

## ACCESS FOR ALL.

Part M has been around since 1985 requiring that all new non-domestic schemes and major extensions are fully disabled accessible and that disabled persons facilities are provided.

More recently these disabled access / facilities requirements were also extended to new dwelling houses requiring ramped access, wide doors and corridors, an accessible WC and suitability positioned switches and sockets. All aiming to enable occupants with disabilities to cope better with reducing mobility and to 'stay put' longer in their homes.

### From 1<sup>st</sup> May 2004 major changes are to be introduced to Part M.

The biggest changes are that reference to disabled people has been dropped in the documents title, which now becomes '**ACCESS TO AND USE OF BUILDINGS**'.

Part M Buildings should be accessible and usable for people regardless of disability, age or gender who should be able to (a) gain access to buildings and within buildings and use their facilities, both as visitors and as people who live or work in them. The needs of disabled people are encompassed in these requirements, as well as those people for example experiencing a temporary impairment of mobility.

Requirements now also extend to *non-domestic extensions*.

The new Part M has been adjusted to reflect major documentation and legislation changes covering access provisions – namely:

**Disability Discrimination Act 1995 and the Disability Discrimination (employment) Regulations 1996. (See below)**

And

**British Standard 8300 - Guidance on good practice in the design of domestic and non-domestic buildings & their approaches, so that they are convenient to use by disabled persons.**

Approved document M is based on the guidance in BS8300 and is complementary to it – although BS8300 contains much more additional material. There are some variations between BS8300 and Approved Document M – **Approved Document M overrides some good guidance in BS8300.**

Dwelling requirements stays the same and the new requirements do not extend to extensions, unless access to or within the dwelling is made worse or sanitary convenience provisions on the entrance storey are worsened.

### Where Part M requirements apply:

- Non-domestic buildings or dwellings newly erected.
- Existing non-domestic buildings extended or undergoing a '**Material Alteration**' (i.e. where works – affects the structure, means of escape and fire spread, fire fighting access, and access to and use of the building).
- Where an existing building (or part of) undergoes a '**Material Change of Use**' to a hotel / boarding house, institution, public building or a **shop** where they were not previously.

**NOTE: Shops are a new addition as a part of these new regulations.**

**Regardless of this service providers have an obligation under Disability Discrimination Act (DDA) to consider barriers to access created by physical features in buildings.**

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## When do new Part M requirements apply?

Part M applies all applications deposited after the 1<sup>st</sup> May 2004.

For applications deposited before this date the regulations could still apply if the following transitional procedures are not met.

### Transitional procedures

- Where before 1<sup>st</sup> May 2004 Full Plans of building work have been deposited – **plans must be fully approved with no conditions by this date, or** written confirmation by the authority is given that any conditions on previously issued 'Conditional Approvals' have been met.
- Where Building Notices are deposited or 'Conditionally Approved' Full Plans applications with outstanding conditions – substantial works must be started before 1<sup>st</sup> May 2004.

## What Requirements apply?

If Part M applies, reasonable provision should be made in:

### Buildings other than dwellings

1. So that people regardless of disability, age or gender, can reach the buildings principal entrance and other entrances described in the Approved Document, from the site boundary, from car parking within the site, and from other buildings on the same site (such as a school or a hospital).
2. So that elements of the building do not constitute a hazard to users, especially people with impaired sight, but rather assist in wayfinding.
3. So that people, regardless of disability, age or gender, can have access into, and within, any storey of the building and to the building's facilities, subject to gender related conventions regarding sanitary accommodation;
4. For suitable accommodation for people in wheelchairs, or people with other disabilities, in audience or spectator seating;
5. For aids to communications for people with an impairment of hearing or sight in auditoria, meeting rooms, ticket offices and at information points; and
6. For sanitary accommodation for the users of the building.

### Dwellings

1. So that people, including disabled people, can reach the principal, or suitable alternative entrance to the dwelling from the point of access;
2. So that people, including disabled people, can gain access into and within the principal storey of the dwelling; and
3. For wc provision at no higher storey than the principal storey.

