

|   |  |
|---|--|
| <b>LONDON BOROUGH OF CAMDEN</b>   | <b>WARDS: ALL</b>                          |
| <b>REPORT TITLE:</b><br>Gateway 2 & 3 Building Control Regime for Higher Risk Buildings   |  |
| <b>REPORT OF:</b> Director of Property Management   |  |
| <b>FOR SUBMISSION TO:</b><br>Housing & Fire Safety Advisory Panel   | <b>DATE:</b><br>18 <sup>th</sup> July 2024 |
| <p><b>SUMMARY OF REPORT</b></p> <p>The report provides an update on the Building Safety Act Building Control Gateway approval regime which is now force. The regime applies to high-risk residential buildings where the Building Safety Regulator is now the Building Control Authority for building regulation purposes.</p> <p><b>Local Government Act 1972 – Access to Information</b></p> <p>The following documents have been used in the preparation of this report: No documents that require listing have been used in the preparation of this report.</p> <p><b>Contact Officer:</b> Melissa Dillon,<br/>Resident Safety Engagement &amp; Governance Lead, Supporting Communities, Tel: 0207 974 3100, E-mail: melissa.dillon@camden.gov.uk</p> |  |
| <p><b>RECOMMENDATIONS</b></p> <p>That the Panel notes the content of the report.</p>  |  |

Signed:



Director of Property Management

Date: 9<sup>th</sup> July 2024

## **1. PURPOSE OF REPORT**

- 1.1 To update the Panel on the Building Control Gateway approval regime which is now force and applies to high-risk residential buildings where the Building Safety Regulator is now the Building Control Authority.

## **2. BACKGROUND**

- 2.1 Following the Grenfell Tower in 2017 government has been introducing a more rigorous building safer regime for high-rise/higher risk residential buildings (HRBs), defined as those with 2 or more residential units, and which are 18+ metres or 7+ storeys in height.
- 2.2 The method for determining the height of such buildings is set out in Approved document 'B' of the Building Regulations 2010, the diagrammatic guidance on determining building height is attached at Appendix 1 to the report. The Gateway regime applies to the construction of new high-rise/higher risk buildings (HRBs) and to building work in an existing high-rise building or the extension of an extension building to create an HRB.
- 2.3 The definition of building work to an existing high rise building which will trigger the application of the Gateway regime is contained in section 12 of the Building (Higher-Risk Buildings Procedures) (England) Regulations 2023 - [The Building \(Higher-Risk Buildings Procedures\) \(England\) Regulations 2023 \(legislation.gov.uk\)](#).
- 2.4 The new regime has been developed incrementally with initial amendments to planning law introducing a requirement for a *Gateway 1* Fire Statement to be prepared and submitted by building as part of planning applications for developments that involve HRBs.
- 2.5 Fire Statements must set out fire safety considerations specific to the HRB. Developers must demonstrate to the Building Safety Regulator at Gateway 2 construction stage and Gateway 3 Handover/Occupation that the approved design and fire statement for the HRB has been followed.
- 2.6 Developers must expand on the limited information provided at planning/gateway 1 stage and provide details of design, construction materials and methods, records of installation, change control and compliance with building regulations in order to continue and complete construction and enable the issue of a Building Assessment Certificate, building handover and occupation.,

## **3.0 GATEWAY 2 & 3 REQUIREMENTS**

- 3.1 Following approval of the Building Safety Act, 2022 Gateway 2 and 3 Building Control requirements are now in force and the Building Safety Regulator is the

building control authority for higher-risk buildings as defined in section 2. Principal designers, principal contractors, and clients must follow the new building control regime when designing and constructing higher-risk buildings.

- 3.2 The Building Safety Regulator has published guidance on the requirements - [Building inspector competence framework \(BICoF\) - Building safety - HSE](#), which are also summarised in an information booklet on the Regulator website - [23\\_039-Building-Control-Authority-Booklet-3.pdf \(buildingsafety.campaign.gov.uk\)](#).
- 3.3 The plans and designs approved for planning purposes with their accompanying Fire Statement are the '*Approved Plans*' against which Gateway 2 and 3 applications are assessed and the evidence, approval and construction compliance regime described in section 2 and set out in detail in this section of the report.

