

Government's Housing Standards Review: Operation of Bristol Local Plan Policies

Updated March 2021



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1. Introduction

Purpose and Scope of Practice Note

This practice note explains how specific Development Plan policies for Bristol are applied in accordance with the Government's national policy approach to the setting of technical standards for new housing. The policies set out in the practice note apply standards relating to energy performance, water efficiency, access and internal space. The practice note replaces Bristol City Council's note: [Government's Housing Standards Review: Operation of Bristol Local Plan Policies](#) published in September 2015 and provides additional content reflecting updates to national planning practice guidance made since this time.

The policies affected are set out in the following Development Plan documents:

- [Core Strategy Local Plan](#) (June 2011)
- [Site Allocations and Development Management Policies](#) (July 2014)
- [Bristol Central Area Plan](#) (March 2015)
- [Hengrove and Whitchurch Park Neighbourhood Development Plan](#) (March 2019)

The policies are set out in the relevant sections below. Detail is provided on the standards or requirements sought, the national policy approach and how the policy is implemented. Where relevant, further guidance is provided that reflects national planning practice guidance and building regulations.

Detailed information on the implementation of the Council's sustainability policies and space standards policy is set out in the following Council documents:

[Climate Change and Sustainability Practice Note](#)

[Space Standards Practice Note](#)

National Policy Context

In March 2015 changes to national planning policy were introduced following the Government's Housing Standards Review. The changes, set out in a [written ministerial statement](#), explained the Government's approach to the setting of technical standards for new housing within local plans.

The ministerial statement withdrew the Code for Sustainable Homes and set out transitional arrangements for the use of energy performance standards and other arrangements for the future use of [new national technical standards](#). Local planning authorities were instructed not to set other standards or requirements relating to the construction, internal layout or performance of new dwellings. The statement allowed local planning authorities to continue to apply technical standards for housing within their existing local plan policies in line with the new approach. Local planning authorities were advised to set out clearly how such existing policies would be applied in decision-taking in light of the statement.

Local planning authorities have been able to use the new national technical standards from 1 October 2015. These include standards for access and water efficiency, applied through

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Building Regulations Optional Requirements, and internal space, applied through a nationally described space standard.

Further details on the Government's approach to the application of standards for new housing are set out in national planning practice guidance under [Climate change](#) and [Housing: optional technical standards](#).

2. Sustainability Standards

The Planning and Energy Act 2008 allows local planning authorities to include policies within their development plans imposing reasonable requirements for development to comply with energy efficiency standards that exceed the energy requirements of Building Regulations. Consistent with the Act a number of policies within the Local Plan apply energy performance standards to new development. Other standards and requirements relating to the use of renewable and low carbon energy technologies and water efficiency are also included in these policies. Detailed information on the application of these standards and requirements is set out in the Council's [Climate Change and Sustainability Practice Note](#).

Policy BCS14: Sustainable Energy

What are the standards/requirements?

The application of energy performance requirements is covered by policy [BCS14: Sustainable Energy](#) set out in the [Core Strategy Local Plan](#). The policy expects development to reduce CO² emissions from energy use in accordance with an energy hierarchy. This includes minimising energy requirements through energy efficiency measures and use of low carbon energy sources to levels above current building regulations and offsetting CO² emissions from residual energy requirements by at least 20% through incorporation of renewable energy sources. The policy also expects major development in [Heat Priority Areas](#) to incorporate infrastructure for district heating or to connect to existing district heating systems. Proposals must demonstrate compliance through an Energy Strategy which forms part of the Sustainability Statement submitted with the planning application.

What is the national policy approach?

The written ministerial statement provides for the continued use of energy performance standards for new housing development that exceed the energy requirements of Building Regulations within relevant Local Plan policies. This can continue until amendments to the Planning and Energy Act that disapply the standards from new housing come into force. National planning practice guidance on [Climate change](#) provides further clarification on the use of energy performance standards and confirms that amendments to the Planning and Energy Act are not yet in force.

The written ministerial statement provides for the continued use of policies seeking the connection of new housing development to low carbon infrastructure such as district heating networks.

The written ministerial statement does not restrict the application of requirements for the incorporation of renewable energy sources within new development.

How is the policy implemented?

Policy **BCS14** continues to apply in full.

Policy BCS15: Sustainable Design and Construction

What are the policy standards/requirements?

