From: Joanna Greenway
Sent: 18 January 2016 10:24
To: Development Plans
Subject: DMP consultation response

FAO Damian Law

Hi Damian

A couple of extra comments on the wider context of the recent DMP consultation. I am copying this to Councillors Wilson and Morell.

Having just discovered that the Housing Bill is now making provision for the outsourcing of the processing of planning applications, it is more important than ever that SLDC has a robust set of DM policies in place, firmly evidenced, closely related to the Local Plan and as explicit as possible in their application.

I'm thinking this because:

1. It may save the DM team time in processing planning applications because there is more certainty. This means their efficiency rating will be higher and there may be less pressure to privatise.

2. If privatisation becomes obligatory, and whether or not the existing DM officers are transferred across to a private company, there will be more pressure to facilitate developers' goals, and no pressure to consider community rights and democratic engagement. To minimize the risk of this, it might be productive now to integrate a version of the Statement of Community Involvement into the DMP framework.

If there are no recent strong local policies to operate within, a commercial company may claim that it is not financially viable to consider residents' views at all. The decision- making process will become less transparent, presumably the Planning Committee will disappear, and there will only be arms'-length accountability. This will remove what rights residents now have through their elected representatives.

I think these strategic considerations all add weight to the need for up to date fully evidenced local DM policy.

Regards, Joanna

From: Joanna Greenway [redacted]
Sent: 25 January 2016 13:17
To: Development Plans
Subject: DM Policy Consultation
Attachments: 7-points-housing-standards-FINAL.pdf

FAO Damian Law

Dear Damian
Re the section on optional standards for housing, I attach the following commentary which really sums up the issues on not adopting it, particularly the wider cost benefits that have not been acknowledged. It has a section on implications for neighbourhood plans though they're not really relevant in our case. All the comments on health and the elderly apply big time in Grange, as I'm sure they will across South Lakes.

Regards, Joanna
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Cllr. Joanna Greenway

Briefing

7 points about the new Housing Standards 2015

Purpose

This briefing explains the policy context and implementation plan for the new Housing Standards.

The timetable for implementation; content of the standards; their optional nature, the viability test that will apply; and assessing the costs and benefits of accessible housing.

For whom

Planning teams, local elected representatives, executive officers at local authority level, housing access groups and local planning forums.

Date

October 2015

Habinteg
Accessible homes
Independent lives

1. Optional standards?

New national technical access standards for housing were published in March 2015. As a result Building Regulations now specify three design standards: Categories 1, 2 and 3.

Category 2 is broadly comparable to Lifetime Homes although there are points of details which differ and which Habinteg thinks need to be addressed. Category 3 is broadly similar to the Wheelchair Housing Design Guide[1] but is not a 'one size fits all' solution given the many and varied access requirements of individual wheelchair users. Habinteg's technical response during the Housing Standards Review sets out our view on the specifications proposed at that stage and can be found on Habinteg's website[2]. (We will also be producing a technical response to the final standards as published by DCLG).

Category 1 is the former Part M, with no significant improvements. This is the only standard that is mandatory, categories 2 and 3 are optional. Category 1 therefore remains the default standard for new homes meaning that local authorities will have the option to set policies for new homes that many disabled people, older people, families with young children and others will find it impossible or difficult to live in. Such homes will be designed in ways that create restrictions to mobility – design flaws that could be easily avoided. Such disabling barriers have major impacts on independence, inequality and health.

Habinteg believes that setting Category 2 and 3 as purely optional standards undermines the positive impact that these new building regulations could have on the supply of accessible homes. We are calling for Category 2 to be made the default standard for all new housing, with 10 per cent built to Category 3 standard. We believe that being able to access and use one's home is a basic right, not an optional extra.

(Right) Lifetime Homes development which is broadly similar to Category 2

2. The case for accessible housing

According to government figures there are currently 11.6 million disabled people in Britain[3]. Many would benefit from a much greater availability of Lifetime Homes and wheelchair accessible housing.

Many of these households are those of older people, making up some of the 9.3 million households headed by a person over retirement age[4]. These figures are set to grow: we live in an ageing society and in a society where many younger disabled people can live longer and independently even with significant impairments. There is a range of government and non-government data which supports the case for more accessible housing[5].

However, the current housing stock is largely inaccessible. The most recent available figures in the English Housing Survey[6] found that 95 per cent of 21.5 million homes in England were not fully visitable by disabled people including wheelchair users. 'Visitability' was defined as having four basic accessibility features: level access; a flush threshold; door width and circulation space compliant with Part M; a toilet on the entrance level. These are much more limited requirements than would be needed to make a property compliant with the Lifetime Homes or Category 2 standard – that is, to allow a property to be lived in by a disabled person and not simply visited. In 44 per cent of the current housing stock in England work to make properties reach the basic 'visitability' standard would either not be feasible or be very expensive, a fact which serves to underline just how inaccessible most housing is.

