Levitt Bernstein's Response to the GLA Housing Standards MALP

19.06.15

Please find below Levitt Bernstein's response to specific policies and clauses in the Minor Alterations to the London Plan:

Policy 3.5 – QUALITY AND DESIGN OF HOUSING DEVELOPMENTS

Clause C

C LDFs should incorporate **requirements for accessibility and adaptability**[4], minimum space standards[5] ~~that generally conform with~~ **including those set out in** Table 3.3**, and water efficiency.**[6] The Mayor will, and boroughs should, seek to ensure that new development reflects these standards. The design of all new dwellings should also take account of factors relating to 'arrival' at the building and the 'home as a place of retreat',**. New homes should** have adequately sized rooms and convenient and efficient room layouts **which are functional and fit for purpose**, meet the changing needs of Londoners over their lifetimes, address climate change adaptation and mitigation and social inclusion objectives and should be conceived and developed through an effective design process[7].

LBA Response

The word 'including' should be omitted as it gives the impression that boroughs can add to, or change, the standards of Table 3.3 and the word 'reflects' should be changed to 'meets'. 'New Homes' should be changed to 'newly constructed dwellings' as some types of change of use (e.g. homes converted from B1 uses) are permitted development so these standards cannot be applied.

Notes to Table 3.3 - Minimum space standards for new development

Notes to Table 3 3
1. * Where a studio has a shower room instead of a bathroom, the floor area may be reduced from 39m^2 to 37m^2, as shown bracketed.
2. The Gross Internal Area of a dwelling is defined as the total floor space measured between the internal faces of perimeter walls[1] that enclose a dwelling. This includes partitions, structural elements, cupboards, ducts, flights of stairs and voids above stairs. GIA should be measured and denoted in square metres (m^2).
3. The nationally described space standard sets a minimum ceiling height of 2.3 meters for at least 75% of the gross internal area of the dwelling. To address the unique heat island effect of London and the distinct density and flatted nature of most of its residential development, a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space.

LBA Response

It is misleading to reproduce the Nationally Described Space Standard as Table 3.3 but include notes that do not form part of it. We fully support the GLAs desire for taller ceilings but would urge them to compromise (by accepting either 2.5m for flats only, or 2.4m for all dwelling types) and lobby government

to change the national space standard to benefit all parts of the country rather than bend the rules for London alone in this way.

Policy 3.8 – HOUSING CHOICE

Clause B c

c ~~all~~ **ninety percent of** new housing ~~is built to 'The Lifetime Homes' standards~~ **meets Building Regulation requirement M4 (2) 'accessible and adaptable dwellings'**

LBA Response

Levitt Bernstein fully supports the principle and the provision of accessible homes but the requirement for step-free access is a very significant (though logical) departure from LTH. It means that the GLA needs to re-consider its blanket policy, rather than retain it. The sentence in paragraph 3.48 that suggests that LDFs may need to depart from this policy is not enough.

Step-free access should be strongly encouraged for obvious reasons. It is the most important single requirement and, without it, homes cannot be regarded as 'accessible' and wheelchair users are effectively excluded. The GLA appears to accept this because homes without step-free access are not currently eligible for categorisation according to its own guidance on Accessible Housing Registers.

Unless the GLA is willing to insist on step-free access, and prohibit some important and useful typologies (such as low rise flat blocks with fewer than 15 households, and double-stacked maisonettes), Category 2 will not be achievable as the minimum standard for all dwellings. In many outer suburbs, particularly on smaller sites, only ground floor dwellings will be able to exceed Category 1.

In our view, the London Plan cannot therefore set a policy or standard for 90% Category 2 and 10% Category 3; it can only express this as an aspiration and/or define permitted exceptions to a blanket policy. Under the proposed wording, we would need to negotiate permission to provide any Category 1 homes - even in typologies that we understand will be continue to be accepted and valued by the GLA and the boroughs.

The decision about whether or not to include a lift in a low-rise block affects not only the design of the core and the overall footprint of the building, but also the configuration of the block itself and the optimum number of dwellings served by each core. The knock-on impact of service charges may have implications for decisions about tenure too. As written, this policy will lead to uncertainty for the client and design team throughout the pre-planning period.

Clause B d

d ten per cent of new housing **meets Building Regulation requirement M4 (3) 'wheelchair user dwellings',** ~~is~~ **i.e. is** designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users

LBA Response

The retention of the current policy for 10% Category 3 dwellings across all tenures is also unrealistic. We can accept that there is still un-met need for wheelchair housing in London. We find it more difficult to accept that need is 10% across all tenures and across all boroughs, and consider it unacceptable that many wheelchair users are unable to afford to buy or rent the homes that are 'available' and meet their needs.

