

## Housing Standards Review 2013

### The end of independent local planning conditions?

The Government's consultation period for the Housing Standards Review published in August, closed on 22 October 2013. We all now wait for the digested response from the Department for Communities and Local Government to the submitted comments. Given that the government is keen to stimulate house building by "de-regulating" as soon as possible, and with associated changes to house building due in April 2014 to Part L of the Building Regulations there is incentive for the government to respond early in 2014.

If you were too busy to review the consultation document we give below a brief summary of the main intent of the review, the categories and the department's preferred direction in regulation of house building.

The review proposed replacing the use of all independent standards currently made mandatory through planning conditions with a government owned set of national housing standards. This will replace the Government's Code for Sustainable Homes and many other technical requirements often cited in planning conditions ( eg minimum floor space, percentage reduction in CO2 from renewables, green audits on materials).

We can speculate on the basis of the consultation document, that the replacement National Housing Standards are likely to cover only the basic issues; accessibility for impaired mobility, floor space, security, water efficiency, energy. The Government's view is that the best home for technical standards is within the technical remit of Building Regulations. As an interim measure, allowing time for eventual revision to the Building Regulations, the government may propose initially a stand alone set of national standards, to be absorbed gradually into the Regulations.

The standards would be universal in England, and become the only standards that District, Borough and other authorities could impose as planning conditions. This responds to the perceived present confusion caused as planning departments pick different standards to impose. To allow flexibility some standards will have "tiers" eg 3 grades of accessibility and minimum floorspace. This will allow local authorities to call for specific housing to meet local needs, such as mobility or wheelchair housing. As a national standard this would not unduly multiply the number of different house types a volume house builder needs to keep as a national stock of compliant designs. Moreover the selection of a higher tier for a planning condition would require robust justification by a planning authority, and could be open to challenge by inspectors. For example the case for imposition by a local authority of the more stringent water efficiency standard, would have to be justified by acknowledged water scarcity, as addressed in the local water supplier's management plan.

The housing review is part of the Government's "Red Tape Challenge" to reduce bureaucracy and the costs to house builders associated with demonstrating compliance, eg assessments for Code for Sustainable Homes, reports on renewable contributions, reports on ecology etc.

The eventual phasing out of the Government's Code for Sustainable Homes will leave many of the topics of the code not covered at all, or to less stringent standards in an emerging National Housing Standard. The consultation document made no specific propositions for a number of Code topics e.g. sound insulation of party walls, surface water run off, ecology and habitats.

It is possible that current requirements to submit renewable feasibility studies and energy statements with planning applications would no longer apply.

Existing non governmental coding systems will continue to exist , eg non domestic Breeam, Breeam "Domestic Refurbishment". These will apply as voluntary schemes, possibly imposed by funding agencies, but not available to planning authorities to impose conditions.

The independent standards called into play by the CSH, e.g. Lifetime Homes, Secured by Design, the BRE Green Guide would continue to offer voluntary benchmarks for housing development. However given the considerable coverage due to current mandatory use of the Code, the extent of coverage across future housing maybe significantly reduced as national standards replace the Code.