

The Housing Standards Review explained

What you (and the planners) need to know

What is it?

The Housing Standards Review was a consultation carried out by the DCLG in 2014, with the outcomes passed through Parliament in early 2015. The Review was aimed at cutting red tape for the housing construction sector by placing restrictions on the technical items that planning departments could request as part of their development consents. Across the country different planning departments were cherry-picking aspects from the Code for Sustainable Homes and imposing local space, water and energy efficiency and accessibility standards, meaning that developers were constantly redesigning their proposals from district to district based on local requirements. For instance, there were 12 different wheelchair accessible housing standards in London alone!

How is this implemented?

There are four main outcomes from the review, which are summarised as follows:

- 1. A reigning-in of planning department's abilities to set local technical standards.**
Planning Authorities will now have strict guidelines as to how technical requirements can be implemented on new homes. Local technical requirements will be outlawed, and certain national standards have been established. However to invoke a national standard in a local area the planning authority must include it in their 'local development plan' which means it is sent for approval to the Planning Inspectorate and must be justified by cost/benefit analysis before it can be implemented. In practice this would mean that planners in the Lake District could not ask for a higher standard of water efficiency as local need could not be demonstrated, whereas in Kent it could.
- 2. The winding-down of the Code For Sustainable Homes.**
Planners will no longer be able to ask for Code compliance, or any individual aspects of the Code (including energy efficiency) after the date of the next Part L Building Regulations amendments in Autumn 2016. Until that time, planners have had strong direction that where this requirement exists already in Local Plans, it should not exceed Code level 4, which is the level that Part L 2016 will be pitched at. Any existing applications are to be dealt with based on the conditions already attached.
- 3. A set of 'Nationally Described Space Standards'.**
Where planners can demonstrate local need as part of the Local Plan, they may invoke space standards upon developers. However, rather than the existing situation where standards may vary from district to district, there is now a single set of national standards. Where applied, housing developers will find the standards fairly easy to follow, although

they do invoke a minimum ceiling height of 2.3m for 75% of the floor area which may create problems with certain designs such as dormer in the roof construction. Building Control will have no involvement in the checking or enforcement of the Space Standards.

4. **Ground-breaking amendments to the Building Regulations and Building Act.**

Government has identified value in maintaining certain local requirements for both water efficiency and accessibility of new homes, yet wants to avoid the current situation of numerous local standards. To this end, major changes have been made to the Building Act and Building Regulations to introduce a set of ‘tiered’ standards that can be invoked by planning conditions, but only when justified in the Local Plan. Once this justification process has taken place the planning authority may make it a condition of their planning consents that various ‘optional requirements’ of Building Regulations G2 (Water Efficiency) and M4 (Accessibility of Dwellings) are complied with. To prevent any advantage to either public or private sector Building Control the legal onus is on the developer to inform their Building Control provider of any optional requirements invoked by planning. At this point Building Control will check the application to the higher standard as identified by the applicant and ensure compliance accordingly – there is no need for any involvement from planning after they have triggered the optional requirements, the issue is purely in the realm of Building Control. Regulation G2 has 2 levels of water efficiency requirement, the default one at the current level of 125 litres per person per day and the ‘optional’ level of 110 litres. Regulation M4 identifies 3 types of accessible housing, the default level equivalent to the current part M (with a few minor tweaks), and 2 higher optional levels for ‘Accessible and Adaptable’ and ‘Wheelchair Accessible’ dwellings. These changes will be examined further in the next issue of Outlook. In addition to these optional requirements, Building Regulations have a new requirement Q1 for security which applies to all new homes which will be discussed in a future issue of Outlook.

Note that planning requirements for technical issues such as flood resilience, security (external design) and low carbon infrastructure are untouched by the Housing Standards Review.

When does this happen?

The transitional arrangements are fairly complicated as they must take into account factors such as existing Local Plans and implementation of new documents. The key dates are:

- 26th March 2015, when the Deregulation Bill received Royal Assent. From that time Planning Authorities may not require any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings as part of their new or emerging Local Plans, Neighbourhood Plans or supplementary documents.
- 26th March 2015 to 30th September 2015. Where local technical standards for space, accessibility and water efficiency already exist in Local Plans, they may still form part of planning authority requirements and conditions during this period.

- 1st October 2015. New Building Regulations Q1, M4 and G2 commence. From this date, accessibility, space standards and water efficiency standards can only be required as part of planning permission where part of a Local Plan. If standards exist in the Local Plan outside of the new national technical requirements they must be interpreted as the new national standards for space, accessibility and water efficiency. All local standards relating to these aspects are revoked. Any security standards relating to the dwelling are covered by Requirement Q1, making planning requirements irrelevant.
- 26th March 2015 to 30th September 2016 (assumed date) planners are instructed to limit any existing Code for Sustainable Homes requirements for new applications to level 4, and only apply them where already in the Local Plan, regardless of the levels set within the plan.
- 1st October 2016 (assumed date). New Requirement L1A of the Building Regulations (Zero Carbon Homes). No Code for Sustainable Homes requirements can form part of planning policy or permission. Part L of the Building Regulations becomes the sole tool to control and certify the energy efficiency of new dwellings.

The diagram below was produced by DCLG and explains the transitional period arrangements, it might be useful to share this with your colleagues in planning if they are not fully aware of how the changes affect them.

Transition and Implementation

