
North Hertfordshire Examination in Public

Matter 27: The Optional National Technical Standards for Water Efficiency
and the National Described Internal Space for Dwellings

February 2020

North Hertfordshire Examination in Public

**Matter 27: The Optional National Technical Standards for Water Efficiency
and the Nationally Described Internal Space Standards for Dwellings**

Project Ref:	28718/A5/P5/GP/SO	28718/A5/P5/GP/SO
Status:	Draft	Final
Issue/Rev:	01	02
Date:	February 2020	February 2020
Prepared by:	Gareth Pritchard	Gareth Pritchard
Checked by:	Gareth Wilson	Gareth Wilson
Authorised by:	Gareth Wilson	Gareth Wilson

Barton Willmore
St Andrews House
St Andrews Road
Cambridge
CB4 1WB

Tel: 01223 345 555

Ref: 28718/A5/P5/GP/SO
File Ref: 28718.P5.MS27.GP
Date: February 2020

COPYRIGHT

The contents of this document must not be copied or reproduced in whole or in part without the written consent of Barton Willmore Planning LLP.

All Barton Willmore stationery is produced using recycled or FSC paper and vegetable oil based inks.

CONTENTS

- 1.0 Introduction
- 2.0 Question 1: Is the evidence of need adequate/sufficiently robust?
- 3.0 Question 2: Has viability been properly considered?
- 4.0 Summary and Conclusion

APPENDICIES

Appendix 1: Main Modifications Representations January – April 2019

1.0 INTRODUCTION

1.1 This statement has been prepared by Barton Willmore LLP on behalf of Croudace Homes Limited ('Croudace') which has interests in several sites proposed for allocation within the draft Local Plan. These sites include:

- NS1 – North of Stevenage: Policy SP16;
- GA1 – Land at Roundwood (Graveley Parish): Policy GA1; and
- GA2 – Land off Mendip Way, Great Ashby: Policy SP18.

1.2 This statement is pursuant to Matter 27: *the Optional National Technical Standards for Water Efficiency and Nationally Described Internal Space Standards for dwellings*. This follows main modification representations made by Croudace between 3 January 2019 and 11 April 2019 in regard to their land interests across the district.

1.3 This statement addresses the questions raised by the Inspector in relation to water efficiency and internal space standards.

2.0 QUESTION 1: IS THE EVIDENCE OF NEED ADEQUATE/SUFFICIENTLY ROBUST?

- 2.1 Croudace's representations to the main modifications consultation in early 2019 (**Appendix 1**) addressed this question, and this statement should be read in conjunction with the representations submitted at that time and attached in **Appendix 1** for ease.
- 2.2 Croudace does not object to the Optional Nationally Described Space Standards in policies SP9 and D1. However, the evidence base underpinning the draft Local Plan is not supported by evidence which is sufficient in demonstrating that their adoption will not adversely affect the delivery of housing across the district.
- 2.3 For brevity, the points previously raised are not repeated here other than to state that there are concerns that the evidence base fails to consider whether, in adopting the space standards, there is an unintended consequence in reducing the capacity of housing sites proposed for allocation. Thereby impacting the Council's ability to deliver 14,000 new houses across the Plan period.
- 2.4 In doing, so the Council may unintentionally undermine its ability to the deliver the overall level of housing sought across the district, which is currently proposed at 14,000 over the Plan period.
- 2.5 Croudace supports policies requiring the Optional Water Efficiency Standards to be met and considers there to be sufficient evidence justifying their adoption.

3.0 QUESTION 2: HAS VIABILITY BEEN PROPERLY CONSIDERED?

- 3.1 As highlighted in the previous section, the evidence base is considered to have the unintended potential to undermine delivery of housing across the district. This may also impact on the viability of certain sites.
- 3.2 This could be rectified through a rewording of the proposed policies. For instance, we suggest Policy D1(d) could be amended to read '*For residential schemes, meet or exceed the nationally described space standards and optional water efficiency standards unless it can be demonstrated that strict adherence to the standards would materially reduce the dwelling capacity of that site*'. A similar amendment could also be applied to policy SP9(d).
- 3.3 Croudace believes in applying an element of flexibility to the policy wording in order that it better reflects the findings of the evidence base underpinning the draft Local Plan, ensures the delivery of housing across the district and allows for viability to be properly considered during the plan-making and decision-taking process.

