

Planning Committee

09 October 2020

Agenda item number 11

Policy – Government consultation on Accessible Homes

Report by Planning Policy Officer

Summary

The Government consultation on Accessible Homes considers how to raise accessibility standards, recognising the importance of suitable homes for older and disabled people.

Recommendation

To endorse the proposed response to this consultation.

1. Introduction

- 1.1. This consultation considers how to raise accessibility standards, recognising the importance of suitable homes for older and disabled people. The provision of appropriate housing for older and disabled people is crucial in helping them to live safe and independent lives. An ageing population will see the numbers of disabled people continuing to increase and it is important we plan early to meet their needs.
- 1.2. This is relevant to the Broads Authority as, according to the 2011 Census, a large proportion of the Broads population is elderly. We also have an adopted policy in our Local Plan relating to accessible dwellings – policy DM43. This says:

h) Accessibility and adaptability: Developments shall be capable of adapting to changing circumstances, in terms of occupiers, use and climate change (including changes in water level). In particular, dwelling houses should be able to adapt to changing family circumstances or ageing of the occupier(s) and commercial premises should be able to respond to changes in industry or the economic base. Applicants are required to consider if it is appropriate for their proposed dwelling/ some of the dwellings to be built so they are accessible and adaptable and meet Building Regulation standard M4(2) and M4(3). If applicants do not consider it appropriate, they need to justify this. For developments of five dwellings or more, 20% will be built to meet Building Regulation Standard M4(2).

2. Current Accessible Homes Standards and the Building Regulations

- 2.1. The Building Regulations apply to building work, typically the erection or extension of a building; and the material alteration or change of use of a building. Building Regulations only apply at the time that building work takes place or when a material change of use occurs. They do not apply retrospectively for existing buildings.
- 2.2. Part M (Access to and Use of Buildings) of the Building Regulations sets minimum access standards for all new buildings
 - M4(1) Category 1: Visitable dwellings
 - M4(2) Category 2: Accessible and adaptable dwellings
 - M4(3) Category 3: Wheelchair user dwellings
- 2.3. M4(1): Visitable Dwellings - sets basic standards for all new homes. This section of the Approved Document sets out guidance on minimum standards of accessibility and is applicable to all newly erected dwellings, unless an optional requirement applies. Guidance is provided on level access, level thresholds, door and corridor widths, entrance level WCs and accessible heights for controls.
- 2.4. M4(2): Accessible and Adaptable Dwellings - sets a higher standard for accessible homes. This section of the Approved Document sets out guidance which needs to be followed 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.
- 2.5. M4(3): Wheelchair User Dwellings - sets a standard for wheelchair accessible homes. This section sets out guidance which needs to be followed 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.
- 2.6. M4(2) and M4(3) are optional requirements for dwellings, and local authorities can apply these through planning policies where they have identified a local need and where the viability of development is not compromised. This is done through local planning 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 to individual developments through planning applications.

- 2.7. Once triggered, the optional standards then have the same legal weight as the mandatory provisions in the Building Regulations.
- 2.8. At present, requirement M4(1) is the default standard and applies as a mandatory requirement when no higher standard is applied locally.
- 2.9. The estimated additional cost per new dwelling is approximately £1,400 for units which would not already meet M4(2).

3. The proposed options for consideration

- 3.1. Option 1: Consider how recently revised planning policy on the use of optional technical standards impacts on delivery of accessible housing.
- 3.2. 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.
- 3.3. 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).
- 3.4. 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, 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.
- 3.5. 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.

4. Proposed response

- 4.1. The following response is proposed to some of the questions asked in the consultation:

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

Yes. The 2011 Census shows the Broads Authority Executive Area as having an ageing population. We also have an adopted policy that requires development to meet M4(2) requirements, so it is an area already recognised in our Local Plan.

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

Option 1 does not seem to be an option like the other four. It seems to be research to inform the way forward and it is something that we think needs to be completed regardless. But, it is not really a way forward to address the issue of accessible homes in itself.

Option 2 and 4 seem to be logical. This will result in a significant step change in delivery of accessible homes. It will level the playing field for all new development, rather than relying on LPAs applying different standards. There could be instances where new homes could be provided to meet the current general need for more housing, but the layout or location of the site or the constraints at the site do not lend itself to being able to achieve accessible dwellings. This may be the case for some dwellings in the Broads, such as replacement dwellings on plots which may be at risk of flooding; increasing the footprint could potentially cause flood risk, design and landscape related concerns. Options 2 and 4 seem to allow dwellings that may be constrained due to the site characteristics to still come forward. So, whilst not all homes that come forward will be accessible homes, options 2 and 4 would help meet another type of need – general need for housing.

Please note that just because we do not say that options 3 and 5 are our favoured options, it does not mean that we do not support them at all. It is more that options 2 and 4 seem more pragmatic.

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

Has the cumulative cost of various recent and forthcoming requirements relating to residential development been assessed? For example, the Future Homes Standard and Biodiversity Net Gain are requirements that will have a cost attached to them. All of these requirements, which all seem logical and needed, could have the undesired effect of passing the cost onto would-be buyers (and make houses less affordable) and/or reduce the potential to seek affordable housing from schemes.

The consultation document states 'In terms of benefits, the mandating M4(2) may potentially reduce the need for social care'. It seems therefore that there is an expected increase in the cost of providing social care over the coming years and this could be reduced if M4(2) was in place. Is there scope to link these two issues together? Is there scope to provide a grant to developers that covers some of the cost of meeting the need for M4(2) standard and off set that cost against the reduced need for social care? Such a grant could help deliver accessible homes, recognising that there are other requirements on developers coming that would increase the cost of development (with the potential unintended consequences as set out above).

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