

Compiled by the Planning Policy, Projects & Heritage Team
at Brighton & Hove City Council

Space and Accessibility Standards Topic Paper

May 2021



Brighton & Hove
City Council

| Contents | Page |
|--|-------------|
| 1. Introduction | 2 |
| • Policy Context..... | 2 |
| 2. Space Standards Evidence | 3 |
| • Need | 4 |
| • Viability..... | 6 |
| • Timing..... | 6 |
| • Residential Development outside Use Class C3 | 8 |
| • Minimum internal space threshold for residential sub-division..... | 9 |
| 3. Accessibility Standards..... | 10 |
| • Likely Future Need for housing for older and disabled people..... | 12 |
| • Disability | 13 |
| • Delivery of accessible/adaptable homes | 15 |
| • Viability..... | 16 |
| 4. Proposed Submission (Regulation 19) consultation | 17 |
| 5. Conclusion..... | 17 |
| Appendix: Table 2 - Minimum gross internal floor areas and storage (sq.m)..... | 19 |

1. Introduction

- 1.1 The purpose of this Topic Paper is to provide background information on the introduction of the government's minimum space standards and the enhanced optional standards for accessible and adaptable housing in the Proposed Submission City Plan Part 2 (CPP2). The proposed standards set out in Policy DM1 Housing Quality, Choice and Mix of the draft CPP2 complement the objective of the adopted City Plan Part 1 (CPP1) to improve quality, choice and mix of housing in the city. The approach is therefore consistent with paragraph 61 of the National Planning Policy Framework (NPPF) which sets out that Local Planning Authorities (LPAs) should seek to ensure that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.
- 1.2 The Topic Paper also provides some background to Policy DM3 Residential Conversions and Retention of Smaller Dwellings which seeks to manage the supply of smaller dwellings suitable for family accommodation. That policy complements Policy DM1 and is consistent with the NPPF.
- 1.3 In 2015 the Government introduced the Nationally Described Space Standard (NDSS), following on from the Housing Standards Review¹. Whilst the majority of the recommendations of the Review were incorporated into the Building Regulations, the space and enhanced accessibility standards were treated as optional standards that Local Planning Authorities (LPAs) can adopt through their Local Plan where there is demonstrated to be a local need.
- 1.4 The National Planning Practice Guidance (NPPG) sets out that where an LPA seeks to introduce an internal space standard in accordance with the NPPF, they should only do so by reference to the Nationally Described Space Standards (NDSS). LPAs will however need to gather evidence to determine whether there is a need for additional standards in their area, and must justify setting appropriate policies in their Local Plans.
- 1.5 This CPP2 Topic Paper therefore provides evidence of need for the optional technical standards relating to space and accessibility in Brighton & Hove, and demonstrates that the introduction of these enhanced optional standards will not have a significant impact on the viability of development in the city.

Policy Context

- 1.6 Adopted CPP1 Policies CP19 (Housing Mix) and SA6 (Sustainable Neighbourhoods) support the introduction of policies in CPP2 to secure high quality and sustainability in new residential development. These policies set out a specific commitment that CPP2 will seek to include the requirements of the NDSS and the new higher technical standards for access in new homes. Policy CP12 (Urban Design) sets out the need for all new development to be inclusive, adaptable and accessible.
- 1.7 It should be noted that until the introduction of the optional technical standards, the 'saved' Policy HO13 in the 2005 Brighton & Hove Local Plan (B&HLP) had sought

¹ [Technical housing standards – nationally described space standard \(GOV.UK\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/422222/Technical_housing_standards_-_nationally_described_space_standard.pdf)

to address accessibility and adaptability in new residential development by requiring new homes to be built to 'Lifetime Homes' standards where feasible. That policy also seeks an appropriate proportion of wheelchair accessible housing in new development.

1.8 Policy DM1 (Housing Quality, Choice and Mix) in CPP2 introduces the following policy requirements relating to residential space and accessibility standards:

- c) all residential units should meet the nationally described space standards²;
- d) all residential units should as a minimum be accessible and adaptable in accordance with Building Regulation M4(2)³;
- e) for proposals providing 10 or more dwellings, 10% of the affordable residential units and 5% of all the residential units should be suitable for occupation by a wheelchair user in accordance with Building Regulation M4(3)⁴. Where this is not practicable on-site an equivalent financial contribution should be provided⁵;

Table 2 which accompanies the policy sets out minimum gross internal floor areas and storage based on the published NDSS.

1.9 Policy DM3 Residential Conversions and Retention of Smaller Dwellings in CPP2 introduces a change to the policy criteria compared to the 2005 Local Plan Policy HO9 (Residential conversions and the retention of smaller dwellings) which it is intended to replace.

2. Space Standards Evidence

2.1 The NPPG states that in order to require the use of the space standard, the LPA should take account of three broad criteria:

- Need – based on evidence of the size and type of dwellings currently being built in the area in order to ensure that the impacts of adopting the standard are properly assessed.
- Viability – looking at the potential impact of adoption on housing supply and affordability; and
- Timing – whether there should be a transition period following adoption of a policy to enable the impacts to be factored into future land acquisitions.

2.2 It should be noted that the Council has been seeking to apply the NDSS informally for residential planning applications since their introduction in 2015. In the vast majority of cases, the space standards have been accepted and complied with by

² The nationally described space standards as set out in the policy or as amended. Residential accommodation that does not fall within a C3 use class (e.g. extra care accommodation, assisted living housing and Housing in Multiple Occupation) and residential extensions will be expected to meet the standards where relevant. As a minimum such accommodation should meet the standards for bedroom sizes, storage, ceiling heights and provision of level access.

³ Building Regulations M4(2) or as amended.

⁴ Building Regulations M4(3) or as amended.

