Disability Access Certificates

Designer’s Perspective & Part M 2010

Irish Building Control Conference
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Context

FR 2011 presentation to IBCI:

• 1996 a Strategy for Equality

• 2005 NDA Survey

• 2005 National Disability Strategy
  - Disability Access Certificates

• Building Control Legislation
  • Building Control Act 2007
  • Building Control Regulations 2009

• International Obligations
  • UN Convention on Rights of Persons with Disabilities 2006
  • EU Disability Strategy 2010 – 2020

• Perceptions of Disability
Application to various building types
Personal Experience

- Development of designs over past 20 years related to people with disabilities
- Universal design: provide access for all
- One size does not fit all
- Accessibility Task Force
- RIAI CPD seminars with FR to try an develop a way of preparing and presenting DAC applications
- Local Government Management Services Board guidance on applying for a DAC
- Recent DAC applications for health care buildings, schools, protected structures and commercial buildings
Inclusive Design
Reichstag
TGD 2010 – Impact on Design

• Access for all – wider scope

• One size to fit all?

• External Environment

• Sensory impairments

• Designing to increased dimensions-
  • Turning spaces
  • Corridors
  • Lobbies
  • Steps & Stairs
  • Ramps / Gentle slopes
  • Doors

• More to demonstrate compliance than M 2000
DAC applications:

• What is required for a DAC application?
• How far do you have to go to demonstrate compliance?
• What to include and how to present?
• Building Control Regulation Requirements
• DoE and Local Authority Guidance
• Drawings and Access Report
DAC applications

• What have we learnt to date?
• Difference in applying under Part M 2000 and 2010
• Access and use for all people
• Format of applications
• Report
• Drawings
DAC Symbols for drawings

- **Site Outlined in Red**
- **Clear Door Opening Widths**
- **800mm Min. Clear Opening Width on At Least One Door Leaf of Double Doors**
- **Doors with Hold Open Devices Shown Red**
- **800mm Min. Clear Door Width and 1000mm Min. At Main Ext. Doors**
- **300mm Min. Clear Space at Door Leading Edge**
- **Travel Distance**
- **1.5m Diameter Clear Space**
- **1.8m Diameter Clear Space**
- **450mm Min. Diam. Clear Space**
- **Wheelchair Space**
- **Unisex Wheelchair Accessible WC**
- **Wheelchair Accessible Shower and Toilet**
- **WC for Ambulant Disabled People with Grab Rails**
- **Lift with Clear Opening Door Width 800mm Min.**
- **Area Not Accessible**
- **Protective Barrier**
- **Manifestation**
- **Tactile Hazard Warning**
- **Baby Change**
- **Refuge Space**
- **Emergency Call**
- **Access Control Panel**
- **Assistive Hearing Device / System**
- **Vehicular Entrance / Exit**
- **Entrance and Exit**
- **Access to Store/Plant Service Entrance**
- **Exit Only**
- **Pedestrian Access Routes**
- **Pedestrian Entrance**
- **Protective Barrier**
- **Manifestations - Two Rows to Glazed Doors and Screens @ 850 - 1000mm and 1400 - 1800mm Above FFL**
DAC Report

- TGD provides framework
- Tick-box format - pros and cons
- “Paralysis by Analysis”
- LGMSB format
- Cork County format: Statement of compliance with relevant sections of TGD followed by “Particular Information” headings
- Helpful if designers know what BCA expects
• Is it a good idea to have minimum standards rather than best practice?
• Rigid application of TGD
• Is TGD the gospel?
• Other guidance
• What does the BCA expect?
• Different interpretations
1.1.3.3 Gently sloped access routes

1.8x1.8m intermediate landings if:
• wheelchair user cannot see from one end of slope to another or
• there are 3 flights or more
Section 1.1 – Approach to Buildings other than Dwellings

1.1.3.4 Ramped access routes
Section 1.1 – Approach to Buildings other than Dwellings

1.1.3.5(g) Stepped access routes
Section 1.2 – Access to Buildings other than Dwellings

1.2.5 Entrance lobbies
Section 2.3 – Circulation within existing buildings other than Dwellings

(c) where not practicable to provide dimensions at top & bottom landing in 1.3.4.4 make large as possible but 1.5 x1.5m. min. and length =1.3m.min. + clear of door swings where door opens onto landing

(d) where not practicable to provide length of intermediate landing in 1.3.4.4 make long as possible but 1.0m. min. long + clear of door swings
External Steps

TGD:

• Non-dwelling between 150 and 180mm

• Dwellings between 100 and 150mm

• Would not suit many people with Arthritis

75mm steps
Section 1.3.4.3(j) – Tapered threads and open risers
Open risers
Hazards
Innovation v. hazard?

Challenge for visually impaired
Manifestations
When is a DAC required?

