

KING'S LYNN & WEST NORFOLK LOCAL PLAN REVIEW EXAMINATION

Policy LP18 Design and Sustainable Development – Justification for use of Nationally Described Space Standards (NDSS)

On Day 11 (19 April 2014), the Inspectors requested further justification, regarding the Policy LP18(3) requirement, for “all new homes across all tenures to meet the...(NDSS)”. This note explains, in further detail, the background evidence base supporting the inclusion of this policy criterion.

This note is a response to action point 119 of the Inspectors Action List.

Previous submissions

The Borough Council’s response to the Matters Issues and Questions (MIQs) [G6, Q383] explained that the NDSS requirement (Policy LP18(3)(m) was assessed through the Viability Update report [D1]. The Viability Update report assumed that new housing is expected to be delivered in line with the NDSS, and that the requirement is aspirational, as a practical means of delivering a high-quality built environment.

Additional evidence

Officers from the Strategic Housing and Planning Policy teams have considered the need to provide additional justification for the NDSS policy requirement.

The Strategic Housing team has advised, with reference to dwelling size, that the Nationally Described Space Standards are employed for bench-marking purposes. Recent Energy Performance Certificate (EPC) data shows that the great majority of smaller dwellings of 1- and 2- habitable rooms are non-compliant both in the private rented sector (PRS) and the housing market as a whole.

The PRS performs particularly poorly, with 91% of dwellings of 1- habitable room non-compliant. Similarly, the proportion of homes in the PRS and Borough average that are non-compliant are broadly similar (60% and 63%, respectively).

In other words, a high proportion of the existing housing stock (particularly small units in the PRS) falls below the NDSS. NDSS compliance is a practical measure for high quality housing. Given that the majority (at least 60%) of existing housing does not meet the NDSS, policy intervention (through the Local Plan/ new Policy LP18(3)) is considered necessary to ensure that future new housing will be delivered to a higher standard than older housing.

Analysis of policy text

The Inspectors’ concerns relate to whether Policy LP18(3)(m), as submitted, is justified. This is not a matter of the desirability of new housing fulfilling NDSS requirements in future, the NDSS being a clear measure for high quality housing. Instead, the Inspectors are not convinced that Policy LP18(3)(m) can be justified, in its submission form, on the basis of the supporting evidence base.

In its submission form, LP18(3)(m) states that: *“To promote and encourage opportunities to achieve high standards of sustainability and energy efficiency, development proposals will be required to demonstrate:...the maximisation of*

internal space by encouraging all new homes across all tenures to meet the Government's Nationally Described Space Standard (NDSS), unless other material planning considerations would mean that these space standards are not achievable."

The Inspectors' concern appears to be the way that the policy is worded; i.e. "**will be required** to...". This form of wording is typically applied to regulations and/or legal obligations; so is probably therefore inconsistent with national policy (NPPF) and guidance. Development plan policy requirements, which are negotiable through the planning system, are usually worded "...development proposals should demonstrate..." or similar.

The Borough Council considers it is desirable to encourage and support delivery of NDSS compliant housing through the planning system (i.e. development plan policies). Therefore, it is considered necessary to retain some wording/ specific criteria within Policy LP18, to support NDSS housing as a measure for high quality housing delivery going forward.

Conclusions

The Local Plan should be utilised to drive the delivery of high-quality housing and quality of life improvements. This includes ensuring that future housing is delivered to an overall higher standard than much of the existing stock. The NDSS requirements provide a practical policy intervention by which good quality housing can be delivered.

However, it is accepted that Policy LP18(3)(m), as worded in the submission Plan, is not justified by the available evidence. Therefore, a Main Modification is proposed, to ensure that Policy LP18 explicitly encourages and supports the delivery of NDSS compliant housing, as a measure of quality, rather than an absolute requirement. The proposed Main Modification below is positively worded and consist with the NPPF and the Planning Practice Guidance (including the National Design Guide):

Policy LP18(3)

~~m. the maximisation of internal space by encouraging all new homes across all tenures to meet the Government's Nationally Described Space Standard (NDSS), unless other material planning considerations would mean that these space standards are not achievable~~ well-designed homes which provide good standard and quality internal environments for their users, promoting health and well-being, will be encouraged including those which meet the National Described Space Standards.