

DCLG  
Housing Standards Review  
Technical Consultation  
Deadline 7 November 2014

SDC Response

This consultation seeks views on the detail of proposals for implementation of the Housing Standards Review and in particular the technical standards that the government intends to implement.

In summary, the consultation proposes the following:

- The introduction of 'optional requirements' to Building Regulations, which can be applied by a local planning authority as a planning condition where justified by need and subject to viability. The areas that these will apply to are access and water efficiency. The optional requirements will not be mandatory. They will only be applicable where a local planning authority has put a plan policy in place specifically triggering the application of the optional requirement or nationally described space standard in particular circumstances. Neighbourhood Planning bodies will only be able to apply the space standard, and not optional requirements. The draft criteria/process is as follows:
  - The local planning authority must stipulate that an optional requirement or the nationally described spaced standard applies in the area, through the setting of a planning policy in the authority's Local Plan. The planning policy must clearly set out the circumstances when an optional requirement or the nationally described space standard will apply.
  - Once in an adopted plan, when an application for planning permission is received, the local planning authority may choose to apply the optional requirement or nationally described standard as necessary, via a planning condition.
  - Once a condition is imposed, the developer will then be required to deliver the optional requirement or nationally described standard.
  - Optional requirements will be overseen by Building Control bodies, and if there is a failure to meet the condition, enforcement will be through the Building Control system.
  - It is expected that the local planning authority will have the opportunity to oversee the monitoring of the nationally described space standard condition as part of the normal planning application follow up process.
- The introduction of a mandatory security Building Regulation requirement.
- The introduction of a national space standard to replace the many different existing space standards used by local authorities. The national space standard can be referenced in planning policies where justified by need and subject to viability. As with the 'optional requirements' on access and water efficiency, the national space standard can not be applied until it forms part of a local planning authority's Local Plan.

## Consultation Questions

The majority of the consultation questions are seeking views on the technical requirements of the amendments to the Building Regulations. As such, the Building Control team is responsible for these parts. They are aware of the consultation and are likely to prepare a response. However, it is not yet known whether this will be a Sevenoaks District Council response or a Kent-wide response through the Kent Building Control Officers Group.

The questions to be addressed by Building Control are 1, 2, 3, 5, 6, 10, 11, 12, 13, 14, 15, 16 and 17.

The remainder of the questions (4, 7, 8, 9, 18, 19 and 20) are relevant to the Planning department and the responses are set out below.

**Question 4: When do you think that the requirement for dwellings to be wheelchair accessible (fitted out) should apply?**

**A – Only where local authority allocation policies apply.**

**B – Across any tenure where a local authority believes this is necessary.**

**C – All wheelchair housing should be fully wheelchair accessible.**

A three tier standard for accessibility is proposed in the Building Regulations:

- Category 1 – visitable dwellings (dwellings that can, as a minimum, be visited by a wide range of people, including some wheelchair users).
- Category 2 – accessible and adaptable dwellings (dwellings that provide a higher level of accessibility that is beneficial to a wide range of people who occupy or visit the dwelling, and provides particular benefit to older and disabled people, including some wheelchair users).
- Category 3 – wheelchair user dwellings (dwellings that are suitable, or potentially suitable through adaptation, to be occupied by wheelchair users).

Category 1 is a mandatory requirement with categories 2 and 3 being optional requirements.

The Council considers that all new housing should be wheelchair accessible. It considers that category 2 should be the mandatory default for all new housing. This should also include those aspects of category 3 that have minimal impact on how a household without a wheelchair user would use their home i.e. it should include things like step-free access, wider doorways and accessible switches and sockets but not necessarily through-floor lifts or lower kitchen surfaces, for example.

The Council supports improved accessibility, and the Core Strategy recognises that people with disabilities form a significant proportion of the population. The West Kent SHMA (2008) identified that 8.8% of properties in Sevenoaks had property adaptations to meet the needs of a disabled household member, the main facility required being bathroom adaptations. As such, Core Strategy policy SP5 states that “the Council will seek the provision of an increased proportion of housing designed to the lifetime homes standard that can be readily adapted to meet the needs of older people and people with disabilities”. The authority’s monitoring report for the monitoring year 2012-13 reported that of the 195 dwellings completed, 33 (17%) achieved lifetime homes standard. The Council expects the proportion of lifetime homes to continue to increase as a result of Core Strategy policy SP5. However, new housing will continue to make up a relatively small proportion of the total housing stock. Making all new housing comply with more rigorous accessibility standards, as suggested by Sevenoaks District Council, will maximise the

contribution that new development can make to increasing the proportion of accessible housing in the total housing stock and the variety of unit types, sizes and locations available.

