

DW/KH/NS/BRS.6119

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Dear Sir/ Madam

**South Gloucestershire Policies, Sites and Places Plan, September 2016
(Regulation 19, 20 & 35 Consultation)
Ibstock Land, South of Lyde Green, Emersons Green
Pre-Hearing Statements Ref. 239/2**

We have been instructed to submit the following pre-hearing statements on behalf of our clients Taylor Wimpey and Barratt Homes, in response to the 'Issues and Questions' set out by the Inspector for the forthcoming Policies, Sites and Places Plan (PSP) hearing sessions.

Specifically, following our previous representations, we have been invited to respond to questions 11 and 13, and our responses are provided here.

Q11. Policy PSP37

- a) Is this policy justified in respect of clearly evidenced need and viability?**
- b) 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?**

Response

With reference to the Council's updated evidence document 'Internal Space and Accessibility Standards for New Dwellings' (June 2016) ('Doc. S2'), this statement elaborates on our previous representations to explain why the imposition of these standards – in the context of delivering sustainable development given a lack of five-year housing land supply – is neither robustly justified nor financially viable, and therefore contrary to national policy.

Internal Space Standards

The NPPG makes clear that relevant policies should only be set within local plans where there is an identified need, having regard to 'need', 'viability' and 'timing' (Reference ID: 56-020-20150327).

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Need

Doc. S2 provides a discussion of the effects of housing size and wellbeing. The document sets out evidence in general terms of a correlation between poor health and cramped living conditions, and highlights this as a concern in the context of the national and local trend towards shrinking homes.

At Appendices 5 and 7, it compares the sizes of recently delivered new dwellings within South Gloucestershire, which shows that the average size of most types of affordable housing over the past three years has been less than the Nationally Described Space Standards, and also provides select examples of 2 and 3 bed open market dwellings which have fallen below the standard. It states, *"It is argued therefore that should evidence suggest that there is any persistent delivery of dwelling types below the NDSS then this is indicative of a 'need' to apply the standards."* (para. 7.1). The jump from a handful of examples to "persistent" non-compliance is a gross mis-representation.

Regardless, in our view, the Council's justification of the imposition of the Nationally Described Space Standards on the basis of increased wellbeing, fails to consider the wider local context in which there is a shortage of housing land and where new housing sites therefore need to make efficient use of land to protect other land for the supporting infrastructure and services which are intrinsically linked to wellbeing and healthy communities.

South Gloucestershire Council is currently unable to demonstrate a five-year housing land supply. Implementing the Nationally Described Space Standards would compromise the Council's ability to deliver sustainable development, particularly in relation to the new communities of the northern and eastern fringes of Bristol where the resultant lower density schemes would represent an inefficient use of land, based on the minimum size of all types of dwelling increasing.

For example, the Emersons Green East Mixed-Use site allocation includes provision for approximately to 2,750 new homes, over an area of approximately 55ha based on a net density of 50 dwellings per hectare. Housing proposals within the allocation need to make efficient use of land in order to deliver this quantum of units, and in some cases, by proposing some units below the Nationally Described Space Standard (Parcels 9 and 10 (ref. PK13/2649/RM) of the Emersons Green East Urban Extension is one example cited by the Council). Future parcels will also need to continue to maximise densities in this way, in order to minimise the need for the Council to release of alternative and less sustainable land away from services and infrastructure (including green infrastructure, health, education and community facilities).

Viability

Although the Council already imposes space standards for affordable housing through the Affordable Housing Extra Care Housing Supplementary Planning Document (May 2014) (Section 5.1) (which requires compliance with relevant nationally standards), the roll-out of these standards to all housing has obvious financial implications.

The 'Viability of the Proposed Policies' report (April 2015) produced by Adams Integra has been updated in Doc.S2. The findings, presented at Appendix 6A, show that the viability impacts of the introduction of the Nationally Described Space Standards remain largely

unchanged. Across four 'value point areas' (VPAs), lower density development is shown to be unviable at VPAs 2 and 3, and higher density development unviable at VPAs 2, 3 and 4.

Most urban extension schemes, such as Emersons Green East, fall within VP area 3. Such schemes deliver a significant proportion of the Council's housing need over the plan period, including a significant proportion of affordable housing. The imposition of the standards would jeopardize the ability of developers to deliver 35% affordable housing, if in line with Core Strategy policy CS18 lack of viability could be demonstrated.

Diminished viability may also present a knock-on effect on the open market. Given the general shortage of housing throughout the district, there continues to be a strong demand for new-build housing. Within the context of increasing house prices, particularly within the wider Bristol area, the imposition of internal space standards is likely to be felt by purchasers of open market homes by reducing the stock of smaller new homes (of all bedroom numbers) for sale at a lower cost point.

Timing

However, should the Inspector be minded to support the imposition of the Nationally Described Space Standards, then the relatively short transition period – being 6 months for new planning permissions and 1 year for reserved matters – for the reasons set out in our previous representations is considered to pose considerable commercial issues and threaten viability. In particular, it is recommended that the internal space standards are not introduced as a requirement for reserved matters application pursuant to outline permissions where value assumptions have been based on policy compliant density parameters at the point of the outline application.

