

**PETERBOROUGH CITY COUNCIL**

**TOWARDS INCLUSIVE DESIGN  
COUNCIL APPROVED GUIDANCE**

**January 2010**



# Towards Inclusive Design

## Foreword

In Peterborough we take the view that if this Authority grants planning and building control permissions the physical features of the development should not make use of a service by a disabled person either impossible or unreasonably difficult or cause detriment. This will ensure that the physical features of buildings will not give rise to reasonable challenge under the Disability Discrimination Act 1995 (DDA) or the emerging Equality Bill 2009 and will also enable and facilitate the employment of people with disabilities.

In January 1999, in response to the implementations of the DDA planned for both later that year and in 2004, Peterborough City Council published Supplementary Planning Guidance titled "*Design of the Built Environment for Full Accessibility*". It anticipated future trends and now it is appropriate to produce updated Council Approved Guidance in order to incorporate the regulatory changes that have occurred since 1999.

It is trusted that those who wish to develop in Peterborough will find this guidance helpful and that in partnership with our Planning and Building Control Services will achieve an even more inclusive built environment that will be for the benefit and enjoyment of all who live, work and visit our City.

Councillor Peter Hiller  
Cabinet Member for Neighbourhoods, Housing and Community Development

## 1. Background

1.1 "*Design of the Built Environment for Full Accessibility*" (1999) recognised that, at the time, [Building Regulations Approved Document M, Access and facilities for disabled people \(ADM\)](#) only applied to new buildings and did not cover applications for alterations, extensions and changes of use. As these constituted over 70% of planning applications received, the guidance indicated that in processing applications, *Where ADM did not apply, the City Council as planning authority, would seek by negotiations to achieve, where reasonable, the objectives of the building regulations.*

1.2 This was a prescient step which was quickly adopted by other local authorities and led directly, in 2004, to ADM being extended to include alterations, extensions and changes of use. To reflect the progress that was being achieved in terms of the inclusion of people with disabilities into mainstream society, the name of ADM changed from *Access and facilities for disabled people* to, *Access to and use of buildings*. This represented a paradigm change; the earlier approved document envisaged meeting the design needs of people with disabilities as being an addition to a notional "standard"

specification. The latter approved document indicated that all design must meet the needs of all, including people with disabilities, and that discrete provision for people with disabilities should only be made when inclusive design is not possible.

1.3 Also, the physical specifications on which ADM had been based were updated in 2004 to the recommendations of British Standard 8300 (2001) *Design of buildings and their approaches to meet the needs of disabled people*. In light of this, the view is taken that if the physical features of buildings comply with BS8300, service providers are being reasonable and would not be required to make alterations to physical features for disabled service users. After taking into account the needs of other building users, an employer may alter a feature that complied with BS8300 for the benefit of an individual employee.

## **2. At present**

2.1 BS8300 was amended in 2005 and in February 2009. Current Local Plan Policy DA7 states, *Planning permission will not be granted for the development, change of use, alteration or extension of any building which is open to the public, or any building which is used for employment or educational purposes, unless provision has been made to meet the needs of people with disabilities in terms of access into and within that building and the provision of appropriate facilities*. The wording of this policy will not be revised in the near future. However, its application can usefully be informed by recent primary and secondary legislation including the introduction of Planning Policy Statement 1, ADM (2004), Access Statements, and Design and Access Statements.

2.2 The traditional understanding is that planning is concerned with external features whereas building control is concerned with the construction and internal layout of buildings. However, it is the case that there are significant areas where both planning and building control apply; these will be addressed within this guidance.

## **3. Planning Policy Statement 1 (PPS1)**

3.1 [PPS1](#) was introduced in 2006 and sets out Government's commitment to sustainability and can be understood as requiring development to meet the needs of the present without compromising the ability of future generations to meet their needs. This includes achieving social progress which recognises the needs of everyone. Key principle (v) states, *development plans should also contain clear, comprehensive and inclusive access policies - in terms of both location and external physical access*. Such policies should consider the diverse needs of people and aim to break down, and avoid creating, barriers and exclusions in a manner that benefits an entire community. Development plans are to address accessibility, both in terms of location and physical access, for all members of the community, to: jobs, health, housing, education, shops, leisure and community

facilities taking into account the needs of all the community including particular arrangements relating to age, gender, ethnicity, religion, disability and income.

3.2 It further states that, *good design is indivisible from good planning* and that planning authorities should plan positively to ensure the inclusive design of the built environment. Social inclusion, which entails physical access, is a key aspect of sustainability; this is achieved, in part, through inclusive design. Peterborough's commitment to inclusive design is delivered through Local Plan Policy DA7 and through the emerging Local Development Framework including the Core Strategy and Planning Policies Development Plan Documents.

