



THE HOME BUILDERS FEDERATION

GLA DRAFT SUPPLEMENTARY PLANNING GUIDANCE – SUSTAINABLE DESIGN & CONSTRUCTION

INTRODUCTION

Thank you for consulting the Home Builders Federation (HBF) on this Draft Supplementary Planning Guidance (SPG). The HBF is the principal trade federation for the house building industry. Its member firms account for over 80% of all new houses built in England and Wales in any one year. The response is set in three parts.

Firstly, there is an overview on the form and context of the SPG. Secondly we present more detailed comments on the specific content of the draft SPG and thirdly, we address those specific questions that accompany the consultation exercise on this draft document.

OVERVIEW

From the outset of our response, it is important to note that sustainable design and sustainable construction are not issues which are London-specific. These are national issues, which are being debated on a national stage and are more effectively addressed through reforms of Building Regulations, rather than an ad-hoc document, specific to a particular locale.

Indeed, HBF are concerned with the level of detail of this SPG and the constant reliance and reference to Building Regulations throughout, in what is essentially a Planning document. Paragraph 30 of PPS 1 covers this:

“Planning policies should not replicate, cut across, or detrimentally affect matters within the scope of other legislative requirements, such as those set out in Building Regulations for energy efficiency.”

This reinforces our stance that this sustainable design and construction agenda should be carried out through Building Regulations and the Mayor should concentrate his efforts on the debate to reform and evolve Buildings Regulations, where inter-related issues, for instance training resources, can all be addressed, top-down.



This draft SPG attempts to introduce new policy. The prevalence of new policy, results from the vague, skeletal nature of Policy 4B.6. These are flagged up in their relevant section of our detailed response and instances where this has occurred, should be deleted. Paragraph 2.44 of Planning Policy Statement 12 is quite clear on this:

“Supplementary planning documents may contain policies which expands or supplements the policies in development plan documents. However, policies which should be included in a development plan document and subjected to proper independent scrutiny in accordance with the statutory procedures should not be set out in supplementary planning documents.”

Instances of new policy, should not be included in this SPG but should be carried through to the next review of the London Plan, where they can be independently examined. For ease of use this SPG, and subsequent GLA SPG, should be clearly cross-referenced at every stage with the relevant policy/Para in London Plan.

The role and use of this SPG needs to be clarified. Will this be an over-arching document for London or will boroughs still seek to implement their own SPDs on these issues? Are the standards aspirational or will they be used for determining planning applications? If the standards are to be utilised for refusing planning applications then they should be set out in the London Plan as policy.

The absence of any cost impacts in the preparation of this draft SPG represents a short-sighted approach. There are potentially major cost implications for developers if this draft SPG is implemented, which will affect viability when coupled with the many other planning obligations imposed on developers, including affordable housing. This draft SPG merely acts as a potential hurdle in the race to meet the Mayor’s fundamental objective of accelerating the delivery of new housing towards the annual target of 30,000 new homes.

The frequently cited BedZED development, which is included in the Appendix D case studies, went significantly over budget and serves as a warning to private developers. Whilst a publicly funded development can take that extra element of risk, safe in the knowledge that it is likely to be rescued by further public funding, private developers cannot afford and will ultimately not be prepared to take that additional risk in an industry, inherently speculative in its nature. This could stall all types of development.

Additionally, this draft SPG raises a fundamental issue of resources; the majority of planners who are dealing with applications are unlikely to have detailed knowledge of Building Regulations and the initiatives detailed in this draft SPG, it is likely that local authority building control will need to be involved in this process or Planners will need to be schooled on this new sustainable construction agenda. This does not seem to have been taken onboard, which is particularly pertinent in London, given the staff shortages in many planning departments.

