

Note for Inspectors on Optional Technical Standards

– Water Efficiency, Accessibility and adaptability and the

Nationally Described Space Standards



1.0 Introduction

- 1.1 On hearing day 8 16th April 2019 Matter 9, the Inspector asked for further evidence in support of the use of the optional technical standards relating to water efficiency, accessible and adaptable accommodation and housing space standards. This note is intended to supplement the information provided in the Council's Matter Statement 9 and will deal with each of the standards in turn.

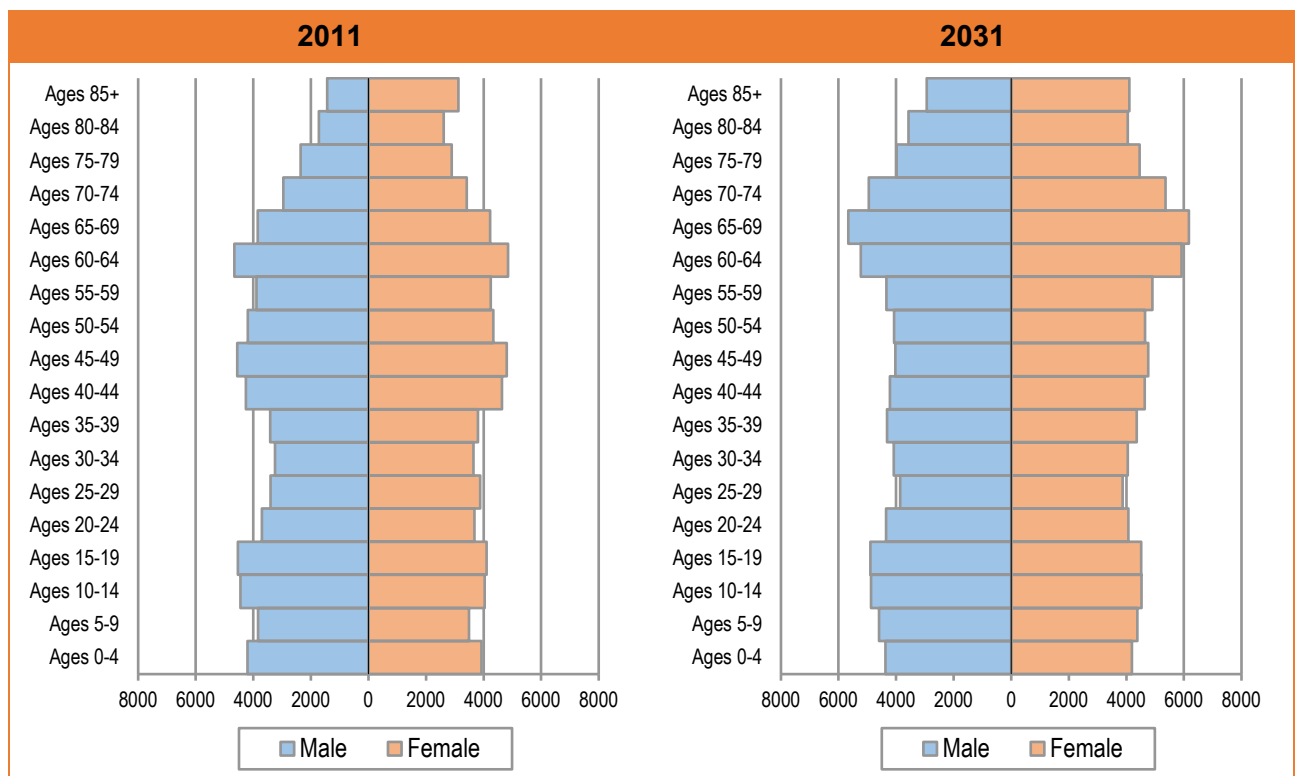
2.0 Water Efficiency

- 2.1 The NPPG (paragraph 014) states that "Where there is a clear local need, local planning authorities can set out Local Plan policies requiring new dwellings to meet the tighter Building Regulations optional requirement of 110 litres/person/day." The PPG states that this need should be evidenced by consultations with the local water company and Environment Agency. Both Southern Water and Environment Agency have supported the approach in the plan of 110litres /person/day at Regulation 19 stage.
- 2.2 Paragraph 016 refers to the Environment Agency's "Water Stressed Areas Classification (2013)". The Thanet area has been identified in this publication as within a water stressed area. This has been set out in the Council's Matter Statement 9.
- 2.3 The Council's Viability Assessment carried out by Dixon Searle (CD1.3) considered the impact of introducing the water efficiency standard. Paragraph 3.9.3 of CD1.3 concludes that "*in regard to water usage efficiency it is considered that there are no costs significant enough to be appraised and measured in this assessment or the wider policy setting context. The overall costs assumptions used are considered appropriate to also reflect that requirement, informing and in support of any confirmed policy requiring all new dwellings to be built so as to enable a maximum water usage level of not more than 110 litres per person (occupant) per day (110 lpppd)*".
- 2.4 The footnote 12 of CD1.3 Local Plan and CIL Viability Assessment states that the extra over costs of attaining water efficiency standards of 110lpppd are in the region of £6-£9 per dwelling according to the DCLG Housing Standards Review Cost Impacts Study (September 2014) and this would have a marginal impact on scheme viability.
- 2.5 The Council therefore believes that it has presented evidence to support the approach in policy QD04.

3.0 Accessible and Adaptable Accommodation

- 3.1 Paragraph 005 of NPPG recommends that local planning authorities should take account of evidence that demonstrates a clear need for housing for people with specific housing needs and plan to meet this need
