



# Leicester City Council Corporate Guidance

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October 2019

**Achieving Well Designed Homes**  
Residential Space Standards, Amenities and  
Facilities

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# 1. Introduction

Concerns have been expressed about the amount of residential development that has been completed recently in Leicester which includes small units (i.e. below the Nationally Described Space Standards- NDSS), with unsatisfactory levels of residential amenity and the consequential health and social impacts on both individuals and on the character of parts of the city.

Limited evidence of the extent of this issue is held. Sampled data indicates that the issue is focussed on city centre new build and conversion schemes. Whilst some submitted schemes do meet the NDSS, current experience shows that the majority of these do not comply.

The council proposes to establish the actual position in the form of monitoring evidence to establish the actual position and to support justification of adoption of the NDSS in the emerging Local Plan.

In advance of adoption of statutory policy, an integrated approach is required, from across all City Council departments, to optimise the provision of appropriately sized accommodation with satisfactory levels of residential amenity to meet the full range of housing demands experienced in the city.

Leicester City Council has therefore prepared this Corporate Guidance to aid property owners, planning applicants and Local Authority officers on Leicester City Council's expectations for the standard of residential accommodation in Leicester. It references existing statutory controls, policies and guidance and outlines the Council's expectations in terms of delivering a good standard of amenities and facilities provided. It also includes information from the Fire and Rescue Service on the need to comply with the legal requirements for Fire Safety when carrying out certain development.

## **Aims of this Corporate Guidance**

Aim 1: The City Council believes in good quality housing.

Aim 2: The City Council intends to lead by example, in terms of enabling good quality housing, by the provision of its own development and on its own land.

Aim 3: The City Council will also control and or encourage the private sector to do the same, so that as many housing developments as possible meet the standards set out in this document.

In line with the above Aims, the City Council encourages developers to use the NDSS in proposals, and through application of this Guidance the Council will receive NDSS compliant developments positively.

## The Nationally Described Space Standards (NDSS)

In 2015 the government introduced a nationally described space standard which deals with internal space within new dwellings. These standards are suitable for application across all tenures and sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy, bedrooms, bed spaces, and storeys, as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. For advice on the Nationally Described Space Standards please see the DCLG guidance. For ease of use the council has translated these requirements into a table form as shown below.

Bedrooms	People	Storeys	Gross Internal Floor Area	Single bedroom area (m2)	Single bedroom width (m)	Double/twin bedroom area (m2)	Largest double/twin bedroom width (m)	Other double/twin bedroom width	Built-in Storage	Height for 75% of GIA
1	1	1	39 (37)*	7.5	2.15	-	-	-	1.0	2.3
	2	1	50	-	-	11.5	2.75	-	1.5	2.3
	2	2	58	-	-	11.5	2.75	-	1.5	2.3
2	3	1	61	7.5	2.15	11.5	2.75	-	2.0	2.3
	4	1	70	-	-	11.5	2.75	2.55	2.0	2.3
	3	2	70	7.5	2.15	11.5	2.75	-	2.0	2.3
	4	2	79	-	-	11.5	2.75	2.55	2.0	2.3
3	4	1	74	7.5	2.15	11.5	2.75	-	2.5	2.3
	5	1	86	7.5	2.15	11.5	2.75	2.55	2.5	2.3
	6	1	95	-	-	11.5	2.75	2.55	2.5	2.3
	4	2	84	7.5	2.15	11.5	2.75	-	2.5	2.3
	5	2	93	7.5	2.15	11.5	2.75	2.55	2.5	2.3
	6	2	102	-	-	11.5	2.75	2.55	2.5	2.3
	4	3	90	7.5	2.15	11.5	2.75	-	2.5	2.3
	5	3	99	7.5	2.15	11.5	2.75	2.55	2.5	2.3
4	6	3	108	-	-	11.5	2.75	2.55	2.5	2.3
	5	1	90	7.5	2.15	11.5	2.75	-	3.0	2.3
	6	1	99	7.5	2.15	11.5	2.75	2.55	3.0	2.3
	7	1	108	7.5	2.15	11.5	2.75	2.55	3.0	2.3
	8	1	117	-	-	11.5	2.75	2.55	3.0	2.3
	5	2	97	7.5	2.15	11.5	2.75	-	3.0	2.3
	6	2	106	7.5	2.15	11.5	2.75	2.55	3.0	2.3
	7	2	115	7.5	2.15	11.5	2.75	2.55	3.0	2.3
	8	2	124	-	-	11.5	2.75	2.55	3.0	2.3
	5	3	103	7.5	2.15	11.5	2.75	-	3.0	2.3
5	6	3	112	7.5	2.15	11.5	2.75	2.55	3.0	2.3
	7	3	121	7.5	2.15	11.5	2.75	2.55	3.0	2.3
	6	1	103	7.5	2.15	11.5	2.75	-	3.5	2.3
	7	1	112	7.5	2.15	11.5	2.75	2.55	3.5	2.3
	8	1	121	7.5	2.15	11.5	2.75	2.55	3.5	2.3
	6	2	110	7.5	2.15	11.5	2.75	-	3.5	2.3
	7	2	119	7.5	2.15	11.5	2.75	2.55	3.5	2.3
	8	2	128	7.5	2.15	11.5	2.75	2.55	3.5	2.3
6	6	3	116	7.5	2.15	11.5	2.75	-	3.5	2.3
	7	3	125	7.5	2.15	11.5	2.75	2.55	3.5	2.3
	8	3	134	7.5	2.15	11.5	2.75	2.55	3.5	2.3
	7	1	116	7.5	2.15	11.5	2.75	-	4.0	2.3
	8	1	125	7.5	2.15	11.5	2.75	2.55	4.0	2.3
	7	2	123	7.5	2.15	11.5	2.75	-	4.0	2.3
	8	2	132	7.5	2.15	11.5	2.75	2.55	4.0	2.3
	7	3	129	7.5	2.15	11.5	2.75	-	4.0	2.3
6	8	3	138	7.5	2.15	11.5	2.75	2.55	4.0	2.3

