



Planning and Development

Steven Lee BA(Hons) MA MRTPI

(By email C/O Chris Banks – Programme Officer)

21st February 2022

Dear Mr Lee,

Policy DM3 (Affordable Housing)

Justification for approach taken for M4(3) - Wheelchair Accessible Standards

Throughout the progression of the Worthing Local Plan the Council has sought to ensure that a policy is in place which would help to deliver a suitable proportion of housing that will meet an identified need for wheelchair accessible homes.

To address this, the Submission Draft Worthing Local Plan (Jan 2021) included a criterion within policy DM3 (Affordable Housing) which stated that the provision of affordable homes constructed to Building Regulation Standard M4(3) Category 3: Wheelchair Accessible Standards would be a matter for negotiation taking account of suitability and viability of the site.

It is acknowledged that during the Local Plan Examination Hearing sessions (November 2021) you questioned whether this approach be consistent with national Planning Policy Guidance. This states that where a local planning authority adopts a policy to provide enhanced accessibility or adaptability they should clearly state in their Local Plan what proportion of new dwellings should comply with the requirements.

In response to this, the Council is proposing to revise the relevant criterion of policy DM3 to be included as a Main Modification to be published for consultation. The proposed modification is attached for your consideration along with evidence to justify the approach taken.

If you have any queries please do not hesitate to contact me.

Yours sincerely

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WORTHING BOROUGH
COUNCIL

Worthing Local Plan - Policy DM3 (Affordable Housing)

Justification for approach taken for M4(3) - Wheelchair Accessible Standards

February 2022

Local Plans can include a specific requirement for the construction of dwellings to meet M4(3) - Wheelchair Accessible Standards. However, in line with national Planning Policy Requirements, any requirement must be supported and informed by local evidence of need. The Council is now proposing a Main Modification to include a specific requirement within policy DM3 of the Worthing Local Plan. This note has been prepared to help provide justification for this approach.

Background

Throughout the progression of the Worthing Local Plan the Council has sought to ensure that a policy is in place which would help to deliver a suitable proportion of housing that will meet an identified need for wheelchair accessible homes.

At the Draft Worthing Local Plan (DWLP) stage in 2018 under policy CP1 the Council proposed all residential developments of 10+ dwellings would be required to have at least 10% meeting Building Regs M4(3) . During consultation on the DWLP the Council received a response from the House Builders Federation (HBF) relating to this policy citing a lack of evidence to justify the % threshold. The Council committed to gathering further evidence to justify any requirement.

However, at Submission Draft Worthing Local Plan (SDWLP) stage the 10 % threshold was removed and the requirement for M4(3) housing was moved to the affordable housing policy. A new paragraph was added at para 5.51 making reference to evidence that estimates that 3% of households need to meet the needs of wheelchair users. Policy DM3 (Affordable Housing) of the SDWLP included the following criterion related to the provision of wheelchair accessible dwellings:

d) Where there is a need for a wheelchair accessible dwelling, the provision of affordable homes constructed to Building Regulation Standard M4(3) Category 3: Wheelchair Accessible Standards, will be a matter for negotiation taking account of suitability and viability of the site.

No further representations were received on this part of the policy (DM3) at SDWLP consultation stage. However, during the hearing sessions (November 2021) the Inspector commented on this approach and questioned whether it would be consistent with national Planning Policy Guidance (Paragraph: 008 Reference ID: 56-008-20160519). This states that:

Where a local planning authority adopts a policy to provide enhanced accessibility or adaptability they should do so only by reference to Requirement M4(2) and/or M4(3) of the optional requirements in the Building Regulations..... They should clearly state in their Local Plan what proportion of new dwellings should comply with the requirements.

Proposed Modification

To address this concern the Council is proposing to include the following Modification to criterion d) of policy DM3 to be included as a Main Modification to be published for consultation in March 2022.