4.0 SUMMARY AND CONCLUSION

- 4.1 This statement has been prepared on behalf of Croudace in relation to certain land interests in the district.
- 4.2 Croudace supports the principle of adopting both the Nationally Described Internal Space Standards and optional National Technical Standards for Water Efficiency. However, it is considered that the evidence base in relation to space standards suppress and undermine the overall level of housing sought across the district.
- 4.3 Amended wording to proposed policies SP9 and D1 has been suggested to ensure the district can meet its housing requirements and developments are viable. We recommend the proposed new wording is reflected in the adopted version of the Local Plan.

APPENDIX 1

Main Modifications Representations

January – April 2019

North Hertfordshire Local Plan

Comments on Main Modifications published January 2019

1. [Introduction](#)

- 1.1 These representations are submitted by Croudace Homes Limited (hereafter “Croudace”), which has interests in a number of sites proposed for allocation in the draft Local Plan.

2. [Main Modification 14](#)

- 2.1 Croudace notes that the policy has been clarified at criterion (d) of policy SP3 in respect of housing sites on the edge of the district needing to identify an appropriate amount of employment land to be included on such sites.
- 2.2 In the case of site NS1 at North Stevenage, which is under Croudace’s control, we observe that the level of housing and other facilities identified for the site in Policy NS1 already make efficient use of the site. We would not want this policy to be used to impose significant additional requirements for employment land into edge of district sites such as NS1 over and above those set out in the site-specific policies, as that may lead to over-development of the site.
- 2.3 We believe that any employment-generating development at NS1 will most likely be through employment associated with a new neighbourhood centre, which may mostly fall under use classes other than the B classes which are the main focus of Policy SP3.
- 2.4 As far as we can tell, no quantified allowance for new employment land delivered from such major housing-led developments has been made. For the avoidance of doubt over how this policy is intended to be applied, we would welcome a further clarification, perhaps in the supporting text of Policy SP3 (which does not appear to discuss the issue of employment land within the housing allocations). We suggest such a clarification should say that the amount of employment land likely to be delivered from the major new developments is not anticipated to be substantial and should not compromise the delivery of the site-specific requirements set out for each site.

3. [Main Modifications 17 and 20](#)

- 3.1 The figure of 6,800m² of retail floorspace has been added to policy SP4 for the amount of floorspace to be delivered from the ‘urban extensions’. This term is not used in the other policies of the plan, and it is not clear which sites are included in this term. The amendments to the supporting text to policy SP4 seem to suggest that only the developments at Baldock and on the edge of Luton are considered ‘urban extensions’ for the purposes of this policy. This contradicts the North Herts Local Local Plan Retail Capacity and Allocations Briefing Note (Lichfields, Dec 2018) appended to ED117, which provides a different list of urban extension at page 24, comprising North Baldock, North Letchworth, Highover Farm at Hitchin, Great Ashby and East of Luton. This again appears to conflict with the Retail Study of 2016 (E1), which at paragraph 5.45 lists North of Stevenage as an urban extension.
- 3.2 The plan would therefore benefit from some further clarity as to which sites are expected to make up the 6,800m² of retail as the ‘urban extensions’. As the promoters of the North Stevenage site, we believe the supporting text to SP4 is correct not to include North

Stevenage, as we anticipate the retail component of this scheme will be relatively modest, subject to the retail assessment sought for that site under Policy SP16.

