

## **PUSH Response to Housing Standards Review Consultation**

### **Summary of Consultation Comments:**

#### **1. Abolishing the Code for Sustainable Homes (the Code):**

The Government proposes that Local Planning Authorities (LPAs) should in future not be able to set local energy performance standards for new homes above those of building regulations and that effectively the Code for Sustainable Homes will be phased out. The argument for this is that developers find it too confusing and in some cases local authorities are setting unreasonably high standards.

The reasons for The Partnership for Urban South Hampshire (PUSH) favouring the specific reference to the Code for Sustainable Homes in the policy frameworks are because of the inherent benefits of using the Code and the disadvantages of merely relying on building regulations

#### The Benefits of using the Code

- The Code has been used successfully by South Hampshire LPAs for several years (After PUSH Sustainability Policy framework agreed in 2008)
- Developers have achieved Code 3 and Code 4 standards without any real problems.
- The result has been housing designed and developed at energy standards above the prevailing building regulations.
- The Code is independently assessed (by developer-funded assessors) and assessments are audited by the Building Research Establishment without the need for local authority planning officer (or other officer or consultant) technical resources to check compliance.
- Where there have been some financial viability issues, with Code 5 standards at Winchester City Council and Portsmouth City Council these have been dealt with by the LPA in the normal way.
- Most South Hants. LPAs have managed to take policies requiring Code compliance through a Local Plan examination where the impact on viability of all policies is examined by the Planning Inspector.
- The Code covers a range of sustainable issues, not just energy and water but also materials, ecology, pollution, health and wellbeing, surface water.

The disadvantages of relying on building regulations (b. regs):

- B. regs. do not cover all the sustainable issues covered by the Code
  - There are serious doubts about enforcement, with a Building Research Establishment study in 2004 indicating that 60% of new homes do not conform to existing regulations (which were significantly less onerous than today). A 2006 survey for the Energy Saving Trust revealed that Building Control Officers considered energy efficiency 'a low priority' and that few would take any action over failure to comply with the Building Regulations because the matter 'seemed trivial'. (see also extract from House of Commons Environmental Audit on p.14)
  - The new b. regs. Part L standard (due April 2014 ) is lower than the Code 4 energy standard which means for most S. Hants LAs new homes will actually become less energy efficient and more CO2 emitting than at present if the Code were abolished.
  - The Government's proposed end point for b. regs. for energy (Part L) 'zero carbon homes' from 2016 is a lower on-site energy standard than Code 5.
  - The Government's proposed prohibition on LAs setting local energy performance standards for homes would mean that developers would never be required to meet Code 5 for energy Code 6 for energy (which is a true zero carbon standard as it includes both regulated and unregulated energy) even though in some locations this might be appropriate in the near future and the costs to developers in the medium term are likely to continue to drop as they have done for every year since the Code was introduced.
2. Local authorities will no longer be able to impose 'Merton Rule' type renewable energy requirements for new housing.
- PUSH would be less concerned about this proposal as Code 5 standard homes or 'zero carbon homes' (to be required in building regulations from 2016) will require some renewable elements anyway to achieve those standards

### **3. Water**

The Government proposes that local authorities may be able to set a local domestic water consumption standard above those of building regulations if it can be shown that the area lies in a zone of significant water stress supported by the local water undertaker. The proposed higher standard is 110 litres/person/day compared with the current 125 litres/person day set by b.regs.

- The proposal puts the emphasis on an overstretched building control services policing the water consumption standards in place of the independent Code assessments. It is likely that standards will drop accordingly.

- The higher consumption target is the same as presently required for Code 3 which is easily achieved with current efficient appliances and fittings.
- Higher consumption standards (below 100 litres/person/day) are consistently achieved by developers but the Government's proposed change will make such efficiency unnecessary.
- A recent Radian Homes Code 6 development in Southampton achieved below 85 litres/person using the most efficient fittings and appliances.

#### **4. Accessibility and Space Standards**

The Government proposes three levels of accessibility standard which would also equate to three levels of space standard. The lowest level would be enforced through building regulations and the other two to be based on 'lifetime homes' standards and space requirements and wheelchair accessible housing. LPAs would be able to prescribe a proportion of level 2 and level 3 accessibility/space standards for housing in their areas based on local needs as long as this policy was part of an adopted local plan and demonstrate no undue impacts on viability.

