LONDON BUILDING CONTROL

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The Building Regulations

Recent and forthcoming amendments including Part B (Fire Safety) Flats and Design flexibility

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Scope

Part B Fire Safety (Flats)
Part F Ventilation
Part L Conservation of Fuel & Power
Part M Access and Facilities

Building Safety Bill

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Introduction

Recent amendments to Part B for HRRBs* (High Rise Residential Buildings) including the implications of adding one or two floors onto existing apartment blocks, increasing the height of the top floor to either **11m** or **18m** above ground level.

**AKA 'Relevant buildings or In Scope buildings'*

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The Building Regulations 2010

The requirements are supported by relevant guidance in **Approved Documents** that show how the requirements can be met.

There is no obligation to use this guidance if the applicant chooses to satisfy the requirement in some other way

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The Building Regulations 2010

Part B Fire Safety
Volume 1 Dwellings
Volume 2 Buildings other than dwellings

Changes influenced by Dame Judith's report post Grenfell and is aimed at residential fire safety

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Fire Safety for flats

Historic guidance

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The Building Regulations 2010
Part B Fire Safety

What has recently changed?

21 December 2018

Fire resistance of external wall to relevant buildings
Approved Document B guidance and Regulation 7(2) for 'relevant buildings', primarily residential with a floor more than 18m above ground level

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Relevant Buildings

(a) A “relevant building” means a building with a storey (not including roof-top plant areas or any storey consisting exclusively of plant rooms) at least 18 metres above ground level and which –

(i) Contains one or more dwellings;
(ii) Contains an institution; or
(iii) Contains a room for residential purposes (excluding any room in a hostel, hotel or boarding house); and

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Regulation 7(2)

(2) Subject to paragraph (3), building work shall be carried out so that materials which become part of an external wall, or specified attachment, of a relevant building are of European Classification A2-sl, d0 or A1, classified in accordance with BS EN 13501-1:2007 + A1:2009 entitled “Fire classification of construction products and building elements.

Classification using test data from reaction to fire tests” (ISBN 978 0 580 59861 6) published by the British Standards Institution on 30 March 2007 and amended in November 2009.

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Regulation 7(3) Exemptions

(3) Paragraph (2) does not apply to –

(a) cavity trays when used between two leaves of masonry;

(b) any part of a roof (other than any part of a roof which falls within paragraph (iv) of regulation 2(6)) if that part is connected to an external wall;

(c) door frames and doors;

(d) electrical installations;

(e) insulation and water proofing materials used below ground level;

(f) Intumescent and fire stopping materials where the inclusion of the materials is necessary to meet the requirements of Part B of Schedule 1;

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Specific items to note:

Green Walls

Due to the nature of materials used in green walls, it is unlikely that many of them will be able to achieve European reaction to fire classification A1 or A2-s1, d0 tested in accordance with BS EN 13501-1:2007+A1:2009.

Cavity Trays

The exemption in Regulation 7(3) applies only to cavity trays used with a masonry wall construction. This must be a cavity wall consisting of two masonry leaves; therefore, cavities between a framed lead and an external masonry clad lead (or a masonry inner leaf with a clad out leaf) would need cavity trays that a formed from materials achieving A1 or A2-s1, d0.

All others uses (including at low level where the cavity tray sits above a tanking system) must be formed from A1 or A2,-s1, d0 materials.

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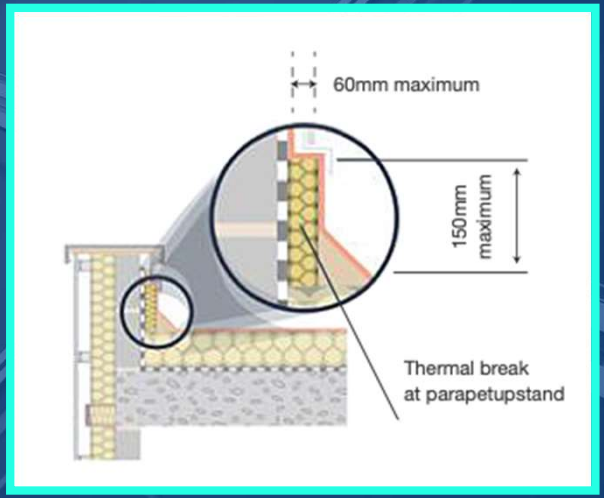
Specific items to note:

Thermal Breaks

It is often a requirement to provide a thermal break at the point where a roof, balcony or terrace abuts an external wall. Combustible thermal breaks are an exclusion under Regulation 7(3) and would be considered acceptable if the following are satisfied:

- The abutment is not against a habited space
- The thermal break is no higher than 150mm above the finished roof level/walking surface
- The thermal break is no thicker than 60mm
- The thermal break does not span across a compartment line



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Specified Attachments:

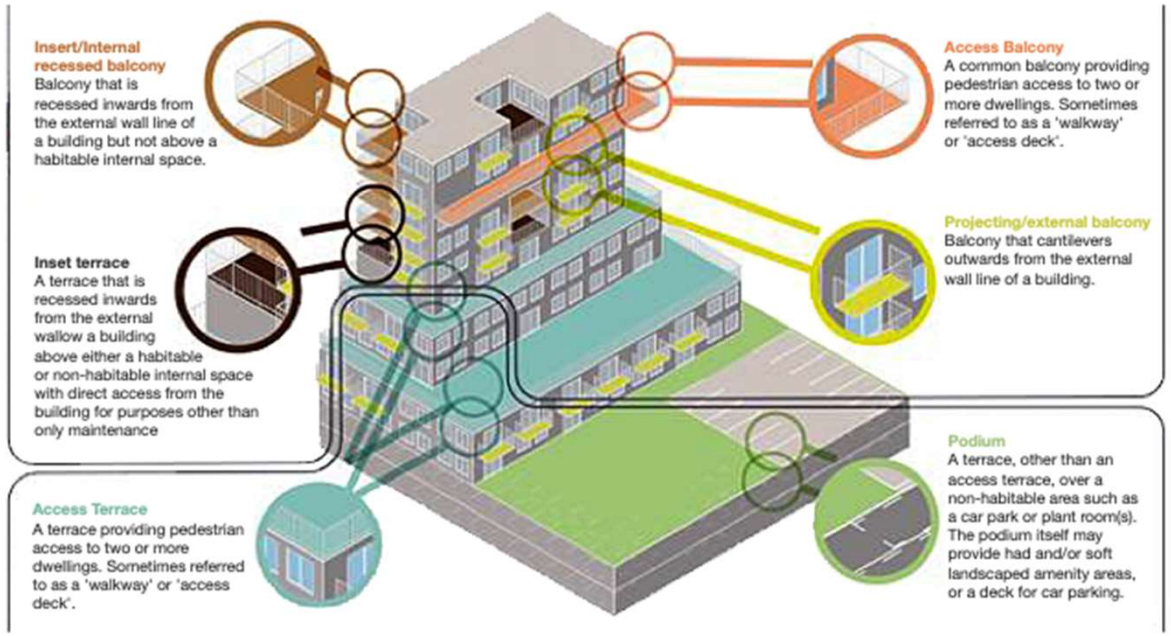
Balconies considered to be a ‘specified attachment’

A ‘balcony attached to an external wall’ is defined as a ‘specified attachment’ and therefore, it is considered that the ban applies to the following as defined by BS 8579:2020 ‘Guide to the design of balconies and terraces’, as illustrated in diagram E on the next page:

- Inset/ internal/ recessed balconies
- Projecting/external balcony
- Access Balcony
- Enclosed balconies (such as winter gardens) and inset terraces

The components of these balconies to be of A1 or A2-s1,d0 materials. Waterproofing materials would usually be classed as an exemption under Regulation 7(3); however, Requirement B4(2) still applies and Class BROOF(t4) membranes in accordance with BS EN 13501-5:2016

Elements considered **to fall within** the definition of 'specified attachment'



Elements considered **NOT to fall within** the definition of 'specified attachment'

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Specified Attachments:

Manufacturers have the option of testing and classifying their laminated glass product in accordance with BS EN 13501-1:2007+A1:2009 to achieve European reaction to fire classification A1 or A2-sl,d0. If evidence can be supplied of this, NHBC would expect to be able to accept the product.

MHCLG have stated that the use of laminated glass within attached and inset balustrades of a balcony is not exempt from the ban. NHBC also considers the laminated glass balustrades provided over the line of an external wall or attached to the parapet which guards a balcony/access terrace to be part of the external wall and would be acceptable unless compliance with Regulation 7(2) can be demonstrated.

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Part B Fire Safety - Vol 1 Dwellings

What other changes have been published?

26 November 2020

Sprinkler and wayfinding guidance for flats with a floor level more than 11m above ground level

This requirement will not apply if an application was on deposit before 26.11.20 and commences before 29.01.21

All flats in the building will need to have sprinklers

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Part B Fire Safety - Vol 1 Dwellings

Blocks of flats with a top storey more than 11m above ground level (see Diagram D6) should be fitted with a sprinkler system throughout the building in accordance with Appendix E.

NOTE: Sprinklers should be provided within the individual flats, they do not need to be provided in the common areas such as stairs, corridors or landings when these areas are fire sterile.

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Part B Fire Safety - Vol 1 Dwellings

Design of sprinkler systems

E3 Where required, sprinkler systems should be provided throughout the building or separated part, unless acting as a compensatory feature to address a specific risk. They should be designed and installed in accordance with the following.

a. For residential buildings, the requirements of **BS 9251**.

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Floor Identification Signage

Flat Identification Signage

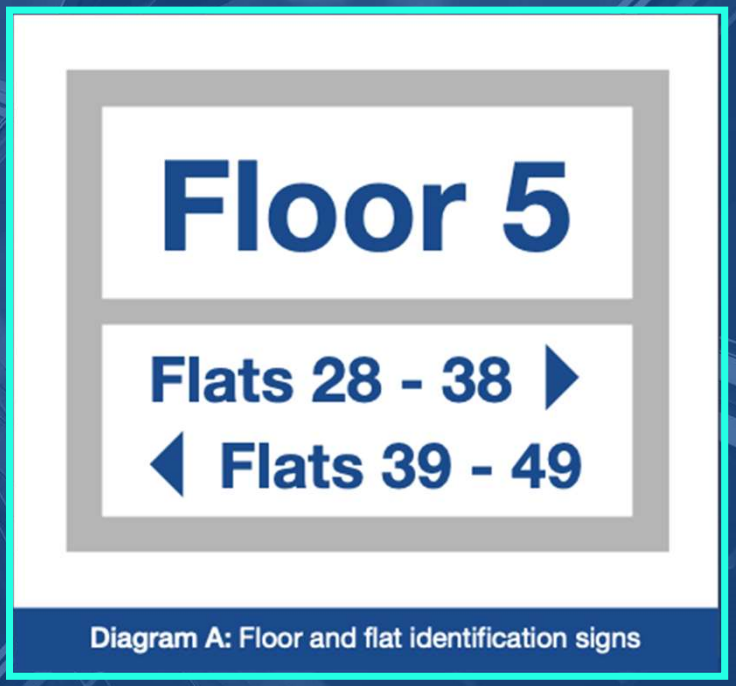

Diagram A: Floor and flat identification signs

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1. Landings of protected stairways

The signs must be on every landing of a protected stairway. The sign must be visible from any point on the top step of a firefighting stair. It is therefore important to ensure that the sign is fully visible when stood at either end of the top step.

