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## PRACTICE FORUM

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# Planning and Toilet Provision: a cistern's view of planning

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CS18: The City council will seek to improve deficiencies in the provision and quality of public toilets across the city. Where appropriate this may be achieved in new development. New public toilets must be fully accessible to disabled people and include separate children's changing and feeding facilities. They must also be designed to ensure maximum safety and security. Bristol, 1993.

### A Land-use Matter?

This paper centres on a topic which potentially affects everyone: public conveniences. But are 'toilets' a planning matter? Investigating the topic brought to the surface hidden assumptions as to what counts as a land-use matter, and therefore is a legitimate planning issue. It is argued that toilet provision is not *ultra vires* because it affects the way people 'uze' land. I created the new term 'uze land' to convey human use of, and access to buildings and development, to distinguish it from the somewhat static, geographical term of 'land use' (Greed, 1996). The paper highlights the role of other regulatory bodies and statutory controls which may help or hinder planning policy implementation and concludes with proposals to improve the levels of provision.

'Toilets' are an issue which particularly features in 'women and planning' discussions not only because women are predominantly responsible for babies and children (Greed, 1994a,b),

but also because men have two-thirds more provision than women (Jones, 1994; WDS,1991). Women are more likely to be the ones who are out more in the daytime in the city, doing the shopping and travelling around on public transport, on essential food gathering, home making and caring-related trips, but without access to their own central area 'base' in an office which has facilities. If one walks around a shopping centre and does a mental count women are likely to be found to outnumber men 80:20. Yet, the level of provision of toilets for women in town centres is at 'best' 50:50 and more typically in a 70:30 ratio in favour of men. British Standard BS6465 (Part I), and the Linked Approved document G of the Building Regulations have provided the national guideline standards for toilet provision since 1985 (BSI, 1985; DoE, 1992a). It is a legal requirement for men to be provided with approximately a third more provision per set of toilets than women, because they have approximately the same number of cubicles as in the 'Ladies' plus urinal provision. Men have more facilities locationally too, but there is general under-provision for both sexes: 42% of local authorities have only one public convenience per 5–10 000 people, and facilities are closing daily (Jones, 1994).

### Types of Provision

#### *On-street Provision*

Provision can take two forms: on-street provision by the local authority, or private off-

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street provision by the developer or owner of a shopping centre or other private building to which the public has access (such as a department store or bus station). The 1848 Public Health Act first gave general powers of provision, updated by the 1875 Public Health Act. The Victorians located many toilets underground partly out of propriety, but also because legislation allowed the area of the 'subsoil' beneath the public highway readily to be utilised. Subsequent generations have had to struggle down the steps to the toilet. The 1936 Public Health Act, Section 87, sub-section 3 gave local authorities the right to build and run on-street 'public conveniences' and to charge such fees as they think fit 'other than for urinals'. Thus women could be charged and men not. Women found their access blocked by 'penny in the slot' doorlocks, and pay-turnstiles. Turnstiles were eventually outlawed under the 1963 Public Lavatories (Turnstiles) Act.

#### *Off-street Provision*

The legal requirements are minimal. Private developers and retailers have not been required to provide for shoppers, only shop workers (Cunningham & Norton, 1993, p. 1). However, BS6465 (Part I) was revised in 1995 and now customer toilets must be provided on the basis of two female, one male and one disabled toilet plus one male urinal per 1000–2000 m<sup>2</sup> of new net retail floor space in shops and shopping malls. Employee provision in offices and shops is not equal either under the 1963 Offices, Shops and Railway Premises Act. This is being replaced, and improved—a little—by the provisions of the EU Work Place Directive. However, many department stores provide facilities, as do some retail outlets seeking to attract family shoppers, such as Mothercare, IKEA and Children's World. If a shop sells food and drink which is consumed on the premises, or if the premises is a betting office, both male and female toilets must be provided under S.20 of the 1976 Local Government (Miscellaneous Provisions) Act. It is only possible to enforce these regulations at the time new premises are built, or existing ones undergo major alteration; thus many facilities are never upgraded. Pro-