- 3.2 The SHMA Update (CD4.1 section 3), shows that the change in population aged 75+ would result in a potential need for 1,522 units of specialist accommodation for older persons over the plan period - equating to 76 units pa. By ensuring that an element (10%) of development satisfies at the least M4(2) accessible and adaptable accommodation, this would help meet future needs and allow older people to remain in their own homes.
- 3.3 The SHMA update January 2017 (CD4.1) highlights that based on the 2014-based ONS Sub-National Population Projections the population aged over 65 in the District is expected to grow by almost 32,000 over the plan period driven by improved life expectancy and an ageing of the population structure. This is expected to result in a need for 1,522 units of specialist housing for older persons over the plan period (equivalent to 76 dwellings per annum). This includes sheltered and extra-care housing and forms part of the full OAN for 17,140 dwellings identified (paragraph 1.10).
- 3.4 The 'pyramids' clearly show the growth in population overall and highlight the ageing of the population with a greater proportion of the population expected to be in age groups aged 65 and over. In particular, the oldest age groups (75+) show an increase of 9,000 persons. A growing population towards the top of the pyramid reflects improving life expectancy.

Figure 1: Population Change 2011 to 2031 by five-year age bands – Thanet



Source: CD4.1 SHMA update based on ONS/JGC

3.5 The table below summarises the expected population change by five-year age group.

Age group	Population 2011	Population 2031	Change in population	% change from 2011
Under 5	8,133	8,564	431	5.3%
5-9	7,330	8,974	1,644	22.4%
10-14	8,490	9,398	908	10.7%
15-19	8,646	9,411	765	8.8%
20-24	7,393	8,412	1,019	13.8%
25-29	7,287	7,730	443	6.1%
30-34	6,894	8,122	1,228	17.8%
35-39	7,208	8,675	1,467	20.4%
40-44	8,899	8,856	-43	-0.5%
45-49	9,358	8,784	-574	-6.1%
50-54	8,526	8,717	191	2.2%
55-59	8,132	9,234	1,102	13.6%
60-64	9,513	11,139	1,626	17.1%
65-69	8,075	11,830	3,755	46.5%
70-74	6,374	10,309	3,935	61.7%
75-79	5,255	8,435	3,180	60.5%
80-84	4,336	7,618	3,282	75.7%
85+	4,553	7,045	2,492	54.7%
Total	134,402	161,252	26,850	20.0%

Source: CD4.1 SHMA update

3.6 SHMA (CD4.1 Section 3) identified a growing need for specialist housing for older persons which is driven by a growing older population in the District and increasing life expectancy. Many older persons will be able to choose to remain in their existing homes whilst others will downsize. Some older persons will require a level of support whether it be in their own homes or in specialist accommodation. This together with the Government policy of providing care support in people's own homes creates a need for more adaptable accommodation and more diverse accommodation which can accommodate the occupants changing needs.

