

Appendix A

Lord Greenhalgh – Minister of State
Home Office
2 Marsham Street
London
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13 August 2020

Dear Minister

When you met the lead members of the LGA Fire Safety Management Committee on 20 July, we raised with you the concerns we have about the effect of expanding Permitted Development Rights (PDR) on fire safety.

You said you would consider the fire safety implications of PDR in more detail, for which we are very grateful.

I am therefore writing to set out our concerns in more detail, to suggest two possible approaches to a solution and to ask that your officials consider this approach with appropriate stakeholders. The experience of the Joint Inspection Team suggests that conversions of offices to housing has produced some buildings with a wide range of defects. We are concerned that conversion of commercial premises to multiple residential buildings under PDR has already increased the number of buildings with fire safety issues and that an extension of PDR could inadvertently lead to a further increase at a time when the regulatory system is struggling to deal with those already built.

The planning stage is an opportunity for the fire and rescue service to raise concerns about a building and engage with the developer at an early stage, including through building control bodies. One key advantage is that it is easier for regulators to work with developers if engagement takes place at this early stage, with their comments acknowledged, which can avoid the need for abortive works or subsequent enforcement action.

Changes made under PDR are still subject to the Building Regulations and work that complies with the Building Regulations should comply with the Fire Safety Order. However, the Building Regulations only apply to the work being done to the building; existing parts of the building that are not directly impacted are not covered. This can mean that, for example, a shop converted into flats containing existing walls that do not meet the fire compartmentation standards that would normally apply to a new building of the same layout and purpose, not being addressed. Additionally, where a PDR commences above an existing building there is no requirement to enhance the fire safety measures in that existing part of the building, this places the parts of the PDR at an increased risk from fire developing in the existing building below.

One possible solution to these issues could be an amendment to the Building Regulations, under the Fire Safety Bill or the Building Safety Bill, requiring the whole of a building converted to

residential purpose under PDR to comply with the Building Regulations, rather than just that part subject to actual building work.

Such an approach would encourage early engagement between developers and building control bodies and ensure the final residential building meets modern fire safety standards, without impacting on the government's aims in extending PDR.

An alternative solution could be to require the developer to consult with the fire and rescue service if PDR was being applied and for any PDR conversion to residential to be accompanied with a fire statement. We anticipate that some change will be required to adapt the Building Safety Bill to the proposed changes to planning law and suggest this offers an opportunity to address the fire safety challenges raised by PDR conversions at the same time.

I am therefore writing to suggest that your officials consider these approaches in conjunction with the LGA, the National Fire Chiefs Council and Local Authority Building Control and Approved Inspectors.

Thank you once again for your time on 20 July and of course officers here will be happy to discuss the matter further with your officials.

Sent on behalf of:

Councillor Ian Stephens – Chair of the Fire Services Management Committee

Fiona Twycross AM – Vice-Chair of the Fire Services Management Committee

Councillor Nick Chard – Deputy-Chairman of the Fire Services Management Committee

Councillor Keith Aspden – Deputy-Chair of the Fire Services Management Committee