⁵ PartM4(3) - the extra cost per dwelling to provide was assessed in the CIL Viability Study (2017) to be £26,816 for houses and £15,691 for flats. These figures will form the basis for any financial contribution for off-site.

applicants and developers. There has been no evidence that the application of NDSS has been generally resisted by local developers, or that applying the space standards has reduced the number of residential applications coming forward.

- 2.3 On 30 September 2020, the Housing Secretary announced that all new homes delivered through Permitted Development Rights will be required to meet the NDSS. This statement set out a clear expectation on the delivery of good new homes which should be secure and comfortable. The requirements have been applied by Amendments to the Town and Country Planning (General Permitted Development) Order 2015⁶ which came into effect on 6 April 2021. This clearly suggests that national policy is now moving towards the NDSS becoming a general requirement for all types of new residential development.
- 2.4 However, in order to provide evidence for their inclusion in policy, this topic paper considers the implications of applying the NDSS against the three criteria set out in the NPPG.

Need

- 2.5 In recent years there has been growing public concern nationally about the quality of new homes. As house prices have increased, alongside a relative lack of choice for homebuyers in light of intense competition for new homes, there has been concern that developers have been reducing dwellings sizes in order to maximise value. In response to these concerns, the NDSS was introduced in 2015. Whilst the needs of families will vary significantly, the NDSS represents a benchmark for all new dwellings across the country and across tenures, which balances being achievable and ensuring adequate space. The NPPG makes clear it is the only standard that LPAs should use.
- 2.6 Concerns about poor residential space standards are particularly relevant in Brighton & Hove. The city has inherent natural constraints on developable land which is reflected in high development densities, particularly in the central areas of the city where densities of over 200 dwellings per hectare are common. Policies in the City Plan also seek to maximise development potential and make efficient use of available sites, whilst achieving sustainable development and respecting local character and heritage (see CPP1 Policy CP14 and draft CPP2 Policy DM19). However, it is important to ensure that achieving higher density development does not compromise space standards and living conditions for residents.
- 2.7 The adopted CPP1 sets a housing provision requirement for at least 13,200 new homes to be delivered over the plan period to 2030. As well as planning to provide for a suitable amount of new housing development, it is important to plan for a range and mix of housing types, sizes and tenures.
- 2.8 The city's existing housing stock is characterised by a high proportion of flats, maisonettes and apartments which comprise 50% of the total housing stock (compared to 21% for the South East)⁷. It should be noted that flatted developments

⁶ [The Town and Country Planning \(General Permitted Development\) \(England\) \(Amendment\) Regulations 2020](#)

⁷ Census 2011 (data available at <https://brighton-hove.communityinsight.org/>)

continue to constitute a very high proportion of the new builds. Between 2015 and 2018, four-fifths of total new build development in the city comprised flats, of which over 43% were studios and 1 bed flats. This trend is likely to continue as seen from some of the larger schemes that have come forward in recent years. Additionally, due to the high demand for smaller dwellings in the city, the conversion of larger residential dwellings to smaller dwellings also forms a significant source of new housing delivery.

- 2.9 A range of factors influence the demand/need for different types and sizes of homes. Evidence on the city's housing needs⁸ indicates that for market housing the majority of future demand is likely to be for two and three bedroom homes (36% and 34% respectively) reflecting demand for housing from younger persons and from young families. There is also likely to be some demand for medium sized homes from older households looking to downsize but still retain flexibility for friends and family to come and stay. The analysis also indicates that the demand for smaller one bedroom properties and larger four bedroom properties is lower (14% and 15% respectively) but still notable.
- 2.10 For affordable housing, the analysis suggests that a greater proportion of one and two bedroom affordable properties will be required. However, the study notes that this does not reflect any specific priorities for family households in need, and that smaller homes typically offer more limited flexibility in accommodating changing requirements of households.
- 2.11 The current development trends in the city therefore point to the need for strong policy to ensure that new residential development meets minimum space standards as set out in the NDSS. The responses received through the Draft CPP2 (Regulation 18) consultation in Summer 2018 showed strong general support for the proposed policy. The majority of comments relating to space standards recognised that many new builds are space constrained resulting in poor quality living environment for the occupiers and that the Council is justified in seeking to apply minimum space standards. There were a few representations mainly from development industry objecting to the policy. These included Lewis & Co Planning, who argued that the imposition of space standards will constrain the delivery of new homes given that the Council is failing to deliver enough housing to meet its overall housing need. They argued that the requirement will also negatively affect the affordability of housing and should not be brought forward until the Council have a clear strategy to meet housing needs and a robust supply of housing land to do so. However, the Council is not persuaded and has informally sought to apply the minimum NDSS as the standard for housing development since its introduction nationally in 2015.
- 2.12 Whilst generally supporting the policy application of NDSS standards, the Planning Agents Forum (PAF) expressed concerns that, in the absence of viability assessment, its impact on innovative housing initiatives such as Youth Living or 'tiny home' may be detrimental. They also expressed concern around building flexibility in dealing with difficult sites that would otherwise be left empty. However, the policy wording allows for flexibility in cases that provide sufficient evidence to move away from implementing space standards.