A new Strategic Housing Market Assessment (SHMA) is likely to be commissioned within the next few months to establish Sevenoaks' needs over the next 20 year period. This study will include a focused section on the needs of Sevenoaks' ageing population and will consider the need for new extra care housing and care homes. The Council believes that increasing the provision of accessible housing can help to ensure that people are able to stay in their own homes for longer. Increasing the provision of accessible homes should help to reduce any premium that may exist in the market for these types of units.

The Council believes that all new housing should be inclusive. Whilst the consultation document does not present a cost benefit analysis of the proposed three tier standard for accessibility, the Council is of the view that the cost implications would not be substantial enough to outweigh the benefits of providing wheelchair accessible housing (category 3) for its residents. Furthermore, it is clearly not the case that this issue should simply be considered in development viability terms (i.e. the impact on the developer or landowner). Ensuring that sufficient and attractive accessible housing is available can prevent, or at least delay, some people having to move into care, which is likely to reduce costs to the NHS and authorities providing social care, or having more intensive care provided by family members that may otherwise be in employment. This is clear from the government's own housing strategy for England ('Laying the Foundations', 2011).

On this basis, the Council is of the view that all new housing should be potentially fully wheelchair accessible.

**Question 7: Do you agree with the government's proposals for a single level of requirements in the nationally described space standard?**

- A – Yes.
- B – No particular view.
- C – No.

Yes. The Council supports the government's aim of ensuring that there are equal amounts of habitable space in both flats and houses in relation to a given level of potential occupancy. In addition, this would be of benefit to those local authorities that currently have different standards, in order to balance the requirements for affordable and private tenures.

**Question 8: Do you agree with the government's proposals for internal storage?**

- A – Yes.
- C – No strong views.
- D – No.

Yes. The Council supports the government's aim of ensuring adequate internal storage in new dwellings.

**Question 9: Do you agree with the proposed requirements for bedrooms and bedroom sizes?**

- A – Yes.
- C – No strong views.
- D – No.

Yes. The Council supports the government's proposals for the provision of bedrooms and bedroom sizes.

**Question 18: Do you agree with the government's proposed approach as to how the use of optional requirements and nationally described space standards should be taken forward?**

A – Yes.

B – No strong views.

C – No.

The Council supports the government's intention to simplify and streamline existing requirements and standards.

However, with regards to the process, the Council is concerned about the monitoring and enforcement arrangements. It is understood that, whilst applied through planning condition, the Building Control body will oversee the implementation and enforcement of optional requirements. And, in respect of the nationally described space standard, this will be monitored as part of the normal planning application follow up process. The Council questions the working of this arrangement on a day to day basis and considers that further guidance must be provided.

It is understood that until the Planning and Energy Act 2008 amendment is commenced, anticipated to be late 2016, the government expects local planning authorities to not set conditions requiring energy efficiency requirements above a Code Level 4 equivalent. Sevenoaks Core Strategy Policy SP2 requires Level 4 from 2013 and Level 6 from 2016. In order to remain policy compliant, the Council encourages the government to meet its proposed timetable.

**Question 19: Do you agree that the proposed approach will be sufficient to ensure local planning authorities and neighbourhood planning qualifying bodies in future only set policies requiring compliance with the optional requirements and nationally described space standard to address a clear and evidenced need?**

A – Yes.

B – No.

Yes. Local planning policies that are not clearly evidenced by need are unlikely to be found sound by a Planning Inspector at Examination.

It is understood that the Code for Sustainable Homes is being wound down, with many of the requirements being consolidated into the Building Regulations. The Council sees this as a positive step, providing that the Building Control requirements are mandatory, and monitored and enforced against sufficiently.

**Question 20: Do the proposed arrangements provide the correct balance between allowing time for developers and local authorities to adapt to the new regime whilst delivering benefits as quickly as reasonable?**

A – Yes.

B – No.

It is understood that the government intends to make a statement of policy in early 2015 and implement it six months later in autumn 2015. It would therefore be extremely challenging for any local authority to complete a partial review of its Local Plan with all the supporting evidence in this time period. The effect of this could be a delay in delivering the benefits of the proposals. The Council suggests that a transitional period of one year would be better.

The Council will have an understanding of the outputs of a new Strategic Housing Market Assessment (SHMA) in Spring 2015. As such, it is unlikely that the Council will be in a position to

decide whether new planning policies are required in order to implement the optional requirements when the government's statement of policy is published.

The draft timetable for a review of the Sevenoaks Core Strategy is as follows:

Winter 2014 – winter 2015	Evidence base studies to be undertaken e.g. SHMA, SHLAA, affordable housing viability, retail and hotel studies.
Winter 2014 – winter 2015	Option development including the assessment of various spatial strategies and sustainability appraisal.
Summer/autumn 2016	Production of draft document for Regulation 18 consultation