MEMO

To:	London Borough of Camden
From:	Iceni Projects
Date:	19th December 2022
Title:	Belmont Street – Planning Memo in support of S96a application

This memo has been prepared by Iceni Projects ('Iceni') to support discussions with regard to the non-material amendment (NMA) S96a application (LPA Ref No. 2022/4524/P) at the former Charlie Ratchford Centre, Belmont Street, Camden, NW1 8HF ('the Site').

As officers are aware, the principal objective of the NMA application is to secure permission for the amendment in the most expedient and expeditious way possible, to enable this important development to be delivered as soon as possible. Vistry and the wider team consider the changes to be non-material, hence the submission of a S96A (NMA) application rather than a Section 73 (MMA) application.

The meeting with officers on 1st December was helpful in seeking to understand officers' emerging position in relation to the cumulative materiality. In this regard, officers focused around 3 particular amendments, considered more 'material' and identified as the potential tipping pointing between a Section 96A and Section 73 application. These 3 particular proposed amendments being as follows:

- Removal of green roofs
- Amendments to refuse stores
- Removal of lift to building C.

As such, the purpose of this note is to:

a) provide additional planning justification in relation to each of these 3 principal elements, to further explain why we consider these amendments to be non-material and to sit within the scope of Section 96A (and not Section 73), and;

b) where officers may remain unconvinced, to set out an alternative process for securing permission for the change, or to highlight other statutory approval mechanisms to reassure officers. This would enable relevant amendments to be removed from the current 96A application, thus reducing the quantum of changes, commensurate with a reduction in cumulative materiality. It is therefore hoped that the application will there after appear more comfortably as a S96A application.

Overall, the Vistry Partnerships team would prefer to remove the identified amendment(s) in order to keep the application as a Section 96a rather than proceed section 73. Notwithstanding this, the following note should help to enable officers to understand that the changes could be appropriately determined under a S96a application, allowing for expediated determination of the application.

Removal of Green Roofs

The S96a application included the removal of the green roof from building B, as the approved provision would be achieved without a need to provide a green roof on this element of the proposals.

It is understood that the Council may raise concern regarding the contribution of the green roofs to the Urban Greening Factor (UGF) of the scheme and compliance with Condition 17. For this reason, the Council may consider this change as minor material.

As officers are aware, Condition 17 looks to secure full details of the green roofs prior to completion of the superstructure and details on maintenance prior to occupation. The condition reads as follows;

"Prior to completion of superstructure, full details in respect of the green roof in the areas indicated on the approved roof plan shall be submitted to and approved by the local planning authority. Details of the green roof provided shall include: species, planting density, substrate and a section at scale 1:20 showing that adequate depth is available in terms of the construction and long term viability of the green roof, as well as details of the maintenance programme for green roof. The buildings shall not be occupied until the approved details have been implemented and these works shall be permanently retained and maintained thereafter."

Condition 17 has yet to be discharged, as the development has not yet completed construction of the superstructure. Therefore, it is proposed that the amendments sought to the green roofs be removed from the scope of changes under this S96a application. Instead, it is proposed that the changes to the green roofs are dealt with separately, under a discharge of condition / approval of details application and issues regarding the UGF can be discussed at this stage.

It is important to confirm that the removal of the green roof from building B does not in any way effect the ability of the scheme to deliver a policy compliant and required level of the approved green roof provision and UGF can still be achieved without the need to provide a green roof on building B. In this respect, we would consider such a change to be acceptable in planning terms and could be agreed through a discharge of condition / approval of details process.

Amendments to Refuse Stores

Under the S96a application, there are two proposed changes to the refuse stores.

Firstly, the changes look to amend all refuse stores to provide the correct Eurobin containers and comply with M4(3) requirements set out in the Camden Waste Technical Guidance (2018). The bins have been increased in capacity from 1100L to 1280L and stores now include provision of M4(3) compliant bins to cater to the 13 accessible units within the scheme. These changes are considered a betterment to the scheme and ensure the proposals now comply with relevant guidance.

Secondly, the minor refuse store in Building A has been removed from the proposals to allow cycle stores to comply with relevant standards. The remaining refuse store has increased in size and plans indicate that the compliant number of bins can be comfortably provided within the amended refuse store. These supporting plans can be found in Appendix A.

