

**LOCAL PLAN REVIEW DEVELOPMENT STRATEGY OPTIONS AND POLICY OPTIONS -  
JANUARY TO MARCH 2022**

**SUMMARY OF RESPONSES TO Q8**

**Q8 - DO YOU AGREE WITH THE PROPOSED POLICY ON ACCESSIBLE AND ADAPTABLE HOUSING? IF NOT, WHY NOT?**

<b>Summary of Comments</b>	<b>NWL Officer Response</b>
Generally supportive of moves to address accessibility and the application of the M4(2) accessibility standards which is becoming an industry standard.	Comments noted
<p>Strongly support the accessible and adaptable housing policy and reference to meeting Building Regulations M4(2). A Freedom of Information request was made by the respondent in January 2022, asking NWLDC to confirm the number of people in NWL who require an accessible home:</p> <ul style="list-style-type: none"> <li>• Requires single level – 111 applicants</li> <li>• Requires single level with level access shower – 146 applicants</li> <li>• Requires wheelchair accessible – 14 applicants</li> <li>• There are 13 applicants banded because their home required adaptations that cannot be carried out (or their landlord has refused permission)</li> <li>• 96 applicants are banded as having a medical need to move, some of which will require adaptations but some may need to move to alternative accommodation for another non-adaptation reason</li> </ul> <p>New homes that meet category M4(2) will deliver:</p> <ul style="list-style-type: none"> <li>• significantly fewer disabled people out of work, further reducing the impact on local government spending*</li> <li>• faster hospital discharges</li> <li>• Reduced local government expenditure on more expensive residential care settings</li> <li>• provide a better environment for ongoing independence when needs change</li> </ul>	Comments noted
<b>Potential duplication of the Building Regulations</b>	This is a relevant consideration. The government has consulted on potential changes to Part M of the Building Regulations (Raising

This is a matter that is more appropriately dealt with under the Building Regulations rather than planning policy. This policy will potentially duplicate the proposed changes to Part M of the Building Regulations.

accessibility standards for new homes) and published its response to the consultation in July 2022. The government has confirmed that it proposes to mandate Part M(2)

The government consultation sought views on the following five options:

- **Option 1** – Consider how recently revised planning policy on the use of optional technical standards impacts on delivery of accessible housing
- **Option 2** – Make M4(2) the minimum standard, with M4(1) applying by exception only. M4(3) would apply where there is a local planning policy in place (supported by evidence of need).
- **Option 3** – Make M4(2) the minimum standard, with M4(1) removed altogether. M4(3) would apply where there is a local planning policy in place (supported by evidence of need).
- **Option 4** - Make M4(2) the minimum standard, with M4(1) applying by exception only. A set percentage of M4(3) homes would also need to be applied in all areas.
- **Option 5** – Change the content of the mandatory technical standard, e.g. a revised M4(1) with requirements between the existing M4(1) and M4(2).

Paragraph 73 of the government’s July 2022 paper confirms that they propose to make M4(2) the mandatory standard (i.e. Option 2 above):

*“Government proposes that the most appropriate way forward is to mandate the current M4(2) requirement in Building Regulations as a minimum standard for all new homes... M4(1) will apply by exception only, where M4(2) is impractical and unachievable... Subject to a further consultation on the draft technical details, we will implement this change in due course with a change to the building regulations.”*

The July 2022 paper confirms that the government will consult further on the technical changes to the Building Regulations to mandate M4(2) and on their approach to how exceptions will apply. Paragraph 84 states that transitional

