



Department for
Communities and
Local Government

Housing Standards Review

Technical Consultation

September 2014
Department for Communities and Local Government

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Contents

Purpose and how to respond	4
Introduction	5
Legislative and process considerations	6
Applying optional requirements and nationally described standards	7
The optional requirements	10
Principle considerations in adopting optional requirements and nationally described standards	26
Transitional arrangements and proposed policy intent	30

Purpose and how to respond

Purpose

This consultation seeks views on the detail of proposals for implementation of the Housing Standards Review and in particular the technical standards that the government will put in place. That conclusion was announced by way of a Written Ministerial Statement in March 2014.

How to respond

This is a digital consultation. To respond to the questions in this document you will need to complete an online survey which can be accessed via the [Housing standards review: technical consultation](#) web page on the GOV.UK website. You have the option of answering all the questions or just those that are most relevant to you.

Freedom of information and data protection applicable to consultation

Representative groups are asked to give a summary of the people and organisations they represent and, where relevant, who else they have consulted in reaching their conclusions when they respond. Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the Freedom of Information Act 2000, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the department.

The Department for Communities and Local Government will process your personal data in accordance with the Data Protection Act 1998 and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties. Individual responses will not be acknowledged unless specifically requested.

Introduction

1. A Housing Standards Review [Consultation](#) was conducted last summer, from August to October 2013. The outcome from the Review was announced by the [Prime Minister](#) in January this year, with the details in a formal [Written Ministerial Statement](#) and associated [Annex](#) issued by the Communities Minister in March 2014.
2. The March Statement said that the Government would publish a package of all the technical material, in draft, for comment, by this Summer.
3. Since March the Government has introduced, through the Deregulation Bill, amendments to the Building Act 1984 to enable Building Regulations to set what are called “optional requirements”. These are requirements set at a level above the basic minimum in the Building Regulations 2010, which can be applied by a planning authority as a planning condition, where justified by need and subject to viability.
4. Subject to Parliamentary approval, the Government intends to lay amendments to the Building Regulations 2010 in early 2015, which will include optional requirements in the areas of access and water efficiency. The Government has also indicated its preference to introduce a mandatory Security Building Regulation requirement, applicable to all new homes. Drafts of those requirements are included in this consultation, as are drafts of guidance material on them, which will take the form of amendments to the relevant existing Approved Documents, or, in the case of security, a new Approved Document.
5. There is one area where a new standard is being taken forward which will not be in the Building Regulations. This relates to space. The Government does not consider there is a case for statutory regulation in this area. However, it does consider there is a need for a national standard to replace the many different existing space standards used by local authorities. This can be referenced in planning policies, again where justified by need and subject to viability. A draft of this standard is included in the consultation.
6. As noted above, application of optional requirements and the space standard will need to be justified by need. A set of draft planning principles to determine the circumstances when optional requirements may be triggered by planning authorities and what “needs test” are appropriate is included in this consultation.
7. The Government has made clear there will need to be a mechanism to limit planning authorities’ ability to impose technical standards beyond those which emerged from the Housing Standards Review. With this consultation, the Government is seeking views on the nature of the planning statement which

sets out the Government's policy in this regard. The statement will have immediate effect at the time of its publication and transitional arrangements are proposed to deal with the period before the optional requirements come into force. The Government is publishing its draft policy to give developers, planning authorities and others early notice of the Government's intentions.

8. A consultation stage Impact Assessment is also being made available, to help inform your consideration. This builds on last year's initial Impact Assessment, extending the analysis on the basis of additional information and data compiled this year.
9. The Government set out its decisions on its approach to implementing the Housing Standards Review in March, following last year's consultation. This consultation reflects those decisions and seeks views on the technical standards to be published and other practical matters of implementation.
10. In addition, this consultation also includes changes to guidance contained in Approved Document H on external waste storage. The Government is committed to do all it can to tackle "bin blight" and the proposed changes will clarify the existing provisions and help to ensure external waste storage is properly considered in new housing development.

Legislative and process considerations

11. The Deregulation Bill has passed through its House of Commons stages and is now being considered by the House of Lords.
12. The legislative changes sought represent a significant step forward, removing the confusing overlap between planning policy and Building Regulations, and simplifying the way in which specific technical housing standards can be applied to new housing development.
13. Each of the new optional requirements and the nationally described space standard document are discussed in the following chapters. A set of specific technical questions is also posed in each chapter – we are seeking feedback on the technical performance or design requirements and the effectiveness of each draft document in communicating these requirements.
14. Unlike other Building Regulations requirements the optional requirements described in the Approved Documents will not be mandatory. They will only be applicable where a local planning authority has put a plan policy in place specifically triggering the application of the optional requirement or nationally described space standard in particular circumstances. Neighbourhood Planning Bodies (and Neighbourhood Development Orders) will only be able to apply the space standard, and not optional requirements.
15. The circumstances where a local planning authority can apply an optional requirement or a nationally described standard are to be clearly set out in guidance/criteria set out by the Government, and the setting of any such policy

will also be subject to the National Planning Policy Framework viability test. The chapter on this below sets out in draft the criteria which will need to be satisfied. We are interested in your views on these criteria, and in particular the extent to which you consider them to be sufficiently clear, rigorous, and practical. The Government takes the view that optional requirements should be applied on a “need to have” rather than a “nice to have” basis, so that they are only imposed where necessary.

16. As with all the elements of this package, each of the optional requirement documents and the nationally described space standard will be consulted on for 8 weeks. The optional requirements themselves will also be notified to the European Union as required by the Technical Standards Directive (98/34/EC).
17. Subject to Parliamentary approval for the Deregulation Bill, at that point the Government intends to publish all the documents in this package in their final form, and the necessary secondary legislation and guidance.
18. At that point all the various documents will apply, including the Planning Statement, the criteria for applying the policy in plans, the final version of the secondary legislation, and the final impact assessment will be published, and all relevant transitional arrangements.
19. These changes should make it easier to bring forward much needed new homes, whilst improving quality, safeguarding environmental protections, and protections for disabled people. This exercise has received wide support from all sectors.

