



Report To: Planning Portfolio Holder
Lead Officer: Director of Planning & New Communities

8 September 2015

Implications of the Withdrawal of the Code for Sustainable Homes on the Fen Drayton Former Land Settlement Association Estate

Purpose

1. The purpose of this report is to seek approval for the 'Fen Drayton Former Land Settlement Association Estate – Implications of the Withdrawal of the Code for Sustainable Homes' document to be applied as Council Policy and be used as a material consideration when considering planning applications.
2. This is not a key decision because the document does not create new policy, but provides further guidance on implementing an adopted planning policy.

Recommendations

3. It is recommended that the Planning Portfolio Holder approves the 'Fen Drayton Former Land Settlement Association Estate – Implications of the Withdrawal of the Code for Sustainable Homes' document (see Appendix A) as Council Policy to be used as a material consideration when considering planning applications.

Reasons for Recommendations

4. The Fen Drayton former Land Settlement Association (LSA) estate is identified in the Council's adopted Local Development Framework as a Special Policy Area, where buildings no longer needed for agricultural purposes (excluding glass houses) can be reused or redeveloped for on site experimental or other ground-breaking forms of sustainable living, provided that the development would not occupy a larger footprint than the existing buildings. The Council's planning guidance, set out in Policy SP/11 of the adopted Site Specific Policies Development Plan Document (DPD) and in the adopted Fen Drayton Former LSA Estate Supplementary Planning Document (SPD), requires new homes proposed within this area to meet the Government's Code for Sustainable Homes (CfSH) Level 6.
5. The Government is now withdrawing the CfSH and local planning authorities are advised to set out clearly how existing policies will be applied in decision making in light of this. The 'Fen Drayton Former LSA Estate – Implications of the Withdrawal of the CfSH' document details how the Council will now consider planning applications within this area, and how proposals can demonstrate they meet the requirements of the policy.

Background

6. The Fen Drayton former LSA estate is located to the south-west of the village of Fen Drayton, immediately north of the A14 and to the east of the village of Fenstanton. The LSA was created in the 1930s as an experimental scheme to settle unemployed industrial workers on landholdings and provide them with training and employment. The legacy of the LSA experiment in Fen Drayton is a network of smallholdings and a patchwork of glasshouses and former horticultural buildings in various states of repair and use, and large areas of unused land.
7. The former LSA estate is designated as a Special Policy Area in the Council's adopted Local Development Framework, and guidance on the use of the land and buildings within the estate is set out in Policy SP/11 of the Site Specific Policies DPD (adopted in January 2010) and in the Fen Drayton Former LSA Estate SPD (adopted in May 2011). Designation of the estate as a Special Policy Area allows a greater scale and range of development within the area than would normally be allowed in this location – the former LSA estate is located outside the village framework and therefore in planning terms is defined as being in the countryside, where development is restricted.
8. Policy SP/11 allows buildings no longer needed for agricultural purposes (excluding glass houses) to be reused or redeveloped for on site experimental or other ground-breaking forms of sustainable living, provided that the development would not occupy a larger footprint than the existing buildings. The SPD provides guidance to applicants on how to develop a proposal that will comply with the policy. In particular, it identifies the eligible buildings available for reuse or redevelopment and sets out the principles for any new development, including the requirement for any new dwellings to meet CfSH Level 6 (or Level 5 in certain circumstances) and any non-residential buildings to meet the BREEAM non-residential outstanding standard.
9. The Government set out a new approach for applying technical standards to new housing in its Written Ministerial Statement (WMS, published in March 2015) and also in new guidance in the National Planning Practice Guidance (NPPG, published in March 2015). This new approach only allows specific technical standards to be applied relating to access, water efficiency and space, and includes the withdrawal of the CfSH, which was a national standard used to assess the sustainability of new dwellings. CfSH level 6 was the highest rating and dwellings achieving this standard had to be zero carbon and were seen as exemplar. Previously it had been the Government's intention that all new dwellings would be required to be zero carbon from 2016; however in the publication of Fixing the Foundations – Creating a More Prosperous Nation (published in July 2015), the Government made it clear that it does not intend to proceed with this.
10. The WMS does however allow local planning authorities to continue to set and apply policies which require compliance with energy efficiency standards that exceed Building Regulations until amendments included in the Deregulation Act 2015 come into force. Continuing to seek 'ground breaking and experimental forms of sustainable living' within the Fen Drayton former LSA estate would also be consistent with national policy as the National Planning Policy Framework (NPPF, published in March 2012): allows new isolated homes in the countryside in certain circumstances, such

