Advice to the local planning authority

Advice to the local planning authority (LPA) from the Health and Safety Executive (HSE) as a statutory consultee for developments that include a relevant building.

To LPA	Worthing
LPA planning ref no	AWDM/1618/23
Our ref	pgo-4930
Site address	Union Place Car Park Union Place Worthing West Sussex
Proposal description	Application under Regulation 3 Construction of a mixed-use development between 4 and 11 storeys, comprising 216 residential apartments (including 20% Affordable Housing), of which 6 comprise Live/Work Units at Union Place, together with commercial ground floor space at High Street, associated residential car parking, cycle parking, communal residential gardens and vehicular access from Chatsworth Road. In addition, provision of a replacement public car park accessed from Union Place, and new public realm provision.
Date on fire statement	01/11/2023
Date consultation received	08/03/2024
Date response sent	19/03/2024

1. Substantive response for the local planning authority

Thank you for consulting HSE about this application.

Headline response from HSE
Headline Response from HSE **'content'**

Scope of consultation

1.1 The above planning application relates to a new mixed-use development comprising one building containing four blocks (A, B, C and D) with upper most floor heights of 5, 11, 8 and 5-storeys, respectively.

1.2 The development includes 216 residential apartments, commercial space located at ground floor level and associated residential car and cycle parking, communal residential gardens (1st floor podium level), as well as public car parking and new public realm provision.

1.3 Blocks B and C are relevant buildings and both blocks are proposed to be served by two stair cores, with one firefighting shaft (containing a firefighting lift and dry riser main).

1.4 Block A (5-storeys) is proposed to be served by two staircases for escape purposes only and is provided with a dry riser main.

1.5 Block D (5-storeys) is to be served by a single staircase containing a dry riser main. The single staircase constitutes the only means of escape for occupants, and the only staircase for firefighters to access dwellings on upper floor levels.

1.6 It is noted that blocks A and D do not have an upper floor height of over 18m, however, they are located within the curtilage of a relevant building (blocks B and C) and have therefore been considered as part of this assessment.

1.7 HSE has assessed this application based on the information available on the planning register at the time of this assessment.

1.8 Section 6 of the fire statement confirms that the ground floor non-residential space (office) has been designed using Approved Document B volume 2 ('ADBv2'), and the residential accommodation, car parking and associated ancillary accommodation has been designed using British Standard 9991 ('BS9991'). HSE has assessed the application accordingly.

Previous consultation

1.9 HSE received a consultation request on 31/01/2024 for the aforementioned planning application and responded on 26/01/2024, under the HSE reference pgo-4720, with the headline: 'Concern'.

Current consultation

1.10 A subsequent email was received from the LPA on 08/03/2024 requesting further consultation, providing additional information titled 'Response to HSE'.pdf available on the planning register ('the applicant's response').

1.11 For the avoidance of doubt, this substantive response is in relation to the applicant's response.

1.12 Following a review of the information provided in the planning application, HSE is content with the fire safety design as set out in the project description, to the extent it affects land use planning considerations. However, HSE has identified matters the applicant should try to address in advance of later regulatory stages.

2. Supplementary information

The following information does not contribute to HSE's substantive response and should not be used for the purposes of decision making by the local planning authority.

Fire service access and facilities

2.1 In relation to paragraphs 1.10 to 1.12 of the previous substantive response regarding the *'lobbied riser concept'* within the firefighting shafts, the applicant identifies this is a deviation from relevant fire safety standards and proposes; *"to provide significantly robust fire resisting construction/ additional protected lobby between the contents of the proposed building services riser shafts and the smoke ventilated common corridor spaces to address this proposed deviation"*.

2.2 It is noted that no performance-based design analysis has been provided that supports the current design proposal. The applicant may be required to provide design analysis to demonstrate compliance at later regulatory stages. Should the analysis not support the design proposal, design changes may affect land use planning considerations such as the design, layout and appearance of the development.

2.3 In relation to paragraphs 1.13 to 1.15 of the previous substantive response, regarding the *'extended horizontal portion of riser main pipework'*, the applicant states: *"In the case of Union Place, the horizontal portions of fire main are currently proposed to exceed the recommended 18m (the longest horizontal pipework distance will likely be in the region of ca.25m) but the vertical portion is much less than 50m, with Block B having the highest vertical run to 10th floor/ca.33m"*.

Further stating: *"in comparable terms it is considered that the dry fire main proposals for Union Place will be within acceptable limits when compared against what could be accepted under guidance for a dry fire main in a building scenario with a top floor of up to 50m"*.

2.4 HSE does not approve of a 'comparable' approach for determining suitable water supply for firefighting operations. Again, no performance-based evidence has been provided that supports the proposal. The applicant may be required to provide design analysis (hydraulic calculations) to demonstrate compliance at later regulatory stages. Should hydraulic calculations not support the design proposal, design changes may affect land use planning considerations such as the design, layout and appearance of the development.

External wall systems – internal angles

2.5 In relation to paragraphs 1.16 to 1.18 of the previous substantive response, regarding the location of windows creating internal angles throughout the development posing a risk of fire and smoke re-entry between two nearby surfaces, the applicant states: *"a case specific justification based on the provision of the proposed automatic fire suppression system protection (which can reasonably be expected to control if not extinguish an outbreak of fire) could be put forward and further developed as part of the onward RIBA Stages 3 and 4 design process"*.

2.6 The applicant's comments are noted. HSE does not agree with the justification, and it should be considered that British Standard 7974 states, the design team: "*… should not just look at adding additional fire protection systems, but should also review the potential for reducing or eliminating some of the hazards by amending the construction or layout of the building*".

2.7 It is noted that the installation of automatic suppression throughout the building is a requirement. Where building design modifications can address the fire risk, without over reliance on active fire protection systems, it is recommended that the design modification approach be considered in this instance. Again, no performance-based

evidence has been provided that supports the proposal. The applicant may be required to provide design analysis to demonstrate compliance at later regulatory stages. Should the analysis not support the design proposal, design changes may affect land use planning considerations such as the appearance of the development.

Applicant's 'Supplementary' comments

2.8 The applicant's comments regarding the matters identified in section 2 of the previous substantive response are noted and it will be for the applicant to demonstrate compliance at later regulatory stages.

Yours sincerely

S Peacock

Sara Peacock
Fire Safety Information Assessor

Guidance on Planning Gateway One is available on the Planning Portal: Planning and fire safety - Planning Portal.

This response does not provide advice on any of the following:

- **matters that are or will be subject to Building Regulations regardless of whether such matters have been provided as part of the application**
- **matters related to planning applications around major hazard sites, licensed explosive sites and pipelines**
- **applications for hazardous substances consent**
- **London Plan policy compliance**