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Access Statement

285 - 287 Finchley Road
London NW3



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On behalf of
Sonar Global Investments Ltd

Introduction

In 2006, the Government introduced the requirement to submit a Design and Access statement with most planning applications. These design and access statements are a communication tool. Planners should use design and access statements to help assess the design of a proposal against the relevant policies relating to design and access.

Statements should explain how access arrangements will ensure that all users will have equal and convenient access to buildings and spaces and the public transport network. The statement should address the need for flexibility of the development and how it may adapt to changing needs.

Approved Document M of the Building Regulations (2004), which came into effect in May 2004 had previously introduced the concept of Access Statements. These should be provided when plans are submitted for approval, when a building notice is given, or when details of a project are given to an Approved Inspector. An Access Statement can also be useful when:

- ◆ The project includes an application relating to a change of use;
- ◆ A design which does not replicate the guidance contained in the Approved Document to Part M, is being offered as being of equal, or better, in terms of addressing accessibility;
- ◆ Constraints within a site or an existing building require a proposed design to demonstrate that it is the best, or most appropriate, solution available.

The former Disability Rights Commission (now part of the Commission for Equalities and Human Rights) issued guidance in which it was stated that 'An Access Statement is a way of demonstrating that design, refurbishment and product selection decisions have, or will, address the obligations of reasonableness introduced by the Disability Discrimination Act 1995 (DDA)'.

Statement of intent

Whilst the physical limitations of the existing building impose considerable constraints on what the applicant (Sonar Global Investments Ltd) is able to do, the intention is to comply as fully as reasonably possible with current regulations, legislation and good practice.

Background & Consultation

This Access Statement is based on the information provided by Sonar Global Investments Ltd and Gregory Dowden of Indigo Planning Limited.

285 - 287 Finchley Road, London, NW3 is a 5 storey building which was built and completed approximately 5 years ago as 27 self-contained units. It is proposed to now change the use from flats to an Aparthotel utilising the existing 27 units with no alterations to the existing building or to the internal layouts.

The building currently comprises 4 ensuite rooms on the Lower Ground Floor, 4 ensuite rooms on the ground floor, 8 ensuite rooms on floor 1, 7 ensuite rooms and a Porter's office on floor 2 and 4 ensuite rooms on the 3rd floor. There is also a small Laundry Room on the lower ground floor. There are retail units on either side of the entrance to the proposed Aparthotel.

The applicant recognises the duties within the DDA and is keen to provide good access as far as is reasonably practicable within the constraints of the existing building.

On the basis that this application is for Change of Use of the existing building to an Aparthotel, Approved Document M of the Building Regulations only requires that access to the building is not made worse than it was before. Where any works are being carried out and new features are being installed then these should comply with Approved Document M (as far as is reasonably practicable).

Sonar Global Investments Ltd also consulted Karen Ross, a member of the National Register of Access Consultants (NRAC) for further guidance with regard to this provision and requested that this Access Statement be drawn up to demonstrate the commitment to providing reasonable access for disabled people within the limitations of the existing structure and the use of the building.

Disabled people and the environment

Many people immediately think of wheelchair users when they think of disability, and although this group often experience particular difficulties in relation to access and the built environment in fact they are relatively small in number compared to some other types of disability.

The following is a rough estimate of the order in terms of total numbers, although for some of these issues there are no actual figures as there is no nationwide organisation collating actual statistics e.g. ambulant disabilities:

Ambulant disabled
Hearing impaired

Visually impaired
People with learning disabilities
People with mental health problems
Wheelchair users

Ambulant Disabled people

With or without assistance they can walk on the level and negotiate suitably graded steps providing that convenient handrails are provided.

Hearing impaired people

- 1 in 7 people have significant hearing loss
- 70,000 deaf children in the UK
- 75% of over 60's have hearing impairment due to aging
- 4 million could benefit from hearing aids - only 2 million use them
- 55,000 use British Sign Language
- 7% of the population have Tinnitus (ringing in the ears)

Barriers within the environment may include:

Poor signage
Door entry systems/intercoms
Poor lighting
Frequently used doors without vision panels
Lack of contrast nosings on steps/stairs
May benefit from sound enhancement systems

Visually Impaired people

- 2 million visually impaired people in the UK
- 18% have no sight
- 3% read Braille

Barriers within the environment may include:

Poor signage
Poor lighting
Lack of good colour contrast
Instructions/notices in small decorative fonts
Hazards/obstructions

People with learning disability

A very wide group - it is difficult to be specific about needs. Different access requirements depending upon whether accompanied or not.

Are able to learn but may have problems processing information at the same speed as non-disabled people.

