

Interim Planning Policy Guidance: Technical Housing Standards

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Introduction

This interim guidance note sets out how to apply Southwark's planning policies affected by the Housing Standards Review (HSR) from 1 October 2015.

The Government introduced technical housing standards for new dwellings through a written ministerial statement (WMS) on 25 March 2015 and detailed how these would be implemented through the planning system. The system comprises of 'optional' Building Regulation standards for water and access, and a nationally described space standard which does not form part of the building regulations (together referred to as the "national technical standards"). Building Regulations relating to the Security of Dwellings (Approved Document Q) will also come into effect from October.

The WMS withdrew the Code for Sustainable Homes (CfSH) for new planning permissions (except in legacy cases) and Lifetime Homes will be replaced by Building Regulations Approved Document M 'Access to and Use of Dwellings'. This document applies only to houses and flats (student accommodation is treated as hotel accommodation). The WMS stated that further guidance on zero carbon would be published in 2016, including an exemption for minor development. However, the Government's productivity plan *Fixing the Foundations: Creating a More Prosperous Nation* (July 2015) states '[The Government] does not intend to proceed with the zero-carbon Allowable Solutions carbon-offsetting scheme, or the proposed 2016 increase in onsite energy efficiency standards.' This interim guidance note will be updated to reflect any confirmed policy changes in respect of zero carbon and allowable solutions.

The technical housing standards came into effect on the 1 October 2015. After which, relevant Local Plan policy and associated guidance should be interpreted by reference to the nearest equivalent national technical standard¹. The Mayor of London intends to adopt the new national technical standards through minor alterations to the London Plan which are being examined on the 21 October 2015. Where relevant, Local Plan policies will be amended through the New Southwark Plan. A revised Residential Design Standards SPD, which incorporates aspects of the South East London Housing Partnership Wheelchair Housing Design Guide (SELHPWHDG) not affected by the HSR, and a revised Sustainable Design and Construction SPD, reflecting changes to planning policy resulting from the HSR will be published by the Council in October 2015. Any application determined on or following 1 October must secure the technical standards relating to access and water by means of a planning condition.

¹ Rt hon Sir Eric Pickles, Written Ministerial Statement, Planning update March 2015, 25 March
(<https://www.gov.uk/government/speeches/planning-update-march-2015>)

Code for Sustainable Homes (Energy and Water for Residential Development)

The Council's Core Strategy Policy SP13 sets out the Council's policy on sustainable design and low carbon development based on the CfSH. However, the Code has been withdrawn and replaced by the technical housing standards, except for the management of legacy cases². Legacy cases that benefit from a planning permission (including outline planning permission) with CfSH conditions will still need to achieve those targets and obtain certification of those schemes.

Water Efficiency:

Approved Document G (Sanitation, Hot Water Safety and Water Efficiency) has been updated to include an optional standard for water efficiency. Where there is no policy requirement, and where not secured by condition, new dwellings must achieve a water efficiency of **125** litres per person per day (Approved Document G of the Building Regulations 36(2a)). Planning authorities may require the more rigorous optional standard of **110** litres per person per day. The proposed minor alterations to the London Plan (2015) requires residential development to meet a target of **105** litres or less per head per day (excluding an allowance of **5** litres or less per head per day for external water consumption) 36(2b). It is the council's policy that all residential development permitted from 1 October 2015 should secure water efficiency under 36(2b) by planning condition.

Energy Efficiency:

The WMS stated that new development should not be required to achieve a higher standard than the equivalent of CfSH level 4 in terms of energy efficiency³. The GLA has published guidance setting out the Mayor's interpretation of the part of the WMS relating to energy requirements and have updated their guidance for developers (Greater London Authority guidance on preparing energy assessments (April 2015)). Major developments should continue to accord with the London Plan policies relating to energy pending further policy announcements from Government. The Council will therefore continue to require a 35% CO2 reduction over 2013 Building Regulations. These standards must be conditioned separately.

BREEAM

BREEAM for non-residential development is not affected by the HSR and should continue to be applied as per the Local Plan, including for non-self-contained accommodation. Policies relating to decentralised energy/district heating also continue to apply

Internal space standards

The Council's adopted planning policies on internal space standards (based on the London Plan), are set out in the Residential Design Standards SPD (2011). These will be replaced by the standards in the Nationally Described Space Standard (NDSS) within the Technical Housing Standards. These are optional minimum standards for planning authorities which are being incorporated into the London Plan through proposed minor alterations. In practice, there is very little difference between the NDSS and the council's existing space standards. The NDSS are marginally more prescriptive and include requirements relating to room heights, widths and, in some cases, internal room areas. The NDSS do not apply to wheelchair homes.

