

# Building Regulations (England and Wales) Part M – Proposals for revising the Requirement and Guidance in relation to non-domestic buildings

## Summary of detailed comments from the public consultation of November 2002

### **1     *The response to the consultation***

A total of 192 responses were received from construction industry organisations, Access Groups, local authority Building Control Officers and Access Officers, Approved Inspectors, as well as Historic building specialists, miscellaneous Public sector organisations and experienced individuals.

The percentages of each group were as follows:

- Access Officers, Consultants and Access Groups – 36%
- Architects, Surveyors and Construction Industry organisations – 31%
- Building Control Officers and Approved Inspectors – 15%
- Public sector and Historic building organisations, and individuals – 8%

The overall response to the proposals was very encouraging, in particular to the proposals to reflect a more “inclusive” approach (access for all) and to extend the scope to include existing buildings. Many expressed the opinion that the revised draft represented a significant step forward.

Inevitably, the range of comments tended to reflect the variety of backgrounds and interest groups. Those whose background was in the specialist field of disability tended to ask for the same level of detail as is included in BS 8300 (and sometimes more); those from the construction professions, while supporting the aims of the extended scope of the Approved Document, warned against making the provisions too prescriptive and thus discouraging innovative design. There is, of course, nothing to stop a designer proposing different solutions to meeting the fundamental requirement/s of Part M, particularly given the concept of the Access Statement (see later).

### **2     *The Requirements***

#### **2.1   *Individual Requirements***

Since it is proposed that Part M applies to all non-domestic buildings and parts of such buildings, it was suggested that it might not be necessary to retain separate requirements for audience seating and sanitary accommodation. This would result in just two requirements; M1 for Non-domestic buildings and M2 for Dwellings.

There was extensive comment on the incorporation of the phrase “accessible and usable by all those who could be expected to use the building”. The major

access groups wanted “by all those who could be expected to use the building” deleted on the grounds that, if Part M followed the principles of inclusive design, all people should be expected to use all buildings.

On the other hand, it was acknowledged by other respondents that there are some types of building where it would not be reasonable to apply provisions for certain groups. Examples given include offices (not normally used by children), military establishments and prisons. It was noted also that other ADs (e.g. B and K) imply that not all environments need to be accessible to disabled people.

## **2.2 *Limits on application***

There was some concern about the exemption for maintenance and service areas in the Limits on Application, bearing in mind circumstances where disabled staff may need to access certain control boxes or cut-off switches for water, heating, security systems etc.

## **3 *The extension of the scope of Part M to existing buildings***

### **3.1 *Existing buildings***

Of those people who responded to the question, 94% were in favour of extending the scope of Part M to existing buildings (see question 1.1 in Annex B). However, there were many comments on how the extension of the scope to include extensions and material alterations would be interpreted in the light of existing Regulations 4,5 and 6, and the use of the wording “to the fullest extent that is reasonably practicable” in paragraphs 0.4 and 0.6 of the consultation draft. The following are examples.

### **3.2 *Material alterations***

There was some concern that a proposal to carry out an alteration, no matter how small, would trigger the need for extensive work to the building giving access to the alteration, this work being out of all proportion to the original alteration. An example was given of a proposal to introduce a cellular office into an existing open plan area on the 3rd floor of an office block. The question was raised whether this minor alteration within the building would trigger full application of Part M, e.g. from the entrance of the site, through the provision of designated car parking, ramped approach, internal access, lift provision and disabled toilet facilities.

There was some concern that the definition of “material alteration” implies that, if works maintain previous standards, they are not “material” and therefore not subject to the revised Part M. Regulation 3 (2) might need to be revised so that the application of Part M to alterations can be implemented.

### **3.3 Changes of use**

The proposal that a shop should be classed as a public building was supported by the major Access organisations and also by the comments made at the Consultation Seminars. This might require Regulation 6 (1)(a) to be amended in respect of changes of use to include Part M and Regulation 5 changed to include Offices and Shops.

### **3.4 Wording - “to the fullest extent that is reasonably practicable”**

Respondents were concerned about the use of both “fullest extent” and “practicable”. While influential access groups would prefer to have no qualification whatsoever, another view was that to include “as far as is practicable” would be satisfactory, given that “reasonable” is incorporated in the main Requirement of the regulation.

### **3.5 Historic buildings**

**Of those who addressed the question, the great majority of respondents (73%) thought that there should be no exemptions for historic buildings when subject to a change of use (see question 1.4 in Annex B).**

## **4 Access Statements**

There was overwhelming support for the concept of the Access Statement. Most respondents wanted the Access Statement to be prepared for all Planning and Building Regulation applications and to be a positive statement identifying innovative approaches that depart from the guidance but achieve the same (or a better) standard of access, rather than just a means of stating how it was not possible to comply with the provisions in AD M.

There was, however, some concern about the competency of the people writing the statements and how they would be monitored for consistency and quality. Consistency in the approach to consultation with Access and Conservation groups was another issue of concern, as well as how Approved Inspectors would be encouraged to engage with advisory groups.

## **5 The proposed inclusive approach**

Unlike the current Part M, which is specifically targeted at access for disabled people, the proposed revision takes a more inclusive approach. There was overwhelming support for the proposal to include not only ambulant disabled people, wheelchair users and people with sensory disabilities, but also people with learning difficulties, people of short stature, elderly people and parents with children or babies; in effect, access for all, regardless of disability, age or gender.

## **6 Reference to disabled people and their disabilities**

A number of organisations representing disabled people expressed a preference for difficulties to be focused on the nature of the “barriers” to access and use, rather than on the problems experienced by disabled people.