## **Gateway 2**

- 3.4 Gateway 2 is the building control approval application stage for an HRB. It occurs prior to construction work beginning on site and requires a rigorous inspection of building regulations at each stage of the design and construction process.
- 3.5 Construction work cannot commence without Gateway 2 approval by the Building Safety Regulator who has the power to prevent start on site if they are not satisfied that the developer application meets the functional requirements of the Building Regulations. The [Building Regulations 2010](#) and amendments in [The Building Regulations etc. \(Amendment\) \(England\) Regulations 2023](#) require the submission of 'full plans'. This is usually deemed to include both plans and the specification, as well as other schedules to describe the building works.
- 3.6 This means that the fire statement and approved construction plans have to outline exactly how compliance with the functional requirements of the building regulations is going to be met and that they do not rely on unrealistic management expectations of the building in operation. The Regulator also has the power to stop construction if they find work is not being carried out in compliance with Gateway 1 approved plans or if the detailed design and construction methodology is insufficient.
- 3.7 The Regulator assessment will be made by a multi-disciplinary team (MDT) assigned to each submission, the MDT will include a Registered Building Inspector, and any other specialists required to assess a submission. The Regulator may ask Local Authority Building Control Officers to form part of

individual MDTs, although they would not be asked to assess Council applications in their own local authority jurisdiction due to conflict of interest. To date LB Camden Building Control have been asked to participate in two MDT assessments which were not Camden Council related works.

### **Gateway 3**

- 3.8 Gateway 3 is the final building control stage for an HRB construction project where an application is made to the Building Safety Regulator for a completion/building assessment certificate. In order to receive the completion certificate, the client must demonstrate that the building has been built in compliance with the **approved plans** submitted at Gateways 1 & 2 and include as built drawings and change control information. The building cannot be occupied until a completion certificate has been issued.
- 3.9 The Gateway 3 process is an application to the Regulator by the building occupier for a completion certificate to allow handover and occupation of the HRB. The application must include the following of information.
- 'As built' building plans
  - Final versions of all accompanying documents that were included in the gateway 2 application.
  - A controlled change log showing any changes during construction from Gateway 2 plans
  - Construction/installation information
  - Information captured through commissioning.
  - Information captured through final, functional inspections.
- 3.10 The accountable person for the HRB must be able to demonstrate that they have received all of the handover information from the developer to enable them to operate, maintain and understand the building systems. The Building Safety Act requires the developers/owners of HRBs to record and keep up to date a 'golden thread' of HRB design and construction information for individual HRBs amending it as and when changes are made to the building.
- 3.11 Construction projects must create this record during the new build or extension/refurbishment which create or change an (existing) HRB. These records provide the 'as built' position of the construction project that will be required as part of a Gateway 3 application, The Regulator will take 8 weeks to assess an application for a completion certificate and the building cannot be occupied until the Regulator has provided the certificate.

#### **4.0 Camden Council HRBs**

- 4.1 Camden has 188 existing residential HRBs (as defined at paragraph 2.1 and Appendix 1) where the Gateway regime will apply if works which affect the building structure or compartmentation are to be carried out or where development is proposed within their curtilage.

The current Council HRB list is attached as Appendix 2 of the report.

- 4.2 The Gateway regime would also apply to an existing non-HRB residential building if the Council proposed to extend it by adding additional storeys and increasing the building height in such a way that the criteria set out in Approved document B applied.
- 4.3 The Gateways will apply to any new HRBs developed by the Council as part of the Community Investment Programme (CIP); at the time of writing up to 6 new CIP HRBs are either under construction or in the consultation and development stages of regeneration projects. The future of 2 existing HRBs on the Regents Park estate are also under consideration pending government decisions on the redevelopment of Euston station.

#### **5. Finance Comments of the Executive Director Corporate Services**

- 5.1 The purpose of this report is to update the Panel on the Building Control Gateway approval regime that came into force on 1 October 2023 and applies to high-risk residential buildings where the Building Safety Regulator became the building control authority for higher risk buildings.
- 5.2 Finance will work with the service to monitor and ensure as much as possible that associated costs are funded from HRA Property Management's existing resources.

#### **6. Legal Comments of the Borough Solicitor**

- 6.1 The Borough Solicitor has been consulted in the preparation of this report and has no further comments.

#### **7. Environmental Implications**

- 7.1 There are none.

