

The Society of
Chartered 
Surveyors

**Submission on Building Regulations -
Proposed Amendment to Part M (Access for
People with Disabilities)**

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1.0 Introduction

The Society of Chartered Surveyors welcomes the opportunity to comment on the proposed amendment to the Building Regulations, Part M and associated draft Technical Guidance Document.

Members of the Society, particularly Chartered Building Surveyors, are involved on a day to day basis with the implementation of building standards in their design, supervision and inspection roles. The proposed amendments will have a significant effect on these aspects of the Chartered Surveyors work.

We would preface the comments in this submission by initially stating our support for increased levels of accessibility to the built environment and in particular recognise the change in title to 'Access and Use', reflecting the move towards universal access.

The draft (part M Amendment) Regulation 2009 set out the functional requirements. The guidance in the draft Technical Document M provides prima fascia compliance. While other methods of achieving compliance are open to the practitioner, the proposed Technical Guidance Document will most generally be the benchmark used, particularly by local authorities in the Disability Access Certificate process.

This will lead to early stage confusion as designers, contractors and local authority personnel grapple with the level of detail, arguably the most exacting of all the Technical Guidance Documents. It is our view that a developed education programme is required in parallel with the introduction of the new guidance to ensure that the complexities and significance of the regulations and guidance are understood. This is particularly important in an area that has traditionally suffered from non-compliance. It is also noted that the Disability Access Certificate requirements of SI 351 2009 and the complexities of the proposed guidance will likely lead to delays in issue of regulatory certificates at a time when the industry as a whole will be at a crucial stage of recovery. Thus the support of a proactive and comprehensive education programme prior to introduction is suggested, even where this process may push out the introduction of the regulations.

2.0 Executive Summary

Our submission details our commentary on the proposed regulations and includes an item by item commentary on the Proposed Technical Guidance Document (see Appendix A)

Our main comments and suggestions are outlined below. Many of the comments are on a practicable level with a view to the control and regulation of the built environment in a holistic manner, to provide solutions compatibility with and taking note of other building regulation requirements. We would also hope that our suggestions will assist to improve the practical application of the regulations while maintaining the spirit of increased access envisaged by the amendments to the regulations. The Chartered Building Surveyor will be involved in ensuring that new standards are applied and ultimately will take responsibility for signing off projects with opinions of compliance. In this aspect it is essential that proposals are workable to ensure that the aims of the amendments are achieved.

We understand that the Building Regulation Advisory Body (BRAB) are to consider the amendments to the regulations. We would urge adequate time and resource is afforded to BRAB for proper consideration of the substantive amount of proposals in the amendments.

The table below summarises the main points of our submission.

Summary table - Main Points

Ref.	Comment	Suggestion
a	Transitional arrangements	Review dates and planning implications to provide realistic time frames (see 3.1 of this submission)
b	A very significant increase in the amount of guidance is proposed, in an area that traditionally has suffered from non compliance	Commitment to a nationwide comprehensive education programme prior to the introduction particularly given the link to the disability access certificate system and the need to avoid increased delays in the industry.
c	Prescriptive language used extensively	Review of guidance to introduce 'reasonable' and 'reasonably practicable' to assist in production of a workable document and thus avoid possible over prescriptive enforcement by some Local Authorities, which would not be in keeping with the spirit of the legislation. We would also urge a review to provide a range of dimensions where possible rather than a single prescriptive dimension.
d	<p>Application to existing buildings. Change of use provisions and application to existing buildings does not appear to have been developed. Current guidance would make some change of use developments unworkable with the resultant significant negative effect on the existing building stock and urban environment.</p> <p>Designing and construction of extensions to terraced buildings</p>	<p>Formal review of exiting building requirements. (e.g. converting a Georgian city centre building to a guest house). Either develop and include guidance to provide workable solutions or remove from this system and deal with outside the current proposal.</p> <p>Develop proposed guidance (in the technical guidance document) to address the situation of extending a terraced building where access through the existing building can not be achieved to the current standards as set out in the draft technical document e.g. Georgian terraced building in office use</p>
e	Consistency in guidance is required (e.g. ref 7 &8 in appendix A of this submission)	Review of proposed document to ensure consistency in dimensions
f	Inconsistency with other parts of the building regulations (e.g. ref 9 in appendix A of this submission)	Review to ensure consistency with other parts of the building regulations
g	Door opening forces	Carry out a technical review of the limits proposed in relation to door opening force requirement given

