



Community Housing Cymru response

1. About Us

The Community Housing Cymru Group (CHC Group) is the representative body for housing associations and community mutuals in Wales, which are all not-for profit organisations. Our members provide over 158,000 homes and related housing services across Wales. In 2014/15, our members directly employed 8,800 people and spent over £2bn (directly and indirectly) in the economy, with 79% of this spend retained in Wales. Our members work closely with local government, third sector organisations and the Welsh Government to provide a range of services in communities across Wales.

Our objectives are to:

- Be the leading voice of the social housing sector.
- Promote the social housing sector in Wales.
- Promote the relief of financial hardship through the sector's provision of low cost social housing.
- Provide services, education, training, information, advice and support to members.
- Encourage and facilitate the provision, construction, improvement and management of low cost social housing by housing associations in Wales.

Our vision is to be:

- A dynamic, action-based advocate for the not-for-profit housing sector.
- A 'member centred' support provider, adding value to our members' activities by delivering the services and advice that they need in order to provide social housing, regeneration and care services.
- A knowledge-based social enterprise.

In 2010, CHC formed a group structure with Care & Repair Cymru and CREW Regeneration Wales in order to jointly champion not-for-profit housing, care and regeneration.

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Mandatory Quality Standards for new, rehabilitated and existing homes - Consultation Response Form

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Part A

The proposed introduction of the WHQS as the mandatory standard for existing social housing in Wales

Question A1: What are your views on the proposed standards and guidance set out in Part A of the consultation document?

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CHC notes that there is very little change in the guidance compared to the previous revision of the WHQS. CHC believes that the WHQS is a positive step forward in the provision of good quality, sustainable housing in Wales.

One comment that CHC would like to make in respect of the standard relates to its current application solely to Social Housing. The standard states "Better Homes for People in Wales" and states the National Assembly for Wales's vision that "all households in Wales ... shall have the opportunity to live in good quality dwellings". This clearly raises the question as to whether the standard should apply to all sectors, including the private sector.

CHC would like to see the description of "Acceptable Fail" changed to "**Qualified Pass**" following a number of requests from CHC members. The term "Acceptable Fail" sends a negative message, when actually in practice this term can be applied when the standard cannot be met due to technical reasons or tenant choice, which is not a failure of the Association to address. As an example, should a property that has been adapted with a level access shower and had the bath removed, be classed as a "Fail"?

If the rules are followed precisely, an adapted property with a walk in shower is an acceptable fail and there is the expectation that it should be removed when that person moves, which could lead to a bath being installed, and then removed again when the next person moves in who has a need for a shower. To quote from the document "any outstanding work required to convert an

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Acceptable Fail to a Pass must be undertaken prior to relet of the property. All cases of Acceptable Fail should be recorded by the landlord so that future works can be appropriately planned and budgeted."

Question A2: What do you think are the benefits and/or dis-benefits of using this standard and guidance?

The guidance is generally straight forward and sets what CHC believes to be an acceptable and practical standard/process for improving and maintaining housing quality standards. CHC would suggest that the benefits of using this standard and guidance are already proven and it sets a Standard which has provided better homes for tenants. As there has been little change from the previous document, works programmes do not have to be adjusted for any new initiatives that could potentially have been put in; training programmes do not have to be adjusted; contractors/suppliers, staff and tenants are familiar with the standard. We are concerned, however, about the principle of retrospectively establishing and enforcing standards.

If anything, our only observation would be in respect of the interpretation of some of the standards. There should be a clear understanding of requirements for RSLs, tenants and other stakeholders such as lenders.

Question A3: What changes (if any) do you think are needed? Please explain and provide evidence to support your views.

CHC would not seek to change any of the technical elements of the standards other than the recommendation above with regards to "acceptable fails". We do however suggest that there needs to be consistency in the SAP rating system used by WG. WHQS uses SAP 2005, EPCs are currently carried out under SAP 2012 9.92, and rent setting is based on SAP 2009. We need either a single measure to be used or target levels should be set in each index.

Question A4: We would welcome your views on the potential impact of the proposals for people with the following protected characteristics:-

- Disability
- Race
- Gender and gender reassignment
- Age
- Religion and belief and non-belief
- Sexual orientation
- Human Rights
- Children and young people

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CHC see the proposals on WHQS as very positive for all tenants/prospective tenants and their families. In addition we see this proposal as making a positive contribution in assisting people achieve their Human Rights.