as delivering an exceptional quality or innovative nature to the design of the dwelling (paragraph 55); supports the move to a low carbon future by planning for development in a location and way to reduce greenhouse gas emissions (paragraph 95); and states that new developments should be planned to minimise energy consumption and avoid increased vulnerability to the range of impacts arising from climate change (paragraphs 96 and 99).

11. Officers have considered the implications of the Government's WMS and withdrawal of the CfSH, alongside guidance in the NPPF and NPPG, and whilst the Council can no longer specifically require that the development achieves CfSH Level 6, for a development to be considered as 'experimental and ground breaking' it would need to deliver many of the same design principles. Specific paragraphs in Chapters 4 and 5 of the SPD have therefore been revised to remove the references to the CfSH and to set out guidance on what is expected instead that will still ensure that any proposals meet the requirements of the policy. The revisions are set out in the Fen Drayton Former LSA Estate – Implications of the Withdrawal of the CfSH' document. All other sections of the SPD remain unchanged and planning applications should still demonstrate how they comply with all adopted planning policies and all other aspects of the SPD, other than the requirements relating to the CfSH.

Considerations

12. The WMS states that where policies have yet to be revised, local planning authorities are advised to set out clearly how existing policies will be applied in decision making in light of the guidance in the statement. The 'Fen Drayton Former LSA Estate – Implications of the Withdrawal of the CfSH' document details how the Council will now consider planning applications within the Fen Drayton former LSA estate Special Policy Area, and how proposals can demonstrate they meet the requirements of the policy without referring to the CfSH.
13. If approved by the Portfolio Holder, the document will be applied as Council Policy, and will be a material consideration when considering planning applications alongside the adopted policy and SPD. This document will provide interim guidance until a formal review of the SPD is undertaken. A formal review of the SPD would take several months and while the process is being carried out would leave applicants and case officers without clear guidance on how a proposal should meet the requirements of the policy following the withdrawal of the CfSH.
14. The Council's new Local Plan carries forward the Special Policy Area designation and the policy for the Fen Drayton former LSA estate. A formal review of the SPD will therefore be undertaken once the Local Plan has been adopted, so that it will support the new policy. The guidance set out in the 'Fen Drayton Former LSA Estate – Implications of the Withdrawal of the CfSH' document will be incorporated into the SPD as part of this process. The wording of the policy for the Fen Drayton former LSA estate included in the new Local Plan will need to be reviewed in light of the WMS and this will be undertaken as part of the process of completing the Inspector's request for additional information to support the examination of the Local Plan.

Options

15. The Planning Portfolio Holder has the following options:
 - (a) agrees the approval of the 'Fen Drayton Former LSA Estate – Implications of the Withdrawal of the CfSH' document (see Appendix A) as Council Policy to be used as a material consideration when considering planning applications; or
 - (b) decides not to agree the 'Fen Drayton Former LSA Estate – Implications of the Withdrawal of the CfSH' document as Council Policy – without this document applicants and case officers will not have clear guidance on how a proposal should meet the requirements of the policy following the withdrawal of the CfSH.

Implications

16. In the writing of this report, taking into account financial, legal, staffing, risk management, equality and diversity, climate change, community safety and any other key issues, the following implications have been considered:

Legal

17. The WMS advises that local planning authorities should not set policies requiring achievement of specific levels of the CfSH or local technical standards for the performance of new dwellings, other than for access, water efficiency and space as outlined in the NPPG. However, the WMS allows local planning authorities to continue to set and apply policies which require compliance with energy efficiency standards that exceed Building Regulations until the Planning & Energy Act 2008 is amended by the Deregulation Act 2015. This section of the act has not yet come into force. The WMS states that where policies have yet to be revised, local planning authorities are advised to set out clearly how existing policies will be applied in decision making in light of the guidance in the statement.