- The proposal could be positive if it allows LPAs to set minimum space standards which ensure at least adequate space for healthy family and social life in a significant proportion of homes.
- The possible space standards set out in the consultation would allow LPAs to prevent the worst examples of sub-standard homes.
- Compliance checking by LPA planning officers requires new resources in most cases while requiring 'lifetime homes' standards through the Code is assessed independently.

#### **5. Cycle storage standards to be set through building regulations**

- Cycle storage would be another issue for b.regs, with resource implications whereas currently it is an issue in the Code where it is independently assessed.

#### **6. It is also proposed to make developers label new properties in terms of m<sup>2</sup> and not just number of bedrooms**

- The clear labelling of floor space in m<sup>2</sup> is a positive suggestion.

#### **7. Security**

The Government proposes either a laissez-faire attitude to security measures (no standards) for new homes or national standards through building regulations.

- If security standards are required, expecting b.regs to ensure compliance in future seems unrealistic given current problems with inspection and enforcement of existing b. regs. standards for other issues.
- At present it is possible to require 'secured by design' standards through the Code which is assessed independently.

## **8. Indoor Environmental Standards**

### a. Overheating and Indoor air quality:

Possible changes to b. regs to tackle these increasing problems

- These are issues (ventilation etc.) that b. regulations have traditionally focussed on and the Code does not, so the proposal seems sensible.

### b. Daylighting:

- Government proposes either laissez-faire (no standards) or national standards through b. regs.
- Low levels of daylight have several proven health and wellbeing effects
- High densities, low ceilings, small windows and long thin rooms all help produce unacceptably low daylight levels in many new homes and kitchens sometimes have no external windows, so minimum standards are beneficial.
- Yet another new area for building regulations is likely to involve the same concerns about resources and low levels of compliance that are associated with the other issues discussed above.
- The Code has day lighting as an issue so this can be assessed independently by a Code assessor currently.

## **9. Materials**

Government proposes no standards

- The environmental impact of materials is considerable which is why the Code addresses this. The carbon and other environmental impact of materials and the ethics of supply (e.g. timber from only sustainably managed forests) is something that should remain an important sustainability objective in new homes and this is best assessed through the Code or similar independently assessed method

## Consultation Questions

1. Which of the options (A, B, or C) set out above do you prefer? Please provide reasons for your answers.

A. Doubts over whether the severely under-resourced building regulation inspection system has the capacity to effectively ensure compliance of even more standards.

2. Do you agree that there should be a group to keep the nationally described standards under review? Y/N.

Yes – but what exactly is panel’s brief/remit? Is reducing ‘red tape’ its main focus? The more important task is to ensure at least adequate housing standards.

3. Do you agree that the proposed standards available for housing should not differ between affordable and private sector housing? Y/N.

Yes – Occupiers’ minimum needs are the same whatever the tenure.

4. We would welcome feedback on the estimates we have used in the impact assessment to derive the total number of homes incorporating each standard, for both the “do nothing” and “option 2” alternatives. We would welcome any evidence, or reasons for any suggested changes, so these can be incorporated into the final impact assessment.

Generally OK – Although no consideration of the wider health and social cost benefits to society/public services of preventing homes that are too small to allow healthy family or social life.

5. Do you agree that minimum requirements for accessibility should be maintained in Building Regulations? Y/N.

Yes

6. a) Is up-front investment in accessibility the most appropriate way to address housing needs, Y/N.

if Yes,

b) Should requirements for higher levels of accessibility be set in proportion to local need through local planning policy? Y/N.

a. Yes

b. Yes

7. Do you agree in principle with the working group’s proposal to develop a national set of accessibility standards consisting of a national regulatory baseline, and optional higher standards consisting of an intermediate and wheelchair accessible standard? Y/N.

Yes

8. Do you agree with the costs and assumptions set out in the accompanying impact assessment? Specifically we would like your views on the following: .....

**Cannot comment**

9. Do you believe that the estimated extra over costs in the Impact Assessment reflect the likely additional cost of each level?

**Cannot comment**

10. Do you agree that level 3 properties should be capped in order to ensure local viability calculations remain balanced? Y/N

If yes, at what level should the cap be set?

**No.**

11. If a cap were to be adopted should it, in principle;

a) Vary across tenure? b) Be flat across tenure?

**b.**

12. To what extent would you support integration of all three levels of the working group's proposed access standard in to Building regulations with higher levels being 'regulated options'? Please provide reasons for your answer if possible.

a) Fully support. b) Neither support or oppose. c) Oppose.