~~d) Where there is a need for a wheelchair accessible dwelling, a minimum of 3% the provision of affordable homes (for which the Council is responsible for allocating or nominating a person(s) to live in that dwelling) constructed should be built to Building Regulation Standard M4(3) Category 3: Wheelchair Accessible Standards, will be a matter for negotiation taking account of suitability and viability of the site.~~

Justification

Strategic Housing Market Assessment (SHMA)

Strategic Housing Market Assessments (SHMA) help local authorities to understand local housing markets and assist them in developing their planning and housing policies. They provide an assessment of needs for all types of housing, taking account of demographic projections and the needs of different groups in the community, as well as housing demand and the level of housing supply necessary to meet this demand. Appendix A sets out some relevant extracts for the Adur & Worthing SHMA (2020).

In summary, the SHMA provides clear evidence for Worthing that:

- the population is forecast to grow with particularly growth in those aged over 60 (and, proportionally, even more so those aged over 75).
- the dwelling led scenario indicates a decline in those aged under 60 years of age; set against population growth of 11,700 persons aged 60 or over.
- there is a clear link between age and disability.
- 33% of Worthing households contains someone with a long-term health problem or disability (LTHPD)
- people in the oldest age bands are more likely to have a LTHPD.
- people with a LTHPD are more likely to live in social rented housing.

- between 2019 and 2036 there is forecast to be a 49% increase in Worthing of people with mobility problems.

Paras 6.32 to 6.37 of the SHMA specifically addresses the needs of wheelchair users. It is acknowledged that it is difficult to obtain information about the need nationally and more particularly at a local level. As such, the assessment uses national data estimates which suggests that there is an unmet need or equivalent to 3.5 per 1000 households with projected need being around 3% of households. Applying these figures to the dwelling led scenario in Worthing equates to a need for around 300 wheelchair user homes in Worthing to 2036. Further evidence indicates that 7.1% of social tenants to be wheelchair users, compared with 2.3% of owner-occupiers'

Other recent local evidence of need

Worthing currently has 14 households in the highest priority band A on the register requiring a Mobility 1 property (fully adapted for wheelchair use). This local information is used by the Council to help determine the most appropriate mix of housing types as schemes come forward.

Related Evidence

It is relevant to note that the requirement to provide for a proportion of M4(3) Wheelchair user dwellings has been considered and tested within relevant evidence.

- Appendix B provides a summary of how a requirement for 10% (in line with position taken in the Draft WLP) has been factored into the Whole Plan Viability. The study tested the overall viability of the proposed Worthing Local Plan and concluded that the residential sites and policies contained within the Plan have good prospects of delivery. This included a 10% delivery of M4(3) standard dwellings for all major housing developments so it is clear that the proposed modification to Affordable Housing policy DM3 to require a 'minimum of 3%' would not have a negative impact on the viability conclusions previously reached.
- Appendix C sets out the relevant options that were tested within the Sustainability Appraisal Draft Integrated Impact Assessment. This included a 10% requirement (in line with the position taken in the Draft WLP) and then an appraisal when the requirement to reflect an identified need (in line with the position in the SDWLP). It is important to note that the changes made to this policy (between DWLP and SDWLP stages) did not result in any changes to the likely significant effects. Similarly, it is not expected that a 3% target would be sufficiently distinct to enable reasonable comparisons to be drawn (particularly when compared against the 10% target previously consulted on as part of the DWLP). However, regardless of this, the proposed change to 3% of affordable homes to be constructed to M4(3) will be assessed through the Sustainability Appraisal of the Main Modifications.

Summary

This note has demonstrated that there is clear and robust local evidence that there is both a significant existing and forecast need for a proportion of new homes in the borough to meet wheelchair accessibility standards. As such, the Council is keen to ensure that the Local Plan provides a clear mechanism to ensure that some of this need can be met.

It is acknowledged that the criterion d) of policy DM3 (as set out in the SDWLP) did not comply with Planning Policy Guidance in that it did not set a specific % requirement. The Council did not want to lose the ability to request / require provision of this housing type which, when delivered, can help to significantly improve the quality of life of any new occupant. As such, the proposed Main Modification to this policy now addresses this by requiring a minimum of 3% provision. It is considered that this is a suitable requirement which has been informed by national and local data. The SHMA identifies a need for 300 wheelchair user dwellings in Worthing to 2036. and there are currently 14 households in the highest priority band A on the register requiring a Mobility 1 property (fully adapted for wheelchair use).