3.7 Table 17 of the SHMA shows the projected change in population of Older Persons 2011-2031

	Under 65	65-74	75-84	85+	Total	Total 65+
Thanet	9.6%	53.2%	67.4%	54.7%	20.0%	58.2%
Kent	9.8%	48.8%	67.4%	97.5%	19.2%	61.9%
South East	7.1%	48.3%	62.7%	93.5%	16.2%	59.8%
England	6.8%	43.5%	56.8%	88.3%	14.6%	54.1%

Source: Rebased 2014-based SNPP (SNPP as published for areas other than Thanet)

- 3.8 Paragraph 3.5 explains the implications of this increase stating “Given the ageing population and higher levels of disability and health problems amongst older people there is likely to be an increased requirement for specialist housing options moving forward”.
- 3.9 The SHMA applies the data from the Housing Learning and Information Network (Housing LIN) to the demographic projections for Thanet District in order to provide an indication of the potential level of additional specialist housing that might be required for older people in the future. The SHMA estimates that there are just under 1,700 units of specialist accommodation for older persons in Thanet. Using the Housing LIN toolkit it suggests that there should be around 170 units per thousand people aged 75+, of specialised accommodation other than registered care homes. The analysis in the SHMA then shows that a potential need for 1,522 units of specialist accommodation for older persons over the plan period, producing an annual equivalent of 76 units pa.

SHMA Table 1: Projected need for Specialist Housing for Older People (2011-31)

	Population aged 75+ (2011)	Population aged 75+ (2031)	Change in population aged 75+	Specialist housing need (@ 170 units per 1,000)
Thanet	14,144	23,099	8,955	1,522

Source: Derived from demographic projections and Housing LIN

- 3.10 In addition to the SHMA, analysis by KCC shows that Thanet along with the East Kent coastal districts of Dover and Shepway, currently have the largest proportion of older population out of all of the Kent districts. This is set to continue over the next 10 years with the proportion of older people growing faster than the younger age groups in these areas. https://www.kent.gov.uk/_data/assets/pdf_file/0011/59807/2016-Based-Subnational-population-projections.pdf
- 3.11 Kent County Council have produced District profiles¹ and one of the themes is older people. The table below shows the high number of claimants within Thanet of Disability Living Allowance aged 60+.

¹ <https://www.kent.gov.uk/about-the-council/information-and-data/Facts-and-figures-about-Kent/area-profiles>

Aug 2018	Total		Males		Females	
Thanet	No.	% of all claimants	No.	% of all male claimants	No.	% of all female claimants
Total Disability Living Allowance Claimants aged 60+	2,640	100.0%	1,200	100.0%	1,440	100.0%
aged 60-64	440	16.7%	210	17.5%	230	16.0%
aged 65-69	440	16.7%	200	16.7%	240	16.7%
aged 70-74	870	33.0%	370	30.8%	500	34.7%
aged 75-79	530	20.1%	240	20.0%	290	20.1%
aged 80-84	230	8.7%	120	10.0%	120	8.3%
aged 85-89	100	3.8%	50	4.2%	50	3.5%
aged 90 and over	30	1.1%	10	0.8%	10	0.7%

Source: KCC Kent District Profiles based on information from DWP

3.12 The table below shows that when Thanet is compared to the other Kent Districts, it has the highest number of claimants for disability living allowance aged 60+.

District Authority	Total claimants aged 60+ Disability living Allowance
Ashford	1350
Canterbury	1920
Dartford	960
Dover	1810
Folkestone & Hythe	1080
Gravesham	1450
Maidstone	960
Sevenoaks	1780
Swale	2110
THANET	2640
Tonbridge & Malling	1000
Tunbridge Wells	770

Source: KCC Kent District Profiles based on information from DWP

3.13 The profile also includes data from the 2011 Census which although somewhat dated, shows that there were 17,953 residents with long term health problem or disability which limits day to day activities.

