

LABC Technical Guidance Note



Subject : **GUIDE TO VERTICAL CIRCULATION IN NON DOMESTIC BUILDINGS**

Date : November 09 Ref No: Revision : E

Purpose

LABC technical guidance notes are for the benefit of it's members, to provide information, promote good practice and encourage consistency of interpretation for the benefit of our clients. They are advisory in nature, and in all cases the responsibility for determining compliance with the Building Regulations remains with the Local Authority concerned.

This guidance note is based upon information available at the time of issue and may be subject to change. The Approved Documents should be consulted for full details in any particular case.

Introduction

Disability equality legislation together with other equalities legislation has moved forward significantly in recent years and access to the built environment in new and altered buildings has been included in the Building Regulations since 1985.

The aim of the regulations and the supporting Approved Document M is to make new and altered buildings accessible to all people including those with disabilities in order to help meet the ongoing requirements of the Disability Discrimination Act for access to buildings, services and employment.

Whilst the requirement of the Regulations is for "reasonable provision to be made for people to gain access to and use the building and its facilities", Approved Document M is very clear in recommending a lift in all buildings of two storeys or more to provide inclusive vertical circulation for all of a buildings users. As such every effort should be made to provide means of access that allows a person with ambulatory difficulties to move between different storeys of a building.

Key Issues

One of the areas that has given rise to differing interpretation is the requirement to provide a lift in a building.

The guidance in this document is intended to help achieve more consistency in making a decision as to when it would be reasonable to accept lesser provision than a full passenger lift.

It is important to consider the ramifications of not providing a lift in relation to equalities issues around employability and the potential discrimination that may result. Floor area, occupancy levels and the height of the building are also significant factors, but other factors such as those discussed below also need to be considered before reaching a conclusion using Appendix A.

It is the intention of Part M of the Building Regulations to make the built environment accessible to all whether to access employment opportunities, goods or services or to maintain their independence. Therefore, the provision of a lift must be seen as the main solution for vertical travel.

Given the guidance in Approved Document M 2000 does not include a floor area to be accessed when considering the provision of a lift, it is important to recognise that whilst the provision of a passenger lift (or, in certain situations a lifting platform) is the recommended option, the requirement of Part M is to achieve a reasonable level of provision, and this can be achieved in a variety of ways.

Each application should be looked at on a case by case basis and judged on its merits as each situation will be different. This is one of the main reasons why the concept of Access Statements was introduced in 2006. It is an opportunity for a designer to give a reasoned argument as to why a different standard of access would be sufficient in a given case, that may utilise alternative approaches to achieve compliance with Part M. The case put forward for not needing lift access to other storeys should be robust and use sound defensible arguments.

The obligations of employers and service providers under the DDA (Disability Discrimination Acts) should be pointed out to designers wishing to submit Access Statements that do not propose fully accessible buildings.

Meeting the requirements of Part M

In new buildings, it is anticipated that designers will, other than in exceptional cases, meet the requirements of the Building Regulations by following the guidance in approved Document M.

In existing or extended buildings it is more likely that a case will be put forward for not meeting the requirements for full accessibility. This is why, whilst ascertaining what is reasonable in the circumstances of each case must be looked at, it must be remembered that it is the intention of the Building Regulations that all new buildings and existing non-domestic buildings that are materially altered or extended are accessible to all.

Inevitably there will be occasions when reduced standards that are supported by Access Statements will be considered reasonable. These projects may relate to small-scale developments for example, where there may not be adequate space for a full passenger lift, and a platform lift or some alternative solution may be suggested.

In deciding if a proposal is reasonable, the use of the building must be taken into consideration. If no public access is required on upper or lower floors and it can be demonstrated that the work activity precludes people with disabilities through a reasoned Access Statement, the provision of a full passenger lift may be considered unreasonable. However, this type of decision cannot be made without knowing the building occupier and usage. The business use of a building can change and this is a consideration that may influence the final decision as to whether a lift is provided or not.

The section that follows gives a number of factors that can influence the provision of a lift or the type of lift that would be considered reasonable.

For instance:

- Access is to one or two floors only and the area is limited
- Occupancy/floor space factors are low
- The building does not exceed 3 storeys
- Floor space does not contain a unique facility
- The constraints of the building, particularly if it is of historic interest
- Means of escape provision may not be achieved due to floor space/layout constraints
- Members of the public are not permitted on the floor
- Nature of business precludes the use of persons with significant ambulatory difficulties
- Provision has been made for easy installation of a lift in the future
- There is effective full time management in place
- The cost of a passenger lift in relation to the overall project cost is high

Remember

- The first decision you should make is whether it is considered that the provision of a lift is unreasonable. You may then go on to consider what other measures could be introduced.
- The initial decision must be fully defensible under the DDA and other legislation.
- Whatever form of access is provided to floors above or below the ground floor, an ambulant disabled staircase should always be provided.
- This guidance is not exhaustive because each case will differ in the usage, occupancy, management arrangements and other material factors. It merely gives guidance for consideration of particular situations.