	<p>provisions are necessary to allow the industry to adapt.</p> <p>Given the government’s proposed direction of travel and to avoid any abortive work, for the time being it is recommended that no further work justifying a policy for accessible and adaptable homes (M4(2)) is progressed.</p>
<p><b>Suitability of the Council’s evidence</b></p> <p>More evidence is required, including being clear as to how the proposed requirement relates to the future needs within the area and whether the adaptability of existing housing has been considered, whether the needs across different tenures have been taken into account and whether consideration has been given to the impact that this requirement may have on the viability implications for development.</p> <p>The evidence does not identify local circumstances/need; an ageing population affects the whole country and is not an issue specific to North West Leicestershire. If the Government had intended that evidence of an ageing population alone justified adoption of optional standards, then such standards would have been incorporated as mandatory in the Building Regulations, which is not the case.</p> <p>The Council’s evidence (Local Housing Needs Assessment, JG Consulting, June 2020) does not justify the proposed approach.</p>	<p>In consulting on a review of Part M of the Building Regulations, the government has recognised the importance of suitable homes for older and disabled people:</p> <p><i>“The provision of appropriate housing for older and disabled people makes an important contribution to a safe and independent life. An ageing population will see the numbers of disabled people continuing to increase and it is important we plan early to meet their needs through policy change.”</i> (Paragraph 2, Raising accessibility standards for new homes: summary of consultation responses and government response, July 2022).</p> <p>The government has concluded that it <i>“is committed to raising accessibility standards for new homes”</i> (paragraph 71) and considers the most appropriate way to achieve this is to mandate M4(2) as the minimum standard for all new homes.</p> <p>Alongside government recognising the importance of this issue, the LHNA provides evidence of an ageing population and that is anticipated to increase by 2039. As the population grows, so too will the numbers of people with a long term health problem or disability: <i>“The growth shown in those with disabilities provides clear evidence justifying delivering ‘accessible and adaptable’ homes as defined in Part M4(2) of Building Regulations.”</i></p>
<p>The requirements have implications for the design of new homes, both internal and external and this should only be a planning policy requirement where there is evidence of need.</p>	<p>Evidence of need will not be required should M4(2) be made the minimum standard for all new homes as the government is proposing.</p>
<p>All new homes are built to M4(1) “visitable dwelling” standards. These standards include level approach routes, accessible front door</p>	<p>These comments are noted and it is agreed that newer properties built to M4(1) standards offer</p>

<p>thresholds, wider internal doorway and corridor widths, switches and sockets at accessible heights and downstairs toilet facilities usable by wheelchair users. M4(1) standards are not usually available in the older existing housing stock. These standards benefit less able-bodied occupants and are likely to be suitable for most residents.</p>	<p>greater accessibility benefits than many older properties.</p> <p>However, as set out in more detail above, the government has outlined its commitment to raising accessibility standards for new homes to M4(2) standard.</p>
<p>Many older people already live in the District and are unlikely to move home. No evidence is presented to suggest that households already housed would be prepared to leave their existing homes to move into new dwellings constructed to M4(2) standards. Those who do move may not choose to live in a new dwelling. Recent research by Savills “Delivering New Homes Resiliently” published in October 2020 shows that over 60’s households “are less inclined to buy a new home than a second-hand one, with only 7% doing so”. The District’s existing housing stock is significantly larger than its new build component, therefore adaption of existing stock will form an important part of the solution.</p>	<p>Comments noted, as set out in more detail above, the government has outlined its commitment to raising accessibility standards for new homes to M4(2) standard.</p>
<p><b>Viability</b></p> <p>The proposed policy should be taken into account in a Viability Assessment that seeks to ensure that “the total cumulative cost of all relevant policies will not undermine the deliverability of the plan” (PPG Ref. 10-002-20190509), in order to ensure that the policy requirement is “deliverable” in accordance with NPPF paragraph 16b. If it is the case that this Viability Assessment finds that the proposed level of provision would render development schemes unviable, then the level of provision should be capped at a level that would allow for viable schemes.</p>	<p>The policy will be tested as part of a whole plan viability assessment at Regulation 19 stage. This will be in accordance with guidance and will be prepared to ensure that “policies are realistic and the total cost of all relevant policies is not of a scale that will make the plan undeliverable” (PPG, Reference ID: 61-039-20190315).</p>
<p>The Government’s consultation “Raising Accessibility Standards for New Homes” estimates the additional cost per new dwelling is approximately £1,400 for dwellings, which would not already meet M4(2). The extra costs for M4(3) are much higher. In September 2014 during the Government’s Housing Standards Review, EC Harris estimated the cost impact of M4(3) per dwelling as £15,691 for apartments and £26,816 for houses. These costs should be</p>	<p>Comments noted.</p>