**b.** We would prefer e.g. Lifetime Homes to be assessed and certified through the Code or similar. If this is not possible, then incorporation into building regulations is better than no compliance mechanism at all which is the implied alternative. The planning system's enforcement teams are not sufficiently resourced at present to check this on the ground.

13. Would you support government working with industry to promote space labelling of new homes?

**Yes**

14. Do you agree with this suggested simple approach to space labelling? Y/N.

**Yes**

15. If not, what alternative approach would you propose?

**N/A**

16. Would you support requirements for space labelling as an alternative to imposing space standards on new development? Y/N.

**No**

17. Would you support the introduction of a benchmark against which the space labelling of new properties is rated? Please give reasons for your answer.

**Yes.** If the benchmark is meaningful and is relates to research-based evidence of what minimum needs for comfortable living space means in practice.

18. Which of the following best represents your view? Please provide reasons for your views.

a) Local authorities should not be allowed to impose space standards (linked to access standards) on new development.

b) Local authorities should only be allowed to require space standards (linked to access standards) for affordable housing.

c) Local authorities should be allowed to require space standards (linked to access standards) across all tenures.

**c.**

19. Do you think a space standard is necessary (when linked to access standards), and would you support in principle the development of a national space standard for use by local authorities across England? Y/N

**Yes**

20. Do you agree with the proposed limiting of the scope of any potential space standard to internal aspects only? Y/N

**No.**

21. Do you agree that Space Standards should only be applied through tested Local Plans, in conjunction with access standards, and subject to robust viability testing?

**Yes**

22. Do you agree with the costs and assumptions set out in the impact assessment? We are particularly interested in understanding; .....

**Cannot comment**

23. If you do not agree with the costs set out in the impact assessment please state why this is the case, and provide evidence that supports any alternative assumptions or costs that should be used?

**N/A**

24. We also need to verify how many local authorities are currently requiring space standards, and what those space standard requirements might be. Can you identify any requirements for space standards in local planning policies? – please provide evidence or links where possible.

**Yes** – internal space standards currently in Eastleigh Borough draft local plan (based on English Partnerships standards which also have been applied for several years in at least 3 Sussex local authorities).

**25. Can you provide any of the following, (supporting your submission with evidence wherever possible)?**

**a) Evidence of the distribution of the size of current private and affordable housing development?**

**b) Evidence of space standards required by local authorities stating what is required and by whom?**

**c) Evidence of the likely cost impact of space standards?**

**N/A**

**26. What issues or material do you consider need be included in H6 of the Building Regulations, in order to address the issues identified above?**

**Accessibility.** Home to bin storage and bin storage to bin collection point. Visual impact on the street.

**27. Do you agree with this approach to managing cycle storage? Y/N.**

**No.** Application of technical standards through Code or similar better as they are independently and rigorously assessed while urban design implications can be assessed by planning authorities. If the planning authority can require the full technical standards to be complied with this is better than nothing although in practice few planning authorities have the resources to always check the technical compliance of such standards.

**28. Do you support the view that domestic security for new homes should be covered by national standards/Building Regulations or should it be left to market forces/other?**

**a) national standards/Building Regulations**

**b) market forces/other**

**Where possible, please provide evidence to support your view?**

**a.**

**29. Part 1: Do you think there is a need for security standards? Y/N**

**Yes**

**Part 2: If yes, which of the approaches set out above do you believe would be most effective to adopt (please select one only)?**

**a): Option 1 – A baseline (level 1) standard and a higher (level 2) standard.**

**b): Option 2– A single enhanced standard (level 2) for use in areas of higher risk only.**

**a.**

**30. If the level 2 standard is used how do you think it should be applied;**

**a) On a broad local basis set out in local planning policy?**

**Or**

**b) On a development by development basis?**

**a.**

**31. Do you believe that there would be additional benefits to industry of integrating the proposed security standards in to the Building Regulations as ‘regulated options’?**

**Yes**

**32. Q1: If security standards are integrated in to the Building Regulations, would you prefer that;**

**a) level 1 and level 2 become optional ‘regulated options’ for use by local authorities? Or  
b) level 1 be required as a mandatory baseline for all properties with level 2 a regulated option for use by local authorities?**

**b.**

**33. Do you agree with the overall costs as set out in the accompanying impact assessment? Y/N. If you do not agree, then do you have evidence to support alternative figures?**