Barriers within the environment may include:

Poor signage

Poor lighting

Lack of good colour contrast

Instructions/notices that are difficult to read/understand

Hazards/obstructions

Mental health issues

Covers a broad range of disabilities from stress or anxiety disorders to clinical depression, agoraphobia, panic attacks, dementia or schizophrenia. May have cognitive impairments.

Barriers within the environment may include:

Poor signage

Poor lighting

Lack of good colour contrast

Instructions/notices that are difficult to read/understand

Hazards/obstructions

Wheelchair users

- 5-6% of the disabled population (750,000 approx)
- Small proportion unable to stand
- Different sized wheelchairs
- Different strengths and reach

Steps/stairs or any change in level

High thresholds and water barriers

Narrow and or heavy doors

Poor signage

Fixtures & fittings may be difficult to reach

Influencing Legislation

The Disability Discrimination Act 1995 (DDA)

The main focus of the DDA is to end the discrimination which many disabled people face and give disabled people rights in the areas of employment, access to goods, facilities and services, as well as education and transport.

Under the Act discrimination occurs where a disabled person is treated less favourably than someone else, and the treatment is for a reason relating specifically to the persons disability, and this treatment cannot be justified. Discrimination also occurs where there is a failure to make a reasonable adjustment for a disabled person and that failure cannot be justified

The service provider (Sonar Global Investments Ltd) at 285 - 287 Finchley Road, NW3 will have potential duties under both Part II (employment) and Part III (access to goods, facilities and services).

With regard to the Part II duties they do not need to anticipate what existing or potential employees may need but rather they should not dismiss or refuse to appoint a person on the grounds of their disability. If a member of staff acquires a disability or a disabled person applies for a position at 285 - 287 Finchley Road, NW3 help and advice is available from the Disability Employment Advisers (DEA's) who can be contacted through the Access to Work scheme. The DEA's also have access to funds and can potentially fund up to 80% of any identified 'reasonable adjustment'.

Part III (access to goods, facilities and services) covers all organisations that provide goods, facilities or services to the public, whether paid for or free.

The final part of Part III came into force on 1st October 2004 when the duty was extended to require service providers to identify and if necessary make 'reasonable adjustments' to the physical environment to overcome physical barriers to access. It should also be noted that whilst the provision of a hotel may be covered by the DDA, facilities offering potentially longer term lets - in this case a maximum of 90 days, may not be covered in the same way, although the operator may have duties within the common parts. It should also be noted that these short let rooms will be booked either on-line or through specific booking agents, it will not be possible to obtain these rooms by calling at the premises, as is usually the case with a hotel.

Within the DDA there are currently four options to overcoming a physical barrier to access:

- Remove it
- Alter it
- Go round it
- Provide the service in another way

Currently it is for the service provider to decide what is reasonable in their case.

According to literature provided by the Disability Rights Commission several factors have a bearing on whether a change is a reasonable one, particularly for physical adjustments to premises. These include:

- the type of service provided
- the size of the business and the annual turnover,
- the cost of the adjustment
- the amount of any disruption to the business while the work is being carried out
- practicality of carrying out the adjustment
- potential benefits to the customer/end user

It is also relevant that the DDA does not override any other legislation and that there are exemptions - Health & Safety, making contracts, providing a service to others, charging more, protecting the fundamental nature of a business or service.

Sources of guidance consulted:

- 📖 Approved Document M: 'Access to and use of buildings', 2004 edition, (ISBN 0117539015)
- 📖 BS 8300:2009 Code of Practice for the design of buildings and their approaches to meet the needs of Disabled People, British Standards Institute (ISBN 0580384381)
- 📖 Disability Discrimination Act 1995 (The Stationery Office, 1995)
- 📖 Disability Discrimination Act 1995 Code of Practice: Rights of Access, Goods, Facilities, Services and Premises (The Stationery Office 1995)

The Requirements of Approved Document M

Approved Document M Schedule M1 requires that reasonable provision is made for people to:

- a) gain access to; and
- b) use

the building and its facilities

On the basis that this application is for Change of Use to an Aparthotel, Approved Document M of the Building Regulations only requires that access to the building is not made worse than it was before. Where any works are being

carried out and new features are being installed these should comply with Approved Document M (as far as is reasonably practicable).

This Access Statement aims to address the non-compliant aspects, which are:

- limited wheelchair access into the premises

The project

285 - 287 Finchley Road, NW3 is located off the Finchley Road in London and is a 5 storey building with the entrance to the proposed Aparthotel between the existing retail units and 285 and 287 Finchley Road. This building has been as existing for the past 5 years and it is not proposed to make any alterations to either the entrance or to the internal layout of the building or the rooms.

The building currently comprises 4 ensuite rooms and a small Laundry Room on the Lower Ground Floor, 4 ensuite rooms on the ground floor, 8 ensuite rooms on floor 1, 7 ensuite rooms and a Porter's office on floor 2 and 4 ensuite rooms on the 3rd floor.

