

PSM19

**South Gloucestershire
Core Strategy
Examination**

**Position Statement
for Matter 19:
Design (CS1)**

May 2012

Matter 19 – Design (CS1)

Q1 Is there sufficient emphasis in the Core Strategy to reflect the importance placed on design in the National Policy Planning Framework?

Council response – Yes.

1.1 The Council's approach to promoting design is consistent with the NPPF paragraphs 56-68 requiring good design.

- At paragraph 56 of the NPPF it states that, '*the Government attaches great importance to the design of the built environment*', & '*good design...is indivisible from good planning*'. Policy CS1 requires development that achieves the '*highest possible standards of design*', and paragraph 5.3 of the CS explains that '*high quality design cannot be delivered through a single policy...*' Design is thus given prominence by being the first policy in the plan, but should also be read alongside policies CS2, CS8, CS9, CS16, CS24 and the area based policies CS25, CS29, CS30, CS32 and CS34. CS1 should also be read alongside the South Gloucestershire Design Checklist (SPD – adopted August 2007) (Examination Library – RD36).
- At paragraph 58 of the NPPF it states that, '*policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics.*' Chapter 2 of the CS – 'Setting the Scene' describes the characteristics of the district and sets the context of the CS objectives (pg 35), e.g. '*South Gloucestershire has many contrasting landscapes...*' (para 2.4), '*a rich and varied heritage of historic buildings...*' (para 2.5), '*communities aspire to maintain a strong and separate identity*' (para 2.9). In summary, South Gloucestershire is a hugely varied district. It would therefore be almost impossible to set out a single coherent policy that responds to the 'future of the area.' CS1 therefore requires development that is, '*informed by, respects and enhances the character and distinctiveness of the site and context*', and criteria 4 points the applicant to the 'objectives of the locality,' and to take account of adopted plans and strategies that may contain information that would inform distinctiveness issues. Policies CS25, CS29, CS30, CS32 and CS34 and their respective objectives in turn promote particular design objectives based on the evaluation of the defining characteristics of the area. For example, the Communities of the North Fringe lack distinctiveness, high quality public realm and suffer from severance, unconnected open space areas and campus style developments with large areas of surface car parking. Criteria 6, 7, 10, 12, 13 and 15 (of CS25) aim to address these issues. Criteria 11 promotes 'landmark' architecture at key transit points into the north fringe.

Q2 Is the supporting text too prescriptive or is the level of detail useful in setting out the Council's design priorities when assessing planning applications?

Council response – The level of detail is intended to be helpful in clarifying the intentions of the policy.

- 2.1 'Design' is often considered to be a subjective matter, and with little guidance can be interpreted widely. It is therefore important for the speed and consistency of the development management process, that clear criteria and explanation are provided both for developers and development management staff and councillors. The text also provides guidance as to the level of information that developers will be expected to provide. The text is therefore considered helpful in clarifying the policy.

Q3 Is the Council justified in including reference to targets relating to the Code for Sustainable Homes or other standards where these are a requirement of different regulatory processes?

Council response - Yes, the Council is justified in including reference to targets relating to the Code for Sustainable Homes and other standards.

- 3.1 The Climate Change Act 2008 contains a statutory target of securing a reduction in carbon dioxide levels of 80% below 1990 levels by 2050, with an interim target of 34% by 2020. In South Glos 40% of emissions are now from the domestic sector (South Glos Climate Change Strategy – April 2011 Update). The need to make progress over the plan period in realising these targets is now undeniable and urgent. A high standard of new build construction is therefore one component to assist achieve these statutory targets.
- 3.2 The NPPF is clear that, '*the purpose of the planning system is to contribute to the achievement of sustainable development*' (para 6), by... '*helping to...use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy*' (para 7). Paragraph 94 also requires that, '*Local Planning Authorities should adopt proactive strategies to mitigate and adapt to climate change...*' Given these objectives, and that buildings built today will be around for many years, it would be negligent not to promote high quality design and standards of construction that go beyond the building regulations. Paragraph 95 states that '*when setting any local requirement for a building's sustainability, do so in a way consistent with the Government's zero carbon buildings policy and adopt nationally prescribed standards.*' The Governments Zero Carbon buildings policy is understood to be the proposed step change in the building regulations in 2013 and 2016. Code for Sustainable Homes (CfSH) and Building for Life (BfL) are nationally prescribed standards. They are not a *requirement* of different regulatory processes. The Council justification for their inclusion in the plan is as follows:

