

### **Inspector's question 83**

My question 6 has already sought the Council's observations on whether the degree to which the plan delegates policy-making to SPDs would be sound. In addition to that, I would welcome the council's response to other representations which criticise policy H7 for its claimed lack of justification and imprecision; 795 Mark Rose of Define on behalf of Bovis Homes, 1184 Michael Wood of Indigo Planning Ltd on behalf of Lands Improvement Holdings, 1332 J Richards of Dandara Ltd, 1346 and 2077 Steven Doel of Nexus Planning on behalf of Gleeson Strategic Land and CEG, 1806 Jonathan Liberman of Boyer Planning Ltd on behalf of Wates Developments, 1919 Mark Behrendt of HBF, 1961 and 1978 Robert Love of Bidwells on behalf of Careys New Homes and Persimmon Homes Midlands.

### **Summaries of the representations**

#### Mark Rose of Define on behalf of Bovis Homes [795]

Paragraph 5.67 of the VALP confirms that there is no evidence that space provision in new dwellings in Aylesbury Vale is substandard. There is therefore no justification for the inclusion of a policy in the Local Plan in relation to this matter. Nonetheless Policy H7 seeks to establish a vague requirement in relation to this matter, but its terms are imprecise and its application will have no benefit in enabling sustainable development. The policy should therefore, be deleted.

#### Michael Wood of Indigo Planning Ltd. on behalf of Lands Improvement Holdings [1184]

The policy should be amended to reference the nationally adopted minimum space standards for all new dwellings. This will provide certainty for developers in designing and preparing residential planning applications.

#### J. Richards of Dandara Ltd. [1332]

Policy H7 'Dwelling Sizes' is unevidenced and in conflict with national policy. If the Council is proposing a policy relating to 'dwelling sizes', any standard should accord with the 'Technical Housing Standards – Nationally Described Space Standard' (March 2015). PPG is clear that "where a Local Planning Authority (or qualifying body) wishes to require an internal space standard, they should only do so by reference in their Local Plan to the nationally described space standard" (para: 018, ref ID: 56-018-20150327). Policy H7 should therefore be deleted or amended to refer to nationally described space standards

#### Steven Doel of Nexus Planning on behalf of Gleeson Strategic Land and CEG [1346 & 2077]

1. Policy H7 of the Local Plan states that new dwellings will be required to provide 'sufficient internal space for normal residential activities commensurate in size with the expected occupancy of the dwelling'. The supporting text to the policy makes it clear, with reference to the Government's national space standards that 'currently there is no evidence that space provision in new dwellings in Aylesbury Vale is below that set out in the standards'. On that evidence, the Council is right to conclude that there is no need for internal space standards in Aylesbury Vale.

2. Against this background, whilst we appreciate the intent of the policy, the policy as worded is so vague as to be meaningless. More worryingly, the supporting text to the policy suggests that further information about the Council's expectations in this regard will be contained within a future Design SPD. However, such an SPD has not been produced and, importantly, would not be the subject of independent examination. The Council cannot seek to include an extremely vague policy in the Local Plan and then introduce meaningful detail through an SPD process that is not independently tested. This would be wholly unfair and inappropriate.

3. Against this background, and given that the issue of dwelling size is, based on the Council's own evidence, not an issue, Policy H7 should simply be deleted.

#### Changes Sought

4. Policy H7 should be deleted.

#### Jonathan Liberman of Boyer Planning Ltd on behalf of Wates Developments [1806]

The policy should be amended to reference the nationally adopted minimum space standards for all new dwellings. This will provide certainty for developers in designing and preparing residential planning applications.

#### Mark Behrendt of HBF [1919]

The policy is not consistent with the approach to setting internal space standards in PPG. Paragraph 56-018 to 56-023 set out that if a Local Planning Authority has sufficient evidence to support the introduction of minimum space standards they should only do so by reference to the national described space standards. Any other approach taken to setting space standards must, therefore, be considered unsound. However, in addition to this fundamental principal the Council state in paragraph 5.68 there is no evidence to suggest that homes are coming forward below the nationally described space standards. If this is the case then seeking to apply an alternative standard is unjustified and unhelpful as the wording of this policy provides no clear guidance as to what should be considered "sufficient internal space". Such a subjective assessment could lead to confusion amongst both the decision maker and the applicant. This policy is therefore inconsistent with one of the core

planning principles set out in paragraph 17 of the NPPF which states that local plans should provide a:“practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency” We would also suggest that is inconsistent with paragraph 154 which states: “Only policies that provide a clear indication as to how a decision maker should react to a development proposal should be included in the plan”

Given these clear inconsistencies with national policy and guidance policy H7 should be deleted from the Local Plan.