Applying optional requirements and nationally described standards

20. A chart is provided below which sets out how the process will work once the system has come into operation. The blue boxes relate to Building Control Functions, and the Red to planning functions.
21. The first step is for a local planning authority to stipulate that an optional requirement or the nationally described space standard applies in that area. As stated already, this must be set in plan policies, which have been subject to normal Plan Examination processes. It would not be appropriate to apply optional requirements or the space standard through supplementary planning guidance, since that is not subject to a sufficient level of scrutiny.
22. Once in a local authority plan, when an application for planning permission is received the authority may choose to apply the optional requirement or nationally described standard as necessary. Authorities will do this as a planning condition. To ensure maximum certainty and consistency the Government expects authorities to set out as clearly as possible in the plan policies the circumstances when an optional requirement or the nationally described space

standard will apply. If there is a need to appeal the planning condition this may be conducted through normal planning appeal routes.

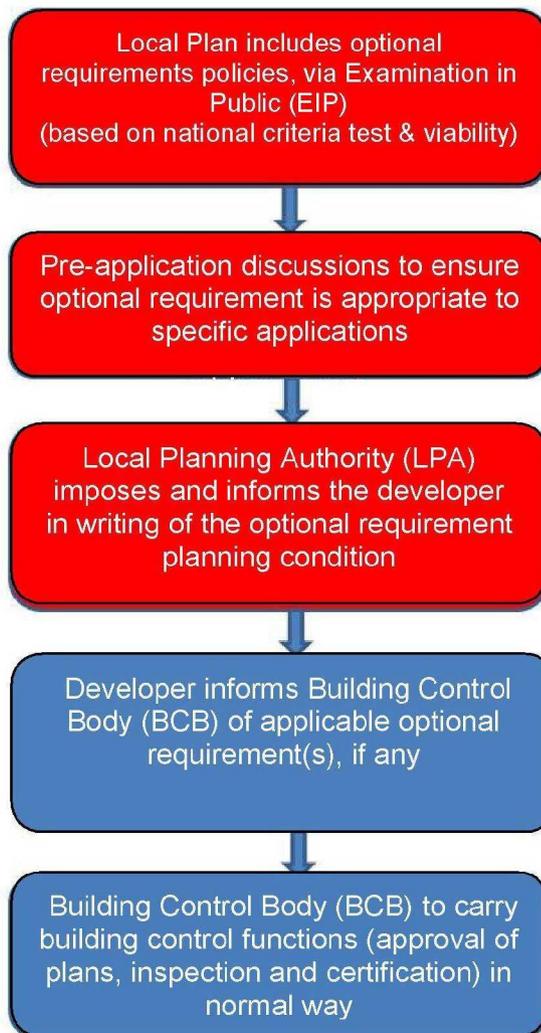
23. As shown in the chart below, once a condition is imposed, the developer will then be required to deliver the optional requirement or nationally described standard.
24. In the case of optional requirements, this will be overseen by building control bodies (local authorities or approved inspectors). If there is a failure to meet the optional requirement enforcement will be through the building control, system.
25. In the case of the nationally described standard (on space), it is expected that the planning authority will have the opportunity to oversee the monitoring of the condition as part of the normal planning application follow up process. We are also exploring whether there is a role for building control bodies to check if compliance can be demonstrated from plan drawings.
26. Importantly, this new system represents a major simplification and regularisation of the current system for managing standards. As such it is expected not only to result in a significant drop in administrative costs, both for developers and authorities, but also present an opportunity to streamline improved compliance.

Steps to
System

Housing Standards Review & Planning Linkages



Process



The building regulations requirements and planning standards.

27. The individual optional and mandatory building regulations requirements are described in Approved Documents which have been published in draft alongside this paper. These cover access, security, and water efficiency, as well as a nationally described standard document setting out space standards. Comments are invited on each of these.
28. The text below sets out the detailed considerations for each of the documents, and poses specific questions where we would like your feedback.

Access

29. In March of this year the Government announced its intention to introduce two optional requirements for accessibility in to Part M (Access to and use of buildings) of Schedule 1 of the Building Regulations. These optional requirements will be available to local planning authorities to use in setting their housing policies, and with particular reference to meeting the current and future housing needs of a wide range of people including older and disabled people.
30. The Government has continued to work to develop the necessary regulations, requirements, and statutory guidance to implement this policy, including assembling a Building Regulations Advisory Committee (BRAC) working group to advise on how to take this work forward.
31. This consultation is not seeking views on the merits of the approach outlined above. Instead it seeks views on whether the proposed detailed changes correctly deliver that intent.

Optional Requirements in Part M of the Building Regulations

32. In our previous consultation we set out our intention to introduce a three tier standard for accessibility in to the Building Regulations, with a mandatory baseline setting minimum requirement for access to and use of buildings (now referred to as Category 1 – visitable dwellings); an intermediate optional requirement for accessible and adaptable homes (now referred to as Category 2 – accessible and adaptable dwellings); and an optional requirement for wheelchair accessible or adaptable housing (now referred to as Category 3 – wheelchair user dwellings).
33. The optional requirements will apply only where they are a requirement of a local plan, and are set as a condition of planning permission. Only one level of requirement will apply to any given dwelling at a time – where one of the optional requirements applies, other requirements will effectively be ‘switched off’.

