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24th May 2019

Dear Sir / Madam

BRISTOL LOCAL PLAN REVIEW (LPR) – DRAFT POLICIES & DEVELOPMENT ALLOCATIONS CONSULTATION

Introduction

Thank you for consulting with the Home Builders Federation (HBF) on the above mentioned consultation. The HBF is the principal representative body of the house-building industry in England and Wales. Our representations reflect the views of our membership, which includes multi-national PLC's, regional developers and small local builders. In any one year, our members account for over 80% of all new "for sale" market housing built in England and Wales as well as a large proportion of newly built affordable housing. We would like to submit the following responses to specific Draft Policies in the Council's consultation document.

Draft Policy UL1 – Effective & Efficient Use of Land

Under **Draft Policy UL1** new development will be expected to reflect Bristol's urban character by maximising opportunities to re-use previously developed land and develop land to its optimum density. New development which fails to make efficient use of land will not be permitted. The determination of the efficient use of land should be undertaken in accordance with the 2019 National Planning Policy Framework (NPPF) (para 123c).

Draft Policy UL2 – Residential Densities

For residential development **Draft Policy UL2** expects a minimum net density of 50 dwellings per hectare. On suitable sites of more than 10 dwellings in the city centre, inner area (within a 20 minute walk of city centre) and outer area (the rest of the city) higher minimum net densities of 200, 120 and 60 dwellings per hectare respectively will be sought. The assessment of site suitability for the higher minimum net densities will consider local character, house type mix, local housing needs, market signals and viability.

The setting of residential density standards in the LPR should be undertaken in accordance with the 2019 NPPF (para 123) whereby in the circumstances of



an existing or anticipated shortage of land for meeting identified housing needs then a minimum net density in suitable locations such as town centres and those benefiting from good public transport connections may be appropriate. The consideration on a case by case basis given to determine suitability of sites for the higher minimum net density should also be applied to the minimum net density of 50 dwellings per annum to determine if a lower density is appropriate. Housing mix and density are intrinsically linked and should be considered holistically. The blanket approach to a minimum net densities of 50 and higher densities of 60, 120 and 200 dwellings per hectare across the city may not provide a variety of typologies to meet the housing needs of different groups. In viability assessment the inter-relationship between density, house size (any implications from the introduction of optional space and accessible / adaptable homes standards), house mix and developable acreage should be considered and tested.

Draft Policy H1 – Delivery of New Homes

Draft Policy H1 sets out that a minimum of 33,500 dwellings will be delivered by 2036. The establishment of a housing requirement figure based on a correctly calculated OAHN is the fundamental starting point for the Bristol LPR. As set out in HBF representations to the West of England (WoE) Joint Spatial Plan (JSP) consultations and the Bristol LPR consultation ended on 13th April 2018 there is profound disagreement about the objectively assessed housing need (OAHN) calculation. It is considered that the OAHN for the WoE Housing Market Area (HMA) and individual authorities have been under-estimated. It is considered that the OAHN is greater than 102,200 dwellings (5,110 dwellings per annum) for the HMA and 33,500 dwellings (1,675 dwellings per annum) for Bristol. This under-estimation arises from overly conservative approaches to improving housing affordability, low economic growth assumptions so the lack of housing itself could become a constraint on economic growth and no “policy on” adjustment to the housing requirement to help deliver affordable housing despite a significant identified affordable housing need. For comparative purposes only between 2016 – 2036 the Government’s proposed standardised methodology for the calculation of local housing need based on household projections and housing affordability excluding any uplift to support economic growth results in 116,500 dwellings (5,825 dwellings per annum) for the HMA.

Affordable Housing Provision

The strategy of the WoE JSP sets the over-arching aims of a framework to guide housing and economic growth across the sub-region which subsequent Local Plans are expected to deliver. Policy 3 : Affordable Housing of the WoE JSP proposes a minimum target of 35% affordable housing on sites of 5 or more dwellings. It is proposed that on adoption of the WoE JSP Policy 3 will supersede existing adopted policies in Local Plans and planning permission will be refused if 35% affordable housing is not provided unless material considerations indicate otherwise. The HBF have objected this proposal.

