

Examination of the North Hertfordshire Local Plan (2011-2031)
Examination hearing sessions
Statement of North Hertfordshire District Council

Matter 27 – the optional national technical standards for water efficiency and the nationally described internal space standards for dwellings

Question 27.1 Through Policies SP9 and D1, the Local Plan seeks to require adherence to the Government’s optional national technical standards for water efficiency and the nationally-described internal space standards for dwellings. As you know, for such policies to be sound, they must be supported by clear evidence of need and evidence that viability has been considered. In relation to both:

a) Is the evidence of need adequate/sufficiently robust?

Technical housing standards – nationally described space standard

1. Yes. The Council has satisfied the three ‘tests’ identified in Planning Practice Guidance (PPG) for the imposition of the nationally described space standard (the standard) relating to need, viability (see answer to question (b) below) and timing¹.
2. The submitted Plan was accompanied by evidence document [HOU12](#). Prior to the hearings, the Inspector released his Matters and Issues letter dated 23 September 2017([ED10](#)). The application of the standard was not a matter of concern at that stage.
3. The Inspector’s list of actions under Matter 17 ([ED55](#)) required the Council to provide a note setting out its justification for the application of the standard. The Council’s final response to this matter ([ED154](#)) referenced the originally sent evidence HOU12 (referenced above).
4. The Inspector’s 9 August 2019 letter acknowledged HOU12, but remained unpersuaded following discussion at the hearings and in the light of representations ([ED168](#), paragraph 5). From review, relevant concerns raised in representations refer to viability and to site-specific circumstances being taken into consideration.

Need

5. The Council’s most recent response is that HOU12 sufficiently evidences a requirement for the standard through non-compliance on a selection of schemes. There is limited evidence of voluntary compliance with the standard in the area and failing to include it in the Plan could lead to schemes that are inconsistent with Paragraphs 50,

¹ Planning Practice Guidance: Housing: optional technical standards, *How should local planning authorities establish a need for internal space standards*, Paragraph: 020 Reference ID: 56-020-20150327, (<https://www.gov.uk/guidance/housing-optional-technical-standards>, accessed February 2020)

56, 57 and 69 of the National Planning Policy Framework (NPPF) ([ED170](#), paragraphs 5.16 to 5.20).

6. The assessment in HOU12 concludes that less than half of the 75 units reviewed would meet the standard. By itself this demonstrates a need for its inclusion within proposed Policy D1.
7. This statement provides further analysis of those schemes and their context which further supports the Council's position. In providing this additional analysis, reference is made to factors identified in the original Government consultation which led to the introduction of the standard. In setting out arguments in favour of standards it stated:

...Proponents of space standards argue that they are needed to ensure that homes provide adequate space to undertake typical day to day activities, and to avoid the health and social costs that arise where space is inadequate. In particular, space standards are seen as a way of ensuring that there is sufficient room to carry out normal daily activities, socialise with family and friends, work from home or study in private and provide storage for general household goods and personal belongings. There is a view (supported by some evidence) that across all tenures, the average size of new homes in England has reduced over time giving rise to concern about their ability to support these routine activities, particularly when homes are fully occupied.

...local authorities [could] perceive there is a need to intervene in order to ensure a more balanced supply of housing representing wider (but perhaps less profitable) needs in terms of the size and type of new homes being built. There are many examples given where this is the case – for instance where two-bedroom starter homes predominate but there is a need for larger family homes; or where larger two bedroom homes are needed to encourage downsizing to free up larger family homes...²

8. The following assessment of the examples in HOU12 further clarify the situation in regards to 'voluntary' compliance with a space standard. Under-provision will have adverse impacts as quoted above. Whilst there are different scales of non-compliance, with correlating scales of harm, it must be reminded that there is a cumulative impact where consistently under-spaced homes are delivered.
9. 43-44 Bancroft (HOU12, Example 1) is sited in close proximity to the town centre. The proposal was the conversion of an existing building. Whilst HOU12 shows partial compliance with the total space standard, none of the units host the required internal storage requirements. This example conflicts with the stated aim of space standards to ensure *sufficient room to carry out normal daily activities...and provide storage for general household good and personal belongings.*

² Housing Standards Review: consultation, MHCLG, August 2013, <https://www.gov.uk/government/consultations/housing-standards-review-consultation>, accessed February 2020