Existing requirements under Part M of the Building Regulations and revised requirements M4(1) – visitable dwellings

34. At consultation last summer we consulted on a number of areas where the existing guidance supporting Part M of the Building Regulations might be changed to simplify and harmonise with other existing access standards, with a view to integrating these changes in future revisions.
35. Whilst there was broad support for these changes amongst many responses to consultation, there was also widespread recognition that changing these requirements would have cost and design implications for new homes.
36. The Building Regulations Advisory Committee working group established to advise on these detailed proposals was also divided as to whether changes to existing technical requirements of Approved Document M should be taken forward. In particular, there was a strong view that changes to the mandatory elements of Part M and Approved Document M needed careful and well evidenced consideration and should not be rushed.
37. The Government has therefore decided that it will not change the technical requirement of the mandatory elements of Approved Document M at this time. Instead, it will update guidance into a format compatible with the other optional requirements. The objective will be to clarify and reformat guidance without changing its meaning and we would welcome your views on this. The Mandatory requirement for dwellings in the revised Approved Document M will be Requirement M4(1) – Category 1 visitable dwellings.

Question 1. Do you think that the technical requirements for Category 1 – visitable dwellings are directly comparable to the technical requirements of the existing guidance in Sections 6 to 10 of Approved Document M (Access to and use of buildings)?

- a. Agree
- b. Mostly agree (please specify).
- c. Disagree (please specify)

If you do not entirely agree, please explain why and, if possible, suggest how it should be corrected

38. The Government recognises the support expressed at the previous consultation stage to consider improving the mandatory requirements in Part M of the Building Regulations. The working group was also strongly supportive of taking forward review of the minimum requirements in Part M through a better evidenced process. The Government will therefore start work on scoping research to improve evidence on accessible housing, with a particular focus on the social, health and welfare benefits that improved accessibility could bring.

Requirement M4(2) Category 2 – accessible and adaptable dwellings

39. Optional requirement referred to as ‘Category 2 Accessible and Adaptable dwellings’ provides higher levels of accessibility and adaptability than Category 1 dwellings. The requirements are similar to current requirements for the Lifetime Home Standards and have been developed from the standards as set out in the illustrative standards in the 2013 consultation.
40. We have continued to review and develop guidance for the Category 2 Accessible and adaptable dwellings and are interested in your views on the revised guidance. Specifically we are interested in whether the technical requirements are suitable in meeting the stated objectives of the standard.

Question 2. Do you think that the technical requirements of the proposed guidance for Category 2 – accessible and adaptable dwellings are correct?

- a. Agree
- b. Agree only in part
- c. Disagree

If you do not entirely agree, please explain why and, if possible, suggest how it should be corrected.

Requirements M4(3) Category 3 - wheelchair user dwellings

41. Category 3 dwellings are intended to be capable of meeting or being adapted to meet the needs of a wide range of household members including most wheelchair users. The proposed guidance for Category 3 dwellings in the draft Approved Document builds upon previous consultation proposals.
42. The most significant changes are in relation to definition of wheelchair accessible and adaptable housing (see below) and development of requirements for sanitary accommodation.
43. We have also continued to review and develop guidance for the Category 3 Wheelchair User dwellings and are interested in your views on the revised guidance.

Question 3. Do you think that the technical requirements of the proposed guidance for Category 3 – wheelchair user dwellings are correct?

- a. Agree
- b. Agree only in part
- c. Disagree

If you do not entirely agree, please explain why and, if possible, suggest how it should be corrected.

Wheelchair adaptable or accessible housing definitions

44. The Guidance in the draft Approved Document for Category 3 – Wheelchair user dwellings makes a distinction between reasonable provision for dwellings which are wheelchair accessible (useable by a wheelchair household at the point of completion) and wheelchair adaptable dwellings (which are capable of being fully adapted to meet the needs of a wheelchair household).
45. It is quite common that wheelchair housing is not initially occupied by a wheelchair user, or that the specific needs of a wheelchair user are not known until late on in the construction process. Particularly in the for sale or private rental markets, the cost of installing through floor lifts and fully accessible bathrooms and kitchens can be high and there is a risk that these will be removed by occupants as soon as they move in.
46. To address this, the optional requirement sets out two levels of provision which can apply in Category 3 – wheelchair user dwellings. Where Regulation 4 (3) 2 (a) is required as a condition of planning permission, this triggers the requirements for homes to be fully wheelchair accessible eg that features such as a through floor lift and fully accessible kitchen are provided. The local authority can only specify that properties should be fully accessible where that housing is covered by its allocation policies and where likely occupancy by a wheelchair user is high.
47. In private for sale or rent properties (or where allocation policies do not apply), the default is that Regulation 4(3) 2 (b) applies, and in this case the provisions should be for the wheelchair adaptable design criteria set out in the approved document which enable easy adaptation to incorporate fully accessible bathrooms, kitchens and installation of a through floor lift at a later date. It is expected that in these properties any adaptations or fit out which are needed to meet a specific individuals needs can be agreed between the developer and purchaser or tenant.
48. We would like views on this approach.

Question 4. When do you think that the requirement for a dwellings to be wheelchair accessible (fitted out) should apply?

- a. Only where local authority allocation policies apply
- b. Across any tenure where a local authority believes this is necessary
- c. All wheelchair housing should be fully wheelchair accessible

Specific adaptations and height adjustable equipment

49. We have intentionally not included requirements for height adjustable plumbing, shallow sinks and height adjustable worktops in wheelchair accessible units. This is based on feedback that the priority should be to ensure that the fundamental elements of a wheelchair accessible home are provided e.g. adequate space for activity, circulation and well designed bathrooms, and that many adaptations (particularly shallow kitchen sinks and

height adjustable equipment) are often quickly removed at tenants request. It is therefore assumed that specific adaptations will be fitted to meet users particular needs at the point of occupation. We are however aware that views may vary on this.

Question 5. Which of the following best reflects your views?