Facilities on the lower ground floor include:

- Rooms (4) - all accessed using internal stairs and all as existing
- Laundry room

Facilities on the ground floor include:

- Front Entrance (existing - slight step/threshold)
- Lobby - existing
- Rooms (4) - all accessed using internal stairs and all as existing

Facilities on the first floor include:

- Rooms (8) - all accessed using internal stairs and all as existing

Facilities on the second floor include:

- Rooms (7) - all accessed using internal stairs and all as existing
- Porter's Office

Facilities on the third floor include:

- Rooms (4) - all accessed using internal stairs and all as existing

The existing entrance into the building has a slight step of approximately 100mm. There is no colour contrast nosing to the step. The Building Regulations and good practice guidance recommends that nosings should be integral with the steps and discernible in both colour and tone. They should be used on the rise

of the step as well as the tread so that they are visible when ascending and descending the steps. This step would potentially limit wheelchair access into the premises, however ambulant and other disabled people would potentially be able to negotiate this step and gain access into the premises.

The entrance door has a good clear width of approximately 850mm and vision panels in accordance with the Building Regulations.

There is a large entrance lobby of approximately 2.2m by 3.4m.

At the far end of the lobby it divides into two, with a corridor to the left hand side providing access to the ground and lower ground floor facilities, and a corridor to the right hand side providing access to the stairs leading to the upper floor.

At the start of the left hand corridor there is a single step down of approximately 220mm which leads to the stairs to the rooms (both ground floor and lower ground floor). There is no colour contrast nosing to the step. The Building Regulations and good practice guidance recommends that nosings should be integral with the steps and discernible in both colour and tone. They should be used on the rise of the step as well as the tread so that they are visible when ascending and descending the steps. The corridor has a clear width of approximately 1100mm at its widest point although this is narrower in one area down to only approximately 930mm. Good practice recommends that corridors widths should be unobstructed as far as possible and with a minimum clear width of 1200mm, but preferably 1800mm which will enable two wheelchair users to pass each other, however in this case this is limited by structural constraints.

The stairs to the ground floor rooms are approximately 1040mm wide with no handrails and no colour contrast nosings. There are 7 steps with risers of approximately 180mm and treads of approximately 260mm; these dimensions are existing and dictated by structural constraints. The Building Regulations and good practice guidance recommends that nosings should be integral with the steps and discernible in both colour and tone. They should be used on the rise of the step as well as the tread so that they are visible when ascending and descending the steps. Good practice guidance and the Building Regulations suggest that people who have difficulty managing changes in level need the support of handrails which should be continuous across flights and landings. Handrails should be easy to grip and provide good forearm support with a positive end to reduce the risk of clothing being caught. Surfaces should not be cold to the touch e.g. hardwood or nylon-coated steel and the handrails should be easily identified from the background against which it is seen. Handrails to

steps should be fixed at a height of between 900 - 1000mm above the pitchline and 900 - 1100mm above the landings.

The corridor at the top of the stairs to the ground floor bedrooms has a clear width of approximately 1000mm to the left hand side of the stairs and approximately 850mm to the right. Good practice recommends that corridors widths should be unobstructed as far as possible and with a minimum clear width of 1200mm, but preferably 1800mm which will enable two wheelchair users to pass each other, however in this case this is limited by structural constraints.

The stairs down to the lower ground floor have 2 steps and then a half landing followed by a further 6 steps. There are no handrails or colour contrast nosings. The steps are approximately 970mm wide and the first 2 steps have treads of approximately 350mm and risers of approximately 200mm; these dimensions are existing and dictated by structural constraints. The 6 steps down have treads of approximately 260mm and risers of approximately 180mm; these dimensions are existing and dictated by structural constraints. The Building Regulations and good practice guidance recommends that nosings should be integral with the steps and discernible in both colour and tone. They should be used on the rise of the step as well as the tread so that they are visible when ascending and descending the steps. Good practice guidance and the Building Regulations suggest that people who have difficulty managing changes in level need the support of handrails which should be continuous across flights and landings. Handrails should be easy to grip and provide good forearm support with a positive end to reduce the risk of clothing being caught. Surfaces should not be cold to the touch e.g. hardwood or nylon-coated steel and the handrails should be easily identified from the background against which it is seen. Handrails to steps should be fixed at a height of between 900 - 1000mm above the pitchline and 900 - 1100mm above the landings.

It should be noted that the Laundry Room is on the lower ground floor and this may potentially require access, however if it is ensured that all stairs comply with Building Regulations and good practice as far as possible then this may become accessible for some disabled people. It should also be noted that this facility will primarily be used by staff and not by the occupants of the building.