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## **Disability Discrimination Act 1995 (DDA) and the Disability Discrimination (employment) Regulations 1996.**

**The importance of these sets of regulations cannot be ignored and will expand requirements beyond those of this new Part M.**

(DDA) contains duties to make reasonable adjustments to physical features of premises in certain circumstances:

Reference should be made to the following web sites – [www.disability.gov.uk](http://www.disability.gov.uk) and [www.drc-gb.org](http://www.drc-gb.org) (for downloadable copies of DDA Act and useful guide notes).

### **Duties in the Employment Field.**

Up to 30<sup>th</sup> September 2004 – there is duty for employers with 15 or more employees to make reasonable adjustment to comply with DDA.

A previous exemption gave the employer the relaxation that he / she was not required to alter any building physical characteristics – **BUT from the 1<sup>st</sup> October 2004 all these exemptions cease to exist.**

It will apply to all employers / irrespective of size – requiring reasonable adjustments to be made to their premises to prevent disability discrimination.

### **Duties of Providers of Services to the Public.**

Up to the 30<sup>th</sup> September 2004 –there is no duty to make reasonable adjustments to physical features of premises.

From 1st October 2004 the DDA act comes into force to make reasonable adjustments to physical features of premises.

**It applies to all service providers to the public irrespective of size.**

***Service providers must make reasonable steps to remove, alter, or provide reasonable means of avoiding physical features of their premises, which makes it unreasonably difficult or impossible for disabled people to make use of their services.***

Some benefit of an exemption applies to where a building was designed and built in accordance with Approved Document M 1992 and 1999 Building Regulations. – If the relevant objectives, design considerations and provisions of Approved Document M 1992 and 1999.

#### **AND**

10 years or less have passed since it was constructed or installed.

2001 regulations specify that the exemption only apply to physical features constructed or installed in accordance with the 1992 or 1999 editions of Approved Document M.

They do not provide for the exemption to apply to features constructed or installed in accordance with subsequent editions of Approved Document. *Government are currently reviewing this position whether the same exemption should apply if buildings are designed and constructed in accordance with the 2004 Approved Document.*

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## Requirements of PART M –ACCESS TO AND USE OF BUILDINGS:

### **M1 – Access and use:**

Requires reasonable provisions be made for people to 'Gain access to and use the building and its facilities'.

*Not to the extension or material alteration of dwellings. (see further notes)*

### **M2 - Access to extensions to buildings other than dwellings:**

Suitable independent access shall be provided to the extension where reasonably practicable.

*Except to where suitable access is provided through the building that is to be extended.*

### **M3 - Sanitary conveniences in extensions to buildings other than dwellings:**

If sanitary conveniences are provided in any building that is to be extended, reasonable provisions shall be made within the extension for sanitary conveniences

Except where there are reasonable sanitary conveniences provided elsewhere in the building, such that people occupied in, or otherwise having occasion to enter the extension, can gain access to and use those sanitary conveniences.

### **M4 - Sanitary conveniences in dwellings:**

1. Reasonable provision shall be made in the entrance storey for sanitary conveniences, or where the entrance storey contains no habitable rooms, reasonable provision shall be made in either the entrance storey or principal storey.
2. Entrance storey means the storey containing the principal entrance and principal storey that contains a habitable room, or if there are 2 such storeys equally near, either such storey.

## **Benefits as result of the new Part M**

### **Benefits to Users**

- Improved legal rights of access to goods, facilities and services in both the public and private sectors. More services will be accessible, and services that are already doing much to help disabled customers will be encouraged to do more.
- Better opportunity for disabled to play as full a role as possible in the economy and in society
- Reduced social and financial costs of injuries resulting from negotiating inadequately accessible premises.
- Reduced travelling costs as more services closer to home / work becomes more accessible.
- Wider range of facilities disabled people can enjoy with their carers and with family and friends.
- Benefits to other people with difficulties.

Other groups also stand to benefit from the proposals, these included people with young children in prams or buggies, elderly people, and people encumbered with luggage, bags etc or people with temporary impairments e.g. broken limbs. Premises made more accessible to disabled people will be more convenient for this group to use, giving them a wider range of facilities, including shopping and leisure.