In short, the Mayor is forcing through a radical new sustainable construction program, which raises a number of issues and initiatives, a number of which are untried and untested. They represent a significant risk for the development process. The failure of the numerous existing assessment methods to address all the issues of this SPG, demonstrates the onerous nature of these requirements, which veer significantly beyond existing industry practice and the scope of current Building Regulations. This content of this SPG is premature, in terms of the reform of Building Regulations. Its adoption should be postponed and carried through into the next London Plan review.

DETAILED RESPONSE

Part 1: Introduction

Relationship to other SPG (Para 1.4)

HBF harbour concerns of the relationship between this SPG and forthcoming SPG on Urban Design and Renewable Energy, as listed in Appendix B. It is clear from the content of this SPG that there are some overlapping issues between these, with references to renewable energy and urban design principles. Ideally all these would have been consulted on as a package, in the round. It is not acceptable for boroughs and developers to be drip-fed policy which impact upon each other, in terms of both policy and a collective financial impact.

Setting of Standards (Para 1.5)

The distinction of essential standards and 'Mayor's preferred' standards merely adds ambiguity for all parties involved in the process. It is not clear how developers or local planning authorities ascertain which standards apply to which developments, when making and determining planning applications. It will merely serve to lengthen an already increasingly arduous process for all concerned.

Cost Impact and Feasibility (Para 1.5)

HBF are very concerned that this draft SPG has been created without any examination of the cost impacts of the proposed policies on developers. Para 1.5 states that the London Development Agency has commissioned cost models that will be taken into account when finalising the SPG. This is unacceptable. These costing models should have been undertaken in the preparation of this draft SPG, to adequately inform this consultation exercise.

Checklist (Para 1.6)

As the draft SPG recognises, there are several existing assessment methods that examine sustainability. Planning applicants are seeing a proliferation in the number of statements, assessments and the like, being requested to accompany applications.

Any assessment checklist developed, should not be in addition to those already being asked for by boroughs, but should replace these to ensure there is no fruitless duplication and unwarranted expense for all parties involved.

Using the Guidance (Para 1.7)

Section 1.7 states “ **all planning applications for major development** (HBF emphasis) *in the Greater London areas, applicants will be expected to conduct assessments as appropriate to demonstrate how their proposals address the relevant sustainable design and construction standards in this guidance.*”

Policy 4B.6 states “ **Applications for strategic developments** (HBF emphasis) *should include a statement showing how sustainability principles will be met in terms of demolition, construction and long-term management*” and “**Boroughs should ensure that, where appropriate,** (HBF emphasis) *the same sustainability principles are used to assess planning applications.*”

Curiously, the glossary carries 2 definitions of major developments, notably major developments referable to the Mayor e.g. 500 dwellings or more, as set out in The Town and Country Planning (Mayor of London) Order 2000 and major developments as defined by the boroughs e.g. 10 dwellings/0.5ha or more, as set out in the General Development Procedure Order (GDPO).

It is not clear from Section 1.7 or the definitions in the Glossary, as to which applications, this SPG will apply. HBF raise this as an issue, as this draft SPG supplements a London Plan Policy, it should only be used on those developments referable to the Mayor as set out in GOL Circular 1/2000 and the aforementioned Town and Country Planning (Mayor of London) Order 2000. This should be made explicitly clear in the SPG. All reference to “major development” should be deleted and replaced with “strategic development” in accordance with Policy 4B.6 of the London Plan.

Part 2 – Sustainable Design

2.1 Re-use Land and Buildings:

2.1.2 Land

HBF support the priority for the development of previously developed land and the drive to increase the density of development, however we do not believe that a 100% target is appropriate, particularly in Outer London boroughs, where land is constrained by the green belt. It is important to note that the house building industry has been recycling land in London for many years and will continue to do so.

In respect of the Mayor’s view that the creation of reduced car or car-free developments releases additional space for other uses, this is not necessarily the case, particularly with initiatives such as underground parking in high-density developments.

The requirement for ensuring developments have direct access to open space, potentially conflicts with the London Plan's density matrix and is new policy, which is not in the London Plan. This should be deleted.