Demographic realities together with the inaccessible character of much existing housing together spell out the case for all future housing to be built to accessible standards. Ignoring the need for accessible housing means building homes that will continue only to meet the needs of part of the population. For the public sector that means public money being used to fund housing that many people who need accessible, adaptable homes will be unable to use.

Habinteg calls on government to take steps to generate awareness of the case for accessible housing as part of supporting all new housing being designed to Category 2 and Category 3 standards.

3. Miscounting costs

Cost calculations presented during the housing standards review were misleading. The review's impact assessment[7] shows the cost of building to the proposed Category 2 (Lifetime Homes similar) standard for a 3-bedroom semi-detached property to be £521 more than building to current Part M compliant standard. This is the additional cost of providing the specific features set out in the proposed access standard. Habinteg has some questions of detail with this figure because it includes some items (e.g. external porch lighting) which, while not required under Part M are standard industry practice and therefore unlikely to cause an additional cost solely for Category 2 properties.

The review then added two other areas of costs. Firstly, a category of 'access related space costs' which is irrelevant as there is no such component of the access standard. Second came 'process costs', assumed to be costs arising from the additional complexity of building to accessible standards. These made no allowance for the industry becoming trained in Category 2 standards over time and for the savings that would follow from economies of scale as materials and fittings became consistent to a single standard. Such economies of scale would be even greater if Category 2 became the default standard from the outset since the industry would become attuned to them even more rapidly[8].

Habinteg calls on government to promote awareness of the low additional up-front costs involved in building to the new Category 2 standard, as shown by its own cost impact assessment.

(Right) Lifetime Homes Standard kitchen which is broadly similar to Category 2

4. Calculating the benefits

The cost-benefit analysis undertaken by the Housing Standards Review was very limited. An adequate assessment would take into account the current and anticipated cost of inaccessible housing.

These are wide-ranging and include:

- the avoidable cost of residential care
- avoidable additional levels of social care
- negative impacts on independent living, employment and social life all of which have human, social and economic significance
- falls and other accidents and the health and care costs triggered
- mental health impacts and impacts on general health
- avoidable hospital admissions
- increased stays in hospital due to lack of accessible housing to return to.

Just one night in hospital costs the NHS around £273[9] whilst one' week's residential care averages £550[10]. These costs outstrip the cost of building a home to an accessible standard by a massive scale: each week that residential care can be avoided (an option that is often forced upon disabled and/or older people) would more than cover the government's estimated additional build cost[11].

The cost-benefit case for all new housing to be built to Lifetime Homes standard or equivalent plus a proportion as wheelchair accessible is compelling. Awareness of this case is a large part of why accessible housing has been required by policy in London for more than a decade and why accessible standards have been adopted in a growing number of other areas.

Habinteg believes that government should accept the cost-benefit case for accessible housing and help to develop awareness of it. We believe that a narrow approach to costs and benefits which focusses mainly on upfront development costs radically misrepresents the benefits that accessible housing represents.

5. Viability testing

Accurately calculating costs and benefits are critical matters because local authorities which want to build Category 2 and 3 housing will be forced, under these proposals, to use a form of 'viability test' that is weighted in favour of developer return. This test is set out in the National Planning Policy Framework (NPPF)[12]. Having cost-benefit evidence will be particularly important in the face of this skewed form of viability test.

Viability testing is now the greatest challenge faced by local authorities in implementing accessibility standards. There is no established formula which can protect a policy from challenge in plan making but the stronger the evidence base for the policy, particularly in terms of financial benefits, the greater the chance of success.

Paragraph 173 of the NPPF states: 'To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable'.

The Local Government Association's Planning Advisory Service states the National Planning Policy Framework introduced in 2012 'has placed a much stronger emphasis on viability and in particular viability in terms of plan making [and]... calls for balance between sustainable development which benefits the local community and realistic returns for land owners and developers, so that development is commercially viable[13].

The NPPF says there is no one way of assessing viability in preparing either plan policy or on individual sites, but the following is an established approach: 'An individual development can be said to be viable if, after taking account of all costs, including central and local government policy and regulatory costs and the cost and availability of development finance, the scheme provides a competitive return to the developer to ensure that development takes place and generates a land value sufficient to persuade the land owner to sell the land for the development proposed. If these conditions are not met, a scheme will not be delivered[14].'