4. [Main Modification 35](#)

- 4.1 The change to section (c)(i) to record completions and permissions since 2011 and other allowances as 3,970 homes rather than 4,340. We have no evidence on which to dispute this change, but it would assist interpretation of the plan if it specified the origin of that figure and the date up to which planning permissions have been counted. Looking back through the examination documents, ED3 appears to contain an update to a base date of 1 April 2017, but the plan itself does not appear to make explicit the base date used.

5. [Main Modifications 45, 46 and 144](#)

- 5.1 These modifications clarify the references to the Nationally Described Space Standards in policies SP9 and D1. We have no objection in principle to the optional Nationally Described Space Standards, but their incorporation into the plan needs to be supported by evidence that they will not adversely affect the delivery of new housing. As far as we can see, the evidence put forward in support of this policy comprises:
- i) a review of a number of planning applications as HOU12: Technical Housing Standards Review, considering the extent to which a number of recent schemes in the district have complied with the standards anyway despite them not being required; and
 - ii) consideration of the viability of such development as part of TI2: Local Plan Viability Assessment Update.
- 5.2 Neither of these evidence documents appears to address the question of whether the capacity of sites would be reduced as a consequence of requiring these standards to be met.
- 5.3 HOU12 indicates that three of the ten schemes it assessed fully complied with the standards, but it is worth noting that two of these (The Node, Codicote and Angel Pavement, Royston) were conversions of existing buildings, such that the size of the original building was the major determining factor, and the other (Walkdens) was an affordable housing scheme, to which the affordable housing provider's standards already applied.
- 5.4 Only two of the ten schemes assessed (Station Road, Ashwell and Ivy Farm, Royston) were for substantial new build edge of settlement housing schemes, and neither of these were found to fully comply with the space standards. A significant majority of the housing supply allocated in the draft Local Plan is from such edge of settlement sites.
- 5.5 We are concerned that the requirement in Policy D1(d) to meet or exceed the Nationally Described Space Standard may have the unintended effect of reducing the capacity of some of the sites allocated for development, which may undermine the overall level of housing delivery sought across the district. We would therefore suggest that in order to be effective, Policy D1(d) should allow for some flexibility in how the standard is applied, perhaps by adding wording to D1(d) to the effect that "unless it can be demonstrated that strict adherence to the policy would significantly reduce the dwelling capacity of that site".

6. [Main Modification 57](#)

- 6.1 The requirement for masterplanning of the strategic sites is reasonable. Our only comment on this modification is that the mechanism for producing such masterplans is unclear. The proposed wording suggests that a masterplan could be prepared before the submission of an outline planning application, but goes on to say that the masterplan "...will be secured through conditions and / or a legal agreement." If the masterplan is prepared ahead of an outline planning application by some separate process, how can conditions and legal agreements be attached to it?
- 6.2 We believe it may be clearer if the wording referred instead to the possibility that work on such masterplans could be begun ahead of submitting an outline planning application, but that it is at the determination of the outline planning permission that the masterplan will be confirmed as agreed and conditions and legal agreements attached as required.

7. [Main Modifications 68 and 70](#)

- 7.1 These modifications clarify some of the requirements set out in Policy SP16 for the site NS1 at North Stevenage, which is under the control of Croudace. We broadly support the clarifications, which are mostly reasonable.
- 7.2 Our main concern is that the new requirement in criterion b(i) of Policy SP16 for 2 forms of entry of primary-age education provision may be too precise, given that the level of education provision sought in this area continues to be assessed, partly in response to the planning application submitted on the adjoining site to the south in Stevenage Borough. We'd therefore suggest in this criterion replacing the word ensuring with "or such other level of provision as is demonstrated to ensure".
- 7.3 In the supporting text added after paragraph 4.196 it is suggested that 1,300m² of retail floorspace could be included within the site. It is not clear whether this figure has been counted within the 6,800m² of additional retail floorspace in the urban extensions sought under Policy SP4 (and discussed in our comments on Main Modifications 17 and 20, above). We are happy to carry out an assessment of local retail requirements to inform the scheme here, which will need to take into account the relationship between this site, the neighbouring scheme in Stevenage Borough and the relatively close proximity of the major supermarket at Coreys Mill. At this stage we cannot guarantee that 1,300m² of retail floorspace could be delivered on this site. We have some concerns that a small shop or parade of that scale may struggle to establish itself given the local context.