2.1.3 Buildings

The requirement that development proposals "*should demonstrate there are no existing buildings that could be adapted for the intended purpose...*" is new policy, and should be deleted accordingly

HBF feels this section is unduly negative against other key London Plan policies and should be deleted, any insistence on re-use loses the opportunity to maximise density and potential contributions to increasing housing supply and additional employment opportunities.

2.2 Maximise Use of Natural Systems:

2.2.2 Location and Urban Design

There are a number of requirements in this section, which go beyond existing policy, notably the requirement for Passive Solar Design, louvres, external blinds and eaves. These should be deleted.

2.2.3 Adapting to Climate Change

Again, the insistence that new buildings should be designed for flexible use is new policy and should be deleted. In any case, it is difficult for both authorities and developers alike to ascertain what the likely future use of a building is likely to be.

The use of borehole cooling is new policy and should be deleted.

It is debatable whether the inclusion of the provision of cycle racks in development, is a strategic matter, given the fact it is prevalent in many borough UDP policies.

2.3 Conserve Energy, Materials and Water Resources

2.3.2 Energy

Firstly, the SPG fails to recognise that generally, older building stock is energy inefficient, when compared to newer stock, and the best way to conserve energy is reducing demand for energy through education and awareness. Most gains could be made in addressing these areas.

Policy 4A.9 on 'providing for renewable energy' of the London Plan states:

*“The Mayor will and boroughs should require **major developments** (HBF emphasis) to show how the development would generate a proportion of the site’s electricity or heat needs from renewables, **wherever feasible** (HBF emphasis).”*

The SPG carries no reference to feasibility or the fact that this applies to major developments. The text should be reworded to reflect this. Feasibility is particularly relevant, due to the high costs involved with this type of technology and the financial impact of other planning obligations and the potential for increased costs for occupants.

The assertion that “*developments not initially including photovoltaics should be able to incorporate them later*” is new policy and should be deleted.

The requirement that “*all developments should incorporate CCHP or CHP wherever feasible*” is fundamental new policy. This requirement is not in the London Plan and should be deleted.

2.3.3 Materials

There are a number of attempts to introduce new policy in this section, notably the instructions that 50% timber products from Forest Stewardship Council sources and balanced from a temperate source and the instruction that 30% of materials by mass should be sourced within 35 miles of the site. These should be deleted.

It is not clear how this 35-mile radius has been decided, or whether the GLA has conducted research to illustrate that this could be realistically achieved.

2.3.4 Water

The level of detail in describing various water saving devices such as low flush toilets and spray taps is unwarranted in a strategic document. These are matters for Building Control and should be deleted.

The insistence on 100% inclusion of water saving devices, 100% metering of non-domestic property and residential developments to achieve water use in new dwellings of less than 40m³ (25m³ preferred) per bedspace per year are all seeking to introduce new policy. The latter presents a number of monitoring issues and the SPG does not offer supporting evidence as to how these levels were set. These should be deleted.

2.4 Reduce the impacts of noise, pollution, flooding and microclimatic effects

2.4.2 Noise

This section is far too detailed. These are matters more effectively dealt with under Building Regulation and should be deleted.

2.4.4 Water Pollution and Flooding

The application of SUDS is better implemented at borough level as the implementation of SUDS and their adoption are processes that involve separate bodies and consequently this is where problems frequently arise. It is imperative that communication channels are in place before any insistence on SUDS.

The detailed guidance on SUDS listed in the SPG, goes above and beyond its role as a strategic document. A signpost to further information would suffice.

Additionally the level of detail set out in flood resistant design, regarding the internal layouts and features of buildings, is far too prescriptive and should be deleted.

2.4.5 Microclimate

The stipulation that tall buildings over 10 storeys high should undertake a wind environment assessment is new policy. This should be deleted.

