



PLACES OVERVIEW AND SCRUTINY SUB-COMMITTEE

This report is part exempt and Appendix A is not available for public inspection as it contains or relates to exempt information within the meaning of paragraph 3 of Schedule 12A to the Local Government Act 1972. It is exempt because it refers to confidential commercial information and the public interest in maintaining the exemption outweighs the public interest in disclosing the information

Subject Heading:

Waterloo and Queen Street, Phase 1,
Blocks 1 and 2 Update

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Policy context:

Provision of new homes within the
borough

SUMMARY

The report sets out the considerations made in the context of a changing environment of Building and Fire Safety in relation to new residential homes.

The content of this report will update the committee on the evolving changes to the Part B (Fire Safety) of the Building Regulations and the implications for the Waterloo and Queens Street regeneration site.

RECOMMENDATIONS

Members of O&S Committee are asked to note the contents of this report.

REPORT DETAIL

1. Background to the Building Safety Act 2022

The Building Safety Act aims to reform the building safety system in England and Wales, responding to lessons from the Grenfell Tower fire and strengthening accountability throughout a building's lifecycle.

- Key Provisions:
 - Creation of a new Building Safety Regulator (BSR) to oversee stricter standards.
 - Enhanced protection for leaseholders and improved access to redress.
 - Encouragement of industry compliance and culture change.
 - Clearer oversight of construction products.

- Legislative Changes:
 - Establishment of the Building Safety Regulator within the Health and Safety Executive.
 - Amendments to the Building Act 1984 to define provisions for higher-risk buildings.
 - Imposition of duties on the Accountable Person for building safety in occupied high-risk residential buildings.

- Other Provisions:
 - Measures for service charges, remediation, and redress.
 - Creation of a New Homes Ombudsman scheme.
 - Powers for regulating construction products.
 - Listing of Architects Registration Board alongside architect entries in the Register of Architects.

2. The Building Safety Regulator

The Health and Safety Executive becomes the Building Safety Regulator, focusing on enhancing building safety and standards while ensuring proportionate and transparent regulation.

- Core Functions:
 - Enforcing stricter regulations for higher-risk buildings, overseeing their lifecycle from design to refurbishment.
 - Monitoring all buildings' safety and performance, advising on standards, and promoting competence in the industry.

- Regulating Higher-Risk Buildings:
 - The Regulator takes charge of regulatory decisions for higher-risk buildings, with the ability to adjust definitions based on research or advice.

- **Mandatory Second Staircases:**
 - The former Secretary of State, Michael Gove, announced the government's intention to mandate second staircases in new residential buildings above 18 metres in height, deviating from the previously consulted 30 metre threshold.

3. National Fire Chief Council's (NFCC) letter of 19th December 2022 to the Secretary of State Department for Levelling Up Communities and Housing

Here are the key points from the NFCC's statement

- The NFCC is urging the Government to require all new high-rise residential buildings over 18 metres (or seven storeys) to have more than one fire escape staircase.
- Currently in England, there is no maximum height requirement for residential buildings with only one staircase.
- The NFCC proposes three changes for high-rise buildings over 18 metres.
- All new buildings must have more than one protected staircase.
- All existing buildings must be retrofitted with sprinklers.
- Lifts in existing buildings should be installed or replaced for use in evacuation.
- The presence of a second staircase removes the risk of a single point of failure during a fire, providing critical time for firefighting activities and offering residents multiple escape routes.
- While evacuation may not always be necessary (as "Stay Put" policies are often safe), data shows instances where residents chose to evacuate, emphasizing the importance of multiple escape routes.
- The NFCC suggests that these recommendations could be reinforced by amending building regulations or key government guidance, such as Approved Document B.
- The professional bodies such as the RIBA and CIOB also supported the 18 metre threshold.

4. Consultation Outcome

- The Consultation document recommended a 30 metre height threshold for new residential buildings to require a second staircase, aligning with increased safety measures.