As a result of the changes listed above, there have been amendments to the refuse storage capacity. The proposals would remain compliant with the Camden Waste Technical Guidance (2018), as set out in the table below:

Bin Type	Building	Requirement	Original Consent	S96a Update
Refuse	A	5,040L	5500L (5 x 1100L)	5,480L (4 x 1280L and 1 x 360L M4(3))
	B	4,440L	4,400L (4 x 1100L)	4,920L (3 x 1280L and 3 x 360L M4(3))
	C	4,320L	4,400L (4 x 1100L)	5,480L (4 x 1280L and 1 x 360L M4(3))
Recycling	A	5,600L	5500L (5 x 1100L)	6,760L (5 x 1280L and 1 x 360L M4(3))
	B	3,920L	5500L (5 x 1100L)	6,560L

				(4 x 1280L and 4 x 360L M4(3))
	C	4900L	5500L (5 x 1100L)	5,480L (4 x 1280L and 1 x 360L M4(3))
Food Waste	A	966L	1,000L (2 x 500L)	1,000L (2 x 500L)
	B	851L	1,000L (2 x 500L)	1,000L (2 x 500L)
	C	828L	1,000L (2 x 500L)	1,000L (2 x 500L)

With the exception of the above, the proposals would not alter the approved Site Waste Management Plan (Vistry) October 2020, which was conditioned to the original permission. Waste Storage Provision within each flat will remain the same as previously proposed and the access strategy for residents to each bin store will remain as before, via Belmont Street for buildings A and B and via Crogsland Road for building C.

It also must be noted that there are no conditions attached to the permission which require any further details of the refuse or waste stores. The changes to the proposals would ensure the scheme remains in compliance with all relevant conditions.

As the proposals do not alter any additional details of the Site Waste Management Plan, with the exception of bin storage now complying with the relevant guidance, it is considered that the changes to the refuse stores are not a material change and would not require further consultation. We therefore consider this amendment can comfortable be considered to fall within the scope of the currently submitted Section 96A application.

Removal of lift to Building C

It is understood that the removal of the lift to building C may cause some concern and consideration in relation to fire safety and Health and Safety matters, which officers consider may require additional consultation from relevant consultees.

Vistry have provided an additional supporting note advising that the fire safety considerations associated with the removal of this lift would not require consultation with HSE. We enclose this supporting note at Appendix B.

In addition it is important to note that the fire safety compliance of the scheme would also be dealt with via other statutory approval processes including Building Control/ building regulations and the proposal would also require sign off from the London Fire Brigade upon completion.