⁸ [Objectively Assessed Need for Housing: Brighton & Hove \(GL Hearn, June 2015\)](#)

Viability

- 2.13 In a general sense, the impact of space standards on the viability of a development will be determined by the extent to which the additional costs of larger dwellings are offset by a commensurate increase in the value of a property. Build costs are typically estimated on a £/sq.m basis, and as such an increase in the size of dwellings can be assumed to have a proportionate impact on build costs. In terms of the impact on the value of a property, the impact is likely to be less clear cut, as it is influenced by a number of factors, particularly whether purchasers are able to pay more, whether they are willing to do so, and the supply of available dwellings of a similar type in the market. In the Cost Impact Assessment produced for the Housing Standards Review⁹, it was estimated that where an increase of 1-5 sq.m was required to meet the standard, on average 80% of the costs would be recovered by an increase in value. For larger changes of 10 sq.m, the cost recovery would fall to 60%. On this basis, unless adherence to the space standards would require a large increase in floorspace, it was considered unlikely to have a significant impact on viability.
- 2.14 At the local level, the viability implications of applying the NDSS in new residential development have been examined through work commissioned by the Council to support the introduction of a Community Infrastructure Levy (CIL)¹⁰. The Community Infrastructure Levy (CIL) Viability Study (Dixon Searle, 2017 with successive addendums in 2018)¹¹ incorporated the proposed NDSS as a standard assumption within all the development viability scenarios tested. The study (and subsequent addendums) assessed a wide range of different residential development typologies, ranging from one to 700 units and including indicative schemes of houses/flats of different sizes (i.e. number of bedrooms). The NDSS have also been incorporated within the viability testing in the Council's Build to Rent Study (2019)¹². Through these studies, the NDSS have already been factored into the development viability testing which underpins the City Plan policies for developer contributions and infrastructure delivery.
- 2.15 Since the NDSS have been informally sought by the Council as a requirement for housing development since 2015, the majority of new housing being built in the city already complies with the standards. This further suggests that the adoption of space standards should not have a significant impact on the viability of development proposals.

Timing

- 2.16 With regard to the issue of timing and whether transitional provisions are needed, it should be noted that CPP1 Policy CP19 clearly states the Council's intention to apply the NDSS through CPP2. As noted previously, the Council's Development Management team have since 2015 been informally seeking the compliance of residential planning applications with the NDSS and including this information in officer and Planning Committee reports.

⁹ [Housing standards review technical consultation: impact assessment \(GOV.UK\)](#)

¹⁰ The council has since introduced CIL charging for new residential development starting from 5 October 2020.

¹¹ All the CIL Viability reports are available on the Council's [CIL Examination Library webpage](#)

¹² [Brighton & Hove Build to Rent Study \(Dixon Searle Partnership, August 2019\)](#)

- 2.17 The Council's experience of seeking to ensure minimum space standards in new residential development provides examples of negotiation leading to the amendment of development schemes during the planning application process. One such example involved an application (BH2016/02756) approved in 2016 for redevelopment of the former Texaco garage and shop at 133 Kingsway, Hove for a medium sized development including residential 55 units. The scheme was assessed against the NDSS and amended which resulted in the removal of two studio flats which were considered to be constrained and below the minimum size specified in the NDSS. The overall number of units were also reduced providing a better layout and standard of accommodation and meeting the minimum standard for single occupancy. Given the constraints of the site the amended scheme was considered acceptable and a notable improvement on the originally submitted layout. The development has since been completed.
- 2.18 There are also examples of cases where inadequate space standards have been used by the Council as a reason for refusal of planning applications. Appeal inspectors have been generally supportive in these situations. In the appeal decision at 309 Queens Park Road, Brighton (BH2018/00672), the Inspector stated "*... Whilst NDSS is not formal adopted policy of the Council I can see the logic in applying these measurements as very helpful guidance and I would be of the view that in not meeting this quantum there would reasonably be very real doubt about suitable levels of amenity being provided.*" In another appeal decision involving proposed development at 15 Caburn Road, Hove (BH2018/00014), the inspector stated "*...Therefore, the proposal would not provide acceptable living conditions for the future occupiers given the cramped form of accommodation with limited circulation space and usability for future occupiers when taken as a whole.*"
- 2.19 Another example involving conversion of existing first floor flat into two one bedroom flats, at Coombe Terrace, Brighton (BH2018/03039) the Inspector citing the NDSS states "*...The size of the proposed flats would fail to provide adequate space for commonly required items of furniture, storage, circulation space and the usual day to day activities for two people. The development therefore would result in extremely poor living conditions for future occupiers.*"
- 2.20 The examples above provide evidence that the Council's approach in seeking NDSS standards has been generally accepted by local developers and housebuilders. In addition, where the Council has refused residential applications due to poor space standards, the Council view has been supported by planning inspectors at appeal. There has been a clear direction of travel towards the introduction of the NDSS in CPP2, which has been set out in CPP1 Policies SA6 and CP19 and since applied by the Council's Development Management team, and this is well understood and accepted by local developers. Furthermore, as the introduction of the standard has not been seen to have a significant adverse impact on the viability of most developments, it should not have a significant impact on decisions that have already been made by land purchasers and developers. Therefore, the Council sees no need for transitional arrangements and considers that the implementation of NDSS as a formal policy requirement should start immediately upon adoption of CPP2.

Residential Development outside Use Class C3

- 2.21 The published Technical Housing Standards state that the NDSS addresses internal space standards within “new dwellings” and is suitable for application across all tenures. The Government’s Definition of General Housing Terms¹³ defines a ‘dwelling’ as “a self-contained unit of accommodation” which can comprise one household space (an unshared dwelling) or two or more household spaces (a shared dwelling where some facilities (e.g. kitchen, bathroom) are shared by more than one household). It should be noted that new dwellings can be created through conversions and changes of use as well as through new build and the applicability of NDSS in all such cases is generally established.
- 2.22 Whilst most residential development falls within Use Class C3, there are some types of housing/accommodation that do not. For example, shared housing (Housing in Multiple Occupation) such as bedsits, shared houses, lodgings, accommodation for workers/ employees may fall within Use Class C4 (up to six people sharing) or ‘sui generis’ (seven or more people sharing). In addition, some types of specialist self-contained housing for older people (i.e. assisted living/extra care housing) are typically classified within Use Class C2 due to the level of onsite care/support provided.
- 2.23 The Council believes that appropriate space standards should be applied to all forms of residential development. CPP2 Policy DM1 therefore states that all residential units should meet the nationally described space standards. A footnote to the policy provides further clarification that “*Residential accommodation that does not fall within a C3 use class (e.g. extra care accommodation, assisted housing and Housing in Multiple Occupation) and residential extensions will be expected to meet the standards where relevant. As a minimum such accommodation should meet the standards for bedroom sizes, storage, ceiling heights and provision of level access.*” A recent appeal dismissed in respect of 64 Barcombe Road (BH2020/00893) for a change of use from a dwellinghouse to a large house in multiple occupation supports this approach. The Inspector noted that “several of the rooms and communal spaces do not provide the minimum standard of space set out in the NDSS” and concluded that “the proposal provides an inadequate standard of living conditions for occupiers”.
- 2.24 The majority of comments relating to space standards that were received in response to the Draft CPP2 (Regulation 18) consultation in Summer 2018 supported the proposed policy. However, one representation argued that the policy wording is not compliant with the national technical housing standards and should only be applied to “residential dwelling houses”.
- 2.25 The Council considers it reasonable and appropriate to seek to apply minimum residential space standards more widely than only for new dwellings. The NDSS cover more than just minimum gross internal floor areas; they also set minimum standards for built-in storage space, bedroom sizes and floor to ceiling heights which are potentially applicable to all types of residential development and to residential extensions. It is accepted that the extent to which the NDSS minimum requirements are relevant may depend to some extent on the nature of the accommodation. To