vision need only be 'sufficient' (as they think fit). The words 'sufficient' and 'adequate' and 'may' frequently appear in toilet legislation. In the case of inns and public houses the standard which is considered to be both adequate and sufficient is based on a 75:25 ratio in favour of men. The licensing laws governing places of entertainment, dancing and where alcohol is consumed also affect toilet accessibility. When the lack of public conveniences for women and children is raised, someone is bound to say "well they could always go into a pub". Under the 1933 Children and Young Persons Act it was made illegal for children under 14 to be in a bar, this restriction on access being incorporated into S.168 of the 1964 Licensing Act (Glover, 1994). But some 'family pubs' since 1995 have been granted the right to admit children for the first time.

Sport-related provision is generous: for men at least. Facilities have been typically provided on a 90:10 ratio in favour of men, notwithstanding the sentiments of 'Sport for All', and the likely use of such facilities as venues for entertainment events. A new Sports Council consultative document improves on this ratio, suggesting 85:15, but recommends that clubs should research their own ratio as appropriate to local demand, but does not take a proactive role in initiating higher provision to attract more women (Inglis, 1994). There is also a lack of awareness of the need to provide additional facilities in urban areas hosting major sporting events, particularly for accompanying families and tourists. Manchester closed over two-thirds of its public toilets during the period that it was promoting itself as the ideal European city to host the Olympic Games.

#### **Current Demand and Chances of Provision**

##### *Distribution*

There are no requirements to show toilet provision in any town planning documents (except for country parks), and there are no standards on distribution and location, or floorspace-linked criteria as to levels of provision. Under the Citizen's Charter an account must be given of the number of public conveniences provided by a local authority, but not the ratio of male to

female (Audit Commission, 1994). There is no compulsion under any legislation for local authorities to provide on-street public conveniences. Car ownership and demand for public transport has increased as urban uses have de-centralised, and tourism has grown. Women and men are away from home for longer periods, whether it be to visit out-of-town centres, to travel to work, or to tour on holiday. The population contains a higher proportion of elderly people. Women have 'special' needs in relation to pregnancy and menstruation. Women are demanding baby-changing and breastfeeding facilities (to do the latter in public may still be judged illegal).

Local authorities which have sought to improve on street public toilet provision, or who have attempted to enforce high standards on private developers and owners to ensure adequate off-street public provision, have run into difficulties. According to Nigel Ward (Environmental Health Department, Waltham Forest) Section 20, subsection 3, of the 1976 Local Government (Miscellaneous Provisions) Act prohibited local authorities enforcing higher standards in privately owned businesses (in providing facilities for the use of the public in restaurants, pubs and other places of entertainment) *in excess* of the minimum standards required under the Building Regulations (CAE, 1992). The Building Regulations were revised in 1984–85 and national toilet standards were set out in Approved Document G. The enforcement of these standards, as introduced in 1985, resulted in reduced standards of provision. Local authorities can still set their own standards *provided* they are not better than BS6465 standards. Many London Boroughs and the GLC (under its Public Entertainment Licence Requirements) had previously had much higher, and more equitable standards, and prior to the establishment of these new national standards were free to impose them.

#### *Transport Termini*

Particular problems are found in railway and bus stations, domains ruled by other agencies over which the planners have little control. British Rail appears to be oblivious to all the good design guides on accessibility. Mainline

railway stations such as Paddington (Edwards-Jones, 1994), Euston and King's Cross now have turnstiles at the entrances to female (and some male) toilets, all of which are located downstairs, with a charge of 20p being made. (Railway stations are exempted premises under the 1963 Public Lavatories (Turnstiles) Act.) The turnstile entrance at Paddington, installed in early 1994, is 15½" (40cm) across—hardly allowing enough room for luggage, whilst the average pushchair is at least 18" (46cm) wide. Toilet turnstiles are being introduced into a range of privatised public facilities, including shopping malls and bus stations.