#### **8. Appendices**

- 8.1 Appendix 1: Building Regulations 2010 - Approved Document B diagrammatic guidance for measuring HRB building height.
- 8.2 Appendix 2: LB Camden Existing Residential HRB List

**ENDS**

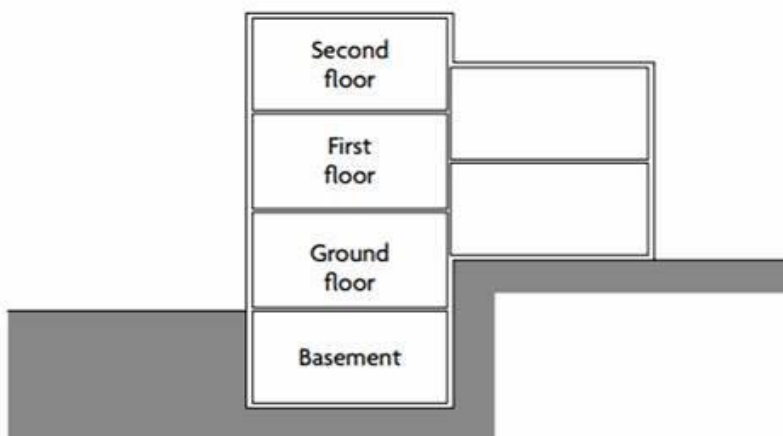
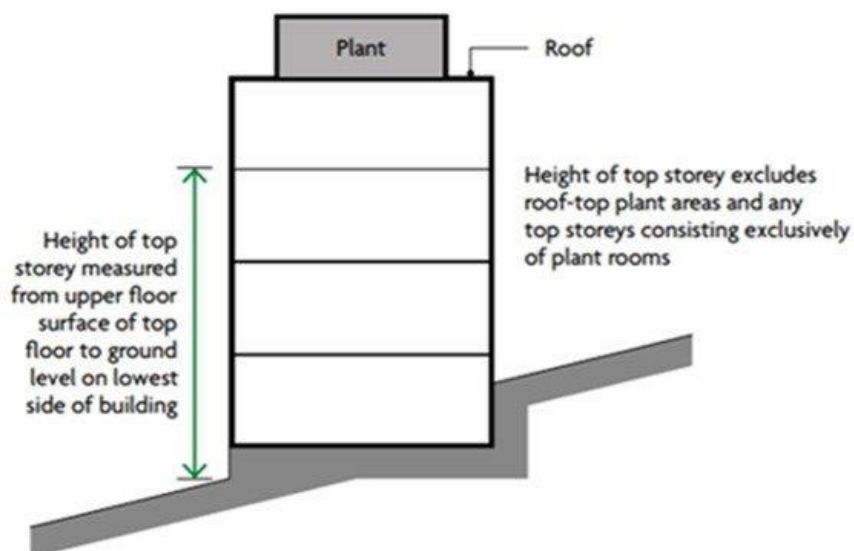


**Appendix 1: Building Regulations 2010 - Approved Document B diagrammatic guidance for measuring HRB building height.**

**The top storey of the building being 18 metres or more in height** should be determined ignoring any storey which is a roof-top machinery or plant area or consists exclusively of machinery or plant rooms and should be measured from the ground level on the lowest side of a building to the top storey upper floor surface.

**The building containing 7 or more storeys should be determined ignoring** any storey which is below ground level (a storey is treated as below ground level if any part of the finished surface of the ceiling of the storey is below the ground level immediately adjacent to that part of the building) and counted from the ground level on the lowest side of the building.

**A mezzanine counts as a separate storey if** its internal floor area is at least 50% of the internal floor area of the largest storey in the building which is not below ground level.