**Cannot comment**

**34. Do you agree that level 1 security reflects current industry practice? Y/N. If you do not agree, then do you have evidence to support an alternative view?**

**Cannot comment**

**35. Do you agree with the assumptions used to derive the extra over cost of Secured By Design as set out? Y/N. If you do not agree, then do you have evidence to support alternative figures?**

**Cannot comment**

**36. Do you agree with the number of homes which incorporate Secured By Design standards that have been used in the accompanying impact assessment? Y/N. If you do not agree, then do you have evidence to support alternative figures?**

**Cannot comment**

**37. Do you agree with the assumptions of the growth in the use of Secured By Design standards over the 10 years of the ‘do nothing option’ in the accompanying impact assessment? Y/N. If you do not agree, then do you have evidence to support alternative figures?**

**Cannot comment**

**38. Do you agree with the assumptions for the ‘take up’ of the proposed security standards in the accompanying Impact Assessment? Y/N. If you do not agree, then do you have an alternative estimate that can be supported by robust data?**

**Cannot comment**

- 39. Do you agree with the unit costs as set out in the accompanying impact assessment for the “do nothing” and “option 2” alternatives? Y/N. If you do not agree, please provide evidence to support alternative figures for us to include in the final impact assessment?**

**Cannot comment**

- 40. Do you agree a national water efficiency standard for all new homes should continue to be set out in the Building Regulations? Y/N.**

**Yes**, but only if the evidence shows that new homes are already successfully and consistently meeting current building regulations otherwise implementation through the Code or similar would continue to be better.

- 41. Do you agree that standards should be set in terms of both the whole-house and fittings-based approaches? Y/N.**

**Yes**

- 42. Do you agree that the national minimum standard set in the Building Regulations should remain at the current Part G level? Y/N. (see also Question 43)**

**No.** 125 litres/person/day is too high as Code 3/4 standard (effectively 110 litres is easily and consistently achieved at little extra cost if any).

- 43. Do you agree that there should be an additional local standard set at the proposed level? Y/N.**

**Yes**, but not at 110 litres.

- 44. Do you agree that no different or higher water efficiency standards should be able to be required? Y/N.**

**No.** Best practice makes 95 litres quite achievable.

- 45. No. Would you prefer a single, tighter national baseline rather than the proposed national limit plus local variation? Y/N.**

**Neither.** Tighter baseline and local variation preferred.

- 46. Do you agree that local water efficiency standards should only be required to meet a clear need, following consultation as set out above and where it is part of a wider approach consistent with the local water undertaker’s water resources management plan? Y/N.**

**Yes**, but developers when asked will never voluntarily agree to higher standards.

- 47. Should there be any additional further restrictions/conditions? Y/N.**

**No.**

**48. Do you agree with the unit costs as set out in the accompanying Impact Assessment for the “do nothing” and “option 2” alternatives? Y/N.**

**If you do not agree, please provide the evidence to support your alternative figures**

**Generally yes**, but a local scheme has achieved code 6 water standard through appliances only and at a cost of only several hundreds of pounds per dwelling.

**49. Do you agree with the number of homes which we estimate will incorporate the proposed tighter water standard in the accompanying Impact Assessment? Y/N.**

**Cannot comment**

**50. Do you currently require through planning that new homes are built to a higher standard of water efficiency than required by the Building Regulations through:**

**a) a more general requirement to build to Code Level 3 or above?**

**Or**

**b) a water-specific planning requirement?**

**And**

**c) are you likely to introduce or continue with a water-specific water efficiency standard (beyond the Building Regulations) in the future?**

**60**

**a. and c.**

**51. The government considers that the right approach is that carbon and energy targets are only set in National Building Regulations and that no interim standard is needed. Do you agree? Y/N. If not, please provide reasons for your answer.**

**No.** The Code has been very successful, widely understood and consistently adopted across our sub-region. It is also independently assessed while local authority resources are very stretched and are unable to assess all building regulations in full already. There is still a large performance jump from 2014 Part L to 2016 ‘zero carbon homes’. Some code 5 or even code 6 standard homes could be justified in some locations and as costs continue to drop. Zero carbon homes only equates to at least 70% of emissions on site from regulated energy. In the medium term this is not very ambitious. The whole point of the Code was to show the way for future building regulations standards.

