

## *Planning & Housing Policy Update December 2015:*

### The operation of local housing standards policies in Bath and North East Somerset, following the Government housing standards review 2015

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In March 2015, the government published its Housing Standards Review. This made changes to local housing standards and how they can be applied. Changes were made to the Building Regulations and the Planning Practice Guidance and a Nationally Described Space Standard (NDSS) and [written statement](#) to parliament were published.

The written statement specifies transitional and future arrangements for local authorities with existing local policy standards<sup>1</sup>. Bath & North East Somerset Council has local standards within its adopted Planning Obligations Supplementary Planning Document 2015, (hereafter referred to as the 'SPD'), relating to accessibility and internal space. This note sets out how local housing standards policies will apply in Bath and North East Somerset from October 1<sup>st</sup> 2015, which marks the end of the transitional period where local standards could continue to be applied.

For the avoidance of doubt, this note applies to sites gaining outline or detailed planning approval after 1<sup>st</sup> October 2015. Sites with permission prior to this, including those still to achieve Reserved Matters approval, will continue to operate under previous arrangements unless specifically otherwise agreed with the LPA.

#### **Accessibility**

National accessibility standards are set out in the Building Regulations. Part M4(1) – visitable dwellings, details minimum standards to which all dwellings must be built, without the need for further implementation through planning policy. There are also two optional accessibility standards in the Building Regulations, M4(2) – accessible and adaptable dwellings; and M4(3) a & b – wheelchair user dwellings. The local plan situation for M4(2) and M4(3) is explained below. Bath and North East Somerset Council has an existing policy for affordable housing, but not for open market housing, therefore in accordance with the ministerial statement, these are considered separately.

#### **Affordable housing**

For affordable housing, there are relevant current Local Plan policies ([Core Strategy](#) Policies CP9 Affordable Housing; CP10 Housing Mix and CP13 Infrastructure Provision), and an [SPD](#) (2015). This SPD requires affordable homes to be built to the Lifetime Homes Standard. This applies to all ground-floor flats, bungalows, house-type flats served by private staircases, flats served by lifts and age-restricted affordable housing units. Therefore, as of October 1<sup>st</sup> 2015, M4(2) of the Building Regulations will apply instead of the Lifetime Homes Standard for the types of affordable housing listed.

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<sup>1</sup> Paragraph entitled 'Decision taking, transition and compliance'

The SPD also requires that at least 10% of affordable units achieve the Habinteg Wheelchair Housing Design Guide standard. Part M4(3) b will apply instead of this, where there is demand for such housing on the housing register, as set out in the SPD. T Developers should allow for delivering the agreed proportion of dwelling units to M4(3)b. The Council undertakes to work with the Registered Provider to allow the early identification of the prospective tenant/s for the unit/s, usually immediately prior to Golden Brick stage of construction. If the tenant's needs do not require delivery to full M4(3)b, delivery to M4(3)a will be supported and if no tenant is identified who requires this standard, the unit will be delivered to meet M4(2) standards, albeit with a larger footprint. The Registered provider will commit to re-let the dwelling as a potential wheelchair unit at a future point in time.

Developers are advised that where a unit is required to meet M4(3)b standards, the use of Disabled Facilities Grant may be supported to upgrade lift provision etc to meet a tenant's specific requirements. It is suggested that ordering of equipment is left until this process has been undertaken and that flexibility is allowed to adjust lift shaft dimensions. Adjustments to Building Control will be supported to allow this amendment and any S106 agreement will be drafted to allow flexibility between part M categories by exchange of letters between the RP and Council.

#### Open market housing

For open market housing, there is no existing policy. This means that no minimum accessibility standards can apply, unless a policy is introduced requiring this. The council is, at the time of writing, proposing such a policy as part of the Placemaking Plan.

#### **Internal Space**

There are no national internal space standards contained in the Building Regulations. There is a Nationally Described Space Standard, which can be implemented through planning policy, where there is no existing local plan policy. Affordable housing and open market housing are considered separately below, because there is existing local plan policy for affordable housing, but not for open market housing.

#### Affordable housing

For affordable housing, there are relevant current Local Plan policies ([Core Strategy](#) Policies CP9 Affordable Housing; CP10 Housing Mix and CP13 Infrastructure Provision), and the Planning Obligations [SPD](#). Table 3.1.B of the SPD requires internal space standards to be applied to all affordable housing. As of October 1<sup>st</sup> 2015, the relevant parts of the Nationally Described Space Standard (see Appendix 1) replace Table 3.1.B.

#### Open market housing

For open market housing, there is no relevant current Local Plan policy. The council is, at the time of writing, not proposing an internal space standards policy.

#### **Appendix 1 – Nationally Described Space Standard<sup>2</sup>**

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<sup>2</sup> [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/421515/150324\\_-\\_Nationally\\_Described\\_Space\\_Standard\\_Final\\_Web\\_version.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/421515/150324_-_Nationally_Described_Space_Standard_Final_Web_version.pdf)

The standard requires that:

- a. the dwelling provides at least the gross internal floor area and built-in storage area set out in Table 1 below
- b. a dwelling with two or more bedspaces has at least one double (or twin) bedroom
- c. in order to provide one bedspace, a single bedroom has a floor area of at least 7.5m<sup>2</sup> and is at least 2.15m wide
- d. in order to provide two bedspaces, a double (or twin bedroom) has a floor area of at least 11.5m<sup>2</sup>
- e. one double (or twin bedroom) is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide
- f. any area with a headroom of less than 1.5m is not counted within the Gross Internal Area unless used solely for storage (if the area under the stairs is to be used for storage, assume a general floor area of 1m<sup>2</sup> within the Gross Internal Area)
- g. any other area that is used solely for storage and has a headroom of 900-1500mm (such as under eaves) is counted at 50% of its floor area, and any area lower than 900mm is not counted at all
- h. a built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements, but should not reduce the effective width of the room below the minimum widths set out above. The built-in area in excess of 0.72m<sup>2</sup> in a double bedroom and 0.36m<sup>2</sup> in a single bedroom counts towards the built-in storage requirement
- i. the minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area

Table 1 – Minimum gross internal floor area and storage

Number of bedrooms (b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37)			1
	2p	50	58		1.5
2b	3p	61	70		2
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3

	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4
	8p	125	132	138	

*B&NES Planning & Housing Departments 14/12/15*