

**Policy Note on Rossendale Local Standards for
Accessibility to and Adaptability of New
Housing**

November 2022



1. Introduction

1.1 This note provides further information on the requirement introduced by Policy HS5 of the adopted Rossendale Local Plan (2019 to 2036) to provide a proportion of housing units that meet the needs of elderly or disabled residents, being easily accessible and adaptable in line with the optional standard M4(2) of the Building Regulations. The policy applies to sites that can deliver 5 dwellings or more.

1.2 The note sets out the national policy and regulations context before discussing the local policy requirement and providing further details on how developers and planning applicants can demonstrate compliance.

2. Context

Building Regulations

2.1 The existing minimum standard for accessible housing in England (M4(1)) is set out in Schedule 1 of the Building Regulations 2010 (as amended). It has four main requirements to ensure homes are accessible and visitable for most people, including wheelchair users. These are a level access to the main entrance; a flush threshold; sufficiently wide doorways and circulation space; and a toilet at entrance level. This mandatory standard applies for all new build dwellings, but not to extensions or changes of use. However, where there is a material alteration to a building's access, the building cannot be made less compliant than it was before the alteration.

2.2 The higher M4(2) standard requires additional features including a living area which is on the same level of the entrance and a step-free access to all entrance level rooms and facilities (including car parking spaces, private outdoor space and communal facilities if any). It also means that doorways and corridors should be wider and clear access routes should be provided to reach windows. It also includes other requirements to make homes more easily adaptable to meet the needs of older people, those with reduced mobility and some wheelchair users. For example, walls should be strong enough to allow future installation of grab rails and stairs should be wide enough to allow the fitting of a stair lift.

2.3 The Government is committed to raise accessibility standards in new homes and following a consultation in 2020 considers that the way forward is to make the optional standard M4(2) mandatory with the current minimum standard M4(1) applying only in exceptional cases where M4(2) is not practical or not achievable¹. This could be due to a site vulnerability to flood risks, topography or other

¹ Department for Levelling Up, Housing & Communities (2022) – Raising accessibility standards for new homes: summary of consultation responses and government response - Consultation Outcome. Available at <https://www.gov.uk/government/consultations/raising-accessibility-standards-for-new-homes/outcome/raising-accessibility-standards-for-new-homes-summary-of-consultation-responses-and-government-response>

circumstances where a free step access might not be possible. A consultation is expected in the future regarding details of the proposed changes to building regulations. Once the new building regulations come into force, they will supersede Policy HS5, however until such time, Policy HS5 should be applied to all residential development proposals for 5 dwellings or more.

National Policy

2.3 The National Planning Policy Framework encourages the creation of well-designed places including the provision of a high standard of amenity for existing and future users. Footnote 49 in particular, allows local planning authorities to set optional technical standards for accessible and adaptable housing to address a particular local need.

2.4 During the Local Plan Examination, it was reported² that the proportion of residents aged 65+ in Rossendale will increase by 35% between 2019 and 2034, with a need for 607 elderly housing units during this period. In addition, the proportion of households containing one or more adults with some form of disability in Rossendale (19.8%) is above the national average of 17.6%.

2.5 The Local Plan Inspectors' Report³ acknowledges that although policy HS5 is unlikely to fully address the need of the elderly or disabled residents "the requirement for 20% has been shown to not prejudice the viability of development through the Council's Viability Assessment and will therefore optimise delivery without being a barrier to development."

Rossendale Local Policy

2.6 The Rossendale Local Plan 2019 to 2036 was adopted by the Council on 15 December 2021. Policy HS5 – Housing Standards introduces a requirement to plan and deliver a proportion of homes to a higher standard, in terms of access to and use of a building, than the mandatory standard M4(1).

² Rossendale Borough Council (2020) - Note from Rossendale Borough Council providing further information on housing standards as requested by the Local Plan's Inspectors and published after the Local Plan's public hearings. Available at https://www.rossendale.gov.uk/downloads/file/16006/el80042_action_42_-_housing_standards

³ The Planning Inspectorate (2021) – Report on the Examination of the Rossendale Local Plan. Available at https://www.rossendale.gov.uk/downloads/file/17069/el13001a_-_inspectors_report_on_the_examination_of_the_rossendale_local_plan

Policy HS5: Housing Standards

In accordance with the national regime of optional technical standards for housing, the Council will adopt the following local standards for new housing developments of five dwellings or more, in line with the National Planning Practice Guidance: at least 20% of any new housing provided on a site should be specifically tailored to meet the needs of elderly or disabled residents, or be easily adaptable in line with the Optional Standards M4(2) of the Building Regulations. The Council will expect submitted information to demonstrate how this has been achieved.

2.7 The optional standard M4(2) provides a higher level of accessibility which can benefit a wide range of people who live in or visit a dwelling. This would be beneficial in particular to older or disabled people including some wheelchair users.