At the same time, however, the NPPF sets out a requirement on authorities to plan for the whole range of housing need, calling on them to 'plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)'. Paragraphs 50 and 159 are particularly relevant in this regard and may represent a challenge to a narrow interpretation of 'viability'[15]. Further information can be found here at the government's planning portal: http://planningguidance.planningportal.gov.uk/

Habinteg believes that socio-economic needs, costs and benefits should be a part of assessing viability. We believe that the viability process should be transparent and test methodology and findings should be published.

(Right) Lifetime Homes Standard bathroom which is broadly similar to Category 2

6. Neighbourhood plans

Although local authorities are to be faced with considerable new, resource-intensive, hurdles if they want to develop accessible homes – including viability testing as it stands at present – neighbourhood plans will be allowed to set aside policies on access standards that a local planning authority has decided upon. The technical consultation document stated that: 'Neighbourhood plans may include policies that seek to dis-apply Local Plan policies which require compliance with optional Building Regulations or the national space standard.'

A neighbourhood forum is a community group which may exist within a smaller area than a local authority. Government planning advice states that plans must:

a. Have regard to national planning policy.

b. Be in general conformity with strategic policies in the development plan for the local area (i.e. such as in a core strategy).

c. Be compatible with EU obligations and human rights requirements[16].

Allowing neighbourhood forums and plans to 'dis-apply' local plan policies on accessible housing is at odds with these requirements. Firstly they would no longer be in 'general conformity with strategic policies' in the local area. Secondly, the UN Convention on the Rights of Persons with Disabilities, at Article 19, supports independent living and the right of disabled people to 'have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement'. Development of accessible housing speaks to this right.

Habinteg would like to see further discussion of the powers of neighbourhood forums to disapply Local Plan policies where such action may restrict the delivery of accessible housing.

7. Local plans and transitional arrangements

A ministerial statement in March 2015 set out an approach to implementation of the new standards and transitional arrangements until the Deregulation Act, which introduced the standards, comes into force on 1 October 2015.

This specifies that:

- From the date the Deregulation Bill is given Royal Assent (March 2015) until 30 September 2015 planning permission may still be given on the basis of existing Local Plan policies.
- From 1 October 2015 existing Local Plan, neighbourhood plans and supplementary planning guidance relating to access should be interpreted by reference to the nearest equivalent standard. Compliance with the new national standard is permitted where there is a relevant existing Local Plan policy.
- Local Plans, where they are being revised or developed can only require new optional access standards 'if they address a clearly evidenced need, and where their impact on viability has been considered' (see point 5).

Habinteg believes local planning authorities should be given as much help as possible to ensure they have the resources and tools to develop the evidence needed to support their housing plans.

(Right) Lifetime Homes development which is broadly similar to Category 2

Further reading

- Habinteg's response to the technical detail of the Category 2 and Category 3: www.habinteg.org.uk/responses
- Habinteg's response to the first round of consultation on the Housing Standards Review: www.habinteg.org.uk/responses
- Background to review of housing standards on Habinteg web page: www.habinteg.org.uk/housingstandards
- Department for Communities and Local Government Housing Standards review technical consultation documents: www.gov.uk
- Department for Communities and Local Government Housing Standards review technical consultation impact assessment documents: www.gov.uk

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References

1. Available on Habinteg's website: www.habinteg.org.uk
2. www.habinteg.org.uk
3. Disability prevalence estimates 2011/12 www.gov.uk
4. Cited in Housing in Later Life, Age UK, September 2014.
5. Such as the government Office for Disability Issues, Census, Family Resources Survey, NHS England Data and data analysed by organisations such as AgeUK.
6. Profile of English Housing 2012, English Housing Survey, DCLG, July 2014.
7. Department for Communities and Local Government's Housing Standards Review Cost Impacts September 2014 www.gov.uk
8. Habinteg also continues to question the methodology used to calculate the costs: instead of the normal practice of using national median hourly rates, a merged rate has been used derived from the national median added to one company's hourly rate (EC Harris).
9. Department for Health Reference costs 2012-13, November 2013 www.gov.uk
10. Cited in Alzheimer's Society Briefing Paper, January 2011, taken from Laing and Buisson, 2009.
11. Habinteg has collated considerable other research on costs and is happy to share this where useful.
12. Planning Practice guidance, Viability and plan making http://planningguidance.planningportal.gov.uk
13. www.pas.gov.uk/viability/
14. Local Government Association www.local.gov.uk
15. http://planningguidance/planningportal.gov.uk/
16. www.planningportal.gov.uk

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