10. The North Star (HOU12, Example 2) included converting the existing building and the construction of a new block for 13 apartments where the ability to meet the space standards was unconstrained. HOU12 shows under-compliance for a number of units, some of which have around 1/3rd less floorspace than would be required under the standard. This is not considered to be reasoned by the constraints of the size or natural layout of the scheme. This under-spacing appears to arise from maximising the value of the site at the expense of providing adequately sized units. These units support the view that *the average size of new homes in England has reduced over time*. This example conflicts with the idea of providing *adequate space to undertake typical day to day activities, and to avoid the health and social costs that arise where space is inadequate*.
11. The Node Conference and Training Centre (HOU12, Example 3) was found to comply fully with the space standards. This site is in an isolated, countryside location and the building was converted for the high-end residential market in mind. A scheme targeted at this sector would be unlikely to conflict with space standards. However its inclusion in HOU12 ensures a balanced overview of schemes in the District.
12. 12 Angel Pavement (HOU12, Example 4) is in a town centre location in one of the major settlements within the District. HOU12 overstates the floorspace provided in this scheme: one studio flat had a floor space of 21sqm (vs. 30sqm shown in HOU12) and one double bedroom flat had a floor space of 33.3sqm (vs 42sqm). Both these dwellings are under the standard. The bedroom in the one bedroom flat is additionally below the standard for a two bedspace room as indicated in the plans while neither host any internal storage space. This example conflicts with the idea of providing *adequate space to undertake typical day to day activities, and to avoid the health and social costs that arise where space is inadequate...and [providing] storage for general household good and personal belongings*.
13. 28 High Street, Royston (HOU12, Example 5) is a town centre location as above. The proposed conversion sought delivery of an under-spaced bedsit of approximately 30sqm following negotiation, and a further 1 bed dwelling of approximately 42sqm. The one bed dwellings layout indicates a 1b2p unit, with a large bedroom and diminutive kitchen living area. This example conflicts with the idea of providing *adequate space to undertake typical day to day activities, and to avoid the health and social costs that arise where space is inadequate*
14. 61 Station Road is located in Ashwell (HOU12, Example 6). It is located in a suburban, spacious area. The site previously contained a single detached dwelling on a large plot. In spite of the absence of physical restrictions on this site, all dwellings are near, if completely, non-compliant. Plots 1, 2, 3, 4, 5, 8, 9, 10, 11, and 12 are non-compliant in regards to bedroom sizes. There appears no good reason as to why the standard could not have been achieved this instance. This example conflicts with the idea of providing *adequate space to undertake typical day to day activities, and to avoid the health and social costs that arise where space is inadequate*.

15. Land Adjacent to Walkdens (HOU12, Example 7) is located in the village of Ashwell, not far from the above site. The applicant was Origin Housing, a registered housing provider. By reason of this context, the development complied with the standard in its entirety. Its inclusion in HOU12 ensures a balanced overview of schemes in the District.
16. At land at Ivy Farm (HOU12, Example 8) there is little in the way of constraints. All affordable units, as shown on HOU12, potentially fell below the space standards depending on occupancy levels. The private housing on this scheme (which was not included in the original HOU12 assessment) fares slightly better, but is still at the lower end of the overall space standard in regards to the smaller market units. The larger market units are well in excess of the minimum space standards. Bedroom sizes are often below the space standard. This conflicts with the aim of *ensuring that there is sufficient room to carry out normal daily activities*
17. 8 Park Lane (HOU12, Example 9) is a relatively constrained site within Knebworth very close to the train station. Whilst partially compliant in the large three storey dwellings to the front of the site, some of the bedrooms do not meet the space standards. This partial compliance again evidences a balanced selection of sites. The partial non-compliance would still result, to a smaller scale, in the impacts and negative connotations described in paragraph 8 of this statement.
18. 3 Blackhorse Road (HOU12, Example 10) is sited on the edge of the settlement of Hitchin. The proposed bungalows replaced an existing office block. The site is relatively constrained in size, and the amenity space provided for these dwellings is extremely limited. Space standards were not adhered to for total floor space and bedroom sizes. Whilst the site is constrained in size, a scheme could have been produced which meets the space standards. The resultant development is concerning in regards to whether the dwellings would *support routine activities* of future occupiers, *particularly when homes are fully occupied*.
19. This further explanation of the existing evidence demonstrates the robustness of the Council's approach and provides further justification for pursuing the optional space standards. In summary, of the sites randomly selected for analysis in HOU12, only two were found to be fully compliant with space standards. These two were Node Court, which was a high-end set of countryside dwellings in a spacious plot, and a site whereby the applicant was a registered housing provider and 100% of the dwellings were affordable units.
20. On the other assessed schemes, and without the backing of a specific policy requiring adherence to space standards, units have been found to:
- Not adhere to the minimum space standards across the entire scheme;
 - Not adhere to the minimum space standards for at least a proportion of units across the entire scheme; and / or
 - Nominally adhere to the space standards in terms of overall floorspace but fail to adequately address component parts of that standard, notably in relation to bedroom sizes.

21. It is evident that, without a policy-based space standard against which to assess proposals, further under-sized homes are likely to be delivered. Without the policy requiring compliance with a space standard, developers will continue to deliver under-sized housing, perpetuating the negative effects quoted in paragraph 8 of this document.
22. The market would not necessarily provide housing of suitable scale without the requirements of Policy D1 in place. As such, the policy is required to provide a good standard of amenity for future occupants. Although not exhaustive, the Council's evidence provides a clear snapshot of trends in the District.