Long term health problem or disability: day to day activities are limited

2011 Thanet	Total		Males		Females	
	No.	% of people 60+ whose day to day activities are limited	No.	% of males 60+ whose day to day activities are limited	No.	% of females 60+ whose day to day activities are limited
Aged 60+	17,953	100%	7,757	100%	10,196	100%
60-64	3,078	17.1%	1,542	19.9%	1,536	15.1%
65-69	3,099	17.3%	1,486	19.2%	1,613	15.8%
70-74	2,889	16.1%	1,316	17.0%	1,573	15.4%
75-79	2,891	16.1%	1,256	16.2%	1,635	16.0%
80-84	2,835	15.8%	1,102	14.2%	1,733	17.0%
85+	3,161	17.6%	1,055	13.6%	2,106	20.7%

Source: 2011 Census - Table CT0224

- 3.14 For specialist wheelchair user dwellings, this has been related to specific local need as evidenced by the Council's housing register. Paragraph 13.31 of the local plan (CD1.1) states that at September 2016, there were 51 households on the register who are dependent on a wheelchair and further 73 households who use a wheelchair for part of the day. However, the latest situation as at February 2019, the Council's housing register identifies that 28 households are categorised as mobility level 1 - requiring full time wheelchair use, a further 54 households are categorised as mobility level 2 - requiring wheelchair use for some of the day and a further 408 households are categorised as mobility level 3 - households with current mobility issues which may worsen leading to a wheelchair dependency in the future. By relating this policy to evidence on the council's housing register, this ensures that requirements are based on the latest available evidence of need.
- 3.15 The viability of applying accessibility criteria in policy was addressed in Viability Assessment of the local plan (CD1.3). As previously set out in the Council's matter statement, paragraph 3.6.7 of CD1.3 it was suggested that the Council should have an open / aspirational approach to policies rather than a fixed requirement. M4(2) and M4(3) are independent criteria as only one of these may be applied per dwelling. Although it has been acknowledged that there is unavoidably a viability influence from such policies, and the impact of allowing for M4(3) in particular can be significant, the standards are unlikely to have an impact on viability. The potential influence on viability was considered through sensitivity testing as part of reviewing the cumulative costs of development. Alongside the Council weighing up the nature of its approach, it

was recommended that consideration could be given to aligning provision to the affordable housing content of schemes for example. It has been proposed in the matter statement to clarify the wording of policy QD05 as follows:

Policy QD05 - Accessible and Adaptable Accommodation

Accessibility provision in new developments as required by Building Regulations

Part M4 shall be provided as follows:

- 1) 10% of new build developments will be expected to be built in compliance with building regulation part M4(2) **accessible and adaptable dwellings**;
- 2) **5% of the affordable housing units on housing developments will be expected to be built in compliance with building regulations part M4(3) wheelchair user dwellings.** ~~Within new build developments which are affordable, a proportion of wheelchair accessible homes; complying with building regulations part M4 (3) will be required. The exact proportion will be dependent on the number of households identified as requiring accessible homes on the Council's housing register, in suitable locations. This should be provided as part of the affordable element of the scheme.~~

The above requirements will only be reduced if it would make the proposed development unviable.

3.16 The viability assessment carried out sensitivity testing for 5-20% requirement for wheelchair accessible units section 3.6 of CD1.3. It recommended that a flexible approach may be more appropriate, thereby guiding or targeting provision in the particular circumstances, towards meeting any identified needs. The proposed 5% threshold is at the lower end of the sensitivity testing based on current evidence from the housing register which suggests 3% of the register currently have mobility levels 1 and 2 (full time and part time wheelchair use). Given the evidence set out above and the projected increase in population over 60, the Council believes that there is sufficient evidence to support this requirement. This approach is therefore future proofing this requirement in light of future demographic changes during the Local Plan period.