## **Opportunities for Early Engagement**

Prior to submitting any proposals or planning applications, it is recommended that landlords and property owners contact the relevant local council departments, to discuss the content of their proposal. (See Appendix 3, for various department's website information. There may be a charge for some types of advice.)

We strongly recommend that you view all relevant supporting documents and websites beforehand, which may assist and influence your decision making process.

Even where planning permission may not be required, (e.g. building using permitted development rights), landlords and property owners are still strongly recommended to contact the Council in respect of for example, HMO Licensing (Houses In Multiple Occupation), Building Control and Health And Safety requirements.

### **Planning Service**

The Leicester City Council's website gives guidance on planning matters and includes the opportunity to seek pre-planning application advice for new developments. This will help to clarify whether planning permission is required and ensure proposals and plans contain the relevant information and requirements necessary for determining any future planning applications. *(There will shortly be a charge for this.)*

### **HMO Licensing (Neighbourhood & Environmental Services)**

With regard to HMO's (Houses In Multiple Occupation), developers will need to comply with specific regulations in respect of requirements for Houses in Multiple Occupation as well as planning controls. (See contact details in Appendix 3). It is recommended that where planning permission is required developers consult with planning officers and HMO licensing officers in parallel to resolve issues as early as possible. Leicester City Council will endeavour to make sure the various requirements in respect of both regimes are set out to developers and potential applicants:-

- at pre-application consultation stage
- in consideration of relevant planning applications and through advisory notification of housing licensing requirements on planning permissions
- throughout consideration of potential enforcement action and subsequent prosecutions

### **Building Control**

Generally there is a legal requirement to get approval, if you are extending, altering or erecting a building. This is to safeguard you, the general public and any future owners of the building. You can apply for building regulation approval through the Council's Building Control Team or an Approved Inspector. Schemes of conversion or new build will need to comply with the Building Regulations. Building work must be inspected during its progress and sufficient notice must be given to enable us to arrange site visits. Pre- application enquiries, further details and the application form can be obtained from the Building Control website. (See contact details in Appendix 3).

## **Housing**

Where affordable housing is being proposed as part of any development, the developer is encouraged to contact the Housing Development Team at an early stage. (See contact details in Appendix 3).

The team can advise on:

- what amount and mix/type of affordable housing would be sought as a developer contribution on any planning application which triggers the Local Plan's Affordable Housing policy;
- what types of affordable housing have the greatest evidence of sustainable need and demand in the city;
- contact details for Registered Providers who may be interested in acquiring new affordable housing

## **Property, Estates and Building Services**

The Council does sell land and property for residential development and when property is marketed it will be made clear in the marketing particulars what the expectations towards residential amenity including space standards will be for that property and bids will be invited accordingly. The approach may differ between different opportunities.

## **Public Health**

Leicester City Public Health can offer advice on a range of resources that are useful in conducting a health impact assessment, shown in appendix 6.

## **Consequences of non-compliance**

### **Enforcement - Planning System**

Dialogue is important to ensure compliance with all the various planning regulations. It helps to try and avoid corrective retrospective action being taken as follows:-

There is potential for Planning Enforcement action to be taken, where expedient, where development or other activities do not comply with existing planning permission or where development is unauthorised. Such action could include Enforcement and Breach of Condition Notices, Stop Notices and Temporary Stop Notices; and ultimately injunctions, prosecutions, fines and potentially, seizing of money gained as a result of criminal offences under the Proceeds of Crime Act (POCA).

POCA enables Local Authorities to seize proceeds of crime once a conviction for a criminal offence occurred. Such offences include breaches of Enforcement Notices and advertisement regulations; and deliberate damage to protected trees.

### **HMO Licensing (Neighbourhood & Environmental Services) - Licensing Regime**

The Housing Act 2004 sets out a number of licensing related offences all of which carry an unlimited fine, including:

- Operating an unlicensed HMO or allowing an HMO to be occupied by more persons than a licence allows
- Breach of a licence condition
- Supplying incorrect information in a licence application

In addition to the above, a landlord who operates an unlicensed HMO can be subject to a Rent Repayment Order (RRO) by a First-tier Tribunal (Property Chamber) under sections 96 and 97 of the Housing Act 2004.