Robert Love of Bidwells on behalf of Careys New Homes and Persimmon Homes Midlands [1961 & 1978]

Policy H7 states that new dwellings and extensions to existing dwellings will be required to provide sufficient internal space for normal residential activities commensurate in size with the expected occupancy of the dwelling. The National Planning Practice Guidance (PPG) sets out that if a Local Planning Authority has sufficient evidence to support the introduction of minimum space standards, then they should only do this by referencing nationally described space standards (Paragraph: 018, Reference ID: 56-018-20150327 – Paragraph: 023, Reference ID: 56-023-20160519). Therefore, any alternative approaches taken to setting space standards are considered to be unsound. However, paragraph 5.67 of the VALP states that there is currently no evidence that space provision in new dwellings in Aylesbury Vale is below that set out in the nationally described space standards. If this is the case then seeking to apply an alternative standard is unjustified. The policy states “sufficient internal space” although the VALP provides no clear guidance as to what this comprises. We consider that the policy does not have the necessary clarity to provide either applicants or decision makers, as required by paragraph 17 of the NPPF, to make predictable and efficient decisions. We consider that without full consideration to the impacts on viability, need and market signals, this could negatively impact on the affordability of units and the size of units being provided. Based on the above, we consider that Policy H7 is unsound as the policy is unjustified in terms of its evidence base and inconsistent with national policy.

**AVDC’s response**

A number of representations state that policy H7 should refer and adhere to the nationally described space standards as set out in the ‘Technical housing standards – nationally described space standard’ which was published by the Ministry of Housing, Communities & Local Government on the 27<sup>th</sup> March 2015. As stated in both paragraph 5.67 and as mentioned in several representations, there is currently no evidence that space provision in new dwellings in Aylesbury Vale is below that set out in the standards. As such, it is accepted that the Council cannot justify the implementation of the nationally described optional internal space standards into policy and is not trying to do so. Nevertheless it is considered that the design of new

dwellings is a matter that is supported by a core principle requiring high quality design and a good standard of amenity for all occupants of land and buildings. There is also policy on good design in the NPPF which includes in paragraph 57: “It is important to plan positively for the achievement of high quality design for all development”.

Evidence shows that the UK has the smallest homes by floor area in Europe. There is a national trend of declining dwelling size across the country. Although this trend is not deemed to pose an issue to Aylesbury Vale currently, it is considered that this is likely to be a problem in the future as development rates accelerate to meet government requirements. It will therefore need to be addressed by planning policy which if it is not contained in VALP will mean the council will be unable to remedy any design failings until the local plan is reviewed. As such, it is justified that the VALP contains a policy relating to dwelling sizes which could be modified following future reviews. Importantly, that there is no evidence to support the inclusion of the optional standards does not mean that there should be no policy relating to the space available in new dwellings as an important aspect of good design.

Steven Doel of Nexus Planning states that the policy in its current state is vague and meaningless, and that it delegates a great deal of detail to an SPD which will not be subject to examination. The Council acknowledges this representation. Paragraph 5.68 which supports policy H7 states that *“Nevertheless it is considered that a policy should be included to require new housing developments to provide sufficient space to meet the needs of expected occupiers. Further information about the Council’s expectations will be provided within a design SPD. The provision of space within new dwellings will be kept under review and should evidence emerge to justify the implementation of the Government’s space standards the need for a policy to implement them will be considered in any review of the Plan.”*. It is agreed that an SPD is not a statutory planning document and does therefore not need to undergo an examination. However, it is acknowledged by the Council that the wording of the supporting paragraph does make out that the SPD will contain policy, which is contrary to its purpose. As such, it is proposed that the paragraph is reworded to say *“Nevertheless it is considered that a policy should be included to require new housing developments to provide sufficient space to meet the needs of expected occupiers. Further guidance relating to dwelling sizes will be provided within a design SPD. The provision of space within new dwellings will be kept under review and should evidence emerge to justify the implementation of the Government’s space standards the need for a policy to implement them will be considered in any review of the Plan.”*.