Such restrictions are town planning matters because they restrict the way in which people 'use' land, and their access to vital transportation systems. But because of the division of regulatory powers planners can do nothing about all this, indeed some may not even see it as planning matter. *Any realistic integrated land-use-transportation planning strategy would incorporate these issues, and also vastly improve the provision for the disabled, and babies in railway and bus stations, and on board trains, if the government is serious about reducing dependence on the motorcar* (DoE, 1994). More lifts, wider step escalators and more concourse-level toilets would be installed for people with pushchairs, luggage and the disabled. Planning control must be extended to the inside as well as outside of buildings, particularly in respect of covered shopping malls, transport termini concourses, and covered all-weather sports and leisure facilities. Some vulnerable groups do not venture out at all if they believe toilet provision will be unavailable or inaccessible.

#### *Design*

Internal design may leave much to be desired. The details of toilet design are enshrined in BS6465, Part I, and the linked Building Regulation Approved Document G, Section 5 of the Chronically Sick and Disabled Act 1970 requires provision for the disabled as embodied in linked Document M of the Building Regulations (DoE, 1992b), and British Standard BS5810 (BSI, 1992). The present situation creates a false abled/disabled dichotomy. Every-

one will grow old and less mobile, most women will be pregnant at some point, most adults will have children, whilst others are hampered by shopping, luggage, illness and temporary injuries. There are no statutory requirements on provision of children's toilets or facilities for babies, although design guidelines exist for such provision in a range of sources (WDS, 1991 and see Figure 1; Tutt & Adler, 1993).

### Professional Cultures

There are undoubtedly 'smutty attitude' problems among some planners which reduce the chances of toilet provision, but they cannot be blamed entirely because of the limited nature of their powers. 'Toilets' are a function shared among several professional and government bodies who might hold entirely different agendas from the planners. Of the two million people in the construction industry (at all levels) less than 5% are women (most of whom are at non-decision-making levels) (Table 1), and the whole professional discourse is relatively technological and 'peopleless' (CISC, 1992). The worlds of plumbing and services engineering are particularly male dominated and toilet policy makers may still harbour unrealistic images of women, and have no concept of the numbers and range of women *en masse* using urban space. Many key 'toilet' decision makers may have limited experience of travelling on buses, few have young families, whilst ethnic minority contact and representation is virtually nil. Both the BSI and Building Regulations committees responsible have until recently consisted entirely of men, until the co-option of a woman onto the BS committee, namely Susan Cunningham of All Mod Cons (the leader of the pressure group for better toilets).

### Alternative Strategies

Some local authorities had sought prior to the 1995 revision of BS6465 to get facilities provided through planning gain, such as the London Borough of Haringay which recommends one male and one female customer toilet per 1000–2000 m<sup>2</sup> of net retail floorspace plus a

unisex disabled toilet, between 2000 and 4000 ft<sup>2</sup> of net floorspace another two male and two female toilets and one additional unisex toilet thereafter. But it has been found in practice, as in Waltham Forest struggling to implement an equitable toilet policy, that PPG1 (DoE, 1992c) can be used in argument by private developers to prohibit such toilet facility provision in supermarkets and shopping malls. Therefore the proposed UDP for that borough had to be amended to take out the toilet provision policy requirements (CAE, 1992). Local authorities may also find their planning gain negotiations limited by the 1989 Local Government and Housing Act which requires 50% of capital receipts (such as inducements from developers not specifically related to the development site) to be set aside to repay current debts (and unfortunately toilets and childcare facilities might fall into this category) (Ainsbett, 1990).

