

Freedom of Information request reference number: 6406.1

Date of response: 31 March 2022

Request:

The transcripts of any written communication between London Fire Brigade (LFB), Brent Building Control and Croydon Council regarding LFB's 20 May 2021 fire safety inspection audit of the Ten Degrees development at 101 George Street.

The written communication between LFB and Brent Building Control on 21 January 2021 in which I understand the LFB confirmed to Brent Building Control that it no longer had any "fundamental concerns" about the building.

Response:

The transcripts of any written communication between London Fire Brigade (LFB), Brent Building Control and Croydon Council regarding LFB's 20 May 2021 fire safety inspection audit of the Ten Degrees development at 101 George Street.

Our Fire Safety Regulatory (FSR) team confirmed they attended a site visit at 101 George Street on 20 May 2021. However, the audit of the premises took place in June 2021.

The result of the June 2021 audit confirmed no significant failure to comply with the Regulatory Reform (Fire Safety) Order 2005 (RRO) were found and as a result the premises was deemed broadly compliant. This means that no enforcement action (informal or formal) was required as a result and no notices were issued.

There are no communications with Brent or Croydon Council on the fire safety record relating to this audit. As no enforcement action was taken, none would have been issued.

In September 2021, an alteration notice was served to Greystar Europe Holdings Limited. The LFB publish an [online register](#) of all notices issued since 01 January 2010. The details of the alteration notice issued for George Street can be accessed via the following link: <https://www.london-fire.gov.uk/community/public-notices/public-notice-detail/?id=7022>

The written communication between LFB and Brent Building Control on 21 January 2021 in which I understand the LFB confirmed to Brent Building Control that it no longer had any "fundamental concerns" about the building.

I have attached the record of consultation letter sent to Brent Building Control on 21 January 2022 (not 2021) to this response. Please note, personal data has been removed from the document under [section 40 of the FOIA – Personal Information](#).

It is correct that our concerns are no longer fundamental with respect to the Building Regulations, and the fire safety for the buildings now rest primarily with the responsible person to demonstrate compliance with the relevant legislation.

We have dealt your request under the Freedom of Information Act 2000. For more information about this process please see the guidance we publish about making a request on our website:

<https://www.london-fire.gov.uk/about-us/transparency/request-information-from-us/>

Private and Confidential

████████████████████
Senior Building Control Manager
Brent Building Control
Brent Civic Centre
Engineers Way
Wembley
Middlesex
HA9 0FJ

The London Fire Commissioner is the
fire and rescue authority for London

Date 21 January 2022
Our Ref : FS/20/012433 /CP
Your Ref : BPBC/18/01376/7

Dear ██████

RECORD OF CONSULTATION

**BUILDING REGULATIONS 2010 & REGULATORY REFORM (FIRE SAFETY) ORDER 2005
ARTICLE 45
BUILDING ACT 1984 - SECTION 15
FIRE AND RESCUE SERVICES ACT 2004**

SCOPE OF WORKS: ERECTION OF A PART 38 AND PART 44 STOREY WITH 546 RESIDENTIAL FLATS, WITH THE GROUND FLOOR TO INCORPORATE A FLEXIBLE SPACE INCLUDING RETAIL (CLASS A1, CAFÉ (CLASS A3) BUSINESS SPACE (CLASS B1) AND GALLERY SPACE (CLASS D1) USES, WITH BASEMENT ACCOMODATING PARKING SPACES, CYCLE STORAGE AND REFUGE STORAGE AND ASSOCIATED HARD AND SOFT LANDSCAPING

PREMISES ADDRESS: 101 GEORGE STREET, CROYDON, CR0 1PJ

DOCUMENTS REVIEWED:

BB7 As Built Fire Strategy, Rev AC, dated 14 June 2021
BB7 Holistic Review, Version 02, dated 14 June 2021
BB7 Response to LFB's comments, dated 01 June 2021
Efectis Response Letter Rev B, dated 27 April 2021
Evolution Innovation Response letter, dated 28 April 2021
Greystar Response to LFB's comments, dated 20 April 2021
Updated First Safety Plans indicating proposed refuge locations
Greystar Emergency Procedures – Fire Emergency Management Plan, Version 16, dated 4 May 2021

PLANS:

TID-GSC_HTA-A_XX-xx_DR_1200 S
TID-GSC_HTA-A_XX-xx_DR_1201 P
TID-GSC_HTA-A_XX-xx_DR_1202 X
TID-GSC_HTA-A_XX-xx_DR_1203 S
TID-GSC_HTA-A_XX-xx_DR_1204 L
TID-GSC_HTA-A_XX-xx_DR_1205 L
TID-GSC_HTA-A_XX-xx_DR_1206 L
TID-GSC_HTA-A_XX-xx_DR_1207 L
TID-GSC_HTA-A_XX-xx_DR_1208 O
TID-GSC_HTA-A_XX-xx_DR_1209 M
TID-GSC_HTA-A_XX-xx_DR_1210 L
TID-GSC_HTA-A_XX-xx_DR_1211 M
TID-GSC_HTA-A_XX-xx_DR_1212 N
TID-GSC_HTA-A_XX-xx_DR_1213 E

The London Fire Commissioner (the Commissioner) is the fire and rescue authority for London. The Commissioner is responsible for enforcing the Regulatory Reform (Fire Safety) Order 2005 (The Order) in London.

The Commissioner has been consulted with regard to the above-mentioned premises and makes the following comments/ observations:

We note that the project is now at the completion stage with Building Regulations approval given by the building control body. We highlight that an Alterations Notice has been served by the London Fire Brigade (LFB) in accordance with Article 29 of the Regulatory Reform (Fire Safety) Order 2005 and a fire safety inspection/audit has been completed by the local fire safety team.

Due to the occupied status, and while we appreciate that further information has been submitted, we make no further statement giving our opinion and observations on the suitability of the proposals in meeting the functional requirements of the Building Regulations. Nevertheless, we make further comment below in reference to the most recent package of information. We expect the contents of the letter will be passed on to the responsible person.

We assume that this concludes the building regulations consultation phase for this scheme and acknowledge that as the building has commenced occupation that the fire safety for the buildings now rest primarily with the responsible person to demonstrate compliance with the Regulatory Reform (Fire Safety) Order 2005.

(1) Comments on proposed scheme primarily relating to the Regulatory Reform (Fire Safety) Order 2005

Fire safety management

Greystar response to LFB's comments, dated 20 April 2021

1. We note the comments provided by Greystar in response to items previously numbered under section 1. We make no further comment on these items and assume that any outstanding matters will be addressed through the continued communication and cooperation between the design team and the responsible person.

Comments on proposed scheme primarily relating to the Building Regulations

Departures from guidance

2. Items previously discussed under section 2 of our response letter were relating to our fundamental concerns on the project. While we no longer consider our concerns 'fundamental' we highlight that, in our view, some items, which represent key departures from guidance remain without full consideration/justification within the information provided. These are summarised below, where it should be noted that items previously numbered '5' have been incorporated into our commentary under this section:
 - 2.1. The omission of horizontal window cavity closures, and the subsequent reliance upon a single 'open state' (or activated via intumescent materials) cavity barrier at the compartment line. The BB7 commentary on our previous comment numbered 5.3 cites the BRE fire test as justification with reference to some detail on the Efectis view of the arrangements. While some indication of the performance of the cavity barriers can be found via the test, this test alone does not justify their use as the test was not designed nor intended for that purpose. For example, the test does not address the travel of cold smoke (either early in fire development or due to sprinkler influence) and how this might impact on operational decision making during a fire incident. While we note the comments in the BB7 response document, we question whether the size of the window opening is appropriate if it does not allow for window closers before meeting the slab level, and remain of the opinion that the window design should not dictate the use of potentially inappropriate cavity barrier provision. We remain unsure as to the performance of the cavity barriers in this specific case subject to fire and/or smoke entering the external walling system at the head of a window opening.
 - 2.2. The reliance on the continuous single stair between the basement and above ground parts of the building; We note the additional fire scenarios modelled to consider the alternative space within basement level B2. However, the BB7 comments refer to the 'latest review report' from Brigly Fire which was not been provided within this consultation package. We therefore assume that any queries raised by this review process have been addressed by BB7 (where required) and ultimately to the satisfaction of the BCB as the approving authority. In terms of the single stair itself, we continue to hold the view that sufficient fundamental consideration has not been given to the appropriateness of relying upon a single stair for towers as tall as these. See below for specific comments regarding the amenity space interaction with the single stair.
 - 2.3. The non-standard route from the stair to the final exit at ground floor. As we note the most recent commentary on the arrangements, we again highlight the increased burden placed upon the responsible person as a result of the introduction of additional active measures to compensate for the non-standard layout. The comments made include the assumption that effective management, whilst it may be in place currently, will remain for the lifetime of the building with consideration of the enhanced provisions to support the final exit route. As we note that the building is now occupied we make no further comment on the ground floor layout, and highlight that failure to maintain the final exit route may lead to enforcement action under the Regulatory Reform (Fire Safety) Order 2005 following an inspection by LFB.
 - 2.4. The use of a shared amenity space at height interacting with the only escape route (i.e. the single stair), poses a potential conflict between different evacuation strategies interacting with that single stair and firefighting operations. The BB7 response includes the view that a second stair would have "no additional benefit" in the means of escape phase of a fire incident. We disagree with this view, particularly in a building with ancillary use on the upper floors in a very tall residential building. An additional stair may allow for unrestricted use of one stair for continued evacuation purposes after high rise firefighting procedures have commenced. We note that the RSET analysis showed some overlap in the evacuation and fire service arrival

