

Public Petitions Clerks  
Room T3.40  
The Scottish Parliament



By email only

28 April 2015

Dear Ms Robinson,

## **CONSIDERATION OF PETITION PE1554**

Thank you for your letter of 1 April 2015 about the Public Petitions Committee's consideration of Petition PE1554 (Disabled-friendly Housing) raised by Leonard Cheshire Disability. I am replying as Scottish building regulations, that set the minimum standard for all new building work, fall within my remit as a Scottish Government official.

I have read the transcript from the meeting on 31 March and note that the Committee is writing to a number of bodies, including local authorities. In light of this I consider that Scottish Government is best placed to respond on the following matters that were raised during the meeting:

- accessibility for new homes currently covered by building regulations;
- where minimum standards clearly depart from Lifetime Homes and wheelchair accessible housing principles;
- numbers of dwellings built to current accessibility standards; and
- wheelchair accessible housing.

I have addressed each of these points in greater detail below.

### **Accessibility for new homes currently covered by building regulations**

In May 2007, significant changes were made to the standards and guidance that support accessibility to new dwellings, taking them beyond the 'visitability' aspects introduced in the late 1990s. The 2007 standards and supporting guidance are very much founded on the principles set out in 'Housing for Varying Needs' and the more recent publication 'Lifetime Homes'.

Although the building regulations are minimum standards they set a good level of accessibility that applies to all new housing (including mass-market housing). This has been acknowledged by accessibility groups, such as Glasgow Centre for Inclusive Living. It is worthwhile noting that during the latter part of the recent economic downturn, when sales of homes on speculative development housing sites had stalled, social landlords were prepared



to purchase homes built to the 2007 standards from developers. This is because for the first time in the history of Scottish building regulations they considered that such dwellings met their needs.

Scottish building regulation standards and guidance cover:

- 1) car parking size and provision (both private and communal);
- 2) access from road/pavement/car parking to homes (widths, surfaces and gradients);
- 3) entrances (common and private);
- 4) communal stairs and lifts;
- 5) corridors and doorway sizes;
- 6) circulation (including bathrooms, kitchens, etc.);
- 7) accessible living/sleeping space (enhanced apartment), kitchen and toilet at the principal living level;
- 8) future shower at the principal living level;
- 9) wide stairs to accommodate future stairlift and parking;
- 10) robust walls for future grab rails in shower/bath rooms; and
- 11) access to manual controls (including windows, electrical sockets, etc.)

There appears to be a perception from accessibility groups that the current review of technical guidance supporting the building regulations is all about 'pulling back' from the levels of accessibility introduced in 2007. The current review is in fact about looking at certain aspects to see if they can be delivered in a smarter way while retaining current amenity. Such a process is essential to good regulation and for many years the Scottish Government's regulatory impact assessments call for such reviews to take place within 10 years of the introduction of any policy.

### **Where minimum standards clearly depart from Lifetime Homes and wheelchair accessible housing principles**

Lifetime Homes was revised in 2010, however the principles remain largely unchanged. The main principles not covered by building regulations (that feature in Lifetime Homes) are the potential for future fitting of:

- through-floor vertical lift; and
- a support track and hoist.

The main reasons that inclusion of such future-proofing does not feature in building regulations guidance, are that in the case of preparation for:

- a through-floor vertical lift would mean that an over-provision of future-proofing would occur, as new homes on more than one storey are equipped with wide stairways which facilitate the future installation of a stairlift; and
- a support track and hoist would mean that homes are going beyond the principles of 'independent living' and into the territory of 'full-time care' with live-in carers.

In view of the above, it is considered that these two principles go far beyond the scope of minimum regulation and into the area of best practice.

### **Numbers of dwellings built to current accessibility standards**

There is no data held on how many new homes will have been built to the accessibility standards introduced in May 2007. An assessment has been done which could help to provide an indication of the extent of accessible new housing constructed over the last few years. This rough assessment is as follows, but comes with a caveat that it is based purely on an impression of what has happened over the last 7 to 8 years.

Revised standards and guidance were introduced at the beginning of May 2007. There was

significant activity by the developers in advance of the cut-off date, to 'flood' the local authority verifiers with building warrant applications that effectively meant that they could build to the previous set of standards for some period of time. The economic downturn began in 2008 and housing supply numbers dropped from 25k per annum down to 13k – 15k. It is probably reasonable to say that during the next 4 years that no dwellings were constructed to the 2007 standards (other than a few one-off or self-build homes). Between spring 2011 and today (the last 4 years) homes will now be being constructed to the 2007 standards and should half of these be meeting them (instead of the earlier standards) it could cautiously be said that there are between 25k and 30k that achieve the 2007 accessibility levels.

The Housing Supply budget has been increased by £229 million from £368.50 million in 2014/15 to £597.63 million in 2015/16. The overall Housing and Regeneration budget has increased by £200 million from £543 million in 14/15 to £743 million in 15/16. This additional £200 million investment for 15/16 will support at least 6,500 jobs, result in total investment of around £600 million and deliver thousands of affordable homes.

There have been 1459 purpose built accessible homes completed as part of the Affordable Housing Supply Programme over the lifetime of the current Parliament (up to March 2014 in line with current published out-turn figures). A part of that figure will not fall within the assessment carried out above for dwellings constructed to the 2007 building standards.

### **Wheelchair accessible housing**

The building standards system is set-up to cover how buildings are constructed. It is not well-placed to address matters that require a strategic overview across the entire country or the local authority geographic areas, such as full wheelchair accessible new housing. It cannot be used to ensure that those who need full wheelchair access will occupy housing that achieves such a standard.

However, we are aware of the calls set out in the petition. There are two interlinking Scottish Government documents which set out Ministers' views on this matter which were published in 2014, Local Housing Strategy Guidance (<http://www.gov.scot/Publications/2014/08/3070>) and Scottish Planning Policy (<http://www.gov.scot/Publications/2014/06/5823>).

Whilst it is recognised that there are some merits to the approach suggested by the petitioner, the above guidance on Local Housing Strategies focuses on using the Housing Needs and Demand Assessment (HNDA) tool and other local data sources to identify local need and demand for accessible housing and support local decision making.

Following on from this evidence, Scottish Planning Policy (SPP) recognises that as part of the HNDA, local authorities are required to consider the need for specialist provision that covers accessible and adapted housing, wheelchair housing and supported accommodation, including care homes and sheltered housing. This supports independent living for elderly people and those with a disability. Where a need is identified, planning authorities should prepare policies to support the delivery of appropriate housing and consider allocating specific sites.

Scottish Ministers have made it clear that they want Scotland's plan-led system to be more effective, meaning plans are up-to-date, understandable and most of all deliverable. The Scottish Government is monitoring the development plan context across Scotland more closely, looking at alignment with SPP and also National Planning Framework 3, as well as

processing and timing. The Scottish Government will continue to work closely with planning authorities, individually and collectively, to provide support and advice on improving development plans.

In summary, for wheelchair accessible housing a strategic approach is necessary, so that the right homes are in the right place and they are occupied by the people who need them.

I hope that the Committee finds all of the above helpful.

Yours sincerely,

Gavin Peart  
Assistant Head of Building Standards