- On 14th February 2023, the Mayor of London mandated two staircases for residential buildings over 30 metres, pending research findings.
- Many Local Planning Authorities have been referencing a 'national position' to justify amendments requiring second staircases in residential buildings over 30 metres in their Committee Reports.
- The government has not clarified the reason for this shift, but it is suspected to be influenced by a joint letter from various organisations to the Secretary of State, the London Fire Brigade's consultation response, and the 18 metre height threshold already in place in Scotland.
- The 18 metre height threshold equates to approximately 6 residential storeys under current Building Regulations. Any planning proposals exceeding this threshold will likely need to be amended to include a second staircase based on recent indications.
- Developers will have 30 months from 29th March 2024 to incorporate the changes to the Approved Document B, to conform to either the existing guidance or the updated guidance requiring second staircases. After this period, all applications must adhere to the new guidance.
- Approved applications not following the new guidance have 18 months to commence construction; otherwise, they must submit a new application.
- Sufficient progress is defined as the commencement of concrete pouring for foundation placement, as outlined in the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023.

5. The Secretary of State's statement in October 2023

- The transitional arrangements apply to projects with existing planning permission featuring single staircases, which were assessed for safety during the application process, can proceed without further delay if they choose.
- This means that for some time, buildings exceeding 18 metres with single staircases will continue to be introduced to the market.
- It's crucial to clarify that single-staircase buildings, both existing and upcoming, are not inherently unsafe when constructed according to relevant standards, maintained properly, and managed effectively.
- The Secretary of State expects lenders, managing agents, insurers, and other stakeholders to act accordingly, refraining from imposing excessive additional requirements, obstacles, or criteria on single-staircase buildings in lending, pricing, management, or any other aspect.

- Buildings over 18 metres in height are subject to enhanced scrutiny under the new building safety regime.
- Fire safety arrangements in these buildings are thoroughly examined at various checkpoints, including new building control gateways and planning gateway one.
- Transitional arrangements were intended to provide confidence to the market to continue building high-quality homes needed in the country.
- Overall, the statement emphasises the government's commitment to enhancing building safety and ensuring the continuation of high-quality home construction.

6. Considerations for LBH as the freeholder/ responsible person and the landlord

- The recent amendment to Part B of the Building Regulations will necessitate dual staircases in all new residential buildings over 18 metres by September 2026.
- Expected revisions to BS 9991 may require incorporating features like an emergency alert system, vented escape lobbies, sprinklers in all units, and designated safe refuge areas into the new design.
- Later phases of WQS above 18 metres will require a dual staircase approach, and residents' perceptions from Phase 1, if a single staircase is chosen, must be taken into account.
- National Fire Chiefs and the Secretary of State for DLUCH emphasise that incorporating a second staircase improves the LFB's firefighting capabilities.
- The new scheme at Bridge Close, recently submitted for planning approval, has been amended to include a dual stair solution.
- The Councils intention is to deliver the new homes to the latest fire safety standards and incorporate a dual staircase approach.
- The dual staircase approach is to be formally adopted and the Council continue to review the phasing and financial options available.

7. Conclusion

Since the Grenfell tragedy in June 2017, the on-going Grenfell inquiry and the Hackett report, the industry has been awaiting clear guidance on fire safety in residential new buildings.

The National Fire Chiefs letter to the Secretary of State on 19th November 2022 set out the case for a dual staircase approach in all new residential buildings over 18 metres.

Following consultation with the industry and fire safety experts, the Secretary of State issued a statement in October 2023 stating that all new residential buildings over 18 metres must have a dual stair solution. In this statement the Secretary of State also set out the transitional arrangements which would allow a developing authority to proceed with a single stair if (1) the scheme had full planning approval and (2) the scheme had full building control approval.

See Exempt Appendix A for further details.

IMPLICATIONS AND RISKS

Financial implications and risks: This paper is for information only.

Legal implications and risks: This paper is for information only.

Human Resources implications and risks: This paper is for information only.

Equalities implications and risks: This paper is for information only

Environmental and Climate Change Implications and Risks: This paper is for information only

BACKGROUND PAPERS

None