

**Inclusion  
London**

**Inclusion London  
Briefing for DDPPOs on:  
Supply of Accessible  
Housing**

**March 2023**

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## Introduction:

London needs to increase its supply of accessible housing. Accessible housing is key to making sure that Disabled people can live independent lives so that they can participate in and contribute to society in any way that they choose.

According to the Mayor of London, London needs to build 66,000 new homes a year to provide for current and future Londoners.<sup>1</sup> It is important that enough of these homes are built to meet the needs of Disabled people who often struggle to find homes that are accessible and affordable for them.

This means that housing developers – people, businesses, local councils and housing associations, who want to build homes in London – must be required to build some of their homes with accessibility features such as lifts, wet rooms and plug sockets that are easier to reach. Accessible housing means that Disabled people can live in homes which meet their needs.

This briefing will explain the issue of the supply of accessible housing in London by outlining:

- **Planning Policy and Systems** - how national, London and local decision makers decide how many and what types of homes are built in London and how this is enforced.
- **Accessibility standards** – what features must a home have to be considered accessible.
- **Issues** - Why not enough accessible homes are being built in London.
- **What to do next** – what DDPOs can do to increase the supply of accessible housing.

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<sup>1</sup> Greater London Authority, (2021). *The London Plan*. Available at: [the london plan 2021.pdf](#) Accessed on 31.01.23

## Planning Policy and Systems

In England, before new homes are built there are plans which decide how many and what type of homes can be built in a specific area.<sup>2</sup> These plans are guided by planning policy, which are a set of rules that say what type of homes and how many of them can be built in each area.

This section will explain:

- What Planning Policy is.
- What National, London and local Planning Policies are.
- What the standards for accessible housing are nationally and in London.

### What is planning policy?

Planning policy sets the guidelines for what is and is not allowed to be built in a specific area. In practice this means that:

- When a housing developer wants to build new housing, they must apply to the local council for planning permission to allow them to do so.
- The council will give them planning permission if the new development is within the guidelines set by planning policy for that area.

In London, planning policy is created at three levels:

- National level refers to planning policies set by the national government.
- London level refers to planning policies set by the Mayor of London and Greater London Authority.
- Local Level refers to planning policies set by the local councils.

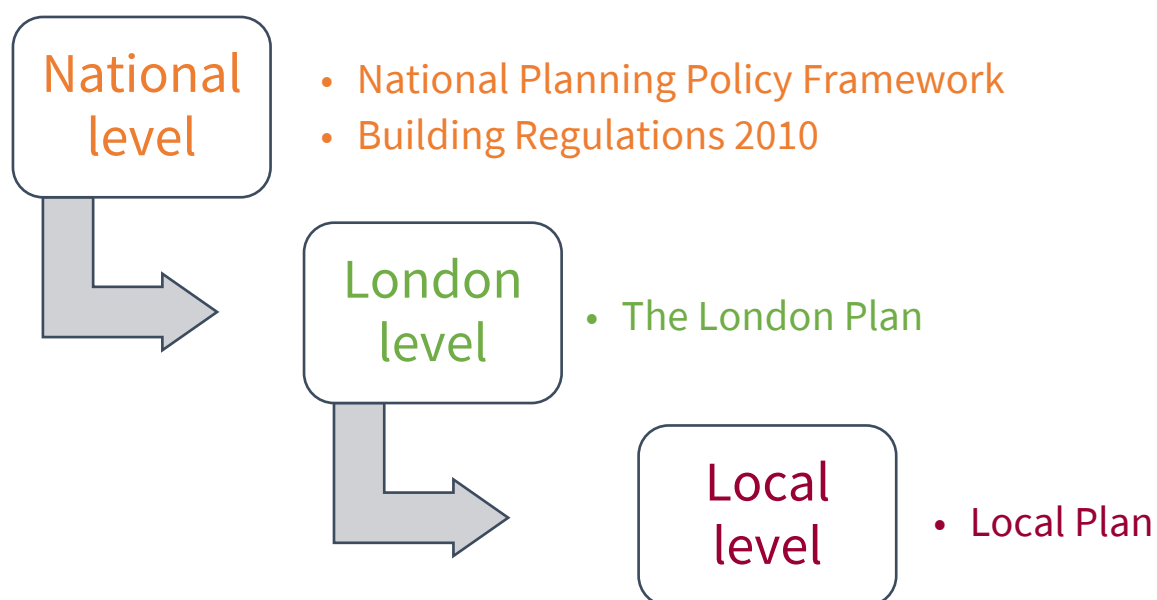
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<sup>2</sup> Ministry of Housing, Communities and Local Government, (2019). *National Planning Policy Framework*. Available at: [National Planning Policy Framework \(publishing.service.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/812123/nppf-2019.pdf) Accessed on 19.01.23