As set out in the HBF representation to the WoE JSP technical evidence consultation (ended on 7th January 2019) the proposed site threshold of 5 or more dwellings is unjustified and inconsistent with national policy. The Written Ministerial Statement (WMS) dated 28 November 2014 stated that due to the disproportionate burden of developer contributions on small scale developers (sites of 10 dwellings or less) affordable housing and tariff style contributions should not be sought. For Designated Rural Areas under Section 157 of the Housing Act 1985 authorities may choose to implement a lower threshold of 5 dwellings or less. Within these designated areas if the 5 dwelling threshold is implemented then payment for affordable housing on developments of 6 – 10 dwellings should be sought as a cash payment only and be commuted until after completion of the development. The 2019 NPPF affirms that provision of affordable housing should not be sought for residential developments that are not major developments other than in Designated Rural Areas (where policies may set out a lower threshold of 5 units or fewer) (para 63). Other than Areas of Outstanding Natural Beauty (AONB) there are no Designated Rural Areas in WoE. The proposed site threshold for the provision of affordable housing in Policy 3 is inconsistent with national policy which is unjustified. Topic Paper 6 Affordable Housing (SD 14J) sets out no acceptable justification for the policy approach of Policy 3. The Updated Viability Assessment has not tested the proposed threshold of 5 dwellings in Bristol city thereby providing no further certainty that sites of 5 or more dwellings are financially viable.

As confirmed in Topic Paper 6 Affordable Housing dated April 2018 (SD 14J) the 35% requirement is a needs based target rather than the level of affordable housing at which development has been assessed as viable. The Updated Viability Assessment is a strategic review of the viability of Policy 3 of the WoE JSP. This Viability Assessment is not a substitute for the whole plan viability testing that will be required in order to inform and support the progression of each individual Local Plan. As set out in the 2019 NPPF the LPR should set out the level and type of affordable housing provision required together with other necessary infrastructure but such policies should not undermine the deliverability of the LPR (para 34). The cumulative burden of policy requirements should be set so that most sites are deliverable without further viability assessment negotiations (para 57). Viability assessment is highly sensitive to changes in its inputs whereby an adjustment or an error in any one assumption can have a significant impact on the viability or otherwise of development. It is important that the City Council understands and tests the influence of all inputs on viability as this determines if land is released for development. Currently there are too many unknowns to undertake a robust assessment of viability.

The Updated Viability Assessment observes that the WoE JSP does not set out very much detail in terms of policy specifics. It is understood that strategic principles and infrastructure requirements for the SDLs are still evolving and in the absence of allocating the Strategic Development Locations (SDL) site boundaries are undefined. At this time there can be no certainty that the SDLs can achieve a policy compliant requirement for 35% affordable housing. The Updated Viability Assessment also identifies viability challenges on previously

developed land and Topic Paper 6 Affordable Housing (SD 14J) confirms that the urban living component in the WoE JSP is unviable on a Policy 3 compliant basis. After taking account of abnormal costs brownfield sites will only deliver circa 20% affordable housing. This is applicable to sites in Bristol City's Inner West and East zones where previous affordable housing delivery has been only 10%.

The Updated Viability Assessment is not a robust viability test of Policy 3 underlying the assessment is the assumption that further viability testing will be undertaken therefore it cannot supersede existing adopted Local Plan policies or become the automatic default policy requirement in future Local Plans. The Updated Viability Assessment provides no further certainty the proposed site threshold of 5 or more dwellings or the minimum 35% affordable housing requirement of Policy 3 are financially viable. The cumulative burden of policy requirements should be set so that most sites are deliverable without further viability assessment negotiations. The Updated Viability Assessment concludes that *"at this stage, our suggestion is that the viability findings mean that some modification of the Policy 3 wording or its application, if not general intent perhaps, might be considered. This may be a point for review / further consideration by the WoE Councils during examination of the JSP policies"* (para 3.5.7). It is the HBFs opinion that the contents of Policy 3 cannot be anything more than a statement of intent.

