

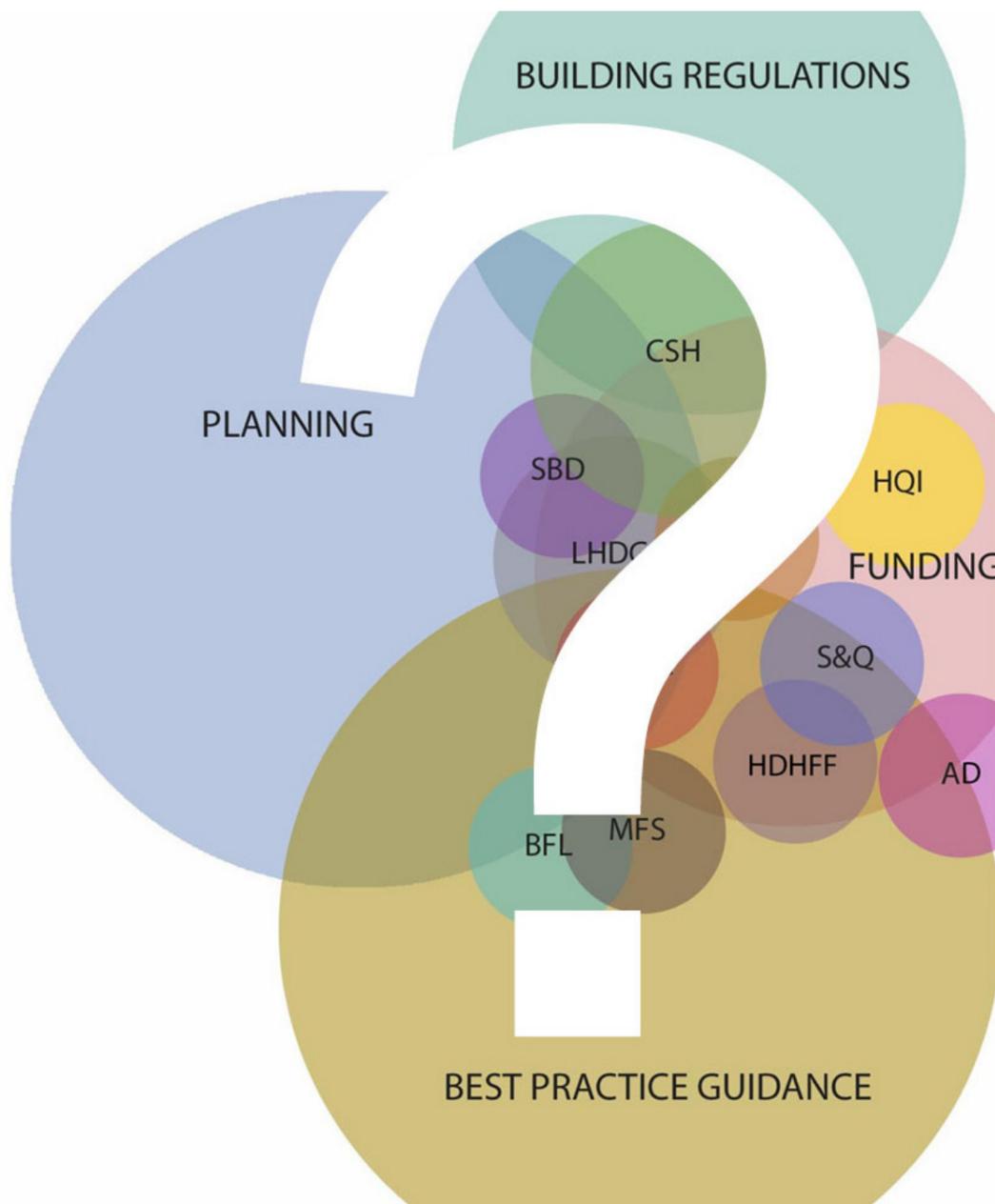
- The consultation document, illustrative technical standards, cost impact assessment and report of independent Challenge Panel were published on 26 August 2013.
- The review concluded that no standards are needed for natural light and ventilation, sunlight, air quality, overheating or materials. Other parts of Building Regulations, British Standards and 'Penfold' type issues (utilities and highways etc) weren't dealt with.
- With the exception of ENERGY, it was felt that standards needed to be defined at more than one level to give LAs some discretion to respond to local circumstances - but should be needs based, not just 'nice-to-have', and subject to viability testing.
- A thematic approach was adopted and, in the end, limited to: ENERGY WATER SECURITY ACCESSIBILITY SPACE