4.0 Nationally Described Space Standards

- 4.1 The NPPG sets out how local authorities should establish a need for internal space standards in paragraph 20. Evidence should be provided on the size and type of dwellings currently being built in the area.
- 4.2 The problems associated with standards of space for residential units in the District can be related to the characteristic of the area i.e. larger properties previously used as hotels / guesthouses or large Victorian villas which when no longer used for their original purpose, tend to be subdivided into smaller units. Historically these have tended to be used as HMOs and if not well maintained become rundown as happened in the Cliftonville area.
- 4.3 As set out in the Council's matter statement, during the consultation on the Cliftonville Development DPD (CD7.7) the size of flats was consistently raised as an issue of significance. The nature of the Cliftonville area, which is also evident in the other towns, contains a substantial proportion of larger Victorian properties which were previously used as hotels or large dwellings. Many of these did not meet the modern living requirements and together with the decline of the traditional seaside holiday, there has been considerable pressure to subdivide properties into flats/bedsits. The preponderance of relatively cheap low standard accommodation led the Council to adopt a policy in December 2006, to restrict the further development of 1 bedroom flats in the Cliftonville West area.
- 4.4 The Council has had a Supplementary Planning Guidance on the Conversion to Flats Guidelines (CD9.18) since 1988, which contained internal space standards. This document has been a useful planning tool to refuse planning applications. The standards of accommodation are set out in section 4 of this document. It recommended that "a building, the overall floor area of which is less than 110 sq m (1184 sq ft) is of insufficient size to be converted to smaller units. In addition, the Council considers that self-contained units, with an overall floor area less than the following dimensions are too small for separate habitation:-
- Self-contained bedsitter - 30 sq m (323 sq ft)
 - Self-contained one bedroomed flat - 40 sq m (430 sq ft)
 - Self-contained two bedroomed flat - 50 sq m (538 sq ft)"

These standards have been in place for over 30 years and have now been superseded by the government's introduction of the Nationally Described Space Standards (NDSS). The draft local plan provides the opportunity to review this and extend standards for all residential units in line with the national standards, into local policy.

- 4.5 The table below sets out recent evidence of conversions and/or change of use where applications have been refused as they do not comply with the NDSS as set out in the draft policy. To date, no appeals have been lodged against these decisions. In one instance a revised application has been received which now meets the standard.

Application Number	Address	Proposal	Reason for refusal	Extract from Committee report
/18/1247	74 Trinity Square	Change of use of single dwelling into 1No. two bedroom and 1No. one bedroom flats	Refused: The application property is not considered to be of a suitable size capable of subdivision, and as a result the proposed development would consist of insufficient sized rooms, and a poor internal layout, resulting in an unsatisfactory standard of accommodation, thereby failing to provide a high standard of amenity for future occupiers of the development, contrary to Thanet Local Plan Policy D1, Draft Local Plan Policies QD03 and QD04 and paragraph 127 of the National Planning Policy Framework.	
/18/1392	Madison House 28-30 Harold Road	Erection of a two storey pitched roof rear extension and third floor extension together with internal alterations to create 2no. 2-bed maisonettes and reprovide existing flat within third floor, together with the erection of a four storey front extension	Refusal Reason: The proposed 3 no. residential units accommodated within the proposed two storey rear extension, and the proposed third floor extension would consist of insufficient internal space, which will fail to meet the required National Described Space Standards for two bedroom units and will therefore fail to provide a high standard of amenity for future occupiers of the proposed residential units, contrary to Policy D1 of the Thanet Local Plan, Policies QD03 and QD04 of the Draft Thanet Local Plan and	Extract from report: In this case, the proposed 2No. two bedroom self contained maisonettes accommodated within the existing and proposed rear extension overall gross internal floor space is approximately 51sqm. This falls significantly below the required 70sqm gross internal floor space for two bedroom residential units over two storeys. The overall gross internal floor space for the proposed 2 bedroom flat accommodated within the third floor extension is approximately 51.2sqm, which falls below the required 61sqm for a two bedroom residential unit over one storey. Application has been resubmitted F/TH/19/0228 changing the proposed flats to the rear and on the third floor 1 bed flats to meet the new nationally described space standards.