Draft Policy H4 – Housing Mix & Type

As set out in 2019 NPPF the housing needs for different groups should be assessed to justify any policies on the size, type and tenure of housing including a need for affordable housing (paras 61 & 62). All policies should be underpinned by relevant and up to date evidence which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned (para 31). All households should have access to different types of dwellings to meet their housing needs. Market signals are important in determining the size and type of homes needed. When planning for an acceptable mix of dwellings types to meet people's housing needs the Council should focus on ensuring that there are appropriate sites allocated to meet the needs of specifically identified groups of households such as self / custom builders and the elderly without seeking a specific housing mix on individual sites. The LPR should ensure that suitable sites are available for a wide range of developments across a wide choice of appropriate locations.

It is noted that the wording of **Draft Policy H4** includes a reference to a Supplementary Planning Document (SPD). This is not compliant with the Regulations by conferring development plan status onto a document which does not have statutory force and has not been subject to the same process of preparation, consultation and examination. The City Council is referred to the recent High Court Judgement between William Davis Ltd, Bloor Homes Ltd, Jelson Homes Ltd, Davidson Homes Ltd & Barwood Homes Ltd and Charnwood Borough Council Neutral Citation Number : [2017] EWHC 3006

(Admin) Case No. CO/2920/2017. The SPD reference should be deleted from the policy wording.

Draft Policy H5 – Self Build & Community Led Housing

Under the Self Build & Custom Housebuilding Act 2015 the City Council has a duty to keep a Register of people seeking to acquire self / custom build plots and to grant enough suitable development permissions to meet identified demand. As set out in 2019 NPPF the housing needs for different groups should be assessed to justify any policies on the size, type and tenure of housing. This includes people wishing to commission or build their own homes (para 61). The National Planning Practice Guidance (NPPG) (ID: 57-025-201760728) sets out ways in which the City Council should consider supporting self / custom build including :-

- developing policies in the LPR for self / custom build ;
- using Council owned land if available and suitable for self / custom build and marketing such opportunities to entrants on the Register ;
- engaging with landowners who own housing sites and encouraging them to consider self / custom build and where the landowner is interested facilitating access to entrants on the Register ; and
- working with custom build developers to maximise opportunities for self / custom housebuilding.

Draft Policy H5 proposes encouragement, site allocations and exception sites for self / custom build which the HBF support. The City Council is also proposing at least 5% self / custom build plots on four named site allocations and a proportion of self / custom build in growth and regeneration areas.

A policy requirement for at least 5% or a proportion of self / custom build plots on named residential development sites or in regeneration areas should not be sought. This approach only changes housing delivery from one form of house building company to another without any consequential additional contribution to boosting housing supply. It also seeks to place the burden for delivery of self / custom build plots on house-builders contrary to national guidance which outlines that the City Council should engage with landowners and encourage them to consider self / custom build. Any proposed policy approach should not move beyond encouragement by requiring provision of self / custom build plots on named residential development sites.

The City Council's Self & Custom Build Register alone is not a sound basis for setting a specific policy requirement. As set out in the NPPG the City Council should provide a robust assessment of demand including an assessment and review of data held on its Register (ID 2a-017-20192020) which should be supported by additional data from secondary sources to understand and consider future need for this type of housing (ID 57-0011-20160401). The City Council should also analyse the preferences of entries as often only individual plots in rural locations are sought as opposed to plots on large housing sites. It is also possible for individuals and organisations to register with more than one

Council so there is a possibility of some double counting. The City Council's Register may indicate a level of expression of interest in self / custom build but it cannot be reliably translated into actual demand should such plots be made available.

The City Council's policy approach should be realistic to ensure that where self / custom build plots are provided they are delivered and do not remain unsold. It is unlikely that the allocation of plots on large housing sites can be co-ordinated with the development of the wider site. At any one time there are often multiple contractors and large machinery operating on a housing site from both a practical and health & safety perspective it is difficult to envisage the development of single plots by individuals operating alongside this construction activity.

