

**Report of Director of City Development**

**Report to Development Plans Panel**

**Date: 5<sup>th</sup> April 2016**

**Subject: National Housing Standards - Development Plan Document**

Are specific electoral Wards affected? If relevant, name(s) of Ward(s):	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**Summary of main issues**

1. The report sets out the main issues in relation to the proposed preparation of a Housing Standards Development Plan Document (DPD) to introduce housing standards in Leeds based on the National Housing Standards Review (HSR).
2. The national Housing Standards Review sets out optional standards in relation to minimum internal space requirements and accessible housing. National Planning Guidance is clear that these standards can only be progressed through the Local Plan process and require justification of need and viability before they can be adopted.

**Recommendations**

3. Development Plan Panel is recommended to agree the contents of this report including the broad scope of the DPP and the timetable for preparation.

## **1 Purpose of this report**

- 1.1 The purpose of this report is to update Development Plans Panel on the National Housing Standards Review and the commitment to prepare a Development Plan Document (DPD) in response. This report sets out the main considerations for progression of the DPD.

## **2 Background information**

- 2.1 The Government has created a new approach for the setting of technical standards for new housing. The Ministerial statement (25<sup>th</sup> March 2015) sets out the new approach summarised below.
- 2.2 Executive Board on the 20<sup>th</sup> April 2016 will consider a report ‘White Paper Motion - Locally-set Building Standards for new housing’. The report to Executive Board requests agreement to the progression of the Housing Standards Review DPD. Broadly, this will involve three areas:
- i Space standards
  - ii Access standards
  - iii Energy and Water standards
- 2.3 The first two areas – Space and Access standards – will form part of the DPD on National Housing Standards which is the subject of this report. The area of Energy and Water standards is being dealt with separately by “passporting” agreed policy into the Core Strategy via an exceptional procedure that is endorsed by Central Government.

## **3 Main issues**

- 3.1 The Councils aspirations include growth and quality of housing, the new housing standards focus on the quality of housing delivered within Leeds. The new approach for setting technical standards outlined by the Government is clear, that only standards set out in the HSR can be progressed. No other standards can be applied to market housing. The intention of the Government is to ensure consistency in the setting of standards nationally, and to avoid different Local Authorities having different standards.
- 3.2 Local planning authorities have the option to set additional technical requirements exceeding the minimum standards required by Building Regulations in respect of an optional nationally described space standard and in relation to accessibility only. Guidance is set out which is prescriptive as to what the scope of these are. These are summarised below.

### **Nationally Described Space Standard**

- 3.3 A single standard for minimum space requirements is set out, for information these are attached in Appendix 1. National Planning Guidance is clear that if a

Local Planning Authority (LPA) chooses to adopt minimum space standards, then these must be those which are set out in Appendix 1. The minimum space requirement sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The standard are organised by storey height to take account of the extra circulation space needed for stairs to upper floors, and deal separately with one storey dwellings (typically flats) and two and three storey dwellings (typically houses).

### **Accessible Housing**

- 3.4 In relation to accessible housing, National Guidance states that if a LPA chooses to adopt standards in relation to accessible housing, then they can relate only to 2 categories, and a target percentage would need to be set for each category. These categories are as follows;
- 3.5 M4(2) Category 2: Accessible and adaptable dwellings is an optional Building Regulation, and as such would only apply where planning policy allows and when conditioned on a planning application. This is the equivalent of the 'old' Lifetime Homes standard which has now, under the HSR been 'withdrawn'. Housing designed to Category 2 standards will be more adaptable, and suitable for a wider range of the population including families with children, older people, and some disabled people. Housing designed to Category 2 is unlikely to be suitable for wheelchair users.
- 3.6 M4(3) Category 3: Wheelchair user dwellings is an optional Building Regulation, and would also only apply where planning policy allows and when conditioned on a planning application. This standard replaces a number of 'previous' wheelchair housing standards.
- 3.7 National Guidance states that LPA's will need to gather evidence to determine whether there is a need for additional standards in their area, and justify setting appropriate policies in the Local Plan. LPAs should also consider the impact of using these standards as part of their Local Plan viability assessment. Appendix 2 provides a summary of the standards. Appropriate consultation will be held as part of the DPP process and this engagement will include housebuilders as well as the local community.
- 3.8 In reflecting the implications of the national HSR and issues which have been previously raised by the Council (regarding housing standards), initial work is underway to prepare a Development Plan Document (DPD) central to this will be the requirement to demonstrate need and viability. The cumulative impact on viability of introducing new standards will need to be assessed as part of the process. National Guidance sets out that where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:
- i Need – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space

standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.

