

Mayor and Cabinet			
Report Title	Response to Sustainable Development Select Committee, fire safety in tall buildings.	Item No	
Contributors	Executive Director for Customer Services and Executive Director for Resources & Regeneration		
Class	Part 1	Date	15 November 2017

1. Purpose of paper:

- 1.1. At its meeting on 20 July 2017 the Sustainable Development Select Committee asked officers questions regarding fire safety in tall building, for presentation back to Mayor and Cabinet.
- 1.2. This paper sets out the responses from the referral.

2. Recommendations:

- 2.1. It is recommended that Mayor and Cabinet note the responses laid out below in response to the queries raised by the Sustainable Development Select Committee.

3. Referral from the Sustainable Development Select Committee:

- 1.1. At its meeting on 20 July 2017, the Sustainable Development Committee noted the report 'Fire Safety in Tall Buildings' which provided a comprehensive update on the work undertaken in relation to fire safety post the fire in Grenfell Tower.
- 1.2. The Committee made a number of referrals in relation to tall buildings and building control. The responses, as far as officers are able to answer, are laid out below.

4. Referral 1: publically available list of tall buildings

Referral

- 4.1. The Committee requests that a publicly available list of all tall buildings in the borough be produced for ease of reference. This should contain a summary of fire safety activities, that can be cross checked against each building, with the action taken and assurances provided to date. This would include, for example, dates on key building control actions, whether private or council, fire safety inspections, LFB inspections, cladding checked or not etc.

Response

- 4.2. Attached at Appendices A, B and C is the list of all tall residential buildings in Lewisham, with detail against each one as to actions taken to ensure fire-safety. There are further non-residential buildings which are likely to be over 18m in height, including the Lewisham Old Town Hall and Laurence House, and parts of Lewisham Hospital. These have not been included so far on these lists, however it will be updated over time to include them.
- 4.3. There are a considerable number of buildings on the list and Officers are still working through some of the detail around building regulations approval, where it has been required, and the dates associated with those. Where there is no commentary, then there are no records in relation to Building Regulations approval.

5. Referral 2: Council responsibilities as part of building control

Referral

- 5.1. Officers have agreed to provide additional information about the Council's responsibility for buildings for which it has provided building control services. The checklist for buildings (requested above) would need to include actions taken by officers to meet all building control requirements in those buildings. This information should also be provided to the fire service.

Response

- 5.2. It is the responsibility of the developer, in conjunction with their chosen Building Control Body (local authority or Approved Inspector), to demonstrate that the building regulations have been satisfied.
- 5.3. Regulations cover a wide variety of items within the building such as the layout of the floors, materials, structural and fire safety, energy efficiency, drainage, accessibility amongst other things.
- 5.4. Due to the highly complex nature of developments, there is no standardised 'checklist' of building control activities. However, Officers have set out below the stages, and procedure, the Council's Building Control service follow when providing Building Regulations approval on a development/building.

Stage 1 – Post Planning Permission

- 5.5. Plans are submitted to the Council detailing, amongst other things, foundations and drainage proposals, materials for external and internal finishes, elevations, cross-sections. A Building Surveyor will check the plans thoroughly, liaising with the developer/contractor until they are satisfied the plans propose a compliant development. Surveyors ensure that the plans meet all relevant technical requirements of the regulations. The plans are then passed or passed subject to certain conditions.

Stage 2 – Development/Construction

- 5.6 Officers will undertake site visits at regular stages through development. Inspections are based on risk assessments. Normally, there would be intensive inspections in early and final stages. In the early stages, foundations and drainage below ground would be targeted. Essentially the inspections would focus on critical elements that would be covered up during construction. In the final stages, the focus would be on items such as fire safety, above ground drainage, etc. These inspections are limited in that surveyors are not always able to inspect every aspect of a building's construction. Periodic inspections would pick up issues of non-compliance which are then addressed through the construction process, rather than at the end. The developer is responsible for demonstrating compliance with the regulations. Building Control Body is there to verify compliance as far as it is practicable.

Stage 3 – Building Sign Off/Approval

- 5.7 Following practical completion of the development the Council will usually approve the development. This is where Building Control involvement ends, unless or until further changes are made to the building which require approval under Building Regulations.
- 5.8 Approvals under Building Regulations can be issued by the local authority or an Approved Inspector (private sector 'for profit' providers of Building Control that operate in direct competition with local authority Building Control teams). When a developer chooses to work with an Approved Inspector, local authorities do not have any powers to intervene or enforce the regulations unless the projects is returned to the local authority by the Approved Inspector.
- 5.9 Where building work is being undertaken within existing buildings the person carrying out the work has a responsibility to demonstrate that both the building work complies with the requirements of the building regulations and that these works do not make any other parts of the existing building any worse in terms of compliance.

- 5.10 **Question 3:**

Referral

- 5.11 The Committee is concerned about the complex technical nature of some of the materials and machinery being used in new developments. The Committee therefore recommends that officers be tasked with considering what expert advice the appropriate Council Committees need when making decisions in relation to new developments.

Response

- 5.12 Planning decisions taken by planning committee are made based on the planning merits only with applications judged against the relevant planning policy plus any other material considerations. Fire safety is not a planning consideration and instead is the responsibility of the Building Regulations regime and as such is not a consideration at the planning application stage. Whilst applications do usually provide detail around materials such as cladding and other building finishes, the technical elements of the building, and how they are constructed, are not part of the planning consideration and the exact detail of construction is generally not known at the planning application stage. Such details are considered as part of the Building Regulations process and are approved by the Council, or externally if they are approved by the private sector.
- 5.13 While there is no formal role for the planning committee in this matter, Officers do recognise that there is an understandable concern about ensuring that everything is done to make sure that new developments are safe. As such, officers are considering wording for a new informative to emphasise the need for early engagement with Building Control and to highlight the need for new development to have full regard to Building Regulations and the need to ensure the safety of all future residents.

6 Financial Implications

- 6.1 There are no financial implications arising directly from this report.

7 Legal Implications

- 7.1 There are no legal implications arising directly from this report.

8 Equalities implications

- 8.1 There are no equalities implications arising directly from this report.

9 Crime and Disorder implications

- 9.1 There are no crime and disorder implications arising directly from this report.

10 Environmental implications

- 10.1 There are no environmental implications arising directly from this report.

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