

Article 4 Direction: Offices to residential in the Central Activities Zone (CAZ)

No.	Title
Appendix A	Article 4 Direction to withdraw the Permitted Development Rights granted by Schedule 2, Part 3, Class O, of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)
Appendix B	Map of the Central Activities Zone subject to proposed Article 4 Direction
Appendix C	Equalities analysis
Appendix D	Strategic evidence to support London borough Article 4 Directions in London's nationally significant office locations
Appendix E	Letters of support from Business Improvement Districts

Initial Equalities Analysis Stage 2

November 2018

Section 1: Equality analysis details

Proposed policy/decision/business plan to which this equality analysis relates	Confirmation of Article 4 Direction to withdraw the Permitted Development Rights granted by Schedule 2, Part 3, Class O, of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)
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Department	Chief Executive	Division	Planning Policy		
Period analysis undertaken	November 2018				
Date of review (if applicable)	Tbc.				
Sign-off	Laura Hills	Position	Team Leader	Date	15.10.18

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 6 November 2018 which requests confirmation on the introduction of a non-immediate Article 4 Direction to remove permitted development rights granted by Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) in Southwark's part of London's Central Activities Zone (CAZ). The Article 4 Direction was originally made in March 2018 and it is now proposed to confirm it following a period of consultation.

Schedule 2, Part 3, Class O of the Order allows a change of use from offices (Class B1a) to a dwellinghouse (Class C3) without the need to apply for planning permission. Southwark's CAZ is currently exempt from the permitted development right until 31 May 2019.

The ability for the local authority to ensure the balance between office and residential uses in the CAZ is constrained by the Town and Country Planning General Permitted Development Order (GPDO) 2015 (as amended).

The GPDO 2015 (as amended) consolidated permitted development rights for England and introduced new provisions. This included the change of use from offices to dwellinghouses before 30 May 2016 without the need for a full planning application, except for land which had been granted an exemption. The exempted land included Southwark's CAZ after a successful application by the council to the Secretary of State when the right was first introduced in 2013. The GPDO was amended in 2016 making the development right permanent and removing the exemption after 30 May 2019.

There are a number of concerns with regard to converting offices to residential in Southwark's CAZ which should be subject to a robust analysis in determining whether such a use would be acceptable. Conversion presents a significant risk to the economic wellbeing of residents and the amenity of Southwark's CAZ where the concentration of offices is essential to its character and function. The harm that permitted development rights could cause extends to London and the UK due to the contribution offices make to economic output, agglomeration, employment growth and the property market; the loss of funding for strategic infrastructure; unintended consequences for occupiers and future development; and the undermining of planned housing delivery.

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 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 confirm a non-immediate Article 4 Direction to withdraw the permitted development rights for the change of use from offices to residential in Southwark's CAZ.

Section 3: Overview of service users and key stakeholders consulted

2. Service users and stakeholders	
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 are involved in this decision	<p>The key stakeholders involved in this proposal include: Cabinet Member for Regeneration and New Homes, Southwark Councillors, Development Management and Planning Policy officers and the Property division.</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; which local authorities are obligated to consider and assess under the public sector equality duty (PSED). Its aims are to eliminate unlawful discrimination, harassment victimisation and other conduct prohibited by the Act, to advance equality of opportunity between people who share a protected characteristic and those who do not, as well as fostering good relations between people who share a protected characteristic and those who do not,

The protected characteristics are listed as follow:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

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 confirming of the Article 4 Direction does not have a direct impact on any groups with protected characteristics; as the confirmation of the direction leaves the existing area undisturbed. However, planning applications made as a result of the direction may have a potential impact on certain protected characteristics, which is not yet known at this stage. This can be addressed separately as part of the application process should this become the case.

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 Direction and the requirement for planning permission will protect employment and economic wellbeing. A strong local economy will provide opportunities for all ages and employment opportunities will benefit working age people in particular.</p> <p>The Article 4 Direction will help to ensure that good quality residential accommodation, employment and a strong local economy are provided in the borough that support the needs of all age groups in society. Overall there will be a positive impact for all age groups.</p>
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 potential change of use of offices to dwellings could have a negative impact on people with disabilities. Dwellings within office buildings may not always be easily accessible for vehicles or provide safe access for wheelchairs, and people with limited mobility could be affected by this. The Article 4 Direction 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 Direction.

The Article 4 Direction will help to ensure that good quality residential accommodation, employment and a strong local economy are provided in the borough that support the needs of all groups in society. Overall there will be a positive impact for all equality groups.

Equality information on which above analysis is based.

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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 Direction.

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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

The potential change of use of offices to dwellings could have a negative impact on pregnant women. Dwellings within offices may not always be easily accessible for vehicles, including emergency vehicles, and pregnant women could be affected by this.

The Article 4 Direction will help to ensure that good quality residential accommodation, employment and a strong local economy are provided in the borough that support the needs of all groups in society. Overall there will be a positive impact 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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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 Direction.

The Article 4 Direction will help to ensure that good quality residential accommodation, employment and a strong local economy are provided in the borough that support the needs of all groups in society. Overall there will be a positive impact for all equality groups.

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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 Direction.

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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 Direction.

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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 Direction.

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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	<p>This equalities analysis assesses the impact of confirming the Article 4 Direction on protected characteristics. The decision to introduce the Direction was made in March 2018. No issues relating to equalities have been raised during consultation.</p> <p>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.</p>	Tbc	Ongoing