Accessibility Standards

The NPPG provides the same methodology for undertaking an assessment of housing needs for people with specific needs as it does for undertaking any housing needs assessment. It states:

"Based on their housing needs assessment and other available datasets it will be for local planning authorities to set out how they intend to approach demonstrating the need for Requirement M4(2) (accessible and adaptable dwellings), and/or M4(3) (wheelchair user dwellings), of the Building Regulations. There is a wide range of published official statistics and factors which local planning authorities can consider and take into account, including:

- *the likely future need for housing for older and disabled people (including wheelchair user dwellings).*
- *size, location, type and quality of dwellings needed to meet specifically evidenced needs (for example retirement homes, sheltered homes or care homes).*
- *the accessibility and adaptability of existing housing stock.*

- *how needs vary across different housing tenures.*
- *the overall impact on viability.” (Reference ID: 56-007-20150327)*

Section 5 of the Council Doc. S2 refers to the Vol 1 & 2 of the Strategic Housing Market Assessment (2015) which provides evidence to support the West of England Joint Spatial Plan. It sets out that around half the anticipated population growth within the plan period (2016-2036) will be people aged 65 and over. Projections within the Strategic Housing Market Assessment (figure 34) estimate that by 2036 234,240 (or 22%) of the area’s 1,083,077 population will be over 65. It asserts that the recommendation to deliver all new homes to Accessibility standards M4 (2) is therefore in response to the ageing population is therefore necessary given that very little existing accommodation is built to such standards. Projections for South Gloucestershire only provided in Doc. S2 (Appendix 8, table 3) predict a figure of 47% of the population over 60 years of age by 2036. Whilst it is acknowledged that this represents a significant *potential* demand, particularly taking account of a need to ensure maximum flexibility of housing stock and people moving home, of the Council does not provide further evidence which predicts the quantum of accessible and adaptable housing arising from this need (see para. 3.49 of the Strategic Housing Market Assessment volume 2).

By contrast, the justification for the requirement of 8% of new affordable homes to be provided at M4(3) standard *is* directly quantified on the basis of population projections (paras. 3.50-3.55). However, it is not clear how it will be ensured that those persons with a need for wheelchair accessible homes are matched with the new provision. The NPPG states clearly that:

“Local Plan policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling.” (Reference ID: 56-009-20150327)

The Council should therefore limit the imposition of M4(3) standards to this case (where affordable housing is within the control of the local authority), where it is able to respond to demonstrable need.

The viability of delivery of the M4(2) and M4(3) standards is not considered in Doc. S2. In respect of M4(2), although the Council already imposes design standards for affordable housing through the Affordable Housing Extra Care Housing Supplementary Planning Document (May 2014) (Section 5.1) (which requires compliance with relevant nationally standards), the roll-out of these standards to all housing has obvious financial implications. In respect of M4(3), again although there are design standards provided in the Section 5.2 of the SPD (which requires compliance with the Council’s ‘Specification Requirements for Wheelchair Units’ document), the proposed requirements will be more financially more demanding.

In sum, the requirement to meet the relevant M4(2) and M4(3) standards is an onerous one with potentially significant viability implications for developers. We recommend that further work is required, both to justify the stringent requirement to seek *all* dwellings at M4(2) standard, and to assess the viability impact of the standards overall, particularly given the context of the need to deliver strategic sustainable development, as discussed above.

Q13. PSP43

- a) Does the Deregulation Act 2015 preclude the setting of standards for outside amenity space provision? Please refer to specific sections/clauses where appropriate. Is the setting of such standards otherwise precluded by national policy?**
- 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?**

Internal space standards and accessibility standards, along with additional standards on water, were introduced by the Ministerial Statement of 25th March 2015 as optional standards, which together are referred to as "the new national technical standards", and are addressed in policy PSP37.

To clarify our earlier representation, the provisions of policy PSP43 lie outside of the scope of the new national technical standards, and therefore the relevant sections of the Ministerial Statement (and Deregulation Act 2015) and associated NPPG guidance.

Moreover, no such optional national standards exist for external space standards, nor is there any government recommendation for local planning authorities to consider formulating or adopting their own standards.

As such, the soundness of proposed policy is subject to the general provisions of national policy with regard to the preparation of local plans.

The NPPF provides that:

"Local Plans must be prepared with the objective of contributing to the achievement of sustainable development. To this end, they should be consistent with the principles and policies set out in this Framework, including the presumption in favour of sustainable development." (para. 151)

The Council's background evidence document 'Private Amenity Space Standards' (June 2016) ('Doc. S1') explains the need for external amenity space standards on the basis of the important contribution outdoor space can make to physical and mental wellbeing and healthy communities in the context of sustainable development. This is notwithstanding the wider context; South Gloucestershire Council is currently unable to demonstrate a five-year housing land supply, and implementing the external space standards could compromise the Council's ability to make efficient use of land.

The NPPF goes on to state that:

"Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals." (para. 158)

"Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened... They should assess the likely cumulative impacts on development in their area of all existing and proposed local standards, supplementary planning documents and policies that support the development plan, when added to nationally required standards." (paras. 173-173)

In other words, all local plan policies should be based on local need and realistically deliverability; there needs to be evidence to support them and a proportionate assessment of the financial burdens associated with their imposition. Doc. S1 meets neither of these requirements, and is therefore not compliant with national policy.

In reference to part b) of the Inspector's question, it is considered that the decision to impose quantitative space standards for external amenity space, in addition to qualitative ones, poses constraints on sites without fully taking account of the specific site context and nature of the proposal. Despite being 'a guide', qualitative standards, are by their very nature, more likely to be inflexibly applied. South Gloucestershire Council already has policy provision to ensure external garden sizes are acceptable in qualitative terms, so this policy in our view is too prescriptive and constrains higher density development in sustainable locations.

Moreover, in failing to rationalise the quantum of external space requirements, their impact on overall housing densities and the financial impact on the viability of housing schemes in the South Gloucestershire context, the policy risks undermining the successful deliver of housing sites within the local plan. This is particularly critical for large-scale strategic sites, which have been developed through the plan process prior to the development of the PSP and do not account for such provision in their target densities and projected housing delivery numbers.

Yours faithfully



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