

# Review of Design and Access Statements in Wales

Executive Summary



Collaboration by design



# Contents

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### The Commission

Powell Dobson Urbanists LLP was commissioned with Cardiff University School of Planning and Geography and Keith Bright Consultants to undertake a study into **the effectiveness of Design and Access Statements (DASs) in Wales**. The purpose of this project was to gather credible evidence-based research to establish the effectiveness of DASs in meeting the desired output of achieving better design in Wales.

The brief identified that the known or assumed key issues were: delivery, complexity, and duplication.

The study has therefore taken a broader scope to cover a comprehensive review of design and access statements that looks at the elements that have proved to be effective as well as areas where they are not performing as anticipated or desired rather than focusing solely on whether they have achieved better design in Wales.

This Executive Summary follows the structure of the main report. The first part sets out the detailed findings of each stage of the empirical research; key findings from these stages are then discussed, followed by recommendations to address the issues identified, followed by conclusions.

### Research process

The research process involved the following: literature review; issues scoping workshop; questionnaires; and case studies.

### Literature, guidance and policy review

The review found that there are significant historic and on-going concerns relating to the operation, use and effectiveness of DASs in both England and Wales. Policy and guidance in Wales states that

good design is inclusive design, yet the review has identified that access and equality considerations do not always feature strongly in the design of development.

Issues that were identified included:

- supporting guidance and how these are interpreted and applied in practice;
- inconsistent interpretations of the requirements by local planning authorities;
- varying skills and expertise in preparing and being able to interpret DASs; and,
- concern about the thresholds for requiring a DAS to accompany a planning application.

These concerns were supplemented by those on the content and quality of Design and Access Statements themselves. Importantly, there was no significant evidence that the production of Design and Access Statements in itself was an important factor in attaining good design. This was supported by the emphasis in much of the literature on Design and Access Statements as a procedural or statutory requirement, rather than as a vehicle for helping to facilitate a well designed, accessible and safe built environment.

## Questionnaire findings

The survey sought opinion from a broad range of people who were involved with DASs, such as authors, reviewers, users, and assessors. The questions covered: the role of the individual; their opinion on the importance of the five DAS issues set out in TAN12; the respondents experience of preparing a DAS; the impact of a DAS; alternatives to DAS; and potential exemptions.

Overall the DAS was **supported as a tool in the planning process**. Although many people considered that DASs actually **created delays**, were **dealt with inconsistently** by planning authorities and could be

**unnecessarily expensive** in their preparation. DAS were seen as **valuable** for larger schemes.

The range of development that requires a DAS was considered to be unnecessarily broad, and that **smaller forms of development should be exempt**.

In general there was agreement that **DAS requirements overlapped with the Building Regulations** in relation to access issues. It was contended that the use of DASs did not reduce the need for properly trained professionals to be involved in assessing the design qualities of a development scheme.

## Workshop

A workshop was held in April 2013 as one component of the research process. The workshop brought together representatives of those involved in commissioning, writing, reading and using DASs.

The key points that emerged from the workshop are summarised below.

Benefits of DAS that were identified in the workshop were that: DASs are considered to have been **successful in raising the importance of design in the planning process** (including access and community safety); are seen as **beneficial for people** to understand a design; and contribute to 'future proofing' development. There was very little, if any, discussion about whether they should be removed altogether. The discussions were principally centred on **refining the system**.

The main issues raised following the above were: **the requirement threshold; level of understanding of requirements; quality and enforcement**.

There was no consensus in terms of the overlap of building regulations and DAS. Some attendees considered that there was too much overlap and others considered there was too little. The former considered that building regulations covers certain elements that should not therefore be in a DAS, whereas the latter considered that if access issues were

not being properly addressed from the outset they would not be sufficiently accommodated in the design later on in the process.

It was concluded that the **threshold** for DASs should be carefully considered so that any change would not lead to poor design. The **desire for improved guidance** was clear, as was the need for **appropriate training**.

## Case studies

The purpose of the case studies was to find out what part, if any, the DAS played in the development process for particular projects, and how it fitted into that process. This was done by examining how, when, where and by whom DASs were used in the development process for each of the chosen projects.

The purpose of examining projects of different sizes, uses, and full and outline applications was to explore whether these differences affected the way the DAS was used and the part it played in the development process, and if so, in what way.