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### Benefits to business/ service providers:

- Many increased benefits, as obsolete building stocks become more accessible increasing rents and stock value.
- Avoidance of claim against inaccessible premises.
- Better public image leading to better business opportunities.
- Easier movement of goods between all levels.
- Reduces need for individual home support services.
- Reduced accidents as safer stairs / handrails etc are provided.
- Increased tourism usable by wheel chair users.

### EXTENSIONS AND MATERIAL ALTERATIONS: dwellings

**Extensions and 'Material alterations' (i.e. where works – affects the structure, means of escape and fire spread, fire fighting access and access to and use of the building)** - constitute building work controllable under the building regulations.

Building work must be carried out so that after it has been completed the building complies with the applicable requirements of Building Regulations, or, where it did not fully comply with the regulations previously, it is no more unsatisfactory than it was before.

Generally Part M does not apply to extensions or material alterations of dwellings.

However the extension of the dwelling or material alterations carried out **MUST NOT** make the building less satisfactory in relation to part M than it was before. It must be no less easy for people, including disabled, either via the extension and the original entrance point or via a suitable alternative entrance to access the dwelling.

If it is and access provisions / facilities are made worse then suitable modifications will have to be made to comply with Part M. (This applies whether or not the dwelling was built under previous Part M controls).

*E.g. 1 - Removing a ground floor w.c in a dwellings entrance storey containing habitable rooms – would not be acceptable without the introduction of a new accessible w.c elsewhere on the entrance floor.*

*E.g. 2 - Alterations or extensions made enclosing the principal entrance e.g. porch or conservatory or garage on the access route to the dwelling must not make the dwelling less satisfactory in terms of disabled access than it was before. So even though the porch etc may be an exempt structure (see other guides) - a Building Regulation application would be required.*

### EXTENSIONS OF NON DOMESTIC BUILDINGS

Extensions are now to be treated as if they were new build and therefore must comply with the requirements on Part M.

Unless the building that is being extended already complies with suitable access provisions in accordance with Part M guidance, then suitable compliant independent access must be provided to the extension. This access encompasses access from the site boundary and from on-site car parking provisions.

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It has to be shown by the applicant /or agent if independent access is not provided to the extension, that the existing building complies with access requirements or it is to be modified to provide suitable access through it.

Regulation M3 requires accessible sanitary conveniences and reasonable provision must be made for extensions, unless compliant access to suitable disabled standard facilities existing in the original existing are accessible from the extension.

Or the new compliant facilities are to be provided in the existing building.

## **MATERIAL ALTERATION NON DOMESTIC BUILDINGS**

**‘Material alterations’ (i.e. where works – affects the structure, means of escape and fire spread, fire fighting access and access to and use of the building)** -constitute building work controllable under the building regulations and where applicable, works must comply with the requirements of Part M.

The building as a whole must not be less compliant with Part M than it was before the material alteration was carried out, including access from site boundary / on site car parking.

***Under Material alteration - it is not necessary to upgrade access to the building entrance from the site boundary or from the on site car parking, but don’t forget the requirements of DDA.***

## **MATERIAL CHANGES OF USE**

Where an existing building or part of an existing building undergoes a **‘Material Change of Use’** to a hotel / boarding house, institution, public building or a **shop** where they were not previously. Then works must comply with Part M i.e. reasonable provisions for people to gain access to that part from the site boundary, on site car parking spaces, either by means of an independent access or by means of a route to and through the building.

*NOTE: Shops are a new addition as a part of these new regulations.*

## **APPROVED DOCUMENT M – SUMMARY OF SOME OF THE TECHNICAL CHANGES.**

*Approved Document M is the supporting guidance document to the new Part M and gives you clear provisions that are considered suitable to meet the requirements of Part M.*

*Please be aware that the document has been completely re- written and the areas of guidance have been considerably expanded and you are recommended to purchase the Approved Document to fully establish the different requirements.*

*A brief note of some of the changes are indicated on our summary leaflet 15A:*