A number of commentators warned against using the term “accessible” in too general a sense within the provisions. They commented that, while the aim is for buildings to be accessible to all, it should be made clear where provisions were intended for the benefit of specific groups, e.g. wheelchair users.

## **7 *The relationship with BS 8300***

Attention was drawn to a number of cases where the guidance in the draft revision to AD M differs from the recommendations in BS 8300, often going beyond the recommendations of the BS. A respondent who had been a member of the BS 8300 Steering Panel commented that it is in the nature of the consensual development of regulations that there will be differences between what is in Part M and other sources of guidance, including BS 8300.

## **8 *Issues concerning the technical guidance and provisions***

### **8.1 *Section 1- Access to buildings***

- Due to the complexity of guidance on tactile paving in relation to different circumstances, a number of respondents thought that it might be better to refer to the DfT Mobility and Inclusion Unit’s “Tactile Paving Guide”, rather than include partial guidance on a limited number of circumstances.
- There was a variety of suggestions for the circumstance where steps should be provided in addition to a ramp externally, some related to the slope and length of the ramp and others to the vertical distance to be travelled. Generally, it was thought that steps should be provided in new developments, but in any case where the rise was greater than 200mm (as proposed for circulation internally).
- Handrails are preferred on both sides of a ramp irrespective of circumstance.

### **8.2 *Section 2 – Access into buildings***

- The proposals for the clear opening width of entrance doors to take the projection of door ironmongery was accepted (73% in favour from those who responded to the question – see question 4.1 in Annex B), but it was noted that in some instances, the preferred clear opening will give rise to door sizes outside those generally available.

- There was a view that external doors (particularly powered doors) should have a clear width of 1000mm as they would be used to evacuate buildings and therefore could be used by people using sticks and crutches, as well as parents with children in double buggies etc.
- The major disability groups consider that no revolving door is safe, unless there is an adjacent alternative door that is accessible to all people at all times.
- Since the use of an external lobby is likely to be frequent, it was felt that the larger lobby dimensions should be used, even where there are vision panels in either or both doors.

### **8.3 Section 3 – Horizontal and vertical circulation**

- More guidance was requested on where lifts should be provided and what sizes were needed in which circumstances.
- Of the respondents who answered the question, 71% favoured no change to the 280m<sup>2</sup> and 200m<sup>2</sup> area limits. Nonetheless, there were a number of strongly held views to the contrary. Some suggested that the limits should be reduced and others that the need for a lift should relate to the use of the building (not a prescriptive floor area), with the argument being made in the Access Statement.
- A small minority were insistent that platform lifts should only be considered for existing buildings.

### **8.4 Section 4 – Facilities**

- A few respondents questioned whether it is appropriate for colour contrast and the provision of furniture/ fittings (e.g. reception desk) to be subject to building control.
- Although 72% of respondents who answered the question (see question 6.1 in Annex B) appeared in favour, there was concern from a significant number of access groups that the proposed proportional guidelines for audience seating (taken from BS 8300) were inadequate, also providing a lower standard than given in the current Part M.
- A substantial number of groups representing disabled people commented that, in their experience, the most accessible means of bathing is a shower, and that this should be reflected in the provision of en-suite bathing facilities in, for example, hotel bedrooms.
- Of those respondents who answered the question, 86% were in favour of having provisions for switches and controls included in Part M (see question 6.3 in Annex B). There were a few people, however, who felt that the proposals were too prescriptive and, in any case, the provisions concerning the location of switches and socket outlets might not be applicable to all parts of buildings, e.g. in open plan offices.

## **8.5 Section 5 – Sanitary accommodation**

- Many respondents from key access organisations asked for more information on the provision of different types of toilet accommodation, starting with a basic provision of a single WC cubicle and extending to the provision of different types of cubicle in separate-sex toilet washrooms and unisex toilets in large buildings.
- Clear guidance was requested on the size and amenities to be provided in toilet cubicles, not only for ambulant disabled people, but also for users such as children, people with babies and people with assistance dogs.
- There was general agreement that baby-changing facilities should be separate from unisex toilet accommodation, rather than included within it, although there was the need on occasions for a changing table to be provided for severely disabled adults.
- Other subjects on which guidance was requested included:
  - signs on cubicles for ambulant disabled people
  - provision and height of urinals for children
  - the relative provision of toilet facilities for men and women.

## **9 The impact on building control services**

There was some concern that the workload and therefore cost to building control bodies would increase substantially. One respondent highlighted a situation where an alteration generating a fee of £200 for Building Control would require a substantial amount of work to be undertaken to address disabled access, for which no additional fee would be obtained. Since Building Control services are required to be self-financing, it was claimed that this workload could compromise the economic viability of the service.

The respondent also questioned whether it would be reasonable to expect Building Control Bodies to issue decisions within the current timescales, given the need to assess the Access Statement and possibly consult with local and national advisory organisations.

Another commentator noted that a BCO might find it difficult to judge what is “reasonable” in proposals for an existing building, in particular any alternative solutions described in an Access Statement, without an access audit having been carried out and without some guidance being provided on what might constitute “disproportionate cost”.

## **10 Concerns from commercial clients**

Of those who responded to this question, 79% thought that the proposals allowed sufficient flexibility for modest refurbishments to be carried out without the risk that occupiers would be deterred by costs disproportionate to the benefits (see question 1.5 in Annex B).

However, one organisation representing property companies was concerned that the process of demonstrating that improvements to existing buildings are financially and physically impracticable would be costly and time consuming, delaying improvements to the building stock and, at worst, deterring previously intended improvements. They also suggested that works might be abandoned altogether if improvements to upgrade accessibility could not be carried out in phases.