## Appendix 2: LB Camden Existing Residential High-Rise Building List

| <b>Building</b>                                     | <b>Post Code</b> |
|---|------------------|
| 1-80 DALEHEAD                                       | NW1 2JL          |
| 1-80 GILLFOOT                                       | NW1 2JP          |
| 1-42 HOLMROOK                                       | NW1 1DD          |
| 1-80 OXENHOLME                                      | NW1 2JN          |
| 1-29 FAVERSHAM HOUSE                                | NW1 0LA          |
| 1-20 CROWNDALE COURT                                | NW1 1TY          |
| 21-33 CROWNDALE COURT                               | NW1 1TY          |
| 34-47 CROWNDALE COURT                               | NW1 1TY          |
| 48-59 CROWNDALE COURT                               | NW1 1TY          |
| 1-20 Godwin Court                                   | NW1 1NW          |
| 21-34 Godwin Court                                  | NW1 1NW          |
| 35-50 Godwin Court                                  | NW1 1NW          |
| 51-63 Godwin Court                                  | NW1 1NW          |
| 64-81 Godwin Court                                  | NW1 1NW          |
| 82A-94 Godwin Court                                 | NW1 1NW          |
| 95-114 Godwin Court                                 | NW1 1NW          |
| 1-16 The Chenies                                    | NW1 1UH          |
| 17-32 The Chenies                                   | NW1 1UH          |
| 1-16 Park View House (formerly Cecil Rhodes House)  | NW1 1UG          |
| 17-36 Park View House (formerly Cecil Rhodes House) | NW1 1UG          |
| 37-56 Park View House (formerly Cecil Rhodes House) | NW1 1UG          |
| 57-72 Park View House (formerly Cecil Rhodes House) | NW1 1UG          |
| 119-184 MAYFORD                                     | NW1 1PA          |
| 1-5/22-53/64-67/84-87 MAYFORD                       | NW1 1NX          |
| 1-70 BUCKLEBURY                                     | NW1 3LB          |
| 1-44 ENGLEFIELD                                     | NW1 3LN          |
| 1-44 SWALLOWFIELD                                   | NW1 3PJ          |
| 1-70 THE COMBE                                      | NW1 3LG          |
| 1-67 CARTMEL  | NW1 3SH          |
| 1-60 LANGDALE                                       | NW1 3RA          |
| 1-60 HARRINGTON HOUSE                               | NW1 3RB          |
| 1-60 HAWKSHEAD                                      | NW1 3RJ          |
| 1-60 MACKWORTH HOUSE                                | NW1 3RE          |
| 1-22 Grasmere                                       | NW1 3QL          |
| 23 - 44 Grasmere                                    | NW1 3QL          |
| 1-22 Borrowdale                                     | NW1 3QG          |
| 23-44 Borrowdale                                    | NW1 3QG          |
| 1-22 Patterdale                                     | NW1 3QJ          |
| 23-44 Patterdale                                    | NW1 3QJ          |
| 1-23 GRISEDALE                                      | NW1 3QE          |
| 1-16 Ennerdale                                      | NW1 3QE          |
| 1 - 22 Derwent                                      | NW1 3JR          |
| 23-44 Derwent                                       | NW1 3JR          |



|  |         |
|--|---------|
| 1 - 22 Rydal Water                         | NW1 3ED |
| 23 - 44 Rydal Water                        | NW1 3ED |
| 1-32 WATERHEAD & 1-28 THE TARNS            | NW1 3RR |
| 40 Hampstead Road                          | NW1 2PX |
| 1-71 FAIRFIELD                             | NW1 7LE |
| 1-32 LINDALE                               | NW1 3QD |
| 1-24 MARDALE                               | NW1 3FJ |
| 1-34 WINCHESTER APARTMENTS                 | NW1 3EN |
| 1-120 BACTON                               | NW5 4PX |
| 24-82A (EVEN) CASTLE COURT                 | NW1 8PU |
| 1-35 HEYBRIDGE                             | NW1 8TD |
| 1-62 CANDIDA COURT                         | NW1 8PY |
| 1-62 LORRAINE COURT                        | NW1 8SG |
| 1-56 TORBAY COURT                          | NW1 8RL |
| 1-91 DENTON                                | NW1 8BN |
| 1-32 MEAD CLOSE                            | NW1 8HG |
| 1-32 RUGMERE                               | NW1 8HE |
| 1-24 TOTTENHALL                            | NW1 8EX |
| 1-32 BEAUVALE                              | NW1 8EY |
| 1-56 CAYFORD HOUSE                         | NW3 2XG |
| 1-56 PALGRAVE HOUSE                        | NW3 2QJ |
| 13-62 BARRINGTON COURT                     | NW5 4AT |
| 1-27 HAZEL HOUSE                           | NW3 2HB |
| 1-27 ROWAN HOUSE                           | NW3 2EY |
| 1-16 Whitebeam House                       | NW3 2HG |
| 1-50 MONMOUTH HOUSE                        | NW5 3BX |
| 1-64 Burmarsh                              | NW5 3JA |
| 1-31 Headcorn                              | NW5 3HZ |
| 1-160 SOUTHFLEET                           | NW5 4DD |
| 1-48 WENDLING                              | NW5 4QU |
| Flats 1-21, 2 Vicars Road                  | NW5 4AA |
| 1-102 MARY GREEN TOWER                     | NW8 0BS |
| 1-102 CASTERBRIDGE                         | NW6 4DR |
| 1-102 SNOWMAN HOUSE                        | NW6 4DW |
| 4,7,11,14,18 (A-K) Rowley Way              | NW8 0SF |
| 23,26,39,33,37,40,44,47 (A-K) Rowley Way   | NW8 0SQ |
| 51,54,58,61,65,68,72,75 (A-K) Rowley Way   | NW8 0SH |
| 79,82,86,89,93,96,100,103 (A-K) Rowley Way | NW8 0SL |
| 113-119 (C-K) Rowley Way                   | NW8 0SW |
| 1-42 CAMPDEN HOUSE                         | NW6 4RN |
| 1-24 GLOVER HOUSE                          | NW6 4RJ |
| 1-43 HICKES HOUSE                          | NW6 4RP |
| 1-26 NOEL HOUSE                            | NW6 4RL |
| 1-56 LANGHORNE COURT                       | NW8 0SD |
| 1-52 TAYLER COURT                          | NW8 0SB |
| 1-54 FARJEON HOUSE                         | NW6 4TL |

