

**Issue 4**  
**Question 11 and 13**  
**Representation 118/10 and**  
**118/12**

**P Davis**  
**Persimmon Homes Severn Valley**

**SOUTH GLOUCESTERSHIRE POLICIES,  
SITES AND PLACES PLAN  
EXAMINATION**

## **Issue 4 – Are the policies in the PSP justified and consistent with National Policy**

### **Question 11 – PSP37(a) - Is the policy justified in respect of clearly evidenced need and viability?**

- 6.1 We stand by our original comments that the plan does not provide a clear justification for the introduction of National Space Standards, and this is further confirmed by the Council's response to those comments. However, we disagree with their view that we have misread the Government's intentions and made unevidenced assertions which are not grounded in reality! Guidance is quite clear – NPPG020 says Local Planning Authorities should provide justification for requiring internal space policies. That the NPPG does not state specifically what evidence is required (South Gloucestershire Council response) does not excuse providing inadequate evidence.
- 6.2 The evidence the Council has produced relating to the need for new Space Standards for market housing appears to be limited to Section 3, paragraphs 7.1-7.5 and Appendix 5 of document S2. We have the following comments on that.
- 6.3 Most of the '*evidence*' presented is not specifically related to South Gloucestershire but relies on general and national publications.
- 6.4 A major part of that evidence is based on trying to establish a link between Space Standards and health and wellbeing (but again only in general terms). Paragraph 3.0 recognises that '*the relationship is complex.*' The subsequent analysis provides no evidence that inadequate dwelling sizes have adversely affected the health of South Gloucestershire residents. Indeed, if there has been any adverse impacts on health from the effects of housing, this is more likely to have been caused by damp, lack of ventilation, poor heating or the poor condition of some parts of the existing housing stock rather than any impacts from new dwellings.
- 6.5 Significantly the policy does not relate to the existing stock and it only applies to new dwellings. We equally say the Council has itself read into Government motives something which is not there, by asserting in its response to our comments that '*the Council would also argue that, the Government clearly accepts that there is a role for nationally described (minimum) Space Standards (presumably as it*

*accepts the link with negative impacts on health and wellbeing) . . .'*

- 6.6 However notwithstanding the previous two paragraphs, in any case, in response to our comments the Council discounts its own evidence:

*'Indeed, the Council would in any case argue that evidence re the health and wellbeing impacts of poor Space Standards is not in fact necessary under the provisions of the NPPG guidance . . .'*

- 6.7 In considering Space Standards specifically, paragraphs 3.15 to 3.24 again merely review generic evidence and do not provide any specific justification for introducing minimum Space Standards in South Gloucestershire.

- 6.8 There is some recognition in the document that an assessment of minimum Space Standards in isolation is less relevant than an assessment of size against occupancy levels. Paragraph 7.3 then identifies, by implication, that the problem lies in the private rented market sector, rather than owner occupied new housing stock. It says *'it would therefore also seem sensible to underpin standards in the growing private rented sector by adoption of the NDSS.'* Therefore this provides justification for adopting minimum standards for private rented market housing, but not a general standard for all new market housing.

- 6.9 Appendix 5 provides house builder data on minimum Space Standards. The table identifies where housing has been provided on sites granted planning permission by the Council, below the NDSS. In fact what it shows is that in all size categories, in every case but one, like the way the NDSS standard itself is presented, dwellings were provided in a range of sizes and it was only the bottom of the range which was below the standard. The one exception, concerned a Crest scheme at Highbrook Park, where there was no range and two bed market houses were at 59m<sup>2</sup>, compared with the lowest part of the NDSS range of 61m<sup>2</sup>. This is highly ironic because in their response the Council used Crest's non objection to the policy to justify their approach and suggest the rest of the industry is wrong despite our own comments and those by the HBF.

6.10 Notwithstanding paragraph 6.6 above, again South Gloucestershire discounts its own evidence, this time in paragraph 7.2 of document S2. This says:

*'A forensic examination of house builder product is not considered necessary as developers usually have a selection of units within each typology at various sizes for marketing and design reasons. These selections usually include unit types above the minimum NDSS.'*

That correctly describes the position where developers will produce a range of dwellings to meet market requirements.

6.11 Paragraph 7.22 also says the Council *'has no intention of prescribing required mixes of units in terms of particular market dwelling types.'* However the intention is to adopt the NDSS *'to ensure the smallest market products are brought up to the minimum NDSS in each dwelling type'* notwithstanding the evidence in Appendix 5 that such dwellings are provided by most developers in a range of different sizes.

6.12 In conclusion, the inclusion of the NDSS for all new housing is not supported by evidence, as required by NPPG and is unnecessary. However, the Council has identified issues relating to occupancy levels in the private rented market sector and potential issues relating to the health impacts due to physical conditions in older housing which could be specifically addressed as appropriate.