2.8 In applying the 20% ratio, the Council will round down the number of M4(2) compliant dwellings for decimal numbers lower than 0.5 (eg at least 1 compliant dwelling for schemes of 6 or 7 dwellings) and round it up for decimal numbers equal to 0.5 or higher (eg at least 2 compliant dwellings for schemes of 8 and 9 dwellings).

3. Information required to demonstrate compliance with the policy

3.1 Proposals following the statutory guidance set out in the *Access to and use of buildings: Approved Document M (Volume 1: Dwellings)*⁴ 2015 edition (or more recent editions) will be considered to comply with Policy HS5.

3.2 The M4(2) optional requirement from the Building Regulations is described as follows in the approved document:

- (1) Reasonable provision must be made for people to –
 - (a) Gain access to; and
 - (b) Use the dwelling and its facilities.

- (2) The provision made must be sufficient to –
 - (a) meet the needs of occupants with differing needs, including some older or disabled people; and
 - (b) to allow adaptation of the dwelling to meet the changing needs of occupants over time.

⁴ Available at

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/540330/BR_PDF_AD_M1_2015_with_2016_amendments_V3.pdf

3.3 Reasonable provision is considered to have been made if:

- a. Within the curtilage of the dwelling, or of 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 intended for the occupants to use.
- b. There is a 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 and its sanitary facilities.
- d. Features are provided to enable common adaptations to be carried out in future 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.

3.4 For further details on how reasonable provision can be met, please refer to the Approved Document M Volume 1, 2015 edition (or any more recent editions).

3.5 In addition, the following information is required to be submitted as part of a planning application for a residential scheme of 5 or more dwellings:

- the **location of the adaptable dwellings should be shown on a site layout;**
- a **standalone statement or a statement incorporated into the Design and Access Statement outlining the number of adaptable dwellings to be built on-site, and detailing the characteristics of these dwellings that demonstrate compliance with the M4(2) building standards.**

3.6 The requirement for the adaptable dwellings to be M4(2) compliant in perpetuity will be set out in the Section 106 agreement or in a condition attached to the planning permission as appropriate. Examples of appropriate wording are provided below.

a) Compliance condition (where full details of the M4(2) dwellings have been submitted prior to determination):

Each M4(2) compliant dwelling shall be constructed in strict accordance with the approved details and none of which shall be occupied until evidence of compliance with the M4(2) standard has been submitted to and approved in writing by the Local Planning Authority. The approved details should also be submitted alongside building regulations applications for the development. The approved measures shall be retained for the lifetime of the development.

Reason: To provide for a development that meets the needs of the elderly or disabled.

b) Request for further details condition:

No development should take place until details of x adaptable dwellings to be constructed within the development including details of how they will comply with the M4(2) building standards, has been submitted and approved in writing by the Local Planning Authority. The details shall include a statement, and a plan showing the location of the adaptable dwellings. The adaptable dwellings shall not be occupied until evidence of compliance with the M4(2) standard has been submitted and approved in writing. The approved details should also be submitted alongside building regulations applications for the development. The approved measures shall be retained for the lifetime of the development.

Reason: Insufficient information has been submitted with the application, and to provide for a development that meets the needs of the elderly or disabled.

c) Example of Section 106 wording:

The Owner covenants with the Council that:

- 1. The Owner shall provide that X of the Dwellings, [details of the relevant dwellings] (the Adapted Dwellings) are designed, constructed and completed to adaptable standards via reference to M4(2) of the building regulations.*
- 2. The Adapted Dwellings shall be M4(2) compliant in perpetuity.*
- 3. The Owner shall provide details of the Adapted Dwellings as part of a building control application submitted to the Building Control Inspectors.*
- 4. It shall allow the Council to have access to the M4(2)-compliant Dwelling(s) at all reasonable times to monitor compliance with the covenants in this Schedule and that it will provide the Council with such information as the Council shall request from time to time to verify or check such compliance.*
- 5. The Owner shall pay to the Council the following monitoring fee:
(a) a monitoring fee of £X in respect of the monitoring of the obligations at X on the date of service of the notice of Commencement of Development pursuant to X⁵.*

- 3.7 When submitting a building control application, the applicant should notify Building Control Inspectors of the number and details of dwellings to be built to the higher M4(2) standard. Rossendale Borough Council will undertake checks to ascertain whether the dwellings approved have been built according to the M4(2) standards and the completions of such dwellings will also be reported in the Authority Monitoring Reports.

⁵ This will be in accordance with the fees set by the Council for monitoring s.106 obligations. These fees are currently recorded in the Annual Infrastructure Funding Statement

Glossary of key terms as set out in Approved Document M (2015 edition)

Communal or common (area, facilities or entrances): Shared area accessed by, or intended for the use of, more than one dwelling.

Dwelling: A house or flat. Student accommodation is treated as hotel/motel accommodation.

Entrance storey: The floor level (of the dwelling) on which the principal private entrance is located.

Flat: Separate and self-contained premises constructed or adapted for residential purposes and forming part of a building from which it is divided horizontally.

Private (area, facilities or entrances): Area belonging to an individual dwelling.

Step-free: Route without steps but that may include a ramp or a lift suitable for a wheelchair user.