

To: City Executive Board
Date: 16 October 2017
Report of: Scrutiny Committee
Title of Report: Assessing disabled impacts in planning

| Summary and recommendations | |
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| Purpose of report: | To present recommendations from Scrutiny on how the Council fulfils its duty to assess the impacts on disabled people of new developments and changes of use. |
| Key decision: | No |
| Scrutiny Lead Member: | Councillor Andrew Gant, Chair of Scrutiny |
| Executive Board Member: | Councillor Alex Hollingsworth, Planning and Regulatory Services |
| Corporate Priority: | Meeting Housing Needs and Strong and Active Communities |
| Recommendation(s): That the City Executive Board states whether it agrees or disagrees with the seven recommendations in the body of this report | |

| Appendices |
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| None |

Introduction

1. The Scrutiny Committee commissioned a report from the Head of Planning, Sustainable Development and Regulatory Services on how the Council fulfils its duty to assess the impacts on disabled people of new developments and changes of use, including for businesses and private and social sector housing. The Committee considered this report at a meeting on 7 September 2017.
2. The Committee would like to thank Patsy Dell, Head of Planning, Sustainable Development and Regulatory Services, and Ian Wright, Environmental Health Service Manager, for providing the report and answering questions. The Committee would also like to thank Cllr Marie Tidball (who originally suggested this item) and Alex Donnelly, for addressing the Committee as witnesses.

3. The Environmental Health Service Manager introduced the report. He noted in particular the fact that healthy life expectancy is not keeping pace with increased life expectancy which has ever increasing consequences for the buildings we use and live in. He also set out the three legislative areas that underpin this work - planning policy, building regulations and the Equalities Act 2010. He said that the Council's planning policies, which require that all new homes are built to the Lifetime Homes standard, exceed national requirements and those of many other local authorities.
4. Alex Donnelly spoke as a blind resident who is interested in matters of public access. He said the latest data suggested that the national figure for the proportion on the population experiencing a long term health problem or disability that limited their day to day activity is now just over 20%. He noted that there is an undisputed link between disability and poverty; the Joseph Rowntree Foundation estimate that 50% of people with disability live in poverty. Inclusive design is often seen in the context of structural changes for those with particular needs but this is a false assumption; good, accessible design is of value to everyone. Investment in good, accessible design should not just be seen as a cost but, rather, as an investment. The policy requirement that 5% of all new dwellings should be designed as wheelchair accessible seems a low aspiration and the Council could go further. Alex concluded by noting that, in the case of large public buildings, as someone who was blind, having clearly identified information points is vital.
5. Cllr Tidball had initiated the commissioning of this report when she was a member of the Committee and thanked the authors for it. She was pleased to see that Oxford was setting an example by going over and above the requirements but suggested that there was probably scope for further development. She suggested that the Committee might wish to consider making three recommendations about:
 1. The setting up of bespoke consultation sessions with disabled members of the community and organisations to feed into the Local Plan.
 2. Contacting the DCLG asking them to exhort others to follow Oxford's example. If 18%+ of the community experience some kind of disability, the building estate should reflect that - but it does not.
 3. Approaching businesses and estate agents encouraging them to embrace inclusive design

Summary and recommendations

6. The Committee thanked officers for providing an excellent report and welcomed the helpful contributions made by the two witnesses. The Committee noted the points they raised and agreed to put forwards the recommendations suggested by Councillor Tidball about consulting with disabled people and making representations to government and other stakeholders about the importance of inclusive access.

Recommendation 1 – That the Council consults with disabled users and organisations in the context of the emerging Local Plan.

Recommendation 2 – That the Council contacts the Department for Communities and Local Government asking them to:

- a) ***Review the application and impacts of part M of the Building Regulations and whether these regulations and optional standards go far enough in light of the latest demographic data;***

b) Promulgate good practice in terms of disabled access and inclusivity to local authorities.

Recommendation 3 – That the Council makes representations to landlords, estate agents and developers about the importance of creating an inclusive housing market.

7. The Committee considered the Council's Accessible and Adaptable Homes policy in light of the comments made by Alex Donnelly and Cllr Tidball. This policy requires that planning permission will only be granted where all proposed new dwellings meet the Lifetime Homes standard and that on sites of 4 or more new dwellings, at least 5% of these (or at least 1 dwelling for sites with fewer than 20 homes) are either fully wheelchair accessible or easily adaptable for full wheelchair use. The Committee would encourage the Council to raise the threshold for wheelchair access if evidence suggests that this would ensure future housing needs will be met.

Recommendation 4 – That as part of the Local Plan review the Council reviews whether planning policy HP2 requires that a sufficiently high proportion of new dwellings are either fully wheelchair accessible or easily adapted for full wheelchair use, in order to meet future housing needs in the city, or whether the 5% threshold should be raised.

8. In response to a question about planning enforcement, the Committee noted that there is no authoritative means of monitoring the 5% target for new buildings to be wheelchair accessible or easily adaptable for full wheelchair use. To some extent it is a case of trusting that development projects overseen by private approved inspectors (as opposed to the Council's own building control surveyors) are compliant with the planning policy requirement.

Recommendation 5 – That where possible, the Council monitors compliance with planning policy HP2 (or any equivalent policy that replaces it following the Local Plan review).

9. The Committee considered the issue of disabled access in existing private sector accommodation and noted that the Council has no powers to require retrospective improvements. It was however identified that there are opportunities for the Council to do more to influence the private sector, such as through the licensing of houses in multiple occupation (HMOs), as well as the landlord forum and accredited landlord scheme (recommendation 3).

Recommendation 6 – That the Council encourages higher standards of disabled access and inclusivity through HMO licencing. This could include capturing data from inspections and making recommendations to landlords on good practice.

10. The Committee noted that the Council has a good story to tell in terms of promoting disabled access and questioned whether there was more the Council could do in terms of proactively identifying and embedding good practice. The Head of Planning, Sustainable Development and Regulatory Services said that this was a fair challenge and that there was still more to be done to strengthen the service.

Recommendation 7 – That the Council continues to look at good practice from other local authorities to inform further improvements to planning and regulatory services, including with regards to disabled access and inclusivity.

Further consideration

11. The Committee agreed to request that officers to provide a further update in a years' time.

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