A number of boroughs already report a current surplus. We believe that the GLA needs to reduce the 10% requirement, particularly for private sector homes, until there is evidence that a reasonable percentage (50%?) are actually going to the people who need them. Achieving that end means tackling affordability and this implies public subsidy (help to build and help to buy) as these homes are typically at least 20% larger than Category 2 homes and contain expensive extra features.

In the PRS, wheelchair housing makes very little sense. These homes cannot be allocated so can only be 'wheelchair adaptable' which means that most wheelchair users would not be able to occupy them without adaptation. In practice, landlords will not be willing to fund this work or permit a tenant (who may move on in 6 months) to fund it. Requiring 10% of all homes in this growing sector to be 20% larger, is not therefore a good use of money or space.

Despite early complaints and gloomy predictions, almost all of London's housing standards have now been accepted and many are actively supported by all sectors. Wheelchair housing standards are the notable exception. The need to address historic shortfall is understood in principle but 10% too many, too soon and the cross tenure requirement does not align with the needs data (need is much higher in the affordable sector).

There is also a very real danger that wheelchair adaptable homes will 'disappear without trace'. The technical requirements are now sufficiently flexible that it will not be obvious (from inside or out) that they have the potential to meet the needs of wheelchair users. This is good in many ways but bad in others – will a future purchaser or tenant recognise them as wheelchair housing? This will be even less likely over time because the new regulations regarding material alteration permit any home (Cat 2 or Cat 3) to revert to Category 1. We suggest that as well as producing a new Accessible Housing Register that reflects the new categories, the GLA should ask boroughs to include the adaptable and the accessible versions of the floor plans in the Title Deeds of each Category 3 home to ensure that this information is held in perpetuity and available to future owners.

We therefore strongly urge the GLA to reconsider its requirements for accessible housing so that the sector feels able to support the policies rather than resent them. This is currently a policy area that works on paper but not in practice.

Policy 5.2 – Minimising carbon dioxide Emissions

Clause B

Residential buildings:

Year	Minimum Improvement on ~~2010~~ 2013 Building Regulations
~~2010-2013~~	~~25 per cent (Code for Sustainable Homes level 4)~~
~~2013-2016~~ **2014-2016**	~~40~~ **35** per cent
~~2016-2031~~ **2016-2036**	Zero carbon

Non-domestic buildings:

Year	Minimum Improvement on ~~2010~~ 2013 Building Regulations
~~2010-2013~~	~~25 per cent~~
~~2013-2016~~ **2014-2016**	~~40~~ **35** per cent
2016-2019	~~As per building regulations requirements~~ **50 per cent**
~~2019-2031~~ **2019-2036**	Zero carbon

In line with the energy hierarchy above, these targets should be met through a combination of energy efficiency measures on-site, and low and zero carbon infrastructure, either on or off-site, in line with the decentralised energy policies in this Chapter.

LBA Response

Residential Buildings

Whilst we acknowledge that retaining business as usual for the residential buildings (35% reduction) for the next year prior to the implementation of zero carbon through Building Regulations would appear the most straight forward and sustainable strategy, we would question the benefit of doing so.

We would also question how this strategy fits with the Government's ministerial statement from 25th March 2015, which states the following:

> *"For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015*
>
> *This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government's intention into account in applying existing policies and not set conditions with requirements above a Code level 4 equivalent."*

We understand this to suggest that CO_2 reductions can be set beyond Building Regulations prior to Oct 2016 but that the Government would not expect this to be over 19% reduction for residential projects.

Following the implementation of zero carbon through ADL1A in October 2016 we assume the GLA will wind the carbon reduction backwards from 35% to 19% (see graph below) - sending out a confusing message to all. This will mark an increase in carbon emissions in London through new developments. Whilst we do not support the principle of increasing carbon emissions we recognise the efforts of the government to bring planning and regulation in line across the country.

We suggest that this is an opportunity for the GLA to address the energy performance gap between design and as-built homes. Therefore, rather than setting a target of 35% that is achievable on paper but almost never achieved in-use on site, we would suggest that a more realistic target of 19% is set with conditions on the performance of the building/systems as-built.

As set by the GLA, developments sensibly reduce their CO_2 emissions by following the energy hierarchy (lean, clean, green). Having carried out countless energy statements for developments in London over the past 5 years, it is known that on average around 5-10% of savings are made at the lean stage, 18-25% are saved at the clean stage, and then around 5-10% at the green stage. Therefore, on paper the simplest and quickest way to reduce CO_2 is through the clean stage by implementation of a CHP. Whilst in principle there is nothing wrong with maximising CO_2 reductions through a CHP, evidence is beginning to surface that CHPs are not performing as they should in reality. Thereby not honouring the carbon reductions as promised on paper.

