Planning

Ref: SP / LNW5075(2)P
Date: 23rd September 2025

Planning Department
London Borough of Newham
Newham Dockside,
1000 Dockside Road,
London,
E16 2QU

Dear Sir/Madam

Re: Variation of Condition 25 of Planning Permission 21/03040/LA3 at the Site Army and Navy Public House 36 New Barn Street Plaistow London E13 8JY

This statement has been prepared by DLP Planning Ltd on behalf of Kind & Co (Builders) Ltd. ("the Applicant") in support of the submission of a Minor Material Amendment Application under Section 73 of the Town and Country Planning Act (1990) (as amended) at the site Land At 36 New Barn Street Plaistow London E13 8JY to planning permission 21/03040/LA3 which was approved 22nd April 2022.

The proposal seeks to vary/remove Condition 25 of Planning Permission 21/03040/LA3 which reads as follows:

> *"At least one lift per core shall be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building.*
>
> *Reason: To ensure safe exit from the building in the event of a fire."*

The proposed development seeks to amend the parent planning permission in order to vary or remove condition 25 of the parent planning consent to allow for the installation of passenger lifts only in lieu of an evacuation lift.

The Site is subject to a live Minor Material Amendment application under section 73 of the Act, which seeks to vary Condition 2 (approved plans and drawings) and 9 (Materials requiring subsequent approval) of Planning Permission 21/03040/LA3.

To support the application, an Evacuation Lift Plan has been prepared, which sets out the rationale behind the submission.

The Proposed Amendment

The approved scheme included the provsion of an evacuation lift in line with London Plan (2021) policy D5. Evacuation lifts are designed to be able to operate safely in the event of a fire to allow those that need step free access to evacuate in an emergency. However, following the further development of the Site, the Applicants have been made aware that the provision of an evacuation lift as part of the scheme is not appropriate due to the lack of a manned concierge on site.

This issue derives from the scheme being unable to satisfy the provisions of BS 9991 (2025) due to an evacuation lift being unable to be certified unless there is a compliant building management system in place prior to occupation. In this instance, this is not achievable due to the lack of a manned

concierge that would be able to operate the evacuation lifts in the event of a fire. The Fire Strategy Report has stated that, "*Where an evacuation lift is used, it is expected that the evacuation will be assisted by an authorized person(s) An evacuation plan should not rely on the assistance of the fire and rescue service*

At post approval stage, an Evacuation Plan of Action will be prepared which will refer to the contents of the of the relevant building regulations documents and supporting legislation.

Prior to the occupation of the building, a comprehensive Fire Risk Assessment will be carried out and formally documented. This assessment will outline in detail all evacuation procedures specific to the development, ensuring that building occupants are provided with clear and effective guidance in the event of an emergency. The completed assessment will be included in the Regulation 38 handover folder, forming part of the essential information package for the responsible person or duty holder.

The assessment will not only highlight evacuation strategies but will also provide recommendations on the most appropriate fire safety measures to adopt in order to achieve full compliance with the Fire Safety Act (2021) and the relevant Approved Documents of the Building Regulations. This will include guidance on means of escape, fire detection and alarm systems, compartmentation, signage, emergency lighting, and the roles and responsibilities of management and staff in maintaining a safe environment.

By undertaking this process prior to occupation, the development ensures that fire safety risks are appropriately managed from the outset, providing reassurance to residents, staff, and visitors while meeting all statutory obligations.

Planning Assessment

The below assessment considers the proposed development in relation to the relevant local planning policies and guidance as well as the NPPF (2024) and the London Plan (2021). In planning policy terms, the key focus for assessing the propsoed variation or removal of condition 25 is Policy D5 of the London Plan (2021). Part B (5) of the policy states:

> *"Developments should …..(5) be designed to incorporate safe and dignified emergency evacuation for all building users. In all developments where lifts are installed, as a minimum at least one lift per core (or more subject to capacity assessments) should be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building."*

From the reading of the policy, with the section underlined above, it is clear that the amendment to the scheme of the installation of a passenger lift in lieu of an evacuation lift would be in conflict with London Plan Policy D5.

However, following the further development and onsite deliberations with Building Control Authority, the Applicants have been made aware that the provision of an evacuation lift as part of the scheme is not appropriate due to the lack of a manned concierge with a competent personnel to operate the lift safely during an emergency.

It is therefore concluded that, the development would remain compliant with Policy D12 of the London Plan and, on balance, the proposed variation/removal of condition 25 is acceptable in planning terms due to it being clearly demonstrated that there will not be an adverse impact on prospective disabled users of the site in the event of a fire or need for evacuation.

I trust that the above is clear, however, if you require any further information please do not hesitate

to get in contact with myself or one of my colleagues.

Yours sincerely,



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