

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

LOCAL PLAN COMMITTEE – 8 SEPTEMBER 2021



<b>Title of Report</b>	<b>LOCAL PLAN REVIEW – HOUSING STANDARDS</b>	
<b>Presented by</b>	Ian Nelson Planning Policy & Land Charges Manager	
<b>Background Papers</b>	<a href="#">National Planning Policy Framework</a>  <a href="#">Planning Practice Guidance</a>  <a href="#">Technical Housing Standards – Nationally Described Space Standard (DCLG, 2015)</a>  <a href="#">Water stressed areas – final classification 2021 (Environment Agency, July 2021)</a>  <a href="#">Severn Trent Water Resources Management Plan (August 2019)</a>	<b>Public Report: Yes</b>
<b>Financial Implications</b>	The cost of the study is met from existing budgets which are reviewed as part of the annual budget setting process. <b>Signed off by the Section 151 Officer: Yes</b>	
<b>Legal Implications</b>	None from the specific content of this report. In due course the policy options set out will be incorporated in a consultation document for the Substantive Local Plan Review. The Local Plan Review process as a whole must accord with the legal requirements set out in legislation and guidance  <b>Signed off by the Monitoring Officer: Yes</b>	
<b>Staffing and Corporate Implications</b>	No staffing implications associated with the specific content of this report. Links with the Council's Priorities are set out at the end of the report. <b>Signed off by the Head of Paid Service: Yes</b>	
<b>Purpose of Report</b>	This report considers whether to pursue the inclusion as part of the Local Plan review policies for housing technical standards.	
<b>Recommendations</b>	<b>THAT THE LOCAL PLAN COMMITTEE AGREES, SUBJECT TO THE OUTCOME FROM A FUTURE</b>	

	<p><b>CONSULTATION AND CONSIDERATION OF A WHOLE PLAN VIABILITY ASSESSMENT, TO THE INCLUSION OF POLICIES IN THE LOCAL PLAN SUBSTANTIVE REVIEW IN RESPECT OF:</b></p> <p><b>I) SPACE STANDARDS;</b></p> <p><b>II) WHEELCHAIR ACCESSIBLE AND ADAPTABLE HOUSING AND;</b></p> <p><b>III) WATER EFFICIENCY STANDARDS</b></p>
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## **1 BACKGROUND**

- 1.1 In March 2015 the government published a set of streamlined national technical housing standards relating to internal space, accessible and adaptable housing and water efficiency.
- 1.2 Minimum standards for wheelchair accessibility and water efficiency are required through the respective building regulations. Local planning authorities have the option to exceed these minimum standards through the adoption of Local Plan policies where additional standards can be justified and they do not adversely impact on development viability.
- 1.3 This report considers whether to pursue the inclusion - as part of the Local Plan review - policies on housing technical standards. The report sets out a summary of each of the standards, the benefits of implementing the standards and further work required to support and justify the inclusion of respective policies in the emerging Local Plan. This is done by conducting a high-level assessment of each of the Standards against the available information set out in this report and then making initial recommendations as to whether to pursue policy options.

## **2 THE NATIONAL PLANNING POLICY CONTEXT**

- 2.1 The National Planning Policy Framework (NPPF) states planning policies and decisions should ensure that developments (para.127) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Footnote (46) states: *“Planning policies for housing should make use of the Government’s optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties. Policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified”*.
- 2.2 The Planning Practice Guidance ‘Housing: optional technical standards’ reiterates the advice in the footnote. A whole Local Plan viability assessment and the testing of all policies will be completed prior to publication of the Regulation 19 (publication) version of the plan.

## **3 ADOPTED LOCAL POLICY CONTEXT**

- 3.1 There is no policy in the adopted Local Plan requiring standards relating to water efficiency but Policy D1 (Design of New Development) requires development to have regard to sustainable design and construction methods. The supporting text (paragraph 6.24) encourages developers to consider the integration of environmental optional extra features for residential developments, including those that would exceed the environmental performance of new homes required by Building

Regulations. Whilst the text continues to list examples of such features and refers to water management, there is no explicit reference to tighter water efficiency standards.

- 3.2 In relation to internal space standards, Policy D1 also considers the provision of appropriate storage and facilities for waste, recycling and cycle storage but there is no reference to space standards or other storage requirements.
- 3.3 Policy H6 (House Types and Mix) seeks to ensure that market housing meets the needs of the district's current and future residents, delivering a range of types and sizes. Notably, for development of 50 or more dwellings, the policy states the following will be provided: "*A proportion of dwellings which are suitable for occupation or easily adaptable for people with disabilities in accordance with Part M4(2) of the Building Regulations*".
- 3.4 The District Council's Good Design SPD, published in 2017, provides supplementary guidance to Local Plan policies for applicants relating to the Council's design aspirations for new developments. Amongst other matters it:
  - seeks to ensure spaces are fit for purpose having regard to their intended use and maximum number of occupants.
  - encourages applicants to demonstrate that sufficient space is provided to include items that would reasonably be expected to be found within a particular room, along with the appropriate space to function in each room.