The development themes were: retail; agricultural; general industrial; storage and distribution; residential (over and under 10 units); urban centre office; mixed-use; infrastructure; replacement dwelling; and, development creating no floor-space.

The review of the case studies identified the following:

### **Document format**

The **format and content of documents varied** between all of the cases, although the reference to the TAN12 design wheel was consistent in the cases.

### **Design evolution and description**

The inclusion of design concept and design evolution was not consistent between the documents. The document was often used to **justify a proposal** in its wider context than actually convey the design process behind it.



Many interviewees (officers, consultees, Councillors etc.) considered that the document was **useful in providing a general overview** of the scheme.

### **Impact on design**

Despite the consistent referencing of the TAN 12 themes, there was no evidence that needing to comply with the design wheel had actually influenced the design, but rather provided an agenda by which to justify or explain the scheme.

The case studies showed that it was not the actual requirement to provide a DAS, nor the DAS itself, which ensured good design, but that it was a combination of other **existing factors, pressures and requirements** that ensured this. Other external factors come to influence this such as client expectations, designer's experience, funding requirements, user needs, and planning policy requirements. It is important to note, however, that this is the position now, as opposed to when DASs were first required (2006).

### **A Living Document**

In some cases the DAS was found to have evolved during the development process, although its use ceased after completion of construction. Often it appeared to remain as a fixed document, which was not used beyond the grant of planning permission.

### **Content**

Analysis of site opportunities and constraints, including planning policy, were rarely included in the cases although these elements were often **described factually** (including repetition of planning policy). Access issues were found to have been usually covered in only a superficial way with general statements. DASs were found to be **useful for general communication purposes** for a number of different audiences. However, the need for a DAS **rarely influenced design quality**, which was found to be more dependent on the context in which the design occurred. DASs also appeared to have done little to broaden designers' perceptions of access.

## Summary of findings

The overall findings from the research are set out below under the headings of: Producing the DAS; using the DAS; and design outcomes.

### **Producing**

The quality of the content and the usefulness of a DAS in the development process was identified to be generally influenced by: whether, or not, there was a need to make the case for the development (the greater the need – the greater the quality); the professional expertise of the development team (the higher the expertise – the greater the quality); the experience of the applicant; and LPA requirements.

It was generally found that, if the applicant / consultant did not consider it necessary to justify the development proposals, then the DAS would usually only meet the minimum requirements of the Local Planning Authority. The more potentially controversial a project was (by virtue of its size, use, site location, surrounding uses, impact etc.) – the greater the significance would be attached to the DAS by applicant, planning officer, and consultees. This is symptomatic of the document being used as an information point that enables information to be found in one location, but also the potential for an applicant to seek to influence decision-makers of the merits of the scheme, via the Design and Access Statement.

### **Using**

The requirement to refer to the five elements of the TAN12 design wheel (often in order to secure validation) was found not to be appropriate to all forms of development that required a Design and Access Statement. There was no evidence that the consideration of these elements and the reporting of the design analysis having regard to these were, in themselves, improving design quality, although it provides a structure for communicating the design approach.

DASs were found to have **value as a communication tool** submitted alongside relevant plans. This was found to be the case for design officers, police architectural liaison officers, some development

managers, access groups, members of the public and committee members. This is reflected in the positive attitude towards the DAS by these groups in the research. **A good DAS can bring together an explanation or justification of a scheme, and make the scheme represented in the drawings easier to understand.** This is particularly the case for **significant schemes that are large, complex or smaller and in sensitive locations.**

The lack of engagement with Building Control on Part M requirements of the Building Regulations at the planning stage means that the kind of sensitivity to access required under the Equality Act might not be identified and followed through from planning permission to implementation.

## **Outcomes**

There was no evidence that the need to prepare a DAS had actually led to an improvement to the design of any of the developments considered in the case studies. In general it was recognised that good designs emerged from sets of circumstances that combined together in various ways. **The more potentially controversial or complex the proposals were – the greater focus was given to the DAS in preparation and consideration.**

The requirement to comply with national and local planning policy in terms of good design, combined with an increased understanding of the importance of good design (as set out in policy), was found to lead to good design rather than the actual need to prepare a DAS and to include a discussion of design constraints, opportunities and analysis therein.