Building for Life

- 3.3 *Building for Life* (BfL) is a criteria based approach to assessing the urban design quality of new housing developments. The House Builders Federation (HBF) is a co-author. It therefore has house building industry support. It sets 20 questions that developments should meet, based on urban design good practice. Depending on the number of the 20 criteria met, schemes can be assessed as poor to very good. (Examination Library – RD34).
- 3.4 BfL is advocated by DCLG in a letter to all LAs regarding the 2008 Planning Bill and delivering well designed homes and high quality places (See Examination Library – RD33). In the 'Background' section of the letter, LPAs are encouraged to reference the criteria in their LDFs and use BfL as a negotiating tool (see the 4th & 6th paragraphs).

- 3.5 With regard to sustainable construction, criteria 20 of BfL asks, '*Do buildings or spaces outperform statutory minima, such as building regulations?*', and with regard wider environmental impacts, criteria 5 asks, '*Does the development have any features that reduce its environmental impact?*' (such as using renewable energy, promoting recycling, using sustainable urban drainage, reducing construction waste, increasing biodiversity). Supporting text refers to CfSH as '*the relevant reference point*'.
- 3.6 The reference to Building for Life in CS1 has been objected to (by the HBF) on the basis that it was never meant to be a mandatory standard and elements of it are not appropriate to all schemes. These objections are acknowledged. CS1 'expects' rather than 'requires' schemes (of over 10 dwellings) to meet 'very good'. Paragraph 5.16 is also explicit in setting out that Design & Access statements should be used to set out where criteria may not be appropriate and public consultation etc, should be used to help inform priorities where 'very good' may not be achievable. Para 17 (bullet 2) of the NPPF states that [plan-making and decision taking should] '*not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives*'. Para 66 of the NPPF also 'expects' applicants, '*to work closely with those affected by their proposals to evolve designs...*'
- 3.7 BfL is thus a structured methodology for assessing the design quality of new housing development, its use is advocated by the house building industry and Central Government and is consistent with the objectives of NPPF, that attaches '*great importance to the design of the built environment*'. As a clarification to when the assessment should be undertaken / provided, an amendment is proposed in Appendix A.

Code for Sustainable Homes

- 3.8 The Building Regulations set minimum standards in relation to a number of sustainability issues, such as energy efficiency and water consumption, as well as matters such as structural soundness. Sustainable Design however requires a more holistic approach to achieve well designed buildings and places that can improve the lives of people and communities. To this effect SGC has the following strategy:
- 3.9 The Core Strategy and other LDF documentation sets out a suite of policies that seek to enhance the general physical and economic environment within which greater sustainability of construction & design is encouraged and enabled by. These include:
- CS1 – High Quality Design. Specifically, criteria 2, 3, 5, 6, 8, 9, 10, & 11
 - CS2 – Green Infrastructure
 - CS3 – Renewable & Low Carbon Energy
 - CS4 – Renewable & Low Carbon District Heat Networks
 - CS8 – Improving Accessibility
 - South Glos Design Checklist (SPD – Aug 2006)
- 3.10 The 'Report on the Potential for Renewable & Low Carbon Energy Supply in South Gloucestershire' (Examination Library – EB48) identified potential for the exploitation of wind in rural areas and CHP/district heating networks particularly in the North Fringe of Bristol. To this effect SGC is working with its members and communities to

formulate a strategy for the pro-active exploitation of wind energy and, with the UWE, has commissioned studies into the viability of district heat networks in the Bristol North Fringe and Yate. Organisations that are engagingly constructively in this study include BAE systems & Crest Nicholson. SGC also intends to commission a study into the most cost effective delivery of utilities in the Cribbs Patchway area. These measures have the potential to assist developers meet their CO2 reduction obligations.

