

Article 4 Direction: removal of permitted development rights for demolition the Old Southern Railway Stables and the Forge, Caitlin Street

No.	Title
Appendix A	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)
Appendix B	Article 4 Direction Boundary
Appendix C	Equalities analysis

Initial Equalities Analysis Stage 2

November 2018

Section 1: Equality analysis details

Proposed policy/decision/business plan to which this equality analysis relates	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)
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Department	Chief Executive	Division	Planning Policy		
Period analysis undertaken	Oct 2018				
Date of review (if applicable)	TBC				
Sign-off	Laura Hills	Position	Team Leader	Date	Oct 2018

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

1.1 Brief description of policy/decision/business plan

This equalities analysis report supports the committee report on 6 Nov 2018 to confirm the Article 4 Direction to remove permitted development rights for the Old Southern Railway Stables, Caitlin Street ('the Stables') granted by Schedule 2, Part 11, Class B of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). The Article 4 Direction was made on 5 June 2018 and it is now proposed to confirm it following a period of consultation.

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 rare remaining heritage assets in the opportunity area. The council considers that any proposed demolition should be assessed on an individual basis through the planning application process and that the council has existing and emerging 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 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 has proposed to make an immediate Article 4 Direction to withdraw the permitted development rights for demolition of the Stables. It is now seeking to confirm this direction.

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</p>

	<p>monitoring the Article 4 Direction and to determine any subsequent planning applications submitted for demolition.</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>
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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 becomes 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

No identifiable impacts are identified on this group as a result of the implementation of the Article 4 Direction, as there is no change to the Stables and Forge through confirming 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, as well as consultation conducted as part of the confirmation for this Article 4 direction.

Mitigating actions to be taken

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

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

No identifiable impacts are identified on this group as a result of the implementation of the Article 4 Direction, as there is no change to the Stables and Forge through confirming 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, as well as consultation conducted as part of the confirmation for this Article 4 direction.

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.

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, as there is no change to the Stables and Forge through confirming 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, as well as consultation conducted as part of the confirmation for this Article 4 direction.

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.**

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, as there is no change to the Stables and Forge through confirming 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, as well as consultation conducted as part of the confirmation for this Article 4 direction.

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.

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, as there is no change to the Stables and Forge through confirming 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, as well as consultation conducted as part of the confirmation for this Article 4 direction.

Mitigating actions to be taken

No identifiable impacts are identified on this group as a result of the implementation of the Article 4 Direction, therefore no mitigation actions are required.

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, as there is no change to the Stables and Forge through confirming 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, as well as consultation conducted as part of the confirmation for this Article 4 direction.

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.

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, as there is no change to the Stables and Forge through confirming 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, as well as consultation conducted as part of the confirmation for this Article 4 direction.

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.

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, as there is no change to the Stables and Forge through confirming 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, as well as consultation conducted as part of the confirmation for this Article 4 direction

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

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, as there is no change to the Stables and Forge through confirming 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, as well as consultation conducted as part of the confirmation for this Article 4 direction.

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

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 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

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

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.