- a. I agree with the extent to which accessibility requirements are required in the proposed standards.
- b. Where dwellings are required to be fully accessible they should include one or more of the following at point of fit out (select all that apply);
 - i) Shallow insulated sink in the kitchen
 - ii) Height adjustable worktops in kitchens
 - iii) Height adjustable sinks
 - iv) Plumbing which is installed to work with height adjustable sinks (but not the height adjustable equipment itself).
 - v) Other (please specify)

If you do not entirely agree, please explain why and, if possible, suggest how it should be corrected

Regulation 3(3) – material alteration of dwellings

- 50. Where a material alteration is undertaken in a dwelling, Regulations 3 and 4 of the Building Regulations require that dwellings should be no less compliant with Part M after the work is complete than it was before. This applies even where the dwelling did not originally comply with Part M of the Building Regulations.
- 51. The intention in this context is to ensure that accessible features are not removed at a later date to underpin continual improvement in the accessibility of the housing stock as a whole.
- 52. The introduction of optional requirements means that the requirements relating to material alteration may work differently in relation to higher levels of accessibility. In practice their application, for example, would make it illegal to remove a through floor lift or accessible kitchen from a wheelchair user dwelling once these have been introduced, regardless of whether a subsequent occupant wants or needs these features.
- 53. This could have the effect of blighting the value of wheelchair housing, or of limiting further adaptations if these were needed by subsequent occupants. In practice it is thought that the most important aspects of accessibility in new dwellings are unlikely to be removed by occupants or, on the rare occasion this does occur, will be easy to reinstate.

54. The Government is interested in your views whether to remove application of material alteration requirements in relation to compliance with Part M of the Building Regulations in dwellings. There is no intention to change the provisions in respect of buildings other than dwellings.

Question 6. Should regulation 3 continue to apply in relation to material alterations of dwellings?

- a. Yes.
- b. No particular view.
- c. No.

Nationally described space standard

Introduction

55. In March of this year the Government announced its intention to take forward the development of a nationally described space standard which will be available to local planning authorities to use in setting their housing policies.

56. The Government has continued to work to develop this space standard, and accompanying planning policy guidance. This included calling together an industry working group to advise on how to take this work forward. We are seeking views on the developed proposals.

Space standards

57. Space standards are typically required in order to provide confidence that new dwellings have a high level of functionality in undertaking day to day tasks and activities, at a given level of occupancy. Currently there are a wide variety of space standards required by local authorities in England either for specific tenures (typically affordable housing) or in an increasingly significant number of instances for all tenures (including private sale or rent).

58. Current space standards tend to vary in terms of the requirements they impose, and how they are assessed. Even within London, where a cross tenure space standard is included in the London Plan, standards required between boroughs tend to vary. Wherever this is the case, designers and developers have to re-assess their design practice or re-design house types, and this in turn hinders industry ability to increase supply.

59. The Government believes that it is right that local communities and neighbourhoods should have the ability to influence the size and type of new housing in their local areas, providing that this does not affect the viability of housing coming forward. However, the Government also takes the view that high quality housing can be more effectively delivered where a single space standard is used throughout England, wherever a local authority decides to introduce such a policy.

60. This consultation is not seeking views on the merits of the approach outlined above. Instead it seeks views on whether the proposed detailed standards correctly deliver that intent.

The proposed space standard

61. Further development work and discussions with our industry working group have helped us to refine our view of what a Nationally Described Space Standard should look like, and how it should be used.

62. The requirements of the nationally described space standard are set out in the accompanying document.

A single standard

63. The Government now proposes that the nationally described space standard has a single set of figures for new dwellings (flats and houses) suitable for application across all tenures of housing. These are set out in the proposed nationally described space standard, and the methodology used to develop the Gross Internal Areas is set out in as annex to that standard.

64. The standard is a hybrid of the two levels on which we consulted last year. It ensures that there are equal amounts of habitable space in both flats and houses in relation to a given level of potential occupancy. A single standard simplifies compliance and enables developers to produce a compliant portfolio of designs at lower cost, whilst ensuring that there is a good level of space in all types of dwelling.

65. The Gross Internal Areas in the space standard are a refinement of existing standards which look to balance a high degree of functionality with affordability. The methodology underpinning the space standard has been amended from the previous consultation stage proposals to ensure that flats and houses have an equal internal area per person in key habitable spaces.

66. For the purpose of this space standard, the Gross Internal Areas of a dwelling is defined as: the total floor space measured between the internal faces of perimeter walls¹. This includes partitions, structural elements, cupboards, ducts, flights of stairs and voids above stairs. The Gross Internal Areas should be measured and denoted in square metres (m²).

¹ The internal face of a perimeter wall is defined as the brick/block work or plaster coat applied to the brick/block work. For a detached house, the perimeter walls are the external walls that enclose the dwelling, and for other houses or apartments they are the external walls and party walls.

Question 7. Do you agree the Government's proposals for a single level of requirements in the nationally described space standard?

- a. Yes
- b. No particular view
- c. No

If you do not agree, please explain why and, if possible, suggest how it should be corrected

Internal Storage

67. The space standard sets out requirements for internal storage which increases in line with the number of bedrooms in each type of property. We are interested in your views on internal storage.

Question 8. Do you agree with Governments proposals for internal storage?

- a. Yes
- c. No strong views
- d. No

If you do not agree, please explain why and, if possible, suggest how it should be corrected

Bedroom sizes

68. The space standard sets out requirements for double and single bedrooms. We are interested in your views as to how these requirements are set.

Question 9. Do agree with the proposed requirements for bedrooms and bedroom sizes?

- a. Yes
- c. No strong views
- d. No

If you do not agree, please explain why and, if possible, suggest how it should be corrected

Ceiling heights

69. Many current space standards require minimum ceiling heights, though these vary from absolute minima (e.g. 2.1m), or standard heights such as 2.3m through to non-standard heights of 2.5, 2.6 or even 2.7m. Higher ceilings are intended to increase daylight penetration and improve indoor air quality. Increasing ceiling height to ensure good indoor lighting quality can be

particularly important in high density development where ambient light is already limited, and particularly at ground or basement levels of multi storey development.