#### **4. Inclusive Design**

4.1 Inclusive design ensures that environments are welcoming, informative and supportive; they will:

- (i) through involvement and consultation, place people at the heart of the design process
- (ii) be safe, legible and predictable
- (iii) embrace diversity and difference
- (iv) enable choices of access to, and participation in, all the activities that it may host
- (v) be easily used by as many people as possible without undue effort, special treatment or separation

4.2 Peterborough Planning Services takes the view that inclusive design is a given and is not in need of justification. In its absence from an application it is most unlikely that planning permission would be given. [CABE Inclusion by Design](#)

#### **5. Access Statements**

5.1 With the extension of ADM in 2004 to include alterations, extensions and changes of use, the concept of the Access Statement was introduced. This provides for a developer to demonstrate why compliance with ADM may not be reasonable and seek justification for a deviation. This would be in instances of severe site and building constraint and might include some proposed alterations to listed buildings. It is not expected that deviations from ADM would be requested for new buildings.

#### **6. Design and Access Statements**

6.1 As indicated above, before 2004 ADM did not apply to applications for alterations, extensions or changes of use. Therefore the Council's SPG sought that *Where Part M does not apply, the City Council, as planning authority, will seek by negotiations to achieve, where reasonable, the objectives of the building regulations.* This accounts for why Planning then considered access to, into and

within buildings. Now that ADM applies to alterations extensions and changes of use, access within buildings is largely a Building Control matter.

6.2 Control of access to and into a building is likely to be shared between Planning and Building Control. This can be understood as Planning determining the choice and location of physical features whilst ADM, Sections One and Two, provides guidance pertaining to their construction. Some examples of this sharing are given below.

6.3 Since August 2006, [Design and Access Statements](#) (DASs) have been a mandatory document to accompany and support most planning applications. Though a material planning consideration, DASs are not part of an application; rather, they provide an opportunity to explain and justify, in a structured way, the design principles and concepts pertaining to the amount, layout, scale, landscaping and appearance on which development proposals are based. A DAS indicates the physical, economic, social and policy context of a site and its surroundings and how this has informed the development proposals. It does not extend to internal facilities and layout within individual buildings. However, a DAS would be expected to confirm that design has been informed by BS8300 and the intention to fully comply with ADM or indicate the nature of any proposed deviation.

6.4 As guided by the Statement of Community Involvement, a Design and Access Statement should advise on the consultations that have taken place and how they have informed the design. In the case of outline applications it is required that the original Design and Access Statement will be further developed to accompany a reserved matters application.

## **7. Statement of Community Involvement**

7.1 The 2004 Planning and Compulsory Purchase Act requires local planning authorities to produce a [Statement of Community Involvement](#) (SCI). The Council's SCI sets out policies and procedures for involving the community in preparing and revising the Council's Local Development Framework and how the Council will consult on planning applications. It also provides guidance for developers on how to engage with communities affected by a proposed development and to demonstrate the outcomes of their participation in the design. As part of the pre-application process, case officers will advise developers of the stakeholders with whom it would be appropriate to consult.

## **8. Planning and Building Control**

8.1 Both Planning and Building Control apply to car parking, access routes, the approach to and the principal entrance. Planning decides where/how these will be located on the site; ADM provides guidance on their construction. At an early stage in the planning process there is a consultation with Building Control where

the level of accessibility is determined, any possible non-compliance is identified and options provided for the applicant's consideration.

8.2. "Replacement"/"New" shop fronts: At present, applications pertaining to shop fronts are either for like for like replacement and designated "replacement shop front"; or, show a rearrangement of elements such as the approach, principal entrance or fenestration and the planning application is designated as being a "new shop front". In Building Control terms, both are new shop fronts and therefore compliance would be sought for a level or ramped approach and for a minimum clear opening width for the principal entrance. This information would be provided on the Building Control consultation at the commencement of the planning application process. Planning is unlikely to approve a new shop front that did not comply with BS8300. A refusal would cite Local Plan Policy DA7 and refer to Planning Appeal APP/L5810/A/07/2054976.

8.3 Lifts: If an external lift is proposed, planning will have an interest in its location, appearance and impact on amenity. For developments of more than one storey and for mezzanine floors, Building Control will determine if a lift is required and advise on its specification. Justification for not providing a lift should be made on a Design and Access Statement.

8.4 Parking bays for holders of Blue Badges: Local Plan Policy T11 advises that the provision of bays for holders of Blue Badges should be the greater of either 1 or 4% of the approved car parking standards. BS8300 now advises that in some applications 6% should be sought. This may be considered during consultations on individual applications including retail, leisure and healthcare development.

8.5 Changes of use: Most applications for change of use do not require a DAS and not all require compliance with ADM. In these cases the local planning authority will seek by negotiations to achieve, where reasonable, the objectives of PPS1 and Local Plan Policy DA7.

**Pre-application enquiries regarding access and inclusive design are available, free of charge, from the Council's Building Control Service.**

**If you wish to discuss any matter arising from this guidance please contact:**

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