**52. Are respondents content with the proposal in relation to each energy element of the Code for Sustainable Homes? Y/N. If not, what are the reasons for wanting to retain elements? If you think some of these elements should be retained should they be incorporated within Building Regulations or set out as a nationally described standard. Please give your reasons.**

**Yes**

**53. Do consultees agree with the number of homes we have estimated which currently have a renewable target and the costs associated with incorporating such a target? Y/N.**

**Cannot comment**

**54. Do you agree with the unit costs for the code set out in the accompanying impact assessment for the “do nothing” and “option 2” alternatives? Y/N.  
If you do not agree, please provide the evidence to support your alternative figures**

**Yes**

**55. Do you agree with the proportion of homes we have estimated will incorporate the Code and the Planning & Energy Act 2008 (aka Merton rule) over the next 10 years? Y/N.  
If you do not agree, please provide the evidence to support your alternative figures**

**Cannot comment**

**56. What are your views on the future of the Planning and Energy Act 2008 (“Merton’s Rule” type planning policies) in relation to the preferred Building Regulations only approach to energy standards?**

Focus on CO2 emissions is the right one especially as 2016 ‘zero carbon homes’ will require significant element of renewables on site anyway by default.

**57. Government is interested in understanding the extent to which daylighting in new homes is a problem, and the appetite for a daylighting design standard to be available to designers and local authorities.**

**a) Do you believe that new homes are not achieving a sufficient level of daylighting in habitable rooms? Y/ N. If so what evidence do you have that this is the case (please submit evidence as part of your consultation response)?**

**b) Do you think that it is desirable to consider having a national daylighting standard for use in the design of new homes? Y/N.**

**a. Yes.** Some internal layouts have long thin rooms with windows only at one end or kitchens with no natural light at all.

**b. Yes**

**58. Do you agree that a review of simple percentage based methodologies should be undertaken to help determine if such an approach is fit for purpose? Y/N. If you have any relevant research or evidence please submit this as part of your consultation response.**

**Yes**

**59. Do you agree that sunlighting should sit outside the scope of this review? Y/N.**

**Yes**

**60. Do you agree that essential indoor air quality issues should be addressed through ongoing review of Part F (Ventilation) of the Building Regulations? Y/N.**

**Yes**

**61. Do you agree that materials standards are best left to the market to lead on? Y/N.**

**No.** Leaving it to the market (before the imposition of certification via the Code) achieved nothing.

**62. Which of the above options do you prefer (1, 2, or the hybrid approach)? Please provide reasons for your answer.**

**1.** If Planning authorities are involved in imposing standards they should also be involved in implementing them (especially if resources for this are factored in) and reviewing them accordingly from knowledge gained in practice.

**63. Do you think that moving to a nationally consistent set of housing standards will deliver supply chain efficiencies to home builders? Y/N.**

**Yes** although higher standards through the Code have also been driving greater efficiencies and more cost effective solutions

**64. Do you think that moving to a nationally consistent set of housing standards could help reduce abortive or repeated costs during the construction stage of home building? Y/N.**

**If yes, can you provide estimates and evidence of the level of efficiency that could be achieved?****No.** the 'confusion' of applying the Code is overstated. Code policies have been coordinated locally in sub region (largely Code 4) and developers are used to applying it.

## **Problems with Energy Standards Compliance in Building Regulations**

**Extract from House of Commons Environmental Audit - First Report published report 19 January 2005.**

114. We have ourselves seen evidence of how this is a problem. Investigations commissioned by Aberdeen Council, and carried out by BRE, to determine why a modern housing development supposedly compliant with building regulations suffered heat losses normally associated with Victorian housing, found that in most of the houses the insulation, though notionally compliant with recommended levels, was very poorly fitted. In this particular case, poor workmanship and a lack of post-completion checks ensured that any potential benefits from increased energy efficiency set out in the Regulations were completely lost. BRE's work to investigate compliance of new housing with air permeability standards, highlighted similar problems. It tested 33 homes to determine if they met Building Regulation standards in this respect. Over 60% of these properties failed. In a further investigation of 99 dwellings of various types, all constructed to 2002 Building Regulation standards, 32% failed to achieve air permeability standards. These findings have significant implications for the assumption that Government departments are making about the levels of energy saved as a result of the implementation of Building Regulations. They also place a large question mark over any potential benefits that might be expected to come from further strengthening the Regulations.

(N.B. Since this report, resources for building regulations inspections have generally become even more stretched as local authorities have had to reduce budgets).