

LONDON BOROUGH OF BRENT

EXECUTIVE

12TH NOVEMBER 2003

FROM THE DIRECTOR OF ENVIRONMENT

FOR INFORMATION / ACTION

NAME OF WARD
ALL

<p>REPORT TITLE: AMENDMENTS TO SUPPLEMENTARY PLANNING GUIDANCE 19: 'SUSTAINABLE DESIGN & CONSTRUCTION'</p>

1.0 SUMMARY

- 1.1 This report seeks Committee consideration of the proposed amendments to SPG19 Sustainable Construction and Pollution. This SPG was approved by Executive Committee in April 2003. The proposed amendments are sought firstly, because Members had stipulated that the document be subject to editorial changes by Plain English Campaign's (PEC's) in order to secure their Crystal Mark accreditation, secondly, to incorporate recommendations of the Members Waste Management and Recycling Overview Task Group, and thirdly, due to refinements made to the Sustainability Checklist.

2.0 RECOMMENDATION

- 2.1 The Committee is asked to:
- 2.2 Approve the amended SPG19 on 'Sustainable Construction and Pollution Control' as supplementary planning guidance;
- 2.3 Approve the refinements to the Sustainability Checklist, and authorise Officers to make further necessary refinements, during the course of its operation.

3.0 FINANCIAL IMPLICATIONS

- 3.1 There are no financial implications arising from this report. This type of guidance supplements the policy framework for assessing planning applications. The Councils regulatory service units will undertake the assessing of planning application(s) with costs contained within the existing budgets.

4.0 STAFFING IMPLICATIONS

- 4.1 There are no further staffing implications arising from these modifications.

5.0 ENVIRONMENTAL IMPLICATIONS

- 5.1 SPG19 will have a role in effectively contributing to the achieving a balance between the demand for development and its long-term impact upon and the need to protect the environment. This is because the document will become important guidance supplementing the planning policy framework and will be used in assessing planning applications for new development.

6.0 LEGAL IMPLICATIONS

- 6.1 The framework for the planning system is contained within the Town and Country Planning Act 1990. Its plan-led in that Section 54A of the Act requires an application to be determined in accordance with the Councils Plan (UDP) unless other material planning considerations indicate otherwise.
- 6.2 The principle of supplementary Planning guidance is recognised in central government publication guidance (Planning Policy Guidance 1 and 12 in particular) as a way of covering detailed issues that support and supplement the policies within the Councils UDP. They are a helpful tool for both developers and the Council alike.
- 6.3 SPG's are not statutory documents in the same way the UDP itself is, but clearly are legitimate and proper material considerations to take account of when determining individual applications. The weight afforded to SPGs when making decisions is increased if they arise out of and are consistent with the UDP and if the guidance notes themselves have been subjected to and prepared with public consultation followed through with a formal Council resolution to approve them. SPG19 has already been through a process of public consultation.
- 6.4 At present, the UDP is the Adopted UDP 1996. However as the Revised UDP 2000-2010 is about to be adopted shortly (and will then replace the 1996 plan) it is appropriate to refer to the policies in the Revised Plan in the SPG.

7.0 DETAIL

Supplementary Planning Guidance 19: Sustainable Construction & Pollution Control

- 7.1 In approving the Householder's Guide for Sustainable Design, and the Supplementary Planning Guidance 19 (SPG19), in April this year, Planning Committee Members had stipulated that they should be subjected to editorial changes by the Plain English Campaign (PEC) to obtain the Crystal Mark before being published. With respect to SPG19, Executive Members had also accepted their recommendation that this document should undergo the same process before final publication. Officers subsequently sent the documents to the PEC, who have since required substantial editorial changes on them. Many of their required changes to the Householder's Guide are appropriate and will be taken on board by officers in due course as workload commitments allow.
- 7.2 However, many of the changes required by the PEC to the SPG19 are more problematic, due to the following facts:
- It is a detailed supplement to UDP policy and carries much more legal weight than the purely advisory/voluntary Householder's Guide;
 - It is a technical document providing more detailed design guidance for developers and their design consultants i.e. architects, landscape designers, surveyors, engineers, contractors, etc.
- The PEC has since agreed that a document of this nature is not really suitable material for the Crystal Mark, which is intended for a lay audience. Nevertheless, your officers have taken on board those of their editorial suggestions which would make the document easier to read, but left out those changes which would not be technically or legally appropriate in planning terms (See Appendix 1 of this report).
- 7.3 The changes made have been mainly related to grammar, formatting and updating – they are not significant changes in substance. They include moving the section on

'general sustainability issues' previously the end of Section D, to the beginning of Section A, and replicating Policy BE12 within it for reference. An additional Appendix has also been added which summarises the background to the production of the SPG and the consultation carried out (a summary of consultation is required by PPG1, and there have been a number of requests by developers and other Boroughs for background details).