Whilst the provision of toilets is seen as a luxury, cities are turned upside down to accommodate the needs of the motor car. It is never said that car parking provision is not a land-use matter, although also related to the way people 'use' land, rather than the 'use' itself. Some planning inspectors have ruled that provision of such facilities as toilets, crèches and buggy parking counts as imposing 'quotas' on developers (but not so car parking spaces). But there seems to be a considerable difference of opinion on this among planning inspectors. Various other local authorities have sought to make the provision of both toilets and shoppers' crèches an integral component of their planning policy documents, making such provision a condition of development, and to some extent, outside London, they appear to have got away with it so far (Southampton, 1991; Birmingham, 1991, 1994). There are also differences in attitude among developers. Some are keen to comply to get better planning permission, and to please their customers, whereas others object to paying for toilet provision. Tesco objected to the word 'expect', in a section of the Lewisham UDP policy statement which required, "in major developments which attract large numbers of visitors, such as shopping centres and leisure facilities, the council will expect developers to provide an adequate amount of accessible, good

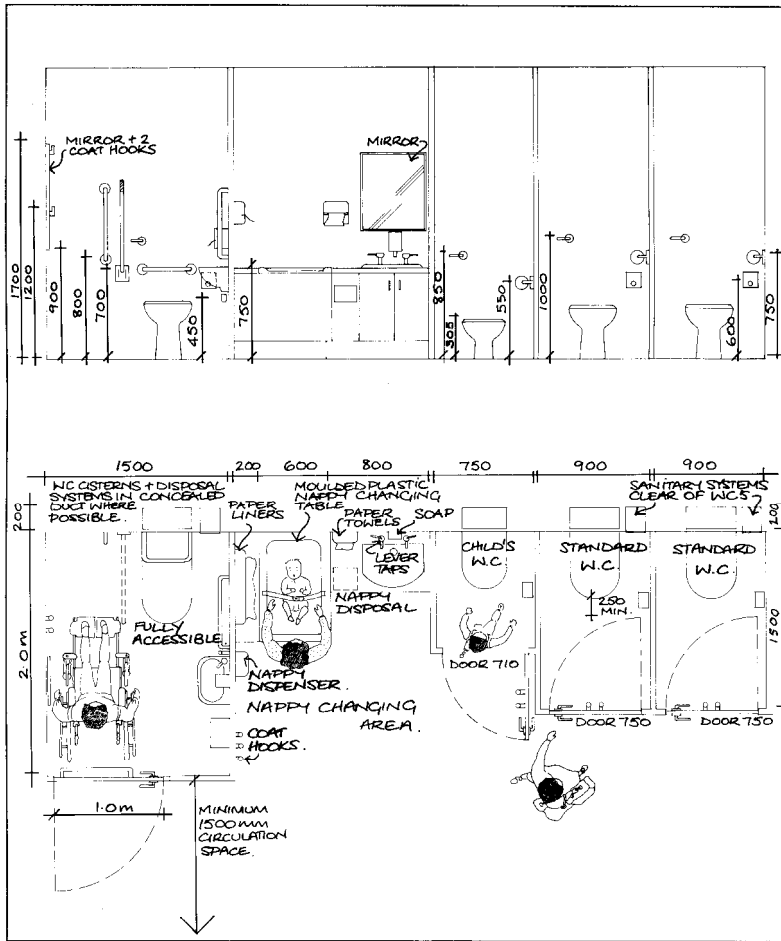


FIGURE I. An ideal public convenience design.

Note: Drawing by Judy Sissons. Reproduced by permission of the Women's Design Service. © WDS.

quality sanitary accommodation". Ian Arnold, the council's environmental services chair, has called for "urgently needed new planning powers in respect of internal facilities in stores" (*Planning Week*, unattributed short comment, 5 May 1994: p. 7).