For any other protected stairway, visibility of the sign from the stairs is not given, however a reasonable approach would need to be taken to allow easy visibility of the sign from the stair.

2. Protected corridor/lobby of firefighting lifts

The signs must be in every protected lobby or corridor into which a firefighting lift discharges.

There is no requirement for the sign to be visible from all points within the lift and the guidance states that the sign should only be visible from within the lift where possible.

It is important to note that signs in firefighting shafts will be required in both the landings of the stairs, and the protected corridors/lobbies where firefighting lifts are provided.

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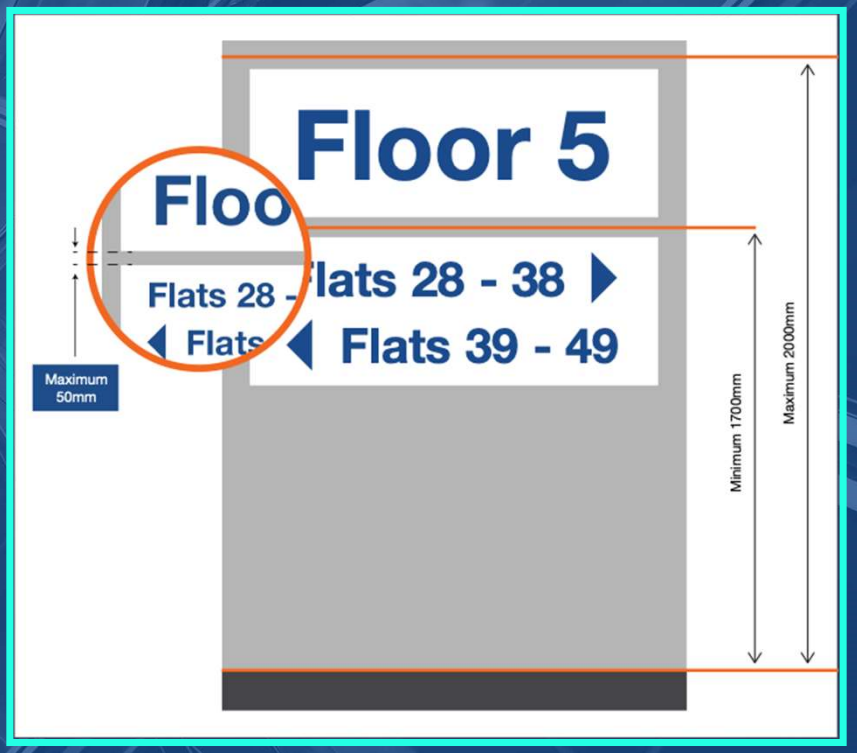

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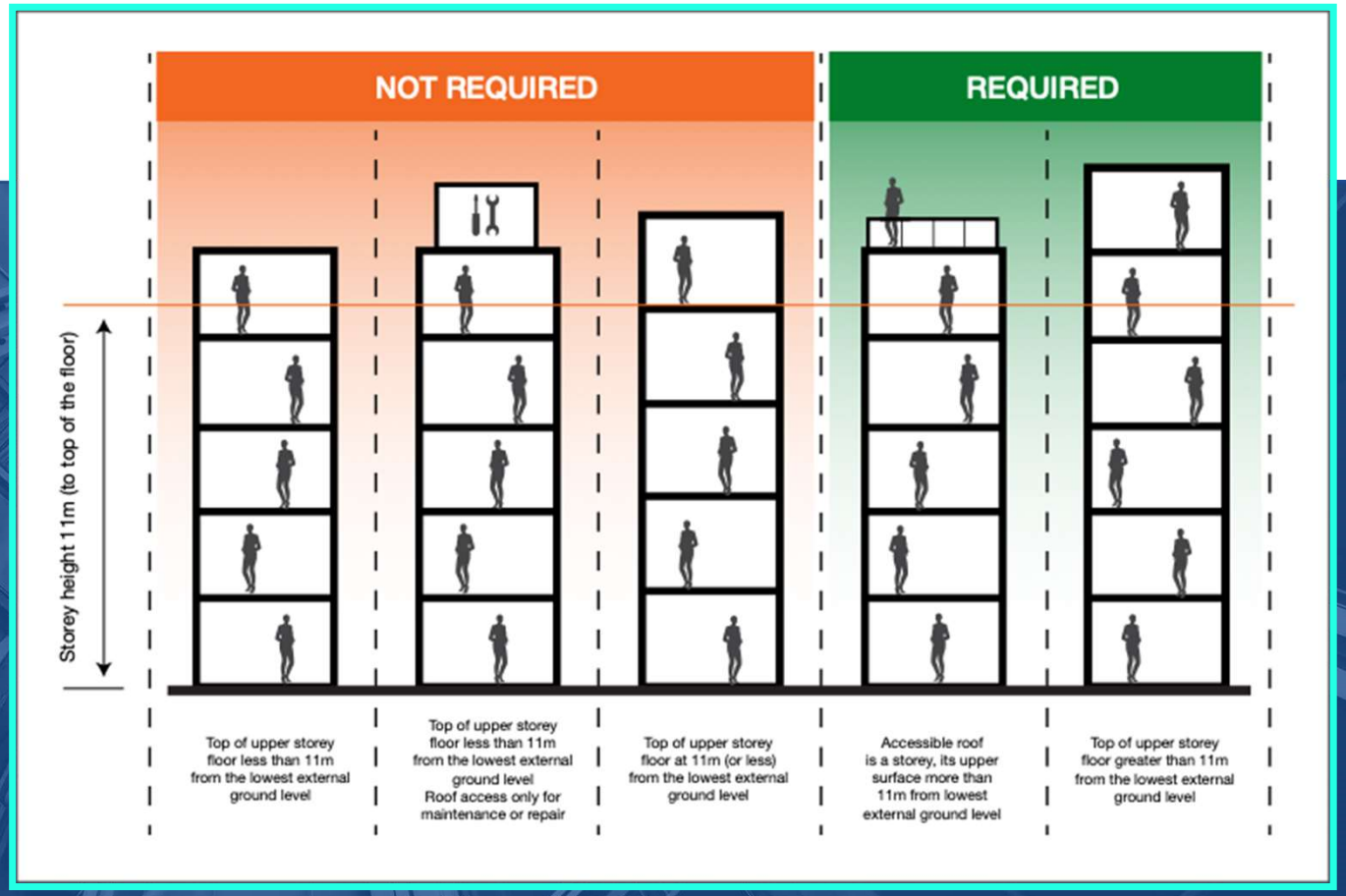

