



Portfolio Holder for Housing

Item

9th November 2020

Report of	Assistant Director Place and Client Services	Author	Ruth Newcombe
Title	Response to Government's consultation paper "Raising the Accessibility Standards for New Homes"		
Wards affected	All wards		

1. Executive Summary

- 1.1 The Ministry of Housing Communities and Local Government (MHCLG) published a consultation on accessibility of new homes. 8th September 2020. The consultation closes on 1st December 2020.
- 1.2 The consultation is in recognition of the importance of suitable homes for older and disabled people and considers how to raise the accessibility standards to meet their needs.
- 1.3 This consultation:
 - Forms part of a National Strategy for Disabled People which Government is developing to achieve practical changes that will remove barriers and increase participation.
 - Draws on recent research, evidence and campaigning work by organisations including RIBA, Habinteg and Centre for Ageing Better which are all in support of raising the accessibility standards.
 - Considers how the accessible, adaptable and wheelchair user standard for homes in Part M of the Building Regulations are currently used as optional and technical standards and it is seeking views on various options to raise the accessibility standards of all new homes.
 - Seeks views on 5 options and more than one option can be supported.
 - Asks for views on whether the Government's estimated additional costs of £1,400 per dwelling to deliver M4(2) are agreeable. M4(2) is the standard which is capable of adaptations so an occupant can remain in their home.
- 1.4 Colchester Borough Council (CBC) welcomes the opportunity to respond to the consultation and influence decisions made in this area. CBC would support Option 2 and Option 4 which would provide more consistency and certainty in bringing forward accessible, adaptable and wheelchair user homes.

2. Recommended Decision

- 2.1 To approve the CBC response to the Government's consultation on Raising the Accessibility Standards for New Homes as shown at Appendix A.

3. Reason for Recommended Decision

- 3.1 Local Authorities have been given the opportunity to respond to the consultation. Delivering homes for people who need them is a strategic priority for the Council. This includes ensuring that all new homes are designed to a high quality across all tenures.
- 3.2 The Council has a legal duty to ensure that the local housing market offers a range of housing options to meet local housing need and demand. It is therefore in the Council's interest to take the opportunity to try to influence Government Policy making in this area. Research by Habinteg housing association in June 2019 found that less than one in four homes built outside of London by 2030 will be suitable for older and people with disabilities. CBC know locally that there is a real shortage of homes which meet the accessibility needs of wheelchair users (including children) and older people.

4. Alternative Options

- 4.1 Not to respond. However, this would mean that CBC would not take the opportunity to influence government decisions on raising the accessibility standards for new homes.

5. Background Information

- 5.1 In June 2019 the Government announced its intention to consult on accessibility of new homes.
- 5.2 The Ministry of Housing Communities and Local Government (MHCLG) published a consultation on 8th September 2020. The consultation closes on 1st December 2020.
- 5.3 This consultation forms part of a National Strategy for Disabled People which Government is developing to achieve practical changes that will remove barriers and increase participation. It also forms part of Governments strategy on Homes for the Future, which is to encourage innovative design and technology to make housing more affordable, accessible and suitable for disabled people and an ageing population.
- 5.4 The consultation draws on recent research, evidence and campaigning work by organisations including RIBA, Habinteg and Centre for Ageing Better which are all in support of raising the accessibility standards. Both RIBA and the women and equalities committee have recommended to Government to raise the standard of all new homes to a minimum of M4(2) of the Building Regulations where it is feasible to do so.
- 5.5 This consultation in particular, considers how the adaptable and wheelchair user standard for homes in Part M of the Building Regulations are currently used as optional and technical standards which means that they need to be

secured using evidence based planning policies and enforced through building regulations. The consultation is seeking views on various options to raise the accessibility standards of all new homes.

- 5.6 Part M (Access to and Use of Buildings) of the Building Regulations sets minimum access standards for all new buildings. These requirements are supported by statutory guidance in Approved Document M. Part M includes optional technical standards for accessible and adaptable homes and wheelchair accessible homes, and these broadly incorporate the Lifetime Homes criteria and the Wheelchair Housing Design guide into the Building Regulations. Approved Document M Requirements.

The requirements used in the Approved Document are:-

- M4(1) Category 1: Visitable dwellings
- M4(2) Category 2: Accessible and adaptable dwellings
- M4(3) Category 3: Wheelchair user dwellings

- 5.7 This consultation refers to these requirements as M4(1), M4(2) and M4(3). M4(1) is a mandatory standard, M4(2): Accessible and Adaptable Dwellings - sets a higher standard for accessible homes and M4(3): Wheelchair User Dwellings sets a standard for wheelchair accessible homes.
- 5.8 The M4(3) optional 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.
- 5.9 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 development is not compromised. This is then applied to individual developments through planning applications.
- 5.10 Once triggered, the optional standards then have the same legal weight as the mandatory provisions in the Building Regulations. At present, M4(1) is the default standard and applies as a mandatory requirement where no higher optional standard is being applied.
- 5.11 Under CBC's adopted plan, dwelling standards are set out in DP12, Development Policies 2010, Revised 2014. The Council will have regard to "Flexibility in the internal layout of dwellings to allow adaptability to different lifestyles;" The explanation refers to Lifetime Homes standards and that wheelchair user dwellings may be requested where a need has been identified and will be secured through Section 106 agreements. The current policy does not set out a requirement for accessibility standards for market homes.
- 5.12 Under CBC's emerging policy, DM12 Housing Standards, 95% of affordable homes should meet M4(2) -accessible and adaptable standards where possible and 5% should meet M4(3) – wheelchair standards. 10% of market homes should meet M4(2)