## Why is it important to understand planning policy in relation to accessible housing in London?

- Planning policy sets the guidelines for what is and is not considered accessible housing and how much of it needs to be built.
- In London, housing strategy is devolved. This means that local councils and the Greater London Authority have significant powers in deciding how much new accessible housing is built.<sup>3</sup>

## How does Planning Policy in London work?



The above diagram shows the relationship between national, London and local level planning policy. Planning policy on a local level must follow the guidelines set by London decision makers who must also follow national level planning policy guidelines. To understand this further, the section on the next page outlines planning policies from top level (national) to bottom (local).

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<sup>3</sup> Greater London Authority, (2018). *A City for All Londoners: The Mayor's Housing Strategy*. Available at: [London Housing Strategy](#) Accessed on: 02.02.23

## 1. National Planning Policy Framework<sup>4</sup>

### What is the National Planning Policy Framework?

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied.

It provides guidelines which local councils and the Mayor of London must follow when creating their Local Plans. This means that it tells the decision makers who decide what is built on a local level how they should do this.

### What guidelines does The National Planning Policy Framework include?

- London and local councils should find out what types of housing need to be built for residents through a Strategic Housing Assessment which estimates how much of each type of housing is needed in London. This means looking into how many people will need accessible housing.
- London and local councils in England must plan for housing to provide for the current housing needs and plan for the needs of the future.
- London and local councils must use the Governments standards for accessible and adaptable housing to promote health and wellbeing. These standards are outlined in the [Building Regulations 2010 Part M](#).
- **Section 106 Agreements / Planning Obligations which are outlined on the next page.**

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<sup>4</sup> Ministry of Housing, Communities and Local Government, (2019). *National Planning Policy Framework*. Available at: [National Planning Policy Framework \(publishing.service.gov.uk\)](https://publishing.service.gov.uk) Accessed on 19.01.23

## Section 106 Agreements/ Planning Obligations

The National Planning Policy Framework states that local councils should always consider whether housing developments that they might not usually give planning permission to, could be given planning permission if the housing developer agrees to certain **Planning Obligations/ Section 106 Agreements**.

### What are Section 106 Agreements/ Planning Obligations?

- Section 106 Agreements/ Planning Obligations are an agreement between a housing developer and the local council.
  - The agreement is that the local council will allow the housing developer to build new homes if, in return, they do good things for the local area.
  - This might include building a new park if an old one was lost in the process of building the new homes. It can also include money.
- For accessible housing this means that a local council might tell a developer to build more accessible homes because they are needed in the area.

## 2. The Building Regulations 2010 Part M5



### What are the Building Regulations 2010?

The Building Regulations 2010 Part M sets the standards for how new housing developments in England should be built.

It defines three standards for how accessible homes should be. The most important are M4(2) and M4(3).

### What accessibility standards must housing developers meet?

#### In England:

Previously M4(1) was compulsory for all new housing developments and M4(2) and M4(3) were optional. However, after a consultation in 2020 on standards of adaptability and accessibility, M4(2) is set to become the mandatory minimum across England.<sup>6</sup>

#### In London:

Pre 2015, the Greater London Authority required that 100 per cent of new homes met the Lifetime Homes Standard and ten per cent were wheelchair accessible and adaptable. Since 2015 in London the standards have been 90% M4(2) and 10% M4(3).<sup>7</sup> This means that London has higher accessibility standards than the mandatory minimum in England.

