

Date: 22/06/99

Ref: 45/1/169

*Note: The following letter was issued by our former department, the Department for Environment, Transport and the Regions (DETR). DETR is now Communities and Local Government - all references in the text to DETR now refer to Communities and Local Government.*

### **Building Act 1984 - Section 16(10)(a)**

#### **Determination of compliance with Requirement B1 (Fire Safety - Means of Escape) of the Building Regulations 1991 (as amended) in respect of alterations and extension at a health centre**

3. In making the following determination, the Secretary of State has not considered whether the plans conform to any other relevant requirements.

#### **The proposed work**

4. The building work to which this application relates comprises alterations and the extension to an existing single storey health centre. Your drawing shows the extent of the building work which comprises two new offices (numbered 1 and 2) that form an extension on one side of the centre which is 'T' shaped in plan area. The drawing indicates that each office has a floor area of approximately 12 square metres and you state that the two new offices will be used by members of staff only. The drawing shows that both offices open onto a filing area, which you term as a corridor in your letter to the Department, and the filing area is shown to be open to the reception area. Two escape routes are shown to be provided from the filing area and this is via door D6 located in the filing area or door D2 located in the reception area. You state that the maximum travel to a place of safety is 10m and this agrees with the drawing which shows that the distance from the furthest point in the new offices to door D6 does not exceed 10m.

5. You are not proposing to provide the two new offices with emergency escape lighting but you are proposing a window in the external wall of each office. You are also proposing to put vision panels in the doors that give access to the filing area which you state will be provided with emergency escape lighting. The electrical services drawing indicates emergency lighting in the filing area and reception area which form the escape routes from the two new offices.

6. These proposals were the subject of a full plans application which was rejected by the City Council on grounds of non-compliance with Requirement B1 (Fire Safety - Means of escape) of the Building Regulations 1991. The City Council were not prepared to accept the proposals without the provision of emergency lighting in the two new offices (numbers 1 and 2) in accordance

with *Table 9 of Approved Document B (Fire safety)*. However, you contend that the City Councils request for emergency lighting in the two new offices 1 and 2 is unreasonable and it is in respect of this question that you have applied for a determination.

### **The applicant's case**

7. You consider the City Councils rejection of your proposals on the basis that you are not proposing to provide emergency lighting in the two new offices to be unreasonable and you make the following points in support of this:

(i) a substantial vision panel is to be provided in the doors affording access to each office which you state will permit borrowed light from the emergency escape lighting to be provided in the escape routes outside the offices. Your drawing shows a top and bottom glazed panel in each of the office doors. The top panel is shown to be 800mm high by 250mm wide and the bottom panel is shown to be 600mm high by 250mm wide

(ii) the offices are for staff use only and the nearest final exit door is only 10m away

(iii) staff will receive adequate training in fire safety

(iv) the Fire and Rescue Service stated, in consultation with the City Council, that the application was considered satisfactory.

### **The City Council's case**

8. The City Council point out that in dealing with the application consideration was given to the guidance in both Approved Document B and in BS 5266: Part 1: 1988 and in the City Councils view the proposals do not follow the guidance in either document. They make the following points in support of their rejection of your proposals:

(i) The building has been considered as being in the assembly and recreation purpose group and for such buildings Table 9 of Approved Document B asks for emergency escape lighting in all escape routes and accommodation.

(ii) Paragraph 6.7 of BS 5266 suggests that an escape lighting luminair should be sited at each exit door. Also the British Standard suggests that in multi-use premises then the whole premises should be treated in accordance with the most stringent recommendations, which in this case would be those for the assembly purpose group.

9. The City Council accepts that each application has to be treated on its merits but they consider that making use of borrowed emergency lighting raises the following issues:

(i) How should the borrowed emergency lighting be designed?

(ii) What size and shape of an office or other non-assembly type room is acceptable if use is intended to be made of borrowed emergency lighting?

## **The Department's view**

10. In this case the City Council have classified the complete health centre building as being in purpose group 5 (assembly and recreation) in accordance with Table D1 of Approved Document B and the Department supports this classification. Table 9 of Approved Document B gives guidance on the provisions for escape lighting and suggests, as the City Council have pointed out, that subject to certain exceptions all escape routes and accommodation should be provided with emergency escape lighting. The exceptions are not relevant to this case. Reference is also made in the Approved Document to BS 5266: Part 1: 1988.

11. However what needs to be considered is the threat to life safety if this guidance is not followed after taking account of the individual circumstances of the case, which would include the general provisions for safe means of escape and the use to which the new extension (office 1 and 2) is to be put. In this case the offices are small in area, each being approximately 12 square metres and you have stated that they are for staff only. The Department notes that if the building had been classified as being in either of the office, shop and commercial, industrial, storage or other non-residential purpose groups, then Table 9 of the Approved Document does not suggest the need for emergency escape lighting to be provided in the two new offices.

12. The Department also notes the following points:

(i) the new offices (1 and 2) are on the ground floor.

(ii) means of escape from the two new offices is good in that travel distances are short and that alternative escape is available once the offices have been left.

(iii) large vision panels have been provided in the office doors so that borrowed emergency lighting is available from the escape route and also a window has been provided in the external wall of each office.

In the circumstances of this case the Department considers that the non-provision of emergency escape lighting in the two new offices that form the extension to the health centre (offices 1 and 2) is not a threat to life safety. The Department's published guidance cannot give specific design guidance which would be applicable for every situation, but in reaching this conclusion the Department has taken account of the City Council's concerns and the design queries which it raised.

## **The Secretary of States decision**

13. The Secretary of State has given careful consideration to the particular circumstances of this case and the arguments put forward by both parties. He has concluded, and hereby determines, that the non-provision of emergency lighting in the proposed two new offices that form the extension to the health centre is not a threat to life safety, and that your proposals therefore comply with Requirement B1 (Fire Safety - Means of escape) of Schedule 1 of the Building Regulations 1991 (as amended).