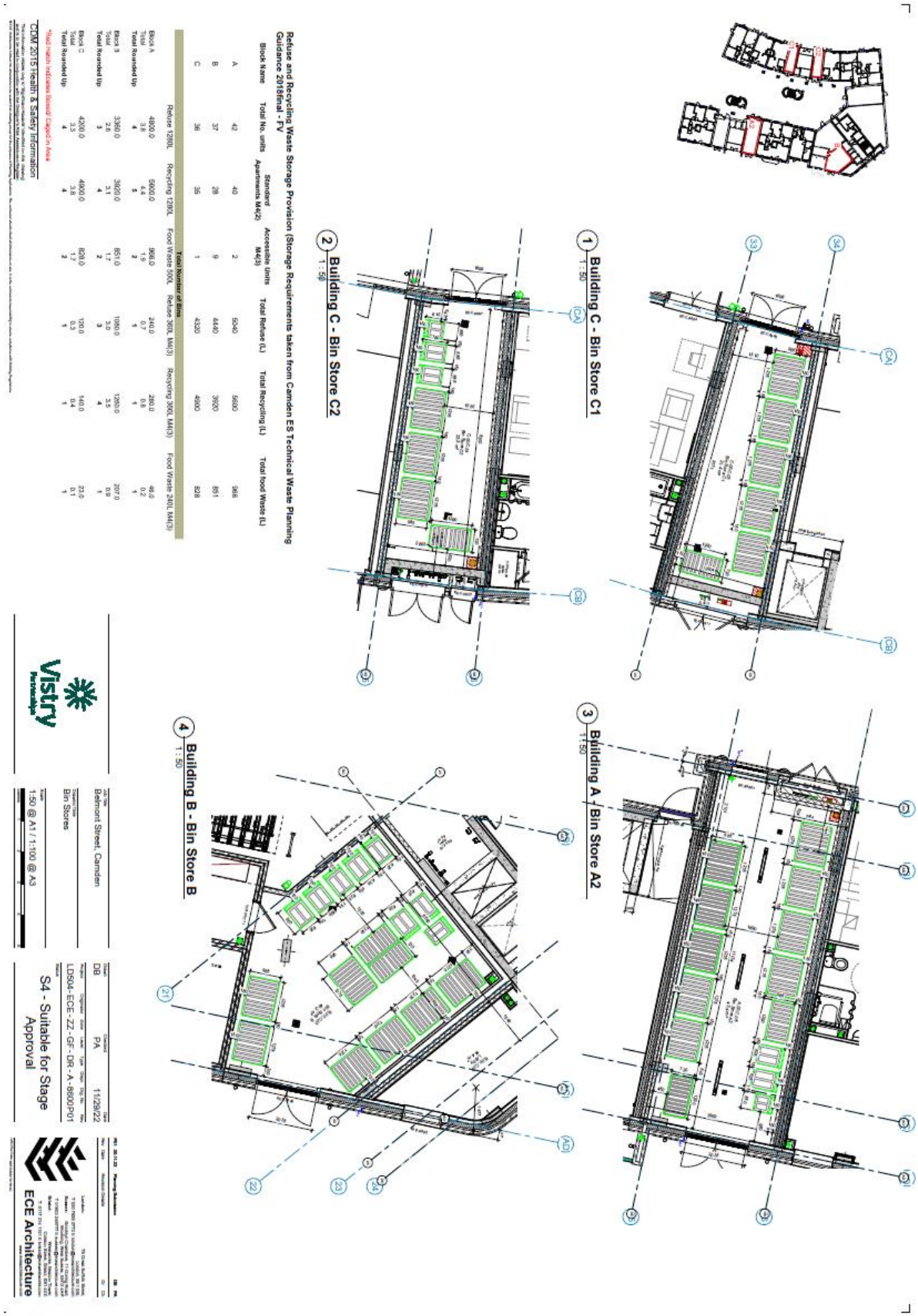
Based on the above, we would hope that officers can be reassured that amendment to Building C should not necessitate a section 73 application and could be considered as a non-material amendment alongside the other non-material amendments proposed.

Summary

Overall, we remain of the view that the application is a non-material amendment to the scheme and the proposed changes would not require additional consultation. The application would no longer include the amendments to the green roofs and would not result in a material change to the site waste management strategy. Supporting information regarding fire safety also indicates that the removal of the lift would be considered non-material and not require further consultation from HSE.

We therefore request that the Council continue to assess the amended proposals under a S96a application.

APPENDIX A – REFUSE STORE PLANS



APPENDIX B – FIRE SAFETY SUPPORTING NOTE (VISTRY PARTNERSHIPS)

Belmont Street JV LLP
11 Tower View
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Date of issue: 19 December 2022
Our Ref: TX 151425
Issue 01

To whom it may concern,

Lift provision in Block C of the Belmont Street development

Socotec UK Ltd previously provided Belmont Street JV LLP with a Fire Statement report for the Belmont Street development (TX151425 Fire Statement Issue 02, dated 25.07.22). This included proposals for fire safety provisions within Block C of the development, being a 5 storey (G+4) building with an uppermost floor height of 12.9 m above ground floor and containing 31 above-ground floor apartments. This letter has been requested in support of a proposed S96a / non-material amendment for the omission of a passenger lift in Block C.

Though the development was understood to have received planning permission prior to the implementation of the London Plan 2021, an evacuation lift has nevertheless been incorporated within Block C based on the expectations of the draft Greater London Authority guidance for Policy D5(B5), as included within Appendix A of this letter.

As Block C does not feature an occupied floor that is greater than 18 m in height, no firefighting lift is expected to be provided by BS 9991. This is also reflected in the flow chart in Figure 1 of the draft GLA guidance for evacuation lifts in Appendix A. For the further steps in that figure:

- The building is proposed to feature a single stair core, being supported by an evacuation lift.
- A declaration of compliance which covers the evacuation lift is included within the Fire Statement.
- This declaration of compliance also covers the expectations of Policy D5(B5).
- The Fire Statement provides initial recommendations for the Evacuation Strategy and Evacuation Management Plan for the evacuation lift.

As is noted in the draft GLA guidance, the British Standard for evacuation lifts is currently under development (BS EN 81-76). For unmanaged buildings, at present there is no standard or guidance for the evacuation strategy and evacuation management plan for automatically or remotely operable lifts. The Fire Statement notes that these will require further development during detailed design or on selection of a lift system to align with the equipment being provided once the technical capabilities and limitations of this can be assessed.

