

Date: 13/01/98

Ref: 45/1/151

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 (Means of escape) of the Building Regulations 1991 (as amended) in respect of shop fitting

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 proposed building work relates to a two storey retail unit situated in a shopping centre. The first floor comprises the prime trading area as well as containing the staff accommodation. The two floors are linked by a single accommodation stair which is open to both floors. The bottom of this stair is approximately 5m from the ground floor front entrance door. There is an alternative exit on the ground floor away from the front entrance via a delivery ramp at the rear of the premises, and an alternative escape route from the first floor leading to a protected stairway outside the unit. You state that you have calculated the floor area available to the public within the boundaries of the unit at ground floor level to be less than 90 square metres. However the Department estimates the total first floor area, excluding staff areas, to be approximately 250 square metres and that of the ground floor to be approximately 150 square metres.

5. The proposed building work comprises the fitting out of the premises to ensure uniformity with your clients standard corporate image. You wish to retain the open accommodation stair from the ground floor to the prime trading area on the first floor and to omit the usual requirement for a second storey exit leading to a protected staircase. You also wish to retain an inward opening rather than outward opening door leading onto the delivery ramp on the ground floor in order to construct a trolley ramp which will be inclined upwards from the door threshold.

6. These proposals were the subject of a full plans application which was rejected by the Borough Council on grounds of non-compliance with Requirement B1 (Means of escape). The Borough Council were not prepared to accept that the retention of an open accommodation stair would be in compliance with Requirement B1. However, you believe that this proposal would be in compliance and it is in respect of this question that you have

applied for this determination. With regard to the inward opening door leading onto the delivery ramp, the Borough Council state that as the occupancy of the ground floor is estimated to be less than 50 persons they accept that this proposal demonstrates compliance with Requirement B1 and that this is a question which does not need to be determined.

The applicant's case

7. You take the view that the means of escape from the first floor, which includes the use of the accommodation stair, complies with Requirement B1 (Means of escape) of the Building Regulations. You point out that the design solution forms part of your clients corporate image which has been accepted by many other building control authorities throughout England and Wales. You also point out that in this particular case it is the first floor of the unit which needs to be seen as the prime trading floor because of its size and therefore you consider it essential to maintain an open staircase.

8. You accept that in a retail unit of this type there should be two storey exits from each floor which would normally take the form of two staircases, however you make the following points in support of the acceptability of your proposals:

(i) because the unit is part of a shopping centre a sprinkler and fire alarm system are provided, but in addition you propose to offer a smoke detection system on the ground floor as a further compensatory feature. You consider that the sprinkler system will act to control the fire and that the smoke detection system will provide early warning of fire

(ii) you refer to the example given in BS 5588: Part 2: 1985 - Code of practice for shops of a situation where the use of an accommodation stair may be acceptable and argue that although this is not a small shop you consider the situation to be comparable.

(iii) you accept that persons needing to escape in fire from the first floor via the protected stairway outside the unit will have to traverse the head of the accommodation stair, but you maintain that travel distances are limited and that occupants of the first floor will only be subject to a 10m travel distance towards any fire rising through the stair. You argue that this has to be compared with guidance which refers to a permitted distance of 18m towards a fire, from which point occupants would be able to move to a storey exit.

The Borough Council's case

9. The Borough Council have rejected the proposals on the basis that they do not show compliance with Requirement B1. They point out that BS 5588: Part 2: 1985 suggests that there should be two protected stairways available from each storey.

10. When considering your full plans application the Borough Council took the view that because the units in the shopping centre are not large then it would be unreasonable to insist on the provision of two protected stairs from the first floor and accepted an accommodation stair in lieu of one of these. However, the accommodation stair was only acceptable to the Borough Council on condition that a fire resistant screen was provided at the head of the stair to protect the first floor thus allowing a safe passage that the first floor to the protected staircase outside the unit. The Borough Council argue that because the proposals do not show any fire resistant screen, persons using the protected staircase on the first floor as an alternative means of escape would have to pass the head of the accommodation stair which could be obstructed in the event of fire developing on the ground floor.

11. The Borough Council take the view that they have already accepted a reduced standard of means of escape and they consider that it would be unreasonable to lower the standard any more by accepting the accommodation stair without the protection of a fire resistant screen.

The Department's view

12. You have requested a determination as to whether the shop fitting of the unit is in compliance with Requirement B1 (Means of escape) and, in particular, whether the use of an accommodation stair for means of escape purposes complies with the requirement. This determination can only have regard to this specific issue and cannot consider the scheme as a whole - i.e. in the context of the shopping centre.

13. In this case the accommodation stair is the only stair connecting the ground and first floor. It is necessary to consider whether this stair, together with the alternative protected stair outside the unit, will form a satisfactory means of escape from the first floor. The Department notes that you are offering the benefits of the sprinkler system and an early warning system as compensatory features in lieu of a second fully protected stair. The Department also notes that the provision of a sprinkler system is required because the unit is part of a shopping complex but considers that it would be unreasonable to ignore the advantages that such a system provides with regard to controlling fire growth on the ground floor and, as a consequence, the assisting of escape from the first floor of the unit.

14. The Department therefore considers that, taking account of the sprinkler system and the early warning system, adequate provision is made for safe escape. However, in reaching this conclusion the Department assumes that adequate fire exit signs are to be provided on the first floor to lead persons needing to escape from the first floor along the alternative escape route via the protected staircase outside the unit. The Department considers that this is important because persons needing to use this alternative escape route will not be familiar with it since it is external to the unit in question.

The determination

15. The Secretary of State has given careful consideration to the particular circumstances of this case. In considering the acceptability of the accommodation stair he has assumed that adequate fire exit signs are to be provided to the alternative escape route from the first floor via the protected staircase outside the unit. On this basis the Secretary of State has concluded and hereby determines that your proposals, which exclude a fire resistant screen at the head of the accommodation stair, are in compliance with Requirement B1 (Means of escape) of Schedule 1 to the Building Regulations 1991.