

MAYOR OF LONDON

Response to the Sprinklers in care homes, removal of national classes, and staircases in residential buildings consultation

Date: 17 March 2023

Summary

Since the Grenfell Tower fire, and the tragic loss of 72 lives, there has been an urgent need for a comprehensive review of building and fire safety measures so that Londoners can have confidence in the safety of their homes. The Mayor is strongly supportive of the government's proposed change to Approved Document B limiting building height with only a single staircase. The Mayor urges government to provide clarity and consistency by publishing guidance on design requirements and transitional arrangements for second staircases as soon as possible. The impact of current uncertainty within the sector makes interim guidance imperative, given the likely timescale of final publication of regulations.

The Mayor is also supportive of government's proposal to install sprinklers into all new care homes regardless of height but would urge government to widen the application to all specialised and supported housing.

The Mayor calls for the utmost transparency on the ongoing government review and reform of Building Regulations and Approved Documents, and to publish all research and an updated future timeline of work. This is crucial to reassure and inform the public of this overdue but essential work.

Consultation Response

1. Staircases in residential buildings

Principle of multiple staircases in high-rise development

Grenfell Tower, at 67m in height, had only one staircase. The Grenfell Tower Inquiry evidence has shown how the narrow single staircase in the building was compromised by smoke and toxic fumes which made escape near impossible and contributed to the deaths of many residents of the tower. Since the fire over five and a half years ago, the Mayor has been calling for a complete overhaul of the Building Regulations as they are not fit for purpose.

A change to Approved Document B limiting building height with single staircase is a positive step forward in giving Londoners confidence in the safety of their homes, through improved evacuation routes which can be used in the event of a fire. The Mayor is strongly supportive of this change, which can strengthen the safety of the built environment.

While this change to Approved Document B is welcome, the requirement for a second staircase cannot simply be seen as a tick box exercise but must be part of a wider strategy to reform the built environment and improve the overall safety of buildings for all residents.

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It is imperative that fire safety remains a priority through all stages of a building's lifecycle. Homes must be built and maintained to the highest safety standards.

The Mayor, through his limited powers, has set out the requirement that development proposals in London must achieve the highest standards of fire safety (London Plan Policy D12). The London Plan also introduced fire safety considerations into the planning application stage, ensuring that safety is considered from the very beginning of a building's design.

The implementation of a second means of escape is an additional layer of fire protection for a building but overall building resilience and inclusive design is important. The Mayor in his London Plan has a requirement for evacuation lifts which he would invite Government to roll out nationally in the Building Regulations. Equity of escape for everyone in a building is a key consideration. The Grenfell Inquiry Phase One report made recommendations for the development of national evacuation guidelines for high-rise buildings, as well as for Personal Emergency Evacuation Plans and it is imperative for these recommendations to be implemented as soon as possible. While government are to be commended on the implementation of some of the Grenfell Inquiry Phase One recommendations in January of this year, it is disappointing that crucial recommendations around evacuation are still not implemented.

Height threshold

The Mayor supports the government's proposals to introduce the requirement for a second staircase for buildings 30m or taller in height.

He notes that the National Fire Chiefs Council has referenced support for the height threshold to be applied at 18m, in line with the definition of a high-rise building in the Building Safety Act. The Mayor sees there to be an absence of a clear publicly available evidence base for a height threshold of either 18m or 30m and urges government to publish the findings of any commissioned research which has informed the proposal in the consultation, and any informative evidence collected through the consultation process. In the absence of a clear evidence base, the Mayor believes that a 30m height threshold is an appropriate step to improve fire safety. It also provides certainty to developers and protects the viability of delivering vitally needed new homes.

Transitional arrangements and guidance

The Mayor notes that the consultation 'encourages all developments to prepare for this change now' and he supports this approach as it is vital that safer standards are adopted with urgency. However greater clarity is required on the design requirements of the second staircase, and clarity as to whether a building will require a second core. Consideration of measures such as a second core as standard must be within the context of realistic and/or acceptable building footprints and consequent massing, along with other requirements that benefit residential amenity, such as space standards and the avoidance of single aspect units.

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Figures from the Planning London Datahub confirm that 48 percent of new home starts in London since 2014 are in schemes containing buildings of 10 storeys or more (which is equivalent to 30 metres and above). Given the potentially protracted nature of the research and establishment of an evidence base required for sound design solutions, it is imperative that interim guidance on these issues is published as soon as possible as many projects have and will unfortunately come to a standstill impacting on the delivery of much needed affordable and general needs housing.