70. Additional height can however add to the cost of construction, and where ceiling heights vary this also impacts on the design of dwellings (because internal layouts need to change to reflect the different staircase layout to match a larger overall rise in the staircase, and in certain circumstances an additional step).
71. There are a number of different ways that a ceiling height could be included in the space standard. One approach is to include a minimum height for all properties that are required to meet the space standard. An alternative would be to make ceiling heights optional, so that a minimum ceiling height would only be set as an additional requirement only where a local authority deemed it necessary. A third approach would be to set a basic minimum ceiling height (of say 2.325m) for all properties, and have an optional higher height (of say 2.5m) where deemed necessary.
72. In evaluating existing existing space standards a ceiling height of 2.5m is commonly adopted. There is an argument to harmonise requirements at this level for all properties to simplify compliance, and this approach is currently included in the proposed nationally described space standard. However it is recognised that this differs from the Industry standard height, and we are interested in peoples views as to whether this is the right approach.

Question 10. Do you agree with the Government's proposed approach to ceiling heights as set out in the proposed nationally described space standard?

- a. Yes
- b. No strong views
- c. No
- d. Other approach (please specify)

If you do not entirely agree, please explain why and, if possible, suggest how it should be corrected?

Compliance

73. The nationally described space standard will not be an optional requirement in the Building Regulations. It will be a nationally described standard triggered by planning policy and conditions.
74. Currently, it is the role of the planning authority to assess and discharge conditions relating to compliance with space standards where these are set in local planning policy. This would continue to be the case, but we are interested in exploring alternative effective methods of compliance, and in particular whether there might be a role for building control bodies.

75. The space standard is not a building regulation optional requirement, so building control bodies cannot assess compliance through the building regulations. However, both local authority building control and approved inspectors might offer (and charge for) plan checking against the requirements of a space standard as an additional service.
76. There are potentially significant advantages to building control bodies undertaking plan checking procedures. The necessary information to check compliance is typically available within applications for building regulation purposes, and the inspector will be familiar with the scheme, reducing the cost of assessing compliance significantly.
77. We also understand that there are further efficiencies to be achieved by ensuring that designs can receive 'type approval' ie that the designs are assessed once and compliance is accepted on an on-going basis.

Question 11. Would you agree that Government should continue to explore the potential role of building control bodies in providing plan checking and type approval of the nationally described space standard?

- a. Yes
- b. No strong views
- c. No

If you do not agree, please explain why.

78. There are however limits to the role building control bodies can effectively play in checking compliance with the space standard. Building control bodies would not be able to enforce compliance, only provide evidence of compliance for local authorities to use in discharging a planning condition to meet the space standard.
79. It is also questionable whether it is cost effective to suggest that building control bodies undertake site checking of as built sizes, and this may in any case prove impossible to manage given their lack of powers of enforcement or ability to relax requirements in exceptional circumstances (eg where a single unit in a flatted development cannot meet the standard).
80. In principle, we believe that whilst plan checking could be effectively provided by building control bodies, it should remain for planning authorities to consider how they wish to check the as built compliance and where necessary to take enforcement action if conditions were not met through the normal procedures within the planning system.
81. A more cost effective alternative to site checking of sizes would be for local authorities to include in the condition or policy imposing the space standard a requirement for sales particulars to include the Gross Internal Areas for each unit evidencing compliance with the space standard. Developers would be bound to meet these figures or risk prosecution under the Property Misdescription Act. We understand from industry representatives that high

levels of quality control are already in place to ensure that the as designed dimensions of units are met in completed building work for the purpose of complying with the Property Misdescription Act.

Question 12. How do you think on site compliance with space standards would best be checked?

- a. At individual local planning authority discretion
- b. Checking by the building control body providing plan checks
- c. Through conditions requiring the relevant Gross Internal Areas to be published as part of the property sales particulars.
- d. By another approach (please specify).

Further comments

- 82. We would be interested in understanding any further views you have on the Government Proposed approach to the introduction of a nationally described space standard.

Security

- 83. In March the Government announced its intention to introduce a single security standard and that it would consider further whether this standard should be applied locally as an optional requirement or applied to all new homes through a conventional mandatory building regulations requirement.

- 84. The Government considers that the standard for security should be based on the provisions of British Standard PAS 24. This is a well established industry standard with a proven track record. PAS 24 sets standards for door and window assemblies including tests and specifications for locks as well as the robustness of the doors and window themselves. Applying PAS 24 standards on a consistent basis could reduce the costs associated with achieving robust levels of security.

- 85. Although PAS 24 is a higher standard than common industry practice which typically follows guidance as set out in the National House Building Council standards, the level reflects the basic standard recommended by the police for domestic dwellings and also reflects the standard previously required in the HCA Housing Quality Indicators. The government recognises therefore that there will be extra costs for dwellings currently only meeting the NHBC standard which might argue for PAS 24 to be applied on a locally targeted basis. However, applying PAS 24 as a national standard will help to level the playing field across the sector. Further, although house builders will also need to adapt their supply chains to ensure they use PAS 24 compliant doors and windows, there will be greater clarity if there is one single standard applied across all local authority areas and all housing types.

86. Given the overall balance of costs and benefits the Government is therefore minded to implement the security standard as a national mandatory requirement applicable to all new homes. This consultation is seeking views on the merits of this approach. It also seeks views on the proposed guidance. Detailed analysis of the potential costs and benefits are set out in the Impact Assessment.

The requirement

87. The principal regulatory change to deliver the security element of the Housing Standards Review is to introduce a new requirement into Schedule 1 of the Building Regulations. The new requirement (Part Q) is set out in functional terms applicable to new homes only.

88. The requirement states that the building must be designed and constructed in such a way that it adequately resists both unauthorised access from outside the building; and unauthorised access from within the building to flats within the building.