The current design of Block C includes a single evacuation lift and a single passenger lift. The passenger lift is not considered suitable for use in the event of a fire and forms no part of the evacuation or firefighting strategy for the building.

For Block C, we considered the provision of a single evacuation lift to be sufficient based on:

- Meeting the expectations of the draft GLA guidance for evacuation lifts and being over-and-above the expectations of the Building Regulations.
- Block C does not feature any accessible apartments at the above-ground levels, where these are provided at Ground floor of the development so as to offer step free egress to disabled residents.
- Only a small number of occupants who would require use of an evacuation lift are likely to be present at the above ground levels at any one time. If assuming 10% of apartments as having a disabled resident or guest, this would be a total of three occupants who could be reasonably supported by a single lift.

- The likelihood of a significant fire coinciding with lift maintenance is low. In the event of only one lift serving the upper floors, this would be in daily use and unlikely to be left inoperable for more than a short time.
- Block C will be provided with compartmentation and automatic suppression in support of a defend-in-place strategy. With apartments being accessed via external decks and heat / smoke being able to vent away from common areas, the apartments are expected to remain places of safety during fires elsewhere in the building such that the likelihood of full evacuation of the building being required is also low.
- If an occupant needs to evacuate and lift is unavailable, the external deck area or protected stair landing would also provide a safe waiting space for assistance. This would meet the expectations of the current Building Regulations, with the likelihood of assistance being required having been reduced to close to negligible through inclusion of the evacuation lift.

It is understood that with the day-to-day vertical transportation requirements for Block C capable of being met by a single lift, the project now wishes to omit the passenger lift in Block C. We can confirm that this would not impact the provided London Plan Fire Statement or the Planning Gateway 1 Fire Statement for the development, where omission of the passenger lift would not have a material impact on the proposed fire safety strategy.

We trust that this letter provides you with sufficient information. However, if you would like any further clarification, please feel free to contact me using the details below.

Yours faithfully,

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Appendix A – Draft GLA London Plan Guidance Sheet Policy D5(B5)

Greater London Authority
London Plan Guidance Sheet
Policy D5(B5)

Evacuation Lifts

1. Policy D5 of the London Plan requires the highest standards of accessible and inclusive design to be met, stating:

> "3.5.2 Inclusive design is indivisible from good design. It is therefore essential to consider inclusive design and the development's contribution to the creation of inclusive neighbourhoods at the earliest possible stage in the development process - from initial conception through to completion and, where relevant, the occupation and on-going management and maintenance of the development."

2. Policy D5(B5) requires development proposals to be:

> 5) …designed to incorporate safe and dignified emergency evacuation for all building users. In all developments where lifts are installed, as a minimum at least one lift per core (or more subject to capacity assessments) should be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building."

London Plan Policy D5(B5) is applicable to all development proposal applications.

3. This guidance provides additional information in relation to Policy D5(B5) requirements for evacuation lifts.

4. It presents a methodology for applicants and planning officers to use and provides additional guidance and context on evacuation lifts to enable greater understanding of the subject during the planning process.

5. For major development proposals it should be read in conjunction with the Mayor's London Plan Guidance Sheet Policy D12(B) Fire Statements.

What is an evacuation lift?

6. An evacuation lift is a lift that has been specifically designed to be used in an evacuation situation. Evacuation lifts are particularly beneficial for people who require level access. Evacuation lifts can be used in 'automatic mode', under the direction of one of the following:
   - building management
   - a trained evacuation assistant
   - rescue services.

7. In non-emergency situations, evacuation lifts operate as normal passenger lifts allowing everyday use, but they have additional functions and capabilities which allow them to shift into an emergency state, if required.

Level of lift provision and contingency

8. Evacuation lifts should be provided in addition to Building Regulations requirements for firefighting shafts/ lifts (see Annex B and Annex C) to ensure they can be used for evacuation purposes when the firefighting lift is in use by the fire and rescue service. Supporting text to London Plan Policy D5 explains:

> "3.5.10 Buildings should be designed and built to accommodate robust emergency evacuation procedures for all building users, including those who require level access. All building users should be able to evacuate from a building with dignity and by as independent means as possible. Emergency carry down or carry up mechanical devices or similar interventions that rely on manual handling are not considered to be appropriate, for reasons of user dignity and independence. The installation of lifts which can be used for evacuation purposes (accompanied by a management plan) provide a dignified and more independent solution."