BC Regulations Part III 11(1) describes what works a require FSC

Part IIIB 20D ties a DAC/FSC

Problems with small works

Problems with existing buildings
Fire Safety Certificates

11. (1) Subject to sub-article (2) and articles 3 and 6, this Part applies to—

(a) works in connection with the design and construction of a new building,

(b) works in connection with the material alteration of—
   (i) a day centre,
   (ii) a building containing a flat,
   (iii) a hotel, hostel or guest building, or
   (iv) an institutional building, or
   (v) a place of assembly, or
   (vi) a shopping centre,
   but excluding works to such buildings, consisting solely of minor works,

(c) works in connection with the material alteration of a shop, office or industrial building where —
   (i) additional floor area is being provided within the existing building, or
   (ii) the building is being subdivided into a number of units for separate occupancy,

(d) works in connection with the extension of a building by more than 25 square metres,
25 sq.m. Exemption

• What is the purpose of it?
• When can it be used?
• Application of 11(1)(b) and (e)
• Example creche
• Small works
Extension to a Local Day Care Centre

- Extension under 25 sq.m.
Extension to a Local Day Care Centre

PROPOSED FLOOR PLAN
PROPOSED WORKS

PROPOSED EXTENSION
GROSS FLOOR AREA
15.8 sqm

KITCHEN
LIVING ROOM
ACTIVITY ROOM
HALL
OFFICE

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IBCI March 2012
The Process in Practice

Inconsistencies in the system

Dept. of Environment - Guidance & FAQs
Different interpretations by various BCAs

- Certification
- Notifications
- DACs and Planning Permission
- Conditions
- Commencement / 7 Day Notices
- Validations
- Pre-application consultation
- No Regularisation Certificate
- Appeals
Certification

One BCA requires the Applicant, not the agent, to certify drawings and that every drawing be signed stating:

“The certification may use the words “This information accurately represents both the existing position and my/our intentions /commitment to comply with Part M of the Building Regulations” and be signed and dated by the applicant.”

DOE advise

- What is required is that the drawings are signed by a qualified professional.
- Professional’s stamp/ title block/ signature should be sufficient.
- No wording is required
One BCA is insisting that notification be only addressed to the Applicant, not the agent:

- Causing all kinds of administrative difficulties for Applicants/Agents
- DACs issued where Agent not aware
- Example of one sent to a school during summer holidays
- Applicants want Agents to advise
- Notification should be sent to Agent if requested.
DACs (all applied for on same day) issued recently for 8 schools all stating that “they would comply with Part M of the Second Schedule to the Building Regulations…..”

Athlone Town Co.&
Leitrim Co. Co.: … 1997 to 2008

Limerick Co. Co.&
Wexford Co. Co.
Galway Co. Co.: … 1997 to 2009

Donegal Co. Co.: … 1997 to 2010

Westmeath Co. Co. … 1997 to 2011
Recent cases where DACs and Planning Permissions issued where the Planning Office inserted conditions requiring changes / additions related to accessibility which were not picked up in the DAC applications:

Access is also a planning issue and Departments within LAs should be speaking to each other
DACs and Planning Permissions

Example 1

DAC issued with no conditions before PP was granted.

PP included conditions:
• Travel distance to main entrance too long and to be revised
• Separate bus set down not acceptable on an incline

Example 2

DAC and PP applied for at same time for large secondary school

PP included a condition:
• Requiring the addition of 2 additional changing rooms to the sports facilities.
Conditions

- Better if no conditions – follow up procedure?
- Pre-consultation meetings could avoid conditions
- Appeal required to remove condition(s) – takes too long
Part Gr. floor Plan

Refer to section B.2.1 of report with respect to D02
DAC granted with a condition to include a platform lift

Time pressure:

1. Applied for Revised DAC instead of appeal asking for BCA to reconsider condition for platform lift.

2. Submitted detailed reasons asking that the condition requiring the platform lift be either omitted or altered so that the platform lift would be installed when the adjoining building was refurbished.
Decision: BCA invalidated application for RDAC

Reasons:

1. No revision to the original scheme, as submitted, has been proposed.

2. Revised plans were not submitted.

3. No alternative proposals or arrangements were submitted to provide access in lieu of the platform lift

Lesson: appeal to An Bord Pleanala next time.
Commencement Notice

• Confusion:

• Can work start before DAC issued?

• DoE advised yes but building cannot be opened, occupied or used until DAC obtained.
Validations / Regularisation

- Some BCAs validate on receipt of applications
- Others take the best part of 2 months
- Lack of Regularisation
 Appeals

- 6 ABP decisions up this time last year

- 30 valid appeals to date
  - 5 of which withdrawn before ABP decision
  - 26 out of 30 within Dublin City Council area

- Most appeals have been allowed with conditions removed or altered

- **APB approach to assessing appeals**
  - pragmatic
  - circumstances of each case
  - consistency?