The corridor to the stairs up to the upper floors has a clear width of approximately 1030mm. Good practice recommends that corridors widths should be unobstructed as far as possible and with a minimum clear width of 1200mm, but preferably 1800mm which will enable two wheelchair users to pass each other, however in this case this is limited by structural constraints. The stairs are carpeted with no colour contrast nosings. There are 9 steps to a small half

landing followed by a further 13 steps. There is a handrail to one section of the stairs and to one side only. The width of the stairs is approximately 1100mm with a small section being narrower at only approximately 910mm over a short section. The treads are all approximately 250mm and the risers are all approximately 170mm; these dimensions are existing and dictated by structural constraints. The Building Regulations and good practice guidance recommends that nosings should be integral with the steps and discernible in both colour and tone. They should be used on the rise of the step as well as the tread so that they are visible when ascending and descending the steps. Good practice guidance and the Building Regulations suggest that people who have difficulty managing changes in level need the support of handrails, which should be continuous across flights and landings. Handrails should be easy to grip and provide good forearm support with a positive end to reduce the risk of clothing being caught. Surfaces should not be cold to the touch e.g. hardwood or nylon-coated steel and the handrails should be easily identified from the background against which it is seen. Handrails to steps should be fixed at a height of between 900 - 1000mm above the pitchline and 900 - 1100mm above the landings.

Lighting within the corridors and on the stairs is controlled by timers. The light switches are positioned at a height of approximately 1400mm and are white against pale walls making them potentially quite difficult to see. This can easily be addressed by providing either colour contrast face plates to the switches or providing or painting a colour contrast border around the switches.

One room was examined briefly which was of medium size. The door into the room opens in and has a clear opening width of approximately 700mm. There is a suitable style and colour lever door handle provided and a twist lock. A small ensuite bathroom is provided which has a door which opens outwards and has a clear opening width of approximately 630mm. The bathroom is approximately 1.75m by 1.8m in size.

It may be feasible within the rooms to provide facilities, which would potentially make them suitable for some disabled people, and to ensure good colour contrast between the fixtures and fittings and walls. Colour contrast is important for people with visual impairment as well as learning difficulties and cognitive impairments to enable them to assess where particular fittings or features are located. This can easily be improved when redecorating by either ensuring that the walls are a darker colour against the fixtures and fittings or by providing coloured fixtures and fittings.

Specific access issues within the proposal

The existing facility and structural constraints means that this proposal cannot fully comply with the requirement to provide fully accessible accommodation', and indeed this may not be required by the legislation and Building Regulations. The applicant will however provide access for disabled people as far as is reasonably possible within the constraints of the existing building and by carrying out improvements where possible.

Specific provisions relating to access for disabled people to the premises and which can potentially be achieved include:

- ✓ Good width entrance door with colour contrast nosing to the existing step
- ✓ Staircases suitable for ambulant disabled use and with colour contrast nosings and handrails to assist the visually impaired
- ✓ Consideration of the provision of facilities within the rooms for use by ambulant disabled people
- ✓ Good colour contrast within the ensuite facilities to ensue ease of use by people with visual impairments, learning difficulties and cognitive impairments

Conclusion

It is recognised that this existing building is not fully accessible to wheelchair users however this is due to space limitations, structural constraints and the use of the building. This does not necessarily mean that the scheme breaches the duties and requirements of the DDA or Building Regulations, Approved Document M and the applicant is willing to provide as reasonable access as possible and will address any shortfalls (where possible) in relation to access for disabled people. The applicant will also review the access provision and requirements for wheelchair users and will make reasonable adjustments as and when possible e.g. if future refurbishment or alteration is made to the building.

The key considerations for disabled people in relation to the steps and stairs in the common areas of the building are that the treads and risers are uniform, the provision of suitable handrails and closed risers as well as colour contrast nosings. The applicant will ensure that the stairs and other features comply in all other aspects to the requirements and provisions and as a result should provide a usable facility for people with ambulant disabilities as well as the visually impaired, people with learning difficulties and cognitive impairments.

It may also be feasible within the rooms to provide facilities, which would potentially make them suitable for disabled people, and to ensure good colour

contrast between the fixtures and fittings and walls. Colour contrast is important for people with visual impairment as well as learning difficulties and cognitive impairments to enable them to assess where particular fittings or features are located. This can easily be improved when redecorating by either ensuring that the walls are a darker colour against the fixtures and fittings or by providing coloured fixtures and fittings.

In view of all the circumstances, it is felt that 'reasonable' provision is being made at this moment in time in accordance with the Building Regulations 2000, Approved Document M 2004, and the duties and requirements of the Disability Discrimination Act 1995 (DDA).

Prepared for and on behalf of Sonar Global Investments Ltd for 285 - 287 Finchley Road, London, NW3 by



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