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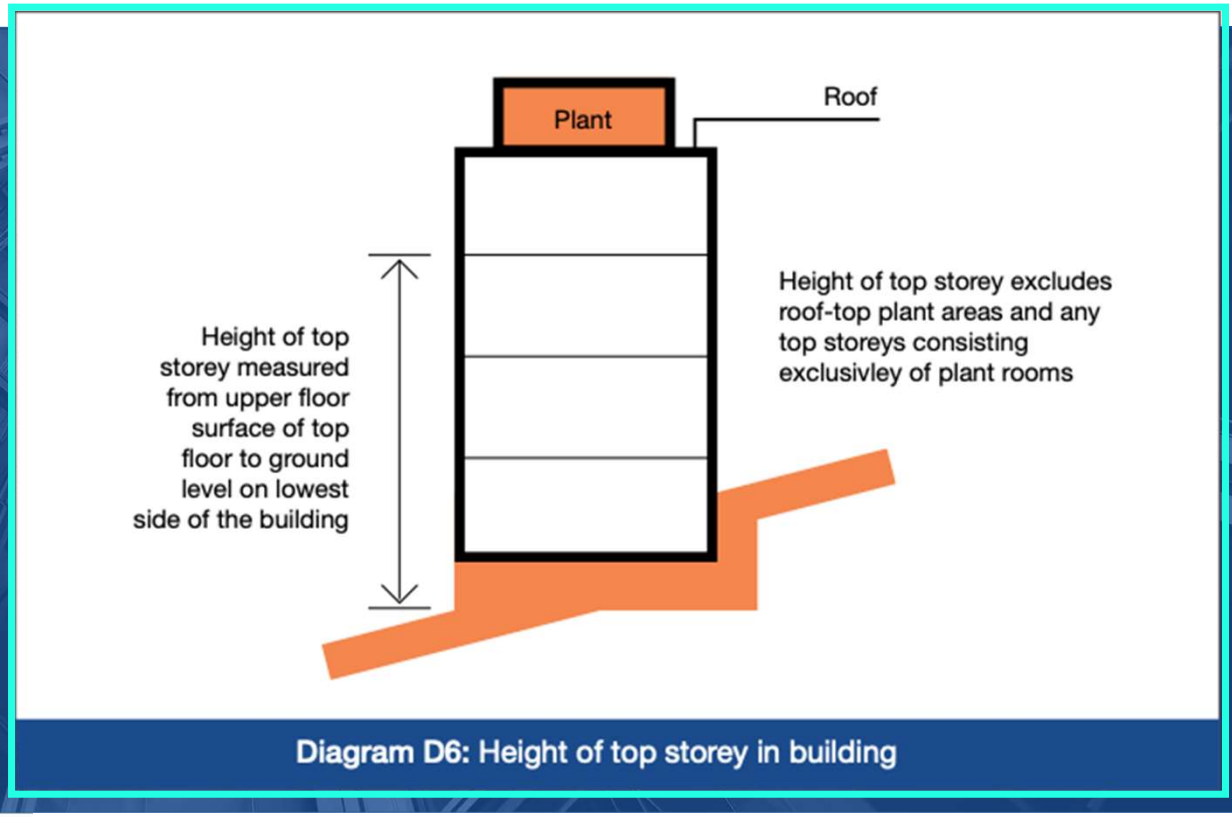

Diagram D6: Height of top storey in building

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Extending an existing building to provide flats with a storey height above 11m

MHCLG confirm that Regulation 4(3) applies in that the overall level of compliance should be no less than before any alteration works took place.

In the absence of definitive guidance, or a MHCLG determination, we will require **All** flats in the building to have sprinklers.

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MHCLG guidance to LPAs

This new requirement requires a developer seeking prior approval under those classes in relation to an existing building, which is 18 metres or more in height, to provide a report from a chartered engineer or other competent professional confirming that the external wall construction of the existing building complies with paragraph B4(1) of Schedule 1 to the Building Regulations 2010 (S.I. 2010/2214) to the local planning authority. Paragraph B4(1) provides that the external walls of the building shall adequately resist the spread of fire over the walls and from one building to another, having regard to the height, use and position of the building.