The application of sustainable design and construction standards is covered by policy [BCS15: Sustainable Design and Construction](#) set out in the [Core Strategy Local Plan](#). The policy expects the design and construction of new development to minimise environmental impact and reduce CO² emissions by addressing a number of key issues. Proposals for major development (10+ dwellings and/or 1,000m² floorspace) must demonstrate compliance through Code for Sustainable Homes and/or BREEAM assessments. For super major development (100+ dwellings) a BREEAM for Communities assessment will also be required. The policy expects residential development to meet Level 6 of the Code for Sustainable Homes by 2016, provided the energy requirements of that level are embedded in the Building Regulations by that date. The policy also expects major non-residential development to achieve a BREEAM 'Excellent' rating by 2016. The assessments form part of the Sustainability Statement submitted with the planning application.

What is the national policy approach?

The written ministerial statement withdraws the Code for Sustainable Homes aside from the management of [legacy cases](#).

The written ministerial statement provides for the continued use of energy performance standards within relevant Local Plan policies (see under policies BCS14 and BCAP20)

As yet the Government has not introduced energy requirements into Building Regulations that are equivalent to the energy performance element at Level 6 of the Code for Sustainable Homes.

How is the policy implemented?

Policy **BCS15** continues to apply subject to the following changes:

- For major residential development a Code for Sustainable Homes assessment is no longer required.
- The expectation that residential development meets Level 6 of the Code for Sustainable Homes by 2016 is no longer relevant as the energy requirements of Building Regulations have not been raised to that level by the Government.

Policy BCAP20: Sustainable Design Standards

What are the policy standards/requirements?

The application of sustainable design and construction standards in Bristol City Centre is covered by policy [BCAP20: Sustainable design standards](#) set out in the [Bristol Central Area Plan](#). From 2016 the policy expects major residential development (10+ dwellings) to meet Level 5 of the Code for Sustainable Homes, super-major residential development (100+

dwelling) to additionally achieve a BREEAM for Communities 'Excellent' rating and major non-residential development and larger (1,000 m²+) to achieve a BREEAM 'Excellent' rating. Proposals must demonstrate compliance through an Energy Strategy which forms part of the Sustainability Statement submitted with the planning application.

What is the national policy approach?

The written ministerial statement withdraws the Code for Sustainable Homes aside from the management of [legacy cases](#).

The written ministerial statement provides for the continued use of energy performance standards for new housing development that exceed the energy requirements of Building Regulations within relevant Local Plan policies. This can continue until amendments to the Planning and Energy Act that disapply the standards from new housing come into force. Until that time energy performance standards used for new housing should be no higher than the equivalent of Level 4 of the Code for Sustainable Homes. This requires the Design Emissions Rate of development to provide $\geq 19\%$ improvement above the Target Emissions Rate set within the 2013 Building Regulations. National planning practice guidance on [Climate change](#) provides further clarification on the use of energy performance standards and confirms that amendments to the Planning and Energy Act are not yet in force.

The written ministerial statement provides that from 1st October 2015 an existing policy requirement for a water efficiency standard applied through reference to the Code for Sustainable Homes should be interpreted by reference to the nearest equivalent national technical standard. The standard to be used is set out in *Building Regulations Approved Document G: Sanitation, hot water safety and water efficiency* as an optional requirement [G2 Water Efficiency - Optional Requirement](#). The optional requirement requires a lower maximum water consumption level per person per day than the standard Building Regulations requirement.

How is the policy implemented?

Policy **BCAP20** continues to apply subject to the following changes and restrictions:

- For major and super major residential development a Code for Sustainable Homes assessment is no longer required.
- New housing within major and super major residential development is no longer required to meet Level 5 of the Code for Sustainable Homes but will be expected to achieve energy performance equivalent to Code for Sustainable Homes level 4.
- From 1st October 2015 the water efficiency element of the Code for Sustainable Homes has been interpreted by reference to [Building Regulations Approved Document G: Sanitation, hot water safety and water efficiency: G2 Water Efficiency - Optional Requirement](#).

Further information on policy implementation

Where applied the water efficiency optional requirement must be secured by an appropriate planning condition and specified within that condition.

3. Accessibility Standards

Policy DM2: Residential Sub-divisions, Shared & Specialist Housing

Policy DM4: Wheelchair Accessible Housing

Policy HWP9: Provision of Housing for the Elderly

What are the policy standards/requirements?

The application of access standards to older persons' housing is covered by policy [DM2: Residential Sub-divisions, Shared and Specialist Housing \(Older Persons' Housing - Criteria\)](#) set out in the Site Allocations and Development Management Policies Local Plan. This includes requirements that all units are built to the [Lifetime Homes](#) standard and 20% of units are designed to be wheelchair accessible, in accordance with the [Wheelchair Housing Design Guide](#), or easily adaptable to wheelchair users.