- 7.4 In addition, members of the Waste Management and Recycling Overview Task Group have recommended in section 6.8 of their final report, *'Waste Management and Recycling in Brent'* that SPG19 be amended to incorporate the principles of the Demolition Protocol produced by EnviroCentre for London Remade and the Institute of Civil Engineers (ICE with support from the Department for Trade and Industry (DTI). The appropriate references to the Protocol have now been included within the demolition section (page 22) and bibliography of SPG19 (page 40). As a result, the list of proposals for which this SPG will be applied, has been amended to include applications for demolition consent (page 5).
- 7.5 Finally, with respect to the Sustainable Development Checklist included within SPG19, the following amendments have been made:
- Following detailed discussions with developers (particularly Quintain) on clarifying the definitions of specific issues, and the operational use of the checklist, some of the items and the scoring system have been refined to take on board their concerns, and make the Checklist easier to understand (See Appendix 2 of this report). The main changes include:
 - In section 1.2, the 2 criteria on reuse of vacant or occupied buildings now combined into one criterion and the points averaged;
 - In section 2.1, 'Within 200metres' of public transport interchange added to criterion a), and former 700m distance in criterion d) now amended to 800m as suggested by transport officer;
 - In section 2.2, 'bus lay-by' replaced with 'bus-only access road' in criterion a) and the points for a) and b) increased;
 - In section 2.3, some changes have been made to the wording of all criteria (a-g) for greater clarity, with slight changes to a couple of the points;
 - In section 2.4, an additional criterion on improvements/upgrading to routes, and points, has been added to the cycling part;
 - In section 3.1, on Community impact, the 'enable access and participation by disabled/whole community' criterion has now been split into 2 criteria [see d) & e)] and points added;
 - In the Economic/town centre part of this section, 'enhanced facilities' formerly referred to in criterion a) have been expanded into; 'enhanced shops, services or flats above shops' with additional points given for this;
 - In section 4.1, the former insulation-related criterion b) has been replaced with a more planning-relevant one on sunspaces;
 - In 4.2, a criterion h) has been added which penalises the lack of provision of Combined Heat & Power (CHP) where its use would be feasible;
 - In 4.3, a criterion j) has been added for passive ventilation with a wind-driven heat recovery system (such as used in BedZed);
 - In 4.4, a criterion has been added allowing for green tariffs as a secondary means of meeting renewable energy provision (as in the Mayor's 'Energy

Hierarchy'), and a criterion also added which penalises the lack of provision of renewable energy, where its use would be feasible;

- In section 4.5, a criterion b) on water leak detection has been added;
 - In section 4.6, criterion c) on roof structure now includes proposed use of roof space (not just the ability for future expansion);
 - In section 4.7, criterion b) has been reworded for clarity to refer to the quality and experience of open space and the public realm/street, and criterion d) now includes benign exotics, for flexibility;
 - In section 4.8, on materials, the first 3 elements (structure, floors and external walls) have been rearranged for greater clarity of use, more options of materials added, and the points adjusted;
 - In section 5.1, criterion a) has been extended to include the creation of new habitats;
 - In section 5.2, criterion c) now includes reference to the Demolition Protocol, with additional points added and points for other items adjusted;
 - In section 6.1, there has been some rearrangement and rationalisation of the criteria, with the removal of the carbon-dioxide criterion and the inclusion of one on indoor filtration units (as proposed in a recent study of some housing along the North Circular); and
 - In section 6.4, criterion s) now explains further what is required of waste separation/recycling facilities.
- An interactive, electronic version of the Checklist has also been produced to simplify the process of completing it and calculating the scores/rating. This will be posted on the website for ease of reference and use by applicants.
 - The Checklist has now also been detached from SPG19, and printed as a separate form, in order that any future refinements to it can be more easily made, without rendering printed copies of the SPG prematurely obsolete.

Members are requested to approve the above amendments to the SPG document, and the Checklist which are attached as appendices to this report.

- 7.6 It is anticipated that as the Checklist becomes operational, there may be a need to make further adjustments to the wording of some criteria and/or the points system, for greater ease of use, flexibility, to incorporate any further requirements of the Mayor, and to reflect an improved understanding of the issues by officers and applicants with time. Such amendments would be initiated by the planning policy officer responsible for sustainability, under the direction of Planning Managers. Amendments could be triggered on the basis for instance of; the London Plan when finalised, operational issues highlighted by development control, transport, design, landscape and/or environmental health officers, as well as developments in sustainable construction best practice. In order to maintain operational flexibility, Members are asked to authorise the Director of Planning to approve amendments as and when necessary. To avoid confusion, the version number and date of the latest update would be indicated on the interactive Checklist on the website, and on printed versions.
- 7.7 Introductory training in sustainable construction has already been undertaken by 13 planning officers and it is intended to provide training for other officers as resources and work commitments permit. Training will also be provided for Planning Committee Members by the end of this year or early in 2004.

8.0 BACKGROUND INFORMATION

- 8.1 Details of Documents:
- Brent's Replacement UDP, Revised Deposit version 2001.
- 8.2 Any person wishing to inspect these documents should contact Dellé Odeleye, The Planning Service, Brent House, Wembley, Middlesex on 020 8937 5015.

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Appendix 1

(Amended version of SPG19)

Appendix 2

(Amended version of Sustainability Checklist)