The SPG does not go as far as specifying the space standards required.

#### **4 NATIONALLY DESCRIBED SPACE STANDARDS**

- 4.1 The Nationally Described Space Standards (NDSS) are intended to provide a reasonable minimum level of internal living space, reflective of the proposed level of occupancy for that dwelling. It 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 such as bedrooms, storage and floor to ceiling height. It is not a building regulation and remains solely within the planning system as a new form of technical planning standard.
- 4.2 The NDSS only applies to new build dwellings and not a change of use that requires full planning permission but does apply across all tenures.
- 4.3 A number of benefits are associated with the application of a minimum set of standards including improved family cohesion, reduced overcrowding, space for solitary activities such as studying or home working and suitable daylight and ventilation. These benefits have particularly become more relevant with increased agile working – which is likely to remain for many office based workers – as a result of the COVID-19 pandemic.
- 4.4 Due to the lack of national or local policy relating to space standards, it is not possible to refuse planning applications where space is considered to be inadequate. Inclusion of a policy (or policies) in the Local Plan would address this. However, to justify the inclusion of internal space standards the Guidance states this involves providing evidence of need based on the type and size of development currently being built and assessing the impact on viability. Where a policy has been adopted, there should also be a reasonable transitional period to enable developers to factor the cost of space standards into future land acquisitions.

- 4.5 The PPG also advises that two main impacts could arise from adopting a space standard – the viability of an individual development and as a consequence, the deliverability of potential site allocations for housing and implications on the housing land supply – and on affordability.

### **Assessment**

- 4.6 Taking the PPG advice, a small sample size of the Gross Internal Area (GIA) of dwellings were derived from floorplans and information submitted as part of planning applications. Table 1 provides a summary of the development sizes, their internal floor area and a comparison against the NDSS. Most of the floorplans only included Gross External Area (GEA) and so an assumption has been applied of an average cavity wall thickness 300mm. This equated, on average, to 10% of the GEA which has been deducted from the Gross External Area.

**Table 1: Comparison of permitted development GIA to the NDSS**

Settlement	Planning Permission	Number of Bedrooms / Occupancy	Gross Internal Floorspace m2*	National Space Standard (internal) m2
Coalville	18/00375/REMM (13/00956/OUTM – 360 dwellings)	1 / 2 (flat)	52.22	50
		2 / 3	72.1	70
		3 / 5	95.95	93
		3 / 6 (3 floors)	120.66	108
		3 / 6 (3 floors)	121.39	108
Coalville	17/00023/FULM (11 dwellings)	1 / 2 (bungalow)	53 (actual GIA)	50
		2 / 4	82.6 (actual GIA)	79
Coalville	17/01381/FULM (14 dwellings)	1 / 2	<b>External – 57.99</b>	<b>58</b>
		2 / 3 (flat)	External – 61.59	61
		2 / 3	External – 77.4	70
		3 / 4	External – 88.56	84
		3 / 4	External – 88.1	84
Moirra	16/00116/FULM (28 dwellings)	1 / 2 (bungalow)	External – 54.9	50
		1 / 2 (flat)	<b>External – 46.92</b>	<b>50</b>
		2 / 4	<b>External – 73.8</b>	<b>79</b>
		3 / 5	<b>External – 88.7</b>	<b>93</b>
Ravenstone	17/00304/FULM (19 dwellings)	2 / 3	External – 73.42	70
		3 / 5	<b>External – 82.8</b>	<b>94</b>
		4 / 6	<b>External – 103.62</b>	<b>106</b>

\* All figures are based on Gross External Area minus 10% exclusion of external walls, unless stated.

- 4.7 The figures shaded in grey are those where the GIA is below the NDSS for that development size.
- 4.8 The majority of developments exceed the NDSS, although it is evident, all be it from a small sample, that those that fall below the standards are the two developments in the smaller settlements of Moirra and Ravenstone. This potentially may indicate viability issues with providing the NDSS in the lower order settlements, however a larger sample size would be required to establish whether this is the case, and site

typologies reflective of the settlements and of comparable development sizes would need to be tested through the viability assessment.