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MHCLG guidance to LPAs

The amendment to the GPDO has the effect of introducing an additional matter for prior approval to two permitted development rights which allow extra storeys to be added to existing buildings.

These rights are: Class A new dwelling houses on detached blocks of flats, and Class AA new dwelling houses on detached buildings in commercial or mixed use of Part 20 to the Order.

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Extending an existing building to provide flats with a storey height above 11m

The alternative guidance in BS 9991: 2015 has yet to be updated, however:

Alternative approaches

0.9 The fire safety requirements of the Building Regulations will probably be satisfied by following the relevant guidance in this approved document. However, approved documents provide guidance for some common building situations, and there may be alternative methods of complying with the Building Regulation requirements.

If alternative methods are adopted, the overall level of safety should not be lower than the approved document provides. It is the responsibility of those undertaking the work to demonstrate compliance.

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Provision of additional storey(s)
Requirements to be considered

B1 Means of warning and escape

Standard ADB Vol 1 or BS 9991 guidance to be followed within the internal layout.

The common parts need to provide MOE to the final exit
Are the doors to the existing flats FD30s s/c?
With a single staircase building arrangement, do the existing flats have an internal lobby with FD20 doors?
Staircase ventilation/escape lighting/storage/mail provision.

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B2 Internal Fire Spread (linings)

Common parts to provide wall and ceiling **Class 0, B-s3,d2**

Note the tendency for timber cladding in existing common spaces in entrance hallways

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B3 Internal Fire Spread (structure)

Minimum period of fire resistance to elements of structure

Note, where the building is being extended in height, eg with a floor over **18m** from ground level, the minimum period is increased to **90 minutes.**

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B3 Internal Fire Spread (structure)

B3 Internal Fire Spread (structure)

	More than 10	Up to 10	Up to 5	Up to 18	Up to 30	More than 30
1. Residential:						
a. Block of flats						
- without sprinkler system	90 min	60 min	30 min	60 min^{+s}	90 min^{+}	Not permitted$^{(2)}$
- with sprinkler system$^{(3)}$	90 min	60 min	30 min	60 min^{+s}	90 min^{+}	120 min^{+}

	More than 10	Up to 10	Up to 5	Up to 11	Up to 18	Up to 30	More than 30
1. Residential:							
a. Block of flats							
- without sprinkler system	90 min	60 min	30 min	60 min^{+s}	Not permitted$^{(2)}$	Not permitted$^{(2)}$	Not permitted$^{(2)}$
- with sprinkler system$^{(3)}$	90 min	60 min	30 min	60 min^{+s}	60 min^{+s}	90 min^{+}	120 min^{+}

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B4 External Fire Spread - Regulation 7(2)

(2) Subject to paragraph (3), building work shall be carried our so that materials which become part of an external wall, or specified attachment, of a relevant building are of European Classification A2-sl, d0 or A1, classified in accordance with BS EN 13501-1:2007+A1:2009 entitled “Fire classification of construction products and building elements. Classification using test data from reaction to fire tests” (IUSBN 978 0 580 59861 6) published by the British Standards Institution on 30 March 2007 and amended in November 2009.

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B4 External Fire Spread - Regulation 7(2)

Plan check to request details of the existing façade

Where specific details are not available, the applicant will be required to carry out an intrusive survey to establish compliance

Site surveyor to check on site and record

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B4 External Fire Spread - Regulation 7(2)

Specified attachments

Plan check to request details of any existing conditions with particular emphasis on laminated glass balconies

Where specific details are not available, the applicant will be required to carry out a survey to establish compliance

Site surveyor to check on site and record

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B5 Access and facilities for the Fire Service

Provision or extension of a dry rising main

Adequate access to the inlet

Adequate hydrant provision

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B5 Access and facilities for the Fire Service

Provision of private hydrants

14.8 A building requires additional fire hydrants if both of the following apply.

a. It has a compartment with an area of more than 280m^2.

b. It is being erected more than 100m from an existing fire hydrant.

14.9 If additional hydrants are required, these should be provided in accordance with the following.

a. For buildings provided with fire mains – within 90m of dry fire main inlets.

b. For building not provided with fire mains – hydrants should be both of the following.

i. Within 90m of an entrance to the building.

ii. A maximum of 90m apart.

14.10 Each fire hydrant should be clearly indicated by a plate, fixed nearby in a conspicuous position, in accordance with BS 3251.

14.11 Guidance on aspects of the provision and siting of private fire hydrants is given in BS 9990.

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B5 Access and facilities for the Fire Service

Provision of a fire fighting shaft comprising;

Lift (existing lift could be upgraded potentially),

Fire fighting staircase min width 1100mm (existing narrower staircase to be justified by a Fire Engineer) and