|                                  |          |
|----------------------------------|----------|
| 23-34 Primrose Hill Court        | NW3 3QS  |
| 47-58 Primrose Hill Court        | NW3 3QS  |
| 69-80 Primrose Hill Court        | NW3 3QT  |
| 81-92 Primrose Hill Court        | NW3 3QT  |
| 15-64 SIDNEY BOYD COURT          | NW6 4QZ  |
| 37-62 TEMPLAR HOUSE              | NW2 3TD  |
| 131 - 143 Belsize Rd, Flats 1-47 | NW6 4BR  |
| 1-24 RIVERSIDE                   | WC1H 8BH |
| 1-25 Riverfleet                  | WC1H 8BJ |
| 1-25 Fleetway                    | WC1H 8BL |
| 1-24 FLEETFIELD                  | WC1H 8BP |
| 2-18 Laney House                 | EC1N 7UL |
| 19-28 Laney House                | EC1N 7UL |
| 29-37 Laney House                | EC1N 7UL |
| 38-42 Laney House                | EC1N 7UL |
| 2-212A FOUNDLING COURT           | WC1N 1AN |
| 1-187A O'DONNELL COURT           | WC1N 1NZ |
| 1-24 NORTHIAM                    | WC1H 8LB |
| 1-24 Chadswell                   | WC1H 8LD |
| 1-24 GREATCROFT                  | WC1H 8LF |
| 1-18 HOLLISFIELD                 | WC1H 8LG |
| 1-19 MULLETSFIELD                | WC1H 8LJ |
| 1-19 Peperfield                  | WC1H 8LP |
| 1-20 GATESDEN                    | WC1H 8EA |
| 1-27 BEDEFIELD                   | WC1H 8DY |
| 1-32 SANDFIELD                   | WC1H 8DU |
| 1-120 VESAGE COURT               | EC1N 7RF |
| 1-48 GLYNDE REACH                | WC1H 8JZ |
| 1-37 WARNHAM                     | WC1H 8JP |
| 1-56 CHANCELLORS COURT           | WC1N 3JP |
| 1-56 BABINGTON COURT             | WC1N 3JT |
| 1-50 BLEMUNDSBURY                | WC1N 3PF |
| 1-42 WINDMILL                    | WC1N 3PG |
| 2 GREVILLE STREET, FLATS 1-10    | EC1N 8PQ |
| 6 GREVILLE STREET, FLATS 1-10    | EC1N 8PQ |
| 1-54 JEYGROVE COURT              | EC1N 8LB |
| 1-28 Culverhouse                 | WC1R 4BG |
| 1-137 LULWORTH                   | NW1 9SS  |
| 1-40 HADDO HOUSE                 | NW5 1PX  |
| 1-43 GRANGEMILL                  | NW5 1XH  |
| 1-19 ABORFIELD                   | NW5 2UD  |
| 20-51 ABORFIELD                  | NW5 2UD  |
| 1-59 GREATFIELD                  | NW5 2UE  |
| 9A YORK WAY                      | N7 9GY   |
| 9B YORK WAY                      | N7 9GY   |
| 9C YORK WAY                      | N7 9GY   |

