

Article 4 Directions: C3 (dwellinghouses to C4 (HMOs))

No.	Title
Appendix A	Draft Article 4 Direction to withdraw the permitted development rights granted by Schedule 2, Part 3, Class L (b), of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) covering Bywater Place.
Appendix B	Map of Bywater Place covered by the proposed Article 4 Direction
Appendix C	Equalities analysis (available on the council's website)

Initial Equalities Analysis Stage 1

September 2016

Section 1: Equality analysis details

Proposed policy/decision/business plan to which this equality analysis relates	Draft Article 4 Direction to withdraw the permitted development rights granted by Schedule 2, Part 3, Class L, of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) covering Bywater Place.
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Equality analysis author	Philip Waters				
Strategic Director:	Simon Bevan				
Department	Chief Executive	Division	Planning Policy		
Period analysis undertaken	September 2016				
Date of review (if applicable)	Tbc. A review could take place at the time when the Article 4 Direction is confirmed.				
Sign-off	Simon Bevan	Position	Director of Planning	Date	September 2016

Section 2: Brief description of policy/decision/business plan

1.1 Brief description of policy/decision/business plan

This equalities analysis report supports the report to Planning Committee on **XX XXXX 2016** which requests consultation on the introduction of an immediate Draft Article 4 Direction to withdraw the permitted development rights granted by Schedule 2, Part 3, Class L, of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) covering Bywater Place.

Schedule 2, Part 3, Class L of the Order allows a change of use from dwellinghouses (Class C3) to Houses of Multiple Occupation (HMO) (Class C4) without the need to apply for planning permission.

The ability for local authorities to ensure high quality residential accommodation is provided in the borough is constrained by the Town and Country Planning General Permitted Development Order (GPDO) 2015 (as amended) in specific relation to HMOs.

There are a number of concerns with regard to the impacts to residential amenity and the character of an area resulting from a concentration of HMOs. 12. The use of a C3 family home as a C4 HMO may represent an intensification of use because smaller households generate more waste and movements per person than larger households. The outer area of the Canada Water peninsula is suburban in character with relatively poor public transport accessibility and a relatively high prevalence of family homes.

Converting dwellinghouses into HMOs could result in negative impacts on residential amenity. Impacts sometimes include excessive noise, anti-social behaviour, poor refuse management, transport stress and negative impacts on the physical environment and streetscape. A high prevalence of HMOs can affect the character of an area due to the loss of family housing and the resultant demographic impacts. HMOs are also typically associated with a relatively high population churn which may damage social cohesion in areas with a high prevalence.

An Article 4 Direction can be used to remove specific permitted development rights in all or parts of the local authority's area. It would not proscribe development altogether, but instead enable the management of development to ensure that development requires planning permission. A planning application for the proposal would need to be submitted that would then be determined in accordance with the development plan.

Article 4 Directions can either be immediate or non-immediate depending upon whether notice is given of the date on which they come into force. In the case of this report, the council is proposing to make an immediate Article 4 Directions to withdraw the permitted development rights for the changes of use listed above in railway arches throughout the borough.

Section 3: Overview of service users and key stakeholders consulted

2. Service users and stakeholders	
Key users of the department or service	<p>Planning is a statutory function carried out by local authorities. The development of planning policies and the impacts of planning decisions can affect everyone with an interest in land in the borough. This can include residents, landowners, developers, local businesses and their employees, community organisations, statutory consultees and interest groups.</p>
Key stakeholders were/are involved in this policy/decision/business plan	<p>The key stakeholders involved in this proposal include: Cabinet Member for Regeneration and New Homes, Southwark Councillors, Overview and Scrutiny Committee, Development Management and Planning Policy officers, Property division, Southwark Health and Well-being Working Group.</p> <p>The Development Management team will be responsible for monitoring the Article 4 Directions and to determine any subsequent planning applications submitted for change of use.</p> <p>The Planning Policy team have received corporate equalities training and Equalities Analysis report writing training. A number of the service deliverers within the Council will also have received corporate equalities training.</p>

Section 4: Pre-implementation equality analysis

This section considers the potential impact (positive and negative) of the proposals on the key 'protected characteristics' in the Equality Act 2010 and Human Rights Act. The Planning Committee report sets out detail on the local data and other equality information on which the analysis is based and mitigating actions to be taken.

The making of the Article 4 Directions does not have a direct impact on any groups with protected characteristics. Decisions on planning applications made as a result of the direction may have a potential impact on certain protected characteristics.

It is considered however that the effect of the direction will promote good relations between people who do not share the protected characteristic and those who do, in that it is likely to result in a more balanced and mixed community.

Age - Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).
Potential impacts (positive and negative) of proposed policy/decision/business plan
<p>The implementation of the Article 4 Directions and the requirement for planning permission is to help secure good quality residential accommodation and provide adequate protection against negative amenity impacts that may result from poor planning</p>

where there is an over-concentration of HMOs. The Article 4 Direction would therefore have a positive impact on all age groups as it would manage the quality of accommodation of different types becoming available. The Article 4 Directions will help to ensure that good quality residential accommodation is provided in the borough that supports the needs of all age groups in society. Overall there will be a positive impact for all age groups.