The application of access standards to other residential development is covered by policy [DM4: Wheelchair Accessible Housing](#) set out in the Site Allocations and Development Management Policies Local Plan. This includes a requirement that 2% of new housing within residential developments of 50 dwellings or more be designed to be wheelchair accessible, in accordance with the [Wheelchair Housing Design Guide](#), or easily adaptable to wheelchair users. Policy [HWP9: Provision of Housing for the Elderly](#) set out in the Hengrove and Whitchurch Park Neighbourhood Development Plan increases this requirement to 3% of new housing within residential developments of 40 dwellings or more within the Hengrove and Whitchurch Park neighbourhood planning area.

What is the national policy approach?

The written ministerial statement provides that from 1st October 2015 existing policies relating to access should be interpreted by reference to the nearest equivalent national technical standard. The standards to be used are set out in Building Regulations Approved Document M: Access to and use of buildings, Volume 1: Dwellings as optional requirements [M4\(2\): Category 2 - Accessible and adaptable dwellings](#) and [M4\(3\): Category 3 - Wheelchair user dwellings](#). The wheelchair user dwellings standard provides for 'wheelchair accessible' homes (constructed to be suitable for immediate occupation by a wheelchair user) or 'wheelchair adaptable' homes (constructed with the potential to be adapted for occupation by a wheelchair user).

National planning practice guidance on [Housing: optional technical standards](#) states that neither optional requirement should be applied where step-free access is not viable. The guidance also restricts the application of the wheelchair user dwellings optional requirement for 'wheelchair accessible' homes only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling.

How is the policy implemented?

Policy **DM2** continues to apply subject to the following changes:

- From 1st October 2015 the requirement for all older persons' housing to be built to the Lifetime Homes Standard has been interpreted by reference to [Building Regulations Approved Document M: Access to and use of buildings, Volume 1: Dwellings - Optional requirement M4\(2\): Category 2 - Accessible and adaptable dwellings](#).
- From 1st October 2015 the requirement for 20% of older persons' housing to be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users has been interpreted by reference to [Building Regulations Approved Document M: Access to and use of buildings, Volume 1: Dwellings - Optional requirement M4\(3\): Category 3 - Wheelchair user dwellings](#)

Policy **DM4** continues to apply subject to the following change:

- From 1st October 2015 the requirement for 2% of new housing within residential developments of 50 dwellings or more to be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users has been interpreted by reference to [Building Regulations Approved Document M: Access to and use of buildings - Volume 1: Dwellings - Optional requirement M4\(3\): Category 3 - Wheelchair user dwellings](#)

Policy **HWP9** continues to apply subject to the following change:

- From 19th March 2019 the requirement for 3% of new housing within residential developments of 40 dwellings or more to be designed to be wheelchair accessible as defined in the current edition of the Wheelchair Housing Design Guide has been interpreted by reference to [Building Regulations Approved Document M: Access to and use of buildings - Volume 1: Dwellings - Optional requirement M4\(3\): Category 3 - Wheelchair user dwellings](#)

Further information on policy implementation

General

Compliance with optional requirements M4(2) and M4(3) requires step free access to the dwelling and any associated parking space and communal facility for the occupant's use. Where for reasons of topography or other specific factors a site or individual plot is less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable, alternative provision to ensure the dwelling achieves an appropriate level of accessibility should be sought.

Where applied optional requirements must be secured through appropriate planning conditions.

Policy DM2: Residential Sub-divisions, Shared and Specialist Housing

For all older persons' housing [Building Regulations Approved Document M: Access to and use of buildings, Volume 1: Dwellings - Optional requirement M4\(2\): Category 2 - Accessible and adaptable dwellings](#) will be applied except for those homes where [Building Regulations Approved Document M: Access to and use of buildings, Volume 1: Dwellings - Optional requirement M4\(3\): Category 3 – Wheelchair user dwellings](#) is applied.

Where [Building Regulations Approved Document M: Access to and use of buildings, Volume 1: Dwellings - Optional requirement M4\(3\): Category 3 - Wheelchair user dwellings](#) is applied to affordable housing delivered as part of older persons' housing proposals this should be designed to be 'wheelchair accessible'.