## **Question 11b**

**What is the up-to-date evidence in respect of whether affordable housing could viably meet the requirements of the policy, and what does it show?**

- 7.1 As the conclusions in paragraph 8.31-8.32 of document S2 demonstrate, affordable housing viability is time dependent and is also related to individual site characteristics. Therefore it is important that this is recognised and the policy applied flexibly if minimum Space Standards for affordable housing are retained in the policy. However, as set out in response to Question 11a we do not consider there is evidence to justify the need to include the NDSS in any event.

## **Issue 4 – Are the policies in the PSP justified and consistent with National Policy**

### **Question 13 – PSP43(a) – Does the Deregulation Act 2015 preclude the setting of standards for outside amenity space provision? Refer to specific sections and clauses. Is the setting of such standards otherwise precluded by National Policy?**

8.1 The final Housing Standards Review outcome was published on 27<sup>th</sup> March 2015 and included a new approach to the setting of technical housing standards in England and a new set of streamlined technical standards. This was accompanied by the March 2015 Ministerial Statement. The legislative changes needed to implement the review outcomes were made by amending the Building Act 1984 through changes set out in the Deregulation Act 2015. This was an Act to make provision for the reduction of burdens resulting from legislation for businesses or other organisations or individuals, but was an enabling act which in our view does not help resolve this issue, because it neither precludes nor positively allows outside amenity space standards. Issues that need to be considered are firstly imposition of new amenity Space Standards against the purpose of the legislation and secondly to consider the meaning of technical housing standards in the context of the review.

8.2 The overall aim of the review was to streamline and simplify the planning process for creating quality sustainable housing in the UK. Specifically the overall goal set out in its terms of reference was:

*'To significantly rationalise the untenable forest of codes, standards, rules regulations and guidance that they add unnecessary cost and complexity to the house building process, to report by Spring 2013. In doing so, the aim is to achieve tangible deregulation, to enable quality and sustainable housing developments to be brought forward more easily. The review will not compromise essential safety and accessibility protections.'*

8.3 The terms of reference also set out the scope of the review:

- All standards that can be applied in Local Planning Policies or through planning conditions.

- The Building Regulations themselves and the approved documents (statutory guidance) that sit underneath them.
- Other regimes that may continue, and that may also place burdens on businesses during the house building process eg sustainable drainage and energy performance certificate requirements.

8.4 The focus of the review was as follows:

- Conduct a radical and fundamental review of the entire framework of Building Regulations and voluntary housing standards.
- Consider opportunities for rationalisation, simplification and improvement of the Building Regulations themselves.
- Look at how the requirements stemming from Building Regulations and/or Local and National Standards interact, overlap or conflict with other significant regulatory regimes applied through the planning system.
- Deliver a mechanism, legislative or otherwise to ensure that additional rules and standards are not added on beyond those left at the end of the review.

8.5 Clearly the overall thrust of the review was to reduce the amount of regulation relating to provision of housing. Secondly whilst the outcomes of the review clearly concentrated on changes to the Building Regulations themselves, it is clear from the scope that the overall principles of the review also apply to planning policies and planning conditions and the intention in the focus was to ensure new standards were not imposed and added on to the ones that the review determined were appropriate to keep. In this context we therefore consider that seeking to define new private and amenity Space Standards in the South Gloucestershire PSPP where none existed previously is contrary to the spirit and purpose of the standards review.

8.6 It is also clear from the scope and focus of the review described above that the intention in the context of reducing regulation was that the meaning of '*technical housing standards*' in the context of the review should be interpreted

widely to cover all the standards relating to the provision of housing whether contained in building, planning, other technical guidance or elsewhere.

- 8.7 If it is not a technical standard in the sense of a Building Regulation requirement then a private amenity Space Standard has to be considered as a design policy. Here NPPF59 does provide caution on the degree of restriction such policies should include – *‘however, design policies should avoid unnecessary prescription or detail . . .’* in any event as the Council are now suggesting that PSP43 merely sets standards as *‘a guide’* it is unnecessary to include any specific standards in the formal policy, in which case the third paragraph of the policy setting out the standards should be deleted and the remainder of the policy would provide an appropriate level of general guidance to assist the Council in Development Management decisions.

## Question 13(b)

**Notwithstanding (a) above, and acknowledging that PSP43 sets standards *'as a guide,'* is the policy sufficiently flexible to accommodate a range of site circumstances, or would it pose a risk to housing delivery?**

- 9.1 We made it clear in our initial representations that if the policy is only intended to be provided as a guide then standards should not be included within a policy. The problem is that when policies are so included, despite what the policy says, we generally find the standards are applied rigidly at the Development Management stage rather than with the degree of flexibility that might have been intended in the policy.
- 9.2 In our view if the *'minimum standards'* are intended to be followed *'as a guide'* then they have no place in a formal Local Plan Policy. If the purpose is to set out a flexible approach, this would be better achieved by not including any standards in a formal policy. We made similar comments in relation to the inclusion of detailed tree compensation standards in policy PSP3 of the June 2014 draft PSPP (Document PP11) and these have now been deleted from the document in their entirety, which we consider is appropriate for the guidance on outside amenity space standards.
- 9.3 As set out above we suggest that the third part of the policy should be deleted with the remainder retained to provide general guidance relating to private amenity Space Standards only.