

Subject:	Accessible housing and Lifetimes Homes Planning Advice note		
Date of Meeting:	13th November 2014		
Report of:	Executive Director Environment Development and Housing]		
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Ward(s) affected:	All		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 To seek approval to consult on interim guidance on accessible Housing and Lifetime Homes to meet a temporary void in guidance. The government is consulting on new standards which, in due course, will provide the basis for all access standards nationally.

2. RECOMMENDATIONS:

- 2.1 That the committee approve the draft PAN 03 for consultation for a period of a minimum of 6 weeks and (as a temporary measure)
- 2.2 That the committee adopt the interim PAN 03 as the interim guidance for applicants for development control purposes

3. CONTEXT/ BACKGROUND INFORMATION

The National Planning Policy Framework obliges the Council to look for good design and that means inclusive design. It defines inclusive design as *'Designing the built environment, including buildings and their surrounding spaces, to ensure that they can be accessed and used by everyone.'*

A planning advice note (PAN) PAN 03 'Accessible housing and Lifetime Homes' was first adopted by the Council in 2007. It was produced in support of Local Plan Policy HO13 in the 2005 local plan and sets out the specific standards expected of planning applications for new housing.

The policy specifically refers to a planning advice note setting out design criteria for lifetime homes and wheelchair standards.

The requirements in the original PAN were based on two nationally recognised documents.

The Wheelchair Housing Design Guide, produced by Habinteg Housing Association and others and

The 16 **Lifetime Homes Standards** produced by the Joseph Rowntree Foundation, the national standards for adaptable housing, both documents published by BRE Press.

The original PAN03 was withdrawn from the Council's website some time ago in order to revise it to reflect the changes made to both of the source documents. At the time of review there was considerable uncertainty that Local Authorities would be permitted to apply local access requirements in the light of the consultation on the National Housing Standards Review. That review took place in 2013 and one of the outcomes was that it was proposed that Lifetime Homes and wheelchair accessible housing would go into the Building Regulations in the spring of 2014. A further round of consultation on the proposed standards relating to accessible housing has now been announced and will delay introduction until 2015. (A separate report will cover the response to those consultations).

Officers continue to seek new dwellings to Lifetime Homes Standards and to secure 5% of new dwellings to be wheelchair accessible as part of the planning application process. There is no current Planning Advice Note in place to explain what these standards require.

Whilst acknowledging that new standards are likely to be introduced in the foreseeable future the exact timeframe is uncertain and it is important to provide applicants with clear guidance on the council's requirements in the interim. The revised PAN, setting out what we mean by Lifetime Homes Standards and what we mean by 'Wheelchair Accessible Housing', will meet this requirement once formally adopted and placed on the website.

Although the Habinteg Wheelchair Housing Design Guide is the widely accepted standard across the country there are other standards which accept a lesser degree of provision and until the new PAN is published it would be difficult to justify not accepting another standard in the absence of clear guidance.

The Lifetime Homes Standards, that many councils already require as part of the planning application process, is aimed at producing housing that can be easily adapted to meet the changing needs of the occupants, whether temporary or permanent, resulting from illness, ageing or loss of mobility.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

The previous PAN 03 was withdrawn when the two standards it sought to refer to were amended. At that time it was anticipated that national standards would be in place by y spring 2014. It is now apparent that these will not be in place until an unknown date in 2015.

The Council could continue without current guidance in anticipation of a new standard being adopted but current experience is that applicants are making planning applications for development that meet a range of other standards and there is a resultant inconsistency in the application of this policy. The policy also specifically refers to the guidance set out in the accompanying Planning Advice Note. The recommendation is based upon providing certainty to applicants and agents and consistent decision making.

5. COMMUNITY ENGAGEMENT & CONSULTATION

This report seeks approval to a round of consultation (proportionate to the interim nature of the proposed document) which will be no less than six weeks of targeted consultation with appropriate disabled groups, architects, developers and agents.

6. CONCLUSION

- 6.1 This is a short term measure pending publication and adoption of the national housing standards review requirements. The purpose is to provide clarity, in the interim, for applicants, agents and officers in meeting standards of Lifetime Homes and Wheelchair Accessible Housing.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

Costs of officer time and consultation associated to the recommendations in this report will be funded from the existing revenue budget within the Planning service. Any financial implications associated with implementing measures in relation to the advice note will be reviewed and included in future reports to Committee.

Finance Officer Consulted: Steve Bedford

Date: 2/09/14

Legal Implications:

A Planning Advice Note (PAN) is not a statutory planning document and therefore cannot be afforded full statutory weight in the determination of relevant planning applications.