		the need for compliance with parts B & L of the current building regulations. Practical workable solutions must be proposed.
h	BS 8300	The proposals draw heavily on the BS 8300 guidance. The latest edition (i.e. BS 8300 2009) does not appear to have been referenced in some cases e.g. handrails, Vision panels to doors. Review to update as appropriate.
J	Specific comments	Review proposed Technical Guidance Document in light of the comments contained in the report

3.0 Proposed Building Regulation (Part M Amendment) Regulations 2009

This proposed statutory instrument will set out the functional requirements of the regulations, by amendment of previously issued regulations.

3.1 Commencement

The proposed implementation date is 1st July 2010. Given the complexities of the proposed guidance to these regulations and the separate but connected introduction of the Disability Access Certificate requirement we would question the lead in time. We would suggest that this is extended to allow a properly structured and formal education process of local authority personnel, designers and constructors. The aim of this process should be that all stakeholders, nationwide, are fully aware of what will be required.

While not strictly part of the proposed regulations we would raise the question of resourcing the Disability Access Certificate process in the local authorities around the country, as this connected process will have a significant impact on processing of compliance with the proposed regulation.

The transitional arrangements suggested are

- (a) "Where a planning application made on or before the 30th day of June 2010 for planning permission or approval pursuant to the Local Government (Planning and Development) Act 2000 and where substantial work has been completed by 30th day of June 2012".

We would question the time period allowed here as a planning application may well take 18 months or more to process where appeals are involved. This then leaves only 6 months for construction, which would not be adequate for larger schemes. It is clear that compliance with the new regulations could lead to changes in building form that have a planning impact both on plan and section, resulting in an expanded envelope. Either the time limit should be extended to, say 2015 (or indeed omit and rely on the withering of planning permissions after a five year period), or the alteration required by compliance be exempt from the planning process. To do otherwise would be to slow the entire system in an environment where streamlining the process is badly needed.

It is also noted that the construction industry is currently stalled with many projects only partly constructed. Completion of these buildings might only occur through the NAMA process and the 2012 time frame in unrealistic in this light. It maybe that dispensation from the requirements of the proposed amendments will become necessary for some of

these projects. We would suggest that the department reviews this element and developments a strategy to deal with the situation prior to introduction of the amendments.

- (b) This part refers to Part 8 developments by local authorities. Similar time scales are indicated.
- (c) The section references the Fire Safety Certificate Grant. In normal circumstances, this process follows that of planning. However, where this is not the case, similar comments as to (a) above apply where a grant might be appealed.

3.2 Application

The inclusion of 'M' in the material alteration definition seems of little additional benefit as virtually all works would be subject to a part B requirement (e.g. surface linings) in any case. However, it may be that the optic of including 'M' in the definition raises the profile of the new requirements, and we can see no objection to it.

Article 4 (2) now requires that 'Part M' shall apply to the building, where a material change of use as described in sub-paragraph 2 (b), (i), (ii), (iv), (vi), (vii), (viii) of this article apply. Hitherto fore, change of use was exempt.

The change of use referenced above are:

- (i) a day centre becomes so used as...
- (ii) a hotel, hostel or guest building, becomes so used...
- (iv) an institutional building becomes so used...
- (vi) a place of assembly becomes so used...
- (vii) a shop (which is not ancillary to the primary use of the building) becomes so used...
- (viii) a shopping centre becomes so used...

We have grave concerns over the introduction of the regulation and by implication the Draft Technical Guidance Document (practically the prima fascia compliance document that will be used by designers, constructors and enforcement authorities) and the effect that this will have on the viable use of the existing building stock, where change of use is proposed. In particular, urban centres and historic buildings will not lend themselves to such stringent upgrading, thereby limiting their use and potential commercial viability. Such viability is a central part of maintaining 'live' urban centres as is, for example, recognised in conservation practice and is a legitimate aim for the overall built environment.