Operating an unlicensed HMO or breaching a licence condition can be dealt with informally initially, however, if the breach is serious and affects the safety of the occupants or the licence holder does not carry out necessary works within an agreed timescale, formal legal proceedings with a view to prosecution can be initiated.

As an alternative to prosecution a Civil Penalty can be issued for certain offences using the Housing and Planning Act 2016. The same criminal standard of proof is required for a civil penalty as for prosecution and the Council must satisfy itself that of the case were to be prosecuted there would be a realistic prospect of conviction.

## **Building Control**

If there is no Building Regulation Approval for the works undertaken, or if works have not been carried out in accordance with an Approval, a Local Authority can take enforcement action against the owner of a property (even if that person did not undertake the work themselves), requiring the property owner either to undo the works undertaken or to carry out rectification works in order to ensure that the works comply with Building Regulations.

Should you choose to proceed despite the lack of Building Regulation Consent you may be exposed to the following risks:-

- a) An insurance company may refuse to pay out under a Buildings Insurance Policy if there is inadequate Building Regulation Consent for alterations to the property.
- b) If there is no Building Regulation Approval for the works, they could be structurally dangerous.
- c) The Council could take enforcement action against you requiring you to undertake costly rectification works and causing you considerable inconvenience.
- d) If the property is being sold or is being re-financed, the lack of the requisite approval will be revealed on a Local Search and there is a risk that the finance (for the owner or potential purchaser) could be refused or indemnity insurance may be required.

## **Fire Service**

The Fire Safety Order (FSO) applies to most premises other than single private dwellings (Housing Act) and the responsible person for the premises must ensure that they understand and are aware of their duties.

Contraventions and non-compliance of the FSO can result in prosecutions which include unlimited fines and or custodial sentences.

## 2. Planning

### **Existing Planning Policy**

The preparation of the Corporate Position Paper is influenced by the Council's statutory Development Plan and National Planning Guidance. See summary of national and local policies in Appendix 4.

### **Future Direction of Planning Policies**

Leicester City Council is considering adoption of the Nationally Described Space Standards (NDSS). This can only be done formally through their adoption in a new local plan. The New Local Plan adoption process is not due to be finalised until 2020.

More information about the NDSS can be found within section 1 of this Guidance and Appendices 1, and 4.

To consider including the NDSS in the local plan, local planning authorities are required to both gather evidence to demonstrate that there is a need to apply the standards in their area and also to assess the impact of using the standards upon the viability of development, in order to justify adopting appropriate policies in a Local Plan. The Council is currently undertaking this exercise as part of its Local Plan adoption process.

Even before the adoption of the New Local Plan, the NPPF confirms that the Council may be able to give weight to draft policies which include the NDSS. However whether this is possible and the weight to be given to these depends on how near the Local Plan is to adoption, the significance and extent of any unresolved objections, and the degree of consistency between the draft policies and the NPPF.

Regardless of the position on space standards in considering proposals for housing including flats and HMOs we already consider the overall standard of living accommodation under current policies. If living accommodation is cramped it is unlikely to be judged to offer a good standard of accommodation.

### **Development Management**

The quality of accommodation is a very important consideration in determining any planning application for new housing – whether new build or conversion. When submitting a planning application for residential developments, applicants will be required to provide a schedule of accommodation detailing the internal floor space and dimensions of their proposal, an example template is shown in Appendix 1.

Leicester City Council recognises living space requirements can be different, according to life stages and tenancy types. In particular, Leicester City Council's Student Housing Supplementary Planning Guidance provides advice for student accommodation and the National Planning Policy Guidance outlines the optional requirements for accessible and adaptable dwellings, and wheelchair user dwellings (please see Appendix 4 for more information).

The Local Plan in conjunction with subsequent guidance provides all new build dwellings (apart from new build purpose built Student Dwellings) shall be designed



and built to the National Accessible and Adaptable Standard M4(2) unless this is accepted not to be feasible in design or financial terms.

The Affordable Housing Policy and Supplementary Planning Document seeks to secure 10% of new build Affordable Housing provision to be designed and built to the National Wheelchair Accessible Standard M4(3)(2)(b).

### **Criteria Indicating Quality of Accommodation**

Although there are other material considerations, it is **unlikely that planning permission would be given for housing that does not provide a good quality of accommodation**. This is in line with the existing planning policy context set out in Appendix 4.