<p>applied plus inflationary cost increases since 2014. M4(2) and M4(3) compliant dwellings are also larger than NDSS (see DCLG Housing Standards Review Illustrative Technical Standards Developed by the Working Groups August 2013), therefore larger sizes should be used when calculating additional build costs for M4(2) and M4(3) and any other input based on square meterage except for sales values as enlarged sizes are unlikely to generate additional value.</p>	
<p>Again, there are costs associated with this policy which would increase the cost of housing, where in most of the cases there will be no functional need for dwellings to be built to this standard. This again will have impacts on the ability of people to afford a new build, as it has been built to a specification which does not benefit them, but with associated increased costs. People will purchase a dwelling based on their personal needs.</p>	<p>Comments noted, but it is also worth noting that people’s needs will change over time and delivering in accordance with M4(2) could enable people to live a more comfortable life in homes they purchased prior to having any older age/health related concerns. The government has acknowledged that this is an issue and as noted in more detail above, has outlined its commitment to raising accessibility standards for new homes to M4(2) standard.</p>
<p>If the requirements for M4(2) &amp; M4(3) are carried forward, the NPPG specifics that “Local Plan policies should also take into account site specific factors such as vulnerability to flooding, site topography, and other circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable. Where step-free access is not viable, neither of the Optional Requirements in Part M should be applied” (ID 56-008-20160519).</p> <p>It is suggested that flexibility is allowed in relation to scheme viability, for example by extending the above policy wording to read “exceptions to these requirements will only be considered where it can be robustly demonstrated that it will not be possible to provide safe, step-free access, <b>or where provision of accessible and adaptable housing would render the site unviable.</b>”</p>	<p>As confirmed above, the government is proposing to mandate M4(2) as the minimum Building Regulation standard (it is currently M4(1)). The accompanying response to the consultation statement confirmed that:</p> <p><i>M4(1) will apply by exception only, where M4(2) is impractical and unachievable.</i></p> <p>The government will continue to recognise that there are instances where M4(2) would not be achievable (as currently set out in the PPG, ID 56-008-20160519). However, the onus will be on developers to “justify the use of the M4(1) standard against specific individual homes and justify why M4(2) is not appropriate on their project.” (paragraph 78, government consultation respons)</p>
<p>The Local Housing Needs Assessment is based upon an assumed provision of 480dpa, it should be revisited based upon the higher proposed housing requirements (to consider whether the provision of all dwellings at Part M4(2) standard</p>	<p>The <a href="#">Leicester and Leicestershire Housing and Economic Needs Assessment</a> (HENA, June 2022) provides more up to date information on housing need. In any event, as the government is proposing to mandate M4(2) as the minimum standard in the Building Regulations, further</p>

<p>and 5% of affordable dwellings at M4(3) standard would be appropriate).</p> <p>Indeed, whilst it would be a reasonable to suggest that the additional demand in the plan period would increase directly in line with the increase in housing delivery, it is noted that the existing shortfall of accessible / adaptable housing comprises a significant amount of the overall shortfall that is expected by the end of the plan period. That figure, however, is a base figure that will not increase alongside the increased level of housing delivery that should be pursued. It may well be the case, therefore, that those needs could be met whilst requiring a reduced proportion (in terms of a percentage) of Part M4(2) and Part M4(3) housing.</p>	<p>work on justifying a policy approach for M4(2) is not considered necessary for the time being.</p>
<p>Accessible housing must be within areas where existing infrastructure is sufficient and where nearby retail outlets would benefit</p>	<p>Comments noted</p>
<p>Disabled and older people always need consideration</p>	<p>Comments noted</p>
<p>There is an increasing population who have disabilities of various kinds. And the number continues to rise. Where is this taken into consideration?</p>	<p>This proposed policy is seeking to provide more accessible/adaptable in the provision of new homes.</p>
<p>HIGH DENSITY Multi-dwelling units where people can live and shop and move to work more easily would be a better solution.</p>	<p>Comments noted</p>