- The Code for Sustainable Homes, Lifetime Homes, Wheelchair Housing Design Guide, Secured by Design, Housing Quality Indicators (HQI) and the London Housing Design Guide (LHDG) are all within scope and would be affected. Government has confirmed that it intends to wind down the Code and if the proposals are accepted, HQI seems unlikely to remain.
- The intention is that Local Authorities will only be able to impose 'those standards which remain at the end of the review process'. Local variations/additions are likely to be discouraged by a Ministerial Policy Statement, backed by legislation if necessary.
- Ministers want a cross-tenure approach. Affordable housing is not seen as a special case; no higher or additional funding standards are proposed.
- Scope was limited to Building Regulations type technical issues related to residential buildings (ie a house or block of flats). Density, mix, parking, character, and the external environment generally, remain design/planning considerations. The review process aims to achieve clearer separation (but better cooperation), between planning and building control remits.
- Government took over from the industry led Harman Group in October 2012 and chaired meetings with over 140 stakeholders from across industry (NHBIC, HBF, HBA, HCA, GLA, NHF, LGA, POS, RIBA, BRE, UKGBC, ACPQ, Habinteg and others). A 4-man Challenge Panel operated in parallel and E C Harris were appointed as cost consultants.
- A deregulatory exercise (part of the Red Tape Challenge) intended to streamline housing standards to reduce unnecessary cost to industry, while maintaining quality.

**Key facts - your starter for 10**

This East-guide provides a concise overview of the Housing Standards Review and offers Levitt Bernstein's own view of the consultation proposals. It has been produced by Julia Park, Architect and Head of Housing Research at Levitt Bernstein, who was seconded to DCLG to provide technical support throughout the review process.

**About this Guide**

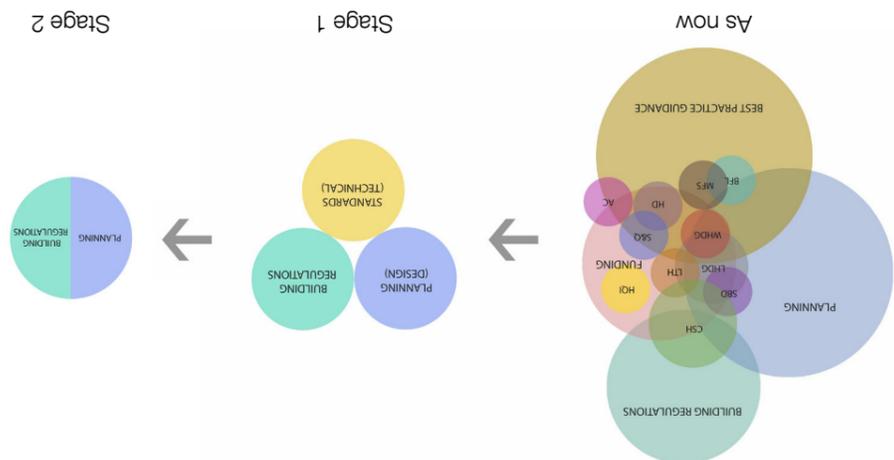


Standards can't be mandated; they can only be offered to local authorities to apply if they choose to - and can show need and viability

**KEY DIFFERENCE BETWEEN STANDARDS AND REGULATION:**

- standards could be in place more quickly than regulation (without BRAC or full IA)
- would avoid 'O.T.O.' ('One in, Two out') so more likely to actually happen within this parliament
- would allow time to bed down in practice, review and refine before mandating via regulation
- better able to deal with different performance levels; 'regulated options' will take time to work through and may require legislative change
- would still mean that requirements are invoked through planning (Local Plans or site by site) and assessed under Building Control (ie no procedural difference)
- Building Regs need major reform; ADs should be shorter/easier to understand, topics consolidated and re-ordered, regs for residential separated from the rest - so rather than more of the same, let's get standards in place and work on Regs in parallel