In exercising its various functions, including its function as a local planning authority, the Council has a duty, under s149 of the Equality Act 2010, to have due regard to the need, inter alia, "to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it". "Relevant protected characteristics" include age and disability. The PAN, the subject of this report, is in keeping with this duty.

It is not considered that any adverse human rights implications arise from this report.

Lawyer Consulted:

Hilary Woodward

Date: 3/11/14

Equalities Implications:

An Equality Impact Assessment has not been carried out or planned as this is an interim measure. However, the Council has legal duties under the Equality Act 2010 as set out in the paragraph 7. above.

The Council is vulnerable to legal challenge if it does not fulfil its obligations under the Equality Act, specifically, in this context to consider the needs of disabled people. The NPPF makes it abundantly clear that looking for good (i.e. inclusive) design when dealing with planning applications is such an obligation. It is important to have the revised Planning Advice Note in place in order to show that the Local Planning Authority have considered the needs of disabled people when formulating their decision on an application.

Sustainability Implications:

The Lifetime Homes Standards are aimed at producing housing that can be easily adapted to meet the changing needs of the occupants. Where homes are not built with this in mind there will be an environmental consequence when people are forced to move house because their existing property cannot be adapted to meet their needs. The move to a new house frequently involves new carpets, curtains, paint, paper, appliances and so on, all of which have embedded costs in both materials and the energy required to produce them.

SUPPORTING DOCUMENTATION

Appendices:

Appendix 1 Draft PAN 03

1.

Background Documents

1) National Planning Policy Framework

2) The Wheelchair Housing Design Guide, produced by Habinteg Housing Association and others and

3) Lifetime Homes Standards produced by the Joseph Rowntree Foundation, the national standards for adaptable housing, both documents published by BRE Press.

Appendix 1

PAN 03 Revised 2014

Introduction

The Council has long recognised that, like other places in this country, much of the existing housing stock in the City is inconvenient and inaccessible for many people. Consequently, all new housing in Brighton & Hove needs to be built so that it is capable of meeting the longer term needs of households, such as a family member with a broken leg, someone with a longer term serious illness, or parents carrying heavy shopping and dealing with a pushchair. The aim is not to surround everyone with facilities they do not need but to ensure that homes are flexible enough to meet whatever comes along in life. Homes should be able to meet the needs of both residents and visitors to the premises. The Council also recognises that, for a small percentage of local people, there is a more specific need for some new housing to be built to incorporate additional features which will meet the needs of wheelchair users from the outset.

This advice note was first published in 2007 to explain the differences between the basic Lifetime Homes standard and the more onerous Wheelchair Accessible Housing standard and to set out the relevant planning policy. Since that time, the Lifetime Homes Standards, upon which some of this guidance is based, have been revised and so has the Wheelchair Housing Design Guide which is also used as a key reference source. The Lifetime Homes Standards and the Wheelchair Housing Design Guide are nationally recognised standards that are freely available to all so the decision has been taken that it is not necessary to replicate them in this guide. This Planning Advice Note has been revised to simply reference the two standards and to explain how the advice in the respective documents will be applied in practice.

It must be emphasized that all new housing must meet the Lifetime Homes Standards and the Wheelchair Accessible housing requirements must then be additionally applied to any relevant units. The table showing the requirements for Wheelchair Accessible housing only contains requirements which are additional to, or more stringent than, the Lifetime Homes standards.

Planning Policy Framework

Government Guidance

The Government has stated a commitment to achieving an inclusive society in which nobody is disadvantaged. An important part of delivering that commitment is removing physical barriers and exclusions imposed on people by poor design of buildings and other environments. It is now widely recognized that designing to meet the needs of disabled people produces a building which is much more user friendly for everyone. The needs of a wheelchair user are very similar to the needs of somebody pushing a buggy and we can all benefit from the clearer way finding information which may be provided to help people with impaired vision.

The National Planning Policy Framework requires planning authorities to look for inclusive design in every application for planning permission and defines inclusive design as *'Designing the built environment, including buildings and their surrounding spaces, to ensure they can be accessed and used by everyone.'*

In addition, the Council has a legal obligation, under the Equality Act 2010, to consider the needs and promote the rights of disabled people in the way it carries out its statutory duties. That obviously includes determining applications for planning permission.

Local Planning Policy

In addition to the more obviously recognised forms of disability, research has shown that the isolation created by unsuitable and inaccessible housing is one of the main reasons people are forced to give up their homes prematurely. As life expectancy increases, there is little doubt that we will continue to see an increase in the wide range of degenerative types of disability associated with age. The Council is committed to ensuring that all new housing, and the associated private and public spaces, will enable people with disabilities to integrate fully into society and help people to live independently for as long as possible.