## SUMMARY OF RESPONSES TO Q9

### Q9- SHOULD PART M4(3)(A) WHEELCHAIR ADAPTABLE DWELLINGS ALSO APPLY TO MARKET HOUSING? IF NOT, WHY NOT?

Summary of Comments	NWL Officer Response
<p>This is a matter that is best dealt with in the Building Regulations.</p>	<p>The government published 'Raising accessibility standards for new homes: summary of consultation responses and government response' in July 2022.</p> <p>With regards to M4(3) the government has concluded that:</p> <p><i>M4(3) would continue as now where there is a local planning policy in place in which a need has been identified and evidenced. Local authorities will need to continue to tailor the supply of wheelchair user dwellings to local demand."</i> (paragraph 74).</p> <p>The government resisted applying a set percentage of M4(3) homes to be applied in all areas (rather than this being done through local planning policy) because <i>"having a mandatory percentage for wheelchair homes could reduce the number of homes coming forward and therefore conflict with the objective to boost supply of accessible housing"</i> (paragraph 76).</p> <p>The government's intention is that <i>"the saved resource and expertise on making M4(2) policies will help local planning authorities focus on evidencing the need and proportion for wheelchair-user dwellings."</i> (paragraph 75)</p>
<p>Recommends 10% of new homes comply with Part M4(3) Standard (wheelchair accessible) due to the lack of wheelchair accessible properties available in general across the country. Consider that a 10% requirement of wheelchair ready (Part M4(3)) homes should be considered as a starting point for all local plans, with the remaining 90% meeting Part M4(2) accessible and adaptable dwellings. Recommend this approach for NWL which has been successfully adopted in the London Plan. Adequate number of homes should be built to Building Regulation M4(3) standard to meet national accessible home deficit.</p>	<p>Since the consultation ended, further evidence has come forward in the form of the <a href="#">Leicester and Leicestershire Housing and Economic Needs Assessment</a> (HENA, June 2022). Table 11.29 of the HENA estimates a need for wheelchair user homes between 2020 and 2041. For North West Leicestershire, the proportion of all market homes that would need to be M4(3)(A) compliant is 9%. In the affordable sector, the need for homes that would need to be M4(3)(B) compliant is 23%. These figures are based on estimates of the number of wheelchair users in each local authority, together with the relative health of the population (i.e. the proportion of the population whose day to day activities are</p>

	limited 'a lot' by their disability) and how this is likely to change between 2020 and 2041.
<p>M4(3)(a) wheelchair adaptable dwellings should also apply to market housing given the anticipated rise in persons requiring such adaptability in homes in future years.</p> <p>In respect of market housing the proportion of housing that is required to meet M4(3)(a) should be no greater than the need identified within the housing needs assessment for the District and take account of the level of provision delivered through affordable housing and supported housing schemes delivered across the overall scheme.</p>	Comments noted.
<p>Agree but numbers should be assessed on a site by site basis following discussion between the District Council and developers.</p>	<p>The NPPF requires plans to "contain policies that are clearly written and unambiguous, so it is evidence how a decision maker should react to development proposals" (paragraph 16d).</p> <p>If there is the evidence to underpin a 5% requirement for M4(3)(a) homes and the policy is acceptable in viability terms, then it would provide greater certainty for applicants and decision makers to include a percentage policy requirement rather than negotiate on a site and application basis.</p>
<p>Sensible as it would help make up for the relative lack in older housing stock.</p>	<p>Comments noted and it is far more efficient to design homes to meet future needs from the outset as opposed to retrofitting existing buildings.</p>
<p>Do not object to the requirement that 5% of affordable housing should be delivered to M4(3) standards, subject to a recognition that the topography of some sites will mean this may not be possible to deliver.</p> <p>It is important to note that the Planning Practice Guidance is clear that site specific factors that may make a site less suitable for M4(2) and M4(3) dwellings should be taken into account, and where step-free access is not viable, neither optional requirements in Part M should be applied.</p>	<p>Flexibility can be built into the policy/supporting text so that it accords with the PPG.</p>
<p>Object to the suggestion that this requirement should be applied to the market housing. This</p>	<p>Since the consultation ended, further evidence has come forward in the form of the <a href="#">Leicester</a></p>



requirement has not been justified and there is no evidence to justify such a requirement. Such a requirement seems to be arbitrary and should not be pursued as part of the ongoing development of this Local Plan.

Should the Council wish to include M4(3) for market housing and the evidence supports its application, the Council will need to provide evidence, setting out the specific case for Optional Technical Standards in North West Leicestershire. Limited evidence with regard to the 5% requirement, particularly in relation to size, accessibility and adaptability of existing housing stock, location and quality of dwellings needed to meet identified needs has not been undertaken.

[and Leicestershire Housing and Economic Needs Assessment](#) (HENA, June 2022). Table 11.29 of the HENA estimates a need for wheelchair user homes between 2020 and 2041. For North West Leicestershire, the proportion of all market homes that would need to be M4(3)(A) compliant is 9%. In the affordable sector, the need for homes that would need to be M4(3)(B) compliant is 23%. These figures are based on estimates of the number of wheelchair users in each local authority, together with the relative health of the population (i.e. the proportion of the population whose day to day activities are limited 'a lot' by their disability) and how this is likely to change between 2020 and 2041.