Fire mains

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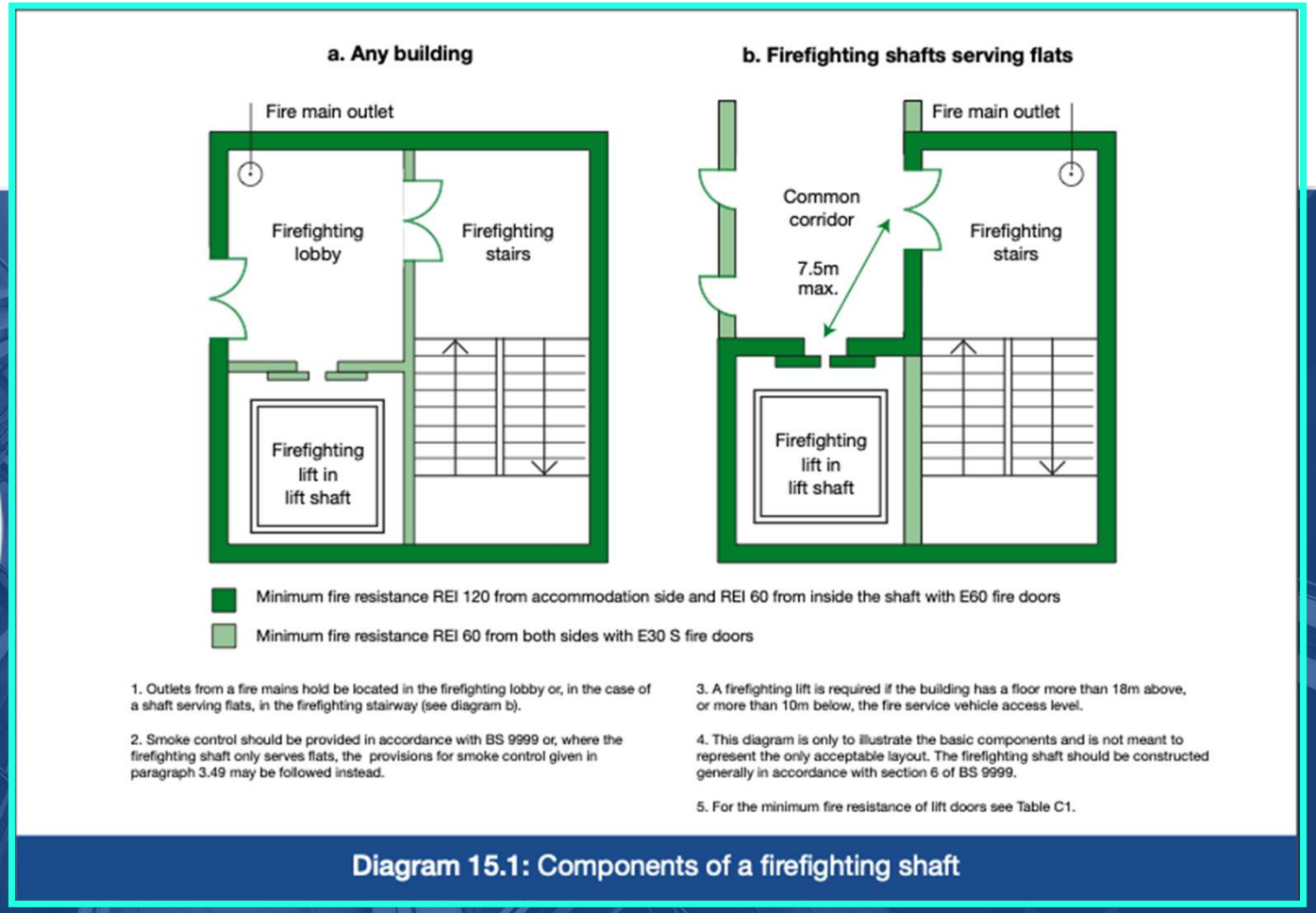

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The Building Regulations 2010. Part B Fire Safety Vol 1 Dwellings

What other changes are planned?

Review of the ban on the use of combustible materials in and on the externals walls of buildings including attachments.

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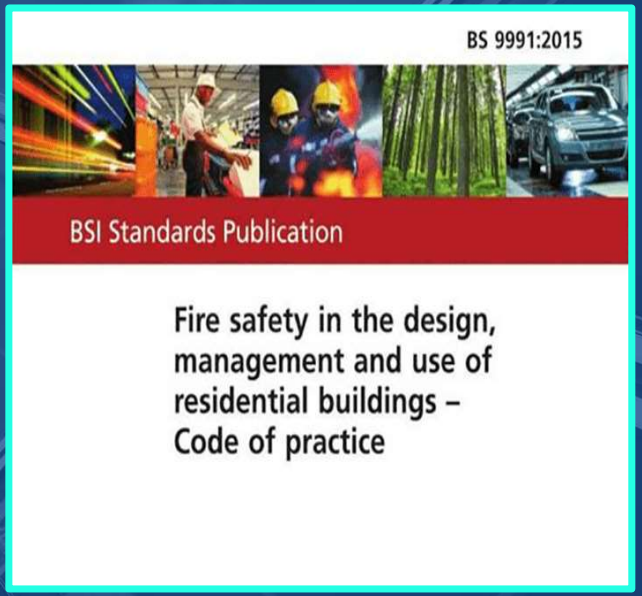
Fire Safety Flats – Alternative approaches

BS 9991: 2015 (to be revised)

Single direction common part travel distance
Extending B5 hose distances with suppression
Balcony deck escape
Balconies

Mix and match to be avoided



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Fire Safety Flats – Alternative approaches

Fire Engineering

Where the design steps outside code-compliance (ADB or BS 9991), for example, extended single direction travel distances in common parts, a fire engineered solution will be required. Proposals will usually rely on Computational Fluid Dynamics (CFD) to demonstrate tenable conditions.

Note current LFB consultation requirements.

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What other changes are planned?

Draft Building Safety Bill

Presented to Parliament by the Secretary of State for Housing, Communities and Local Government by Command of Her Majesty July 2020

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Government commits to new independent building safety regulator

The government has committed to creating an independent building safety regulator as part of the 'biggest reforms to the building safety regime in nearly 40 years'

The move, which confirms proposals outlined by the Government *in June*, was spelt out in yesterday's Queen's Speech (14 October).

