type.

Corporate Priorities

21. The draft SPG accords with the following corporate priorities:
 - decrease the tonnage of biodegradable waste and recyclable products going to landfill;
 - improve the actual and perceived condition and appearance of the city's streets, housing estates and publicly accessible spaces;
 - improve the way the Council and its partners work together to deliver better services for the people who live in York; and
 - improve efficiency and reduce waste to free-up more resources.

Implications

22. The following implications have been assessed:
 - **Financial** - None

- **Human Resources (HR)** - The work will be carried out within existing staff resources and includes the training of relevant staff and the Sustainability Officer's time in dealing with enquiries.
- **Equalities** - None
- **Legal** - None
- **Crime and Disorder** - None
- **Information Technology (IT)** – None
- **Property** - None
- **Other** - None

Risk Management

23. In compliance with the Councils risk management strategy, there are no risks associated with the recommendations of this report.

Recommendations

24. That Members agree:

- 1) subject to Members' comments at the meeting, to recommend the SPG to Planning Committee for approval to be taken out for public consultation; and

Reason: To implement policy GP4a of the Draft Local Plan incorporating the fourth set of changes.

- 2) that the making of any incidental changes or other changes to the document necessary as a result of the recommendation of this report, are delegated to the Director of City Strategy and the Executive Member and Opposition Spokesperson for City Strategy.

Reason: So that the report can progress through to Planning Committee.

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Specialist Implications Officers

None

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

- *Planning Policies for Sustainable Building (Guidance for Local Development Frameworks)*, July 2006, WRAP
- www.bre.co.uk

Annex:

Annex 1: Consultation Draft Supplementary Planning Guidance on Sustainable Design and Construction.