It was found that the nature of the applicant and supporting team, and the degree to which they followed a pre-application process / used proactive planning tools, are the factors that allow the planning system to shape the quality of the design to an acceptable standard. A DAS can help inform this process, but it makes little contribution to how a scheme needs to be regulated.

Similarly the outcomes relating to access were found to have been due to wider pressures, requirements (both external and operational), and

established working practices, as opposed to having to prepare a Design and Access Statement. The need to meet building regulations was found to be the main impetus for ensuring the provision of appropriate access arrangements to a building.

## Recommendations

The following recommendations are provided in the report having regard to the findings of the research as set out in the preceding chapters.

The recommendations cover: DAS requirements / legislation (content, use, and applicability); guidance and best practice; training; and the planning process.

**1) The requirement for a design and access statement should be amended to reduce the number of applications that require them. Where they are not a requirement they can be submitted with an application on a voluntary basis. In both cases their primary function will be as a communication tool.**

It is evident from the research that DAS are useful as a communication tool, particularly for larger, more complex applications, however, the requirement for a DAS for small applications can cause frustration and add an additional burden to the application process. Therefore a revision to the requirement is proposed.

**2) To establish appropriate thresholds for applications that will require a DAS.**

Should recommendation 1 be accepted it would be necessary to ensure that the need for a DAS is proportionate to the development proposal. The report therefore offers a threshold over which a DAS would be mandatory, but under which it would be voluntary but recommended.

**3) To exclude from the Order the specific aspects of a development that *must* be considered in relation to design (i.e.**

**environmental sustainability, access, movement, community safety and character.)**

The secondary legislation should be simplified to retain the requirement to explain how design concepts and principles have been applied and access considerations have been taken into account, but the categories to be addressed in a DAS should be advised in technical advice rather than in secondary legislation. This would increase understanding of the requirement, content, and benefits of DAS

**4) Revise and consolidate the guidance on Design and Access Statements into one document and/or web-based facility.**

Whether or not the requirements for DAS are revised as set out in the above recommendations it is advised that the guidance on DAS is stripped back to provide a central, single reference point for information and guidance on design and access statements.

**5) Role out a programme of training and capacity building across the relevant bodies including conferences, seminars and articles.**

A training programme would include an update on the revised requirements for DAS and the other changes to support this to ensure that those writing and receiving them have a clear understanding of proposed changes. The aspirations for high quality design in Wales should be re-emphasised through this process

**6) Integrate Building Control as a source of advice for matters of access at the planning application stage for all buildings other than dwellings.**

The relationship between Development Management and Building Control should be reinforced for matters of access. A review should consider how a Local Authority Building Control representative or Approved Inspector could be engaged at the planning application stage. This representative could advise on access matters that would affect the design of a proposal in a similar way to a police architectural liaison officer

**7) Expand Building Regulations Part M to include *all* external areas within the boundary of the development.**

Given that some applications will no longer require a DAS (see Recommendation 1), to help ensure that appropriate consideration is given to equality of access to all external areas it is recommended that the scope of Part M be expanded.

**8) Continue to promote effective of pre-application meetings to support improved design and consideration of access issues.**

To support the changes to DAS requirements, the importance of pre-application meetings should be re-emphasised through published material and resourcing of LPAs.

**9) Maintain and develop other mechanisms to improve design quality.**

Other mechanisms to promote good design, other than DASs, need to be examined. This should include proactive design intervention tools.

**10) Encourage the use of planning conditions to ensure that, where pertinent, key elements of the DAS are delivered.**

To ensure that proposals that are set out in the DAS are carried forward appropriately and proportionately into the built development.

## Conclusions

The recommendations have been prepared having regard to the findings of the empirical research (literature, workshop, questionnaires, and case studies) which raised issues which should be addressed. The overall findings of the work were that DASs were considered to be an important and useful communication tool in the planning process, albeit they do not, in themselves, secure good design.

The report therefore recommends a suite of changes and refinements to the existing system to retain the benefit of DASs where they are appropriate and useful, and to reduce the current burden of preparing them where / when they are not.

These include a change to the **requirements** for DASs thus reducing the number of applications for which they will need to be prepared and therefore helping to address some of the negative attitudes towards the existing process. Improved **guidance and new training** will support the changes to DAS requirements. Access considerations will be remain a critical component of good design and maintained through the earlier involvement of **Building Control** with proposed changes to **Building Regulations**. The current weakness of DASs in improving design will also need to be addressed.