**Do we agree?** YES, provided Step 2 happens reasonably quickly, we support option B because:



**Government preferred route is Option B:**

**C** Standards integrated into Building Regs as 'regulated options' now  
**B** Integration into Building Regs as 'regulated options'  
**A** Set of new nationally described standards as an interim measure - en route to full

**3 options based on stakeholder recommendations:**

**What are we being offered in principle?**

**10 things we need to worry about**

**This feels like a major step in the right direction but has been hampered by the deregulatory brief resulting in a lack of overall ambition and some worrying aspects:**

- Holding out for Building Regulations now (option C) will take too long and One in Two out would risk losing the progress that's been made. The Regs need a radical overhaul - residential regs should be in a separate volume and need to be simpler and shorter. Interim standards are more palatable politically and will give industry time to adjust before legislation.
- There is little evidence of joined-up thinking. The design/technical split relies on only both parts being properly dovetailed - preferably 'side-by-side' in the same place. The role of BIM also needs more thought.
- 'Grey areas' such as communal spaces, daylight and over-heating haven't had enough consideration and shouldn't be allowed to disappear off the radar.
- The cross-tenure approach is sensible given that tenure could change over the lifetime of a home, but only works if there are universal safeguards for all the things that really matter - this has to include space.
- Affordable housing is extremely vulnerable, especially in the areas that aren't currently regulated at all. Potentially, there is no bottom line and little recognition that the higher levels might be more important for this sector. Perhaps grant funding should be higher where Levels 2 and 3 are needed?
- Transitional arrangements need to be carefully thought through and clearly set out; particularly in relation to the GLA position and the NAHP. Certainty is key to managing risk.
- We don't know enough about what a needs assessment or viability testing entail or how one is played off against the other. (Historic shortfalls in wheelchair housing provision could mean that, based on current need and current levels of house-building, 100% Level 3 for new build might easily be justifiable!). This needs thinking through.
- Impact assessments are much better at capturing cost than at capturing benefit. They fail to take account of long-term effects such as savings in health or adjustments to land cost.
- The status and role of British Standards needs clarifying - if LAs are still allowed to impose these on a routine basis, it will all have been a waste of time.
- The consultation fails to ask some important questions. Explain your views and preferences clearly in your response. Reply to:

Simon.Brown@communities.gsi.gov.uk by 22 OCTOBER

## What does this mean for each theme?

### ENERGY

- no standard proposed above recently announced Part L uplift as Government has confirmed Zero Carbon goal by 2016.
- Government also minded to prevent LAs requiring renewables (ie ban the Merton Rule)
- plans to phase out the Code without replacing other energy elements

### WATER

- current Part G (125 litres/day, or equivalent from fittings based approach) to remain in place +
- higher 'opt-in' standard (or regulated option) of 110 litres/day (or equivalent) proposed for LAs to draw down in water-stressed areas subject to viability (LHDG requires this now)
- LAs would be unable to require grey water recycling

### SECURITY

- security not currently regulated
- 2-tier 'opt-in' standard (or regulated options) proposed
- Level 1 - based on current NHBC warranty standard (broadly in line with industry practice)
- Level 2 - based on Secured by Design Part 2 for LAs to draw down in areas of high crime (new affordable housing typically complies with SbD but this is rarely applied to private housing)

### ACCESSIBILITY

- Current Part M to be updated in line with Level 1 of a new 3-tier standard (or regulated options) linked (or tied) to a 3-tier **space** standard (ie no plans to remove baseline regulation for accessibility)
- LAs expected to assess the proportion (%) of new homes needed at each of the higher levels based on need and viability
- Level 1 - based on current Part M but with minor improvements (including widened definition of approach routes to cover parking and refuse areas etc, improved access to the WC, minimum stair width of 850mm, communal lifts 'standard' 8 person (wheelchair + companion) size)
- Level 2 - based on Lifetime Homes but with additions (including step-free access, new requirements for garden access) - and reductions (including no requirement to show through floor lift provision or temporary bedspace and no need to provide strengthened ceilings for hoisting)
- Level 3 - based on the Wheelchair Housing Design Guide but with additions (including a bath and a shower for 5p+) and reductions (including no need for parking spaces to be covered)

