

12. Access and space housing standards



12.1 Introduction

- 12.1.1 The Government has taken steps to rationalise housing standards to simplify regulatory costs and burdens on development as part of a package of measures to help boost house building, known as the national 'Housing Standards Review'. The Government published a Written Ministerial Statement (WMS) in March 2015 which outlined policy and announced that Councils should not set any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings over and above the national ones.
- 12.1.2 The Government has withdrawn the Lifetime Homes standard and replaced this with a new approach that introduces 'optional' building regulations requirements for access. A nationally described space standard has also been introduced which can be implemented through the planning system rather than the building control system.
- 12.1.3 These national changes affect criterion (b) of Policy CH2: Housing Diversity which deals with housing space standards, life time homes and disabled access.
- 12.1.4 The Mayor of London has commenced Minor Alterations to the London Plan (MALP) to update London Plan policies in light of the national Housing Standards Review. Once adopted these changes to the London Plan will become part of the Council's development plan. The MALP have been submitted for examination and hearings took place in late October 2015. It is anticipated that if the MALP are found 'sound' by the Planning Inspector they will be adopted in early 2016.

12.2 Existing Local Plan policy

12.2.1 The existing Local Plan policy relating to access and space standards is set out below:

Policy CH2 (b) Housing Diversity

b. require new residential developments, including conversions, amalgamations and changes of use, to be designed to as a minimum achieve all the following standards:

- i. lifetime homes;
- ii. floorspace and floor to ceiling heights;
- iii. wheelchair accessibility for a minimum of 10% of dwellings;

where compliance with the above standards is not possible because of other policy requirements, to require new residential developments to demonstrate that all reasonable measures to meet them have been taken;

12.2.2 The Council also has an adopted Access Design Guide Supplementary Planning Document (SPD) from 2010²⁰⁸ within which Chapter 2 deals with “Accessible Housing” standards.

12.3 Legislation, policy and guidance context

12.3.1 Figure 12.1 summarises the main legislation, policy and guidance of particular relevance to this section.

Date	Document	Organisation
Mar 2012	National Planning Policy Framework (NPPF) ²⁰⁹ Paragraphs 95, 174 and 177	DCLG
Mar 2015	Deregulation Act 2015 ²¹⁰ S42 Optional building requirements	HM Government
Mar 2015	Written Ministerial Statement ²¹¹	DCLG
Mar 2015	Technical housing standards – nationally described space standard ²¹²	DCLG
Mar 2015	National Planning Practice Guidance (NPPG): Housing – Option Technical Standards ²¹³	DCLG

²⁰⁸ www.rbkc.gov.uk/planning-and-building-control/planning-policy/supplementary-planning/access-design-guide

²⁰⁹ <http://planningguidance.planningportal.gov.uk/blog/policy/>

²¹⁰ www.legislation.gov.uk/ukpga/2015/20/contents/enacted/data.htm

²¹¹ www.gov.uk/government/speeches/planning-update-march-2015

²¹² www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard

²¹³ <http://planningguidance.planningportal.gov.uk/blog/guidance/housing-optional-technical-standards/accessibility-and-wheelchair-housing-standards/>

Date	Document	Organisation
May 2015	Building Regulations Approved Document Part M, Volume 1 – Dwelling Houses ²¹⁴	HM Government
May 2015	Minor Alterations to the London Plan (MALP) ²¹⁵	Mayor of London

Figure 12.1: Summary of legislation, policy and guidance

12.4 Evidence base

- 12.4.1 As stated earlier the Government has withdrawn the Lifetime Homes standard and replaced this with new ‘optional requirements’ in Building Regulations in relation to access. New nationally described space standards have also been introduced. These ‘optional requirements’ for access and the housing space standards can only be required if they are adopted in local policies based on evidenced local needs and consideration of viability.
- 12.4.2 The Mayor of London has commenced changes to reflect the new housing standards in the Minor Alterations to the London Plan (MALP). The MALP include the new ‘optional requirements’ in relation to access as set out in Building Regulations and the new nationally described space standards. These changes to London Plan policies are supported by evidence of need and a viability assessment. These documents also inform the Council’s policies on ‘optional requirements’ for access and housing space standards.

Date	Document	Organisation
May 2015	Housing Standards Review – Evidence of Need ²¹⁶	David Lock Associates et al for Mayor of London
May 2015	Housing Standards Review – Viability Assessment ²¹⁷	David Lock Associates et al for Mayor of London

Figure 12.2: Summary of principal sources of evidence

- 12.4.3 Paragraph 007 of the National Planning Practice Guidance (NPPG)²¹⁸ provides guidance on how local authorities should assess the need to set these optional standards.
- 12.4.4 The Council has published a Strategic Housing Market Assessment (SHMA) which is available from www.rbkc.gov.uk/planningpolicy which helps inform the proportion of housing that should meet the optional Building Regulations for accessibility. Table 9.7 of the SHMA indicates that there were 12 households which required wheelchair accessible housing throughout. Given that MALP

²¹⁴ www.planningportal.gov.uk/uploads/br/BR_PDF_AD_M1_2015.pdf

²¹⁵ www.london.gov.uk/priorities/planning/london-plan/minor-alterations-to-the-london-plan-2015

²¹⁶ www.london.gov.uk/sites/default/files/Housing%20Standards%20Evidence%20of%20need.pdf

²¹⁷ www.london.gov.uk/sites/default/files/Housing%20Standards%20Viability.pdf

²¹⁸ http://planningguidance.planningportal.gov.uk/blog/guidance/housing-optional-technical-standards/accessibility-and-wheelchair-housing-standards/#paragraph_007

proposes 90% 'accessible and adaptable dwellings' and 10% 'wheelchair user dwellings', it would seem that the Borough's needs are likely to be met.

