

Local Government and Communities Directorate
Building Standards Division

T: 0131 244 6570
E: john.macgregor@gov.scot



David MacLeod Murdoch
Murdoch Architects
Methven Castle
Perth
PH1 3SU



Our ref: R2015/4 – A13974586

11 April 2016

Dear Sir

**THE BUILDING (SCOTLAND) ACT 2003
DISPENSATION OR RELAXATION OF BUILDING REGULATIONS**

**Proposed Spiral Cellar for Storage Use at 7 Coltbridge Terrace, Edinburgh,
EH12 6AB**

I refer to your application of 22 September 2015 to dispense with or relax a provision of the building regulations in relation to the above development. In accordance with Section 3(2) of the Building (Scotland) Act 2003, and Regulation 9 of the Building (Scotland) Regulations 2004, the Building Standards Division, on behalf of Scottish Ministers, has considered all of the information submitted in this case and herewith issue a **direction** under the terms of the attached schedule.

The **direction** relates to Standard 4.4 Pedestrian protective barriers: *'Every building must be designed and constructed in such a way that every sudden change of level that is accessible in, or around, the building is guarded by the provision of pedestrian protective barriers.'*

A copy of this letter has also been sent by email to City of Edinburgh Council, Scottish Fire and Rescue Service and Local Authority Building Standards Scotland (LABSS).

Should you wish to discuss any aspect of this letter please do not hesitate to contact John MacGregor on 0131 244 6570.

Yours faithfully

**Bill Dodds
Head of Building Standards**

Denholm House, Almondvale Business Park, Almondvale Way,
Livingston, West Lothian EH54 6GA
www.gov.scot



SCHEDULE

DIRECTION BY SCOTTISH MINISTERS DISPENSING WITH OR RELAXING A PROVISION OF BUILDING REGULATIONS

Part I Description of Works

Proposed Spiral Cellar for Storage Use at 7 Coltbridge Terrace, Edinburgh, EH12 6AB

Part II

(a) Regulation	(b) Provision from which dispensation or relaxation is given	(c) Conditions under which dispensation or relaxation is given
<p>Regulation 9, as read with Standard 4.4 Pedestrian protective barriers</p>	<p>Every building must be designed and constructed in such a way that every sudden change of level that is accessible in, or around, the building is guarded by the provision of pedestrian protective barriers.</p> <p>Limitation: This standard does not apply where the provision of pedestrian protective barriers would obstruct the use of areas so guarded.</p>	<ul style="list-style-type: none"> i. The door to the office in which the cellar is located shall be lockable with access via a key or key pad combination; ii. The door to the cellar when closed shall be locked and not able to be operated other than by activation by a responsible user; iii. The cellar door in the open position shall provide a 900 mm high barrier between the cellar opening and the office door, and be capable of resisting loads as defined in BS 6399-1; iv. The audible and visual alarms shall be mains wired and operate for the duration of the time which the cellar door is open; v. A minimum clear width of 600 mm floorspace shall be provided to negotiate around the open cellar door after access to the office has been made; vi. A lightweight grill shall be fitted underneath the cellar door to prevent falls if the door needs to be left open for any length of time. The grill and its support when positioned for protection shall be capable of resisting loads as defined in BS 6399-1; and vii. Safety instructions shall be affixed to the underside of the cellar door so that the user is aware of the risks to themselves and to other building users.

Part III
Reasons for Scottish Minister's decision

Dispensation or relaxation is considered reasonable in the particular circumstances of this case subject to the conditions in Part II Column (c) above.

Background note (Not part of the Dispensation)

The proposal is to install a spiral cellar for wine storage use in the office /study room of the dwelling. The spiral cellar shaft has a depth of 2.5 m from the dwelling ground floor level. The shaft circumference contains built in storage accessed by a spiral stair within the remaining area. The proposal does not include the provision of protective barriers guarding the change in level presented by the hole in the floor. The application is for dispensation or relaxation of the requirement to provide protective barriers.

The applicant has stated the following to support their case:

- The spiral cellar will only be used for wine storage, and only opened to access stored items.
- If protective barriers were required, the cellaring process would be prevented. That process is the unpacking of cases placed on the floor adjacent to the spiral cellar opening; whereby individual bottles are removed and stored.
- There is no reported case of anyone falling into a spiral cellar.
- The risk of falling into the spiral cellar will be reduced as follows:
 - Restricting access to the spiral cellar by controlling the motorised doors that incorporate mortice locks and isolation keys to disable the power to the door control switches. Both these functions allow the spiral cellar to be secured and only accessed by the key holder. In addition the door is lockable using a secret key switch. This will disable the power to the bank of switches, and prevents the cellar door motor being operated.
 - A physical and visual barrier is provided by the open door, which shields the floor opening opposite the threshold to the spiral cellar steps.
 - Creating awareness that the spiral cellar door is open. The door in the open position will automatically activate an audible alarm and strobe to warn anyone entering the office / study room.
 - The door will be open a minimal amount of time. Passive ventilation will control the temperature and humidity conditions. To maintain these conditions requires the door to be closed whenever the spiral cellar is not being accessed for stocking, perusal, or removing wine.