8. [Main Modification 69](#)

- 8.1 We have no objection to this proposed modification clarifying that the transport effects of Site NS1 should consider impacts on the surrounding area including Graveley village.

9. [Main Modification 79](#)

- 9.1 The new supporting text suggests that Site GA2 will need to take into account impacts upon Back Lane and Church Lane leading from Great Ashby to Graveley. There is a draft allocated site much closer to Back Lane and Church Lane, being GA1, owned by Croudace. As part of our proposals for that site we are proposing the closure of a section of the lane and its diversion through the GA1 site, combined with other measures to minimise the level of

traffic using the section of lane leading towards Graveley village. Any assessment of impacts on the lane for the more distant GA2 site will therefore need to take into account the changes likely to be implemented to the lane as part of our GA1 scheme.

10. [Main Modification 130](#)

- 10.1 This modification indicates that “where appropriate” the legal agreements securing affordable housing will include mechanisms to ensure that those with local connections are given priority in the allocation of affordable homes. The new wording then discusses schemes outside the main towns, but appear to be silent on whether the council would seek such local connection mechanisms for schemes in the main towns.
- 10.2 Whilst we understand the political motivation behind having local connection allocations mechanisms, they need to be applied carefully. The overall level of housing catered for in North Hertfordshire in this plan is not justified solely on the basis of the natural change in the local population. The objectively assessed need for housing also includes a continuing level of net migration into the district. Such people who are looking to migrate into North Hertfordshire may struggle to demonstrate a local connection.
- 10.3 A substantial majority of the affordable housing likely to be delivered in the district will be through the proportion of affordable housing secured on larger developments provided by private developers. These developers will generally look to sell the completed affordable homes to a registered provider of affordable housing. Any limitations on the people to whom the registered providers would be able to let the homes will have a bearing on how much the registered providers are able to pay for the affordable homes on any given scheme. This will then have knock-on effects on the viability of schemes as a whole. We believe it would be counter-productive if overly-strict application of a local connection mechanism led to a reduced level of affordable housing being provided on any given site.
- 10.4 We would therefore suggest that any such local connection mechanisms should be constructed in such a way that does not reduce the attractiveness of the affordable housing to affordable housing providers active in the area. Alternatively, it should be clarified that such local connection policies are not appropriate for schemes in the main towns.

11. [Main Modifications 134 and 135](#)

- 11.1 The change to the supporting text in MM135 does help set out some possible ways that the accommodation for older people sought in Policy HS4 could be provided. However, further clarity would also be beneficial. If “a modest number of bungalows that meet accessible and adaptable standards” is one way of complying with the policy, do these main modifications imply that such bungalows also have to be somehow reserved as only available for older people? We would not support further restrictions on the occupation of the open market element of schemes. We are happy to include such units within the dwelling mix so as to increase their supply generally in the area. However, we do not see a policy or evidential basis to justify why such dwellings would have to be limited to older persons; people have many reasons for wanting a single storey or otherwise more accessible homes, not all to do with their age.

12. [Main Modification 202](#)

- 12.1 Croudace controls the site proposed to be allocated under Policy AS1. We do not support the unqualified wording “retain existing boundary hedgerows” being inserted into the policy. Whilst we support the retention of boundary hedgerows in general, on this site it is necessary to remove a short section of the hedgerow fronting Claybush Road in order to provide suitable vehicular access (as we have demonstrated as part of our planning application 16/01797/1).
- 12.2 We would suggest that a better form of wording may be “retain existing boundary hedgerows between the site and the adjoining fields and existing residential properties, with any loss of hedgerow required on the highways frontage for access purposes kept to a minimum and appropriately mitigated”.