- 3.11 Hanham Hall in South Gloucestershire is proposed as one of the first Zero Carbon developments in the Country. The Council has recently been proactive in agreeing with Barratt Developments, the Homes & Communities Agency and the Zero Carbon Hub a mechanism (through the S106 agreement) to set up a Community Energy Fund to enable the delivery of offsite allowable solutions in advance of the 2016 building regulations. The Core Strategy (paras 5.17 & 5.51) recognises the proposed step changes towards Zero Carbon and the implications for the development industry and consequently is committed to the early implementation of a Community Energy Fund to provide a local opportunity for the collection and distribution of Allowable Solutions funds. This work is recognised in the emerging South Glos Low Carbon Strategy. The Hanham Hall project has also provided South Glos Council with direct experience of the challenging technical and financial viability issues that face developers with regard to building to high sustainability standards.
- 3.12 Technology, materials and the building regulations regime will continue to evolve in the future. South Gloucestershire welcomes the proposed step changes in the building regulations and recognises its role in assisting create an environment within which developers have the best chance of meeting future obligations. CS1(8) requires developers to have regard to energy conservation and the protection of natural resources in the design, orientation and location of buildings, roof pitches, windows, habitable rooms, lighting and landscaping. This is in accordance with NPPF para 96, bullet 2. In the same approach as BfL (criteria 20), CS1(8) then explains that schemes that outperform the statutory minima, such as the building regulations, will be considered a primary indicator of good design. This is in the spirit of NPPF para 17 bullet 2, that promotes a creative approach to enhance and improve the places in which people live.
- 3.13 With regard schemes of more than 10 dwellings the Council requires developers to meet CfSH level 3 (level 4 from 2013). It is considered that this proposed step is consistent with the Government's Zero Carbon Buildings policy as the major element of the CfSH (level 3) – Energy, is now part of the building regulations. There is no reason to assume that the CfSH Energy requirement will not be brought into line with the building regulations in 2013. Many of the other elements of the CfSH could also be promoted to demonstrate compliance with other perfectly valid planning policy requirements (see Appendix B), and are regularly met by other standard construction practices such as the 'Considerate Constructor' scheme¹. (Examination Library – RD37)
- 3.14 To put it another way, it should be recognised that development viability is not static, and that one of the important effects of schemes such as the CfSH is to drive change in the supply chain and thereby to reduce costs. For example, DCLG research into the cost of CfSH (Examination Library – RD35) concludes (para 2, pg 69) that the extra

¹ <http://www.ccscheme.org.uk/images/stories/ccs-ltd-section/downloads/overview.pdf>

over costs of meeting the CfSH, will decrease in real terms over time. Table 5, (pg 17) shows the extra over costs (of a typical 3 bed semi). If elements that are required through other planning policies and delivered via general good practice, such as ecology, waste, health and management are also stripped out, any differential is further reduced. Furthermore where Affordable housing (AH) is provided to a required CfSH level, site wide credits for elements such as ecology and construction waste management are thereby equally attributable to the market housing at no additional cost. Many housebuilders also do not differentiate between the 'in-fabric' build specification of the affordable and market housing across a site. Elements outside of any of these policies and general construction good practice are therefore somewhat de minimis in nature.

- 3.15 A significant advantage of using a Code level target, is that it provides developers with a structured methodology and holistic approach to thinking about the sustainability credentials of a scheme at an early stage. Accreditation also provides a potential marketing benefit at completion. It also involves independent assessment and accreditation, overseen by the UK Accreditation Service. At the same time, developers and local communities can have confidence that a development is fairly assessed against objective criteria. Planning policy on the other hand, with the greatest will in the world can often be applied inconsistently. This lack of certainty is often cited by the development industry as a major failing of the planning system. Compliance with the Code is arguably a simple means of demonstrating conformity with a range of planning policies. CfSH level 3 (level 4 – post 2013) is thus consistent with the Governments Zero Carbon policy.
- 3.16 In terms of local precedent Bristol City policy BCS15 (Appendix C) requires that developers of major schemes submit a CfSH assessment. It is interesting to note, that the Bristol inspector allowed, CfSH level 6 and BREEAM 'excellent' from 2016. Presumably, as he saw no distinction between the CfSH and building regulations or considered that the wider scope of the Code (beyond the energy element) presented little further burden so as to be de-minimis.
- 3.17 SGC is also concerned that many of its major sites will be prior registered for building regulations, well ahead of commencement of construction (and ahead of planning permission being granted). This could result in a large quantum of development coming forward to 2010 or 2013 regulations well beyond 2016. For instance, it is likely that if a developer prior registers a site for 2010 regulations and achieves a site start by Oct 2014 (allowing 1yr transitional arrangement for the 2013 building regs) the entirety of that site will be constructed to 2010 regulations.² This is a clear risk that would potentially undermine the objectives of the NPPF and Core Strategy to promote sustainable development that is consistent with the Governments Zero Carbon Policy.
- 3.18 An amendment to CS1(8) is therefore proposed (see Appendix A) to clarify para 5.17, that expects developers of major (multi-phased) new neighbourhoods to ensure Zero Carbon Standards are achieved on phases post 2016. It also clarifies that post 2016 the Council will not expect developers to continue to build to CfSH standards. This is entirely consistent with the Governments Zero Carbon Buildings policy. However, in the meantime the Council wishes to promote CfSH as a means to ensure the highest possible standards (consistent with the Governments Zero Carbon Buildings policy)

