

Introduction

This booklet is designed to highlight the most important principles in designing inclusive buildings, which meet the needs of all users including disabled people. It is particularly aimed at developers and builders of small-scale projects. Reference should also be made to the Approved Document M of the Building Regulations (2004 edition) and British Standard 8300: 2001, from which the specifications used in this booklet have been taken. As the requirements of Part M for dwellings are under review at the time of writing, this document addresses only non-domestic developments.

The Royal Borough of Kingston upon Thames has produced this 'Supplementary Planning Document' (SPD) to support Policy RES3 (Determining Planning Applications) in the Royal Borough of the Unitary Development Plan (First Alteration). This policy and supporting text is reproduced at Appendix 1. This document has been prepared in accordance with the Town and Country Planning (Local Development) (England) Regulations 2004. The document was adopted by the Council's Executive on 26th July 2005. It forms part of Kingston's Local Development Framework (LDF) and is therefore a material consideration in the determination of planning applications.

Reference should also be made to the London Plan, published by the Greater London Authority in February 2004, and to the Supplementary Planning Guidance 'Accessible London: achieving an inclusive environment', published by the Greater London Authority in April 2004.

Designing buildings for everyone to use

Public buildings should be designed so that all members of society can use them – be they wheelchair users, people with mobility or visual impairment, people who are Deaf or hard of hearing or people with learning disabilities, or whose first language is not English. Disabled people make up more than 15% of the population, and this figure is rising. It has been estimated that whilst over the next thirty years the UK population will rise by 7%, the number of disabled people will rise by 40%. This is due in large part to an expected increase in the number of older people, as disability often results from the ageing process. Older people with reduced mobility, sight or hearing often do not think of themselves as disabled, but always benefit from design which makes life easier for everyone, including disabled people.

The fact is that everyone has different needs anyway. Mothers with children in pushchairs or people carrying heavy shopping benefit from many of the same features that are essential for wheelchair users. People entering a building for the

first time benefit from good signage, which is essential for Deaf people. Everyone benefits from good demarcation of different parts of the building, for instance by colour, tonal and textural contrast, but these factors make a huge difference for people with impaired vision.

Inclusive design

Inclusive design creates an environment where everyone can access and benefit from the full range of opportunities available to members of society. It aims to remove barriers that create undue effort, separation or special treatment, and enables everyone regardless of disability, age or gender to participate equally, confidently and independently in mainstream activities with choice and dignity. In short, inclusive design provides a single solution for everyone. Buildings designed to be inclusive will be safe, predictable, convenient, flexible, adaptable, sustainable and legible, and will be useable by everyone.

By contrast, accessible design, rather than inclusive design, often leads to separate facilities for disabled people, such as platform lifts or ramps to one side of the main entrance. This approach tends to result from the consideration of access needs as an afterthought to gain Building Control approval, and will often result in unsatisfactory solutions to access needs. Inclusive design will normally produce a much more satisfactory outcome, both aesthetically and practically, and will often result in lower building costs as accessibility features are seen as standard.

An inclusive building is one which

- Provides equitable access
- Allocates appropriate space for people
- Requires minimal stress, physical strength and effort
- Achieves a safe, comfortable and healthy environment

Access Statements

Access statements are required for all commercial planning applications and larger residential applications. Their purpose is to show how the principles of inclusive design, including the specific needs of disabled people, have been integrated into the proposed development, and how inclusion will be maintained and managed.

The access statement should clearly identify:

- The philosophy and approach to inclusive design
- The key issues of the particular scheme
- The sources of advice and guidance used

- How the principles of inclusive design have been implemented in the scheme
- How inclusion will be maintained and managed in the use of the scheme

The exact form of the access statement will depend on the size, complexity and nature of the scheme. For example, alterations to a shopfront may include a brief description, indicating how the issue of access has been dealt with given the opportunities and constraints of the site, backed up by a plan showing door dimensions, threshold details etc.

With respect to a major development, more substantial details will be required, demonstrating how the following issues are being addressed:

- Transport links
- Approaches to and around the site
- Car parking, setting down points and garaging
- Entering the development, including the buildings it includes
- Circulation routes and layout
- Use of surfacing materials
- Facilities in the building(s)
- Wayfinding and signage
- Evacuation

The access statement should explain how the needs of disabled people and everyone else are incorporated into the design of the scheme, and should be accompanied by plans showing circulation routes, facilities, dimensions etc. For very large schemes, the developer may seek the services of an access consultant (reference can be made to the National Register of Access Consultants (www.nrac.org.uk) for qualified consultants).

The Access Statement should be used where constraints of the site mean that the specifications given in the Approved Document to Part M of the Building Regulations cannot be followed in every detail. The Access Statement, in these circumstances, should be used to explain how the proposed specification would work to enable access.

The legislative background

Society's views on disability have changed a great deal over the last few decades. For example, it is becoming much more common for disability to be seen in a social context rather than as purely a medical problem affecting the disabled person.

Viewing disability as society's concern rather than solely the concern of the disabled person and medical profession has led to an acceptance that society has an obligation to remove barriers to participation by disabled people as full members of society. This obligation has to a greater or lesser extent been enshrined in legislation to speed the process of full inclusion by disabled people in society. The principal relevant pieces of legislation are outlined below.

The Chronically Sick and Disabled Persons Act 1970

Section 4(l) of the Chronically Sick and Disabled Persons Act 1970 requires that:

'Any person undertaking the provision of any building or premises to which the public are to be admitted, whether on payment or otherwise, shall, in the means of access both to and within the building or premises, and in the parking facilities and sanitary conveniences (if any), make provision, in so far as it is in the circumstances both practicable and reasonable, for the needs of members of the public visiting the building or premises who are disabled.'

Disability Discrimination Act 1995 and the Disability Discrimination (Employment) Regulations 1996

The Disability Discrimination Act 1995 ('DDA') contains duties to make reasonable adjustments to physical features of premises in certain circumstances.

Following the guidance in the Approved Document Part M is not a requirement for satisfying these duties to make reasonable adjustments. However, the following points should be noted.

Duties in the Employment Field

Section 6 of the Disability Discrimination Act imposes on employers a duty to make reasonable adjustments to facilitate access for disabled employees, and from 1 October 2004 this duty is imposed on all employers regardless of the number of employees. Depending on the nature of the organisation concerned, the requirement for reasonable adjustment is set out in sections 4A, 4B(5), 4B(6), 4E, 6B, 7B, 7D, 14, 14B, 14D and 16A(5) of the DDA as amended by the Disability Discrimination Act 1995 (Amendment) Regulations 2003 (SI 2003/1673).

Duties of providers of services to the public

From 1 October 2004 providers of goods and services to the public have a duty to make reasonable adjustments to their premises to facilitate access by disabled people. The duty to make reasonable adjustments is set out in sections 21(2)(a), (b) and (c) of the DDA and applies to all those who provide services to the public irrespective of their size. It requires service providers to take reasonable steps to remove, alter or provide a reasonable means of avoiding a physical feature of their premises, which makes it unreasonably difficult or impossible for disabled people to make use of their services.

Note: Safe evacuation from buildings

While ensuring that disabled people can enter and use a building and its facilities, it is essential that the building is designed and managed to ensure that disabled people can be safely evacuated in the event of fire. Reference should be made to the Building Regulations, and specifically to BS5588-8 in this regard.