Whilst we move towards the adoption of new local plan policies, **the importance of good quality accommodation proposed in planning applications will be measured against the following criteria**. They combine to give an indication of the level of quality and residential amenity of the scheme:

1. The number of small units proposed as a proportion of the development
2. The nature of the mix and nature of units e.g. numbers of bedrooms, tenure (social, affordable, intermediate), type (ownership, rent, co-operative), occupancy (student, family, old persons)
3. Whether or not a unit layout provides enough space for day to day living for the proposed occupants resulting in an unacceptable impact on residential amenity
  - the degree to which some or all of the units are particularly small bearing in mind the context of the NDSS
  - The overall layout, in terms of the access to the property
  - Circulation inside dwellings, including the extent of compliance with national accessibility standards
  - Access to both internal and external shared amenity areas, this will be particularly important in larger schemes and those with significant communal areas
  - Adequate provision of and access to both bin stores and bike stores
  - The availability and functionality of on-site communal space and provision of balconies or other available external space which might mitigate the amenity impacts
4. The quality of proposed privacy, light and outlook of each unit
5. The proposed management arrangements
6. The availability of nearby amenities such as parks/other public spaces and day to day facilities
7. Sustainability of location in terms of transport (promote the use of public transport, cycling and walking and to secure provision of adequate parking)

### **Development and Flood Risk / Management**

Planning policies with regards to Development and Flood Risk Management are designed to:

- Direct development to sites with the lowest risk of flooding (the Sequential Test)

- To protect residents from flooding and minimise the impact of flooding
- Avoid increasing the risk of flooding on sites elsewhere such as neighbouring dwellings
- Reduce the rate of surface water runoff from a site through the use of Sustainable Drainage Systems (SuDS)

Guidance that takes you through the processes regarding water environment matters that you need to follow in order to obtain planning permission can be found in **appendix 4**.

These processes need to be worked through. Applications for planning permission are at risk of refusal or delay if a developer has not carefully worked through the processes.

In very general terms in the determination of planning applications

- Basement dwellings are unlikely to be acceptable
- Ground floor dwellings at a high risk of flooding are usually unacceptable unless, they are sequentially preferable and have been carefully designed with flood resistance and flood resilience measures and escape routes in the event of a flood.

### 3. Housing

The Housing Division's aim is '*A decent home within the reach of every citizen in Leicester*'. The majority of households in the city are able to meet their housing needs independently within the housing market, via home ownership and private rent. For households who cannot meet their housing needs within the housing market, the Housing Division seeks to ensure that there is a supply of decent affordable housing. The city cannot meet all the need for affordable housing and has a shortfall of 786 units of affordable housing a year.

In order for a home to be decent, it has to be fit for purpose and space standards are important to this end, especially for affordable housing. Affordable housing is usually let at its full occupancy. For example, a 3 bedroomed/5 person designed home would usually be let to a 5 person household. In order for fully occupied homes to be fit for purpose, they need to have sufficient space for a household's full range of home-based activities and storage, including sleeping, cooking, eating, homework/studying, leisure, rest, receiving visitors, etc. If there is insufficient space to accommodate a household's activities and storage requirements, then the household will not be able to experience a restful sense of home and their health, relationships, sleep, work and study might all be affected.

The Housing Division leads by example on this issue: all new council homes built since 2010 have been built to the council's former "Space Standards For Affordable Housing" and all new proposed new build council homes will be built to NDSS.

It is the Housing Division's considered view that good space standards make for a better home, which a household is less likely to seek to move from. Tenancy turnover

and therefore voids and periods of lost rent, are likely to be lower in homes with good space standards than homes without. Lower tenancy turnover usually leads to more settled neighbourhoods, a greater sense of belonging and less anti-social behaviour compared with areas with high tenancy turnover.

In recent years, planning applicants and the council have struggled to find Registered Providers (RPs) prepared to take on potential/actual affordable housing to be delivered from “planning gain”, where the product is small. RPs advise that this is because of the management issues (high turnover of tenancies and impact on voids/rental stream; service charge requirements from any communal space/facilities; perceived/actual anti-social behaviour; etc) associated with such products. A space standard compliant flat offer is likely to attract more interest from RPs.

For many years, the city council sought minimum space standards in new affordable housing, using its “Space Standards For Affordable Housing”. These standards were drawn up in partnership with local Registered Providers. Until the introduction of the national Technical Standards in 2014 (including the Nationally Described Space Standards), practically all of the new build supply of affordable housing was built to the council’s own minimum space standards.

## 4. Neighbourhood & Environmental Services

Neighbourhood and Environmental Services have a number of areas of work that help to guide and control Space and Amenity Standards in residential dwellings:

- Mandatory Licensing of HMOs
- Selective Licensing of HMOs
- Housing Health and Safety Rating Scheme

### **Mandatory Licensing of Houses in Multiple Occupation**

The Housing Act 2004 introduced a mandatory licensing system for certain types of Houses in Multiple Occupation (HMO). The aim of licensing is to ensure that every licensable HMO is safe for the occupants and visitors and is properly managed.

From April 2006 owners of certain types of HMOs have been required to apply to the local authority to have their properties licenced. From 1st October 2018 the type of property requiring a licence was extended to include any<sup>1</sup> HMO property with 5 or more occupiers from more than 1 household.

The responsibility for applying for a licence rests with the person having control of, or the person managing the property. Generally, this is the owner, or the managing agent.

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<sup>1</sup> there are some exemptions; properties managed by a local authority or registered social landlords university owned/managed halls of residence occupied by religious communities predominantly owner occupied resident landlord with a maximum of two other households

## Space and Amenity Standards in HMOs

Legislation<sup>2</sup> prescribes certain standards that must be met in Houses in Multiple Occupation that are licensable under the Housing Act 2004. These include heating, washing facilities, cooking facilities and fire precaution measures.

