

SPRINKLERS IN CARE HOMES, REMOVAL OF NATIONAL CLASSES AND STAIRCASES IN RESIDENTIAL BUILDINGS.

CONSULTATION RESPONSE

Response from: BusinessLDN, One Oliver's Yard, 55-71 City Road, London EC1Y 1HQ

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Introduction

1. BusinessLDN is a business campaigning group with a mission to make London the best city in the world to do business, for the benefit of the whole UK. We convene and mobilise business leaders to tackle the key challenges facing our capital. We are made up of almost 200 leading employers across a wide range of sectors including strong representation from the development industry.

Summary

2. We welcome the opportunity to respond to the Department for Levelling Up, Housing and Communities' (DLUHC) consultation on 'Sprinklers in care homes, removal of national classes and staircases in residential buildings'. Our response relates only to the consultation on staircases in residential buildings and we have framed our response to answer the questions that are relevant to us in that section of the consultation.
3. We support the Government's focus on building safety standards and welcome the clarification the proposals provide on the minimum building height where two staircases will be required.
4. However, development is not binary, the impacts on applications caught by these changes will take time to play through on existing developments without having been planned in from the start and urgent clarity is therefore needed on a number of points. Firstly, whether the requirement will be for a staircase or stair and core. If the latter, this will have a far greater impact on floorspace, particularly if a minimum distance is required between each core, and therefore viability. Secondly, clarity is needed on what the second staircase should be designed to do, be it an access route for the fire services or an additional escape route for residents, which will in turn determine whether the second staircase requires additional safety measures. Finally, what the definition of 'start' for the purposes of transition is and at what point in the development process a building is deemed to have already started for the purposes of implementation.
5. The need for a significant increase in housebuilding in London across all tenures, but particularly affordable, is well documented and the new requirements for two staircases will undoubtedly, in the short to medium term, impact on scheme viability, where such requirements were not originally required/being provided. A clearly defined transition is therefore required as is an acceptance by the Government that its ambition to see 300,000 homes a year being built is

highly unlikely. Elsewhere, therefore, the Government must develop a coherent and sustained programme to support an increase in housing output.

Question 20: Do you agree with our proposed threshold of 30 metres?

6. We welcome the clarity that 30 meters plus is the proposed threshold for having a second staircase and agree that it must not be applied to existing buildings for the reasons of resident confidence, mortgage-ability and insurance. However, serious consideration must be given to the communication of this message where existing buildings require only one staircase whilst new buildings must have two to ensure resident confidence.
7. The residential development industry is facing a number of headwinds which is making the delivery of new homes more challenging. As noted in paragraph 51 and 65 of the consultation, the requirement for two staircases will impact new development coming forward particularly in respect of tall buildings, potentially having a disproportionate effect in London. There are currently 583 tall buildings in the pipeline providing an estimated 88,000 new homes.¹ These figures represent a decrease from 2020 which saw 587 tall buildings in London's development pipeline providing an estimated 91,578 new homes². Evidence also notes that construction starts of impacted projects is already being affected due to the ambiguity of the consultation proposal and future approvals risks, even in advance of any new building regulation guidance coming into effect meaning that the delivery of new homes will slow further still with the introduction of this new proposal.
8. A combination of rising build costs, new building safety measures, including the residential property development tax and building safety levy and environmental regulations are impacting the residential development industry's ability to deliver new homes. Government must ensure that it supports the industry to navigate these challenges for it to deliver not only quantum but also diversity of homes. This could include adopting a more flexible approach to eligibility requirements and grant rates for the new 2021-26 AHP, exploring new funding mechanisms to support development activity including encouraging more private investment for the delivery of affordable homes and supporting all tenures to increase overall supply such as the build to rent and co-living sectors.

Question 25: Do you have a view on how long the transitional period should be and what evidence do you have to support your proposed transition?

9. The consultation states that these proposals will follow a very short transition period but gives no further indication on timescales, noting only that all developments should prepare for this change now. Subsequent to the publication of this consultation, the Mayor of London has confirmed that all planning applications for residential buildings of 30m or more will, with immediate effect, will need to provide two staircases.
10. It is helpful that London and national policy are aligned on the threshold at which a second staircase will be required but Government must provide clarity on the nature of the transition period that will apply outside of London at the national level.
11. The consultation is unclear at which point in the development cycle these proposals will commence. It notes that the transition period will allow time for existing schemes to be completed but will not allow new developments to start ahead of the new requirements coming into effect.

¹ London Tall Buildings Survey 2022, NLA

² London Tall Buildings Survey 2021, NLA

This proposal is not clear as to what constitutes a new development. Land brought forward for housing development now would have been purchased some time ago and assumptions made about the cost of that land wouldn't have factored these new regulations. This will have a damaging effect on output and will not only impact a scheme which is just about to start construction but also those with detailed planning permission that are still a year or two away from doing so.

12. The timing of this proposal is critical to the viability of schemes and is likely to have a profound impact on those developments that simply cannot incorporate a second staircase. Government must therefore not only clarify the definition of new development but also provide the industry with a clear date on when these new regulations will come into force with aligned clarity on the acceptable stage a project could be at, and can continue to proceed, at that time.

Additional comments

13. Without understanding the precise design requirements for the second staircase, it is almost impossible to provide details of the impact of this policy. The consultation is not clear whether the second staircase should be provided for the purposes of fire-fighting or as an additional form of evacuation for residents or both.
14. Whilst much of the industry is already planning for and assessing the impacts of a second staircase, the final usage requirements of the staircase will have planning implications if the total footprint of the development needs to change to accommodate it. Government must provide clear guidance on what the second staircase will be used for to allow developers to build this into their projects.
15. Providing an additional staircase will result in the loss of homes and ground floor commercial space. Ground floors will need to be revised which will also mean an impact on the amenities and servicing to those developments. In reviewing the financial viability of projects, initial estimates are that without the introduction of additional floors, some projects will no longer be viable. The lack of clarity in relation to overall design guidance, introduces additional financial risk to these projects.
16. As already acknowledged in the consultation, the costs associated with providing an additional staircase will likely reduce the number of affordable homes that can be provided to ensure viability of the development is maintained. We agree that safety is paramount, but the development of affordable homes is critical for London. Steps must therefore be taken, perhaps through a more flexible grant regime as previously mentioned, to support the development industry to meet its requirements under these new measures whilst still ensuring that it is able to continue to deliver the affordable homes the city needs.