- ii Viability – the impact of adopting the space standard should be considered as part of a plan’s viability assessment with account taken of the impact of potentially larger dwellings on land supply. LPA’s will also need to consider impacts on affordability where a space standard is to be adopted.
- iii Timing – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions.

## **Programme**

3.9 The DPD is required to progress through various formal stages, to include evidence gathering for need, viability testing, Issues and Options Stage, consultation, analysis of Issues, Examination and Adoption. It is intended to get the DPD adopted by Summer 2017 subject to the outcome of the consultation process, the need for further technical work and the submissions / examinations date. The main DPD stages are set out below;

- i Evidence gathering, scoping and early consultation: Spring 2016
- ii Drafting the Plan for Publication: Summer 2016
- iii Formal consultation (6 weeks) and assessment of comments: Autumn 2016
- iv Submission with any necessary modifications: Winter 2016/17
- v Examination: Spring 2017
- vi Adoption Summer 2017(subject to receipt of Inspector’s report)

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

4.1.1 A DPD has statutory requirements for public consultation at key stages which will involve key consultees.

### **4.2 Equality and Diversity / Cohesion and Integration**

4.2.1 The preparation of the DPD will require Equality Impact Assessments at appropriate stages. As part of the DPP process consultation at appropriate stages will be held. The subject of this report does not raise any additional issues.

### **4.3 Council policies and Best Council Plan**

4.3.1 Meeting Leeds housing needs forms part of the ‘Vision for Leeds’ and the aspiration to be the ‘best city in the UK’, and is also an integral component of the adopted Core Strategy. The Best Council Plan promotes sustainable and inclusive

economic growth improving the economic wellbeing of local people and businesses. The Best Council Plan also has a focus on providing housing as the city grows and generating income for the Council.

#### **4.4 Resources and value for money**

4.4.2 The preparation of a DPD will require both staffing and technical resources to support the plan making process and evidence base work. However in terms of housing growth it will have a positive impact on the quality of housing delivered within Leeds and help to provide certainty and consistency for potential investors.

#### **4.5 Legal Implications, Access to Information and Call In**

4.5.1 The DPP will follow the statutory Development Plan process. The report is not eligible for call-in as no decision is being taken.

#### **4.6 Risk Management**

4.6.1 If the DPP takes longer to prepare than expected it is likely that homes will continue to be permitted below the size and access standards expected to meet Leeds' aspirations for quality. The risks to delay in the production of the DPD lie with staff resource limitations and the involvement of other parties. There is a danger of protracted negotiations with the development industry and other interests about what is reasonable in terms of viability and a dependence on the Planning Inspectorate for an early examination slot after submission and quick turnaround of the Inspector's report.

### **5 Conclusions**

5.1 The progression of the DPD will improve housing standards in Leeds and the progression of a DPD is the appropriate mechanism to ensure this.

### **6 Recommendations**

6.1 Development Plans Panel is recommended to agree the contents of this report including the broad scope of the DPD timetable for preparation.

Appendix - 1

Table 1 - Minimum gross internal floor areas and storage (m<sup>2</sup>)

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) <sup>2</sup>			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