### **Next steps**

- 4.9 Considering the potential benefits and the examples drawn from a small sample of developments, it is recommended that a policy on the NDSS in the Local Plan is pursued, subject to undertaking a larger survey of space standards for developments permitted since 2015. The survey should include developments of all sizes from a range of small and large house builders within a number of settlements reflective of each classification in the settlement hierarchy. This will provide sufficient evidence to inform whether a draft policy or policy options should be included in the Local Plan Regulation 18 consultation document.
- 4.10 The inclusion of any such policy in the final plan will be subject to the outcome from viability assessment work.

## **5 ACCESSIBILITY AND WHEELCHAIR HOUSING STANDARDS**

- 5.1 The NPPF (paragraph 61) makes clear that local planning authorities should seek to address the needs of different groups with specific housing requirements in their communities, including older people and those with disabilities.
- 5.2 The PPG states that an ageing population will see the numbers of disabled people continuing to increase and it is important to plan early and meet the needs throughout their lifetime. The PPG continues *“Plan-making authorities should set clear policies to address the housing needs of groups with particular needs such as older and disabled people. These policies can set out how the plan-making authority will consider proposals for the different types of housing that these groups are likely to require”*.
- 5.3 The provision of wheelchair accessible and adaptable housing built from the outset to meet current and future demand not only enables people to live more independently and not have to move home, but results in savings on a range of health and social costs in the long term.
- 5.4 The PPG draws a distinction between wheelchair accessible (ready for use by a wheelchair user at the point of completion) and wheelchair adaptable (a home that can be adapted to meet specific needs). It advises that Local Plan policies for wheelchair accessible homes should only be applied to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling i.e. social housing. All other requirements apply to both market and social housing.
- 5.5 The PPG suggests that the following information is considered when deciding whether to introduce the optional standards:
- the likely future need for housing for older and disabled people (including wheelchair user dwellings).
  - size, location, type and quality of dwellings needed to meet specifically evidenced needs (for example retirement homes, sheltered homes or care homes).
  - the accessibility and adaptability of existing housing stock.
  - how needs vary across different housing tenures.

- the overall impact on viability.

5.6 Basic accessibility requirements are set out in Building Regulations (Part M 2015). However, the PPG includes provisions for local planning authorities to consider requiring enhanced levels of accessibility, adaptability and wheelchair standards in new homes to help address the needs of specific groups. The categories – as set out in Building Regulations Part M10 are:

M4(2): Accessible and adaptable dwellings must be designed to enable most people to access and use the dwelling and incorporate features which:

- make it potentially suitable for a wide range of occupants, including older people and those with reduced mobility; and
- allow adaptation of the dwelling to meet the changing needs of occupants over time.

M4(3): Wheelchair user dwellings includes two different levels:

- Wheelchair adaptable dwellings which must be designed to allow simple adaptation of the dwelling to meet the needs of occupants who use wheelchairs.
- Wheelchair accessible dwellings which must be designed and built with the necessary features/adaptations included to enable it meets the needs of occupants who use wheelchairs.

5.7 The Building Regulations set out performance objectives to identify where a new dwelling has reasonable provision to meet the requirements of the optional accessibility standards. These are included at Appendix A of this report.

### **Assessing the need for wheelchair accessible and adaptable housing**

5.8 A Local Housing Needs Assessment undertaken to support the Local Plan considered the needs of older people and those with disabilities and looks at the potential requirements for housing built to the accessibility and wheelchair technical standards in accordance with the PPG.

5.9 The study identifies that over the period 2018-2036, the district is projected to see a notable increase in the older person population with the total number of people aged 65 and over increasing by 47% over this period. This compares with overall population growth of 13% and a modest increase in the under 65 population of 4%. The proportionate increase in the number of older people in the district is higher than that projected for Leicestershire and East Midlands.

**Table 2: Projected Change in Population of Older Persons (2018-2036)**

	NWL	Leicestershire	East Midlands	England
Under 65	4.3%	4.8%	1.3%	1.7%
65-74	27.5%	25%	24.7%	26.6%
75-84	61.8%	55.2%	50.5%	46.2%
85+	104%	90.1%	93.4%	83.9%
Total	12.8%	11.5%	9.1%	8.8%
Total 65+	46.6%	42.9%	41.5%	40.6%

5.10 Taking account of future population growth there is projected to be an increase of 61% of the population aged 65 and over with mobility problems. Other notable findings from the report include a future need for all types of specialist housing for

older people; a need for additional care bedspaces; and a need for around 400 dwellings to be for wheelchair users – meeting technical standard M4(3).