² Legacy cases include schemes where residential developments are legally contracted to apply a code policy (e.g. affordable housing funded through the National Affordable Housing Programme 2015 to 2018, or earlier programme) and schemes where planning permission has been granted subject to a condition stipulating discharge of a code level

³ Code Level 4 equates to a saving of 19% on the 2013 Building Regulations.

Access to and Use of Dwellings: Wheelchair User Homes

The London Plan and the saved Southwark Plan policy 4.3 require at least 10% of new residential development to be designed to be wheelchair accessible. The Residential Design Standards SPD requires wheelchair accessible homes to meet the standards set out in the SELHPWHDG.

Approved Document M of the Building Regulations introduces minimum specifications for wheelchair User Dwellings (M4(3)). This is subdivided into Wheelchair Adaptable Dwellings (M4(3)(2a)) and Wheelchair Accessible Dwellings (M4(3)(2b)), which are fitted out for occupation by a wheelchair user. The following table provides examples of key differences between the two categories of wheelchair use dwellings.

Theme	M4(3)(2a)	M4(3)(2b)
Lifts	Provision of space for the future installation of an internal lift.	Provision of a lift or lift platform.
Kitchens	Kitchen must be configured to enable the installation of minimum work surface lengths etc.	Provision of kitchen units/surfaces of specific height, length, configuration etc., including sink depths, oven height, under unit leg space etc.
Bathrooms	Minimum space requirements for wheelchair use	Detailed requirements about WC heights, positioning of WC flushes, position of basins etc.

The National Planning Practice Guidance states that category M4(3)(2b) may only be required for wheelchair user dwellings where the local authority is responsible for allocating or nominating a person to live in that dwelling. M4(3)(2b) may therefore only apply to social rented and affordable rented homes, all other wheelchair user dwellings may only be conditioned to meet M4(3)(2a) standard.

The proposed minor alterations to the London Plan will require 10% of all homes to achieve M4(3) standards. The 10% requirement relates to either private or affordable homes provided through a major development. A detailed approach regarding the implementation of the policy in respect of tenure will be established through the New Southwark Plan. It is the council's policy to encourage all wheelchair user dwellings to meet M4(3)(2b) standard, irrespective of tenure. However, all affordable rented homes must be conditioned to meet M4(3)(2b) standard.

The council will require all wheelchair user dwellings to meet the saved SELHPWHDG space standards and encourage all wheelchair user dwellings to meet the saved SELHPWHDG standards relating to access, use and fit out of the dwelling (as detailed in the Technical Update to the Residential Design Standards SPD and appended here).

Access to and Use of Dwellings: Accessible Homes

The London Plan and Residential Design Standards SPD required all non wheelchair accessible homes to meet the 16 accessible design standards of the Lifetime Homes Standard. Approved Document M introduces the category Accessible and Adaptable Dwellings (M4(2)), which is the closest equivalent standard in the Building Regulations to the Lifetime Homes Standard. If new homes are not conditioned to meet category M4(2), the homes need only meet standard M4(1) (Visitable dwellings).

The proposed minor alterations to the London Plan (2015) requires 90% of all homes to achieve category M4(2). However, a key feature of M4(2) homes is that they provide step free access to and within a dwelling, and to any private amenity space. Where step free access would be unviable or

impractical, such as in a block of flats providing four storeys or less, the requirement for step free access may not be relinquished and any such homes will only be required to meet M4(1) standard.

It is the council's policy to require all non-wheelchair user dwellings to meet M4(2) standard where practical and viable. Where this is not the case, the council will encourage all other homes to meet the M4(2) standard in all respects other than providing step free access⁴.

Implementation of building regulations optional technical housing standards

Optional building regulation technical housing standards must be imposed by means of a planning condition by the planning authority and the condition must specify which optional requirements will apply to each dwelling. In the absence of a planning condition the base standard for water efficiency and access to and use of buildings will apply. This introduces a number of changes to the building control system in respect of building control functions. Where 'optional requirements' are made a condition of the planning permission the developer has a statutory obligation to inform the Building Control that an optional requirement has been imposed.

Regulation 4 of the Building Regulations states that where an optional requirement has been imposed through condition the standard of compliance required in regulation 4(3) of the Regulations is the same as for the mandatory requirements. Optional requirements, so specified, are enforceable by the building control body and not the local planning authority. A local authority may not issue a completion certificate under regulation 17 of the Building Regulations or an approved inspector a final certificate under section 51 of the Building Act unless satisfied that any imposed optional requirement has been complied with.