- **APB has been more lenient in some cases**
  - where the BCA requirements were considered disproportionate to the scale of the application
Case 1: Material Alterations & Change of Use

Reduce retail unit at GF and change to 3 en-suite bedrooms in existing 4 storey Protected Structure in which existing 1st and 2nd floors are in hostel use

BCA Decision
Grant with 9 Conditions

Appeal
4 Conditions

APB Decision
Remove 1 Condition and part of another Condition
Amend remaining Conditions
Case 1: Material Alterations & Change of Use

**Conditions Removed:**
- Provide lift access from GF to 1\(^{st}\) F
- Provide 1800mm wide corridors @ GF level

Reason: Disproportionate requirement having regard to the limited nature of development…in a Protected Structure where all current bedroom accommodation is located at 1\(^{st}\) & 2\(^{nd}\) floors in constricted layout with no lift access.

**Conditions Amended:**
- Provide 1 no. Accessible bedroom at GF instead of 2
- Provide accessible bath/shower off accessible bedroom
- Provide emergency assistance alarm to accessible bath/shower as per 9.3.7.2 BS 8300:2009 with additional alarm indicator sited at reception area.
- Communications with reception facilities and door release shall be available electronically.
Case 2: Extension to Primary School

2 storey extension adjacent to main entrance of a 2 storey of 17 classroom primary school with material alterations. Proposed extension consists of two offices @ GF and one classroom @1st F

BCA Decision
Grant with 15 Conditions

Appeal
1 Condition (requiring provision of a lift).

APB Decision
Appeal allowed
Amended other conditions which were not appealed

“Modest scope of additional development… therefore providing a lift would not be reasonable or proportionate and would not be required to satisfy the requirements of the Building Regulations.”
Case 3: New Building at Dublin Zoo

2 storey new Horticultural Building within service area which contained other staff facility buildings. 1st F to be used for an office and WC, showers & lockers as overflow facilities for seasonal workers with access by stairs.

BCA Decision
Grant with 7 Conditions

Appeal
1 Condition (requiring provision of fully accessible toilet, shower and changing facility and lockers @ GF).

APB Decision
Appeal allowed
Remove appealed Condition and another Condition (there was no requirement to submit amended drawings to BCA after a DAC has been issued)
Case studies
Approach to Dwellings
Unreasonable
Result – an eyesore
Case Study - Residential Care
Residential Care

Applicant specific requirements?
Case Study - Reasonable Provision for Future?

Multi storey
Case Study - Reasonable Provision for Future?

Multi storey
Case Study - Reasonable Provision for Future?

Multi storey

Layout

Sycamore Street
New Build 2 storey day nursery
New Build 2 storey day nursery
New Build 2 storey day nursery

GF - DAC application
New Build 2 storey day nursery

FF - DAC application
New Build 2 storey day nursery DAC

DAC with 16 Conditions: 5 related to matters outside the red line i.e. landlord responsibility

**Condition 7**
At least one fully accessible toilet or hygiene room with wc to suit disabled children shall be provided on each floor (with alternate left and right transfer options if relevant). The heights, locations, proximities, etc. of wc pans, grab rails, whbs, toilet paper dispensers, drying facilities, etc. to suit children. The guidance given in Building Bulletin 102 “Designing for Disabled Children and Children with Special Needs” published by the UK Department for Children, Schools & Families (Section 10d) may be used.

**Condition 14**
The retractable partition separating Classrooms 1 & 2 to be capable of being opened and closed remotely and any controls associated with the operation to be conveniently located (Guidance in 10.5 – 10.5.2 of BS8300:2009 may be used). When the opening and closing process is in operation an audible and visual warning to be provided.
New Build 2 storey day nursery

GF - revised to comply with conditions
New Build 2 storey day nursery

FF - revised to comply with conditions
Challenges for Existing Buildings

• Building stock will deteriorate if they cannot be put to reasonable use.

• Upper floors of town centre buildings under utilised

• Change of use - onerous implications
Challenges for Existing Buildings

Hidden “Dutch Billy”

Value of joint meeting
Conservation, Planning
and BC officers

Material alterations

Implications for future
Challenges for Existing Buildings
Challenges for Existing Buildings
Use of existing housing

- Problem for housing associations / charities

- Policy to provide regular family homes in community rather than institutional care.

- Exemption under Planning but not under Building Control Regulations.

- Residences = Institutional buildings

- Cost of refurbishment and extension of institutional residence more than private
Private house
Improvements

• Designers and Building Control Officers working together

• Forum for sharing knowledge?

• Panel of experts / advisory service for quick opinions

• Agreement on level of information required by BCAs

• Standard format nationwide?
Thank you