APPENDIX A

Relevant Extracts taken from the Strategic Housing Market Assessment (SHMA)

<https://www.adur-worthing.gov.uk/media/Media.157227.smx.pdf>

Para 4.44 - *The population is projected to grow by 21% over the 17 year period. The strongest population growth overall is expected in those aged over 65 and particularly those aged 75 and over; which is also linked to changes in the population age structure and improving longevity.*

Para 4.46 - *On the basis of the dwelling-led scenario in Worthing (i.e. the delivery of 4,131 dwellings), the Table below shows that there would be marginal overall population growth over the next 17 years to 2036. This is driven by a notable decline of 10,800 persons who are under 60 years of age; set against population growth of 11,700 persons aged 60 or over.*

Para 4.50 - *In respect of Worthing, the Table below shows how the profile with change linked to the dwelling-led scenario. The strongest growth in households continues to be couples aged 65 and over; as well as single person households aged 65 and over. There is projected to be a decline in the number of family households; as well as couples aged under 65 years old.*

Chapter 6 - addresses the needs of older persons and those with disabilities:

Para 6.1 - *The two groups are taken together as there is a clear link between age and disability. It includes an assessment of the need for specialist accommodation for older people and the potential requirements for housing to be built to M4(2) and M4(3) housing technical standards (accessibility and wheelchair standards).*

Para 6.5 - notes that under the dwelling led scenario there is expected to be a 41.9% increase in the total number of people aged 65 and over.

Para 6.9 - states that 33% of Worthing households contains someone with a long-term health problem or disability (LTHPD) with 20% of Worthing's population having a LTHPD. It is likely that the age profile will impact on the numbers of people with LTHPD and 'It is clear from this analysis that those people in the oldest age bands are more likely to have a LTHPD.

Para 6.12 - *The analysis clearly shows that people with a LTHPD are more likely to live in social rented housing or are also more likely to be outright owners (this will be linked to the age profile of the population with a disability).*

Para 6.13 - *Indeed 2011 Census data indicated that 30% of those in the social rented sector had a LTHPD compared to 17% in other tenures across Adur and Worthing.*

Paras 6.14 -6.17 - provide further analysis of the implications of the significant increases of an older population. Of significance is the projection that between 2019 and 2036 there is likely to be a 54% increase in older people with dementia in Worthing and a 49% increase in people with mobility problems.

Paras 6.32 to 6.37 - specifically addresses wheelchair user dwellings and acknowledges the difficulty of obtaining information about the need nationally and more particularly at a local level. Using national data estimates suggest that there is an unmet need equivalent to 3.5 per 1000 households with projected need being around 3% of households. Applying these figures to the dwelling led scenario suggests a need for around 300 wheelchair user homes in Worthing to 2036. Further evidence indicates that *7.1% of social tenants to be wheelchair users, compared with 2.3% of owner-occupiers.*

Para 6.37 - concludes that for Worthing, when comparing the need for wheelchair dwellings to the number of homes to be delivered through the dwelling-led scenario indicates that it would be 7% of the planned delivery.

Whole Plan Viability Assessment

<https://www.adur-worthing.gov.uk/media/Media,159258,smxx.pdf>

Paragraph 21 - *In summary, this assessment reviewed the overall viability of the proposed Worthing Local Plan and concludes that the residential sites and policies contained within the Plan (unless stated otherwise) have good prospects of delivery. This includes those policies that have potential direct cost impact on development (although noting that in some cases there may be unquantified value / benefits also associated with the same policies) such as:*

- *accessible & adaptable housing (Building Reg standards Part M4(2) & Part M4(3));*
- *Sustainability policies;*
- *Dwelling mix, size and open space standards.*

Paragraph 2.11.1 - *A number of the Council's proposed policies have an impact on development viability, both directly and indirectly. As discussed previously, part of this assessment process was to test whether and to what degree those policies and potential future s106 planning obligations could be absorbed by development whilst maintaining development viability (and therefore viability of the Plan overall). The direct impacts are those policies which ultimately result in a specific fixed cost assumption within the appraisal modelling (including the specific site testing) and those key elements not already considered (e.g. affordable housing proportions, dwelling mix etc.) are discussed below. The appendices show the level of costs assumed by policy/obligation on a per dwelling basis and how those policies altered following the early stages of our assessment.....*