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Statute

The Building Act 1984 (as amended)

To bring about changes to the current system, including the formation of The Building Safety Regulator, changes to the primary legislation will need to be made

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The Ministry for Housing Communities and Local Government (MHCLG) has published the draft Building Safety Regulator Bill ahead of pre-legislative scrutiny, in which HSE is formally named as the new regulator.

The government has asked HSE to establish a new building safety regulator in the wake of the Grenfell Tower disaster and following recommendations in the 'Building a Safer Future' report by Dame Judith Hackitt.

The new regulator will oversee the safe design, construction and occupation of high-risk buildings so that residents are safe and feel safe. It will be independent and give expert advice to local regulators, landlords and building owners, the construction and building design industry, and to residents.

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Forthcoming Potential Regulatory Procedural Changes

Gateway 1

The first gateway point (Gateway One) will be before planning is granted when fire safety issues which impact on planning should be considered, including emergency fire vehicle access to a building and whether there are adequate water supplies in the event of a fire. To aid the local planning authority in their decision as to whether to grant planning permission, the developer will be required to submit a Fire Statement setting our fire safety considerations specific to the development with their planning application.

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Forthcoming Potential Regulatory Procedural Changes

Gateway 2

The Second Gateway point (Gateway two) will be before construction begins at the current ‘deposit of full plans’ stage under the Building Regulations 2010. Under the new regime, the Building Safety Regulator will take on the role of the Building Control Body and be legally responsible for regulating in-scope buildings in respect of building regulations. The Building Safety Regulator will bring together teams to deliver its regulatory functions, including local regulators.

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The Client will be required to submit key information to the Building Safety Regulator demonstrating how they are complying with building regulations through the submission of full plans, the construction control plan, fire and emergency file, and other supporting documentation that will help the assessment team determine whether the application meets the building regulations requirements and that the duty-holder has sufficiently demonstrated that they are managing building safety risks.

At Gateway two, the Client will also be required to ensure they are satisfied that the Principal Designer and Principal Contractor can demonstrate the necessary competence to discharge their responsibilities effectively.

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Forthcoming Potential Regulatory Procedural Changes

Gateway 3

The third and final gateway point (Gateway three) is before occupation of the building at the final completion certificate/final notice stage under the building regulations. Again, the Building Safety Regulator will provide the building control function working with local regulators. At this stage, the Client will be required to submit to the Building Safety Regulator information on the final, as-built building.

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Part L Conservation of Fuel & Power

The go live date for these changes has been confirmed as **June 2022**.

This date will bring in a new Part L for energy and emissions (all sections, 1A, 1B, 2A, 2B), a new Part F for ventilation and air quality, and a brand new Approved Document for overheating risks in dwellings as well as buildings like care homes and hostels.

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The Target Emission Rate is going to be 31% tougher than today. And if that sounds daunting, from 2025 the target will be 75% tougher than today.

A new Target Primary Energy Target will be introduced. As the standard for new homes gets closer to zero carbon, the focus will turn towards energy use instead of emissions. Using low energy systems is key to meeting this requirement.

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So, new dwellings from 2022 will need to comply with a

Target Emission Rate TER
Target Primary Energy Factor TPEF, and a
Target Fabric Energy Efficiency TFEE

They'll also need to meet tougher U-value limits and use higher-efficiency heating, ventilation and lighting systems.

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Existing homes will also be subject to higher standards, with a significant improvement on the standard for extensions, making homes warmer and reducing bills. The requirement for replacement, repairs and parts to be more energy efficient.

This includes the replacement of windows and building services such as heat pumps, cooling systems, or fixed lighting.

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Gas boilers will be banned in new homes from 2025 in a bid to tackle emissions, the government has announced.

Phillip Hammond said new standards "mandating the end of fossil fuel heating systems in new homes from 2025 delivering lower carbon and lower fuel bills too".

The report from the committee on climate change said it would cost £4,800 to install low-carbon heating in a new home, but £26,300 in an existing house.

Around 14% of UK greenhouse gas emissions came from homes and last year emissions from housing increased – mainly from gas boilers.

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SAP 10

Key Proposed Changes	SAP 2012	SAP 10 (draft)	SAP 10 Proposed
Gas Carbon Factor	0.218	0.206	0.21
Electricity Carbon Factor	0.518	0.398, 3 year projection	0.233
Distribution Loss Factor (Heat loss from district heating)	1.05	1.2 at design stage or 1.5 as built. 2.0 if CIBSE COP not used	1.5

Heat pumps are amongst the products set to benefit from the update, with an increased benefit in **specifying electric heating** solutions too, Dimplex Heating & Ventilation, which includes the Dimplex (heating), Xpelair (air) and Redring (water) brands, as well as the new Zeroth Energy System.

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Future Homes Standard

Responding to a consultation on the Future Homes Standard, the government has set out plans to radically improve the energy performance of new homes, with all homes to be highly energy efficient, with low carbon heating and be zero carbon ready by 2025.

These homes are expected to produce 75-80% lower carbon emissions compared to current levels.

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New homes will have low-carbon heating and world-leading levels of energy efficiency

HM Treasury

#SpringStatement

World-leading energy efficiency for new homes

Conservatives

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Part F Ventilation

A new requirement for additional ventilation and indoor air quality monitoring in high-risk non-domestic buildings such as offices and gyms, reducing the risk of any potential infections being spread indoors.

Overheating in residential buildings. A new overheating mitigation requirement in the Building Regulations.

