

# Local Plan Partial Review Issues and Options Consultation Schedule



THE ROYAL BOROUGH OF  
KENSINGTON  
AND CHELSEA

## Section 12: Access and space housing standards

### Issue 1: Access standards

**Question 1:** Do you agree that the optional elements of Building Regulation M4(2) and M4(3) should be included in the policy?

Name	Comment	Selected Option	Council's Response
Charles Bezoari Elder		No	Noted.
J Neville		Don't Know	Noted.
Victoria and Albert Museum (Steve Hyde)		Don't Know	Noted.
Turley (Ian Fergusson)	Building Regulations may change and this introduces room for confusion that does not seem to be necessary. It would seem better not to explicitly refer to Building Regulations in any such policy.		The 'optional' elements of Building Regulations can only be triggered if they are adopted through the Local Plan process and then conditioned at the time planning permission is granted. Therefore the text does need to make a direct reference to the optional elements of Building Regulations.
Turley (Ian Fergusson)		No	Noted.
Silchester Residents Association (Jo Poole)	We support the maximum number of accessible properties, especially in light of the aging population in the borough  Space standards in regenerated properties need to be at least as large if not bigger than current/ previous homes. This should be for each room, built in storage and entrances as well as overall within the property.		Noted. Draft Policy CH3: Housing Size Mix and Standards is requiring new residential developments to meet the housing standards on space and access as set out in the London Plan. The London Plan has adopted the more onerous 'optional' access standards in Building Regulations. This is explained in the reasoned justification to the draft policy and 90% of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet 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. In terms of space standards, all new housing developments must meet the minimum standards in the nationally described floorspace standards. With particular reference to estate regeneration, Draft Policy CH5 criterion c. requires that the mix of house sizes for the re-provided social rented housing will be determined by the housing needs of the tenants of the estate and by the housing needs of the Borough, at the time that an application is submitted.
Kensington Society (Michael Bach)	Question 1 Do you agree that the optional elements of Building Regulation M4(2) and M4(3) should be included in the policy? London Plan policy is part of our development plan – but it may not need repeating, but should be referred to.		Agreed. The London Plan policy is being referred to in Draft Policy CH3: Housing Size Mix and Standards.

### Issue 1: Access standards

**Question:** Which option should the Council take?

**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%?

Name	Comment	Selected Option	Council's Response
Charles Bezoari Elder	Should you really be micro-managing this?		The Draft policy is responding to the national Housing Standards Review in an appropriate manner.
Charles Bezoari Elder		1	Noted.
Sonia Richardson		1	Noted.
J Neville		2	Noted.
Jo Poole	Regardless of the % of fully wheelchair accessible dwellings, all new dwellings (within reason) should have the space and capacity to be refitted for wheelchair using residents.	0	Noted. Draft Policy CH3: Housing Size Mix and Standards is requiring new residential developments to meet the housing standards on space and access as set out in the London Plan. The London Plan has adopted the more onerous ‘optional’ access standards in Building Regulations. This is explained in the reasoned justification to the draft policy and 90% of new housing should meet Building Regulation requirement M4 (2) ‘accessible and adaptable dwellings’ and ten per cent of new housing should meet 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.
Catalyst Housing (Martyn Freeman)	The 10% threshold for wheelchair use would significantly exceed the current levels of demand from users. Retaining the current policy of wheelchair adaptability allows more scope for meeting the Occupational Therapist adaptations that are required by individual residents.	0	The Building Regulation M4 (3) has sub categories (a) and (b). and allows for dwellings to be wheelchair adaptable or accessible. The National Planning Practice Guidance states that Local Plan policies for wheelchair accessible homes M4 (3) (b) should only be applied to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling. It is not considered that this approach will result in an overprovision.
Kensington Society (Michael Bach)		2	Noted.
Judith Blakeman	The 10% ‘wheelchair adaptable’ M4 (3) standard should be required for all new housing developments over an agreed floor space. Where estate regeneration is proposed, there should be a condition that a proportion of dwellings are developed from the start as ‘wheelchair accessible’ to meet known needs.  Where estate refurbishment is recommended, a number of units should be refurbished as ‘wheelchair accessible’ wherever possible.	0	Noted.

**Issue 2:** Space standards

**Question:** Which option should the Council take?

**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).

Name	Comment	Selected Option	Council's Response
Charles Bezoari Elder		2	Noted.
Sonia Richardson		1	Noted.
Roy Burns		1	Noted.