In October 2018 legislation<sup>3</sup> was introduced to include within HMO licence conditions minimum sleeping room sizes. The minimum size for a room occupied by one person over 10 years old is for 6.51m<sup>2</sup> for a single bedroom and 10.22m<sup>2</sup> for a double bedroom. This legislation relates ONLY to sleeping rooms and not rooms in HMOs that have within them cooking facilities.

The statutory minimum sizes for sleeping rooms are not intended to be the optimal room size and local authorities have discretion to set their own higher standards but can not set a lower standard. Leicester City Council in conjunction with Derby City Council and Nottingham City Council and DASH (Decent and Safe Homes) East Midlands have developed some best practice guidance for space and amenity standards for both licensable and non-licensable HMOs. The best practice guidance is not a legal requirement and other factors or compensatory features are taken into consideration when inspecting a property for licensing purposes therefore allowing for a degree of flexibility with the best practice guidance in certain circumstances. These factors could include the shape and usability of the living space and any additional amenity space within the property. The best practice guidance can be found in Appendix 2.

## Selective Licensing

The Housing Act 2004 enables Local Authorities to introduce a Selective Licensing Scheme in areas where there is a high density of privately rented property and the area is suffering from significant housing condition problems, high levels of migration, high levels of deprivation and anti-social behaviour affecting residents and businesses.

Leicester City Council has made a commitment to investigate whether there are areas within the city that could benefit from a selective licensing scheme. Research and data collection is on-going and a decision about which areas of the city would benefit from such a scheme will be made in May 2020 with the aim of implementing it in September 2020. However, officers are seeking to achieve improvements on this timescale through discussions with the contractors/authors for the required housing condition report.

If Selective Licensing Areas are designated this will result in many more properties being inspected and included within that inspection will be assessment of space and amenity standards along with any disrepair issues.

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<sup>2</sup> *The Licensing and Management of Houses in Multiple Occupation and other Houses (Miscellaneous Provisions) (England) Regulations 2006 and The Licensing and Management of Houses in Multiple Occupation and other Houses (Additional Provisions) (England) Regulations 2007*

<sup>3</sup> *The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018*

## Housing Health and Safety Rating System (HHSRS)

The Housing Act 2004 introduced the Housing Health and Safety Rating System, a method for local authorities to assess housing conditions. The key principle of the system is that a dwelling, including the structure, outbuildings, amenity space, means of access etc. should provide a safe and healthy environment for the occupants and any visitors.

The inspection process is a risk based assessment that aims to address all the key issues that affect health and safety within a dwelling and considers the effect of 'hazards' in the property. Hazards are rated according to how serious they are and the effect they are having or could have on the occupants –the effect of the defect.

The system provides a means of comparing risks associated with different types of hazard. Some are slow and insidious in their effect such as dampness and cold and lack of space whilst others are quick such as falls. Some hazards are more likely to result in death (such as carbon monoxide) and others unlikely to cause death (noise, poor layout of amenities).

HHSRS uses a scoring system, each assessment results in a numerical representation of the degree of risk represented by a hazard. A formula is used which takes account the nature of the hazard, the likelihood of an occurrence and the seriousness of the outcome.

A high scoring hazard will be categorised as a category 1 hazard and the local authority has a duty under the Housing Act to take action. Lower scoring hazards are category 2 and local authorities have the power to take action should it be deemed necessary to do so.

Of the 29 identified hazards, Hazard 11: Crowding and Space deals with health hazards linked to a lack of living space for sleeping and completing normal household activities.

## 5. Building Control

Generally all new build work, extensions and all structural alterations will require approval under building regulations and some other alterations such as reroofing, rendering, replacement windows and domestic electrical work will probably also require approval.

Building regulations are there to ensure the health, safety and well-being of the public and are administered by a Building Control Body (Council or Approved Inspector) to maintain building standards and energy conservation in most building schemes. The Council's Building Control team provides an impartial, objective assessment of your work through appraisal of submitted plans and information, and subsequent site inspections.

The building regulations cover a number of topics such as structure, fire, moisture resistance, sound, ventilation, water supply and sanitary conveniences, drainage, boilers and chimneys, stairs and ramps, conservation of fuel and power, access for all, safety glazing, and electrical work in and around dwellings.

The design of all residential buildings must meet the requirements of the Building Regulations in respect of means of escape in case of fire, fire precautions and access/facilities for fire-fighting. This includes conversions of properties.

The design, including internal layouts (to private houses, flats, bedsits etc) and escape routes, should conform to the guidance given in the relevant version of Approved Document B (which support the building regulations) or the British Standard BS9991.

Approved Document M contains requirements for access and moving around a building and contains 'optional requirements' for higher standards. Where appropriate, these can be imposed at the Planning stage to enable a dwelling to be accessed and used throughout a person's lifetime. If higher standards are a condition on the relevant planning permission, Building Control must be notified of this.

## 6. Estates & Building Services

The Council does sell land and property for residential development and when property is marketed it will be made clear in the marketing particulars what the expectations towards residential amenity will be for that property and bids will be invited accordingly. The approach may differ between different opportunities. An important factor in determining the approach would be for the council's policy expectations to be met, so the adopted policy relating to planning, housing, health and well-being would need to be taken into account, along with other guidance such as that set out in this document.