- 5.13 The Council is securing the higher optional accessibility standards through utilising the current and emerging policies but there is often a lot of resistance by developers to meet the requirements.
- 5.14 This consultation is seeking views on various options to raise the accessibility standards of all new homes. More than one option can be supported.
- 5.15 The options are set out as follows:-
- 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. 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 to be applied in all areas rather than local authorities setting a local planning policy.
 - Option 5: Change the content of the mandatory technical standard by upgrading the statutory guidance to create a revised M4(1) minimum standard which could be pitched between the existing requirements of M4(1) and M4(2), adding more accessible features into the minimum standard.
- 5.16 Views are also being sought on whether the Government's estimated additional costs of £1,400 per dwelling to deliver M4(2) are agreeable and whether 10% of all new dwellings built are already meeting M4(2)

- 5.17 The full consultation document can be found by following the link below:
[Raising accessibility standards for new homes](#)
- 5.18 The proposed CBC response to the consultation 'Raising the Accessibility Standards for New Homes' can be found at Appendix A.

6. Equality, Diversity and Human Rights implications

- 6.1 Government have undertaken an initial equality analysis in line with the Equality Act 2010. The Government concluded that it is likely that all the proposed options will have different impacts but overall, considered that any of the options, including the 'Do Nothing' option will have a positive impact on the protected characteristics of age and disability.
- 6.2 Any CBC policy changes brought forward as a result of the outcome of the consultation would be subject to appropriate equality impact assessment.

7. References

7.1 Strategic Plan

The response has been written to reflect the Council's Better Colchester - Strategic Plan 2020-2023:

Delivering Homes for People who need them: ensure all new homes are designed to a high quality across all tenures.

Continue to improve and modernise available housing for older people

Creating Safe, Healthy and Active Communities: Tackle the causes of inequality and support our most vulnerable people. Support people to live in healthy homes that meet their needs.

7.2 Consultation and Publicity considerations

Colchester Borough Council's response to this consultation paper will be published on the Council's website and will be available to the public and stakeholders.

7.3 Financial Considerations

There may be financial implications for developers to raise the accessibility standards above and beyond current and emerging planning policy.

7.4 Standard References

There are no references to community safety; health and safety or risk management implications.

Appendices

Appendix A: Colchester's response to the MHCLG 'Raising the Accessibility Standards for New Homes' consultation.

Questions

3. Do you support the Government's intention to raise accessibility standards for new homes? Please explain your reasons

The Council does support this intention. The M4(1) minimum standard is not sufficient to enable occupants to remain in their homes if their needs change and this standard is not suitable for an ageing population.

Whilst the M4(2) and M4(3) is optional, the onus is on local authorities to secure the enhanced standards through their planning policies and this must be evidence based. The research evidence by Habinteg's Insight Report (June 2019) referred to in para. 30 of the consultation paper states that most Local Plans don't have any accessible or adaptable standards. Colchester's emerging Local Plan includes a Housing Diversity policy supporting provision of housing constructed to meet the requirements of M4(2) and M4(3) of the Building Regulations 2015 or subsequent Government standards, but in the absence of clear national requirements, the policy has needed to also include a request for evidence of need for such proposals. Updating planning policies is a lengthy process, so if raising the standards can be led by central government, this will bring forward change much quicker and it will provide a consistent and non-negotiable approach throughout the country. This will ensure that those in most need of these homes have equal access rather than the current postcode lottery.

4. Which of the 5 options do you support? You can choose more than one option or none. Please explain your reasons, including the advantages and disadvantages of your preferred option(s).

The Council supports Option 2 and Option 4. It is imperative that we future proof new homes as well as meet existing unmet needs.

The advantages of both Option 2 and Option 4 would be that the majority of new homes built will be adaptable for occupants whose needs change over time, including an ageing population and this will be across all tenures. Raising M4(2) to the minimum requirement would deliver a standard nationwide and will provide local authorities, developers and future occupants with consistency. This option will also bring forward the delivery of adaptable homes without any further delays

For M4(3) dwellings, Option 2 still requires a planning policy in place where need has been identified and evidenced. Therefore this option would not be helpful in speeding up the delivery of suitable homes for wheelchair users, or those who require a level access shower. To put this in context, currently Colchester Council has 36 applicants on its Housing Register who are full time wheelchair users, and 221 applicants who require a level access shower. According to the building regulations Part M for dwellings, all of these applicants will require a home to meet a minimum standard of M4(3). A further 132 applicants require a ground floor property and these applicants would benefit from a M4(2) standard home. There are currently 2910 applicants on the Housing Register, with 393 having an accessibility need, representing 13.5% of all applicants. There will also be a need for market homes to meet M4(3) but this need will be more difficult to quantify with only limited information available from the Institute of Care's POPPI and PANSI datasets.