While we recognise the need for increased levels of access to the existing building stock we would respectfully suggest that the process of applying new building standards to existing structure is not the process that should be employed. Either significant development of additional guidance in the existing proposals should be developed or a separate system of more appropriate standards should be developed. Given the time frame for implementation of the new Part 'M', this process could be separated from that now proposal.

3.3 Amendments to Second Schedule

The rephrasing of the second schedule to reference 'access' and omit 'people with disabilities' is consistent with current good practice and is to be welcomed.

It is noted that M1 extends to the facilities and environs of the building, a broader definition than before. In practice some differences as to the interpretation 'environs' may occur and perhaps this ought to be addressed in more detail in the Proposed Technical Guidance Document.

Development of guidance in relation to extensions is provided in our commentary on the proposed Technical Guidance Document.

The wording for M3 ought to be altered as it might suggest to some that the sanitary accommodation must be within the extension while what is actually meant is that sanitary conveniences shall be provided for people accommodated in the extension.

4.0 Draft technical Guidance Document M

There is a dramatic increases in the guidance proposed in the amended Technical Guidance Document M, running to some 72 pages of detailed and exacting requirements affecting all aspects of development e.g./ site layout, design, associated facilities and level of workmanship. The effect on designers, constructors and building control authorities will be significant and should be understood and appreciated by all concerned. Developments of proposals to ensure that this aim is achieved are strongly recommended in tandem with the regulations. While it is recognised that the technical guidance document is merely 'guidance' it will practically be the document used by the industry for compliance demonstration.

The proposed Technical Guidance Document M has been drafted from best international practice and this might usefully be recognised in the Technical Guidance Document (TGD 0.1 - rephrase 'minimum level of provision' to 'best international practice').

As mentioned earlier, development of guidance on existing buildings where change of use is proposed is sadly lacking and ought to be reviewed. We would also suggest development of guidance in relation to the extension of terraced building where access through the existing building is require to be upgraded, given the constraints that would apply e.g. the Georgian terraced building used as offices.

It is noted that 0.5 (c) references material alterations stating that 'alteration to features relevant to compliance with part M e.g. entrance, sanitary conveniences must comply with M1'. Clarity should be provided here as the requirement would only apply to actual works being carried out, provided no newer or greater contravention was being created. For example replacement of sanitary fittings themselves would not require redesign of the enclosing partitions whereas if the layout were being altered, the proposed new layout would need to comply.

Appendix A provides commentary on the proposed Technical guidance document

APPENDIX A
COMMENTARY ON PROPOSED TECHNICAL GUIDENCE DOCUMENT

ITEM No	TGD M REF - EXISTING	TGD M REF - PROPOSED	COMMENT
1	0.1 to 0.7	0.1 to 0.9 General	<p>General</p> <p>In general there is a move towards inclusive language, in accordance with international best practice</p> <p>See comments on the regulations regarding effect on existing buildings and material change of use.</p> <p>0.5(b) ought to be rephrased to ensure consistency between one line and the next i.e. to have sanitary conveniences in the extension or accessible in the existing building.</p> <p>0.9 – Please reference the possibility of management of the facility as being a compensating factor when dealing with existing buildings to allow some scope for continued live use and adaption particularly in the historic urban settings. Notwithstanding this please note our comments on change of use proposals in the existing building.</p>
2	Section 1a 1.1	Section 1 Access and use of buildings other than dwellings	
3		1.1.1 Objective	<p>New –</p> <p>The second (b) –does imply that for example outside landscaping, gardens and site works need to have compliant route to and from these areas</p>
4		1.1.2 Introduction	<p>New-</p> <p>A hierarchy of choice is introduced – where level access is not provided the solution will need to be justified. The phrase – where is ‘not possible’ is used. Arguable most things are possible at great expense and effort, but this should be balanced against the benefit gained – introduces the concept of ‘reasonably practicable’? As opposed to not Possible.</p> <p>Where 300mm rise and 1:20 or greater a stepped and sloped approach required a clarification on the previous guidance which is welcome</p>
5	1.2	1.1.3.1 (a -g) Access Route	<p>Significantly more guidance</p> <p>Slight difference in dimensions</p> <p>Separate pedestrian and vehicular routes – only where this in ‘unavoidable’ can they interface- interpretation of unavoidable could lead to problems – would the use of</p>