The new Approved Document Q

89. A new Approved Document Q has been drafted around the provisions of British Standard PAS 24. As with other Building Regulations requirements, alternative approaches that can be shown to achieve an equivalent or better performance would also be acceptable.

Question 13: The Government is minded to implement the security standard as a national mandatory requirement. Do you agree with this approach?

a) Yes.

b) No.

If you do not agree, please explain why.

Water efficiency

90. The March Written Ministerial Statement set out the Government's intention to introduce a water efficiency optional requirement into the Building Regulations. This optional requirement will be available to local planning authorities where there is a clear local need for such a standard.

91. To deliver this objective, changes are needed to the provisions in the Building Regulations, the accompanying statutory guidance in Approved Document G and to planning policy and guidance.

92. This consultation is not seeking views on the merits of the approach outlined above. Instead it seeks views on whether the proposed detailed changes correctly deliver that intent.

The optional requirements

93. Minimum water efficiency standards were introduced into the Building Regulations in 2010. The provisions require that all new homes are designed so that their calculated water use is no more than 125 litres per person per day. Water use is calculated by using the methodology set out in the *Water Efficiency Calculator for New Dwellings* (“the Water Calculator”).
94. The principal regulatory change to deliver the water efficiency element of the Housing Standards Review is to regulation 36 of the Building Regulations 2010. Regulation 36 currently requires that all new dwellings are designed so that their estimated average water consumption is no more than 125 litres per person per day. This will be amended to introduce an optional requirement of 110 litres per person per day. This will apply where planning permission is granted with a condition that the optional requirement must be complied with.
95. It should be noted that both of the requirements set out above include external water use (of five litres per person per day). Effectively, the optional requirement is therefore exactly the same as the previous Code for Sustainable Homes Level 3 requirement of 105 litres per person per day as this was a measure of internal water use only and did not include external water use in the calculation.

Changes to Approved Document G

96. A number of changes have to be made to Approved Document G as a consequence of the introduction of a water efficiency optional requirement into the Building Regulations.
97. In addition, and as proposed in last August's consultation, the draft guidance now also provides minimum water fitting performance specifications for both the national and optional requirements. This would allow a simpler way of demonstrating compliance for some. Those that wished to have the flexibility to comply using a different combination of fittings could continue to demonstrate compliance by using the Water Calculator.
98. Editorial amendments will be made to *The Water Efficiency Calculator for new dwellings* document to make clear the fittings approach is also available. However, there will be no changes to the calculation methodology at all.
99. A draft of the proposed amended guidance in Approved Document G is published alongside this consultation paper.

Question 14 - Are the proposed changes to Approved Document G technically correct?

- a). Yes
- b). No particular view
- c). No

If not please explain why and, if possible, suggest how it should be corrected.

External waste storage

Introduction

100. It is important to ensure that suitable provision is made for waste storage in new homes, particularly to avoid bins dominating street frontages or contributing to increased levels of anti-social nuisances such as odour or litter. This is sometimes referred to as "bin blight", and the Government intends to bring this to an end. These problems have come to the fore in some areas due perhaps to inadequate thought being given to the visual design or provision of bin storage space or its location in different dwelling types in previous decades.
101. As part of the Housing Standards Review consultation last August we sought views on what changes, if any, were necessary to the Building Regulations to assist in dealing with the problem.

Existing provisions

102. Part H of the Building Regulations and the accompanying guidance in Approved Document H deals with drainage and waste disposal and was last updated in 2002. The provisions on waste deal with external storage only, with a focus on ensuring there is adequate capacity for its storage and for its removal by the waste collection authority, together with adequate means of access. The guidance emphasises the need to consider the waste collection strategy of the local authority to determine what storage is necessary and encourages (but does not require) developers to think about design, for example, to consider shelters/enclosures in public/visible areas.
103. Planning guidance also stresses that local authorities should ensure that new dwellings are carefully planned to ensure there is enough discretely designed and accessible storage space for all the different types of bin used in the local authority area.

Proposed changes to Approved Document H

104. However, the issue of “bin blight” remains a Government priority and we therefore propose two changes to further improve the guidance contained in Approved Document H. Proposed changes to the provisions in Approved Document H accompany this consultation.
105. First, we propose to clarify the existing guidance to make even clearer the importance of good design of waste storage. The proposed changes to the guidance In Approved Document H reflects the wording already in planning guidance and as a design matter will properly continue to form part of the planning considerations.

Question 15. - Do you agree with the proposed changes to reinforce the importance of good design for external waste storage?

- a). Yes
- b). No particular view
- c). No

If not please explain why and, if possible, suggest how it should be corrected

106. Second, the consultation responses suggested the issue of “bin blight” primarily relates to the existing stock. The Building Regulations though have limited potential for addressing such issues as they apply only when building work is being carried out. However, to help address in part the existing stock, the Government believes there would be benefit in making clearer that the waste storage provisions apply equally where a dwelling is provided through a material change of use. This would help ensure better control, for example, of a house converted into several flats where a proliferation of bins with inadequate or ill thought out storage is a potential problem.

Question 16.- Do you agree with the proposed changes to reinforce that the provisions relate equally to where dwellings are created through a material change of use?

- a). Yes
- b). No particular view
- c). No

If not please explain why and, if possible, suggest how it should be corrected

107. There are three further minor changes to wording of approved document H that should be explained. First, we propose to remove wording in paragraph 0.3 which currently suggests the provisions do not relate to waste storage for recycled material. We believe this is misleading as the functional requirement does not distinguish between waste that can be recycled and waste that cannot.
108. Second, we have clarified in the performance section of the Approved Document for H6 that to be considered adequate, the design and location of waste storage should also take account of local amenity, in terms of avoiding problems of odour, vermin and litter.
109. Finally, we propose to update the reference to the relevant British Standard, BS 5906:2005 *Code of practice for waste management in buildings*.