Question A5: We would welcome any comments you may have on the potential impact of the proposals on the Welsh Language.

We have no comment in relation to the application of the standards on the Welsh language.

Question A6: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

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N/A

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

Part B

The proposed introduction of DQR as the mandatory guidance for the design and construction of new and rehabilitated housing in Wales where Welsh Government subsidy is provided

Question B1: What are your views on the proposed standards and guidance set out in Part B of consultation document?

The Welsh Government should aspire to set standards which aim to deliver homes in Wales that are fit for purpose, sustainable and create communities where people want to live. The proposed standards and guidance in Part B provide an unambiguous (albeit succinct) statement of intent around quality, flexibility and standards in terms of headline principles of Lifetime Homes, Safety and Secured by Design. The proposed standards and guidance are broadly similar to the current DQR. If anything the proposed standards and guidance are more succinct and less prescriptive than the current document. There is also less background ethos and narrative on the social /economic benefits of DQR in this new guidance.

Standards across all tenures

CHC acknowledges the wider benefits that DQR brings as a standard moving forward. However, we do not believe that a standard which is solely applied to the social housing sector is appropriate and the best solution. The volume of affordable housing constructed in Wales

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remains low in comparison to the private sector. Our view is that the focus should be on establishing what constitutes an aspirational standard for all housing.

The Welsh Government has devolved control over both Planning and Building legislation. Indeed, the Welsh Government is already exercising its influence to improve standards of all housing. This is reflected in the proposed changes to Part L of the Building Regulation (which already supersedes DQR); the introduction of sprinkler systems and the updates to Technical Advice Notes (TAN) contained within the Planning Bill. Whilst CHC's members are committed to providing good quality homes that are fit for purpose, we would suggest that the Welsh Government continues the development of these standards through building regulations and considers whether there is a necessity for DQR for schemes funded via SHG in light of future changes to building regulations.

Impact on build costs

CHC has received feedback to suggest that the proposed changes to DQR makes the standard slightly more onerous as it will keep build costs comparatively high for new social housing at a time when costs are also increasing due to new building regulations and sprinkler requirements. CHCs members have raised concern that higher standards for social housing will impact on the numbers of affordable homes being developed at a time when housing need is increasing. This is compounded by the fact that Housing Associations are being stretched in a number of ways, including the impacts of welfare reform and the capping of housing benefit to Local Housing Allowance which will challenge rent collection and the viability of new housing schemes even further. Welsh Government must consider the additional costs that higher standards will bring.

CHC would question whether the DQR review group carried out a sufficient scoping of the review, in particular a proper cost analysis to compare the costs of a DQR compliant home to a standard building regulations compliant home. CHC feels that this would be a lost opportunity if a proper cost comparison exercise was not undertaken.

Applying to existing dwellings

It is not clear whether the proposed standards and guidance apply to new build only or to the rehabilitation of existing dwellings given the absence of a reference. Clarification is required on whether the standard should be adopted by existing dwellings given the reference to a hierarchical approach with WHQS as the minimum. This is especially important to define given the increasing role of housing associations in delivering physical regeneration schemes in Town and City Centre locations involving rehabilitation and conversion of existing buildings (including listed buildings) that calls for a flexible and practical approach.

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Lifetime Homes

There appear to be contradictions between lifetime homes and the proposed DQR document in terms of the provision of accessible shower room facilities in terms of the size of property at which the requirement is instigated. We would welcome the inclusion of a statement confirming that the DQR overrides the Lifetime Homes requirement.

Question B2: What do you think are the benefits and/or dis-benefits of using this standard and guidance?

Flexibility

The challenge with any standard (and particularly with ones that are enshrined in law) is one of “unintended consequences”. Currently, when developing schemes there is a dialogue between the Welsh Government and Housing Associations in respect of the individual circumstances on site. It enables balanced judgements to be applied to individual design solutions and housing need.

For example, one of CHC’s members referenced a scheme where every element of the home achieves DQR with the exception of the front garden where the plot would be directly above the pavement without a front fence. Secured by Design (SBD) would require a defensible space and therefore this would not be approved. The home would be for a family with support needs who are currently being housed at a considerable cost. The Housing Association would consider this to be acceptable taking into account the wider drivers for developing the home. At present, this circumstance would be discussed with officers at Welsh Government and a pragmatic outcome would be agreed. This in part is recognised by the Welsh Government in the revised DQR as it accepts that where the Housing Association is not in control of the development that there is a relaxation to the SBD standards as they apply to external areas.