times. A principle expectation of the interaction between the ancillary areas and the single escape route should be that occupants of this area can be fully evacuated (including any occupants with movement impairments), and that the stair is adequately protected for a simultaneous evacuation given the height. The BB7 comments appear to assume that the management response, which has not been included within the Required Safe Egress Time (RSET) modelling is sufficient to mitigate this overlap. We assume that, since occupation has commenced, Greystar have ensured the robustness of the management via drills and the regular review of the procedures. Insufficient information is provided within the Greystar emergency procedures document to allow us to understand the effectiveness of the procedures in supporting the means of escape and firefighting procedures using a very tall single stair.

Structural assessments

3. Items under section 3 of our previous response letter focused on the structural assessment and holistic approach to the fire safety assessment of the modular design. As the structural assessments appear to have been completed and agreed by both Efectis and the BCB and the building is now occupied, we make no further assessment of the structural design information in this case. Notwithstanding this we make further comment in reference to the responses provided below:

Efectis response letter rev B, dated 27 April 2021

- 3.1. We note the comments provided by Efectis. While we raise no further specific queries on their approach to the thermomechanical analysis, we highlight again that it has not been possible to conduct a full review of the analysis from the level of information provided. Therefore, we have not, for example: scrutinised the input and output files through engagement with the finite element analysis software. We assume that the building control body or their third party have conducted a suitable review of the analysis prior to reaching their ultimate view over the suitability of the structural design. Despite the analysis itself forming part of the peer review of the design, this does not in our view prevent the requirement for the checking of the analysis.

Methodology and fire strategy

4. Items previously highlighted under this section include reference to the fire strategy and methodology for assessing the design in meeting the functional requirement of the Building Regulations. As the building handover/sign off procedure has now been concluded we assume that the BB7 fire strategy and other key design documents are submitted in their final draft format and that no items remain outstanding. We assume that the responsible person has been provided with the final drafts also, in accordance with the Regulation 38 process as we note that a considerable number of revisions have been made, particularly to the fire strategy.

BB7 response to LFB's comments, dated 01 June 2021

- 4.1. We maintain our position that a suitable benchmark does not appear to have been developed for a methodology of assessing a modern method of construction, particularly where a number of significant departures from design guidance exist within the building (mentioned previously). As no detailed fire safety guidance (to our knowledge) has been published for the construction of a modular residential building, particularly of this height. We remain of the opinion, at this point, that any modular building should be assessed in accordance with fire safety 'first principles' with each aspect assessed against pre-defined acceptance criteria.

Additional observations and recommendations relating to proposed scheme

No further comment under this section.

(4) Expected outcome of consultation

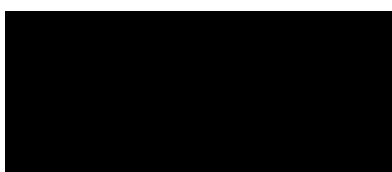
Based on the nature of the items raised above in sections (1) to (3):

We refer our observations/comments to the building control body for resolution as the approving authority, and do not expect to be consulted further unless the proposed scheme significantly changes in the future

Notwithstanding the above, we presume that all comments raised in this consultation letter will be forwarded to the client/project design team for consideration.

The above observations are in relation to the current proposal and may not be relevant to any future proposal.

Yours faithfully,



Assistant Commissioner (Fire Safety Regulation)

Reply to: Building Design and Consultation Hub
(via FSR-AdminSupport@london-fire.gov.uk)

There is clear evidence that Automatic Water Fire Suppression Systems (AWFSS) can reduce the number of deaths and injuries from fire, as well as reducing the risk to firefighters.

The London Fire Brigade strongly encourages those who design, construct and approve residential and commercial buildings, to go beyond the minimum expectation of compliance and include AWFSS in a wider variety of buildings. There are also additional benefits to the inclusion of AWFSS in terms of property protection, environmental protection and business continuity.

Further guidance can be found on the Brigade's website.