Staffing

18. The approval of the 'Fen Drayton Former LSA Estate – Implications of the Withdrawal of the CfSH' document as Council Policy will assist applicants in developing proposals and case officers in determining planning applications in this area by providing guidance that takes account of the withdrawal of the CfSH.

Equality and Diversity

19. The SPD was subject to an Equality Impact Assessment which showed that the SPD would have a neutral and / or positive impact on equality and diversity. For a development to be considered as 'experimental and ground breaking' it would need to deliver many of the design principles that were necessary to achieve CfSH Level 6, and therefore it is considered that the revised guidance will have the same impacts on equality and diversity.

Climate Change

20. The policy for the Fen Drayton former LSA estate supports the delivery of sustainable development and the development of carbon neutral buildings.

Consultation responses (including from the Youth Council)

21. The 'Fen Drayton Former LSA Estate – Implications of the Withdrawal of the CfSH' document has been produced with assistance from case officers at South Cambridgeshire District Council and the Environment Team at Huntingdonshire District Council (via the Councils' Service Level Agreement). Officers have advised on the standards that can be set given the Government's guidance in the WMS and subsequent publications, and also on the revised wording of Chapters 4 and 5 of the SPD.
22. The draft 'Fen Drayton Former LSA Estate – Implications of the Withdrawal of the CfSH' document was shared with the two local Members and the Portfolio Holder.
23. The SPD will be formally revised following the adoption of the new Local Plan, and through this process wider public consultation will be undertaken.

Effect on Strategic Aims

Aim 1: We will engage with residents, parishes and businesses to ensure we deliver first class services and value for money.

24. The approval of the 'Fen Drayton Former LSA Estate – Implications of the Withdrawal of the CfSH' document as Council Policy will ensure that a consistent approach is taken by all case officers considering planning applications within this area, and the publication of the document on the Council's website alongside the SPD will ensure that applicants have clear guidance on how to develop a proposal that meets the requirements of the policy now that the CfSH has been withdrawn.

Aim 3: We will ensure that South Cambridgeshire continues to offer an outstanding quality of life for our residents.

25. At the heart of sustainable development is the simple idea of ensuring a better quality of life for everyone, now and for future generations. The aim of the SPD, and the 'Fen Drayton Former LSA Estate – Implications of the Withdrawal of the CfSH' document, is to provide guidance to applicants on how development proposals can ensure they are sustainable and achieve a high quality of design in a way that respects the local context.

Background Papers

Site Specific Policies Development Plan Document (adopted in January 2010):

<https://www.scambs.gov.uk/content/site-specific-policies-dpd>

Fen Drayton Former Land Settlement Association Estate Supplementary Planning Document (adopted in May 2011): <https://www.scambs.gov.uk/content/fen-drayton-former-lsa-spd>

National Planning Policy Framework (published March 2012):

<http://planningguidance.planningportal.gov.uk/wp-content/themes/planning-guidance/assets/NPPF.pdf>

Written Ministerial Statement (published in March 2015):

<https://www.gov.uk/government/speeches/planning-update-march-2015>

National Planning Practice Guidance: Housing – Optional Technical Standards (published in March 2015): <http://planningguidance.planningportal.gov.uk/blog/guidance/housing-optional-technical-standards/>

Fixing the Foundations: Creating a More Prosperous Nation (published in July 2015):

<https://www.gov.uk/government/publications/fixing-the-foundations-creating-a-more-prosperous-nation>

Appendices

Appendix A – Fen Drayton Former Land Settlement Association Estate – Implications of the Withdrawal of the Code for Sustainable Homes

Report Author: Jenny Nuttycombe – Senior Planning Policy Officer
Telephone: (01954) 713184