			<p>'reasonably practicable' be a better phrase i.e. a risk assessment approach where the cost is weighed by the benefit (similar to H&S legislation)</p> <p>Well lit – 100 lux on outside routes excessive – rephrase to min 20 lux with 100lux on ramps and steps (BS 8300)</p> <p>In (f) presumably the option here is slots of 13mm or gratings with max 18mm dia holes - clarify</p>
6	1.3	1.1.3.2 Level access routes	<p>New guidance on level access routes</p> <p>It is noted that guidance on the entrances required to be accessible is given in 1.2.1 and this should be referenced here.</p> <p>5mm over a 3m straight edge is a high standard – which will require significant workmanship in practice. Notwithstanding our comments previously on change of use would it too onerous on existing buildings to require this level of workmanship?</p> <p>1.5m wide (up from 1m) -0 significant design implications.</p>
7	1.4	1.1.3.3 Sloped access routes	<p>Comments as 1.1.3.2 above e.g. width up to 1.5m from 1m</p> <p>Landing length up to 1.2m from 1m (reduction in top landing from 1.5m to 1.2m)</p> <p>Larger intermediate landings (g) Min of 1.5m long with 1.2m between handrails? – Needs to be clarified – is this a <i>min</i> of 1.2m?</p>
8	1.5	1.1.3.4 Stepped access route	<p>Landings up to 1.2m from 1m</p> <p>Stairs min 1.2 wide with min 1m clear between handrails. Use one requirement or the other to avoid confusion.</p> <p>(g)No single steps – clarify that does not apply to escape doors which generally have a single step – would seem to be ok given that this section refers to stepped access route.</p> <p>(h) Revision of part k would also be required to allow this!</p> <p>(i)Retain the range of 50 – 75mm for marking to avoid being over prescriptive</p> <p>(l)Increase in allowable rise of a step.</p> <p>(q) please reference BS 8300 in slip resistance</p> <p>(s)100 lux is bright – reference from BS8300</p> <p>Diagram 3 – some options should be provided to avoid over prescription</p>
9	1.6	1.1.3.5 handrails	<p>Increase in height of handrail – conflict with part K means that handrails have to be 900 above pitch line. Adjustment required to allow some flexibility</p>

			<p>General note: there are a lot of prescriptive dimensions e.g. 50mm. please allow a range of measurements to avoid over prescriptive guidance. e.g. handrail</p> <p>Update guidance to that of BS8300 2009</p>
10		1.1.4 Pedestrian crossings	<p>New</p> <p>'In accordance with roads and street design' - ?</p> <p>What standards should be referenced?</p>
11		1.1.5 On site car parking	<p>New</p> <p>(i) Spaces within 50m of entrance will provide some restrictions on site layout and form. Might simply not be achievable in existing buildings</p> <p>(f) The 2.6m height requirement will have a particular effect on urban settings and congested sites where underground parking is the only option, not only in depths of basements but also lengths of access ramps</p> <p>Notwithstanding our comments on change of use provisions, guidance on existing buildings is required i.e. 2.6m height might not be achievable in an existing building scenario.</p> <p>(j) please define 'access zone' and review the 3mm under a 1m straight edge to ensure that this does not unintentionally lead to slippery surfaces</p>
12		1.1.6 Set down areas	<p>Again fundamental changes to design and layouts of sites</p> <p>As for 1.1.5 in the case of existing building, site constraints may make this impossible – another example of how the proposed regulations are not compatible with change of use</p>
13		Section 1.2 Access to buildings	<p>Note header to page is incorrect</p>
14		1.2.1 Objective	<p>Additional entrance requirements. It be would more accurate to have the phrase reasonable practicable rather than practicable in the last paragraph.</p>
15	1.7	1.2.2 Accessible entrance	<p>1.5m x 1.5m landing in front of door</p>
16		1.2.3 Accessible entrance doors	<p>Widths of doors now take account of ironmongery</p> <p>Large 1000 wide doors for public use – actual leaf of 1060 - 1100 assuming ironmongery is clear of opening. Larger doors will necessitate thicker heavier construction, allied with part L air tightness standards and self closing normally used – unlikely that the 20n force (1.2.3.1) at the leading edge could open this door. A realistic assessment along with appropriate testing to ensure compatibility with other guidance is required, should be developed and appropriate changes made prior to issue of the TGD M. the requirement</p>