12.5 Issues and options

Issue 1: Access standards

- 12.5.1 MALP Policy 3.8: Housing Choice proposes 90% of new housing meets Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and 10% of new housing meets Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. However, paragraph 3.49A of MALP highlights that:

Part M4 (3) of the Building Regulations regarding 'wheelchair user dwellings' distinguishes between 'wheelchair accessible' (a home readily useable by a wheelchair user at the point of completion) and 'wheelchair adaptable' (a home that can be easily adapted to meet the needs of a household including wheelchair users). The Planning Practice Guidance states that Local Plan policies for wheelchair accessible homes should only be applied to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling. Boroughs should therefore specifically assess the level of need for wheelchair accessible dwellings and identify this in their LDF policies.

- 12.5.2 In terms of Local Plan policy, a policy requiring 90% of all new dwellings to be M4(2) 'accessible and adaptable dwellings' and 10% M4(3) 'wheelchair user dwellings' may seem to be a reasonable option. This is because this approach is similar to the Council's existing policy. The Building Regulations compliance can only be assessed against a single requirement i.e. M4(2) or M4(3), therefore the 90% and 10% split ensure continuation of the existing policy which was adopted in 2010 and was based on evidence.
- 12.5.3 As stated above a fully 'wheelchair accessible' dwelling can only be required where the Council is responsible for allocating or nominating a person to live in that dwelling. It is unlikely that local authority nomination rights would be known at the planning application stage for most schemes. Therefore requiring 10% of all dwellings to be 'wheelchair adaptable' M4 (3) (2)(a) would be more realistic in most cases. Where there is an identified need, on a case-by-case basis a proportion of affordable units can be 'wheelchair accessible' M4 (3) (2) (b).
- 12.5.4 M4 (2) of Building Regulations is seen as an equivalent of 'Lifetime Homes' standard. However, to comply with requirement M4 (2), step free access must be provided. Generally this will require a lift where a dwelling is accessed above or below the entry storey. The application of requirement M4 (2) has particular implications for blocks of four storeys or less, where historically the London Plan has not required lifts. Boroughs should seek to ensure that units accessed above or below the entry storey in buildings of four storeys or less have step-free access. However, this requirement may be subject to development-specific viability assessments and consideration should be given to ongoing maintenance costs. Guidance on this aspect is provided in the NPPG.

- 12.5.5 The Council is closely monitoring the progress of MALP. The adoption of MALP and the findings of the SHMA will help inform the policy as it develops.

Question 1

Do you agree that the optional elements of Building Regulation M4(2) and M4(3) should be included in the policy?

Option 1

The Council should require that the proportion of new housing requiring compliance with M4(2) should be – 90% and M4(3) - 10% with a provision that generally the 10% M4(3) will be M4(3) (2) (a) ‘wheelchair adaptable’ but on a case-by-case basis where it is known that the local authority has nomination rights and there is a known need for a fully wheelchair accessible dwelling the Council will condition a proportion of the dwellings to be M4(3) (2) (b)?

Option 2

The Council should require that the proportion of new housing requiring compliance with M4(2) should be – 90% with M4(3) ‘wheelchair user dwellings’ to be 10%?

- 12.5.6 Further clarity on the separation in M4(3) - (2) (a) and (b) ‘wheelchair adaptable’ and ‘wheelchair accessible’ will emerge once the examination of MALP has taken place and the Council has published its SHMA.

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?

Issue 2: Space standards

- 12.5.7 The Government has published a new nationally described space standard²¹⁹. This cannot automatically be used by Councils but needs to be included in a local policy taking account of need and viability. The Council cannot produce its own space standards that are different to the national ones. The Council’s existing reasoned justification to Policy CH2: Housing Diversity refers to the space standards in the London Plan.
- 12.5.8 The nationally described space standards are very similar to the ones in the London Plan but have a reduced minimum floor to ceiling height of 2.3m for 75% of the gross internal area rather than the 2.5m in the existing London Plan.
- 12.5.9 The MALP propose to adopt the Nationally Described Space Standards (paragraph 3.36, MALP). The MALP further state in the notes to Table 3.3 that:

To address the unique heat island effect of London and the distinct density and flatted nature of most of its residential development, a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space.

²¹⁹ www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard

- 12.5.10 The Government has responded to the changes proposed in the MALP. The letter to the Mayor of London signed by the Secretary of State for Communities and Local Government states in relation to ceiling heights that:

...it is noted that the minor alteration to the London Plan “strongly encourages” a ceiling height of 2.5m. The Government’s new, rationalised optional space standard sets out a standard for ceiling heights in new housing of 2.3m for 75% of the gross internal area. Furthermore, this national standard was proposed only as an optional standard, subject to a local needs justification and where there would be no adverse impact on local development viability

- 12.5.11 Clearly these are issues that will be considered as part of the examination. At present it is unclear if the changes proposed in MALP will be adopted given the issues raised by the Government. If the MALP is adopted with or without the modifications in relation to ceiling heights, it is considered that the Council can continue to refer to the London Plan in relation to space standards for new housing.

Option 1

The Council should continue to refer to the space standards in the London Plan (assuming the changes in the MALP in respect of space standards are adopted).

Option 2

The Council should not refer to the space standards in the London Plan (assuming the changes in the MALP in respect of space standards are adopted).

- 12.5.12 As stated above the Council cannot set any requirements that are different from the Nationally Described Space Standards.

Do you have any other comments, issues or options (reasonable alternatives) you would like to raise regarding this section?