Carbon efficiency

In accordance with the London Plan 2015, all new domestic dwellings should achieve carbon savings of 35% against the 2013 Building Regulations to 2016. From 2016 new domestic buildings should be zero carbon (pending further announcements from Government).

Template condition:

Condition

The development hereby permitted shall be constructed to achieve at least a 35% carbon saving against the 2013 Building Regulations.

Reason

To ensure the development complies with the National Planning Policy Framework 2012, Strategic Policy 13 (High environmental standards) of the Core Strategy 2011, saved policies 3.3 Sustainability and Energy Efficiency of the Southwark Plan and Policy 5.15 of the London Plan 2015 (Minimising carbon dioxide emissions).

Water efficiency

In accordance with the Core Strategy 2011 and the London Plan 2015, all new dwellings should achieve a water efficiency of 105 litres per head per day (excluding an allowance of 5 litres of less per head per day for external water consumption. All permissions granted from 1 October 2015 must include a planning condition which requires all dwellings to meet standard 36(2b) of Approved Document G of the Building Regulations (2015).

⁴ Although this may not form part of any building control assessment

Template condition:

Condition

Each dwelling hereby permitted shall be constructed to achieve at least the optional standard 36(2b) of Approved Document G of the Building Regulations (2015).

Reason

To ensure the development complies with the National Planning Policy Framework 2012, Strategic Policy 13 (High environmental standards) of the Core Strategy 2011, saved policies 3.3 Sustainability and Energy Efficiency of the Southwark Plan and Policy 5.15 of the London Plan 2015 (Water use and supplies).

Access to and use of buildings

Applicants should submit a schedule of accommodation which identifies the specific standard under M4 of the Building Regulation each home in the proposed development will meet (as shown in the template condition below). Where M4(2) cannot be achieved for reason of viability or practicality the applicant must provide evidence to support this. The applicant must provide a floor plan that identifies the unit reference number for each proposed unit. The Validation Checklist will be updated to reflect this requirement.

Where possible, the applicant must clearly demonstrate how each home meets the identified standard to enable the assigned case officer to verify each proposed dwelling meets the identified standard. Elements of the verification process may need to be undertaken by the transport planning team or the appointed building control body.

The schedule identifying which proposed homes meet which standard must be imposed as a condition where a scheme is granted consent. In order to reduce instances of non-compliance, construction plans should be certified for compliance with the schedule by the appointed building control body as a pre-commencement condition. The appointed building control body must also verify construction according to approved plans prior to issuing of completion certificate, however, any non-compliance will be a matter for building control rather than the council's planning enforcement team.

Template condition:

Condition

Before the development hereby permitted is commenced, the applicant shall submit written confirmation from the appointed building control body that the specifications for each dwelling identified in the detailed construction plans meet the standard of the Approved Document M of the Building Regulations (2015) required in the schedule below and as corresponding to the approved floor plans. The development shall be carried out in accordance with the details thereby approved by the appointed building control body.

Unit reference numbers	Access to and use of building standard
B1U1, B1U2,	M4(1)
B1U3, B1U4, B1U5B1U6, B1U7, B1U8, B1U9, B1U10	M4(2)
B1U11	M4(3a)
B1U12	M4(3b)

Reason

To ensure the development complies with Core Strategy 2011 Strategic Policy 5 (Providing new homes) and London Plan 2015 Policy 3.8 (Housing choice).

Appendix A: Retained SELHPWHDG Standards

Saved SELHPWHDG Standards (Required)		
Number of Bedrooms	Minimum Space (Flats) (sqm in GIA)	Minimum Space (Houses) (sqm in GIA)
1b2p	65	N/A
2b3p	75	80
2b4p	85	100
3b4p	100	110
3b5p	110	120
3b6p	115	125
Saved SELHPWHDG Standards (Encouraged)		
The installation of entry phones which allow access to the communal area and private front door where the private door is behind a communal door		
The provision of wash hand basins that are mountable on adjustable height brackets		
The provision of two lifts where wheelchair user homes are situated above the ground floor		
All corridors should be 1,200mm wide, rather than 1,050mm wide		
Window handles should be within the 450mm to 1,200mm range		
Wall fitted shower seats should have drop down legs, drop down arms and a back rest		
The installation of a side hinged oven		
The provision of accessible storage including drop down shelving and pull out baskets, ensuring storage space, in combination with any shelving layout, provides optimum access to space and to stored items.		
Clear open doorways should be 900mm		
Living rooms, bathrooms and shower rooms, kitchens and dining rooms which exceed the minimum space standards in Building Regulations		
The provision of 600mm x 600mm wheelchair accessible work top for food preparation		
The provision of ramps at a gradient of 1:20		