If demand for plots is not realised then they would remain permanently vacant effectively removing these undeveloped plots from the City Council's housing land supply. Where plots are not sold it is important that the City Council's policy is clear as to if and when these revert to the original developer. It is important that plots should not be left empty to detriment of neighbouring dwellings or the development as a whole. The timescale for reversion of these plots to the original housebuilder should be as short as possible because the consequential delay in developing those plots presents further practical difficulties in terms of co-ordinating their development with construction activity on the wider site. There are even greater logistical problems created if the original housebuilder has to return to site after a marketing period has finished to build out plots which have not been sold to self / custom builders.

As well as on-site practicalities any adverse impacts on viability should be tested. The City Council should provide evidence to indicate any adverse effects on the viability of named housing sites affected by such a policy approach. Self / custom build are exemption from Community Infrastructure Levy (CIL) contributions and affordable home ownership provision as set out in 2019 NPPF (para 64). Under the 2019 NPPF it is the City Council's responsibility to robustly viability test the LPR in order that the cumulative burden of policy requirements are set so that most development is deliverable without further viability assessment negotiations (para 57) and the deliverability of the LPR is not undermined (para 34). A Viability Assessment may conclude that a self / custom build policy requirement has a detrimental impact upon the level of affordable housing provision on sites. The City Council may wish to adopt an aspirational approach in allocating plots to deliver self / custom build but this should not be pursued at the expense of delivering affordable housing for which a specific need has been identified in the City Council's own evidence.

Draft Policy H8 – Older Peoples & Other Specialist Needs Housing

Under **Draft Policy H8** all specialist needs housing must be designed to Building Regulation Part M Category 2 accessible & adaptable (M4(2)) standards and at least 50% designed to Building Regulation Part M Category 3

wheelchair user (M4(3)) standards. On sites of 60 or more dwellings a minimum of 10% on site affordable specialist housing should be provided.

The housing needs for different groups should be assessed to justify any policies on the size, type and tenure of housing including a need for affordable housing (paras 61 & 62). All households should have access to different types of dwellings to meet their housing needs. When planning for an acceptable mix of dwellings types to meet people's housing needs the City Council should focus on ensuring that there are appropriate sites allocated to meet the needs of specifically identified groups of households rather than setting a specific housing mix on individual sites. The LPR should ensure that suitable sites are available for a wide range of types of developments across a wide choice of appropriate locations.

The City Council should justify its requirements for M4(2) and M4(3) (also see detailed HBF response to Draft Policy H9 below). The City Council should also justify the quantum for 50% M4(3). The Council is reminded that the requirement for M4(3) should only be required for dwellings over which the City Council has housing nomination rights as set out in the NPPG (ID 56-008). Any requirement for higher optional standards especially M4(3) should be thoroughly viability tested. In September 2014 during the Government's Housing Standards Review EC Harris estimated the cost impact of M4(3) per dwelling as £15,691 for apartments and £26,816 for houses. These costs should be included in the City Council's viability testing.

Draft Policy H9 – Accessible Homes

Under **Draft Policy H9** all new dwellings should be designed to optional higher M4(2) standards and at least 10% to M4(3) standards. If the City Council wishes to adopt the higher optional standards for M4(2) and M4(3) then this should only be done in accordance with the 2019 NPPF (para 127f & Footnote 46). The WMS dated 25th March 2015 stated that *“the optional new national 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, in accordance with the NPPG”*. Footnote 46 of 2019 NPPF states *“that planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing where this would address an identified need for such properties”*. As set out in the 2019 NPPF all policies should be underpinned by relevant and up to date evidence which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned (para 31). The City Council should gather evidence to determine whether there is a need for additional standards in their area and justify setting appropriate policies in the LPR. The NPPG sets out the evidence necessary to justify a policy requirement for accessible and adaptable homes. The City Council should apply the criteria set out in the NPPG (ID 56-005 to 56-011) to ensure that an appropriate evidence base is available to support its proposed policy requirements. This evidence includes identification of :-

- the likely future need ;
- the size, location, type and quality of dwellings needed ;
- the accessibility and adaptability of the existing stock ;
- variations in needs across different housing tenures : and
- viability.