- **Enhanced accessibility 'Access to and use of Buildings' (Policy DM1)** - *following the Housing Standards Review, accessibility is now incorporated into Part M of the Building Regulations with all buildings now being built to a minimum of M4(1) 'visitable dwellings' with further enhanced requirements to M4(2) 'Accessible and adaptable dwellings' and M4(3) 'Wheelchair user dwellings' optional with implementation via policy but subject to evidence of need as well as viability. The Council's proposals require the following; the costs of which have been incorporated into our testing:*
 - *Residential development must ensure that all new build dwellings meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'. Additionally, the Submission Draft Local Plan (Policy DM3 Affordable Housing) indicates that a requirement to provide affordable dwellings constructed to Building Regulation Standard M4(3) Category 3: Wheelchair Accessible Standards, will be dependent on identified need at the time a planning application is submitted and the suitability of the site).*

Appendix 1 of the WPVA (<https://www.adur-worthing.gov.uk/media/Media,159259,smxx.pdf>) sets out residential assumptions and refers to CP1 DWLP policy for all new build to meet M4(2) and 10% of all new dwellings (10+ dev) to meet M4(3)

APPENDIX C

Sustainability Appraisal

The following options were identified and tested in the DIIA

Option 1: Require developments to meet the optional higher Building Regulations standard M4(2) for Accessible and Adaptable dwellings where feasible and viable and for 10% of homes on major developments to meet Building Regulations requirement M4(3) wheelchair user dwellings.

This option scores very positively in terms of the benefits to the health and wellbeing of individuals and communities by enabling people to remain in their homes for longer and improving the quality and choice of housing available to those with additional mobility issues and those requiring housing accessible for wheelchair users. However there are a number of uncertain and neutral scores which recognise the potential that this may conflict with site constraints and the potential impact on viability.

Option 2: Expect Applications to comply with the optional higher standard M4(2) only.

This option scores positively in terms of the benefits to the health and wellbeing of individuals and communities by enabling people to remain in their homes for longer this would particularly affect older people although would also support those with mobility issues. However the scoring also recognises the potential impact on viability and consequently housing delivery due to increased build costs.

Option 3: Continue to rely on current Building Regulations standards.

This option scores fairly neutral compared with the baseline however in the longer term this may place greater demand for specialist housing as the population ages if existing homes cannot be adapted.

Option 1 scores most positively due to the benefits for the community and health and wellbeing of the widest range of individuals. Although it is recognised that this may increase the cost of building homes, this is outweighed by the social benefits.

A 10% target for a proportion of homes to be built to M4(3) was included in Policy CP1 of the Draft Local Plan. This was tested in the DIIA.

CP1: Housing Mix & Quality								
SA Objective	1.	2.	3.	4.	5.	6.	7.	8.
Score	0	0	0	0	?	0	0	0
SA Objective	9.	10.	11.	12.	13.	14.	15.	16.
Score	+	0	++	+	0	0	0	0

In contrast the Submission Draft Local Plan Policy DM1 did not include a specific target for the proportion of homes to be built to M4(3) and instead required these where there was an identified need.

DM1 - Housing Mix								
SA Objective	1.	2.	3.	4.	5.	6.	7.	8.
Score	0	0	0	0	?	0	0	?
SA Objective	9.	10.	11.	12.	13.	14.	15.	16.
Score	+	0	++	+	0	0	0	0

The changes made to this policy, including the change in the proportion of affordable housing to be constructed to M4(3), did not result in any changes to the likely significant effects. Equally it is not expected that a 3% target would be sufficiently distinct to enable reasonable comparisons to be drawn (particularly when compared against the 10% target previously consulted on as part of the Draft Worthing Local Plan). However, regardless of this, the proposed change to 3% of affordable homes to be constructed to M4(3) will be assessed through the SA of the Main Modifications.