Factors to be considered when deciding on the provision of lifts

In new buildings there is an “expectation” that a lift will be provided, but there may be circumstances where a reduced standard is acceptable, for instance in small, low rise buildings, or parts of buildings with low occupancy factors.

Similarly this may apply to extensions and material changes of use of buildings.

The requirement is for “reasonable” provision to be made for people to gain access to and use the building and its facilities. This allows for a variation of the requirements in cases where the provision of a lift might be considered unduly onerous.

A reducing standard could be applied to access upper or lower floor levels in the following manner, i.e.:-

- Full passenger lift plus at least one ambulant disabled stair (Ideal)
- Platform lift or access to a goods lift plus at least one ambulant disabled stair
- Wheelchair platform stair-lift plus at least one ambulant disabled stair
- Single folding seat stair-lift plus at least one ambulant disabled stair
- At least one ambulant disabled stair or ramp (Minimum)
- At least one ambulant disabled stair and allowance for a future lift

In each case where a full passenger lift is not to be installed, the “Access Statement” should state the reasons why, and include what other facilities are being provided.

Whilst a small floor area or low occupancy may be a major reason why the provision of a lift is not reasonable, any judgment should not be made solely on these factors, as there may be other over-riding reasons to require a lift.

If after reasoned deliberation it is decided not to install a lift, provision for easy installation in the future should be considered. Whilst a building may be considered too small for a lift at present, if it is later extended, the requirement for a lift may apply and therefore a future installation through a removable section of floor in a suitable location would be a clear advantage. This circumstance may only be relevant where the use of the floor to be accessed is limited and the business process would tend to suggest that an individual either would not need to access the floor in question or could not be employed at that level due to the nature of the business.

Any future change in the use of a building could utilise any structural openings in the floor to install an appropriate lifting mechanism. At all times it is important to consider whether the lack of any mechanical vertical circulation will prejudice any of the buildings users or occupants.

The provision of at least one ambulant disabled stair is considered to be the minimum standard of accessibility for the purposes of this document, in addition to whatever other method of vertical circulation is provided.

In all cases a combination of the following will be required to justify not providing a full passenger lift. However, additional facilities or guidance or signage etc may be required where a full passenger lift is not provided.

The following are considerations that should be taken into account when dealing with vertical circulation within new or altered buildings:

Occupancy and Use of level being served

- The use of the building or part of the building – Limiting/not permitting access for public should not limit/prohibit access for employment use
- Occupancy numbers/floor space is low
- Height of Building and/or number of storeys is low (i.e. less than 3 storeys)
- The size of the building or floor area is small (i.e. less than 100m² per floor, excluding stair core).
- There is provision for the service/unique facility or opportunity for employment elsewhere in the building/complex under the same management
- Starting point should be the provision of a full passenger lift

Design Factors

- Space constraints of a site or unusual/irregular plan layout may limit provision of lift
- Nature or function of building
- Listed Building constraints prevent major structural changes
- All of the “unique facilities” and an accessible WC could be provided at an accessible level
- There are practical constraints in the design
- The cost of a lift in relation to the scheme cost/viability is high
- Bearing in mind potential change of use of building the provision of a floor cut out would allow for the future provision of a lifting device as the use requires

Management arrangements

- Management arrangements are in place to cater for disabled employees and visitors
- The provision of certain types of lifting devices may restrict means of escape routes i.e. stair lifts and adversely affect compliance with a safety requirement