¹³ [GOV.UK Housing statistics and English Housing Survey glossary](#)

clarify this, the Council is proposing to amend the relevant footnote to Policy DM1 to state “Residential accommodation that does not fall within a C3 use class (e.g. extra care accommodation, assisted housing and Housing in Multiple Occupation) and residential extensions will be expected to meet the standards where relevant.” The explanatory memorandum at Paragraph 2.7 also states that “In respect of a property being extended, the new extension will be expected to accord with the respective standards and it must not make the existing accommodation worse.”

2.26 Other consultees responding to the Proposed Submission CPP2 consultation argued that the policy wording should provide more flexibility to allow for innovative housing models (e.g. ‘tiny homes’) and types of housing which incorporate communal/shared facilities (e.g. build to rent). The Council is aware of increasing interest from developers in providing forms of residential accommodation which incorporate shared/communal facilities in combination with reduced residential unit sizes (e.g. co-living, build to rent). This appears to be partly a response to the high housing/accommodation costs and limited available development opportunities in the city, however it is unclear what the actual level of demand is for these types of accommodation. In the Council’s view, the affordability issues affecting many households seeking to access housing do not provide an acceptable justification for allowing the development/ creation of sub-standard housing which would not provide acceptable living conditions for future occupants. For this reason, the Council does not support the exclusion of any specific types of residential development from the Policy DM1 requirements. However, the existing policy wording allows flexibility to relax the space standards in exceptional cases where the applicant has provided a robust justification.

Minimum internal space threshold for residential sub-division

2.27 Policy DM3 Residential Conversions and the Retention of Smaller Dwellings seeks to manage the sub-division of single residential units into smaller self-contained units in order to ensure that conversions provide a high standard of accommodation and promote and retain housing choice in the city. The policy includes criteria which seek to prevent the sub-division of smaller existing residential units where the original floor area¹⁴ is 120 sq.m or less and to ensure that at least one unit provided is suitable for family occupation with a minimum of two bedrooms. This reflects the high demand within the city for smaller dwellings suitable for family accommodation (i.e. 2 or 3 bedroom units). The threshold of 120 sq.m specified in the policy relates directly to the NDSS, and will ensure that any sub-division of existing residential units will provide at least one residential unit of 70+ sq.m (i.e. a 2 bedroom 4 person unit) whilst still allowing space for a smaller flat of 50+ sq.m (1 bedroom 2 person unit).

2.28 The adopted 2005 Local Plan includes a similar policy (Policy HO9) aimed at protecting smaller family-sized dwellings. Policy HO9 and the underlying principle has been supported by inspectors at many planning appeals, such as those relating to 135 Milner Road (BH2017/01357), 6 Franklin Road (BH2017/01786) and 10 Edinburgh Road (BH2017/03922). Policy HO9 set a slightly lower threshold of 115 sq.m, however the increase to 120 sq.m will bring the policy into line with the NDSS as set out above.

¹⁴ The original floor area excludes later additions such as extensions, garages (including converted garages) and loft conversions. The calculation of the original floor area must be based on internal dimensions only.

2.29 A more recent appeal in respect of 39 Bonchurch Road (BH2019/02836) for the conversion of a dwelling into 2 x 2 bedroom flats was dismissed as contrary to Policy HO9. The Inspector considered that “..while a 2-bedroom maisonette and a 3-bedroom house are both smaller dwellings for the purposes of this Policy and both could meet demand for small family accommodation, the proposal would nevertheless fail to retain the house which could accommodate a larger sized family and would therefore detrimentally reduce housing choice. The Inspector considered that this would cause harm to the existing stock of smaller dwellings and was contrary to the NPPF which seeks to ensure a sufficient number, size and range of homes are provided to meet needs.

3. Accessibility Standards

- 3.1 Local planning authorities have the option to set optional accessibility standards through local plans. These standards are enforced through Building Regulations but the proportion of dwellings that must comply with regulations must be set out in local plan policy. The two relevant standards are: Building Regulations M4(2) (Accessible and Adaptable Dwellings) and M4(3) (Wheelchair User Dwellings).
- 3.2 The optional access requirement M4(2) requires provision to be made to meet the needs of occupants with different needs, including some older and disabled people and some wheelchair users. The requirements of M4(2) state that there should be sufficient provision to allow for the adaptation of the dwelling to meet the changing needs of occupants over time. Together with other specific design requirements, M4(2) necessitates the provision of step-free access to the dwelling and, within the dwelling, step-free access to facilities on the entrance floor and any private outdoor space directly connected to the entrance floor.
- 3.3 For M4(3) wheelchair user dwellings, the Building Regulations set a distinction between wheelchair accessible dwellings (a home readily useable by a wheelchair user at the point of completion) and wheelchair adaptable dwellings (a home that can be easily adapted to meet the needs of a household including wheelchair users). The NPPG states that local plan policies for wheelchair accessible homes should be applied only to those dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling.
- 3.4 In September 2020, the government published a consultation paper “Raising accessibility standards for new homes”¹⁵. The Secretary of State’s foreword sets out that the paper considers bold options to ensure more new homes are built to higher accessibility standards and with the features needed to give people the dignity and security they deserve in their homes. The consultation paper is part of plans to develop a National Strategy that was launched by the Prime Minister on 2 December 2020. A major theme of the Strategy will be Housing and the Built Environment and the aim is for the government to publish the strategy in the spring of 2021.
- 3.5 The consultation set out several policy options for raising accessibility standards for new homes either by amending the Building Regulations or through revised planning