|  |          |
|--|----------|
| 14-16 WROTHAM ROAD   | NW1 0RE  |
| 1-60 AUGUSTUS HOUSE  | NW1 3TB  |
| 235-277 North Gower Street   | NW1 2NN  |
| 1-39 Phoenix Court   | NW1 1EL  |
| 1-107 WOODHALL   | NW1 3JP  |
| 1-64 HARDINGTON  | NW1 8HN  |
| 1-72 BLASHFORD   | NW3 3RU  |
| 1-3,5,7-161 BRAY   | NW3 3JU  |
| 1-36 BRIDGE HOUSE  | NW3 3QD  |
| 1-161 BURNHAM  | NW3 3JP  |
| 1-29 CHALFORD  | NW3 6LG  |
| 1-158 DORNEY   | NW3 3PN  |
| 1-32 ELLERTON  | NW6 1LX  |
| 1-24 FALCON HOUSE  | NW6 5UD  |
| 1-161 TAPLOW   | NW3 3NX  |
| 1-14 BEACONSFIELD  | WC1R 4PA |
| 1-2, 9-10, 17-18, 25-26, 33-34 & 41-43 Boswell House, 1-14 Springwater | WC1N 3PR |
| 3-5, 11-13, 19-21, 27-29, 35-37 & 44-47 Boswell House                  | WC1N 3PR |
| 6-8, 14-16, 22-24, 30-32, 38-40 & 48-51 Boswell House /1-28 Richbell   | WC1N 3PR |
| 1-38 BRAMBER   | WC1H 8JS |
| 50 Britannia Street  | WC1X 9JH |
| 1-14 CAVENDISH MANSIONS  | EC1R 5DQ |
| 15-28 CAVENDISH MANSIONS   | EC1R 5DQ |
| 29-42 CAVENDISH MANSIONS   | EC1R 5DQ |
| 43-63 CAVENDISH MANSIONS   | EC1R 5DQ |
| 64-89 CAVENDISH MANSIONS   | EC1R 5DQ |
| 90-96 CAVENDISH MANSIONS   | EC1R 5DQ |
| 97-110 CAVENDISH MANSIONS  | EC1R 5DQ |
| 111-124 CAVENDISH MANSIONS   | EC1R 5DQ |
| 125-138 CAVENDISH MANSIONS   | EC1R 5DQ |
| 139-152 CAVENDISH MANSIONS   | EC1R 5DQ |
| 153-166 CAVENDISH MANSIONS   | EC1R 5DQ |
| 1-42 FALCON  | WC1N 3AA |
| 1-16 GORDON MANSIONS   | WC1E 7HE |
| 17-30 GORDON MANSIONS  | WC1E 7HE |
| 31-60 GORDON MANSIONS  | WC1E 7HG |
| 61-75 GORDON MANSIONS  | WC1E 7HG |
| 30/40 GRAFTON WAY  | WC1E 6DX |
| 5-26 GREAT RUSSELL MANSIONS  | WC1B 3BE |
| 25 GRESSE ST, FLATS 1-92   | W1T 1QW  |
| 1-35 HUNTER HOUSE  | WC1N 1BE |
| 1-44 LANGDON HOUSE   | EC1N 7TN |
| 1-30 Laystall Court  | WC1X 0AH |
| 11-84 MEDWAY COURT   | WC1H 9QZ |
| 1-33 MULLEN TOWER  | WC1X 0AG |
| 8 NEWTON STREET, FLATS 1-50  | WC2B 5EG |

|  |          |
|--|----------|
| 1-70 SEYMOUR HOUSE WC1                             | WC1H 9RL |
| 1-32 SOMERTON HOUSE                                | WC1H 9AA |
| Tavistock Mansions- Flats 3-12 ,16 Tavistock Place | WC1H 9RU |
| 1-23 TRENTISHOE MANSIONS                           | WC2H 0JE |
| 1-12 TRESHAM                                       | WC1R 4RE |
| 1-30 WINSTON                                       | WC1H 0EA |
| 1-62 WINTER GARDEN HOUSE                           | WC2B 5ND |

**ENDS**