

ARUN DISTRICT COUNCIL

REPORT TO AND DECISION OF PLANNING POLICY SUB COMMITTEE ON 15 DECEMBER 2020

**SUBJECT: RAISING ACCESSIBILITY STANDARDS FOR NEW HOMES
CONSULTATION**

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DATE: 13 November 2020
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PORTFOLIO AREA: Planning

EXECUTIVE SUMMARY:

This report is to brief members on the response to the Government's consultation on Raising Accessibility Standards for New Homes. The consultation seeks views on five options to raise the 'accessible and adaptable' standard for homes (known as M4(2) in Part M of the Building Regulations) and the 'wheelchair user' standard (known as M4(3)) which are currently used as optional technical standards. The consultation was from 8 September until 1 December 2020.

RECOMMENDATIONS:

That the Planning Policy Sub Committee notes the Officer recommendation to the Government in response to the consultation 'Raising Accessibility Standards for New Homes':-

1. **Option 4** is preferred, to mandate the current M4(2) requirement in Building Regulations as a minimum standard for all new homes with M4(1) applying by exception only, a set percentage of M4(3) homes would also need to be applied in all areas. So rather than local authorities setting a local planning policy for the provision of M4(3), a defined and constant percentage would apply to all new housing.

1. BACKGROUND:

- 1.1 The Ministry of Housing, Communities and Local Government (MHCLG) published a consultation paper on 'Raising accessibility standards for new homes' from 8th September until 1 December 2020.
- 1.2 This consultation considers how to raise accessibility standards, recognising the importance of suitable homes for older people and people with a disability. The Government's manifesto sets a strategy on 'Homes for the Future', encouraging innovative design and technology to make housing more affordable, accessible, and suitable for people with a disability and an ageing population.

- 1.3 The consultation seeks views on various options to raise the accessibility of new homes. In particular, it considers how the following 'optional technical' standards' are used:- .
- the accessible and adaptable standard for homes (known as M4(2) in Part M of the Building Regulations)
 - the wheelchair user standard (known as M4(3))
- 1.4 Local authorities currently use a mix of independent standards for accessible housing, including the Lifetime Homes standard and some now use the wheelchair accessible housing standards with similar, additional or different detail.
- 1.5 The optional technical standards were introduced by the Government in 2015, in England under the planning system. These rationalised the many differing standards used at that time, including the Lifetime Homes standard and the Wheelchair Housing Design guide, into a simpler, streamlined system.
- 1.6 The optional technical standards were introduced because the 2013-14 Housing Standards Review found the array of different codes and standards applied in different parts the country were complex, counter-productive and sometimes contradictory. This confused local residents, councillors and developers. The standards were rarely subject to cost benefit analysis when introduced and were produced in isolation without consideration of their cumulative impact.

Approved Document M Requirements

- 1.7 The requirements in the Building Regulations for dwellings is supported by statutory guidance in Approved Document M Volume 4 i.e.:- :
- M4(1) Category 1: Visitable dwellings
 - M4(2) Category 2: Accessible and adaptable dwellings
 - M4(3) Category 3: Wheelchair user dwellings
- 1.8 M4(1): Visitable Dwellings - sets basic standards for all new homes on minimum standards of accessibility and is applicable to all newly erected dwellings, unless an optional requirement applies. The standard covers level access, level thresholds, door and corridor widths, entrance level WCs and accessible heights for controls.
- 1.9 M4(2): Accessible and Adaptable Dwellings - sets a higher standard for accessible homes where a planning authority sets a requirement for optional requirement M4(2). This optional requirement is broadly equivalent to the Lifetime Homes Standard, which provides enhanced accessibility in circulation spaces and sanitary provision (bathrooms) to make new homes more accessible. It also includes features to make homes more easily adaptable over time to a wide range of occupants, including older people, those with reduced mobility and some wheelchair users.

- 1.10 M4(3): Wheelchair User Dwellings - sets a standard for wheelchair accessible homes where a planning authority sets a requirement for optional requirement M4(3). This requirement can be for either a wheelchair adaptable home (which includes design features to make a home easy to convert to be fully wheelchair accessible) or a wheelchair accessible home (which includes the most common features required by wheelchair users). It also includes use of any private outdoor spaces, parking and communal facilities that may be provided for the use of the occupants.
- 1.11 M4(2) and M4(3) are optional requirements for dwellings which local authorities can apply through planning policies where they have identified a local need and where the viability of introducing the standard has been tested in evidence and at examination, such that the development is not compromised. This is done through local plan policies, which can set out the proportion of new dwellings in the area that are required to meet each of these higher standards. This is then applied in order to help determine planning applications.
- 1.12 Once adopted, the optional standards have the same legal weight as the mandatory provisions in the Building Regulations. At present requirement M4(1) is the default standard and applies as a mandatory requirement when no higher standard is applied through local adopted plans.

Raising accessibility standards of new homes – Policy options

- 1.13 Through this consultation the Government is seeking views on how to raise accessibility of new homes. The Government's objective is that there should be enough suitable housing where it is needed.
- 1.14 On the basis of existing practice, they have identified five broad options. These consider whether to wait to see the full impact of recent planning policy changes on the use and uptake of the optional technical standards; or whether measures should be introduced now by either mandating a higher standard or reconsidering the way the existing optional technical standards are used. Any changes to standards would only apply to new homes, not to the refurbishment of existing homes. The five options to be considered are:-

Option 1: Consider how recently revised planning policy on the use of optional technical standards impacts on delivery of accessible housing.