Option 4 would be preferable because it could bring forward M4(3) homes much faster as there would be no requirement for a planning policy to be in place.

Option 4, where a percentage of homes would be M4(3), could ensure that there is accessible housing delivered consistently across all tenures. Though even in this scenario, it is likely that delivery of all of the M4(3) homes will be delivered within the affordable housing provision. (The GLA should be able to confirm whether this has been consistently the case in London where the M4(3) requirement and prior to that, the wheelchair standard has been based on a percentage of 10% since 2004). Any new accessibility requirements may need to be explicitly clear on whether the M4(3) requirement should be delivered across all tenures.

The interpretation of M4(3) is that the dwelling is adapted and suitable for a wheelchair user.

Within the building regulations guidance, the M4(3) standard splits into two standards. M4(3) (2) (a) and M4 (3) (2) (b). This is creating a lot of confusion in the sector.

There are many people who are not wheelchair users, but they require a level access shower and so in accordance with building regulations the suitable standard would be M4(3) (2) (a). As already mentioned, in Colchester there are 221 applicants on the housing register who are not fulltime wheelchair users but require a level access shower and these applicants would benefit from the M4(3) (2) (a) standard. The 36 applicants who are full time wheelchair users may require the M4 (3) (2) (b) standard. Evidence as to how many people who are seeking a market sale home who have a specific accessibility need, may not be easily available.

There should be more clarity provided on the different standards within M4(3) and it should be acknowledged that the M4(3) (2) (a) standard could be suitable for all occupants who would require a level access shower as well as some occupants who are full time wheelchair users. It would be more appropriate to call this standard 'accessible and partially adapted' and the M4(3) (2) (b) standard to be called 'accessible and fully adapted' as this standard also includes a wheelchair adapted kitchen.

The M4 3 (2) (b) standard for the wheelchair adapted kitchen should also be reviewed and improved so that the kitchen is an 'inclusive' kitchen with a 'rise and fall' system which can be adjusted accordingly by different household members. Currently the standard only requires a section of the kitchen to be fixed at a specific height. This is not adequate for a household of multiple occupants who would need the worktop to be adjusted to suit their individual needs, and it is not suitable for households where there would be visitors or carers who would need to use the kitchen at full height.

5. If you answered 'None' to Q4, do you think the Government should take a different approach? If yes, please explain what approach you consider favourable and why?

Not applicable

6.Do you agree with the estimated additional cost per dwelling of meeting M4(2), compared to current industry standards, in paragraph 44? If no, please comment on what you estimate these costs to be and how you would expect these costs to vary between types of housing e.g. detached, semidetached or flats? Please provide any evidence to support your answers.

We do agree with the estimated additional cost per dwelling. Where the Council has stipulated the M4(2) optional standard, developers have not provided any evidence that this standard would make their development unviable.

7. Do you agree with the proportion of new dwellings already meeting or exceeding M4(2) over the next ten years in paragraph 44? If no, please comment on your alternative view and how you would expect this to vary between types of housing e.g. detached, semi-detached or flats? Please provide any evidence to support your answers

We are assuming the paragraph being referenced is para. 45. We do not agree with this statement that 10% of all dwellings meet M4(2). If this is true, then it is likely that the standard will not be consistent across the country because as already stated, most Local Authorities don't have accessibility standards in their local plans. It is most likely it will be heavily weighted in London where Lifetime Homes and subsequently M4(2) has been the minimum standard since 2004. We do not believe the percentage will grow to 30% in the next 10 years without government intervention. This is because delivering the M4(2) standard will incur an additional cost to developers and so they will see this as a burden and the only way to secure the enhanced standards will be through the updating of all Local Plans which will be a lengthy process, or through changes to the building regulations

M4(2) is more onerous for upper floor flats compared to Lifetime Homes. This is because a lift would be required to achieve M4(2) whereas this was not required for the Lifetime Homes standard. The installation of a lift could be prohibitive for developments with flats of two or three storeys. So, it would be expected that the M4(2) standard would not be achieved with these developments. However, if the standard was achieved in the majority of new homes, then it would not necessarily be a concern if a minority of new homes were delivered at M4(1) where it is not practical or feasible to deliver M4(2)

8. Do you have any comments on the costs and benefits of the other options set out above. If yes, please provide your comments including any evidence to support your response.

9 Do you have any comments on the initial equality impact assessment? If yes, please provide your comments including any evidence to further determine the positive and any negative impacts.

We disagree with the conclusion of the initial equality impact assessment that to do nothing will have a positive impact. The evidence is clear that the current approach to delivering accessible homes is not bringing forward an adequate supply to meet the current need or an ageing population.