This has several repercussions:

- Design teams are often find themselves specifying an unsuitable technology such as a CHP for a development (especially for developments less than 50-100 units) just to achieve a 35% reduction on paper.
- There is evidence of CHPs not being turned on on-site and becoming redundant equipment as soon as installed – due to unsuitability or cost in operation.
- Where CHPs are being installed and operated as per their energy strategies residents are often being overcharged due to the inefficiencies in running the systems, frequently due to poorly designed/sized systems.
- Due to the way the performance spec of CHPs are entered into SAP, it is overestimating the CO_2 savings available – therefore not representing reality

In addition to the issues encountered with specifying DHN/CHPs it is well documented that there is a performance gap with regards to fabric performance and some renewables.

Given the above issues we would hope the GLA consider pursuing a more realistic lower target of 19% reduction in CO_2 but in doing so begin setting planning conditions to ensure the performance in reality. We would suggest that this would be a more useful and practical approach to carbon reduction rather than chasing unrealistic percentage reductions on paper.

Non-Domestic Buildings
The requirement to achieve a 50% reduction in CO_2 emissions for non-domestic buildings from 2016 appears to be an onerous requirement, especially given that the accompanying feasibility and viability study has proven that 5 out of 7 building types would find this unachievable. We would strongly urge the GLA to reconsider this target and instead seek for evidence of performance in use – such as a Display Energy Certificate (DEC). This would be a much more useful exercise for the industry and prevent the unnecessary specification of mechanical systems which often perform poorly in use.

Clause E

E Prior to the implementation of zero carbon, ~~T~~ the carbon dioxide reduction targets should be met on-site. Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash-in-lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere.

LBA Response
As noted in response to clause B, the implementation of zero carbon in 2016 will be a backwards step for London unless addressed in terms of actual built performance.

Clause F

F When zero carbon is implemented (2016 for residential and 2019 for non-domestic buildings), development proposals should continue to follow the energy hierarchy outlined in 5.2A. Once on-site emissions have been minimised, major development proposals are expected to follow the hierarchy below when considering options for Allowable Solutions (as detailed in paragraph 5.23A):
1. Minimise carbon dioxide emissions on-site;
2. Delivery of Allowable Solutions measures in the local area (either through direct measures or payment into a local fund);
3. Delivery of Allowable Solutions measures within Greater London (either through direct measures or payment into a local fund).

LBA Response
In principle we agree with the above methodology but would suggest that the points are explained a little further. For example would it be acceptable to reduce emissions through some of the following options:

- Embodied carbon/ more environmentally responsible materials?
- Inclusion of green infrastructure and extensive landscaping to reduce local temperatures and therefore energy consumption of buildings?
- Improvements in the manufacturing process/supply chain of materials?
- Encouragement of sustainable transport or use of it in construction?

Whilst these can be tricky to quantify in reports they would be hugely beneficial to the environment overall.

5.18

5.18 **The Mayor has considered the Government's intentions regarding energy performance standards for domestic development and its support for low carbon energy infrastructure, and considers his energy targets within his energy hierarchy to be in line with this approach. Policy 5.2 encourages developers to make carbon savings on-site, firstly through demand reduction in line with the Government's preferred maximum energy performance requirement (19 per cent reduction beyond Part L 2013)[20]. The remaining carbon reductions should be met through additional demand reduction and low carbon infrastructure, either on-site or off-site.** ~~The targets set out in Policy 5.2 are minimum improvements over the TER for London as advances are made towards zero carbon development. This approach conforms to the Government's Code for Sustainable Homes (CSH), which outlines targeted improvements, as individual code levels for residential buildings, towards the achievement of zero carbon housing.~~

LBA Response

Please could this paragraph be clarified prior to final publish? It would appear to imply that the zero carbon target (19% reduction) should be met though "demand reduction" otherwise known as lean measures i.e fabric only. If this is the case this is likely to be an unachievable target for most buildings.

Maximum – should this say minimum? It is a minimum requirement to achieve 19% reduction in CO_2 as per ADL1A.

Should the following sentence: **"The remaining carbon reductions should be met through additional demand reduction and low carbon infrastructure, either on-site or off-site."** Read as follows?: The remaining carbon reductions should be met using allowable solutions through additional demand reduction and low carbon infrastructure, either on-site or off-site.

5.19

5.19 The targets ~~for 2010 to 2013~~ in Policy 5.2 are ~~equivalent to the energy requirements for code level 4 of the CSH for residential buildings. These targets are~~ informed by the observed performance of new development since the London Plan was first published in 2004, and have been established as achievable and suitable for London. The GLA's most recent monitoring information[21] shows that on average development proposals approved by the Mayor since September 2007 have achieved typical savings between of 30 and 40 per cent above **2010** Building Regulation requirements, with about a quarter of applications meeting or exceeding 40 per cent savings **(broadly equivalent to 35 per cent beyond 2013 Building Regulation requirements).**

LBA Response

We note as per our comment under clause B that the 35% reduction is often achieved only on paper and not in reality.