In determining the quantum of M4(2) and M4(3) homes the City Council should focus on the ageing population living in the city compared to national / regional figures and the proportion of households living in newly built homes. If the Government had intended that evidence of an ageing population alone justified adoption of higher optional standards then such standards would have been incorporated as mandatory in the Building Regulations which is not the case. It is incumbent on the City Council to provide a local assessment evidencing the specific case for Bristol which justifies the inclusion of optional higher standards in all newly built dwellings as proposed. The optional higher standards should only be introduced on a “need to have” rather than a “nice to have” basis. Need is generally defined as *“requiring something because it is essential or very important rather than just desirable”*.

All new homes are built to Building Regulation Part M Category 1 (M4(1)) standards which include level approach routes, accessible front door thresholds, wider internal doorway and corridor widths, switches and sockets at accessible heights and downstairs toilet facilities usable by wheelchair users. These standards are not usually available in the older existing housing stock and benefit less able-bodied occupants. These standards are likely to be suitable for most residents. It is noted that Office for National Statistics (ONS) Overview of the UK Population dated November 2018 estimated that 18.2% of the UK population were aged 65 years or over in 2017 compared with only 14% in Bristol. Many older people already live in the city and are unlikely to move home. There may be a need for some new dwellings to be built to M4(2) but there is not the need for all new dwellings to be built to M4(2) or at least 10% M4(3) standards as not all existing older residents will move home and those that do move may not choose to live in a new dwelling.

The City Council’s supporting evidence should include detailed information on the accessibility and adaptability of the existing housing stock, the size, location, type and quality of dwellings needed and variations in needs across different housing tenures.

Any requirement for higher optional standards especially M4(3) should be thoroughly viability tested. In September 2014 during the Government’s Housing Standards Review EC Harris estimated the cost impact of M4(3) per dwelling as £15,691 for apartments and £26,816 for houses. These costs should be included in the City Council’s future viability testing.

The City Council is reminded that the requirement for M4(3) should only be required for dwellings over which the City Council has housing nomination rights as set out in the NPPG (ID 56-008).

Draft Policy T5 – Provision of Infrastructure for Electric & Other Low Emission Vehicles

Under **Draft Policy T5** all dwellings with one or more dedicated parking spaces will be expected to include infrastructure suitable for charging electric or other ultra-low vehicles. In residential developments of 10 or more dwellings at least 20% will be expected to have active charging facilities and the remaining 80% of dwellings will be expected to have passive provision. For residential development with communal off street parking provision at least 20% of car spaces will be expected to include active charging facilities and passive provision for all remaining spaces. Residential development of 100 or more dwellings will be expected to provide at least one rapid charging point clustered with a fast charging point for every 10 car spaces provided and will be expected to facilitate the provision of an electric or ultra-low emission car club including dedicated spaces for the club with active charging facilities. Where off street parking is not provided then the design and layout of the development will be expected to incorporate infrastructure to enable the on street charging of electric or other Ultra-Low Emission vehicles.

The Council should not expect electric vehicle charging points in residential developments before engaging with the main energy suppliers in order to determine network capacity to accommodate any adverse impacts if all new dwellings are to have a re-charge facility. If re-charging demand became excessive there may be constraints to increasing the electric loading in an area because of the limited size and capacity of existing cables and new sub-station infrastructure may be necessary. The cost of such infrastructure may adversely impact on viability and housing delivery. If electric vehicles are to be encouraged by the Government then a national standardised approach implemented through the Building Regulations is more appropriate and supported by the HBF. The Council should be wary of developing its own policy and await the outcomes of any future Government consultation. This expectation should be deleted.

Draft Policy CCS1 – Climate Change, Sustainable Design & Construction

Under **Draft Policy CCS1** for residential or mixed use development consisting of more than 200 residential units, a BREEAM for Communities assessment will be required. A BREEAM Communities “Excellent” rating will be sought. If the City Council wishes to adopt the higher optional standards for residential development then this should only be done in accordance with the 2019 NPPF (para 127f). The WMS dated 25th March 2015 stated that *“the optional new national 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, in accordance with the NPPG”*. It is inappropriate for the City Council to be seeking a BREEAM Communities “Excellent” rating. This requirement should be deleted.

