



The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000/1625

**ADDENDUM STATEMENT OF CASE
LONDON BOROUGH OF SOUTHWARK**

Date: 21 October 2022
Appeal Reference: APP/A5840/W/22/3303205
LPA Reference: 21/AP/4297
Appellant: Tribe Avonmouth House Limited
Site Address: Avonmouth House, 6 Avonmouth Street, London, SE1 6NX

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1. The HSE Comments dated 7th February 2022

Copies:

Copies of this statement and the documents referred to are available on the council's online planning register (<https://planning.southwark.gov.uk/online-applications> using references APPEAL/22/0055 and 21/AP/4297), and for inspection Mondays to Fridays 9am to 5pm by prior arrangement at the Council's offices, 160 Tooley Street, London SE1P 5LX. Please contact Zoe Brown (zoe.brown@southwark.gov.uk 020 7525 0885) to arrange a time to view the appeal documents.

1. Introduction

- 1.1 This addendum to the Council's Statement of Case statement dated 4th October 2022 has been prepared by the London Borough of Southwark ("the Council") in appeal reference APP/A5840/W/22/3303205. The appeal has been made by Tribe Limited ("the Appellant"), to the Secretary of State against the Council's failure to determine the application 21/AP/4297.
- 1.2 Since the initial Statement of Case was submitted to the Inspector serious concerns on fire safety raised by the Health and Safety Executive (HSE) in its consultation have come to light. This addendum statement explains the comments that have been received, the planning harm, and the additional reason for refusal.

2. Additional Planning Policies

- 2.1 The statutory development plan for the borough consists of the London Plan (2021) and the Southwark Plan (2022). The National Planning Policy Framework is a material consideration with significant weight.
- 2.2 The Southwark Plan (2022) was adopted on 23 February 2022 and replaces the Council's earlier Core Strategy (2011) and saved policies of the Southwark Plan (2007).
- 2.3 In addition to the policies already identified in the Council's 4th October Statement of Case, the following London Plan (2021) policy is also considered relevant to the Appeal given the introduction of the additional reason for refusal:
- Policy D12 – Fire Safety
- 2.4 The Council will seek to agree this addition with the Appellant.

3. Additional Likely Reason for Refusal of the Planning Application Proposal

3.1 Subject to planning committee members' determination, officers would add an additional reason for refusal as summarised below:

3.2 **Impact on Fire Safety**

3.3 Policy D12 ('Fire Safety') of the London Plan (2021) states that in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety and ensure that they:

- Identify suitably positioned unobstructed outside space for fire appliances and evacuation assembly points.
- Are designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire, including appropriate fire alarm systems and passive and active fire safety measures.
- Are constructed in appropriate way to minimise the risk of fire spread,
- Provide suitable and convenient means of escape and associated evacuation strategy for all buildings.
- Develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in.
- Provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.

3.4 The HSE was consulted on 18th January 2022 and reviewed the application and supporting documents including the Fire Statement dated 27th October 2021. The HSE raised 'Significant Concern' (Appendix 1) on 7th February 2022 highlighting a number of issues with the design of the building in relation to means of escape and fire service access.

3.5 The submitted Fire Statement prepared by Clarke Banks says that the floors above the ground floor would be served by a single stair core that would be designed as a firefighting stair. Due to the plans showing that this stair would

continue to the two basement levels connecting with ancillary areas it would be contrary to the fire safety guidance standards. The standards require that in single stair buildings the stair should not continue down to the basement, the same of which applies to firefighting lifts. The HSE have explained that resolving this issue may affect the design and layout of the building.

- 3.6 Another significant area of concern is the proposed dry riser. Due to the building being over 50m in height a wet fire mains should be installed because of the pressures required to provide adequate water supplies at the landing valves at upper floors and to ensure that water is immediately available at all floor levels. The provision of a wet fire main will require water tanks and pumps which are currently not accounted for on the proposed plans.
- 3.7 Concerns with the ground floor layout and escape routes from the common stairs next to the bin store have also been raised. The fire standard states that the access to refuse storage chambers should not be sited adjacent to escape routes or final exits. Likewise, access for firefighters to the firefighting shaft via the concierge should be available either directly from the open air or by way of a protected corridor which should not be used as circulation space and should be separated from adjoining accommodation by lobbies.
- 3.8 Regarding the upper floors, the HSE state that additional firefighting lobbies are required from the stair or lift to the residential areas. The HSE were also unable to confirm from the information provided that there are disabled refuse points on the upper floors with considered needed to the interaction between the refuges and the dry riser outlets.
- 3.9 The appellant is aware of the issues that have been raised by the HSE and is working on amended drawings to address them. The HSE will be re-consulted and there is a possibility that these matters could be resolved by the time of the Inquiry, though until that point the proposed development does not comply with the aims of London Plan Policy D12 which seeks to ensure that the highest level of fire safety is achieved and ensure the safety of all building users. As a result, a third reason for refusal is recommended in relation to fire safety:

The development would not achieve the highest levels of fire safety contrary to policy D12 of the London Plan.

Conclusion

- 3.10 As currently designed the proposal fails to achieve the highest standards of fire safety. The Council's case will be that unless these concerns have been addressed and the HSE are satisfied that there is no longer 'Significant Concern' that the proposal would be contrary to the aims of Policy D12 of the London Plan.
- 3.11 As highlighted in the initial Statement of Case dated 4th October, the Council's case still remains that the appeal should still be dismissed and planning permission refused.