Question 17. - Do you agree with the proposed technical changes to provide clarification of existing requirements?

- a). Yes
- b). No particular view
- c). No

If not please explain why and, if possible, suggest how it should be corrected

Principle considerations in adopting optional requirements and nationally described standards

Principle considerations

110. Subject to Parliamentary approval of the necessary amendments to the Building Act 1984, the new Building Regulation optional requirements for access and water efficiency will apply where compliance with the requirement is a condition of a grant of planning permission. In deciding whether to require compliance with an optional requirement, or the new nationally described space standard, planning decision makers should take into account any relevant Local Plan policies.
111. This chapter looks at the principles of how optional requirements and the nationally described standard might operate. We have set out the most likely issues that will be evaluated in bringing the new standards into operation, and will consider whether planning guidance might need to be updated in light of these changes.

Accessible, adaptable and wheelchair user dwellings

112. Local authorities should plan for the current and future housing needs of a wide range of households including older and disabled people. Subject to Parliamentary approval of the necessary amendments to the Building Act 1984, Part M (access to and use of dwellings) of the Building Regulations will be amended to include two optional requirements which set out alternative provisions for accessibility and adaptability which can help to meet the needs of older and disabled people.
113. Where a local authority adopts a policy to provide enhanced accessibility or adaptability they should do so only by reference to the optional requirements in the Building Regulations, and clearly state in their Local Plan the proportion of new development which needs to comply with the requirements for category 2 – accessible and adaptable dwellings, or category 3 - wheelchair adaptable or accessible dwellings.
114. The decision by a local authority to adopt a policy should rest on the outcome of its housing needs assessment and taking into account other relevant factors and issues. Factors which might influence a decision include:
- the likely future need for housing for older and disabled people (including wheelchair user dwellings)

- whether particular sizes and types of housing are needed to meet specifically evidenced needs (for example retirement homes, sheltered homes or care homes)
- the accessibility and adaptability of its existing housing stock
- the overall impact on viability

Wheelchair accessible or adaptable dwellings

115. Guidance on wheelchair user dwellings in Part M of the Building Regulations sets a distinction between wheelchair accessible (a home readily useable by a wheelchair user at the point of completion) and wheelchair adaptable (a home that can be easily adapted to meet the needs of a household including wheelchair users).

116. It is envisioned that Local Plan policies may set out what proportion of category 3 dwellings in affordable rent or social rent should be built to be wheelchair accessible at completion. For all other tenures, Local Plan policies should only require compliance with the wheelchair adaptable standard. The reasoning behind this approach is set out in the access chapter of this consultation.

117. In some circumstances the Local Plan policy might need to be conditioned flexibly to take into account site specific factors such as vulnerability to flooding, the topography of the site or other circumstances which may make a specific site less suitable for Category 2 or 3 dwellings, particularly where step free access cannot be achieved.

Step free access to category 2 and 3 dwellings

118. The requirements of the Building Regulations for Category 2 and 3 dwellings include that these types of unit should achieve step free access. In setting policies requiring Category 2 and Category 3 housing, it is anticipated that local authorities would need to assess whether this has an impact on non-lift serviced multi-storey development in their local housing mix.

Nationally described space standard

119. The Government has developed a nationally described space standard to offer a consistent set of requirements with regard to the size of new homes. Local authorities will not be required to adopt a space standard, but where they choose to do so, it should be the nationally described space standard.

120. Should they wish to adopt a policy on space standards in their Local Plans, local authorities should assess and evidence the impact and effect of that policy on development in their local area. This might include;

- **need** – evidence on the size and type of dwellings currently being built in their area to ensure that the impacts of adopting space standards can be properly assessed
- **viability** – impact of adopting the space standard is likely to form one part of their viability assessment taking into account the impact of potentially larger dwellings on land supply
- **affordability** – given the need for a mix of housing types local authorities may need to consider and evidence how affordability will be maintained in the local housing market where a space standard is to be adopted
- **timing** – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions

121. The wide range of dwelling types covered by the standard makes it suitable for any housing tenure and provides significant flexibility for local authorities and developers to respond to a range of local needs. Typically, where a local authority defines the mix of property types it will do so by identifying the number of storeys and bedrooms for new dwellings. It would be preferable that only where there is specific evidence of a particular need should occupancy be defined by bedrooms and a specific level of occupancy.

Water efficiency

122. Underpinning the Housing Standards Review is the policy that optional requirements should only be applied locally to address a clear and evidenced need and where consideration has been given to the impact on viability and housing supply of such a requirement.

123. The intention would be that local planning authorities should, when considering adoption of a local optional requirement on water efficiency in their Local Plans, consult with the local water supplier(s), developers and the Environment Agency.

124. The Government is working with the Environment Agency regarding the evidence for where there are local water resource issues that would require a local tighter standard. The intention would be that this is published alongside the Housing Standards Review package next year.

Question 18. Do you agree with the Governments proposed approach as to how the use of optional requirements and nationally described space standard should be taken forward?

a) Yes

b) No strong views

c) No

If you do not agree, please specify why.

Transitional arrangements and proposed policy intent

125. In the March Written Ministerial Statement, the Government set out its intention to provide further information on how the Housing Standards Review will be implemented. The aim is to provide further information about how the Review will take effect – in particular, the timing of its introduction; how existing standards in plan polices and permissions should be treated in planning terms; how the policy set out here is taken into account in the preparation of plans; and how the transition to the new approach should work.

126. The proposed changes delivered through the Housing Standards Review are significant, and the Government wants to ensure they are applied rapidly so that the administrative and cost reduction benefits can be secured as soon as possible. However the Government is also minded to ensure they are applied with minimum impact on plan preparation, planning applications and the development process. Therefore putting in place arrangements to ensure a smooth transition to the new policy is crucial. The approach proposed is set out in some detail below.