Timing

23. PPG states there may need to a reasonable transition period. The Council's intention to introduce these standards was first 'trailed' in the proposed submission version of the Plan ([LP1](#), p.101). Consultation on this document began in October 2016. The document was available prior to this time in support of relevant Council decisions. Prospective applicants have therefore had almost 3½ years in which to factor the potential cost of space standards into emerging schemes. There is no need to include any further transitional arrangements in the Plan.

Optional water efficiency standards

24. In regards to evidence of need, the Council is reliant upon the expertise of relevant statutory consultees on this matter. The Environment Agency, Natural England and Anglian Water are all supportive of reducing water demand and increasing water efficiency in the area.
25. The Inspector's list of actions under Matter 17 (ED55, p.3) required the Council to amend policies SP9 and/or D1 to include more specific reference to the water efficiency standard sought by the Council. The Council's final response to this matter (ED154, p.1) stated that Main Modifications MM045 and MM144 completed this required action.
26. The Inspector's 9 August letter requested the Council either seek to produce the evidence required, or propose to delete the requirements from the Plan. The Inspector was un-persuaded following discussion at the hearings and in the light of representations that sufficient evidence of need and viability had been provided.
27. The Council's response (ED170, paragraphs 5.2 to 5.15) concludes that there is ample evidence to include the optional water efficiency standard, and more-over, removal would require re-visiting studies, agreements and conclusions which have been reached on the assumption of inclusion of the water efficiency standards in the Local Plan.

28. The Environment Agency, Anglian Water and Affinity Water are expected to respond separately to these latest hearings in support of the proposed standard. The Environment Agency has additionally assisted the Council in this response.
29. Evidence is available to show that Hertfordshire is an area under serious water stress³. The Environment Agency has stated that it is actively reducing and ceasing extraction from chalk aquifers due to the negative environmental impact that results. As a result of this, as well as low rainfall and high demand for water, it is considered necessary to reduce demand.
30. The adoption of the higher building control standards linked to water efficiency will be an essential component in reducing water extractions impact on the environment and Hertfordshire becoming more water efficient. This will assist the water companies in their water resource planning requirements to meet the new water demand in an efficient and cost-effective way while meeting their environmental objectives as required by the Environment Agency.

b) Has viability been properly considered?

Technical housing standards – nationally described space standard

31. Yes. As stated in the Council's further response to Inspector's letter of 9 August (ED170), compliance with the nationally described space standards has been included in the Local Plan Viability Assessment Update ([T12](#)). Paragraph (xi) on page 6 of the document states –

“On other aspects of planning policy detail that could have a financial viability impact, we have reviewed and provided information that suggests that the Nationally Described Space Standards and other elements of locally optional policy (from the revised national policy set related to the Government's recent review housing and technical standards) could be adopted in North Hertfordshire”.

32. Having reviewed comments and objections to the relevant policies in the Plan, the principal concerns relate to the viability impacts of strict adherence to the space standards and the resultant reduction in capacity of planned housing sites.
33. The allocated sites have dwelling estimates. The estimates are based on a density of dwellings per hectare that could reasonably be achieved, taking into account all design requirements contained within the ELP, as well as the site-specific constraints.
34. No allocated sites have been assessed in HOU12. Representations have relied on Land at Ivy Farm and Station Road (Examples 8 & 6 respectively) as examples of edge of settlement housing schemes which are comparable to allocated sites in the ELP. Land at Ivy Farm had a site area of just over 1.9 hectares and delivered 50 dwellings. This is a low-density development of 26 dwellings per hectare. With such a relatively

³ <https://www.iow.gov.uk/azservices/documents/2782-FE1-Areas-of-Water-Stress.pdf>

low density, the scheme could have complied with the internal space standards if required to do so.

35. Following further investigation, the space 'saving' from partial non-compliance with the minimum standards is less than the 'excess' in space over the standards taken up by the two largest units on the site. Further space is taken up by detached double garages serving the larger units. The amount of space that would have been 'lost' to ensure compliance with the minimum space standards on the smaller units on this example site could easily have been accommodated by proportionately and modestly reducing the 'excess' in space used on larger units within the site.
36. The above discussion and evidence demonstrates that concerns about compliance with the minimum space standards are not well-founded. This scheme could have been delivered with the same number of dwellings on-site with all dwellings fully meeting the space standard. Delivering a sufficient quantum of housing to ensure site viability would not have been an issue on this site. The additional space needed to meet the standard would not prejudice the delivery of any allocated or non-allocated prospective housing delivery sites.
37. It is the Council's view that if homes are being built at sizes below the standard, yet can be built in line with it without adversely impacting on viability, there is no compelling reason why they should not be.

Optional water efficiency standards

38. The Council's letter of response to the Inspector's concerns referenced ED170 clearly states that the inclusion the optional water standard has been included in the Council's viability assessment, continuing to quote TI2, page 20, paragraph 2.2.3 –

“For this review we have assumed that the Council would introduce the minimum level of compliance (i.e. 110 litres per person per day (lpppd)) and for that no additional cost allowance is required in our opinion”.

39. The Council have nothing to add to this, and can see no other potential legitimate concern regarding viability in delivery of this standard.