			needs to be workable. Clarity on door ironmongery that is cold to the touch? – please reference BS 8300
17	1.8	1.2.4	Size significantly larger (e) where columns or boxings of more than 100mm are located in the corners the requirement for guarding should not be required- alter wording
18		Section 1.3, 1.3.1 Circulation within the building	
19		1.3.2 introduction	Second paragraph is inconsistent with fourth paragraph – please clarify Lifts in all multi storey buildings plus ambulant stairs is a significant increase in the requirements Changes in level requiring passenger lifts or ramps Impact on existing building where change of use provisions apply may make this impracticable / not viable
20		1.3.3.1 Entrance and reception	New Located away from the main entrance – reception area by their purpose require to be close to the main entrance – rewording required. Implications on counter design, provision of induction loops
21	1.9	1.3.3.2 Internal doors	Wholesale provision of hold open systems does provide some conflict with life safety issues under part B. While hold open systems can be useful in some circumstances, their use when not required, from a fire point of view, adds additional risk to smoke migration e.g. items placed in swing of door, defective closing devices etc. suggest that the guidance is altered. Review of the 20N requirement should be under taken with technical examination of forces required for fire safety i.e. life safety should take precedence Some very detailed requirements for doors which will require general industry adjustment.

22	1.10	1.3.3.3 Corridors and passageways	<p>(a) Provision of visually contrasting rails for small projections seems onerous. Contrasting colour / lighting to be used as an alternative / provide guidance on allowable projection depth.</p> <p>Could guidance in relation to ‘reasonable intervals’ be given – say 20m as per a point (n).</p> <p>At item (h) remove ‘or escape route’ as a corridor will likely be one, even it only served sanitary accommodation.</p> <p>(m) adequately lit – define or insert ‘appropriately lit as recommended by general electrical design parameters’</p>
23	1.11	1.3.3.4 Internal lobbies	Significantly larger
24	1.12 1.13	1.3.4 lifts	<p>Noted that both ambulant stairs and lifts now required – thus additional expense and space necessary. In existing buildings this might simply not be achievable (change of use conditions)</p> <p>‘Net floor’ area needs to be inserted in the first bullet point</p> <p>Specific reference to SHaWaW regulations may become quickly outdated</p> <p>While the provision of alternative lifting devices in existing buildings is welcome, please refer to comments elsewhere regarding application of the regulations to existing building.</p>
25	1.14	1.3.4.2 Internal Stairs for people with ambulant disability	<p>(a) Merely references back to earlier. Given importance of these stairs and their dimensional requirements – provision of accompanying diagrams and text should be provided</p> <p>(b) please clarify that the 1.8m landing is not required in the exceptional circumstance; not clear from the wording</p> <p>There is no reference to existing buildings where ambulant stairs can not be provided.</p>
26		1.3.4.3 Internal slopes	New Comments as previously for handrails
27		1.3.4.4 Handrails	Needs to be clarified that this only applies to ambulant stairs.
28		1.4 SANITARY CONVENIENCES 1.4.1 objective	Position of guidance moved