Draft Policy CCS1 also expects new dwellings to achieve a water efficiency standard of no more than 110 litres per person per day. All new dwellings

achieve a mandatory level of water efficiency of 125 litres per day per person under Building Regulations which is higher than that achieved by much of the existing housing stock. If the City Council wishes to adopt the higher optional standard for water efficiency of 110 litres per person per day then the City Council should justify doing so by applying the criteria set out in the NPPG (ID 56-013 to 56-017). The WMS dated 25th March 2015 confirmed that “*the optional new national 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, in accordance with the NPPG*”. The NPPG refers to “*helping to use natural resources prudently ... to adopt proactive strategies to ... take full account of water supply and demand considerations ... whether a tighter water efficiency requirement for new homes is justified to help manage demand*” however the Housing Standards Review was explicit that reduced water consumption was solely applicable to water stressed areas. The City Council should provide a Water Cycle Study which demonstrates that Bristol is an area of water stress. If the city is not identified as an area of water stress then this requirement should be deleted from Draft Policy CCS1.

Draft Policy CCS2 – Towards Zero Carbon Development

New development will be expected to minimise the demand for heating, cooling, hot water, lighting and power through energy efficiency measures and meet its remaining heat/cooling demand sustainably by maximising on-site renewable energy generation and meeting any outstanding reduction in residual emissions through carbon offsetting. New development will also be expected to achieve a minimum 10% reduction in regulated CO₂ emissions through energy efficiency measures and a minimum 35% reduction in regulated CO₂ emissions through a combination of energy efficiency measures and on-site renewable energy generation. After applying on site measures, new development is expected to achieve a 100% reduction in its remaining regulated and unregulated emissions via the use of carbon offsetting as financial contributions and other allowable solutions such as providing a financial contribution to renewable energy, low-carbon energy and energy efficiency schemes elsewhere in the Bristol area or agreeing acceptable directly linked or near-site provision. The financial contribution required will be equivalent to the cost of mitigating the residual CO₂ emissions off-site, at a rate of £95 per tonne of CO₂ that would be emitted over a period of 30 years. New development should demonstrate through an Energy Strategy set out as part of its Sustainability Statement how these requirements will be met.

The HBF does not support the City Council's emerging policy approach because it deviates from the decision by Government to set standards for energy efficiency through the national Building Regulations and to maintain this for the time being at the level of Part L 2013 (as set out in *Fixing the Foundations*, HM Treasury, July 2015). The HBF acknowledges that the Government has not enacted its proposed amendments to the Planning & Energy Act 2008 to prevent the City Council from stipulating energy performance standards that exceed the Building Regulations but consider that

the City Council should comply with the spirit of the Government's intentions. Under the 2019 NPPF new development should be planned to help reduce greenhouse gas emissions by its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards (para 150b). The Government has sought to set standards for energy efficiency through the national Building Regulations. The starting point for the reduction of energy consumption should be an energy hierarchy of energy reduction, energy efficiency, renewable energy and then finally low carbon energy. From the start emphasis should be on a 'fabric first' approach which by improving fabric specification increases thermal efficiency and so reduces heating and electricity usage. The LPR should identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers to help increase the use and supply of renewable and low carbon energy and heat (para 151c).

The HBF support the movement towards greater energy efficiency via a nationally consistent set of standards and a timetable for achieving any enhancements which is understood by everyone and is technically implementable. Standardisation is the key to success avoiding every Local Planning Authority (LPA) in the country specifying its own approach to energy efficiency which would mitigate against economies of scale for both product manufacturers, suppliers and developers. It is the HBF's opinion that the City Council should not be interfering in the Building Regulations by setting different targets or policies outside of a national framework. There should be a single standard for the whole country to which the City Council should adhere. If the City Council insists on setting a zero carbon emissions target there is the practical problem of measuring compliance. The City Council will have to define zero carbon and its achievement. In 2015 the Government dropped its previous ambition to achieve zero carbon homes by 2016 because of the failure to define a technically feasible way of doing so as there was no practically solution to get from Part L 2013 to zero carbon. The City Council is acknowledging that this is impossible to achieve on site by requiring developers to purchase agreements as mechanisms to offset emissions that cannot be mitigated on site. All recently built new homes are far more energy efficient than the rest of the existing housing stock as new homes to be built over the plan period will constitute a small percentage of the City's overall housing stock, the emerging policy approach will have minimal impact on reducing CO2 emissions or improving energy efficiency but these targets will have a negative impact on the ability for new development to contribute to other policy requirements such as affordable housing provision and other infrastructure. The City Council should not require development to achieve zero regulated and unregulated carbon emissions.

