

## APPENDIX C

### Equalities analysis of the proposed Article 4 direction

#### Section 1: Equality analysis details

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<b>Proposed policy/decision/business plan to which this equality analysis relates</b>		Article 4 Direction to withdraw the Permitted Development Rights granted by Schedule 2, Part 11, Class B, of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)			
<b>Equality analysis author</b>		Richard Craig			
<b>Director</b>		Stephen Platts			
<b>Department</b>	Chief Executive	<b>Division</b>	Planning and Growth		
<b>Period analysis undertaken</b>		July 2022			
<b>Date of review (if applicable)</b>		TBC – A review could take place at the time when the Article 4 direction is confirmed			
<b>Sign off</b>	Richard Craig	<b>Position</b>	Design and Conservation, Team Leader	<b>Date</b>	July 2022

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

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<b>Brief description of policy/ decision/ business plan</b>
<p>This equalities analysis report supports the report to Planning Committee on 26 July 2022. The report requests consultation on the introduction of an immediate Article 4 direction to remove permitted development rights for no.41 Linden Grove, SE15 3LW granted by Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).</p> <p>Schedule 2, Part 11, Class B of the Order allows demolition of a building not in a Conservation Area without the need to apply for planning permission. The permitted development rights to demolish buildings outside conservation areas without planning permission poses a risk to the building as a non-designated heritage asset (NDHA).</p> <p>The Council considers that any proposed development of the site that includes demolition should be assessed on an individual basis through the planning</p>

application process and that the council has up-to-date planning policies to enable a robust assessment.

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 restrict development altogether, but instead ensure that development of the building requires planning permission. A planning application for the proposal would need to be submitted and would then be determined in accordance with the development plan.

An Article 4 direction 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 direction to withdraw the permitted development rights for demolition of the property.

The consequence of this is that in considering the current planning application and, if need be, any subsequent application(s), the planning assessment would include the potential loss of the contribution made by the NDHA and that the decision-making process could be undertaken unfettered by the threat of demolition. The Article 4 direction does not prejudice the determination of the planning application(s).

### **Section 3: Overview of service users and key stakeholders consulted**

<b>Service users and stakeholders</b>	
Key users of the department or service	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.
Key stakeholders involved in this decision	<p>Planning Committee, Director of Planning and Growth, officers of the Conservation and Design Team and Development Management Team</p> <p>The Development Management team will be responsible for monitoring the Article 4 direction and for processing any planning applications submitted, including those involving demolition.</p> <p>Planning officers within the Division have received corporate equalities training and Equalities Analysis report writing training. A number of other service</p>

	deliverers within the Council will also have received corporate equalities training.
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**Section 4: Pre-implementation equality analysis**

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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 direction 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.

<b>Age</b> - 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).
<b>Potential impacts (positive and negative) of proposed policy/ decision/ business plan</b>
No identifiable impacts are identified on this group as a result of the implementation of the Article 4 direction.
<b>Equality information on which above analysis is based</b>
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.
<b>Mitigating actions to be taken</b>
No identifiable impacts are identified on this group as a result of the implementation of the Article 4 direction.

<b>Disability</b> - 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.
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**Potential 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 direction.

**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**

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

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

**Potential 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 direction.

**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**

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

**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).*

**Potential 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 direction.

**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**

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

**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.

**Potential 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 direction.

**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**

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

**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.

**Potential 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 direction.

**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**

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

**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.

**Potential 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 direction.

**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**

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

**Sex** - A man or a woman.

**Potential 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 direction.

**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**

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

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

**Potential 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 direction.

**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.

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**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**

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

**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.

**Potential 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 direction 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**

Not applicable.

**Section 5: Further actions and objectives**

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**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	<p>The initial decision would be to support the Article 4 direction, 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.</p> <p>Guidance suggests that the need and effectiveness for an Article 4 direction should be monitored at regular intervals. This would be subject to committee approval, but it is suggested a yearly review is appropriate. This does not need to be reflected in any recommendations at this stage.</p>	To be confirmed.	To be confirmed.

END

13/7/22