

WINCHESTER LOCAL PLAN PART 2 EXAMINATION POLICIES DM1 – 5

Matter 3:

i) Are policies DM1 – 5 reasonable and realistic, clear and consistent with national policies/guidance and do they establish suitable and appropriate criteria?

Policy DM2

We refer to our representations.

Can the Council partially apply the Nationally Described Space Standard?

The Council wishes to apply part of the Nationally Described Space Standard to all homes (all new dwellings should exceed a minimum gross internal floor area of 39 square metres) and the relevant space standard for the affordable housing element of a development should be applied.

The Council cannot take a ‘pick and mix’ approach to the Nationally Described Space Standard. Either it is applied in full or not at all. The Written Ministerial Statement of the 25 March 2015 states that: *“the new optional new technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered”* (page 9).

The attempt to introduce a cap on two and three bedroom dwelling sizes is directly contrary to national policy which reflect the outcome of the Government’s Housing standards Review (HSR). The HSR was initiated to control the growth of different local authority development regulations and controls. The Written Ministerial Statement of the 25 March 2015 states that:

“From the date the Deregulation Bill 2015 is given Royal Assent (this 26 March 2015), local planning authorities and qualifying bodies preparing neighbourhood plans should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings.”

From this statement it is clear that the only standards that are allowed relating to the construction, performance and internal layout of new homes are the Building Regulations and the three optional technical standards relating to internal dwelling space, accessibility (Part M) and water. The adoption of the last three optional standards as planning policy may only be done through a local plan and they are subject to the relevant tests being satisfied.

From this statement it also follows, that local authorities are not at liberty to set any other construction and technical related standards or restrictions, or to apply these standards in part or in a different way. Imposing a cap on the size of two and three bedroom homes would fall into this category and as such is contrary to national policy. The Council should abide by the spirit of what the government is trying to achieve which is to rationalise the number of different standards applying to construction to provide clarity for the house building industry.

The Government has said in the WMS that if its policy statement is not being accorded sufficient weight by planning authorities, it will consider bringing forward legislation to secure implementation (page 11).

The NPPG tests

The NPPG outlines three tests that need to be considered before the Nationally Described Space Standard can be justified and adopted in a local plan. These tests are (see ID 56-020-20150327):

Need – evidence on the size and type of dwellings currently being built in the area, and the impact on meeting the demand for Starter Homes;

Viability – impact on viability and the potential impact on housing affordability;

Timing

In terms of the need for the adoption of the Nationally Described Space Standard in Winchester we note that the Council's report *Standards in New Homes in Winchester District* (September 2015) has established that the vast majority of dwellings in Winchester meet or exceed the new nationally described space standards (paragraph 34). Secondly, the Council has also not assessed how stipulating compliance with the bottom end of the standards, and the nationally described space standard for affordable homes, would impact on meeting the need for Starter Homes. Starter Homes will also qualify as affordable homes, so demanding that these are built to the relevant space standard, could make them unaffordable to the segment of the market that needs Starter Homes.

It may be the case that allowing the construction of one bedroom homes that have a gross internal floor area that is less than 39 square metres, or two bedroom homes that are less than 70 square metres (for example) may provide a way of providing cheaper Starter Homes in the district, especially an expensive district like Winchester which, as the Council observes in paragraph 6.2.7 of the Local Plan, is characterised by higher than average house prices. As the Council goes on to observe in this paragraph, these higher prices are often caused by big homes. So it appears that there is a local case for allowing the construction of homes that are smaller than the nationally described space standard if this would enable households to get onto the housing ladder.

In terms of viability, we have been unable to detect an analysis of how the adoption of the lower end of the range, or the need for all affordable homes to meet the relevant national space standard, is viable. Nor is there an assessment on the

impact on affordability for potential purchasers as a consequence of the adoption of the nationally described space standard at the bottom end of the range and for affordable homes (which will include Starter Homes).

Housing

Part M4 (2) and (3): Accessible and wheelchair accessible homes

Paragraph 6.2.5 introduces what is effectively policy via supporting text. Paragraph 6.2.5 states that:

“A small number of wheelchair user dwellings as specified under Part M4 (3) may also be needed, depending on tenants / buyers’ needs, determined as part of planning applications as appropriate.”

We refer to our representations for our discussion on this point, but in summary, this text introduces new planning policy that will apply to the construction of dwellings that has been neither a) justified; nor b) assessed for its impact on viability. The Local Plan Part 1 stipulates compliance with Lifetime Homes which is broadly equivalent in cost of Part M4 (2) but it needs to be noted that Part M4 (3) is altogether very much more expensive. The Council needs to address the tests in the NPPG in terms of necessity and viability.

Furthermore, the text in the local plan is vague. The use of the word ‘may’ provides no clarity for applicants or decision-takers in terms of what should be provided on a development. This lack of clarity is contrary to paragraphs 15, 17 and 154 of the NPPF. For example, paragraph 15 of the NPPF states local plans should provide: *“clear policies that will guide how the presumption should be applied locally.”*

Paragraph 154 of the NPPF states that: *“only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in a local plan.”*

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