### SPACE – THE FINAL FRONTIER

- space not currently regulated and no national, cross tenure space standards have been defined to date
- Government willing to support 'space labelling' (ie floor area of new homes for sale to be displayed at point of sale)
- Possible 3 tier 'opt-in standard' linked to the 3-tier **accessibility** standard (but not given Government backing and regulation not on offer)
- Level 1 – min. GIAs based on HQI/LHDG furniture and activity space and compatible with proposed Level 1 **accessibility** requirements – not far below Level 2, especially for flats, but better than HQI.
- Level 2 – min. GIAs with same furniture but compatible with proposed Level 2 **accessibility** requirements – identical to GLA space standards subject to 3 minor exceptions
- Level 3 – min. GIAs with same furniture but compatible with proposed Level 3 **accessibility** requirements – 15-30% bigger than Level 2 depending on typology (flats easier than houses, 2 storey houses easier than 3 storey)
- LAs could adopt one or more of the 3 tiers of the space standard but only for use with the matching level of the **accessibility** standard – possibility that Levels 2 and 3 could be tied to **accessibility** (ie unable to require one without the other)
- specific extra standards defined for storage area and ceiling height to living space (same at all levels) and bedrooms areas and widths (vary for each level)
- so, the options are:
  - a) space labelling only
  - b) space labelling + opt-in 3 tier standards – LAs choose any, all or none
  - c) space labelling + Levels 2 and 3 automatically required where corresponding levels of **accessibility** are required
  - d) option b) or c) without space labelling

### Do we agree?

- **YES**, but we want Zero Carbon and Allowable Solutions clarified now to allow industry to gear up. If the Code is withdrawn, space standards are needed to allow for home-working and clothes drying and national planning guidance is needed for cycle storage and ecology.

### Do we agree?

- **YES**, but the targets could be tougher and lifestyle choices in respect of water usage have a far greater impact than standards – we'd like compulsory water metering for existing, as well as new, homes.

### Do we agree?

- **NOT SURE**, we'd probably prefer a single standard set at Level 2 and taken into regulation. All flats should be specified to Level 2 to provide protection from irresponsible landlords. Communal cycle stores and underground/undercroft parking areas need higher level security too.

### Do we agree?

- **YES**, we think a 3-tier accessibility standard is the most logical and cost effective way to meet the needs of a diverse and aging population and we welcome the proposed changes. It can't be right that Part M (the easy one) is assessed under Building Control, LTH under planning, funding and the Code (sometimes with different results) and wheelchair housing often not scrutinised at all. Level 2 needs step-free access to justify features aimed at wheelchair users and provide a decent, flexible housing offer for older people (particularly when combined with a matching space standard). A 2-tier approach (with a Level 1 hybrid of Part M and LTH) would fail under One-in, Two-out and doesn't provide enough choice.

### Do we agree?

- **NO**, Government hasn't provided enough options or safeguards. We agree with space labelling and benchmarking, provided that it includes clear definitions of what we mean by a decent single and double bedroom, but it's not enough. We support a cross tenure 3-tier space standard linked to accessibility but believe it should apply universally. We also support the proposed additional protection for bedrooms, storage and ceiling height to living spaces. As with the other themes, we accept standards in the interim but want minimum safeguards in regulation as soon as possible. We cannot support any proposal that doesn't embody minimum space standards for affordable housing.

- For more details about our work and views on space standards, see our article in the Architects Journal 30 September 2013.

## What does the 2 stage option look like for each theme?

### Government's preferred short term approach

	current Building Regs	new, locally selected, nationally described standards			industry led labelling at point of sale
	universal	Level 1	Level 2	Level 3	
accessibility	●	●	●	●	
space		?	?	?	✓
security		●	●		
water	●		●		
energy	●	no standards but publish details of what 'zero carbon by 2016' means			
daylight	no regulation or technical standards proposed				
overheating	no regulation or technical standards proposed				
materials	no regulation or technical standards proposed				

### Government's preferred long-term outcome

	standards moved to Building Regs: mandatory baseline + regulated options			industry led labelling at point of sale
	Level 1	Level 2	Level 3	
accessibility	●	●	●	
space	?	?	?	✓
security	●	●		
water	●	●		
energy	●			

## What other implications are there?

The main implication is that the interim standards of Stage 1 can't provide a mandatory, universal baseline for **SPACE** and **SECURITY** though current, regulated baselines for **WATER** and **ACCESSIBILITY** would remain safe. The higher levels of each standards would work in the same way at each stage. So whether the outcome is standards or regulation, the proposition is that requirements will be set by planning (either in Local Plans or on a site by site basis) but compliance checking will be carried out under Building Control (by BCOs or AIs). This has implications at four key stages:

### 1. Initial design/feasibility

Local Authorities confirm required targets for **WATER**, **SECURITY**, **ACCESSIBILITY** and **SPACE** as well as all normal planning issues such as density, mix, parking, cycle storage etc.