In terms of housing development, the relevant local plan policy is HO13 Accessible Housing and Lifetime Homes. The policy and the supporting text are quoted below.

Local Plan Policy HO13 Accessible housing and lifetime homes

Planning permission will only be granted for new residential dwellings that are built to a lifetime homes standard whereby they can be adapted to meet the needs of people with disabilities without major structural alterations. A proportion of all new dwellings on larger sites (of more than 10 new dwellings) should be built to a wheelchair accessible standard.

Proposals for conversions and changes of use to provide residential accommodation will be expected to demonstrate that, wherever it is practicable, Lifetime Homes criteria have been incorporated into the design. Design criteria for Lifetime Homes and wheelchair standards are set out in Planning Advisory Notes.

4.70 Policy HO13 responds to the objectives of securing equal access to housing for people with disabilities and meeting the needs of households as their occupants grow older or circumstances change. This approach is consistent with an under-supply of housing capable of being adapted to meet the needs of people with disabilities in Brighton and Hove and the need for the planning system and plans to respond to the challenge of meeting the housing requirements of the whole community.

4.71 The policy is intended to complement the Building Regulations by ensuring that access issues are considered at an early stage in the development process. It is consistent with the council's Housing Strategy which seeks to maximise the provision of accommodation suitable for people with disabilities and has strong links with other policies intended to provide greater choice and a better mix of housing.

4.72 Up to date monitoring suggests that the percentage of homes to be built to a wheelchair accessible standard on larger (10+) housing sites should be approximately 5% overall. This is based on the numbers of people in Brighton & Hove holding a disabled persons 'Blue Badge'. It should be noted that in affordable housing schemes, 10% wheelchair accessible housing is sought which reflects registered need. Regular assessment of the housing needs of disabled people over the plan period may lead to a higher, or lower, percentage of wheelchair accessible housing being required.

Section Two: Application of the Policy

Local Plan Policy HO13 applies to all new housing. That includes new build developments, housing created by conversion of buildings from other uses and also the creation of new housing units within an existing residential building. The physical constraints which may exist in some of these different situations make it necessary to apply the policy to differing levels as set out below.

New Build Housing

The policy will be applied rigorously. All new housing within the development will be expected to meet the Lifetime Homes Standard and a percentage of homes in larger developments of more than 10 units will be expected to meet the Wheelchair Accessible Standards set out in the Wheelchair Accessible Housing Design Guide.

Conversion of a building from other uses to housing

In this type of development there is usually a degree of flexibility in how the space is divided and where partitions are positioned. All new housing created by conversion/change of use will be expected to meet the standards described above but reasonable allowance will be made for any features of the existing building which need to be retained, whether for structural reasons, because of other planning and listed building considerations or for some other, well substantiated, reason.

Creation of new housing units in an existing residential building

In this type of development, designers will be expected to demonstrate that a reasonable effort has been made to accommodate as many of the Lifetime Homes Standards as possible. Greater allowance will be made, however, for any features of the existing building which need to be retained. Consideration will also be given to the need to balance the need for reasonable room sizes against the provision of Lifetime Homes.

Size and Distribution of Wheelchair Accessible Units

Many wheelchair users live with a carer who is not necessarily their partner. For that reason, the majority of the wheelchair accessible units should have at least two bedrooms or, at the very minimum, a separate living room, kitchen and bedroom. Single bedroom units where the living accommodation and kitchen space are in the same room do not provide suitable sleeping accommodation for this type of household. The main reasons are that a kitchen which is in a living room cannot be used freely without disturbing a person sleeping there and also that the potential safety risks associated with kitchens make them unsuitable as sleeping places.

It should be noted that 5% of dwellings on any development of more than 10 units should be built to the wheelchair accessible standard but the requirement rises to 10% of all units in the affordable part of each development. That is because of registered need in the City and also because wheelchair users are nationally known to have lower average earnings and are consequently more likely to need such units. In developments with more than one wheelchair accessible unit, every effort should be made to distribute the units throughout the building in order to offer choice of floor and aspect. Some people prefer to be on an upper floor because there is a view and also because it feels more secure. It is preferable that wheelchair accessible units should not be grouped together on the entrance floor.

Lifetime Homes Standards can be viewed and downloaded from the Lifetime Homes website at www.lifetimehomes.org.uk A very useful guide to the application of the Standards published by, BRE Press, is also available and details are on the website.

The Wheelchair Housing Design Guide, also published by BRE Press, is produced by Stephen Thorpe and Habinteg Housing Association.