Equality information on which above analysis is based

This Equalities Analysis has also been informed by previous equalities analyses undertaken for planning policy documents, our evidence base documents and our local knowledge and expertise.

Mitigating actions to be taken

The above analysis highlights that the implementation of the Article 4 Direction will largely give rise to positive impacts.

Disability - A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

Possible impacts (positive and negative) of proposed policy/decision/business plan

The Article 4 Directions will help to ensure that good quality residential accommodation is provided in the borough that ensures there is good accessibility for people with disabilities and is considered to have a positive impact.

Equality information on which above analysis is based

This Equalities Analysis has also been informed by previous equalities analyses undertaken for planning policy documents, our evidence base documents and our local knowledge and expertise.

Mitigating actions to be taken

The above analysis highlights that the implementation of the Article 4 Directions will largely give rise to positive impacts.

Gender reassignment - The process of transitioning from one gender to another.

Possible impacts (positive and negative) of proposed policy/decision/business plan

No identifiable impacts are identified on this group as a result of the implementation of the Article 4 Directions.

The Article 4 Directions will help to ensure that good quality residential accommodation is provided in the borough that supports the needs of all groups in society. Overall there will be a positive impact on for all equality groups.

Equality information on which above analysis is based.

This Equalities Analysis has also been informed by previous equalities analyses undertaken for planning policy documents, our evidence base documents and our local knowledge and expertise.

Mitigating actions to be taken

The above analysis highlights that the implementation of the Article 4 Directions will largely give rise to positive impacts.

Marriage and civil partnership - Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters. **(Only to be considered in respect to the need to eliminate discrimination.**

Possible impacts (positive and negative) of proposed policy/decision/business plan

No identifiable impacts are identified on this group as a result of the implementation of the Article 4 Directions.

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Pregnancy and maternity - Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Possible impacts (positive and negative) of proposed policy/decision/business plan

No identifiable impacts are identified on this group as a result of the implementation of the Article 4 Directions.

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Equality information on which above analysis is based

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Mitigating actions to be taken

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Race - Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

Possible impacts (positive and negative) of proposed policy/decision/business plan

No identifiable impacts are identified on this group as a result of the implementation of the Article 4 Directions.

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Equality information on which above analysis is based

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Mitigating actions to be taken

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Religion and belief - Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

Possible impacts (positive and negative) of proposed policy/decision/business plan

No identifiable impacts are identified on this group as a result of the implementation of the Article 4 Directions.

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Mitigating actions to be taken

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Sex - A man or a woman.

Possible impacts (positive and negative) of proposed policy/decision/business plan

No identifiable impacts are identified on this group as a result of the implementation of the Article 4 Directions.

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Equality information on which above analysis is based

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Mitigating actions to be taken

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Sexual orientation - Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes

Possible impacts (positive and negative) of proposed policy/decision/business plan

No identifiable impacts are identified on this group as a result of the implementation of the Article 4 Directions.

The Article 4 Directions will help to ensure that good quality residential accommodation is provided in the borough that supports the needs of all groups in society. Overall there will be a positive impact on for all equality groups.

Equality information on which above analysis is based

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Mitigating actions to be taken

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Human Rights

There are 16 rights in the Human Rights Act. Each one is called an Article. They are all taken from the European Convention on Human Rights. The Articles are The right to life, Freedom from torture, inhuman and degrading treatment, Freedom from forced labour , Right to Liberty, Fair trial, Retrospective penalties, Privacy, Freedom of conscience, Freedom of expression, Freedom of assembly, Marriage and family, Freedom from discrimination and the First Protocol

Possible impacts (positive and negative) of proposed policy/decision/business plan

The Council has carefully considered the balance to be struck between individual rights and the wider public interest. The rights of those affected by the proposed Article 4 Directions have been considered under the Human Rights Act 1998 and it has been determined that none of the Articles will be triggered.

Information on which above analysis is based

Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with the European Convention on Human Rights (ECHR). Various Convention rights may be engaged in the process of making and considering the Article 4 Directions, including under Articles 1 and 8 of the First Protocol. The European Court has recognised that “regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole”. Both public and private interests are to be taken into account in the exercise of the Council’s powers and duties as a local planning authority. Any interference with a Convention Right must be necessary and proportionate.

Mitigating actions to be taken

N/A

Section 5: Further actions and objectives

5. Further actions			
Based on the initial analysis above, please detail the key areas identified as requiring more detailed analysis or key mitigating actions.			
Number	Description of Issue	Action	Timeframe
1	The initial decision would be to support the Article 4 Directions, to be followed by formal consultation. Any new issues would be assessed as part of that consultation and reported when the local authority decides whether to confirm the direction. Guidance suggests that the need and effectiveness for Article 4 Directions should be monitored at regular intervals. This would be subject to committee approval but would suggest a yearly review is appropriate. This does not need to be reflected in any recommendations at this stage.	Tbc	Tbc