			paragraph 127 of the National Planning Policy Framework.	
/18/1678	52 Station Road Westgate	Change of use of basement to 1No. self contained flat	<p>Refusal Reason:</p> <p>The proposed change of use of the basement to a self-contained flat would provide an unacceptable standard of residential accommodation for its future occupiers, by virtue of the layout, ensuing levels of natural light and ventilation to the unit, and outlook from the unit. The proposal would also result in a residential unit of limited size, which fails to meet the minimum national space standards as set out within Draft Local Plan Policies QD03 and QD04 and the Council's Supplementary Planning Guidance on Conversion to Flats. The proposal is therefore considered to be contrary to Policy D1 of the Local Plan, Draft Local Plan Policies QD03 and QD04, and paragraph 127 of the National Planning Policy Framework, which seeks to secure high quality design and a high standard of amenity for all future occupants of development.</p>	<p>Extract from report:</p> <p>The proposal is for a one bedroom two person flat. The proposal does not meet the minimum space standards as set out in Policy QD03 of the Draft Local Plan to 2031, as the total floorspace proposed is 35sqm and the national space standard for a 1 bedroom 2 person flat is 50sqm.</p>
/18/1207	64A Eaton Road	Change of use from 1No. maisonette to 2No self contained flats and part excavation to enable access to lower ground floor flat	<p>Refusal Reason: The proposal to create two residential units through the sub-division of the existing residential unit would result in unacceptable standard of residential accommodation for its future occupiers by virtue of the</p>	<p>Extract from report: Taking into account the Council's Flat Conversion Guidelines and Policy QD03 (Council's Draft Local Plan to 2031) which requires new development to be of an appropriate size and layout with sufficient useable space to facilitate comfortable living conditions and meet the standards set out in</p>

			size of room, and inadequate levels of natural light to the lower ground unit. The provision of these units therefore fail to meet the guidance in the Council Supplementary Planning Guidance on Conversion to Flats, and is contrary to Thanet Local Plan Policy D1, emerging policies QD03 and QD04 of the Draft Local Plan to 2031 and paragraph 127 of the NPPF.	Policy QD04 it is considered that the proposal would lead to unsatisfactory accommodation which future occupiers could reasonably expect to enjoy and is therefore contrary to the aims of Thanet Local Plan policy D1 and the NPPF.
/19/0257	19 Dane Hill Row MARGATE	Retrospective application for the conversion of dwelling to 1no. 1-bed and 1no. 2-bed flats	The provision of 1No. one bedroom flat at basement level by virtue of its limited size and restricted light and outlook, fails to meet the minimum standards as set out within the Council Supplementary Planning Guidance on Conversion to Flats, resulting in an unacceptable standard of amenity for future occupiers of the residential unit. The proposal development would therefore be contrary to Policy D1 of the Thanet Local Plan and paragraph 127 of the National Planning Policy Framework which seeks to secure a high standard of amenity for all existing and future users	The proposed one bedroom flat in the lower ground floor would be approximately 8sqm below the 40sqm set out within the Council's flat conversion guidelines for a one bedroom flat and all rooms falling below the individual room standards. The living room/kitchen is 3.39sqm below the 20sqm required and the bedroom is 1.67sqm below the 11sqm required. The guidance states that bathrooms should generally have a minimum size of 2m x 2m, however the width could be reduced to 1.52m where a shower is installed. A shower has been installed within the bathroom, however the maximum width of the bathroom is 0.9m. This unit would also fall 5sqm below the 37sqm set out within the nationally described space standard for a one bedroom, one person dwelling.

4.6 In addition to the above examples, further analysis has been undertaken of the District's largest recent greenfield development at Westwood (Policy SP17) of the phases that have been completed to date. Analysis of the phase 3b completed 2017/18 has revealed that only a fraction of the units under this application would have met the NDSS. Out of 120 dwellings only 14 would have met the NDSS which is 11.6%. This is set out in the table below. This has been an historic allocation dated back to the 2006 adopted local plan with the original outline permission granted in 2008. There have been subsequent revisions and amendments to the layout and the analysis below is based on the layout as detailed in permission 15/0255.