**The difference between M4(1), M4(2) and M4(3) is outlined on the next page.**

<sup>5</sup> Department for Communities and Local Government, (2015). *Approved Document M: Access and use of buildings: Volume 1: Dwellings*. Available at: [Access to and use of buildings: Approved Document M - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/424242/Approved-Documents-M-Access-to-and-use-of-buildings-Volume-1-Dwellings-2015.pdf) Accessed at: 19.01.23

<sup>6</sup> Department for Levelling Up, Housing & Communities, (2022). *Raising accessibility standards for new homes: summary of consultation responses and government response*. Available at: [Raising accessibility standards for new homes: summary of consultation responses and government response - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/1024242/Raising-accessibility-standards-for-new-homes-summary-of-consultation-responses-and-government-response-2022.pdf) Accessed on: 15.02.23

<sup>7</sup> Equality and Human Rights Commission. *Housing and disabled people. Britain's hidden crises*. Available at: [housing-and-disabled-people-britains-hidden-crisis-main-report\\_0.pdf \(equalityhumanrights.com\)](https://www.equalityhumanrights.com/wp-content/uploads/housing-and-disabled-people-britains-hidden-crisis-main-report_0.pdf) Accessed on: 13.01.23



### **M4(1)** – Visitable dwellings

- Is when most Disabled people can visit a home.
- This includes wheelchair users being able to enter the building and a WC on the entrance floor.

### **M4(2)** – Accessible and adaptable dwellings

- These are homes designed to make it possible to eventually adapt the home to people's accessibility needs over time.
  - For example, there should be room for a stair lift.
- Some of the accessibility features already included in this standard are:
  - no steps to get into the home, parking space, shared areas and private outside space.
  - Bathrooms that can be used by people who have a wide range of impairments.

### **M4 (3)** – Wheelchair user dwellings

**M4(3) is split into two types: M4(3a) wheelchair adaptable and M4(3b) wheelchair accessible.**

#### **M4 (3a) Wheelchair adaptable homes**

- Are homes that can be adapted for a wheelchair user.
- No steps to enter the home, shared rooms and outdoor space on ground level.
- There must be room to install a lift if needed.
- Switches, sockets and controls must be accessible to people who have reduced reach.
- Bathroom and kitchen designed so that they can be easily adapted for a wheelchair user.
  - For example, the walls are strong enough to fix a hoist.

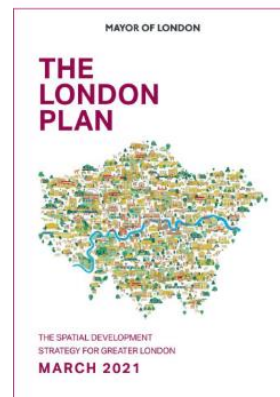
#### **M4 (3b)**

- to be ready for a wheelchair user to move in.
- No steps into any part of the home. If there is more than one floor, there must be a lift.
- Bathroom and kitchen must be already accessible for a wheelchair user.

For more detailed information on the different standards, look here: [Access to and use of buildings: Approved Document M - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/424222/Approved_Document_M_-_GOV.UK.pdf)

# London level Planning Policy:

## 1. The London Plan<sup>8</sup>



### What is the London Plan?

The London Plan is an overall strategic plan for London which sets out an economic, environmental, transport and social framework of London over the next 20-25 years. This includes policies around accessible housing in London. It is published by the Mayor of London.

When creating policies around housing, it uses the 2017 Strategic Housing Market Assessment for evidence of how much and what types of housing are needed in London.

The London Plan must follow the National Planning Policy Framework and the Building Regulations 2010 outlined above. It must also be approved by the National Secretary of State.

The latest plan was published in 2021.

### What guidelines are in the London Plan?

- The London Plan is where the Mayor of London sets out how much of the new housing developed in London must be accessible and affordable - 90% of housing must meet M4(2) standards and the other 10% must meet M4(3).
  - o This means that the London Plan sets out higher standards of accessibility than the minimum standards in the Building Regulations 2010 Part M. You can see if your local borough is meeting these targets here: <https://data.london.gov.uk/dataset/residential-completions-dashboard>
- The London Plan must be followed by each London local council when writing their individual local plans – outlined below.

<sup>8</sup> Greater London Authority, (2021). *The London Plan*. Available at: [the\\_london\\_plan\\_2021.pdf](#) Accessed on 31.01.23

# Local level Planning Policy



## 1. Local Plan<sup>9</sup>

### What are Local Plans?

Each London borough must create a Local Plan. It is a document that provides a positive plan for the future of a borough.

In London, a Local Plan must follow the guidance of the London Plan, the National Planning Policy Framework and Building Regulations 2010 Part M.