Furthermore, it is increasingly becoming an issue for multi tenure estates that we end up applying differential standards. This in itself sets social housing physically apart and easily identifiable which is counterproductive to cohesive communities.

Certain dis-benefits noted include the relevance to practical living, the standard limits flexibility of design, limits the ability to provide innovative design, which can contribute to the stigmatisation of social housing (the inclusion of RNIB standards noted, which can create an institutional environment to live in), and conflicts with other regulations (e.g. all Wales Parking Standards 2008).

Cost

A key challenge of any standard which applies to a lower proportion of the new housing stock is cost. Our view is that if improved standards are applied across all new housing the negative

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impact on cost generally remains “short term” as the industry quickly adapts to the new standard and efficiencies are derived through volume. Where it is applied to a smaller percentage it is often treated as an “abnormal cost” by the developer which inherently attracts a premium. In addition the DQR makes overarching assumptions as to what is needed. We believe that consideration should be given to include some flexibility. For example, in the case of older person accommodation (bungalows) it is quite acceptable to have a garden under the minimum 30m2 as there may be issues with the ability of the tenant being able to maintain the garden.

Whilst CHC recognise a range of benefits that DQR provides to tenants and society in general: these being around health, well-being, educational attainment, community cohesion, crime reduction, and the reduction to the public purse of having to address these issues if we were to not develop social housing to the standard, these benefits are generally only financially achievable on homes which have Welsh Government subsidy.

Question B3: What changes (if any) do you think are needed? Please explain and provide evidence to support your views.

Flexibility

As mentioned in B2, we would suggest that the standards introduce some flexibility to allow for decisions to be made on a site specific basis. This would remain “by approval” of the Welsh Government. This could be on a point basis, or by way of prioritising the individual standards themselves. We would not support the standards being retrospectively applied or enshrined in law (particularly if this meant that grant could be reclaimed) as this would prejudice sites that could deliver much needed homes on some challenging sites.

The focus should be on prioritising internal space, energy standards and security, with a lower priority given to the external environment where greater flexibility should be given to planners and designers to provide spaces that generate social cohesion and not exclusion. There is a fundamental question in respect of the definition of “control” as it is applied to the standards for external space. In practice the housing association is never in control, it simply responds to the requirements of the Local Authority. CHC members have experienced many examples where the Highway Authority seeks to open up routes through developments but SBD insists on preventing access to the site.

CHC notes that making certain requirements less prescriptive allows more flexibility for design teams to know e.g. how much furniture is needed.



Good practice

Clarification on good practice would be welcome in terms of the distinction to be made between what is 'Mandatory', and what is considered to be 'Good Practice', to avoid doubt and uncertainty of the benchmark against which scheme design is being measured. Some areas will remain outside of the remit of DQR e.g. local planning authority requirements, highways requirements including parking standards play areas etc. There exists the potential for contradiction and inconsistency which calls for the need to establish precedence of standard between WG comment on site layouts through DQR and the role of local highways and planning authorities as evidently the latter can be the decision makers. Parking standards are a particular area of issue in need of resolution by WG and communication to local planning authorities.

Technical amendments

CHC members have suggested that the following technical amendments are considered:

Tumble dryers

Whilst the space for tumble dryers in 1 bed flats sounds logical, it will increase the m2 required for the kitchen/overall unit and may never be used for its intended purpose because running a tumble dryer is expensive and may not be affordable to all tenants. Furthermore, the new requirement for tumble drier spaces to be vented to outside air in 1 bed flats could significantly inhibit the conventional design of apartment blocks which tend to have a combined lounge/diner/kitchen with the kitchen closest to a central corridor which serves flats on both sides.

Shower/bath

One CHC member has suggested a slight change of wording to 1c to 'all houses have a shower (in addition to a bath) at ground floor level and are also provided with adequate space with plumbing, electrical...' A link should be provided to the ROSPA guidance noted in the guidance as this is not otherwise clear on the website. One member could not find stair lighting/safety guidance anywhere.

Refuse bin provision

CHC has received feedback to suggest that refuse bin compartments to the front of properties are rarely if ever discreet however carefully detailed; they would therefore prefer to see on-going provision to access rear gardens.