- 5.11 The study concludes that there is a clear need to increase the supply of accessible and adaptable dwellings and wheelchair user dwellings as well as providing specific provision of older persons housing. It recommends that the Council considers requiring all dwellings, in all tenures, to meet the M4(2) standards – this is compared to the current policy requirement only applying to applications for 50 or more dwellings. It also recommends at least 5% of homes meeting M4(3) for social housing, although it is not clear whether part M4(3)(2)(a) should also apply to market housing.
- 5.12 The study also recommends that the Council should consider if a different approach is more appropriate for market housing and affordable homes, recognising that registered providers may already build to higher standards.

### **Next Steps**

- 5.13 It is evident that current data suggests an increasing ageing population over a majority of the new plan period. The current evidence suggests the Council should continue with a requirement for proposals to be built to meet the M4(2) standards but explore applying this to all market and social housing proposals. The evidence also suggests the Council should seek to apply part M(3) – wheelchair user dwellings, however further testing would be needed as to whether (2)(a) should apply to both market and social housing.
- 5.14 There is sufficient evidence, at this stage, to inform policy options for inclusion in the Regulation 18 consultation draft. The inclusion of any such policy in the final plan will be subject to the outcome from viability assessment work.

## **6 WATER EFFICIENCY STANDARD**

- 6.1 All new homes already have to meet the mandatory national standard set out in Part G of the Building Regulations (of 125 litres /person /day).
- 6.2 To help manage demand for water, local planning authorities can set out Local Plan policies requiring new dwellings to meet the Building Regulations optional requirement of 110 litres /person /day, where there is a clear local need based on existing sources of evidence. The PPG states that a clear need can be informed by sources of evidence including consultation undertaken with the local water and sewerage company, the Environment Agency and catchment partnerships and consideration of the impact on viability and housing supply of such a requirement.
- 6.3 The higher standard could be met through either a fittings-based approach, which imposes maximum consumption rates for various fittings such as WCs, basin taps, and showers, or calculating the whole house water consumption using a ‘water efficiency calculator’ for new dwellings.
- 6.4 Water efficiency can bring a number of benefits including:
- Reducing water use automatically reduces water charges if a meter is installed;
  - There will be less waste water, reducing the risk of flooding and reducing the cost of treating the water;
  - It reduces a household’s carbon footprint – contributing to national carbon reduction targets;

- It preserves natural resources to help tackle climate change; and
- Reducing the use of hot water and so reducing consumption will also deliver lower energy bills.

6.5 The PPG states that the primary sources of evidence which might support a tighter water efficiency standard for new dwellings are:

- The Environment Agency Water Stressed Areas Classification (2021 now available) -
- Water resource management plans produced by water companies.
- River Basin Management Plans

It also states locally specific evidence may also be used, such as Water Cycle Studies.

### **Assessment**

6.7 The above readily available information sources have been used to understand the current evidence of water stress in the district, the impact of water supply on the local environment and demand pressures.

#### *Water Stress*

6.8 The Environment Agency's report on water stress areas was updated in July 2021. The report provides formal advice to the Secretary of State on which areas in England are areas of serious water stress.

6.9 North West Leicestershire is located within the area covered by Severn Trent. This area has been classed as 'seriously water stressed' – the most significant classification. This is a change from the 2013 classification of moderate stress across all demand scenarios with a 'final stress' of 'not serious'.

6.10 One of the reasons for the change in this classification is the use of the latest data from the Water Resource Management Plans (WRMP) published by the water companies in 2019 – including the WRMP for Severn Trent discussed below. The plans provided an improved understanding of water resource needs, including the impact of climate change, pressure on the environment and how to meet the challenges they create. The water stress method takes a long-term view of the availability and the demand for public water supply, rather than a snapshot of shorter or peak periods. It accounts for future population growth, climate change, environmental needs and increased resilience. It reflects and supports the commitments that water companies have made to reduce leakage and water consumption.

#### *Water Resources Management Plan*

6.11 Severn Trent is responsible for preparing the WRMP for managing supply and demand across its network. North West Leicestershire is located in the Strategic Grid Water Resource Zone. The WRMP indicates that in the absence of future investment, supply and demand shortfalls within the Strategic Grid are likely. However, the Strategy aims to tackle this predominantly by reducing leakage and connecting the grid to new supply sources. The WRMP also proposes several interventions for managing demand such as water efficiency advice and products.

