



STAIRCASES IN RESIDENTIAL BUILDINGS

CONSULTATION RESPONSE

PREPARED AND SUBMITTED BY

Ian Fletcher
Director of Policy (Real Estate)
T: 020 7802 0112
E: ifletcher@bpf.org.uk

THE BRITISH PROPERTY FEDERATION

1. The British Property Federation is the representative organisation for the property investment sector.
2. In the context of this consultation exercise our members develop and own high rise residential property. This can be in mixed-use buildings, or purpose-built residential for rent, such as Build-to-Rent, Purpose-Built Student Accommodation, and the delivery of affordable housing.
3. We are grateful for this opportunity to comment on the consultation, and engagement in a meeting between officials and members, during the consultation period.
4. We should stress our interest in the consultation exercise is limited to the questions on second staircases, and therefore questions 19 to 25.

INTRODUCTORY COMMENTS:

5. Our members welcome the Government's intent to clarify what is required under Approved Document B. At present, Approved Document B is not providing developers with the certainty they should have, with different interpretations by different local and regional authorities.
6. However, our members have expressed various concerns about what is being proposed, and a blanket 30 metres policy:
 - i. The extent to which a second staircase is a necessary requirement, given that the buildings covered will be part of the rigorous and continuous requirements of the new building safety regime for high-rise residential buildings.
 - ii. The impact the proposed requirement will have on some sites and projects.
 - iii. The potential blight that might be caused to existing high-rise residential buildings with a single staircase, if valuers, lenders, and insurers interpret the absence of a second staircase adversely. Members fear a similar scenario to the situation with EWS1 forms.

- iv. There are deep concerns about the impact on existing projects in planning and construction, and therefore the transition arrangements that accompany the amendments will be critical.
 - v. Technical requirements that reflect what constitutes a 'second staircase', and especially whether and what separation should be required.
7. Against that backdrop, we believe the Government should be erring on the side of caution, and whilst second staircases should be required in most residential buildings over a 30m threshold, there should be a policy that allows for exceptions.
8. Such a policy of exceptions will reduce the risk of blighting existing buildings, and drive a need for more detailed guidance, which we think would be helpful.

CONSULTATION QUESTIONS

Question 1 - What is your name?

Ian Fletcher, Director of Policy (Real Estate), British Property Federation.

Question 2 - What is your email address?

ifletcher@bpf.org.uk

Question 3 - Are you responding as an individual or on behalf of an organisation?

On behalf of an organisation.

If you answered 'On behalf of an organisation' please provide us with the name of your organisation

British Property Federation – trade association for the property investment sector.

Question 19 – Do you agree that Approved Document B should include a maximum threshold for the provision of a single staircase in residential buildings? [Agree/Disagree]

Disagree. We can understand why the Government has brought forward these proposals, driven by other lobbyists and public perceptions. However, the consultation document contradicts the need for a second staircase where it acknowledges in paragraph 53, that: *'there is no evidence that suggests that existing buildings with a single stair above the proposed threshold pose a life safety risk'*.

Given this acknowledgement that single staircases are safe, and the substantial viability impact and therefore effect on housing delivery that a new threshold would cause, we do not believe it would be a proportionate response to say no to single staircases in every circumstance. Particularly, as the consultation paper also acknowledges the impact on affordable housing, and overall housing supply.

The changes being proposed should also recognise that second staircases cannot be accommodated in all situations, whether that be constraints due to the size, shape or physical context of the site in terms of daylight, right to light, townscape and heritage, and its related impact on viability and should therefore maintain a mechanism by which such developments can still be brought forward with a single staircase with the appropriate fire engineering following BS9991.

This exceptional single staircase route remaining open via the BS9991 route to compliance with Part B enables optimum density of development for housing but also signals implicitly that single staircase buildings are safe and are not obsolete or “outlawed”. This would, in our view, avoid creating a two-tier market and risk blighting all existing high rise residential buildings with a single staircase. The Building Safety Act Gateways already now control what is and isn’t acceptable and creates an environment to stop the misuse of this exception through “gaming the system”.

We are also very concerned that a requirement for second staircases might blight existing buildings, if valuers, lenders, and insurers, start to view one staircase buildings as a risk.

Question 20 – Do you agree with our proposed threshold of 30 metres+? [Agree/Disagree]

We disagree with a blanket approach.

Rather than having a blanket threshold we would rather see a more nuanced approach, and where buildings are impacted by site context, but are compliant with all other fire safety measures, and have been assessed to be safe through BS9991, then single staircase building can still be deemed compliant with Part B but only in exceptional contextual circumstances.

We support a 30-metre threshold if the Government proceeds with a threshold though.

If the Government proceeds with a threshold approach, we think there are various good reasons for not contemplating a lower threshold:

- i. The blight that might result on existing buildings with one staircase, and therefore the need to proceed cautiously.

- ii. Typically, local fire brigades will have platforms that reach up to 30m and therefore provide other means of escape from such buildings in emergencies. There are few fire-fighting appliances that have the longer 64m platforms.
- iii. Buildings over 18m will be covered by the new tougher Building Safety Regulator-regime. A proportionate response to those proposals would lead to a threshold of 30m, not 18m.

Question 21 – If you disagree with the proposed threshold, at what height do you think the threshold should be set? [Free text]

Rather than setting a prescriptive threshold for second staircases we believe that building designs should be assessed on their merits and ensure that they meet adequate safety standards including sprinklers, fire barriers, etc.

Question 22 – What evidence do you have to support this threshold?

Not applicable.

Question 23 – Do you agree that additional measures should be provided to ensure sufficient separation between staircases? [Agree/Disagree]

Disagree. As set out below, we think additional measures would protect residents, but these need not constitute separation.

Question 24 – What additional measures should be provided to ensure the appropriate separation between staircases? Please provide any additional evidence to support your view [Free text]

Each staircase should offer fire and smoke protection as a means of escape, but that should not require the two staircases to be some distance from each other in the building, and a need for a second core, providing each means of escape is adequately compartmentalised.

A sensible and workable provision would be to require a minimum distance from a primary and secondary evacuation route for all residential dwellings.

Question 25 – Do you have a view on how long the transitional should be, and what evidence do you have to support your proposed transition? [Free text]

If the Government proceeds with its proposals on second staircases, then transition arrangements become hugely important to existing projects, and housing delivery in buildings over the threshold.

Development projects will have already been designed, planned, and funded based on a single staircase, and to require a second staircase will delay some projects, and make some unviable.

In turn, this will delay and reduce the delivery of much needed housing, including affordable housing.

It is therefore important that transitional arrangements seek to exclude projects that have already passed common development trigger points.

We believe that rather than defining a transitional period as a period of time, it would be better to define the transitional period by such trigger points.

For example, if a planning application has already been received at the start of the consultation period – 23rd December, this could be a trigger point.

A further example of a trigger point could be if a project planning application had received consent on/before the 23rd December.

Beyond these trigger points, it becomes very difficult to redesign a project to incorporate a second staircase, without significant delay and cost, and certainly if construction has started (start defined under existing regulations rather than the new building safety regime for HRRBs) the consequences for the viability of a project could be very significant indeed.

It is worth stressing some of the consequences if projects with a consent have to apply for changes. This may alter the density and mix of tenure, and lead to affordable housing requirements having to be renegotiated. If that were the case, DLUHC planning colleagues may have to issue guidance as to how such situations should be handled.