RNIB

The draft document refers to RNIB Housing Sight. We would ask if this is the correct document now that Visibly Better is in use?

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Stair winder restriction

One of our members has called for the removal of the stair winder restriction, in line with Approved Document Part K. We believe that this provides the ability for a more flexible design, to provide more usable space within habitable rooms. For clarity, this CHC member who provided feedback has experienced no issues with procuring a stair lift to winding stairs and can provide evidence to prove that it is possible, if required.

Showers

We feel that it is critical that there is more flexibility concerning the guidelines to allow for changes in demographics. With an ageing demographic and need for one bed flats, members have a demand for level and low access showers. We would therefore ask that for flats with level or lift access, a low access or floor shower would meet DQR. The advantage of this would be to have a more relevant layout for housing need and take some pressure off the PAG system.

Lift requirements

With pressure on keeping service charges down, but the need to keep property density levels high, it isn't unreasonable to have 4 storey flats without a lift. The unit mix would take this into consideration for the higher floor levels.

Service charges

The issue with regard to DQR and its attendant service charges needs to be addressed. The present requirements generate service charges which may be uncollectable. CHC is not suggesting a basic change in "the direction of travel" but we would like to see some flexibility in grant assisted schemes to ensure we are building homes for all the community including those dependant on restricted welfare assistance. It would appear that if there is no flexibility within the standards there will need to be a change in the grant regime to ensure continued developments are possible, both in areas of high land values and to accommodate those with very limited incomes. This could be something that is to be addressed alongside consideration of the mandatory introduction of DQR.

Car parks

One of CHC's members has noted the below in relation to car parks:

One particular aspect of the current DQR 2005 which relates to car parking is of concern as it currently impacts upon our ability to comply with planning guidance and 'Secured by Design', whilst also detracting from scheme viability. '1.7.5 Car Parking' stipulates that no parking space is within 2m of a window. We believe that this 2m dimension originates from the 1997 (Tai Cymru) Guidance, Good Practice Advice, Site Layout Design for New Housing Schemes, where it was clearly linked to the distance between parking spaces and the front window of the house,

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and was presented alongside illustrations and narrative to substantiate the rationale behind the requirement. This helped to avoid car headlights shining through the front window and also avoided the over sailing of car bonnets to within less than 0.9m of the front elevation.

In the DQR 2005 document, the 2m separation distance was applied to all scenarios between parking spaces and windows without any distinction between front and side windows and with no explanation of the rationale. The difficulty which this causes applies to where car parking is achieved on side drives. Side drives are increasingly popular with both Housing Associations and planning departments. Side drives position the car away from the frontage, thus achieving a far better architectural effect 'Sense of Place' on developments, with frontages facing the street and no cars in front. Side drives also position the car within the curtilage of the plot, and are synonymous with semi-detached housing homes which achieve rear access for the properties. Side drives are typically 3.3m wide (2.4m for the parking space and 0.9m to allow access down the side of the property to the rear garden gate), this also being a requirement in 1.7.5.

In such layouts, in order to achieve 'Secured by Design' (also a key DQR criterion) it is important to include a window on the side elevation to overlook the car. However, in so doing, and in order to comply with 1.7.5 of DQR it is necessary to separate the car parking from the side window by 2m – and thus the drive becomes 4.4m wide as opposed to 3.3m. This widening of the drive to 4.4m causes several difficulties: the spacing between pairs of semis becomes such that the site becomes potentially unviable due to reduced densities; whilst planning officers prefer to see less space between pairs of semis. Furthermore, in order to overcome this, the side window would need to be omitted and therefore conflicts with Secured by Design arise. Finally, there is of course the possibility/danger that 4.4m wide side drives would lead to 2 cars being parked in the side drive, resulting in a wholly undesirable and unmanageable outcome.

In order to address this concern, we propose that 1.7.5 is amended to specify that no parking space is within 2m of a front window and thus enable 3.3m wide side drives with a window on the side elevation overlooking the space.



Question B4: Do you think this standard should be used when building new social housing whether funded or not because of the wider public benefits? Please explain and provide evidence to support your views.

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Impact on build costs and development in the sector

CHC believes that the standards should not apply to non-grant funded schemes as it will reduce the numbers of affordable homes in an already stressed environment. CHC is fully aware and supportive of the wider long term public benefits of having a good set of standards. However, we are concerned that such a requirement would block the delivery of non-funded social housing projects and render them (at worst) unviable, or at least have the effect of reducing the number of homes that can be delivered in this way.