¹⁵ [Raising accessibility standards for new homes \(MHCLG, September 2020\)](#)

policy. This included proposals to set the current M4(2) requirement as the minimum standard for all new homes, with the current minimum M4(1) (Visitable dwellings) standard applying by exception only or removed altogether. This would be equivalent to what the Council is proposing through Policy DM1 and indicates that national policy is moving towards the adoption of the M4(2) standard as a minimum requirement for new housing.

- 3.6 Planning policy in Brighton & Hove has for a number of years required that new residential development meets accessibility and adaptability standards. Policy HO13 (Accessible housing and lifetime homes) in the adopted 2005 Local Plan requires that new residential dwellings are built to a lifetime homes standard whereby they can be adapted to meet the needs of people with disabilities without major structural alterations. The policy also requires that a proportion of all new dwellings on larger sites (of more than 10 new dwellings) should be built to a wheelchair accessible standard. The policy supporting text states that the percentage of homes to be built to a wheelchair accessible standard on larger (10+) housing sites should be approximately 5% overall (based on the numbers of people in Brighton & Hove holding a disabled persons 'Blue Badge'). In affordable housing schemes, 10% wheelchair accessible housing is sought reflecting registered needs.
- 3.7 The adopted CPP1 has set out the need to encourage active living for all age groups, including healthy living options for older people is addressed in Policy CP18 (Healthy City) and the need for developments to be inclusive, adaptable and accessible is addressed in Policy CP12 (Urban Design). More specifically, Policy SA6 (Sustainable Neighbourhoods) sets out the commitment through CPP2 to ensure new housing meets optional technical standards for access.
- 3.8 CPP2 Policy DM1 (Housing Quality, Choice and Mix) sets a requirement for all residential units to be built to the requirements of Building Regulations M4(2). The policy also sets out that in schemes over 10 or dwellings, 10% of the affordable residential units and 5% of all the residential units should be suitable for occupation by a wheelchair user in accordance with Building Regulation M4(3).
- 3.9 These requirements strengthen the access standards that are already sought through the saved Policy HO13. That policy was a response to 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. Since the adoption of the 2005 Local Plan, the numbers of older residents and those living with disabilities and long term health conditions have increased substantially, making the requirement for residential accessibility standards even more important.
- 3.10 Setting a policy requirement for all new housing to be built to the M4(2) standard for accessibility and adaptability will ensure that the housing stock in Brighton & Hove becomes progressively more capable of meeting the long term needs of their occupiers and will help to ensure that households are able to make feasible and effective adaptations to their homes at a cheaper cost or without needing to move.
- 3.11 The Health and Equalities Impact Assessment (HEQIA) carried out as part of the preparation of CPP2 considered that the accessibility standards would improve the quantity and quality of housing stock for those with impaired mobility, but also

supports the needs of increasing ageing demographic, facilitating healthy, independent living for longer.

3.12 The evidence and justification for adopting the enhanced accessibility and adaptability is presented below based on the considerations set out in the NPPG:

- 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.

Likely Future Need for housing for older and disabled people

3.13 Brighton & Hove has a younger population profile relative to the national and regional average, however the population aged 60+ is projected to grow substantially in the coming years. Over the period 2019-2035, the population in the city aged over 60 is projected to grow by 20,000 (+39%), including an additional 10,800 residents aged over 70 (+38%) and an additional 4,800 residents aged over 80 (+43%). The large increase in older residents will increase the demand and need for suitable housing that can be adapted to allow people to remain living independently in their own homes for longer.

Table 1: Projected Population Growth among older adults

| Age | 2019 | 2023 | 2028 | 2035 | % change |
|-----|--------|--------|--------|--------|----------|
| 60+ | 51,800 | 56,300 | 63,600 | 71,800 | +39% |
| 70+ | 28,500 | 30,000 | 32,500 | 39,300 | +38% |
| 80+ | 11,300 | 11,700 | 13,800 | 16,100 | +43% |

Source: Brighton & Hove City Council

3.14 The Objectively Assessed Housing Need Update, 2015¹⁶ which was prepared to support CPP1 assessed future housing needs in the city to 2030 based on the 2012-based Sub-National Population Projections (SNPP) published in May 2014. The resulting figures (Table 2) indicated a substantial increase in the city's population over the City Plan period, with particularly strong growth in the numbers aged 60-74 (45.7%) and 75 or over (33.9%).

Table 2: Projected Population Growth in 2012-based SNPP: 2010-2030 change in Brighton & Hove

| | 2010 | 2030 | Change in population | % change |
|--------------------|---------|---------|----------------------|----------|
| Overall Population | 269,495 | 311,689 | 19,415 | +7% |
| Aged 60-74 | 29,783 | 43,396 | 13,613 | +45.7% |
| Aged 75 or over | 18,438 | 24,680 | 6,243 | +33.9% |

3.15 Given the ageing population, and higher levels of disability and health problems amongst older people, the study found that there is likely to be an increased

¹⁶ [Objectively Assessed Need for Housing: Brighton & Hove \(GL Hearn, June 2015\)](#)

requirement for specialist housing over the plan period. The study recommends that some of the requirement for specialist housing could be part of the general mix of one and two bedroom homes, but built to Lifetime Homes standards in order to attract retired older people looking to 'downsize' but perhaps not wanting to live in specialist retirement accommodation.

