Inclusive Buildings: The difference between Building Regulations and Planning Policy

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Julie Fleck OBE MRTPI (Rtd)
Strategic Access and Inclusive Design Adviser
When did access for disabled people become a planning matter?

• 1971 Town and Country Planning Act
• 1990 Town and Country Planning Act
• 1995 Disability Discrimination Act
• 2004 Planning and Compulsory Purchase Act
• 2010 Equality Act
• 2017 Town and Country Planning Regulations
1981 Disabled Person’s Act

Sections 29a and 29b were added into the 1971 Town and Country Planning Act:
On the grant of planning permission the local authority had a duty to:

• Draw the attention of developers to the provisions of the Chronically Sick and Disabled Persons Act 1970 and to BS 5810:1979

• Means of access, parking and sanitary conveniences were to be provided in certain types of buildings where reasonable and practicable.

This was interpreted in a government Development Control Policy Note in 1982 (Sections 29a and 29b became Section 76 in the 1990 Town and Country Planning Act)
Design and Access Statements

= a statement about the design principles and concepts that have been applied to the development, and shall:
(a) explain the design principles and concepts that have been applied to the development;
(b) demonstrate the steps taken to appraise the context of the development and how the design of the development takes that context into account;
(c) explain the policy adopted as to access, and how policies relating to access in relevant local development documents have been taken into account;
(d) state what, if any, consultation has been undertaken on issues relating to access to the development and what account has been taken of the outcome of any such consultation; and
(e) explain how any specific issues which might affect access to the development have been addressed.

https://www.designcouncil.org.uk/resources/guide/design-and-access-statements-how-write-read-and-use-them
Planning policies and decisions should ensure that developments:

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users (46); and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
Footnote 46

• Planning policies for housing should make use of the Government’s optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties. Policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified.
Planning Practice Guidance

How can planning and design promote access and inclusion?

Design
A well-designed place should be intuitive, comfortable, safe and equally easy for all to use.

When considering pedestrians plan for wheelchair users and people with sensory or cognitive impairments.

Legible design, which makes it easier for people to work out where they are and where they are going, is especially helpful for disabled people.
Housing for older & disabled people

Inclusive Design

An inclusive environment is one that can be accessed and used by everyone. It recognises and accommodates differences in the way people use the built environment and fosters social connections.

Good design can help to create buildings and places that are for everyone. It can help break down unnecessary physical and psychological barriers and exclusions caused by the poor design of buildings and places.
Inclusive Design is often mistakenly seen as a Building Regulations issue, to be addressed once planning permission has been granted, not at the planning application stage.

The most effective way to overcome conflicting policies and to maximise accessibility for everyone is for all parties to consider inclusive design from the outset of the process.
PART M ACCESS TO AND USE OF BUILDINGS

Access to and use of buildings other than dwellings

M1. Reasonable provision must be made for people to—
   (a) gain access to; and
   (b) use, the building and its facilities.

Requirement M1 does not apply to any part of a building that is used solely to enable the building or any service or fitting in the building to be inspected, repaired or maintained.

Access to extensions to buildings other than dwellings

M2. Suitable independent access must be provided to the extension where reasonably practicable.

Requirement M2 does not apply where suitable access to the extension is provided through the building that is extended.

Sanitary conveniences in extensions to buildings other than dwellings

M3. If sanitary conveniences are provided in any building that is to be extended, reasonable provision shall be made within the extension for sanitary conveniences.

Requirement M3 does not apply where there is reasonable provision for sanitary conveniences 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.
Accessible Housing

- M4(1) Category 1: Visitable dwellings
- M4(2) Category 2: Accessible & adaptable dwellings
- M4(3) Category 3: Wheelchair user dwellings
  - M4(3) 2a: Wheelchair adaptable*
  - M4(3) 2b: Wheelchair accessible
Building Regulations

• Address the health, safety, welfare and convenience of building users

• Part M does not equate with compliance with the obligations and duties of the Equality Act

• Is the minimum standard – the safety net
When were policies on inclusive design included in the London Plan?

• 2004 (Ken Livingstone’s Plan)

• 2011 (Boris Johnstone’s Plan)

• 2017 (Sadiq Khan’s draft Plan)
Policy GG1 Building strong and inclusive communities

To build on the city's tradition of openness, diversity and equality, and help deliver strong and inclusive communities, those involved in planning and development must:

F Support the creation of a London where all Londoners, including older people, disabled people and people with young children can move around with ease and enjoy the opportunities the city provides, creating a welcoming environment that everyone can use confidently, independently, and with choice and dignity, avoiding separation or segregation.
Draft London Plan
Policy D3 Inclusive Design

• To deliver an inclusive environment and meet the needs of all Londoners, development proposals are required to achieve the highest standards of accessible and inclusive design, ensuring they:

  • can be entered and used safely, easily and with dignity by all
  • are convenient and welcoming with no disabling barriers, providing independent access without additional undue effort, separation or special treatment
  • are designed to incorporate safe and dignified emergency evacuation for all building users. In developments where lifts are installed, as a minimum at least one lift per core (or more subject to capacity assessments) should be a fire evacuation lift suitable to be used to evacuate people who require level access from the building.