Where [Building Regulations Approved Document M: Access to and use of buildings, Volume 1: Dwellings - Optional requirement M4\(3\): Category 3 - Wheelchair user dwellings](#) is applied the planning condition must state which dwellings should be 'wheelchair accessible'.

Policy DM4: Wheelchair Accessible Housing

Policy HWP9: Provision of Housing for the Elderly

Where [Building Regulations Approved Document M: Access to and use of buildings, Volume 1: Dwellings - Optional requirement M4\(3\): Category 3 - Wheelchair user dwellings](#) is applied to affordable housing delivered as part of the wider residential scheme this should be designed to be 'wheelchair accessible'.

Where [Building Regulations Approved Document M: Access to and use of buildings, Volume 1: Dwellings - Optional requirement M4\(3\): Category 3 - Wheelchair user dwellings](#) is applied the planning condition must state which dwellings should be 'wheelchair accessible'.

4. Space Standards

Policy BCS18: Housing Type

What are the policy standards/requirements?

The application of space standards to residential development is covered by policy [BCS18: Housing Type](#) set out in the [Core Strategy Local Plan](#). The policy expects residential developments to provide sufficient space for everyday activities and to enable flexibility and adaptability by meeting appropriate space standards.

The supporting text to policy **BCS18** states that the Council will apply to all residential development the same standards used by the Homes and Communities Agency in the delivery of its projects and programmes.

What is the national policy approach?

The written ministerial statement provides that from 1st October 2015 existing policies relating to internal space should be interpreted by reference to the nearest equivalent national technical standard. The standard to be used is the [Nationally Described Space Standard](#). The standard sets out a minimum internal floor area in m² that is appropriate for dwellings with different numbers of bedrooms, bed spaces and storeys. The standard also sets out floor areas and dimensions for key parts of the home including bedrooms, storage and floor to ceiling height.

How is the policy implemented?

Policy **BCS18** continues to apply subject to the following changes:

- From 1st October 2015 the requirement to meet appropriate space standards has been interpreted by reference to the [Nationally Described Space Standard](#) for most permanent residential development.

Further information on the Council's approach to justifying the use of the Nationally Described Space Standard is set out in Appendix A.

Further information on the Council's approach to the use of the Nationally Described Space Standard is set out in the Council's [Space Standards Practice Note](#).

Appendix A: Approach to justifying the use of the Nationally Described Space Standard

Where applicants have challenged the Council's use of the Nationally Described Space Standard under Local Plan policy **BCS18: Housing Type** during or after the determination of a planning application, or, where their use is likely to be considered by a Planning Inspector in an appeal decision, Development Management officers should provide a written justification for the use of the Nationally Described Space Standard in the officer delegated report, Committee report or appeal statement whichever is relevant. The written justification should state the following:

'Bristol City Council applies space standards to residential development proposals through Core Strategy Local Plan policy **BCS18: Housing Type**. The policy expects development to:

'...provide sufficient space for everyday activities and to enable flexibility and adaptability by meeting appropriate space standards.'

The Council originally applied the Homes and Community Agency standards as the 'appropriate space standards' but these were replaced by the Nationally Described Space Standard on 1st October 2015 in accordance with the written Ministerial Statement of 25th March 2015. This Statement provided for the use of the Nationally Described Space Standard in cases where local planning authorities had existing Local Plan policies relating to internal space. The Statement says:

'From 1 October 2015: Existing Local Plan... policies relating to ... internal space should be interpreted by reference to the nearest equivalent new national technical standard.'

The Nationally Described Space Standard is one of the new national technical standards referred to in the Statement. As envisaged by the Statement, policy **BCS18: Housing Type** therefore uses the Nationally Described Space Standard as the 'appropriate space standards' to which the policy refers. The Council's practice note **Government's Housing Standards Review: Operation of Bristol Local Plan Policies - Updated March 2021** explains how the Council complies with the Statement.'

As the written Ministerial Statement is confirmed as national policy in National Planning Practice Guidance it must be the primary consideration for determining the circumstances in which the new national technical standards, which includes the Nationally Described Space Standard, can be used by local authorities.

Where appropriate the following documents should be made available as supporting evidence:

- Written [Ministerial Statement](#) published on 25th March 2015;
- National Planning Practice Guidance - Relevant paragraph referring to use of written Ministerial Statement under 'Housing: optional technical standards - [Introduction](#)' (Paragraph: 001 Reference ID: 56-001-20150327);
- Bristol City Council practice note: **Government's Housing Standards Review: Operation of Bristol Local Plan Policies - Updated March 2021**.