9. London Plan Policy D12 Fire safety requires:

> "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."

10. It specifically goes onto state that development proposals must:

> 5) develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in

and

> 6) provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.

11. The above requirements should be taken into account when planning the lift provision within a development and the building's management (see iii Building Management Plan below).

12. The resilience of the lift provision within a development should be carefully considered. Taking into account the above, contingency arrangements should be planned for people who require level access, as well as fire fighters, in the event of a lift breaking down or being out of service due to maintenance (whether this be an evacuation or firefighting lift). Details of the contingency arrangements, including associated built facilities (this could be additional firefighting lift(s)) and associated management arrangements, should be provided within the Fire Statement for major development proposals, or in the Inclusive Design Statement for non-major development proposals required by the London Plan.

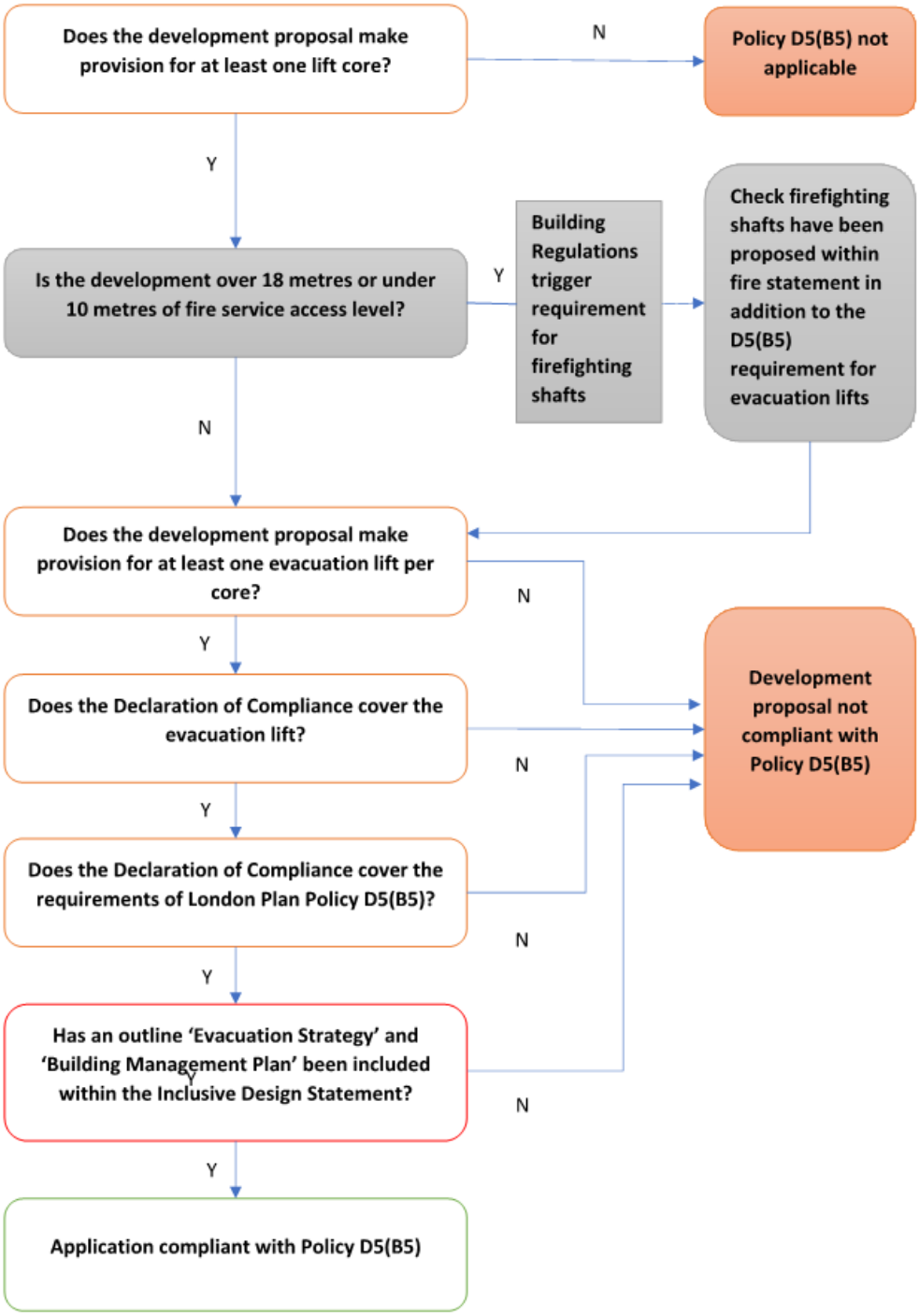
Greater London Authority
London Plan Guidance Sheet
Policy D5(B5)

13. **Figure 1: The London Plan Policy D5(B5) Evacuation lift checklist** below provides a process diagram for planners and applicants defining the role of the planning officer and the criteria against which the planning officer will be checking the provision of evacuation lifts at planning application stage.

