

## Bath & North East Somerset Council

MEETING:	Cabinet	
MEETING DATE:	13 <sup>th</sup> February 2013	EXECUTIVE FORWARD PLAN REFERENCE:
		E 2415
TITLE:	Sustainable Construction and Retrofitting Supplementary Planning Document – Adoption	
WARD:	All	
<b>AN OPEN PUBLIC ITEM</b>		
<b>List of attachments to this report:</b> <b>Appendix A:</b> Sustainable Construction and Retrofitting Supplementary Planning Document – Adoption Draft <b>Appendix B:</b> Domestic Energy Efficiency and Renewable Energy: Permitted Development Checklist <b>Appendix C:</b> SPD Consultation Report <b>Appendix D:</b> Draft Equalities Impact Assessment		

### 1 THE ISSUE

1.1 The *Sustainable Construction and Retrofitting Supplementary Planning Document* and the *Domestic Energy Efficiency and Renewable Energy: Permitted Development Checklist* support the Council's aspirations of supporting and encouraging high quality sustainable design, domestic energy & water efficiency and renewable energy. Preparation has involved consultation and community engagement on these issues – particularly through the linked community project *Bath Homes Fit for the Future* (now rebranded for 2013 as *Bath Green Homes*). Approval is requested from the Cabinet to adopt the Supplementary Planning Document (SPD). It is proposed that the SPD is adopted to supplement the Bath & North East Somerset Local Plan, and then the Core Strategy once that is adopted.

### 2 RECOMMENDATION

The Cabinet agrees that:

2.1 The *Sustainable Construction and Retrofitting Supplementary Planning Document* (**Appendix A**) is adopted to supplement the Bath & North East Somerset Local Plan, and then the Core Strategy once this is adopted.

2.2 The *Domestic Energy Efficiency and Renewable Energy: Permitted Development Checklist* (**Appendix B**) is made available on the Council's website.

- 2.3 Responsibility is delegated to the Divisional Director of Planning & Transport Development to make graphic and minor textual amendments to Appendices A or B prior to adoption.
- 2.4 It supports the future adoption of local Energy Efficiency and Renewable Energy Guidance for listed buildings in the next 6 months, following a further review of the draft document with English Heritage (and other stakeholders).
- 2.5 Discussions will be held with other Local Authorities (and other interested parties) with a specific interest in approving energy efficiency and renewable energy measures in listed buildings, together with the relevant Government departments (DCMS and DCLG), with a view to identifying conservation and building regulations policy constraints and ways to overcome them.

### **3 FINANCIAL IMPLICATIONS**

- 3.1 The costs for producing the document, about £3K are being met out of the existing Local Development Framework (LDF) budget. Staff costs associated with the production of the SPD is estimated to be about £10K and have been included within staffing budgets.
- 3.2 The document gives guidance to supplement the adopted Local Plan and more specifically in support of new policies being introduced through the Core Strategy. It provides locally specific guidance aimed at householders and small scale developers and will improve the quality and consistency of advice given from the Planning Department. Other departments have expressed an interest in using the document including Housing Services and Building Control.
- 3.3 As this is a new emerging area of policy there is a need for corporate staff training associated with implementation. This will cost c. £1K and is covered within the existing LDF budget.
- 3.4 There are no additional financial costs as a result of preparing, adopting and implementing these policy documents.

### **4 CORPORATE OBJECTIVES**

- *Promoting independence and positive lives for everyone*
  - *Creating neighbourhoods where people are proud to live*
  - *Building a stronger economy*
- 4.1 This Supplementary Planning Document supports all of the corporate objectives. In particular:
    - Locally specific energy efficiency guidance will help provide advice to residents about how to reduce their fuel bills at home and will provide guidance that can be used to advise vulnerable households in fuel poverty. It will enable the Planning department to offer consistent and quality advice.
    - Community and volunteer projects linked with the policy documents are helping to involve the community, local businesses and education providers in the sustainable construction and retrofitting agenda.
    - Retrofitting and sustainable construction offer opportunities for green jobs which support local economic development objectives.