3.16 A more recent study of Older Persons Housing Needs¹⁷ has been commissioned by the Council to support CPP2. Its findings indicate that there is likely to be increased need for accessible/adaptable and wheelchair adapted housing in the city over the Plan period and through to 2035. The study included extensive research into older residents' housing needs and preferences using focus groups and a questionnaire survey. A key finding of the research was that many older people would like to be supported to remain living independently in their current homes by adapting their current home to make it more accessible. This aligns with the direction of Council policy which is to reduce the number of commissioned care beds (residential and nursing) and to support people to live independently for as long possible, both through the direct provision of specialist housing for older people (e.g supported/sheltered housing and extra care) and by ensuring that mainstream housing is better designed to meet the needs of an ageing population.

3.17 The report suggests that whilst some existing housing schemes/units for older people may be suitable for alteration to meet the needs of full time wheelchair users, the specification of new build housing for older people should include wheelchair adapted units as well as space standards that permit 'future proofing' in terms of allowing for ageing in place.

3.18 These recommendations align with the Government's consultation document 'Advancing our health: prevention in the 2020's'¹⁸ which suggests that home adaptations, assistive technology and supported housing will be more important than ever in the 2020s in order to help people to stay independent for longer and support those with complex needs including serious mental illness, learning disabilities and autism to lead good quality lives in communities.

Disability

3.19 A detailed report on Disability in Brighton & Hove was published by the Council's Public Health team in 2015¹⁹. Data from the 2011 Census indicated that 44,569 (16%) of residents in the city were disabled or had a long-term health problem that limited their day-to-day activities to some degree. Limiting illness is strongly linked to age and an increasing older population is likely to increase the number of people with disabilities. Among all residents aged 65 or over in the city, just over a quarter (27%) had a disability or health problem that affects their day-to-day activities 'a lot' with a further 27% 'a little' (52% in total). This is significant because this age group are likely to have increased needs for services and mobility requirements.

3.20 Disabilities are not restricted to older population alone. Applying national figures to the local population, the report estimated that in Brighton & Hove in 2014 there were

¹⁷ [Older Persons Housing in Brighton and Hove, Housing LIN \(Nov 2019\)](#)

¹⁸ [Advancing our health: prevention in the 2020s \(GOV.UK\)](#)

¹⁹ [Disability in Brighton & Hove \(BHCC Public Health Intelligence team \(Oct 2015\)\)](#)

3,590 people aged 18-64 with a moderate physical disability and 3,777 people aged 18-64 with a serious physical disability. Table 3 shows the population in the 18-64 age group with disability is set to rise by over 11% (moderate disability) and by over 15% (serious disability) by 2030.

Table 3: People aged 18-64 predicted to have a moderate or serious physical disability, by age, projected to 2030

| | 2015 | 2030 | % Change |
|-----------------------------------|--------|--------|----------|
| Moderate disability (18-64 years) | 13,590 | 15,140 | 11.4% |
| Serious disability (18-64 years) | 3,777 | 4,361 | 15.5% |

Source: Disability in Brighton & Hove, October 2015

- 3.21 Further evidence of strong local demand for adaptable and accessible living accommodation is provided through the work of the Council's Housing Adaptations Service which is responsible for the delivery of all major housing adaptations (those costing in excess of £1,000) in council and private sector homes. Housing adaptations provide essential support for people with long term and substantial disabilities or illness to retain or regain their independence at home, e.g. enabling people to get in to and out of their home safely and independently by improving the access to it, adapting bathrooms and kitchens, and providing better freedom of movement around the home and access to the garden.
- 3.22 In 2017/18 the Housing Adaptions Service delivered a total of 374 major housing adaptations across both council and private sector homes investing a total of £2.3m. The most recent data in the Council's Housing Statistical Bulletin 2019/20 Annual Review²⁰ shows that in 2019/20 major adaptions increased to 526 (an increase of 40%) investing £2.7m. The on-going high demand for adaptations in the existing housing stock highlights the importance of implementing accessibility standards in new build housing which will help to reduce the demand/need for retrofitted adaptations which are more costly and disruptive to the occupiers.
- 3.23 Given the ageing population, and higher levels of disability and health problems amongst older people, there is likely to be an increased requirement for specialist housing options with enhanced accessibility moving forward. As older people age and their needs change, responding effectively to these changes can enable them to maintain a good quality of life and independent living.
- 3.24 The Older Person Housing Needs Assessment (2019) sets out a quantitative assessment of the estimated need for age designated housing and accommodation for older people in Brighton & Hove based on demographic trends, analysis of the current supply in the city compared with comparator authorities, local policy intentions and evidence from the research with older people in the city. In addition to specialised and 'extra care' accommodation, the study also emphasises the need to plan for 'care ready' housing designed to enable people to age in place, to allow for decreased mobility and permit individuals to be cared for easily in their own homes if required. The study anticipates that there will be increasing demand for adaptations including fully adapted wheelchair housing, both in the rented and owner-occupied sectors.

²⁰ [Brighton & Hove Housing Statistical Bulletin 2019/20 Annual Review](#)

3.25 The Housing Statistical Bulletin for 2019/20²⁰ shows that at 1 April 2020 there were 9,022 households on the Housing Register of which 6% (509 households) had a medical priority (Table 4). However, of the 1,050 households categorised as either Band A (Urgent) or Band B (High Priority) to move, a much higher proportion of 40% (418 households) had a medical priority. Over the year 2019/20, 56 (9%) out of a total of 595 social housing lets were to households with a medical priority, of which 37 lets were to households in Bands A and B. These figures provide evidence that a high proportion of households with the highest need of housing/re-housing have a medical priority and that it is relatively difficult to provide suitable housing.