#### *Humber River Basin District River Basin Management Plan*

- 6.12 The Humber River Basin Management Plan (RBMP) (which includes the River Trent as a tributary of the Humber) provides a framework for protecting and enhancing the benefits provided by the water environment. The RBMP highlights areas of land and bodies of water that have specific uses that need special protection, such as those used for drinking water.
- 6.13 A significant water management issues identified by the Plan, is the changes to the natural flow and level of water – affecting 6% of all water bodies in the Plan area. Reduced flow and water levels in rivers and groundwater caused by human activity such as abstraction or less rainfall than usual can result in reduced supply of drinking water and impact and damage habitats – including the potential impact on the River Mease SAC.
- 6.14 The RBMP sets how this issue can be managed by the various regulators, water management companies and policy makers. For local authorities, the Plan specifically states to make sure water is used efficiently, *“Local Government – sets out local plan policies requiring new homes to meet the tighter water efficiency standard of 110 litres per person per day as described in Part G of Schedule 1 to the Building Regulations 2010”*.

*North West Leicestershire Water Cycle Study*

- 6.15 The North West Leicestershire Water Cycle Study (WCS) was prepared to inform the adopted Local Plan. The WCS identifies long term solutions for preventing further deterioration in water quality and water resources facilitating development.
- 6.16 Section 8 of the study address water efficiency requirements. It identifies water resources that supply the district are under significant pressure. As part of a wider strategy to address water efficiency, the study recommended that all new homes be built to the Code for Sustainable Homes level 3/4 for water (105 l/h/d). The technical housing standard have superseded the CSH and so the 110 l/h/d is the alternative solution.

**Next Steps**

- 6.17 It is evident that the district is in area of water stress, increased demand and there is a clear need for the issue of water efficiency to be addressed by the responsible authorities. The Council should seek to pursue a policy relating to water efficiency, requiring developments to meet the tighter standard of 110 l/h/d for all developments.
- 6.18 It is considered there is sufficient evidence, at this stage in the plan preparation process, to support the inclusion of such a policy. As recommended by the PPG, further consultation should be undertaken with Severn Trent and the Environment Agency regarding the preferred policy approach – preferably prior to finalising a policy or policy options ahead of the Regulation 18 consultation.
- 6.19 The inclusion of any such policy in the final plan will be subject to the outcome from viability assessment work.

<b>Policies and other considerations, as appropriate</b>	
Council Priorities:	- Developing a clean and green district
Policy Considerations:	None

Safeguarding:	None discernible
Equalities/Diversity:	The Local Plan Review as an entity will be subject to an Equalities Impact Assessment.
Customer Impact:	None specific
Economic and Social Impact:	The decision, of itself, will have no specific impact. The Substantive Local Plan Review as a whole will Aim to deliver positive economic and social impacts and these will be recorded through the Sustainability Appraisal. .
Environment and Climate Change:	The decision, of itself, will have no specific impact. The Substantive Local Plan Review as a whole will Aim to deliver positive environmental and climate change benefits and these will be recorded through the Sustainability Appraisal.
Consultation/Community Engagement:	In due course the planning policy considerations outlined in the report will be incorporated in a consultation document for the Substantive Local Plan Review. The consultation arrangements will be governed by requirements in the Statement of Community Involvement
Risks:	A risk assessment for the Local Plan Review has been prepared and is kept up to date. As far as possible control measures have been put in place to minimise risks, including regular Project Board meetings where risk is reviewed.
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## APPENDIX A

For M4(2) these comprise:

- a) Within the curtilage of the dwelling, or the building containing the dwelling, it is possible to approach and gain step-free access to the dwelling and to any associated parking space and communal facilities that are intended for the occupants to use;
- b) There is step-free access to the WC and other accommodation within the entrance storey, and to any associated private outdoor space directly connected to the entrance storey;
- c) A wide range of people, including older and disabled people and some wheelchair users, are able to use the accommodation, including its sanitary facilities; and
- d) Features are provided to enable common adaptations to be carried out at a future date to increase the accessibility and functionality of the dwelling;
- e) Wall-mounted switches, socket outlets and other controls are reasonably accessible to people who have reduced reach.

For M4(3) these comprise:

- a) Within the curtilage of the dwelling or the building containing the dwelling, a wheelchair user can approach and gain step-free access to every private entrance to the dwelling and to every associated private outdoor space, parking space and communal facility for occupants' use;
- b) Access to the WC and other accommodation within the entrance storey is step-free and the dwelling is designed to have and the potential to achieve step-free access to all other parts;
- c) There is sufficient internal space to make accommodation within the dwelling suitable for a wheelchair user;
- d) The dwelling is wheelchair adaptable such that key parts of the accommodation, including its sanitary facilities and kitchens, could be easily altered to meet the needs of a wheelchair user or, where required by a local planning authority, the dwelling is wheelchair accessible;
- e) Wall-mounted switches, controls and socket outlets are accessible to people who have reduced reach.