### 2. Pre-planning

Building Control Officers or Approved Inspectors available for pre-app discussion in relation to these 4 issues – possibly other things too but likely to be chargeable.

### 3. Planning

Unless applicants choose to demonstrate full compliance at planning, Local Authorities impose conditions to comply with **WATER**, **SECURITY**, **ACCESSIBILITY** and **SPACE** – other planning issues determined in the normal way.

### 4. Post-planning

Outstanding technical details submitted along with other normal Building Control issues. BCOs and AIs certify compliance to planning officers who then discharge conditions. This means a clearer distinction between planning and building control matters but greater mutual cooperation. Planning applications become simpler (less detail required up-front), checking is carried out more rigorously ('on-site' rather than 'off-plan') and should lead to better outcomes.

## A simplified planning process

### KEY INFORMATION REQUIRED AT PLANNING APPLICATION STAGE FOR EACH NEW DWELLING

PLOT NUMBER	DWELLING TENURE, TYPE AND SIZE							ACCESSIBILITY LEVEL								INTERNAL SPACE LEVEL				SECURITY LEVEL				WATER EFFICIENCY LEVEL				OTHER	
	MARKET SALE	INTERMEDIATE	PRIVATE RENT	AFFORDABLE RENT	NUMBER OF STOREYS	NUMBER OF BEDROOMS	NUMBER OF BEDSPACES	GIA (M2)	1		2		3		1		2		3		1		2		ALLOCATED PARKING	CYCLE STORAGE SPACES			
1	✓				1	1	2	48	✓	✓				✓	✓			✓	✓							1			
2	✓				1	1	2	48	✓	✓				✓	✓			✓	✓							1			
3	✓				1	2	3	62	✓					✓	✓			✓	✓							1			
4		✓			1	2	3	62	✓					✓	✓			✓	✓							1			
5			✓		1	2	3	62	✓					✓	✓			✓	✓							1			
6	✓				3	3	5	104	✓					✓	✓			✓	✓							2			
7	✓				3	3	5	104	✓					✓	✓			✓	✓							2			
8	✓				3	3	5	104	✓					✓	✓			✓	✓							2			
9				✓	2	3	6	125		✓				✓	✓			✓	✓							2			
10				✓	2	3	6	125		✓				✓	✓			✓	✓							2			
11				✓	2	2	4	95			✓			✓	✓			✓	✓					1	2				
12	✓				2	2	3	83			✓			✓	✓			✓	✓					1	2				
<b>TOTALS</b>	<b>12</b>	<b>7</b>	<b>2</b>	<b>0</b>	<b>3</b>				<b>6</b>	<b>4</b>	<b>2</b>	<b>6</b>	<b>4</b>	<b>2</b>	<b>0</b>	<b>12</b>	<b>0</b>	<b>12</b>	<b>0</b>	<b>12</b>	<b>0</b>	<b>12</b>	<b>2</b>	<b>19</b>					

We suggest that labelling for new homes should include the performance level achieved in each of these areas at point of sale or rent. This would be particularly useful in relation to accessibility.

## What will it mean for London?

- Could mean significant changes to the London Housing Design Guide and Housing SPG and some implications for the London Plan.
- The Code, Lifetime Homes and Secured by Design are all heavily referenced in the GLA documents. The GLA also has its own space standards (set at Level 2), higher energy targets and requires 100% LTH and 10% wheelchair housing which it may have to row back on.
- The GLA may feel that London is a special case but it is a city of many parts – and many of these parts are more similar to other English towns and cities than they are to each other. The vast majority of the technical standards within the LHDG and SPG, including space and accessibility, are generic and relevant everywhere. Viability and house prices are what make London stand out.
- Leaving London out is a possibility but feels very unsatisfactory, particularly when it comes to regulation.

## Example 2b4p flat layouts at levels 1, 2 and 3 of the proposed Space and Accessibility Standards