13. [Main Modifications 237 and 239](#)

- 13.1 Croudace owns the site proposed to be allocated under Policy GA1.
- 13.2 Whilst we have no objection to ‘having regard’ to the Stevenage Mobility Strategy, it should be noted that there is the potential for conflict between the policies it contains and those of the North Hertfordshire Local Plan. This is particularly the case on parking standards, where the Stevenage Mobility Strategy refers to policies from the Stevenage Parking Provision SPD (2012), which includes maximum parking standards, whereas the North Hertfordshire standards contained in Appendix 4 to the Local Plan as proposed to be modified are expressed as minimum standards.
- 13.3 For some situations, the maximum Stevenage level of parking is lower than the minimum North Hertfordshire level of parking. For example, 2 bedroom homes under the Stevenage policy should have no more than 1.5 spaces per dwelling, whereas the North Hertfordshire policy is that such homes should have at least 2 spaces per dwelling. It is therefore not possible to fully comply with both.

14. [Main Modification 244](#)

- 14.1 The identified requirement for two additional GPs across the three allocations north of Stevenage area does not seem unreasonable. The precise mechanism of how such costs would be determined, apportioned and distributed will need to be established through the planning applications. We would not want the first development in this area to be saddled with costs that should be ultimately be shared by the three major sites between them.

15. [Main Modification 311](#)

- 15.1 The modifications to Policy LG20 for the Gernon Road site in Letchworth move away from the previous wording about “main town centre uses” to restricting the ground floor to be uses within A1, A3, A4 and A5. Although Croudace does not yet have an interest in this site, we have been investigating the possibility of developing part of the site for a mixed office and residential scheme, which we believe would provide an appropriate mix for the area.
- 15.2 We do not believe this is an area which lends itself to A1, A3, A4 or A5 uses given its comparatively peripheral edge of town centre location. Conversely, we believe such edge of town centre sites would lend themselves well to some new office floorspace, which would support the retail function of the town centre by increasing the daytime population of the

town centre. We would therefore prefer the original wording in this policy regarding “main town centre uses” be kept, instead of the proposed modification specifying A1, A3, A4 and A5 uses. Alternatively, we would ask that B1 office space be listed as an additional use class which would be acceptable at ground floor level on this site.

16. [Main Modification 313](#)

- 16.1 Linked to our comments on MM313, we believe there is an important role for office floorspace (retained and / or new) within the town centre of Letchworth. Office workers provide a daytime population for the town centre, and therefore make an important contribution towards the vitality of town centres. This is particularly so with the level of office to residential conversion seen in recent years. We understand that much of the Council’s evidence has focussed on retail floorspace needs, although this is a highly volatile sector at present. In the final sentence of this modification we suggest adding after “retail projections” the words “and the level of office space in the town centre”.

17. [Main Modifications 355 and 356](#)

- 17.1 Croudace owns the site at Whitwell proposed to be allocated under Policy WH1 (formerly site SP2). The supporting text has been modified to acknowledge that planning permission has now been granted for this site, which is correct. As discussed in our comment on MM035, the base date for the plan’s stock of planning permissions does not appear to be explicitly set out, but we presume that there is no double counting between the council’s list of permissions and sites such as this one, which are still proposed for allocation despite now having permission.
- 17.2 It is proposed to add to the policy wording about preventing unnecessary mineral sterilisation. We believe this wording is not necessary. The issue of potential mineral sterilisation was considered in the appeal relating to this site (APP/X1925/W/14/3168114) and at paragraph 46 the Inspector for that appeal concluded that “development of this site would not have any significant impact to future mineral extraction in this area”.

bartonwillmore.co.uk

TOWN PLANNING
MASTERPLANNING & URBAN DESIGN
ARCHITECTURE
LANDSCAPE PLANNING & DESIGN
ENVIRONMENTAL PLANNING
HERITAGE
GRAPHIC COMMUNICATION
PUBLIC ENGAGEMENT
DEVELOPMENT ECONOMICS

All Barton Willmore
stationery is
produced using recycled
or FSC paper and
vegetable oil based inks