14. **NOTE**: the grey boxes in Figure 1 below and Annex C of this guidance sheet highlight Building Regulations requirements and not specific London Plan policy requirements, however the planning officer should be aware of these requirements to ensure that evacuation lifts are being provided in addition to Building Regulations requirements for firefighting shafts/ lifts.

Greater London Authority
London Plan Guidance Sheet
Policy D5(B5)

Figure 1: London Plan Policy D5(B5) Evacuation lift checklist



Greater London Authority
London Plan Guidance Sheet
Policy D5(B5)

i) Declaration of Compliance

15. A Declaration of Compliance is a statement written and signed by the author confirming that the technical content produced within the development application complies with all relevant legislation and London Plan fire safety policy requirements.

16. A Declaration of Compliance should be made within the Inclusive Design Statement / Fire Statement and be cross referenced in the Design and Access Statement, where provided in relation to Policy D5(B5) and provide assurance that the following criteria have been met:

- The applicant is satisfied the design and provision of evacuation lifts is compliant with the stated design code.
- The applicant is satisfied that a suitable outline evacuation strategy is provided within the Inclusive Design Statement/Fire Statement (see below) and can demonstrate how the provision of evacuation lift/s support this strategy.
- The applicant is satisfied that a suitable outline management plan is provided within the Inclusive Design Statement/Fire Statement (see below) and can demonstrate how the operation of evacuation lifts in an emergency situation can be undertaken.
- The applicant is satisfied that the outline management plan clearly identifies the principle evacuation lift features that should be maintained by the building management team.

17. The Declaration of Compliance should be signed off by the applicant.

18. If the application is a major development the Declaration of Compliance should be contained within the Fire Statement (see London Plan Guidance Sheet Policy D12 (B) Fire Statements). If the application is not a major development, the Declaration of Compliance should be contained within the Inclusive Design Statement (see London Plan Policy D5 Inclusive Design).

ii) Evacuation Strategy

19. The provision of evacuation lifts should be designed to support the building's evacuation strategy. The evacuation strategy should be determined at the earliest design stage along with any additional facilities deemed necessary by the building designer to successfully support the evacuation strategy. Supporting justification for these measures and how they meet the requirements of D5(B5) should be detailed within the Fire Statement (for major developments) or Inclusive Design Statement.

iii) Building Management Plan

20. Included within the Fire Statement or Inclusive Design Statement should be the framework for a Building Management Plan. A Building Management Plan details how occupants will be able to competently operate the evacuation lift facilities in an emergency situation. Override functions associated with evacuation lifts can only be operated by suitably trained competent persons, so due consideration must be given at the earliest design stage as to how the intended occupancy type of the proposed development will best facilitate the use of the lift and overall evacuation strategy.

21. The Building Management Plan should also contain details of contingency arrangements for people who require level access, in the event of the evacuation lift breaking down.

iv) Capacity Assessments

22. London Plan Policy D5(B5) states that in all developments where lifts are installed, as a minimum, at least one lift per core (or more subject to capacity assessments) should be a suitably sized evacuation lift. The **minimum provisions** outlined within the Fire Statement or Inclusive Design Statement should be for one evacuation lift per core within the proposed development.

23. The details of the capacity assessment, specifically the methodology for assessing potential building occupants, and what assumptions this has been based on, as well as the justification for the outcome of the assessment, should be included within how the risk rating attached to the lift safety of occupants has been determined, providing reasonable justification for the recommended measures to suitably mitigate the identified risk.

Greater London Authority
London Plan Guidance Sheet
Policy D5(B5)

Annex A - Residential scenario

Residential developments

A1. London Plan Policy D5(B5) requirements extend to all development proposals, including residential developments. The requirement for the provision of evacuation lifts within residential properties represents a commitment to ensure the highest standards of accessible and inclusive design are considered across the built environment within London.