## How are planning decisions made locally?

### Council Planning Committees

- Are elected councillors who decide local planning policy and decision processes.<sup>10</sup>
- This means that they must make sure that new housing developments are in line with national, London and local planning policies.
  - However, if they want to go above minimum standards set by the London Plan and national policy, they can through the Local Plan.
- They make decisions on major planning applications.

### Planning Departments

- Are paid civil servants.
- They help to deal with and agree on Section 106 Agreements with developers.
- In line with existing planning policy, they make decisions on smaller planning applications.
- They also should check after a development has been built to make sure the developers met the standards they committed to.

<sup>9</sup> GOV.UK, (2023). *Local Plans*. Available at: [Local Plans: the examination process - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/local-plans-the-examination-process)  
Accessed on: 16.02.23

<sup>10</sup> Lewisham Council, (no date). *Planning Application Process*. Available at: [Lewisham Council - The planning application process](https://www.lewisham.gov.uk/council-and-democracy/planning-application-process) Accessed on: 20.02.23

# Issues with the Supply of Accessible Housing in London

Whilst London has higher minimum accessibility standards than the rest of England, these are not always met and the existing standards may not be enough.

## 1. Viability Assessments<sup>11</sup>

### What is a Viability Assessment?

A viability assessment is a tool to check that developers will get enough money to cover the cost of building a new housing development.

They make sure that the developer will get at least 20% profit.

### Why does this cause an issue for the supply of accessible housing?

- If the viability assessment shows that the developer will not get at least a 20% profit, [Section 106 Agreements](#) can be renegotiated to reduce costs for the housing developer. For example:
  - A council and a developer may agree, under a Section 106 Agreement, that the developer could only get planning permission if 50% of the houses were built to M4(3) standards. However, if a viability assessment showed that the developer would not get a 20% profit for the development after the cost of building it– the council may agree to reduce the number of homes built to M4(3) standard to reduce costs.
- This becomes a larger problem when considering that local councils often do not have enough staff or skills to check whether viability assessments contain accurate information. For example:
  - Viability assessments estimate future costs which may not be entirely accurate. It can be hard for councils to challenge this.

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<sup>11</sup> Equality and Human Rights Commission. *Housing and disabled people. Britain's hidden crises*. Available at: [housing-and-disabled-people-britains-hidden-crisis-main-report\\_0.pdf \(equalityhumanrights.com\)](#) Accessed on: 13.01.23

- As a result of their lack of capacity, councils very rarely challenge viability assessments which often results in reductions in the proportions of accessible housing that is required.<sup>12</sup>

## 2. Are the targets being met?

Councils often do not have enough expertise/ time:

- To look at planning applications and make sure the detailed designs meet the standards for accessibility that they claim to.
- To check that developers built the amount of accessible housing they agreed to.

## 3. Are the targets enough?

- Most local authorities do not hold enough information on the amount of Disabled people within their borough, what their impairments are and what type of housing they might need. This makes it very difficult for them to make sure that enough homes are built for their specific area.<sup>13</sup>
- In current planning policy, M4(3) standards do not state whether a home must be an M4(3a) wheelchair adaptable home, or M4(3b) wheelchair accessible home. M4(3)a Wheelchair adaptable homes still need some adaptations before a wheelchair user can move in.
- It is not clear whether the accessible homes being built are also affordable.

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<sup>12</sup> House of Commons Library, (2019). *Planning Obligations (Section 106 Agreements) in England*. Available at: [Planning Obligations \(Section 106 Agreements\) - House of Commons Library \(parliament.uk\)](#) Accessed: 01.02.23

<sup>13</sup> Equality and Human Rights Commission, (2018). *Housing and disabled people: the role of local authorities*. Available at: [Housing and disabled people: the role of local authorities | Equality and Human Rights Commission \(equalityhumanrights.com\)](#) Accessed: 14.01.23

## Next steps for DDPO's

- **Find out what is going on in your local area.**
  - You can check yearly accessible and affordable housing approvals and completions in your local area by checking the [London Plan Annual Monitoring Report \(click here for the latest one\)](#).
  - [The London Planning Datahub updates this dataset \(find here\)](#) which shows how many new homes are approved and built each year to standard M4(2) and M4(3). This data is shown for each borough.
- **Raise the issue with your local council.**
  - If accessible housing targets are not being met in your local area you can raise the issue with your Cabinet/ Lead Member for Housing.