29	2.1	1.4.2 Provision	<p>Second paragraph states that this is not a requirement creating document yet the following paragraphs provide specific requirements! Significantly larger toilets where WHB provided</p> <p>(b) should be clarified with 'at different location after '...sanitary facilities' on the first line (e) Some guidance on 'enlarged cubicles' is required – please reference 1.4.5.3. (h) 'equal numbers' should be re-phrased to 'a combination of' – otherwise only even numbers of facilities can be provided!</p>
30		1.4.3 general	<p>(i) significant additional electrical works for visual warnings (l) 200-300 lux – glare – needs review Note detailed provisions from 'a' to 'y' will require attention to detail</p> <p>Where only one disabled wc min size of 2.0 x 2.2 to include a whb (previous 1.5 x 2)</p>
31		1.4.4 Wheelchair accessible unisex wc	<p>Note the significant size increase particularly for the 1.8m turning circle version</p> <p>Requirement also introduced for maximum distance to toilets – 40 m</p>
32		1.4.5 Cubicles	<p>Min sizes for standard cubicles</p> <p>Size for ambulant slightly increased – where separate sex accommodation provided at least one to be provided – presumably to each sex area</p> <p>New enlarged cubicles – where four or more WCs in separate sex accommodation one needs to be enlarged</p>
33		1.4.6 Accessible urinals	<p>New Space requirement to be meet At least one where separate sex accommodation provided with low level WHB – again additional space requirements</p>
34	2.7	1.4.7 Accessible bathrooms	<p>1 in every 20 bedrooms</p> <p>2.4 x 2.5m up from 2.5 x 2.0m</p>
35		1.4.8 Changing / shower facilities	<p>2.2 x 2.0m area required</p> <p>Required in sports facilities, leisure centers etc</p>
36	1.17	1.5 FACILITIED	Much expanded sections

		IN BUILDINGS 1.5.2 & 1.5.2	Noted that the option of having the same range of services and facilities on a level that is accessible where a building has changes of level is no longer available – ref 1.3.2 fourth paragraph. However notwithstanding this concessions are made here for audience and spectator facilities. 1 in 20 bedrooms to be accessible is as per current guidance, however the size of ensuites/ bedrooms are larger
37		1.5.3 Audience and spectator facilities	New detailed provisions on audience and spectator facilities
38		1.5.4 Refreshments facilities	New detailed provisions for refreshment facilities
39		1.5.5 Sleeping accommodation	Increased door size Visual fire alarm warning 180 degree swing to wardrobe doors other detailed requirements
40		1.5.6 switched, outlets and controls	14 detailed provisions
41		1.6 Aids to communication	New requirements detailing signage, visual contrast and lighting will have a significant effect on internal design
42		SECTION 2 ACCESS AND USE OF DWELLINGS	
43	1.21	2.1.1 Objective	Some additional clarification on point of access is provided
44	1.21	2.1.2 Access route to dwelling	Reduction in allowable length of sloped approach with out landing reduced from 6 to 5m for 1:12 slope. A requirement of 1.2m length for landings is introduced. Driveway and access route width increased to 3.6 from 3m. consider if this is excessive as practically it will lead to no soft landscaping in a terrace of housing with significant visual environment effects min kerb height raised to 100mm Stepped entrance allowed only in certain conditions similar to existing provisions – width up to 900 from 800mm
45		2,2 Access to dwellings	

46		2.2.1 Objective	Entrance is the main entrance unless not practicable
47		2.2.2 Accessibility entrance	Entrance door width up to 800 from 775
48		2.3 Circulation within building	
49		2.3.1 objective	
50		2.3.2 circulation within building	<p>Reduction in corridor width by projections increased to 800 from 770</p> <p>Stairs leading up to habitable accommodation from level that has no habitable accommodation now min 900 clear (previously 800mm) - why is this change needed, please review, going also increased to 280 – This could be a misprint given previous amendment to existing TGD i.e. should this be 250?</p> <p>Clarify corridor width in duplex units with entrance levels above ground floor – i.e. no wheelchair access to these buildings therefore do corridors have to be of wheelchair standard.</p>
51		2.4 Sanitary conveniences	
52		2.4.1 Objective	
53		2.4.2 Accessible WC	<p>Min head height of 2.1m introduced</p> <p>Please provide some guidance for the duplex apartment that is not accessed at ground level. There is no wheelchair access to these types of units and therefore the accessible WC requirement ought to be for ambulant only.</p>
54		2.4.3 small dwelling wc	Min head height of 2.1 introduced
55		2.5 Switches and sockets	New guidance introduced