Type of unit		Range of floorspace m ² in the scheme	NDSS M ²	Analysis
2 bed unit 2 storey	3p	-	70	
	4p	52-83	79	Out of 42 units only 6 met the NDSS
3 bed unit 2 storey	4p	62-84	84	Out of 31 units only 1 unit met the NDSS
	5p	84-91	93	Out of 15 units none met the standard
	6p	-	102	
3 bed unit 3 storey	4p	76-78	90	Out of 16 units all were below the NDSS
	5p	91	99	Only one unit in this category which was below the NDSS
	6p	-	108	
4 bed unit 2 storey	5p	111-113	97	All 4 units met this standard
	6p	-	106	
	7p	-	115	
	8p	-	124	
4 bed unit 3 storey	5p	-	103	
	6p	108-119	112	8 below and 3 met the standard
	7p	-	121	
	8p	-	130	

4.7 In addition to the units above, there is within this phase of the development, a block of 12 flats. When compared to the NDSS, half of the flats meet the standard - 2 bed 4 person are 82m² which exceeds the standard of 70m²; and half do not meet the standard - 2 bed / 3 person are 57 m² which is below the 61 m² standard

4.8 Analysis of the earlier phase (Phase 1), shows that out of the 74 units completed prior to 2015, assuming the 3 x 4bed 3 storey units can accommodate 6 persons, would have met the NDSS. The rest of the units were 2 storey and would have fallen short of the standard eg. 2 bed dwellings had a floorspace of 54m² with one unit of 74m²; the majority of 3 bed dwellings were 74m² (18 units) and 15 units ranged from 82-93m². If

it is assumed that the larger 3 bed units are for 5-6 persons then some will have met the standards whilst other have not..

- 4.9 In addition to the analysis above, the Council is working to improve the attractiveness of the housing market in order to stimulate an increase in housing supply and therefore completions. Building new residential units to an acceptable space standard is seen as integral to this approach. The Council is aware that some conversion from other uses to residential are beyond planning control through either permitted development or the prior notification process. Many of these have resulted in unacceptably small living spaces. As these are beyond planning control it is imperative to ensure that those developments over which the Council does have control, are built to acceptable standards.
- 4.10 Without the introduction of the standards there is a danger of undermining the work undertaken to date on improving the urban area particularly in Cliftonville, as poor quality housing is less attractive to the market. Paragraph 13.27 of the Local Plan CD1.1, states that the requirement for a minimum space standard can add to the attractiveness and marketability of the development. This is a way of regenerating the weak housing market in Thanet and improving the attractiveness of Thanet as a location and would support the Council's other actions to support the housing market over the Plan period. The Council is also trying to encourage family accommodation to provide a local workforce to aid regeneration of local economy
- 4.11 In addition, if the housing units are of a sufficient size this in turn aids any adaptability requirements needed to meet the future changing needs of occupants in response to, for example, mobility issues.
- 4.12 As part of the viability testing of the local plan, the Local Plan and CIL Viability Assessment December 2017 (CD1.13) considered applying the NDSS. Paragraph 2.2.9 states that "The national space standards have been included in the modelling for this viability assessment as a standard assumption". Paragraph 3.8.3 clarifies this further "In our experience so far, this base assumption typically has only a very small negative impact on viability and is more of an early stage planning and design consideration. It should not be an obstacle to viability." This was also set out in Paragraph 31 of the Executive summary concluded: "On other aspects of planning policy detail that could have a financial viability impact, DSP has reviewed and provided information that suggests that the Nationally Described Space Standard and other elements of locally optional policy (from the revised national policy set related to the Government's more recent review housing and technical standards) may be adopted in Thanet. This is again without unduly impacting viability and deliverability; providing the policy expectations are not too high or too rigid."
- 4.13 The Council has applied minimum space standards for flat conversions since 1988 with a degree of success and more recently the NDSS using the draft policy, for other developments. Developers are therefore aware of the standards being applied, in particular circumstances. Where applications have been amended after pre-application advice to reflect the NDSS this demonstrates that the market is able to deliver housing of the scale required. The Council's viability assessment also took into account the application of the NDSS and there is nothing to suggest that the policy would impede delivery. In terms of need, there is evidence which shows that where the Council has not been able to apply standards, the scale of development coming

forward has been well below the NDSS. Therefore it is reasonable to conclude that the market would not necessarily provide housing of suitable scale without the policy in place. The policy is therefore required to provide a good standard of amenity for future occupants.