## 5 THE REPORT

### **Background**

- 5.1 The *Sustainable Construction and Retrofitting Supplementary Planning Document* (SPD) has been prepared to supplement the Local Plan and more specifically to give additional support to the Core Strategy policies on Retrofitting and Sustainable Construction (Policies CP1 and CP2). However, it is perhaps atypical as a SPD as it also contains information around permitted development rights and building regulations – this responds to the request for a single point of information on “planning” issues and reflects work with stakeholders.
- 5.2 Retrofitting Policy CP1 in the Core Strategy states that the Council encourages retrofitting measures to existing buildings to improve their energy efficiency and adaptability to climate change and supports appropriate incorporation of domestic scalar renewables. The policy also states that the Council will seek to encourage and enable the sensitive retrofitting of historic buildings (including listed buildings). This approach gathered support from English Heritage, local residents and interest groups via the Core Strategy process.
- 5.3 Sustainable Construction Policy CP2 sets out the sustainability criteria that planning applications should address (such as energy efficiency, water use, minimising waste and recycling in construction etc.) and requires all major development to undertake either a Code for Sustainable Homes (CfSH) assessment or a Building Environmental Assessment Method (BREEAM) assessment. The SPD aims to offer guidance to improve the environmental performance related to smaller scale development including a single residential new build or home extension, and introduces the key principles included in these national methodologies.
- 5.4 Further specific information for owners of listed buildings is forthcoming and it is proposed that this would be provided in the form of guidance Annex to the SPD. It should be noted this will not negate the need to comply with the provisions of primary legislation on listed buildings.
- 5.5 The Core Strategy examination process has currently been suspended. However, it is intended that the SPD is adopted initially to supplement the Bath & North East Somerset Local Plan. On adopting the Core Strategy, the SPD will then be adopted to supplement it (specifically policies CP1 and CP2). The Inspector has not raised any soundness issues in relation to policies CP1 and CP2. This will ensure that the Supplementary Planning Document is publicly accessible as soon as possible and ties in with the launch of the Green Deal and the 2013 Bath Green Homes project.

### **Link to Corporate Agendas**

- 5.6 The SPD strongly links to a number of corporate agendas; most significantly it will provide planning advice for householders that can be utilised alongside the Green Deal. It also supports work underway to support the Low Carbon economy and has a significant community involvement element, which is planned to continue with the second open homes weekend in Bath (*Bath Green Homes*) and other events being planned for Spring 2013.

5.7 Enabling residents in B&NES to make new and existing homes more energy efficient is key for a number of reasons:

- The health impact of cold hazards in homes costs the NHS in B&NES £3.8m per year
- 17% of B&NES residents are in fuel poverty and this number will increase as fuel bills rise
- Retrofitting represents an opportunity for local businesses, and initial estimates from the *Green Deal Scoping Study* suggest that the retrofit market is likely to be worth £10-20 million per annum across B&NES
- CO2 emissions from domestic properties is a target sector, accounting for around 40% of B&NES' districts carbon footprint
- Lack of knowledge and clarity about necessary planning and listed building consents could be a barrier to Green Deal/Retrofitting uptake B&NES

### ***The Approach***

5.8 The SPD will both help to provide greater clarity and information to householders and small scale developers about how to approach build projects in a sustainable way and how to make their homes more energy and water efficient.

5.9 It is a practical and technically based “how to” guide. Annotated diagrams and photos feature as the main content and are used to explain sustainable construction principles and retrofitting measures. Symbols are used to flag up relative costs and carbon savings of each intervention; and show whether planning permission or listed building consent is needed or where building regulations need to be complied with.

### ***Consultation Feedback***

5.10 Extensive consultation and community engagement has been undertaken alongside these policy documents on the topic of Sustainable Construction and Retrofitting (outlined in **Appendix C**).

5.11 English Heritage has recognised the value and depth of this engagement, and have included a reference to this project in their 2012 publication *Practical Building Conservation: Conservation Basics*. The Council features as an exemplar of work undertaken to work with the community. They are supportive of the SPD.

5.12 A key part of the consultation has been linking to the collaborative project *Bath Homes Fit for the Future* (rebranded for 2013 as *Bath Green Homes*). The Council has worked with Bath Preservation Trust and Transition Bath to deliver a series of events and activities focused around the open homes weekend and a Conference event. This project has been highly successful, and is planned to run again in 2013-14, a summary report on this project is included as a background paper to this report. The headlines from this project are as follows:

- There were 621 visits to the 12 open homes in Bath, an average of 51 visits per home

- More than 50 people volunteered in a variety of ways including promotion and organising, writing case studies, stewarding, filming and photography. Volunteer time totalled 200+ volunteer days, at a value of £10,000 to the project.
- The potential value to the local economy of the measures the visitors wanted to install within the next year is more than £600,000. 77% of visitors attended as they wanted to make changes to their own home.
- The website had 2,000 unique hits before the open homes weekend.
- The visitor “hub” at the Building of Bath collection received 158 visitors over the weekend
- There were 17 complimentary events organised by a range of stakeholders, including workshops, talks, exhibitions, trips and conferences which collectively had over 300 attendees.
- This was achieved with a Council budget of £3,500; however the project drew upon in-kind support valued at over £12,000.

