

Butler & Young Approved Inspectors Limited comments

Page: [Policy D3 Inclusive design](#)

Section: [D3](#)

Policy D3 A1 and A3 will conflict with other legislation - Building Regulations and the Regulatory Reform (Fire Safety) Order.

Whilst I agree that designers need to consider such items early in the design process, Part M of the Building Regulations sets minimum standards for Access to and Use of Buildings, whilst both the Building Regulations and the Regulatory Reform (Fire Safety) Order set minimum standards for the evacuation of buildings.

Should the Planning Authority try to place conditions on a planning application in relation to these aspects , the conditions would surely fail the 6 tests under the NPPF as 1- Not Necessary (other legislation applies), 2- Not relevant to planning, 4- not enforceable as other legislation applies and 6 - not reasonable as other legislation applies

Page: [Policy D3 Inclusive design](#)

Section: [3.3.4](#)

Paragraph 3.3.4 describes aspects of access to and use of buildings that are controlled under building regulations. Entrances and circulation inside buildings together with facilities that are suitable for use are all aspects that are controlled under building regulations.

Any conditions proposed by the planning authority in relation to these aspects would surely fail the 6 tests under the NPPF as 1- Not necessary as controlled under building regulations, 2 - not relevant to planning as controlled under building regulations, 4- not enforceable as controlled under building regulations and therefore 6- not reasonable

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Section: [3.3.5](#)

Paragraph 3.3.5 describes aspects of evacuation of a building that are controlled under both Building Regulations and the Regulatory Reform (Fire Safety) Order

Any conditions proposed by the planning authority in relation to these aspects would surely fail the 6 tests under the NPPF as 1- Not necessary as controlled under building regulations, 2 - not relevant to planning as controlled under building regulations and the regulatory reform (fire safety) order, 4- not enforceable as controlled under building regulations and the regulatory reform (fire safety) order and therefore 6- not reasonable

Page: [Policy D10 Safety, security and resilience to emergency](#)

Section: [D10](#)

Policy D10B makes reference to building resilience to risks arising from fire (as one aspect of risk). Fire safety of buildings is controlled under other legislation in relation to life risk by the Building Regulations, the Regulatory Reform (Fire Safety) Order, health and safety at work legislation and HMO legislation.

Property protection issues may want to be considered but are usually a consideration for building owners and their insurers.

Any conditions proposed by the planning authority in relation to fire safety aspects for life safety under this policy would surely fail the 6 tests under the NPPF as 1- Not necessary as controlled under building regulations, regulatory reform (fire safety) order, health and safety at work legislation or HMO legislation, 2 - not relevant to planning as controlled under building regulations, regulatory reform (fire safety) order, health and safety at work legislation or HMO legislation 4- not enforceable as controlled under building regulations, regulatory reform (fire safety) order, health and safety at work legislation or HMO legislation and therefore 6- not reasonable

Page: [Policy D10 Safety, security and resilience to emergency](#)

Section: [3.10.2](#)

Fire safety of buildings is controlled under other legislation in relation to life risk by the Building Regulations, the Regulatory Reform (Fire Safety) Order, health and safety at work legislation and HMO legislation.

Any conditions proposed by the planning authority in relation to fire safety aspects under this policy would surely fail the 6 tests under the NPPF as 1- Not necessary as controlled under building regulations, regulatory reform (fire safety) order, health and safety at work legislation or HMO legislation, 2 - not relevant to planning as controlled under building regulations, regulatory reform (fire safety) order, health and safety at work legislation or HMO legislation 4- not enforceable as controlled under building regulations, regulatory reform (fire safety) order, health and safety at work legislation or HMO legislation and therefore 6- not reasonable

Page: [Policy D11 Fire safety](#)

Section: [N/A](#)

Fire safety of Tall Buildings is controlled under other legislation - Building Regulation, Regulatory Reform Fire Safety Order, Health and Safety at Work legislation and HMO legislation.

Any conditions proposed by the planning authority in relation to fire safety aspects under this policy would surely fail the 6 tests under the NPPF as 1- Not necessary as controlled under building regulations, regulatory reform (fire safety) order, health and safety at work legislation or HMO legislation, 2 - not relevant to planning as controlled under building regulations,regulatory reform (fire safety) order, health and safety at work legislation or HMO legislation 4- not enforceable as controlled under building regulations,regulatory reform (fire safety) order, health and safety at work legislation or HMO legislation and therefore 6- not reasonable

Page: [Policy D11 Fire safety](#)

Section: [D11](#)

Policy D11 should be omitted in its entirety. The whole policy is controlled by other legislation - Building Regulations, Regulatory Reform (Fire Safety) Order, Health and Safety at Work legislation and HMO legislation.

The National Planning Policy Framework provides guidance on the use of planning conditions and sets out 6 tests to be applied to any proposed planning condition. Planning conditions must be,

1. Necessary
2. Relevant to planning and;
3. To the development being permitted
4. Enforceable
5. Precise

6. Reasonable in all other respects

Any conditions proposed by the planning authority in relation to this policy would surely fail the 6 tests under the NPPF as 1- Not necessary as controlled under building regulations, regulatory reform (fire safety) order, health and safety at work legislation or HMO legislation, 2 - not relevant to planning as controlled under building regulations,regulatory reform (fire safety) order, health and safety at work legislation or HMO legislation 4- not enforceable as controlled under building regulations,regulatory reform (fire safety) order, health and safety at work legislation or HMO legislation and therefore 6- not reasonable

As no conditions can be made in relation to this policy, or any part of it, the policy is therefore not appropriate and therefore should be omitted

Page: [Policy D11 Fire safety](#)

Section: [3.11.1](#)

Whilst I support the view that fire safety aspects of buildings need to be considered at the earliest possible stage of design, fire safety aspects of a building are controlled under other legislation and are therefore not a planning consideration.

The National Planning Policy Framework provides guidance on the use of planning conditions and sets out 6 tests to be applied to any proposed planning condition. Planning conditions must be,

1.Necessary

2.Relevant to planning and;

3.To the development being permitted

4.Enforceable

5.Precise

6.Reasonable in all other respects

Any conditions proposed by the planning authority in relation to this policy would surely fail the 6 tests under the NPPF as 1- Not necessary as controlled under building regulations, regulatory reform (fire safety) order, health and safety at work legislation or HMO legislation, 2 - not relevant to planning as controlled under building regulations,regulatory reform (fire safety) order, health and safety at work legislation or HMO legislation 4- not enforceable as controlled under building regulations,regulatory reform (fire safety) order, health and safety at work legislation or HMO legislation and therefore 6- not reasonable

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Page: [Policy D11 Fire safety](#)

Section: [3.11.2](#)

Whilst I support the view that fire safety aspects of buildings need to be considered at the earliest possible stage of design, fire safety aspects of a building are controlled under other legislation and are therefore not a planning consideration.

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Page: [Policy D11 Fire safety](#)

Section: [3.11.3](#)

Whilst I support the view that fire safety aspects of buildings need to be considered at the earliest possible stage of design, fire safety aspects of a building are controlled under other legislation and are therefore not a planning consideration.

Guidance on the provision of sprinklers in buildings is already given in various guidance documents such as Approved Document B, British Standards (9999, 9991), Building Bulletins and Health Technical Memorandums.

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- 5.Precise
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- 5.Precise
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