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Draft guidance: Approved Document F (ventilation), volume 1: dwellings

PDF, 1.19MB, 70 pages

Draft guidance: Approved Document F (ventilation), volume 2: buildings other than dwellings

PDF, 689KB, 44 pages

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Part M Access

Potential removal of Cat 1 resulting in Category 2 being the basepoint for new dwellings

MHCLG consultation to industry has now closed and options are being considered

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Option 1: Consider how recently **revised planning policy** on the use of optional technical standards **impacts on delivery of accessible housing**.

Option 2: **To mandate the current M4(2) requirement in Building Regulations as a minimum standard for all new homes**, with M4(1) applying by exception only where M4(2) is impractical and unachieveable (e.g a new build flat above a garage). M4(3) would apply where there is a local planning policy in place in which a need has been identified and evidenced.

Option 3: **Remove M4(1) altogether, so that all new homes will have to at least have the accessible and adaptable features of an M4(2) home**. M4(3) would apply where there is a local planning policy in place in which a need has been identified and evidenced. This would mean that no new homes could be built as M4(1).

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Option 4: **To mandate the current M4(2) requirement in Building Regulations as a minimum standard for all new homes** with M4(1) applying by exception only, **a set percentage of M4(3) homes would also need to be applied in all areas**. So rather than local authorities setting a local planning policy for the provision of M4(3), a defined and constant percentage would apply to all new housing.

Option 5: **Change the content of the mandatory technical standard**. This could be done by upgrading the statutory guidance to create a revised M4(1) minimum standard. This revised standard could be pitched between the existing requirements of M4(1) and M4(2), adding more accessible features into the minimum standard.

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Guidance within the Approved Document supports the functional requirements of Part M

Changing Places
Effective 1st January 2021

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Thank you for listening

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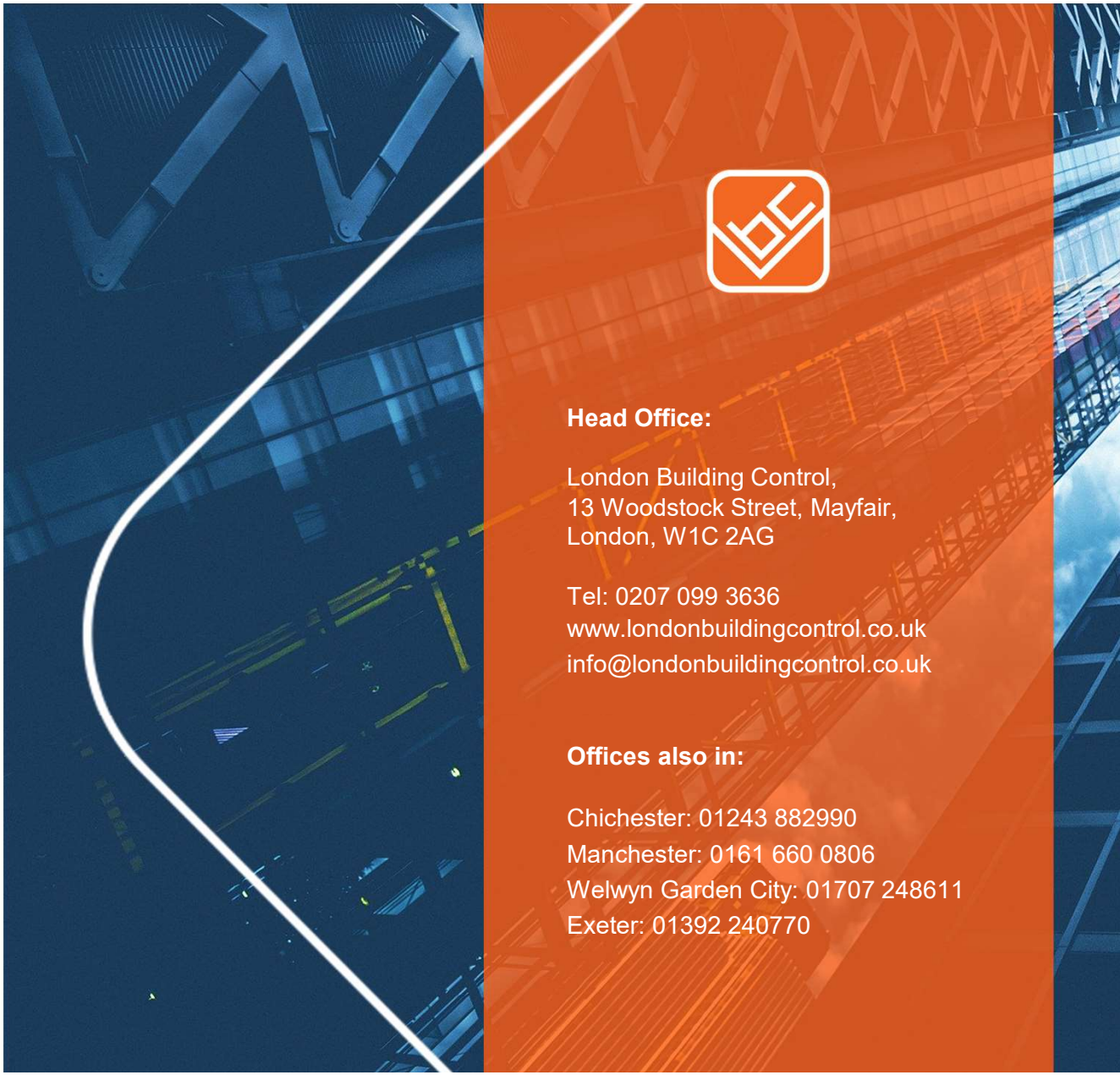

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