• The Design and Access Statement, submitted as part of planning applications, should include an inclusive design statement.
London Plan 2011
Supplementary Planning Guidance

Accessible London: Achieving an inclusive environment

October 2014
Turner Gallery Margate

The main entrance is up a flight of 13 steps.
The adjacent ramp is hidden by a concrete wall!
National Army Museum

The main entrance is level with automatic sliding doors
St Paul’s Cathedral

The existing temporary metal ramp will be replaced by two stone ramps
Gloucester Place ramp is separated from steps by planting allowing uniform stair risers and space for a handrail.

Peter’s Hill ramp cuts through the steps creating tapering uneven risers.
Entrance Doors

A barrier prevents access to the ‘accessible’ entrance door in this office building.

Automatic sliding doors at Frank Barnes School for Deaf Children.
The Sill Visitor Centre Northumberland
The grass roof is wheelchair accessible
Accessible Holiday Cottage

- **Cottage in the dales**
Stairs

Step nosing is clearly contrasted

Easy grip handrails extend horizontally beyond the top and bottom step

Where is the edge of this step?
Knowledge, skills, attitude, behaviours

- Learn from people with lived experience of the environmental, organisational, and attitudinal barriers
- Co production, and project specific access panels, not limited consultation
- Learn from best practice

Start at the beginning:
Inclusive design is more likely to be achieved when it is considered at every stage of the development process, from inception to completion.
BS 8300: 2018 Design of an accessible and inclusive environment

Everyone should be able to:

- Enter, use, leave a building, escape in the event of fire
- Easily, comfortably, independently
- Aim to design, build and manage the built environment in a way that is inclusive
- Design to integrate everyone’s access requirements, irrespective of personal circumstances
- Mainstream design is preferable to designating separate or specific features

https://shop.bsigroup.com/ProductDetail?pid=000000000030335801
Integrate Inclusive Design Principles at every stage of the development process (BS 8300)

- Strategic Vision – identify ID Champion on client Board
- Initial Concept – embed ID principles into brief
- Budget for inclusion - make it part of the business case
- Procurement process
- Development Agreements – reference best practice standards
- Master plan / outline designs – engage with user groups
- Planning / building control applications – demonstrate ID
- Detailed design and product selection – maintain vigilance
- Construction phase
- Project completion appraisal – audit access and means of escape
Who is responsible for achieving an inclusive environment?

You
Essential Principles for Built Environment Professionals

1. Acquire the skills, knowledge, understanding and confidence to make inclusion the norm not the exception

2. Apply and integrate the principles of inclusive design from the outset of a project

3. Do more than just comply with legislation and codes

4. Seek multiple views to solve accessibility and inclusivity challenges

5. Apply professional and responsible judgement and take a leadership role

6. Contribute to building an inclusive society now and in the future

CIC Essential principles guide
Teaching and Learning Briefing Guide

Every built environment professional should have the knowledge, skills and attitude to deliver accessible and inclusive buildings, places and spaces.

CIC Teaching and learning briefing guide
Are you an inclusive designer?

- A celebration of inclusion – the last 30 years have seen significant improvements in the accessibility of our towns and cities

BUT

- It’s also a warning against being complacent as complacency leads to compromise and compromise can lead to exclusion

The Practice of Inclusive Design

http://www.ribabookshops.com/item/are-you-an-inclusive-designer/40509/
Questions?

**Inclusive Design**

- Choice
- Independence
- Dignified
- Welcoming
- Flexible
- Convenient
- Easy
- Comfortable
- Safe

**The Principles of Inclusive Design**

1. Place people at the heart of the design process
2. Acknowledge diversity and difference
3. Offer choice where a single solution cannot accommodate all users
4. Provide for flexibility in use
5. Create an environment that is convenient and enjoyable for everyone to use.

**Essential Principles for Achieving an Inclusive Environment**

1. Acquire the skills, knowledge and confidence to make inclusion the norm
2. Apply professional and responsible judgement
3. Apply the Principles of Inclusive Design from the outset
4. Do more than just comply with legislation and codes
5. Seek multiple views to solve accessibility challenges
6. Contribute to building an inclusive society now.