Conclusion

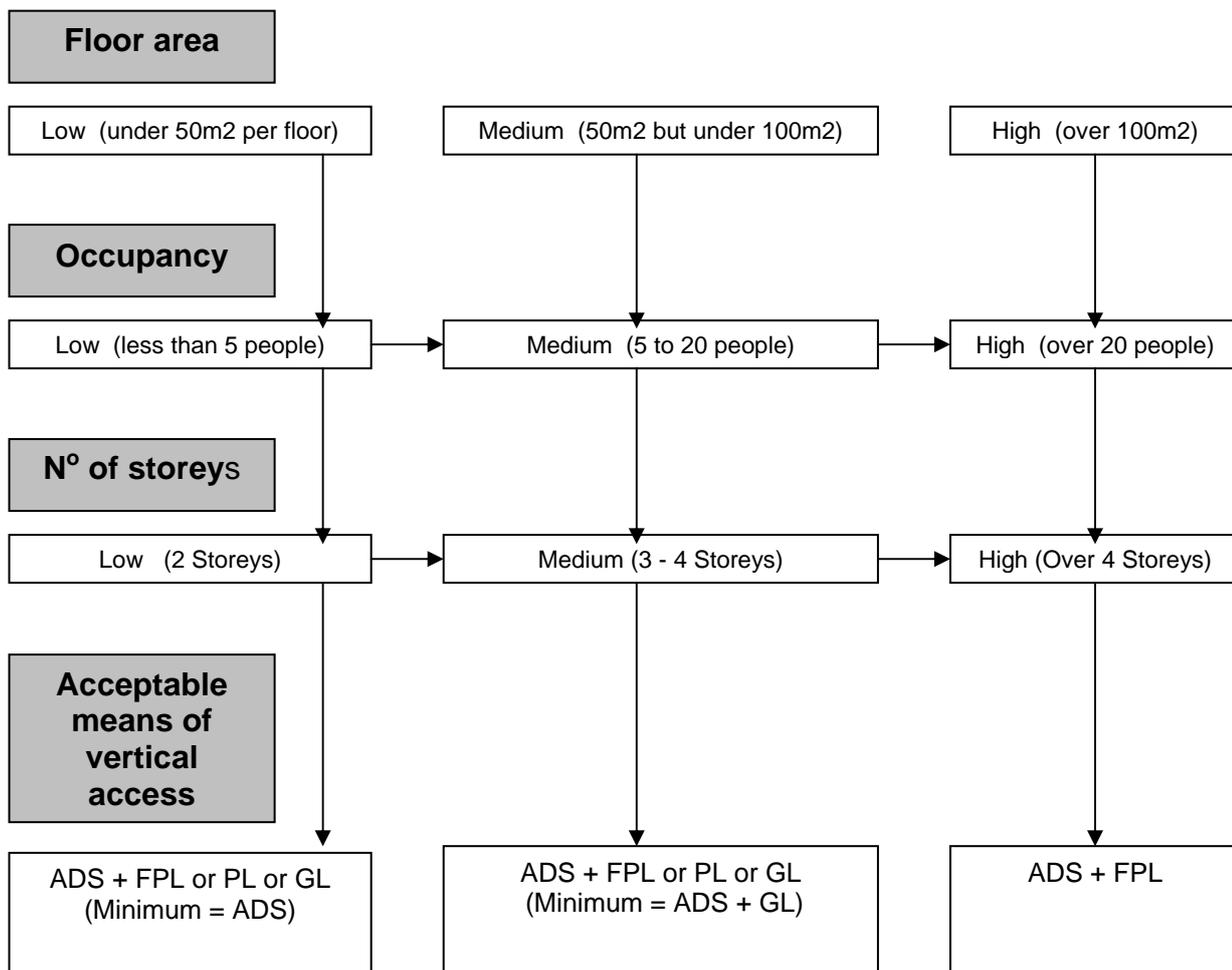
It is important to bear other aspects in mind when considering a reduced level of access in order not to reduce the effectiveness or ongoing viability of the building or service and not to create a legally indefensible position for the designer, building owner or the service provider.

These should include:-

- The ongoing duties and requirements of the Disability Discrimination Act and other equality legislation
- Corporate policies or planning standards within the relevant local Council
- Loss of, or reduced Public/Government grant funding for the business or service
- Achievement of an ‘Inclusive’ design and equality of access to employment and services
- Versatility in the current and future uses of the building
- Not restricting employment opportunities for people with ambulatory disabilities
- The decision being overturned by the Department for Communities and Local Government on determination or appeal

APPENDIX A - MEANS OF VERTICAL CIRCULATION IN NON DOMESTIC BUILDINGS

Starting Point: Provide Full passenger lift OR consider following parameters



When using the flowchart, where any of the 3 factors of floor area, occupancy or number of storeys moves from low to medium or medium to high then the higher minimum requirement should be applied

Key to types of lift/means of access

FPL = Full passenger lift,
PL = Platform Lift,
GL = Use of goods lift,
ADS = Ambulant disabled stairs

Notes:

1. Floor areas slightly greater than 100m² may be acceptable in certain circumstances as justified in the access statement
2. The use of a goods lift should only be considered where there is no danger to the user at the points of access or egress, the controls are in accordance with ADM, and assistance or a call alarm is available.
3. Single seat stair-lifts and wheelchair stair-lifts may be used where the total rise is one storey or less and the width of the stairs is such that they do not impede means of escape.
4. When considering the type of lift provision, the additional influencing factors shown in the guide should be considered as well.
5. Whilst the above are the minimum lift provision, the aim should be to use the best possible means of access available given the constraints of the building, and therefore a higher level of provision is always preferable.