Draft Policy DC1 – Liveability in Residential Development including Space Standards

Draft Policy DC1 requires that all residential development meets the minimum Nationally Described Space Standards (NDSS). If the City Council wishes to adopt the optional NDSS then this should only be done in accordance with the

2019 NPPF (para 127f & Footnote 46). The WMS dated 25th March 2015 stated that *“the optional new national 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, in accordance with the NPPG”*. Footnote 46 of the 2019 NPPF states that policies may also make use of the NDSS where the need for an internal space standard can be justified. As set out in the 2019 NPPF all policies should be underpinned by relevant and up to date evidence which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned (para 31). The City Council should gather evidence to determine whether there is a need for additional standards in their area and justify setting appropriate policies in the LPR. The NPPG sets out that *“Where a need for internal space standards is identified, LPA should provide justification for requiring internal space policies. LPA should take account of the following areas need, viability and timing”* (ID: 56-020). Therefore the City Council should consider the impacts on need, viability and timing before introducing the NDSS.

It is incumbent on the City Council to provide a local assessment evidencing the specific case for adoption of the NDSS in Bristol. If it had been the Government’s intention that generic statements justified adoption of the NDSS then the standard would have been incorporated as mandatory in the Building Regulations which is not the case.

Need is generally defined as *“requiring something because it is essential or very important rather than just desirable”*. The NDSS should only be introduced on a “need to have” rather than a “nice to have” basis. The identification of the need for the NDSS must be more than simply stating that in the past some dwellings have not met the standard. The City Council should identify the harm caused or may be caused in the future and identify if there is a systemic problem to resolve. The HBF is not aware of any evidence that market dwellings not meeting the NDSS have not sold or that those living in these dwellings consider that their housing needs are not met. There is no evidence that the size of houses built are considered inappropriate by purchasers or dwellings that do not meet the NDSS are selling less well in comparison with other dwellings. The HBF in partnership with National House Building Council (NHBC) undertake an annual independently verified National New Homes Customer Satisfaction Survey. The 2018 Survey demonstrates that 90% of new home buyers would purchase a new build home again and 87% would recommend their housebuilder to a friend. The results also conclude that 93% of respondents were happy with the internal design of their new home which does not suggest that significant numbers of new home buyers are looking for different layouts or house sizes to that currently built.

Under the 2019 NPPF it is the City Council’s responsibility to robustly viability test the LPR in order that the cumulative burden of policy requirements are set so that most development is deliverable without further viability assessment negotiations (para 57) and the deliverability of the LPR is not undermined (para 34). There is a direct relationship between unit size, cost per square metre, selling price per metre and affordability.

Where NDSS is to be adopted the impact on affordability should be assessed. The City Council cannot simply expect home buyers to absorb extra costs. The ONS data shows that affordability in the City has worsened. In Bristol in 1997 the median affordability ratio was 3.03. This median affordability ratio has increased to 8.74 in 2018. In the past 20 years the median affordability ratio has almost tripled. The City's median affordability ratio of 8.74 is higher than in England at 8.00 and only marginally below that in the South West at 8.90.

The City Council should assess the potential impact on meeting demand for starter homes and first-time buyers because the impact of the NDSS is greatest on smaller 1, 2 and 3 bed dwellings. It should be recognised that customers have different budgets and aspirations. An inflexible policy requirement for adoption of the NDSS may reduce choice and effect affordability. Non NDSS compliant dwellings are required to ensure that those on lower incomes can afford a property which has their required number of bedrooms. The introduction of the NDSS could lead to people purchasing larger homes in floorspace but with fewer bedrooms potentially increasing overcrowding and reducing the quality of the living environment.