## 7. Fire Safety

The Regulatory Reform (Fire Safety) Order 2005 is statute law which imposes requirements and duties on the responsible person (the person having control over the premises i.e. owner, landlord, managing agent etc.) of the premises to ensure the safety of all relevant persons.

The Fire Safety Order (FSO) applies to most premises other than single private dwellings (Housing Act) and the responsible person for the premises must ensure that they understand and are aware of their duties.

One of the main requirements of the FSO (Article 9) places a duty on the responsible person to ensure that a suitable and sufficient fire risk assessment has been carried. This must identify the general fire precautions that are required for the safety of all relevant persons (what fire safety arrangements are in place or will be required).

Leicestershire Fire and Rescue Service are the local enforcing authority for the FSO. Their duties start at the planning and development stage of any premises which fall under the FSO and they are consulted as a part of the process for any new builds or premises undergoing any material alterations. They also carry out regular inspections of premises to ensure compliance with the FSO.

Contraventions and non-compliance of the FSO can result in prosecutions which include unlimited fines and or custodial sentences.

Different types and uses of premises i.e. purpose built flats, HMO's etc. will require specific fire safety arrangements. It is therefore essential that appropriate best practice guidance is used when assessing the premises. Leicestershire Fire and Rescue Service do provide advice and guidance which can be found on their web site.

## 8. Public Health

The built and natural environment we design and create can influence people's ability to follow healthy behaviours and have positive impacts on reducing inequalities. Residential space standards, amenities and facilities can help to protect and promote the health and wellbeing of residents of Leicester City and contribute to the prevention of ill health and support positive health and wellbeing across the life course.

Public Health England note some of the UK's most pressing health challenges - such as obesity, mental health issues, physical activity and the needs of an ageing population – can all be influenced by the quality of our built and natural environment<sup>4</sup>.

The adverse health effects associated with a lack of space, overcrowding, damp and cold, are linked to a range of conditions and diseases in children and adults, including respiratory conditions, tuberculosis, meningitis and poor mental wellbeing and social cohesion. Well designed homes, space standards and amenities should have a positive impact on health and wellbeing, including physical activity, social isolation, mental health and air and noise pollution.

Related health policies include the Joint Health and Wellbeing Strategy and the associated Action Plan, and the active Leicester Strategy.

## 9. Appendices

- Appendix 1 Schedule of Accommodation Template
- Appendix 2 HMO Amenity and Space Guidance
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<sup>4</sup>Select Committee on National Policy for the Built Environment, Building better places (2016). Report of Session 2015-16 - HL Paper 100 [https://publications.parliament.uk/pa/ld201516/ldselect/ldbuilt/100/10006.htm#\\_idTextAnchor045](https://publications.parliament.uk/pa/ld201516/ldselect/ldbuilt/100/10006.htm#_idTextAnchor045)

## Appendix 1

### Schedule of Accommodation Template

As part of Leicester City Council's Planning Validation requirements, a Floorspace Schedule is required to accompany all applications for the creation of new residential units. This should include a schedule of accommodation in table form presenting residential unit types, the number of bedspaces (persons), number of bedrooms and gross internal floor space. A Floorspace Schedule will be needed whether new units are being proposed, OR the number of units is being reduced through re-configuration. In the case of re-configuration of buildings currently divided into small flats, a full schedule of the number, type and size of existing and proposed units should be provided to enable the net change in the number and size of units to be assessed. The schedule of accommodation template provides an example of the information needed within a Floorspace Schedule.

Leicester City Council is considering adoption of the Nationally Described Space Standards (NDSS). This can only be done formally through their adoption in a new local plan. The New Local Plan adoption process is not due to be finalised until 2020.

The Nationally Described Space Standards (NDSS) include measurements for dimensions beyond the gross internal floor space required in the Floorspace Schedule. The Nationally Described Space Standards include measurements of floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. Similarly, there are other spaces not included within the Nationally Described Space Standard, such as internal and external communal space which also contributes towards residential amenity.

The schedule of accommodation template provides an opportunity for a residential development to clearly demonstrate how it meets the Floorspace Schedule validation requirements, the Nationally Described Space Standards, and other communal space provision. Developers and their teams are encouraged to use this template to provide details of the accommodation to be provided - particularly applications involving a number of dwellings.