Option 2: To mandate the current M4(2) requirement in Building Regulations as a minimum standard for all new homes, with M4(1) applying by exception only where M4(2) is impractical and unachievable (e.g. a new build flat above a garage). M4(3) would apply where there is a local planning policy in place in which a need has been identified and evidenced.

Option 3: Remove M4(1) altogether, so that all new homes will have to at least have the accessible and adaptable features of an M4(2) home. M4(3) would apply where there is a local planning policy in place in which a need has been identified and evidenced. This would mean that no new homes could be built as M4(1).

Option 4: To mandate the current M4(2) requirement in Building Regulations as a minimum standard for all new homes with M4(1) applying by exception only, and a set percentage of M4(3) homes would also need to be applied in all areas. So rather than local authorities setting a local planning policy for the provision of M4(3), a defined and constant percentage would apply to all new housing.

Option 5: Change the content of the mandatory technical standard. This could be done by upgrading the statutory guidance to create a revised M4(1) minimum standard. This revised standard could be pitched between the existing requirements of M4(1) and M4(2), adding more accessible features into the minimum standard.

1.15 The consultation is seeking our views on these five options:-

Consultation questions and officer responses

Question 1 and 2 – Respondent details

Question 3 - Do you support the Government's intention to raise accessibility standards of new homes?

YES

We spend a lot of time in our homes (even allowing for current exceptional circumstances) and so it is essential that this space is flexible enough so that any user can easily adapt it to what they need in life and is comfortable, safe and enjoyable. Raising accessibility standards of new homes is a very important element of designing good homes for the future so that people can comfortably stay in one home for their entire natural life should they wish. An inclusive design approach seeks to create places in which all users can participate equally, confidently and independently regardless of physical or mental ability, age, gender, ethnicity, socio-economic circumstances or vulnerability. Our natural and built environment directly influences our health and mental wellbeing which impacts on the rest of our life and it is important that our homes have been designed well.

Question 4 - Which of the 5 options do you support? You can choose more than one option or none.

Option 4 would be the most effective for everyone. Developers would be clearer on the requirement from the outset and would not be engaged in constant negotiation with Local Authority. It will be easier and clearer for the Local Authority to apply and enforce as well as provide greater certainty for the end user of the homes to have a space which is fit for purpose.

Question 5 - If you answered 'None' to Q4, do you think the Government should take a different approach?

NO

Question 6 - Do you agree with the estimated additional cost per dwelling of meeting M4(2), compared to current industry standards, in paragraph 44?

YES

Question 7 - Do you agree with the proportion of new dwellings already meeting or exceeding M4(2) over the next ten years in paragraph 44?

DON'T KNOW

It is difficult to know whether this is what has received planning permission or what is actually built in reality.

Question 8 - Do you have any comments on the costs and benefits of the other options set out above.

NO

There may be some differences due to locality, but cost should also be considered from the perspective of savings elsewhere in the economy (e.g. public health and wellbeing, sustainability, including reducing demand for separate specialist accommodation (e.g. with a growing and elderly population), retrofitting and obsolescence and waste. A better standard of home can also enhance value and sales, meeting wider market needs. There will be new technologies as time progresses as well so these will balance out any additional cost.

Question 9 - Do you have any comments on the initial equality impact assessment?

It is accepted that improving accessibility standards for new homes will have a positive impact on people of all capabilities. There are various studies both independent and done by the government over the years which directly link wellbeing with design as well as with living accommodations.

Next Steps

1.16 The consultation will close on 1 December 2020. Responses to this consultation will be analysed and a Government response will follow.

2. PROPOSAL(S):

2.1 The officer recommendation to the Government's consultation on Raising Accessibility Standards for New Homes is:-

Option 4: To mandate the current M4(2) requirement in Building Regulations as a minimum standard for all new homes with M4(1) applying by exception only, and a set percentage of M4(3) homes would also need to be applied in all areas. So rather than local authorities setting a local planning policy for the provision of M4(3), a defined and constant percentage would apply to all new housing.

3. OPTIONS:

3.1 Not to respond to the consultation which would mean that Arun's views would not be represented on this national consultation.

4. CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		x
Relevant District Ward Councillors	x	
Other groups/persons (please specify)		x

5. ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail at 6 below)	YES	NO
Financial		X
Legal		X
Human Rights/Equality Impact Assessment	X	
Community Safety including Section 17 of Crime & Disorder Act		X
Sustainability	X	
Asset Management/Property/Land		X
Technology		X
Other (please explain)		X

6. IMPLICATIONS:

There are no direct implications associated with the consultation response but it will inform future national planning policy/planning requirements for new homes and improve the sustainability of development by increasing its lifetime and utility and reducing demand for specialist accommodation.

7. REASON FOR THE DECISION:

Option 4 would be the most effective for everyone. Developers would be clearer on the requirement from the outset without needing to negotiate with the Local Authority. It will be easier and clearer for the Local Authority to apply and enforce and it would provide greater certainty for the end user of the homes to have a space which is fit for purpose.

8. BACKGROUND PAPERS:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/917626/200813_con_doc_-_final.pdf