Table 4: Households on the Housing Register with a medical priority and social housing lets 2019/20

| | Housing Register total | | Priority Bands A and B | |
|--|------------------------|--|------------------------|--|
| | Total households | Households with Medical Priority as stated Band reason | Total households | Households with Medical Priority as stated Band reason |
| Households on the Housing register at 1 April 2020 | 9,022 | 509 (6%) | 1,050 | 418 (40%) |
| Lettings to social housing by housing need | 595 | 56 (9%) | 276 | 37 (13%) |

3.26 Also in 2019/20, 71 people were accepted as statutorily homeless whose priority need was classified as 'physical disability'. This represented 22% of all those accepted as homeless.

3.27 The evidence above provides a clear indication of the on-going demand for housing for older and disabled people in the city and the future trends will see increased demand. It is considered that requiring a proportion of new housing to be built to the enhanced accessible and adaptable standards will ensure that the housing stock becomes progressively more capable of meeting the accessibility needs of households. The targets for M4(3) wheelchair user housing respond to the current need.

Delivery of accessible/adaptable homes

3.28 The Housing Statistical Bulletin for 2019/20²¹ shows 120 affordable housing completions, all of which were built to Lifetime Homes standard including 4 (3%) wheelchair accessible dwellings (Table 5). The figure for wheelchair accessible homes completed in 2019/20 was lower than for the previous two years reflecting the relatively low number of new build affordable rented properties as a proportion of total affordable housing delivered in that period. Over the four years 2016-2020, a total of 402 affordable homes have been completed, with all built to lifetime homes standard and 32 (8%) being fully adapted wheelchair accessible.

²¹ [Brighton & Hove Housing Statistical Bulletin 2019/20 Annual Review](#)

Table 5: Fully adapted wheelchair accessible homes completed 2016-2020

| | No of affordable homes | Fully adapted wheelchair accessible |
|-----------------|------------------------|-------------------------------------|
| 2016/17 | 53 | 5 (9%) |
| 2017/18 | 100 | 14 (14%) |
| 2018/19 | 129 | 9 (7%) |
| 2019/20 | 120 | 4 (3%) |
| Total 2016-2020 | 402 | 32 (8%) |

3.29 The Council has also been using the saved Policy HO13 to seek an overall target of 5% M4(3) standard wheelchair units in private market schemes with the wheelchair units secured through planning conditions. Examples include; BH2017/00492 Preston Barracks (363 dwellings, BH2018/00868 King’s House, Grand Avenue (169 dwellings); BH2018/00340 Former Amex House, Edward Street (168 dwellings),); BH2018/01738 Land At Lyon Close (152 dwellings) 2018/03356 Kap Ltd Newtown Road 148 dwellings.

3.30 There has been support during preparation of the plan for incorporating the optional accessibility standards in policy. The CPP2 Scoping consultation in 2016 saw strong general support for the introduction of higher optional standards for access and adaptability and an appropriate proportion of wheelchair housing (35 out of 51 responses). Some responses, largely from the development industry, expressed concerns that higher optional standards could be costly and that policy would need to be flexibly applied to account for site constraints. At the Draft CPP2 consultation (Regulation 18) stage in summer 2018, there was a good level of support with 35 respondents supporting and 10 objecting to the draft Policy DM1. Representations in support cited the increase in the elderly population and households with long term health needs. A small number of representations from the development industry again objected to the policy mainly on grounds of development viability. It was argued that the Building Regulation M4(2) requirement would be likely to constrain housing delivery and may prevent the conversion of some existing buildings (e.g. historic buildings). Representations also argued that the percentage of M4(3) wheelchair accessible units proposed in the draft policy was not supported by up to date evidence of local need.

Viability

3.31 As part of the Government’s consultation on its Housing Standards Review in 2014, a cost analysis was prepared by EC Harris²². This report considered the impact of implementing the M4(2) and M4(3) building regulation standards in terms of ‘extra over’ costs, the enhanced space requirements of implementing these standards and the impact on the sales value of the property (which may offset some or all of the additional build costs). The average extra over access cost per dwelling was approximately total of £2,447 for houses and £1,646 for flats for meeting Part M4 (2) standards. This is based on an average extra over access cost per dwelling (£682/dwelling) alongside the average access related space cost per dwelling but without allowing for cost recovery (£1,444/ dwelling). For Part M4(3) the same report indicates average extra over costs to be £15,691 for flats and £26,816 for houses. The conclusion was that the additional costs caused insignificant impact on viability.

²² [Housing Standards Review, Cost Impacts \(DCLG, 2014\)](#)

3.32 At a local level, the CIL Viability Study 2017²³ (along with successive addendums in February 2018 and November 2018) assessed the impact of the introduction of the M4(2) and M4(3) accessibility standards (alongside the NDSS and other City Plan policy requirements) on a range of residential development typologies and scenarios. The viability testing applied the EC Harris cost estimates (see above) to factor in the extra over costs of meeting the M4(2) and M4(3) standards, based on the assumption that all new homes (100%) would be built to the M4(2) standard and 10% of all affordable housing built to M4(3). As with the NDSS, the accessibility and wheelchair standards proposed in Policy DM1 have therefore been fully incorporated within the viability testing which supports the City Plan policies for developer contributions and infrastructure delivery.

4. Proposed Submission (Regulation 19) consultation

4.1 In response to the Proposed Submission (Regulation 19) consultation in Autumn 2020, the Council has received a total of 21 representations relating to Policies DM1 and 5 representations related to policy DM3. Detailed Council officer responses to all comments received at the Regulation 19 stage are set out in Appendix 9 of the Regulation 22 Consultation Statement.