A2. Typically, the use of evacuation lifts requires the manual intervention of suitably trained, competent persons. It is recognised that such persons may be absent from some residential developments. In the event that the building designer identifies the absence of competent persons to facilitate the evacuation strategy in a residential building; alternative measures should be detailed. In this scenario the requirements of D5(B5) still apply and it is the duty of the building designer to explore suitable alternatives to meet the policy requirements. See the example below.

Evacuation lifts within residential developments

Evacuation lifts can be installed to operated utilising the following three methods:

- **Driver assisted evacuation**
- **Automatic evacuation**
- **Remote assisted evacuation**

Where a development proposal is categorised as residential, and there is an absence of competent person allowing for a driver assisted evacuation, an alternative operation method should be considered.

Alternative evacuation lift types suitable for residential premises that do not require competent persons to be present should be clearly outlined within the Fire Statement or the Inclusive Design Statement as per Policy D5(B5)). The information provided should detail how the overall evacuation strategy will be supported.

NOTE: Remote assisted evacuation technology is in its infancy and still being developed at the time of publication, featuring in draft standards rather than fully adopted standards.

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Policy D5(B5)

Annex B - Evacuation lifts vs firefighting lifts

B1. Evacuation lifts should be not misinterpreted as firefighting lifts. The differences between them are outlined in greater detail below. Applicants must not make provision for the installation of a firefighting lift where an evacuation lift is required by London Plan Policy D5(B5).

	Evacuation lifts	Firefighting lifts
Description	A lift system specifically designed to be used in an evacuation situation for the evacuation of people, including people who require level access. These lifts are generally used as normal passenger lifts **until required** for the purposes outlined above.	A lift system for use of the fire and rescue service to facilitate the safe conveyance of firefighting personnel and equipment in the event of an emergency. These lifts are generally utilised as normal passenger lifts **until required by the fire and rescue service** for the purposes outlined above.
Key Features	Cause and effect interface between the lift control system, fire detection and alarm system **to support the evacuation strategy**. Emergency intercom/ communication system and lift operation. Provision of a **management plan** to determine operational procedures for trained staff designated to manage and use the lift in an emergency situation. Separate power supply to the lift to enable the lift to remain in use throughout the evacuation process.	Cause and effect interface between the lift control, fire detection and alarm system. Emergency intercom system and lift operation. Provision for trap doors and ladders for rescue operations. Separate power supply to enable the lift to remain in use. Water protection provisions for electrical components in the shaft and on the lift car.
Relevant British Standard	BS EN 81-76	BS EN 81-72

Greater London Authority
London Plan Guidance Sheet
Policy D5(B5)

Annex C - Relationship to Building Regulations requirement for firefighting shafts

C1. **NOTE**: the grey boxes in Figure 1 above and this Annex highlight Building Regulations requirements and not specific London Plan policy requirements, however planning officers should be aware of these requirements to ensure that evacuation lifts are being provided in addition to Building Regulations requirements for firefighting shafts.

C2. A firefighting shaft is a construction enclosure that contains a firefighting lift, firefighting lobby and firefighting stair. In development proposals where the requirement for a firefighting shaft has been triggered, this provision should be the default requirement in addition to the policy requirements of London Plan Policy D5(B5).

C3. The current (at time of publication) Building Regulation requirement for most building types is that firefighting shafts should be provided in buildings 18 metres above or 10 metres below fire service vehicle access level. There are variations to this rule and additional information can be found in Building Regulations Approved Document B Volumes 1 and 2.

C4. The provision of a firefighting shaft/s in a development proposal does not remove the policy requirements for evacuation lifts as detailed within this guidance sheet.

Firefighting shaft provisions and relationship to London Plan Policy D5(B5)		
Description	An enclosure that contains a firefighting lift, firefighting lobby and firefighting stair.	
Building Regulation Trigger Point	Required where a development proposal has a storey; 18m above fire service vehicle access level 10m below fire service vehicle access level	
Planning Scenarios	Development proposal triggers Building Regulation firefighting shaft requirements.	Development proposal does not trigger Building Regulation firefighting shaft requirements.
Planning Action	London Plan Policy D5(B5) requirements must be met **in addition to** the Building Regulation provision for firefighting shaft. It is the duty of the applicant to demonstrate how this is achieved.	London Plan Policy D5(B5) requirements must be met. It is the duty of the applicant to demonstrate how this is achieved.