² <http://www.legislation.gov.uk/ukxi/2010/2214/regulation/52/made>

and embed an holistic and consistent methodology for the consideration of wider (than building regs) sustainable construction issues. This approach 'signals' areas where the Council will continue to review its planning policies through the Policies, Sites & Places DPD and review of the Design Checklist SPD.

Conclusion

- 3.19 Sustainable design and construction is concerned with implementing sustainable development at the scale of individual sites and buildings. While consideration of energy and carbon impacts is an important element, sustainable design and construction goes wider than this. It seeks to: minimise the use of resources (including energy and water); ensure that buildings mitigate and are resilient to the impact of climate change; protect and enhance biodiversity and green infrastructure; provide buildings and spaces that are pleasant and healthy for occupiers and users; ensure the sustainable sourcing of materials; and minimise waste.
- 3.20 There is significant and growing evidence that highly sustainable buildings can be produced at little or no additional cost, provided sustainability is designed in from the outset. Sustainable design and construction is of major importance to the UK economy. The [Green Deal](#) alone is predicted to trigger £14billion of investment to 2022 and to support at least 65,000 insulation and construction jobs by 2015³. Studies commissioned by DCLG also indicate that as sustainable construction becomes more widely adopted the supply chain responds and costs are driven down. There is also growing evidence⁴ that commercial property built to sustainable standards can command a significant price premium over standard property.
- 3.21 The strategy being undertaken by SGC is pro-active and multi-faceted. Utilisation of widely accepted tools, such as CfSH & BfL, is a means of promoting NPPF objectives. The approach advocated is consistent with the Governments Zero Carbon Policy and pro-actively stimulates '*sustainable economic development*' and a '*transition to a low carbon future in a changing climate*' in accordance with NPPF para 17. The Council therefore considers that it is appropriate for the Core Strategy to include BfL and CfSH because:
- The planning system has a key role to play in contributing to the achievement of sustainable development and the Governments CO2 reduction targets. Promotion of the highest possible standards of sustainable construction is part of the 'creative exercise' in pro-actively pursuing these objectives.
 - Buildings built today will be around for many years. It would therefore be negligent not to promote the highest possible standards of sustainable construction that are consistent with the Governments Zero Carbon Policy.
 - BfL & CfSH are nationally recognised instruments promoted by DCLG.

³ (http://www.decc.gov.uk/en/content/cms/news/aes_2011/aes_2011.aspx)

⁴ (<http://www.architectsjournal.co.uk/news/daily-news/co-op-chief-breeam-buildings-will-be-worth-more/8622705.article>)

- Words in CS1 are sufficiently flexible not to be a mandatory requirement with regard BfL, rather it is a structured methodology.
- Development viability is not static. CfSH continues to embed a holistic methodology in the consideration of sustainable design and with respect level 3 extra-over [the building regulations] costs are de-minimus in nature.

3.22 The Council also considers it absolutely essential that development is consistent with the Governments Zero Carbon Building Policy and construction takes place to those standards from 2016. Given the emphasis on large multi-phased developments in the plan strategy, prior registration for building regulations, presents a serious risk to delivering NPPF objectives and the Council's strategy for sustainable development.