## Appendix 2 - Summary of National Technical Standards

<u>Standard</u>	<u>Details</u>	<u>How applied</u>	<u>Evidence needed</u>	<u>Applies to:</u>
<u>Internal space</u>	<p><u>Separate government planning document – Nationally described space standard. Planning requirement only, not in Building Regulations.</u>  <u>Includes standards for floor areas and dimensions for key areas, notably bedrooms, storage and floor-to-ceiling height, for different types of housing.</u></p>	<p><u>“Where a LPA wishes to require an internal space standard, they should do so only by reference in their local plan to the nationally described space standard” (NPPG)</u></p>	<p><u>NPPG advice:</u></p> <p><u>LPA should provide justification for requiring internal space policies, taking account of:</u></p> <ul style="list-style-type: none"> <li>• <u>Need – evidence of size and type of what’s currently being built to ensure that the impact of the standards over and above this can be assessed (including possibly impact on meeting demand for starter homes);</u></li> <li>• <u>Viability (as part of local plan’s viability assessment) – including the impact of potentially larger dwellings on land supply and affordability;</u></li> <li>• <u>Timing – may need a transitional period to allow developers to factor the cost of the space standard into future land acquisitions.</u></li> </ul>	<p><u>New-build dwellings, and conversions.</u></p>
<u>Access</u>	<p><u>2015 Amendment to Building Regulations Part M, effective from 1<sup>st</sup> October 2015.</u></p> <p><u>Dwellings only, Part M access standards for other buildings are unchanged.</u></p> <p><b><u>M4(1) “Visitable dwellings”</u></b>  <u>Standard requirement, non-optional (no change from previous part M1 requirements for dwellings)</u></p> <p><u>“Reasonable provision for people</u></p>	<ul style="list-style-type: none"> <li>• <u>Optional <b>M4(2)</b> or <b>M4(3)</b> can only be applied “where there is an appropriate policy in the Local Plan.”</u></li> <li>• <u>Policy must refer to Requirement M4(2) and/or M4(3) and clearly state what proportion of new dwellings should comply with the requirements.</u></li> <li>• <u>Need to take into account site specific factors (e.g. flooding, topography) which may make a site unsuitable for M4(2)/M4(3) dwellings or prevent step-free access. Where step-free access is not viable, neither optional requirement should be applied.</u></li> </ul>	<p><u>NPPG advice:</u></p> <p><u>LPAs should take account of evidence that demonstrates a clear need for housing for people with specific housing needs and plan to meet this need.</u></p> <p><u>Based on housing needs assessment and other available datasets, it will be for LPAs to set out how they intend to approach demonstrating the need for M4(2) and/or M4(3) dwellings.</u></p> <p><u>Range of official statistics that LPAs can take into account, including:</u></p>	<p><b><u>M4(1)</u></b></p> <ul style="list-style-type: none"> <li>• <u>Erection of a dwelling.</u></li> <li>• <u>Material alterations.</u></li> </ul> <p><u>Does NOT apply to:</u></p> <ul style="list-style-type: none"> <li>• <u>Extensions</u></li> <li>• <u>Dwellings created by material change of use.</u></li> </ul>

	<p><u>to gain access to and use the dwelling and its facilities”</u></p>	<ul style="list-style-type: none"> <li>• <u>If adopted in Local Plan, the LPA must apply requirement as a condition of PP.</u></li> <li>• <u>If no condition is imposed, standard Building Regs requirements will apply (M4(1) for residential, M1, M2, M3 for non-residential).</u></li> </ul>	<ul style="list-style-type: none"> <li>• <u>Likely future need for housing for older and disabled people (including wheelchair user dwellings)</u></li> <li>• <u>Size, location, type and quality of dwellings needed to meet specifically evidenced needs (e.g. retirement or sheltered homes or care homes)</u></li> <li>• <u>The accessibility and adaptability of existing housing stock</u></li> <li>• <u>How needs vary across tenures</u></li> <li>• <u>Overall impact on viability</u></li> </ul> <p><u>Summary data sheet produced by government, setting out useful data and sources of further information that LPAs can use in assessments, to reduce the time needed for undertaking the assessment and avoid replicating some elements of the work.</u></p>	<p><b><u>M4(2) and (3)</u></b></p>
	<p><b><u>M4(2) “Accessible and adaptable dwellings”</u></b> Optional requirement.</p> <p>(1) <u>Reasonable provision must be made for people to gain access to and use the dwelling and its facilities.</u></p> <p>(2) <u>The provision made must be sufficient to: (a) meet the needs of occupants with differing needs, including some older or disabled people; and (b) allow adaptation of the dwelling to meet the changing needs of occupants over time.</u></p>			<p><u>Only apply to erection of a new dwelling.</u></p> <p><u>Do NOT apply to:</u></p> <ul style="list-style-type: none"> <li>• <u>Extensions</u></li> <li>• <u>Material alterations.</u></li> <li>• <u>Dwellings created by material change of use.</u></li> </ul>
	<p><b><u>M4(3) “Wheelchair user dwellings”</u></b> Optional requirement.</p> <p>(1) <u>Reasonable provision must be made for people to gain access to and use the dwelling and its facilities.</u></p> <p>(2) <u>The provision made must be sufficient to: (a) allow simple adaptation of the dwelling to meet the needs of occupants who use wheelchairs; or (b) meet the needs of occupants who use wheelchairs.</u></p>	<ul style="list-style-type: none"> <li>• <u>In the case of M4(3): “Local Plan policies for wheelchair accessible homes should only be applied to dwellings where the local authority is responsible for nominating or allocating a person to live in that dwelling”</u></li> </ul>		