5.20

5.20 The targets outlined apply to all major development proposals. **The Mayor will actively encourage development proposals to achieve** ~~T t~~the highest **reasonable** level of **on-site** carbon dioxide emissions **reductions** ~~reduction will be sought in every proposal, and the Mayor will actively encourage zero carbon development where appropriate.~~ Overall carbon dioxide emissions reductions should reflect the context of each proposal, taking account of its size, nature, location, accessibility and expected operation. The targets will be used by the Mayor in the consideration of proposals that come before him for determination and to guide the development of proposals within opportunity and intensification areas as well as for monitoring purposes. They may also influence proposals falling within the ambit of the wider GLA Group. **The Mayor considers there are particular opportunities for the establishment of district heating networks within opportunity and intensification areas.** At borough level, the steeper trajectory towards meeting the Government's target of zero carbon residential development **from** ~~by~~ 2016 and non-domestic buildings ~~by~~ **from** 2019 should be sought from major developments taking account of such factors as ease and practicability of connection to existing networks, context, size, nature, location, accessibility and expected operation.

LBA Response

We would caution how forward thinking encouraging district heat networks is unless the performance of the systems installed is monitored post-construction. Too many schemes are being forced to include CHPs due to carbon reductions without the future maintenance and billing costs being considered.

5.23

5.23 **The target set out in Policy 5.2B should firstly be met on-site. When deciding the reasonable on-site carbon dioxide reduction contribution the Mayor will have regard to technical feasibility, financial viability (but not cost alone) and benchmarks for similar type schemes.** Where it is demonstrated that the specific targets for carbon dioxide emissions reduction cannot be fully achieved on-site the shortfall may be provided off-site, but only in cases where there is an alternative proposal identified and delivery is certain, or where funding can be pooled to support specific carbon dioxide reduction projects or programmes. Further guidance on the criteria for off-site provision, **and** the types of acceptable projects and programmes ~~and a London wide funding scheme will be set out for boroughs~~ **is outlined in the Sustainable Design and Construction Supplementary Planning Guidance.**

LBA Response

This would be a good opportunity for the GLA to request some in-use performance requirements, especially regarding the installation and performance of district heat networks and CHP.

5.23A

5.23A Under zero carbon proposals there will be a minimum on-site carbon compliance level, with the remaining regulated carbon dioxide emissions from a development being offset through 'Allowable Solutions'. Developers will have a choice of delivery routes for Allowable Solutions. The Mayor will seek to maximise the benefits of new development to the local and wider London area, and believes there are significant advantages to development proposals prioritising on-site or local Allowable Solutions measures. These include continuing the work already commenced by the London boroughs and the Mayor to retrofit London's buildings and provide low and zero carbon infrastructure.

LBA Response

Agreed

5.23B

5.23B As outlined in Policy 5.2F, major development proposals should first consider how they can reasonably go beyond minimum standards in minimising on-site carbon dioxide emissions. Developers should then actively seek to deliver their remaining Allowable Solutions through investment in local carbon saving projects and/or payment into a local or London wide fund. 'Local' in this context would generally be considered as the borough in which the development is located. However, in some circumstances it may be appropriate to invest in measures in a neighbouring borough, for example if the development is near the borough boundary, or the host borough does not have an Allowable Solutions strategy.

LBA Response
Agreed

Policy 5.15 – Water use and supplies

5.61

5.61 But the fundamental problem remains. To remain sustainable, London needs to reduce the level of water consumption per person. Currently the average Londoner consumes 164 litres/day (l/d)25, around 20 l/d above the national average. Projections for population growth in London and in the wider south-east will mean that over the period of this Plan, new strategic water resources will be required. The need for this is exacerbated by the climate change predictions of more sporadic and intense rainfall and a higher likelihood of droughts as well as the need to protect the water environment implementing the Thames River Basin Management Plan requirements. Thames Water, which provides over three-quarters of Londoners with water, projects a significant (around 6 % by 2020) capacity deficit. To ensure London's future water security, the prudent use of water will be essential: all new development will need to be water efficient and**. Residential development should be designed so that mains water consumption would 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 use. This reflects the 'optional requirement' set out in Part G of the Building Regulations26. As all water companies that serve London are located in areas classified as seriously water stressed27, the 'optional requirement' should be applied across London. A fittings-based approach should be used to determine the water consumption of a development28. This approach is transparent and compatible with developers' procurement and the emerging Water Label, which Government and the water companies serving London are supporting.**

LBA Response
Agreed