

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	Manchester City Council
LPA planning ref no	137227/FO/2023
Our ref	pgo-3957
Site address	Plot D , Great Jackson Street, Manchester, M15 4NP
Proposal description	Full planning permission for the demolition of existing structures and the erection of one residential building to a height of 71 storeys comprising 642 homes (Use Class C3) with food and drink uses (Use Class E) and / or drinking establishment (Sui Generis); and one office building (Use Class E); with basement car parking, cycle parking, landscaping and public realm, servicing and access arrangements, highways alterations and associated works.
Date on fire statement	03/03/2023
Date consultation received	14/09/2023
Date response sent	13/10/2023

1. Substantive response for the local planning authority

Thank you for consulting HSE about this application.

Headline response from HSE
Headline Response from HSE ('Advice to LPA' - Further Information Required)

Scope of consultation

- 1.1. The above consultation relates to the demolition of existing structures and erection of a new residential development comprised of 71 storeys (ground and 70), including 642 homes and ancillary accommodation with a height of 203.40m to top finished floor and a new 3 storey office building, which is not a relevant building.
- 1.2. There are 3 basement storeys with a total depth of 8.90m to floor level of basement level 3. It is understood the basement levels will contain ancillary accommodation including, plant rooms, store rooms, cycle storage and car parking. A commercial restaurant space is included on the top storey level, accessed via a separated entrance on the ground floor level and flexible use on some other levels. The design standard adopted is British Standard 9999.
- 1.3. It is understood that the adopted fire safety design standard used for the residential space and amenities is British Standard 9991 and it is noted that the proposal has given consideration to the draft standard BS 9991, which is currently under review following consultation and cannot be relied upon. HSE provides advice to the LPA based on extant fire safety standards and is therefore unable to comment on future draft recommendations, which are likely to be subject to change. HSE has therefore assessed the residential part of the application based on the extant version of BS 9991:2015 and BS 9999 for the commercial part.

Previous consultation

- 1.4. HSE issued a substantive response (concern) dated 02/08/2023, under the reference pgo-3552 in relation to a consultation received on 06/07/2023.

Consultation

Additional information provided

- 1.5. HSE acknowledges further information provided in relation to shared escape stairs serving the commercial unit (restaurant) and residential flats. The applicant's response states:

"Tenos agrees that the development includes shared means of escape serving the commercial unit (restaurant) and flats, which is a deviation from the design guidance of BS 9991 quoted across.

As stated in the foreword to BS 9991; as a code of practice, BS 9991 takes the form of guidance and recommendations and should not be quoted as if it were a specification. For the reasons outlined below, although the shared escape stairs are a deviation from guidance, it is our view that appropriate means of escape provisions are available for all occupants of the building and that the functional requirements of the Building Regulations will be met.

As stated in the meeting minutes appended to the Fire Statement, a consultation meeting was held with the statutory authorities under the Building Regulations, Manchester City Council Building Control (MCCBC) and the Greater Manchester Fire and Rescue Service (GMFRS) high-rise team to discuss the fire safety arrangements for the site. This included the shared escape routes between the restaurant and residential units which were discussed and agreed in principle.

In respect of the guidance quoted across; our interpretation of this guidance is that it is intended to prevent a fire in a non-residential area impacting on the means of escape stairs serving a residential area, such as in a multi-level mixed-use development with non-residential uses below the residential use.

However, in the case of Plot D, the commercial unit (restaurant) will be located at the top of the building. It is our view that there is very limited potential for a fire in this area to impact on the means of escape provisions from the flats below and that, with the proposed fire safety measures (e.g. fire separation and smoke control) described below, that this arrangement suitably mitigates the risk that the guidance quoted seeks to address and is considered to meet the functional fire safety requirements of the Building Regulations.

The restaurant level will be located on the top storey of the development with 3 amenity floors separating it from the residents' flats. At every level in the building, the stairs and lifts are approached via ventilated protected lobbies and an automatic opening vent is provided at the head of each stair. It is considered highly unlikely that smoke spread from a fire on the uppermost level would reach the residential levels below so as to impact on the means of escape arrangements.

On the basis of the above provisions, we believe that the fire safety design minimises the potential for a fire in the restaurant area to impact on the means of escape arrangements from the residential areas and that this arrangement suitably mitigates the risk that the guidance in BS_9991 seeks to address”.

- 1.6. HSE note the meeting minutes, however, they appear to record general observations about design features and we could not identify any explicit reference to an agreement in principle.
- 1.7. For the avoidance of doubt, please provide the explicit agreement in principle by Greater Manchester Fire and Rescue Service (GMFRS) and Manchester City Council Building Control (MCCBC) with regard to the use of residential escape stairs by guests of the restaurant.
- 1.8. It is also unclear whether the meeting minutes were part of a qualitative design review (QDR) process, given the performance-based design proposed, and proposed height of the building. Please confirm if a QDR process is underway for this development as this would provide confidence that the proposed performance-based design was being taken forward in accordance with relevant guidance such as BS7974. In particular, that failure of active systems that support this design has been considered, commonly referred to as a “what if” study.
- 1.9. We would be open to a meeting with GMFRS, MCCBC and the LPA if this would assist with understanding the design and our approach to matters relevant to this development.

- 1.10. The matters we are seeking further information about have land use planning implications in terms of the layout of the building, use of the top storey, and number and configuration of dwellings provided.

Yours sincerely

[Redacted signature]

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