Name	Comment	Selected Option	Council's Response
Jo Poole	The council should aspire to exceed the space standards in the London Plan, and should consider referring to Parker Morris space standards.	0	The policy is based on the national Housing Standards Review. The Written Ministerial Statement <sup>1</sup> that sets out the national policy on this topic made it clear that, " <i>local planning authorities .... should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings.</i> " Therefore it is not possible to adopt any other housing standards other than the national ones.
Turley (Ian Fergusson)	The development industry (including architects for example as well as applicants) is very familiar with the Mayor's standards. New development is far more likely to come forward promptly if applicants are not expected to respond to bespoke expectations.		The Council is not setting bespoke standards and is responding to the national housing standards review. The aim of the national housing standards review was to standardise the standards nationally rather than have locally specific approaches.
Turley (Ian Fergusson)		1	Noted.
Austin Mackie Associates Limited (Private Clients)		1	Noted.
Bell Cornwell LLP (Simon Avery)		1	Noted.
Kensington Society (Michael Bach)	<p>The London Plan space standards and, for external space, guidelines for external open space in the form of balconies need to be applied for new buildings, but for additions to existing buildings where existing standards are compromised due to proximity, height of neighbouring buildings, sense of enclosure and degree of overlooking, these must be subject to Policy CL5. Where existing conditions are below standard, new balconies should not be added.</p> <p>The Mayor's guidelines on external space are minimum standards and do not support the scale of balconies on new developments, such as Dukes Lodge, which are excessive and cause harm to neighbours because of their scale, potential use for entertaining (ie parties) which can produce invasion of privacy, overlooking and noise nuisance. The current Local Plan CL5 needs to recognise the problems created in densely-developed parts of the Borough.</p>		Policy CL5 is not within the scope of the Local Plan Partial Review. Planning applications need to be assessed against a number of relevant policies and each case is decided on its own merits.
Kensington Society (Michael Bach)		1	Noted.

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

Name	Comment	Council's Response
Jo Poole	Where 2 children are expected to share a bedroom there should be a minimum space standard that does not rely on bunk beds.	The nationally described space standards are based on number of storeys, bed spaces and occupancy levels. They do not assume a single bed space to be shared but planning cannot stipulate how dwellings are used by owners/occupiers once built.
Kensington Society (Michael Bach)	See above – this will require revisiting Policy CL5 which, with the exception of sunlight and daylight, does not address these concerns	Policy CL5 is not within the scope of this review.
Greater London Authority Development (Stewart Murray)	<p>Access and Space Standards</p> <p>As outlined in the consultation document, the Mayor is proposing to adopt the national technical housing standards through the Minor Alterations to the London Plan (MALP). Following the receipt of a favourable Inspector's report, the Mayor submitted his 'Intend to publish' version of the MALP to the Secretary of State who has advised he is content for the Mayor to publish the MALP. The MALP will be considered by the Assembly on 10 February 2016.</p> <p>Kensington and Chelsea's access policy should be in line with the emerging MALP</p>	Since the time of GLA's comment, MALP have been adopted. Draft Policy CH3: Housing Size Mix and Standards is requiring new residential developments to meet the housing standards on space and access as set out in the London Plan.

<sup>1</sup> [www.gov.uk/government/speeches/planning-update-march-2015](http://www.gov.uk/government/speeches/planning-update-march-2015)

Name	Comment	Council's Response
	<p>policy 3.8 which sets out that 90% of new housing should meet M4 (2) and 10%, M4 (3) of the Building Regulations. The supporting text in paragraph 3.48 of the London Plan makes it clear that departures from this approach are to be justified by authoritative evidence of local need.</p> <p>Kensington and Chelsea should also adopt the space standards in line with the emerging MALP.</p>	
Judith Blakeman	<p>The Parker Morris standards should be the standard for all new housing in the borough</p>	<p>The policy is based on the national Housing Standards Review. The Written Ministerial Statement<sup>2</sup> that sets out the national policy on this topic made it clear that, "local planning authorities .... should not set in their emerging Local Plans, neighbourhood plans, or supplementary planning documents, any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings."</p> <p>Therefore it is not possible to adopt any housing standards other than the national ones.</p>

<sup>2</sup> [www.gov.uk/government/speeches/planning-update-march-2015](http://www.gov.uk/government/speeches/planning-update-march-2015)