127. Responses to the consultation will be considered and will inform a statement of policy, which the Government intends to issue in early 2015, subject to Parliamentary approval of amendments to the Building Act 1984 and Planning and Energy Act 2008. It is intended that the statement will be made at the same time as the amendments to the Building Regulations are laid that will deliver the new requirements. The associated Approved Documents and the nationally described space standard will also be published at the same time. The Regulations and Approved Documents will come into force six months after the Regulations are laid and the statement of policy is made, in Autumn 2015.

Proposed policy intent

128. The statement of policy will set the Government's view on how these standards should be applied in Local Plans and neighbourhood plans and in considering planning applications.

129. The statement of policy will also set out new national planning policy that should be taken into account in applying the National Planning Policy Framework, and in particular the policies on local standards at paragraphs 95, 174, and 177, in plan-making and decision-taking. From the date of the

statement only standards set out in the Building Regulations optional requirements, the associated Approved Documents and the nationally described space standard should be applied in planning conditions for new housing development.

130. From the date of the statement, local planning authorities should not set in their Local Plans, supplementary planning documents or their local information requirements for planning applications any additional technical requirements relating to the construction, layout and performance of new dwellings other than those set out in the Building Regulations optional requirements, the associated Approved Documents and the nationally described space standard.
131. From the date of the statement a Building Regulations optional requirement or nationally described space standard should only be required locally if it addresses a clear need and where the impact on viability and housing supply has been considered.
132. As many of the requirements of the Code for Sustainable Homes will be consolidated into the Building Regulations, the Code will be wound down from the time the statement is made. From the date of the statement, therefore, new plan policies should not refer to the Code.
133. Local planning authorities should consider their existing plan policies on housing standards and update these as appropriate, for example through a partial plan review. From the date of the statement, the Government's policy will be that planning permissions should not be granted subject to conditions requiring compliance with local housing standards other than those set out above.
134. From the date of the statement and until the Building Regulations requirements or nationally described space standard come into force, existing local plan policies on water efficiency, access, security or space may still have effect though in applying these policies, local authorities should have regard to the forthcoming Building Regulations' requirements and national space standard. Where there is a plan policy to require a particular Code for Sustainable Homes level, however, only the elements on energy efficiency and water efficiency should be required.
135. Once the new Building Regulations and Approved Documents come into force, and where a plan has not been formally reviewed, policies in Local Plans relating to water efficiency, access and space should be interpreted by reference to the nearest equivalent optional requirement or nationally described space standard. In effect, this means that a planning permission should only require compliance with a local housing standard that is an Optional Requirement or nationally

described space standard. From Autumn 2015, when it is intended the new Regulations and Approved Documents will come into force, planning policies relating to security standards will be unnecessary. This is because the Government's preferred approach is to make all new homes subject to the new Building Regulation requirements. Policies relating to the external design and layout of new development which aim to reduce crime and disorder would be unaffected.

136. The Department for Communities and Local Government will publish alongside the policy statement an indicative list of the relevant equivalent standards. Based on this, we would expect local planning authorities to produce their own document before the optional requirements come into force explaining how existing housing standards policies should be interpreted in advance of their next formal review of their Local Plan.

137. From the date of the statement, local planning authorities will continue to be able to set and apply policies in their local plan requiring development in their area to comply with energy efficiency standards that exceed the energy requirements of building regulations until the zero carbon home policy has been put in place. This will happen alongside the commencement of the amendment to the Planning and Energy Act 2008, which, subject to Parliamentary approval, we anticipate would be in late 2016. The Government has stated that from that point forwards the energy efficiency requirements in Building Regulations will be set at a level equivalent to Code Level 4. Until the amendment is commenced, we would expect local planning authorities to take the statement of the Government's intention into account in applying existing policies and not set conditions requiring energy efficiency requirements above a Code level 4 equivalent.

138. If, in the light of experience in implementing the policy statement, the government considers that it is not being accorded sufficient importance by planning authorities, the government will be ready to consider legislation, given the importance the government accords to this issue.

Neighbourhood Plans

139. The intention is that the statement will also set out how the housing standards review should be taken into account by those preparing neighbourhood plans. From the date the statement is made, qualifying bodies should not set in their neighbourhood plan proposals policies requiring compliance with technical requirements relating to the construction, layout and performance of new dwellings. Neither should they seek to apply optional Building Regulations requirements, where these are not a requirement of the Local Plan. Neighbourhood plans may include policies that seek to dis-apply Local Plan policies which require compliance with optional Building Regulations or the national space standard.

140. A neighbourhood plan may include a policy applying the national space standard in an area, if it addresses a clear need and the impact on viability and housing supply has been considered. Neighbourhood plans may also be used to dis-apply Local Plan policies which require compliance with the national space standard.

141. No new policies in neighbourhood plans should be brought forward referencing the Code for Sustainable Homes as this is being wound down. Existing policies setting technical requirements or referencing the Code should no longer be considered up to date following the making of the statement.

Question 19. - Do you agree the proposed approach will be sufficient to ensure local planning authorities and neighbourhood planning qualifying bodies in future only set policies requiring compliance with the optional requirements and nationally described space standard to address a clear and evidenced need? If not, please indicate why.

a) Yes

b) No

Question 20 – Do the proposed arrangements provide the correct balance between allowing time for developers and local authorities to adapt to the new regime whilst delivering benefits as quickly as is reasonable? If not, please indicate why.

a) Yes

b) No

Technical Housing Standards affected by the Planning Statement

142. The [original consultation](#) explained that the technical standards of concern to the Review relate to the technical or functional performance of dwellings. As set out in the draft planning statement above, from the point at which this comes into operation the only technical housing standards which should be applied are those set out in the optional requirements and nationally described space standard. Other matters, for example measures to address flood resilience and resistance and on external noise would remain a matter to be dealt with through the planning process and in line with the existing national planning policy and guidance.