5.13 As well as awareness and profile-raising of the SPD through these events, detailed comments were also received from 30 parties on the content of the SPD. Responses were mainly highly technical and detailed in nature showing the strength of community and professional knowledge and interest in this field locally. A summary of the consultation comments is included in **Appendix C**. The feedback headlines were:

- Strong support for the Supplementary Planning Document and for the engaging approach (using graphics and diagrams)
- Level of detail and content pitched about right for the audience
- Heritage groups felt that the positive attributes of traditional buildings need to be given greater emphasis and did not support specific elements such as the “presumptions in favour” of various retrofitting measures
- General consensus that chapter on listed buildings needs more detail and clarity (this is to be considered by Cabinet in September as a separate Guidance Annex).

5.14 Through informal feedback over the course of the events additional suggestions were also made for improvements for example:

- Additional retrofitting measures to be added (e.g. water efficiency, green roofs and walls)
- Local case study examples included
- Layout and formatting improvements
- Need for more clarity about what can be done without permissions (low impact measures)

## ***Amendments to the draft***

- 5.15 The main changes to the SPD reflect direct responses to the feedback headlines summarised in paragraphs 5.13-5.14 above and are summarised in the consultation report (**Appendix C**).
- 5.16 In response to the desire for more information about what can be done without the need for planning permission a Permitted Development Checklist has been prepared for publication alongside the SPD (**Appendix B**).

## ***Conclusions***

- 5.17 Following this further work the *Sustainable Construction and Retrofitting Supplementary Planning Document* (**Appendix A**) is now presented for adoption.
- 5.18 *The Domestic Energy Efficiency and Renewable Energy: Permitted Development Checklist* (**Appendix B**) is also made available for publication.
- 5.19 A separate local Energy Efficiency and Renewable Energy Guidance for listed buildings has been under preparation and it is anticipated that, in the next 6 months, following a further review of the draft document with English Heritage, this will be adopted.

## **6 RISK MANAGEMENT**

- 6.1 The report author and Lead Cabinet member have fully reviewed the risk assessment related to the issue and recommendations, in compliance with the Council's decision making risk management guidance.

## **7 EQUALITIES**

- 7.1 An Equalities Impact Assessment has been completed on the SPD (**Appendix D**). No adverse or other significant issues were found.
- 7.2 Overall the provision of the policy documents are considered to have been seen to have a positive impact on all equalities groups (in particular age, religion/belief, race and disability) as the policies promote measures which reduce the running costs and thermal comfort of buildings. The guidance also offers simple and clear guidance available free of charge to the public, and will facilitate consistent and quality advice to be provided by the planning department.

## **8 RATIONALE**

- 8.1 It is recommended that the Supplementary Planning Document (**Appendix A**) is adopted so that it can be afforded maximum weight in planning decisions.

## **9 OTHER OPTIONS CONSIDERED**

- 9.1 None.

## **10 CONSULTATION**

- 10.1 *Ward Councillor; Cabinet members; Parish Council; Town Council; Policy Development and Scrutiny Panel; Other B&NES Services; Service Users; Local*

*Residents; Community Interest Groups; Stakeholders/Partners; Other Public Sector Bodies; Section 151 Finance Officer; Chief Executive; Monitoring Officer*

10.2 The consultation report included as **Appendix C**, summarises the consultation undertaken.

## **11 ISSUES TO CONSIDER IN REACHING THE DECISION**

11.1 *Customer Focus; Sustainability; Property;*

## **12 ADVICE SOUGHT**

12.1 The Council's Monitoring Officer (Divisional Director – Legal and Democratic Services) and Section 151 Officer (Divisional Director - Finance) have had the opportunity to input to this report and have cleared it for publication.

<b>Contact person</b>	David Trigwell, Divisional Director Planning and Transport Development  01225 394125
<b>Sponsoring Cabinet Member</b>	Councillor Tim Ball (Cabinet Member for Homes and Planning)
<b>Background papers</b>	Dedicated website to sustainable construction and retrofitting contains the draft Supplementary Planning Document (March 2012) <a href="http://www.bathnes.gov.uk/greenbuild">www.bathnes.gov.uk/greenbuild</a>  Bath Homes Fit for the Future Consultation Report 2011/12 <a href="http://www.bathgreenhomes.co.uk/sites/default/files/documents/files/Final%20Full%20Report%20Bath%20Homes%20Fit%20for%20the%20Future%202012_13_0.pdf">http://www.bathgreenhomes.co.uk/sites/default/files/documents/files/Final%20Full%20Report%20Bath%20Homes%20Fit%20for%20the%20Future%202012_13_0.pdf</a>
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