CHC members that are developing properties for open sale or for letting at market rents are exploring every opportunity to meet housing need and generate income to support their core business which is to develop affordable homes. Introducing standards to non-grant schemes would prevent Housing Associations from competing with private sector developers on an even playing field. The private housing market has no such requirement other than under the Building Regulations and Town Planning. This would leave the Housing Associations unable to compete for development land and opportunities.

Many Housing Associations are currently providing a wider range of affordable housing tenures that help subsidise the level of grant that is required and in some instances totally remove it, whilst keeping the scheme viable. To apply DQR to these schemes would be of detriment to the ability to try and deliver schemes that require less funding. Recent schemes, such as Loftus Garden Village, that has not attracted grant, would not have been possible if fully DQR compliant homes had been required. To apply DQR to non-funded schemes would impede Housing Associations ability to be innovative whilst still providing high quality homes.

S106 negotiations

The introduction of DQR for non-grant schemes will lead to more expensive build costs for S106 properties which will exacerbate already difficult negotiations with developers. Costs will increase which will give developers the opportunity to further reduce the number of units. Decisions about whether units should comply with DQR should be left to the local planning authority, which can judge both the impact on cost and on the overall design of a scheme.



Community integration

As set out in our previous responses above, it is our contention that the Welsh Government should focus on the wider issues of Planning and Building Regulation, ensuring that all homes meet an acceptable level of design and sustainability whilst creating attractive places to live in. This would mean having a standard that applies across all homes. CHC has received feedback from members that it is preferential to integrate the Affordable Housing with the Private Housing so that it is “pepper potted” and not distinguishable from the private sector. This is widely acknowledged as good practice. With one common standard applied across housing tenures in Wales, it would make working with building control easier.

Whilst it is possible to specify certain elements of DQR (such as Secured by Design) to the building fabric and specification (windows, doors etc), CHC members have commented that they would want the homes to generally replicate the estate design of the private scheme. This often means more open plan gardens, possible “home zone” arrangements, slightly undersized gardens, etc. It can be difficult to apply Secured by Design on mixed sites as private estates do not comply with Secured by Design in many instances.

Impact of Housing Benefit Caps to Local Housing Allowance

Welsh Government need to take into account the impacts of the Housing Benefit caps to Local Housing Allowance and how this impacts on the viability of schemes. The UK Government’s decision to apply the relevant Local Housing Allowance (LHA) rates as maxima for Housing Benefit paid in the social rented sector¹², including the Shared Accommodation Rate for single claimants aged under 35 without dependent children, will have devastating impact on the most vulnerable members of our society. In looking at the changes for those under 35 in particular, applying DQR and the space standards under the grant system can restrict options for single claimants aged under 35 without dependent children. Due to these changes, the current standards for social housing grant could now effectively exclude under 35’s who are not exempt from the shared room LHA rate. Whilst we are committed to high quality standards, equally we do not want to see this group excluded from social housing. CHC would suggest that there is an ongoing need for flexibility to allow the Welsh Government to respond to the reality of peoples’ housing options. Whether these issues are addressed by higher grant level as opposed to lowering standards is a debate to be had.

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²https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/479749/52229_Blue_Book_PU1865_Web_Accessible.pdf

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ONS Reclassification

Imposing DQR on schemes that are not funded with subsidy is also unlikely to be helpful in light of the recent announcement by the Office of National Statistics (ONS) review, that between October and December this year, they will assess whether or not Housing Associations (HAs) in Wales, Scotland and Northern Ireland should be reclassified from their current statistical status as 'Private Non-Financial Corporations'.

Question B5: We would welcome your views on the potential impact of the proposals for people with the following protected characteristics:-

- Disability
- Race
- Gender and gender reassignment
- Age
- Religion and belief and non-belief
- Sexual orientation
- Human Rights
- Children and young people

We believe that there will be positive impacts of the proposals upon the aforementioned protected characteristics. However, we believe that without flexibility in standards for grant assisted developments, whole sections of our community could be excluded from future provision, for example those under 35's who are not excluded from the single room rate.

Question B6: We would welcome your views on the potential impact of the proposals on the Welsh Language.

We have no comments in respect of the impact on Welsh Language.

Question B7: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

We have no further comments.

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Care & Repair Cymru



Regeneration Wales
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