Many would argue there is a need for mandatory provision, as such an important issue as toilet provision cannot be left to the bartering process in negotiating the terms of planning permission. In North America planning is based on meeting certain criteria as to

each type of land use, which are enforced by zoning regulations. The owner has less control over internal, as well as external layout than in Britain, and developers are required to provide high-quality public conveniences in shopping developments (cf. Cullingworth & Nadin, 1994, pp. 251, 272, n. 17). This is a 'normal' requirement, and is not used as a bargaining tool or a form of planning gain, to get better planning permission as in the British system. Undoubtedly there are problems with the North American system too, in particular the lack of

TABLE I. Membership of the property professions (as at December, 1995).

Body	Full members		Student members		Total members	
RTPI	14 534	(20.0%)	3 192	(42.0%)	17 726	(23.0%)
RICS	70 918	(6.1%)	21 267	(15.8%)	92 185	(8.3%)
ICE	52 000	(1.2%)	9 285	(11.0%)	80 250	(3.5%)
ISE	17 131	(1.7%)	6 489	(11.9%)	23 620	(4.5%)
CIOB	25 118	(0.7%)	9 439	(4.3%)	33 557	(1.7%)
CIOH	8 000	(43.0%)	4 116	(56.0%)	1 230	(44.0%)
ASI	4 820	(1.2%)	485	(10.2%)	5 305	(1.9%)
ISVA	5 774	(6.7%)	1 381	(16.5%)	7 155	(8.6%)
RIBA	27 708	(7.2%)	4 102	(28.2%)	31 810	(10.0%)
CIBSE	12 939	(1.2%)	2 225	(4.9%)	15 164	(1.8%)
LI	2 284	(40.5%)	3 653	(42.4%)	3 777	(40.0%)
NAE	(non-examining body)				9 657	(21.1%)
IRRV	2 361	(N/A)	1 570	(N/A)	5 751	(24.0%)

**Source:** The professional bodies. See Greed (1993, Table 3.1 for 1991 situation). In some cases there are other intermediate or honorary categories which make up the remainder of the total, who are not strictly speaking either fully qualified members or students, such as probationers, technicians, international members, graduate associates. Also categories of data may be redefined by professional bodies since 1991 version.

**Key:**

- Female percentages in parentheses.
- RTPI = Royal Town Planning Institute
- RICS = Royal Institution of Chartered Surveyors
- ICE = Institute of Civil Engineers
- ISE = Institute of Structural Engineers
- CIOB = Chartered Institute of Building
- IOH = Chartered Institute of Housing
- ASI = Architects and Surveyors Institute
- ISVA = Incorporated Society of Valuers and Auctioneers
- RIBA = Royal Institute of British Architects
- CIBSE = Chartered Institute of Building Services Engineers
- NAEA = National Association of Estate Agents
- LI = Landscape Institute

provision once shopping malls have closed, and also the lack of extensive public facilities, so necessary in a continent criss-crossed by a motorised travelling public.

In the long term, there is a need for harmonisation of existing regulatory controls, and a greater representation of user groups at decision-making levels. Funding is a key problem, and 'privatised' solutions to public provision are favoured within the present political climate. In the case of the APCs (Automatic Public Conveniences%), that is the Superloo, the companies responsible for their provision

have pioneered 'loo-franchising'. APCs can be combined with news stands, even small tourist shops, and can be 'leased' out as complete unit in areas that otherwise are poorly served. However, some versions have unecological cleaning cycles, create queues and are greatly disliked by the public. To avoid vandalism, and to provide better round-the-clock non-APC provision, public conveniences could be located alongside or in existing public buildings; or incorporated in retailing outlets on a franchising basis. Mandatory standards should be introduced governing on-street municipal provision

and private off-street provision. Some of the design powers currently held by 'plumbing' groups should be transferred into the fold of planning control (Greed, 1995). Toilet 'conditions of permission' should be attached to planning permissions for both new development and change of use, along the lines that car parking standards requirements are included. To achieve all this one needs to change the culture of the decision makers, and to address the bias in definitions of 'land use'.

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