2.5 Ensure Developments are comfortable and secure

2.5.4 Designing Inclusive Environments

The incorporation of live IT data points in dwellings and ensuring developments are fully e-enabled are new requirements, and should be deleted.

2.7 Promoting Sustainable Waste Behaviour

Policies related to recycling facilities are more adequately dealt with at borough level, which handle waste/recycling collection. The prescription of integrated recycling facilities/storage in buildings/kitchens falls more properly under Building Regulations and not the remit of planning (See Para 30 of PPS 1). These should be deleted.

The detail of the standards is significant new policy. These should be deleted.

Part 3 – Sustainable Construction.

There is a pressing need for common sense with sorting waste streams onsite. On constrained Brownfield sites with neighbouring uses, common throughout London, it may not be feasible for onsite sorting and in such cases; off-site sorting would be more practical and beneficial.

On the subject of pre-fabrication and Modern Methods of Construction (MMC), the house building industry are being pro-active and actively examining barriers to MMC, feeding from the Barker Review.

SPECIFIC QUESTIONS

A number of specific questions accompany the draft document.

1. The range of assessment tools available currently does not address all of the standards in the SPG (Para 1.6). How should a checklist be developed for the SPG?

It is imperative that any checklist includes a significant element of costs involved and incurred by developers.

The checklist should include buy-in from all Boroughs and replace any existing checklists. This should not be an additional requirement.

2. Views are sought on the most effective mechanism for monitoring developments in terms of how the SPGs standards are met once a building is built and operational (Para 1.8)

It is clear that monitoring and inspection will be needed for a number of the standards. Monitoring should be done at the local level e.g. by Boroughs. It is clear that this will strain existing resources, in terms of both finance and personnel. Given that many of these standards exceed existing industry practice and Building Regulations, additional training will need to be given.

3. Do you find the Guide that summarizes the standards in a matrix form helpful; how could it be improved; do the identified generic types of development need modifying?

Obviously the matrix is useful in summarising the standards but it is unclear as to how these will be applied in practice, for instance when do Mayor's standards apply and essential standards apply?

With regards to the generic types of development, Type A should be development of 500 dwellings or more or sites of over 10 hectares in line with GOL Circular 1/2000.

4. Part 2 of the document is set out around the structure of the seven criteria of London Plan Policy 4B.6 and further guidance is offered on the principles that underlie these criteria. Is the level of detail provided under the principles and guidance helpful? Do some sections need more detail?

The original principles set out in Policy 4B.6 were very broadly categorised, in relation to the level of detail in this draft SPG. Indeed, the level of detail goes far beyond planning, into the realms of Building Regulations. Paragraph 30 of PPS 1 states " *Planning policies should not replicate, cut across, or detrimentally affect*

matters within the scope of other legislative requirements, such as those set out in Building Regulations for energy efficiency.”

This is essentially a planning policy, to be utilised by planners. As stated above, we are concerned at the level of detail of this draft SPG and the implications for resources and monitoring, in practice. These aspects need to be clarified if the aims of the policy are to be met.

5. Are the signposts to further information helpful? Suggestions for further sources of information to signpost would be welcome.

The signposts are useful, but they are wide and varied from a number of different policy regimes, far beyond planning.

6. In Part 3 the SPG is seeking to ensure that issues of sustainable construction are considered at the early stages of design of the project. Is the relationship between Parts 2 and 3 clear in terms of the information given and the information being sought from applicants.

Yes, but like many of the issues in this draft SPG they are not London-specific issues. These are issues being examined and addressed on a national stage by a variety of stakeholders. The Mayor should wait for this agenda to be addressed nationally.

7. The case studies given do not address all the issues covered in the SPG. Information on additional case studies would be welcome.

It is noticeable that, in the majority of cases, the case studies only relate to one aspect of the guidance e.g. building re-use.

The GLA should include existing developments which conform to the majority of the requirements set out in the SPG.