4.2 Policy DM1 - Whilst there was support from some representations, soundness concerns were expressed by some consultees regarding the minimum space standards and higher accessibility standards. The Home Builders Federation (HBF) considered that the requirements were not sufficiently justified; Brighton & Hove Community Land Trust felt that the policy was too flexible in respect of housing mix and accommodation types; and Lewis & Co considered that the policy would restrict innovation and creative solutions and was thus inappropriate given the shortfall in housing delivery. Lewis & Co also did not consider the policy was justified in requiring that all development to meet M4(2) given the topography of the city.

4.3 Policy DM3 – The representations received did not raise any new concerns following consultation on the draft CPP2 in 2018 and did not question the principle of the policy on residential conversions. Concerns were raised about raising the policy threshold for conversions to 120 sq.m. from the adopted 2005 Local Plan threshold of 115 sq.m. The objections by Whaleback Limited and Lewis & Co argue that the conversion of smaller dwellings below the required threshold could still allow for a two bedroom family unit and meet the NDSS and that the policy is not justified and would restrict the delivery of new homes. Support for the policy however has come from the Brighton & Hove Economic Partnership and the Brighton Society.

5. Conclusion

5.1 The Council considers that the requirements for technical housing standards set out in CPP2 Policy DM1 Housing Quality, Mix and Choice are reasonable and justified. The policy requirements are supported by up to date evidence on the need and demand for a range of dwelling types and sizes for market housing. The policy sets out minimum internal space standards that will ensure that new residential

²³ [Community Infrastructure Levy \(CIL\) Viability Study \(Dixon Searle Partnership, August 2017\)](#)

development in the city will provide acceptable living conditions for future occupants.

- 5.2 Given that there is a growing number of elderly and disabled people in Brighton & Hove, there is an increasing need for accessible and adaptable housing that will enable them to live independently for longer. The adaptability and accessibility standards set out in Policy DM1 are therefore considered to be justified where viability is not compromised.
- 5.3 The CIL Viability Study 2017 (and subsequent addendums) demonstrates that the introduction of space standards and accessibility standards should not have any significant impact on the viability of delivering housing within the city.
- 5.4 Policy DM3 Residential Conversions and the Retention of Smaller Dwellings seeks to manage the sub-division of single residential units into smaller self-contained units in order to ensure that conversions provide a high standard of accommodation and promote and retain housing choice in the city. The policy will help to protect the existing stock of smaller dwellings suitable for family occupation and also ensure that converted residential units provide acceptable standards of space and amenity which meet the NDSS.
- 5.5 Brighton & Hove's housing stock is set to grow significantly over the City Plan period. As such it is important that these developments provide a high standard of design and make a positive contribution to the health and wellbeing of their residents. The space and accessibility standards set out in the policy will help to ensure that all new residential development meets the needs of residents now and in the long term.

Appendix: Table 2 - Minimum gross internal floor areas and storage (sq.m)

| Number of bedrooms(b) | Number of bed spaces (persons) | 1 storey residential units | 2 storey residential units | 3 storey residential units | Built-in storage |
|-----------------------|--------------------------------|----------------------------|----------------------------|----------------------------|------------------|
| 1b | 1p | 39 (37) * | | | 1.0 |
| | 2p | 50 | 58 | | 1.5 |
| 2b | 3p | 61 | 70 | | 2.0 |
| | 4p | 70 | 79 | | |
| 3b | 4p | 74 | 84 | 90 | 2.5 |
| | 5p | 86 | 93 | 99 | |
| | 6p | 95 | 102 | 108 | |
| 4b | 5p | 90 | 97 | 103 | 3.0 |
| | 6p | 99 | 106 | 112 | |
| | 7p | 108 | 115 | 121 | |
| | 8p | 117 | 124 | 130 | |
| 5b | 6p | 103 | 110 | 116 | 3.5 |
| | 7p | 112 | 119 | 125 | |
| | 8p | 121 | 128 | 134 | |
| 6b | 7p | 116 | 123 | 129 | 4.0 |
| | 8p | 125 | 132 | 138 | |

Technical Requirements:

- a. the residential unit provides at least the gross internal floor area and built-in storage area set out in Table 2 above*
- b. a residential unit with two or more bedspaces has at least one double (or twin) bedroom*
- c. in order to provide one bedspace, a single bedroom has a floor area of at least 7.5 sq.m and is at least 2.15m wide*
- d. in order to provide two bedspaces, a double (or twin bedroom) has a floor area of at least 11.5m*
- e. one double (or twin bedroom) is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide*
- f. any area with a headroom of less than 1.5m is not counted within the Gross Internal Area unless used solely for storage (if the area under the stairs is to be used for storage, assume a general floor area of 1 sq.m within the Gross Internal Area)*
- g. any other area that is used solely for storage and has a headroom of 900 - 1500mm (such as under eaves) is counted at 50% of its floor area, and any area lower than 900mm is not counted at all*
- h. a built-in wardrobe counts towards the Gross Internal Area and bedroom floor area requirements but should not reduce the effective width of the room below the minimum widths set out above. The built-in area in excess of 0.72 sq.m in a double bedroom and 0.36 sq.m in a single bedroom counts towards the built-in storage requirement*
- i. the minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area*

Notes (added 19 May 2016):

- 1. Built-in storage areas are included within the overall GIAs and include an allowance of 0.5 sq.m for fixed services or equipment such as a hot water cylinder, boiler or heat exchanger.*
- 2. GIAs for one storey dwellings include enough space for one bathroom and one additional WC (or shower room) in dwellings with 5 or more bedspaces. GIAs for two and three storey dwellings include enough space for one bathroom and one additional WC (or shower room). Additional sanitary facilities may be included without increasing the GIA provided that all aspects of the space standard have been met.*
- 3. Where a 1b1p has a shower room instead of a bathroom, the floor area may be reduced from 39 sq.m to 37 sq.m, as shown bracketed.*
- 4. Furnished layouts are not required to demonstrate compliance.*



Brighton & Hove
City Council