The Mayor supports a short transition period, as envisaged in the consultation document, to ensure that developers can have confidence about the scope of the changes to the Building Regulations and to mitigate a potential detrimental impact of the changes on housing delivery. Unlike other changes that have previously been made to the Building Regulations, incorporation of a second staircase, where not in the original designs, often requires fundamental changes to scheme design and will therefore be an issue requiring consideration at planning approval stage. This can have a significant impact on scheme viability, and schemes caught in the transition period may require additional funding to avoid them being seriously delayed or paused altogether.

The Mayor recognises the direction of travel on this issue, and is seeking to lead by example and implement this change when responding to current planning applications and through devolved housing programmes. It is vital that the housing and development sector have clarity on the way forward in London for initiated schemes which have not yet secured planning permission. New homes started now should be built to safer standards as soon as possible, rather than waiting for the proposals to be implemented through Building Regulations. To provide clarity and increase safer standards, the Mayor has already taken action in London so that all planning applications which involve residential buildings over 30 metres in height will need to be designed to provide two staircases before they are referred to the GLA at Stage 2 for the Mayor's decision.

The Mayor reiterates that transitional or direction of travel guidance on height thresholds and how second staircases should be designed is required urgently, particularly for the transition period, so that schemes already in the development process can commence re-design with confidence about the terms on which they can secure building control approval during the transition period and under the new Regulations. The Mayor is keen to lead the industry to implement the positive changes proposed through this consultation, and engagement indicates much of the housing and development sectors to be bought into the proposals, but commercially it is difficult for many schemes to proceed without these vital clarifications being made as to the terms of the new Regulations.

Impact on delivery

The GLA is working with its delivery partners in the Affordable Homes Programme to assess the implications of these changes. It is clear that some schemes which were intended for delivery through the AHP 2016-23 may no longer be taken forward or delayed. The GLA asks government to explore making funding available to address viability gaps that have arisen as a result of unexpected scheme re-design, to ensure that the social rented homes that are needed urgently in the midst of a cost-of-living crisis can still be delivered.

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2. Sprinklers in care homes

The Mayor has long supported the London Fire Brigade's campaign to increase the use of sprinklers and other automatic fire suppression systems (AFSS). These systems have a proven record of saving lives, protecting residents, reducing property damage, controlling the spread of fire and giving extra time to facilitate evacuation. They provide an effective additional layer to the active and passive fire safety measures of a building. The Mayor has used his powers to ensure that new homes funded through his Affordable Homes Programme 2021-26, or developed on GLA land and commissioned via the London Development Panel, are now required to adhere to higher standards of fire safety than Building Regulations, with sprinklers or AFSS being mandatory.

The Mayor is supportive of government's proposal to install sprinklers into all new care homes regardless of height but would urge government to widen the application to all specialised and supported housing. The Mayor re-iterates his earlier call for a requirement to fit sprinklers in all buildings covered by the Fire Safety Order, regardless of height, be taken forward.

Consideration must be given to existing care homes and there is a responsibility to make these as safe as possible. The Mayor would urge government to review this with some urgency and consider providing funding to retrofit sprinklers where necessary.

The Mayor would ask for clarification on the legal definition of Care Homes for this consultation. The London Plan defines Care Home accommodation in paragraph 4.13.4 and this may be of use when developing or confirming a clear definition.

3. Paragraph 10.6 and 10.7 of Approved Document B

The GLA does not have a statutory role in the Building Regulations system and therefore does not have the expertise to respond in detail on the proposals set out in this part of the consultation. The Mayor does however wish to reiterate how vital it is that the wording of Approved Document B be accessible, clear and unambiguous. Nearly ten years ago, Her Honour Frances Kirkham CBE wrote to Government recommending a review of the clarity of Approved Document B following the Lakanal House fire inquests.

The Mayor assumes that this consultation is part of the wider reform of Building Regulations and Approved Documents that the government is undertaking. Noting that it has been over five and a half years since the Grenfell fire, the Mayor would invite the government to be transparent, publish all research, an updated timeline of this proposed work and regular update reports.

The Mayor has long called for a ban on combustible materials in the external walls of buildings no matter their height or use. While government has refused to adopt this position and instead has imposed a height limit for the use of combustible materials, the

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Mayor would urge government to reconsider. The Mayor also urges caution on any attempts to weaken the current stance on use of combustible materials in external walls.

4. Removal of National Classifications

The Grenfell Inquiry evidence has shown the adverse impact of the failure to remove the National Classifications over 20 years ago. By allowing the National Classifications to co-exist with the more stringent British Standards version of the European Classification, it created a scenario where combustible materials could achieve Class 0 and therefore be compliant with Approved Document B. The removal of the National Classifications is long overdue. The Mayor supports the proposals to remove the National Classifications as soon as possible.