The requirement for NDSS reduces the number of dwellings per site therefore the amount of land needed to achieve the same number of dwellings must be increased. The efficient use of land is less because development densities have been decreased. At the same time infrastructure and other regulatory burdens fall on fewer dwellings per site which may challenge viability, the delivery of affordable housing and the release of land for development by a willing landowner especially in lower value areas and on brownfield sites. It is possible that additional families who can no longer afford to buy a NDSS compliant home are pushed into affordable housing need at the same time as the City Council undermines delivery of affordable housing.

The City Council should take into consideration any adverse effects on delivery rates of sites included in the housing trajectory. The delivery rates on many sites will be predicated on market affordability at relevant price points of units and maximising absorption rates. An adverse impact on the affordability of starter home / first time buyer products may translate into reduced or slower delivery rates.

The City Council should not require NDSS for all residential development. If this requirement is retained the City Council should put forward proposals for transitional arrangements. The land deals underpinning identified allocated sites will have been secured prior to any proposed introduction of the NDSS. These sites should be allowed to move through the planning system before any proposed policy requirements are enforced. The NDSS should not be applied to any outline or detailed approval prior to the specified date and any reserved matters applications should not be subject to NDSS.

It is noted that this policy also includes an inappropriate reference to an SPD which should be removed.

Draft Policy DC2 – Tall Buildings

The reference to an SPD in **Draft Policy DC2** is not compliant with the Regulations by conferring development plan status onto a document which does not have statutory force and has not been subject to the same process of preparation, consultation and examination. The City Council is referred to the recent High Court Judgement between William Davis Ltd, Bloor Homes Ltd, Jelson Homes Ltd, Davidson Homes Ltd & Barwood Homes Ltd and Charnwood Borough Council Neutral Citation Number : [2017] EWHC 3006 (Admin) Case No. CO/2920/2017. This reference should be deleted.

Annex – Draft Allocations

The HBF do not comment on the merits or otherwise of individual sites selected for allocation. When selecting housing sites for allocation the City Council should select the widest possible range of sites by both size and market locations to provide suitable land for small local, medium regional and large national housebuilding companies. A diversified portfolio of housing sites offers the widest possible range of products to households to access different types of dwellings to meet their housing needs. Housing delivery is maximised where a wide mix of sites provides choice for consumers, allows places to grow in sustainable ways and creates opportunities to diversify the construction sector. The City Council should also provide maximum flexibility within its overall housing land supply to respond to changing circumstances, to treat the housing requirement as a minimum rather than a maximum and to provide choice and competition in the land market.

Annex – Proposed Local Green Spaces (LGS)

In Appendix I there are 118 proposed LGS allocations in addition to those LGS designated in Neighbourhood Plans. The 2019 NPPF (paras 99 – 101) sets a significantly high bar for LGS designation and post designation managing LGS in line with Green Belt policy. Accordingly LGS designation should be viewed as an exception rather than the norm. The City Council's approach in proposing designation of 118 sites across the city in addition to sites designated in Neighbourhood Plans results in the designation becoming commonplace rather than of a limited and special nature. It is recognised that many proposed LGS will be important to local communities for informal recreational uses. The proposed LGS may also contain varying levels of wildlife, beauty and tranquillity however it is not evident that all proposed LGS are "*special*" and of "*particular local significance*" to distinguish them from other green open spaces in order to reach the high bar necessary for LGS designation.

Conclusion

It is hoped that these representations are of assistance to the City Council in preparing the next stages of the Bristol LPR which to be found sound under the four tests of soundness as defined by the 2019 NPPF should be positively

prepared, justified, effective and consistent with national policy (para 35). If the City Council requires any further assistance or information please contact the undersigned.

Yours faithfully
for and on behalf of **HBF**

A handwritten signature in blue ink, appearing to read 'Susan E Green', written over a horizontal line.

Susan E Green MRTPI
Planning Manager – Local Plans