Appendix A

Suggested Modifications to Matter 19

| Policy / Para. | Proposed Modification | Justification | Main (M) or Additional (A) Modification |
|----------------|--|--|---|
| CS1 (p37) | <p>8. ensure the design, orientation and location of buildings, roof pitches, windows, habitable rooms, lighting and soft landscaping help to achieve energy conservation, the protection of environmental resources and assist the appropriate siting of renewable and/or low carbon energy installations and infrastructure. Schemes that can demonstrate that they will outperform statutory minima, such as the building regulations, in terms of sustainable construction, at the time of construction commencement, will be considered a primary indicator of good design. <u>All new developments will be required to meet the building regulations current at the time of Full planning or Reserved Matters approval. Until the 'Zero Carbon' building regulations are enacted major</u> residential (10 or more dwellings) and mixed-use schemes will be required to achieve Code for Sustainable Homes level 3 (level 4 from 2013) or above, and/or Building Research Establishment Environmental Assessment Method (BREEAM) 'very good' or other equivalent standard; and</p> | <p>To clarify para 5.17 and ensure the policy is consistent with the Government's Zero Carbon Buildings Policy in accordance with NPPF para 95</p> | M |
| CS1 (p38) | <p><u>At the detailed planning application stage</u> Residential development of more than 10 dwellings, will be expected to demonstrate how Buildings for Life 'very good' standard (or any nationally recognised methodology that may supercede Building for Life) will be achieved</p> | <p>Clarification</p> | A |

Appendix B

| CfSH Criteria | Objective | Relevant Planning Policy CS – Core Strategy SGLP – South Glos Local Plan DC – South Glos Design Checklist BfL – Buildings for Life |
|-------------------------------------|--|--|
| Category 1 - Energy/CO ₂ | Improve energy efficiency <ul style="list-style-type: none"> • Building fabric Choice off: <ul style="list-style-type: none"> • Energy Eff. Lighting • Energy Display Device • Drying Space • A-rated white goods • Renewables • Cycle Storage • Home Office | Part L 2010 - Building Regs, CS1(8) CS1 (8), BfL20 CS1 (8), BfL20 SGLP H2, CS1, DC16 CS1 (8), BfL20 CS1 (8), DC19, BfL5 SGLPT8, CS8 CS8, CS30, BfL2 |
| Category 2 - Water | Reduce water consumption & flood risk | CS1 (8), CS9, DC20, BfL5&20 |
| Category 3 - Materials | Reduce environmental impact and embodied energy | CS1 (8), CS9, BfL20. |
| Category 4 - Surface water run-off | Reduce surface water run-off & flood risk | PPS25, CS1 (11), CS9, DC20, BfL5 |
| Category 5 - Waste | Provide storage for waste and recycling. Construction site waste management. Composting | Joint Waste Local Plan, CS1(10), DC21, BfL5&20. Joint Waste Local Plan, Considerate Constructors Scheme Joint Waste Local Plan, CS1(10), DC21, BfL5&20. |
| Category 6 - Pollution | Reduce Global warming potential of insulants and Nitrogen Oxide emissions from heating systems | CS9(9), BfL20 |
| Category 7 - Health and well-being | Improve: Daylighting & Sound Insulation Private Space Provide Lifetime Homes | CS1(8), BfL20 SGLP H2, CS1, DC16 Affordable Housing SPD, HCA grant requirements, BfL2&3 |
| Category 8 - Management | Provide home user guide. Considerate Constructors Scheme Secure Environments | Good Practice Customer Service Joint Waste Local Plan CS1(9), DC48-51 |
| Category 9 - Ecology | Protect & enhance the ecological value of the site | CS1(3&6), CS2, DC6-9, BfL5 |

Appendix C

Policy BCS15 – Bristol City Core Strategy

Sustainable design and construction will be integral to new development in Bristol. In delivering sustainable design and construction, development should address the following key issues:

- Maximising energy efficiency and integrating the use of renewable and low carbon energy;
- Water and recycling during construction and in operation;
- Conserving water resources and minimising vulnerability to flooding;
- The type, life cycle and source of materials to be used;
- Flexibility and adaptability, allowing future modification of use or layout, facilitating future refurbishment and retrofitting;
- Opportunities to incorporate measures which enhance the biodiversity value of development, such as green roofs.

New development will be required to demonstrate as part of the Sustainability Statement submitted with the planning application how the above issues have been addressed. For major development and development for health or education uses, the Sustainability Statement should include a BREEAM and/or Code for Sustainable Homes assessment. Additionally, in the case of a super-major development, a BREEAM for Communities assessment will be required. From 2016 residential development will be expected to meet Level 6 of the Code for Sustainable Homes. For non-residential development, also from 2016, a BREEAM “Excellent” rating will be expected.

All new development will be required to provide satisfactory arrangements for the storage of refuse and recyclable materials as an integral part of its design. Major developments should include communal facilities for waste collection and recycling where appropriate.

New homes and workplaces should include the provision of high-speed broadband access and enable provision of Next Generation broadband.