In terms of Part M4(3) (a), this requirement should not be applied to market housing. The requirement for Part M4(3) should only be required for dwellings over which the Council has housing nomination rights, as outlined in the Planning Practice Guidance.

It is also noted that the Council is seeking to apply M4(3) standards to 5% all new housing. It is noted that the NPPG (ID 56-008-20150327) only requires this for dwellings over which the Council has housing nomination rights. Therefore, whilst it should be encouraged across all developments, it should only be required in these specific circumstances. This is to prevent many housing schemes suffering viability concerns given that cost increase estimates provided to the Government's Housing Standards Review by EC Harris estimated £15,691 per apartment and £26,816 per house. Again, this is something that should be considered as part of the whole plan viability exercise which is encouraged by national policy.

We do not agree with the proposed policy wording. Section 3A is the approach to the dwelling and is optional under Building Regulations only required where there is a planning condition requiring compliance with this optional requirement. 3A is the approach route between the dwelling and the point, or points, at which a wheelchair uses or other

The PPG is clear that local plan policies for **wheelchair accessible homes** should only be applied to dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling (Reference ID: 56-009-20150327). Wheelchair accessible homes fall under part M4(3) (b) of the Building Regulations, whereas part M4(3) (a) (to which this question relates) deals with wheelchair **adaptable** housing. There are examples of other local planning authorities (e.g. Doncaster) that have applied an M4(3)(a) policy requirement to **all** homes and this has been regarded as a sound approach by the Local Plan Inspector.

<p>disabled occupant or visitor, would expect to get in and out of a car. This needs evidence of need which is not in place to underpin such a policy, especially for market housing where occupancy is typically subject to the market and not controlled by the local authority</p>	
<p>It is entirely appropriate to apply a requirement for Part M4(3)a housing only to affordable housing, rather than market housing. Indeed, the Council's LHNA identifies that wheelchair users comprise a higher proportion of social tenants compared to owner-occupiers. Thus, reflecting that by providing wheelchair adaptable dwellings in the form of affordable housing only is a sensible approach.</p> <p>With that said, BHL's response to Question 8 highlights that, when taking into account the need to adopt a 730dpa housing requirement, the requirement for M4(3) housing within the affordable housing offer may reduce in any event.</p>	<p>Since the consultation ended, further evidence has come forward in the form of the <a href="#">Leicester and Leicestershire Housing and Economic Needs Assessment</a> (HENA, June 2022). Table 11.29 of the HENA estimates a need for wheelchair user homes between 2020 and 2041. For North West Leicestershire, the proportion of all market homes that would need to be M4(3)(A) compliant is 9%. In the affordable sector, the need for homes that would need to be M4(3)(B) compliant is 23%. These figures are based on estimates of the number of wheelchair users in each local authority, together with the relative health of the population (i.e. the proportion of the population whose day to day activities are limited 'a lot' by their disability) and how this is likely to change between 2020 and 2041.</p>
<p>Any proposed policy should be considered as part of the Local Plan Viability Assessment to ensure that any proposed approach does not compromise viability of development.</p>	<p>The policy will be tested as part of a whole plan viability assessment at Regulation 19 stage. This will be in accordance with guidance and will be prepared to ensure that "policies are realistic and the total cost of all relevant policies is not of a scale that will make the plan undeliverable" (PPG, Reference ID: 61-039-20190315).</p>
<p>It should be noted that many older people living in the district are unlikely to move home. The HBF in its submission points to research by Savills that shows that over 60s households are less inclined to buy a new home than a second-hand one. Given the size of the Council's existing stock, the Council should recognise that adaptation of existing stock is a key issue that would result in more positive outcomes than solely focusing on new build.</p>	<p>Comments noted but designing homes from the outset to meet future needs is far more efficient than retrofitting existing buildings.</p>
<p>Putting such dwelling where the householders will be isolated - and that is what happens in big builds, makes for an unhealthy situation. Where bungalows for the disabled are crowded together and there are No facilities just creates another sort of ghetto.</p>	<p>Comments noted</p>

It should but most developers work with profits per unit paramount	Comments noted
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