## Schedule of Accommodation Template

Site Name/Address		Proposal Description							
*Plot/Unit Number	* Floor level (applies to flattened developments)	*Dwelling type e.g. flat, house, bungalow	*Number of Bedrooms (studio flat is 1 bedroom)	*Number of Bed Spaces	*Number of Storeys within unit	*Gross Internal Floor Areas (m2) of unit	Gross Internal Floor Area NDSS Requirement (m2)	Above, equal to, or below NDSS	Interior Communal Area per unit (m2)

**Note to applicant:**

1. As part of Leicester City Council’s Planning Validation requirements, a Floorspace Schedule is required to accompany all applications for the creation of new residential units. This should include a schedule of accommodation in table form presenting residential unit types, the number of bedspaces (persons), number of bedrooms and gross internal floor space. An example of how this information can be presented is shown in the table above with columns identified with an \* symbol.
2. Leicester City Council is considering adoption of the Nationally Described Space Standards (NDSS). This can only be done formally through their adoption in a new local plan. The New Local Plan adoption process is not due to be finalised until 2020/2021. In terms of measuring and monitoring these standards Leicester City Council asks developers to record all measurements identified with an \* symbol, with the remainder columns being preferred measurements.
3. Any area with a bedroom 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 square meter within the Gross Internal Area).
4. Interior Communal Areas include shared lounges, laundrettes, balconies, study rooms, common rooms, gyms, cinemas and roof terraces. It excludes circulation space, receptions, management areas and post rooms.
5. For further advice on how to use the Nationally Described Space Standards please see the DCLG guidance ‘Technical housing standards-nationally described space standards’ (2015).

## HMO Amenity and Space Guidance

### Statutory Requirements

From 1<sup>st</sup> October 2018 legislation was introduced that imposed licence conditions relating to minimum room size for rooms occupied as sleeping accommodation in HMOs licensed under Part 2 of the Housing Act 2004 (mandatory and additional licensing schemes):

### **The Licensing of Houses in Multiple Occupation (Mandatory Conditions of Licences) (England) Regulations 2018**

One person room (over 10 years of age)	6.51 square meters
Two person room (over 10 years of age)	10.22 square meters
One child room (under 10 years of age)	4.64 square meters

*\* No part of a room should be included in the measurement where the ceiling height is less than 1.5m*

### Non-Statutory Guidance

The Government's non-statutory guidance "Houses in Multiple Occupation and residential property licensing reform: Guidance for Local Housing Authorities" states that the statutory minimum is not intended to be the optimal room size and that local authorities will continue to have discretion to set their own higher standards within licence conditions but must not set a lower standard.

However, while local authorities are entitled to produce guidance on what room size they consider acceptable, they are not able to apply their guidance as if it has statutory force.

Leicester City Council has adopted the Amenity and Space Standards developed by DASH (Decent and Safe Homes) a joint working initiative between local authorities, landlords and tenants in the East Midlands

The standards are usually regarded as a MINIMUM but are a guide only. Other factors or compensatory features will be taken into account when inspecting a property, therefore allowing for a degree of flexibility in certain circumstances. These factors could include the shape of the usable living spaces.

### **DASH Guidance on space provision for licensable and non licensable HMOs**

#### **Bedrooms in HMOs where there is no lounge/dining space elsewhere and where cooking facilities are not provided in the room**

One person room	10 square metres
Two person room	15 square metres

#### **Bedrooms in HMOs where there is adequate dining space elsewhere and where cooking facilities are not provided in the room.**

One person room	8 square metres
Two person room	12 square metres

## Appendix 2

### HMO Amenity and Space Guidance

#### **Bedrooms where cooking facilities are provided in the same room**

One person room	14 square metres
Two person room	18 square metres

**Note: The sharing of rooms by persons of the opposite sex over the age of nine and who do not live as partners shall not be permitted.**

#### **Shared dining space**

Where dining space in a separate room or rooms is needed, a minimum of 2 square metres per person will be required. Persons occupying bedrooms/living units with exclusive use of adequate and suitably located dining space can be excluded from the calculation. Any shared dining space shall be suitably and conveniently located. It shall not normally be more than one floor away from the living unit.

#### **Kitchens**

Where these are used by up to 5 persons the minimum size shall be 7 square metres. Approximately 3 square metres shall be added for each extra person sharing the kitchen.

#### **General note:**

The dimensions and areas specified shall normally be regarded as minima, particularly with regard to new proposals. However it is recognised that existing buildings cannot always achieve these minima. A degree of flexibility will sometimes be possible if other compensating features are present. Conversely it should be noted that irrespective of the dimensions, the shape and useable living space of any room is a determining factor in the calculation of the maximum number of people for which it is suitable.

## Appendix 3

## Department Contact Information

Department	Contact Information
Planning	w: <a href="https://www.leicester.gov.uk/planning-and-building/planning-applications/make-an-application/">https://www.leicester.gov.uk/planning-and-building/planning-applications/make-an-application/</a>
Housing	e: <a href="mailto:housingdevelopment@leicester.gov.uk">housingdevelopment@leicester.gov.uk</a>
Neighbourhood and Environmental Services	w: <a href="https://www.leicester.gov.uk/your-community/housing/renting-private-housing/houses-in-multiple-occupation/">https://www.leicester.gov.uk/your-community/housing/renting-private-housing/houses-in-multiple-occupation/</a> e: <a href="mailto:privatesectorhousing@leicester.gov.uk">privatesectorhousing@leicester.gov.uk</a>
Building Control	w: <a href="https://www.leicester.gov.uk/planning-and-building/building-control-and-regulations">https://www.leicester.gov.uk/planning-and-building/building-control-and-regulations</a>
Public Health	w: <a href="https://www.leicester.gov.uk/health-and-social-care/public-health/our-responsibility-for-public-health/">https://www.leicester.gov.uk/health-and-social-care/public-health/our-responsibility-for-public-health/</a>

### **National Planning Policy**

The National Planning Policy Framework 2019 contains design policies which seek to achieve well designed places.

National Planning Policy Guidance on design and the optional technical standards can be found at,

- <https://www.gov.uk/guidance/design>
- <https://www.gov.uk/guidance/housing-optional-technical-standards>
- <https://www.gov.uk/government/publications/technical-housing-standards-nationally-described-space-standard>

### **Local Planning Policy**

In both the saved policies from Leicester's Local Plan (2006) and the Core Strategy (2014) the quality of accommodation remains a material consideration when determining planning applications for residential development, whether new build or conversions of existing buildings through application of the following policies:

- Core Strategy Policy CS03 - 'Designing Quality Places'- 'Housing Strategy' (for 10 or more dwellings proposals must also demonstrate how they have been designed to meet Building for Life standards)
- Core Strategy Policy CS06
- Saved Local Plan Policy H07 – 'Flat Conversions And New Build Flats'
- Saved Local Plan Policy PS10 – 'Residential Amenity And New Development'

These policies are amplified by the city's supplementary documents:

- Residential amenity SPD (February 2008)
- Affordable housing SPD (March 2011)
- Student housing SPD (June 2012)
- Green space SPD and calculations documents (July 2013)

These supplementary documents can be found at,

- <https://www.leicester.gov.uk/your-council/policies-plans-and-strategies/planning-and-development/adopted-planning-policy/supplementary-planning-documents/>

Additional guidance that takes you through the processes regarding water environment matters that you need to follow in order to obtain planning permission can be found at,

- <https://www.leicester.gov.uk/planning-and-building/urban-design-and-sustainability/flood-risk-management>

### **Building Regulation**

Approved Documents published by the Ministry of Housing, Communities and Local Government, can be found at,

- <https://www.gov.uk/government/collections/approved-documents>

In particular, approved Document M 'Access to and use of buildings, Volume 1 dwellings' (which includes a furniture schedule in Appendix D) can be found at:

- <https://www.gov.uk/government/publications/access-to-and-use-of-buildings-approved-document-m>

## Appendix 5

### Introduction to Health Impact Assessments

#### Intention, audience and constraints

This is a brief introduction to Health Impact Assessment (HIA) and offers signposting to HIA resources. Its primary audiences are developers and community and voluntary services. There is no current, local requirement to use this resource or undertake health impact assessment for developments.

#### Definition of Health Impact Assessment

The most commonly used definition is: "A combination of procedures, methods and tools by which a policy, programme or project may be judged as to its potential effects on the health of a population, and the distribution of those effects within the population". (World Health Organisation, 1999)

#### Function of Health Impact Assessment

HIA is use of a range of approaches that illuminate potential, positive and negative, direct and indirect health impacts of a development, with a view to exploiting the former and mitigating / eliminating the latter, in favour of health and a reduction in health inequalities. It is particularly helpful in identifying possible, unintended consequences, which can be hazardous to health and equity. Ideally, HIA should be applied prospectively, but can be concurrent or retrospective to development.

#### Rapid Health impact Assessments – Housing Quality and Design

An example of a rapid health impact assessment relating to residential standards, amenities and facilities is shown below. Further guidance and a wider range of topics can be found at: <https://www.healthyrurbandevelopment.nhs.uk/wp-content/uploads/2017/05/HUDU-Rapid-HIA-Tool-3rd-edition-April-2017.pdf>

#### Rapid Health Impact Assessment Example

Assessment criteria	Relevant?	Details/evidence	Potential health impact?	Recommended mitigation or enhancement actions
Does the proposal seek to meet Building Regulation requirement M4(2) ? (former Lifetime Homes Standard)	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		<input type="checkbox"/> Positive <input type="checkbox"/> Negative <input type="checkbox"/> Neutral <input type="checkbox"/> Uncertain	
Does the proposal address the housing needs of older people, ie extra care housing, sheltered housing, lifetime homes and wheelchair accessible homes?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		<input type="checkbox"/> Positive <input type="checkbox"/> Negative <input type="checkbox"/> Neutral <input type="checkbox"/> Uncertain	
Does the proposal include homes that can be adapted to support independent living for older and disabled people?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		<input type="checkbox"/> Positive <input type="checkbox"/> Negative <input type="checkbox"/> Neutral <input type="checkbox"/> Uncertain	
Does the proposal promote good design through layout and orientation, meeting internal space standards?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		<input type="checkbox"/> Positive <input type="checkbox"/> Negative <input type="checkbox"/> Neutral <input type="checkbox"/> Uncertain	
Does the proposal include a range of housing types and sizes, including affordable housing responding to local housing needs?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		<input type="checkbox"/> Positive <input type="checkbox"/> Negative <input type="checkbox"/> Neutral <input type="checkbox"/> Uncertain	
Does the proposal contain homes that are highly energy efficient (eg a high SAP rating)?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A		<input type="checkbox"/> Positive <input type="checkbox"/> Negative <input type="checkbox"/> Neutral <input type="checkbox"/> Uncertain	