

**SOUTHERN PLANNING COMMITTEE – 4<sup>th</sup> July 2018**

**UPDATE TO AGENDA**

**APPLICATION NO.**

17/2879N

**LOCATION**

**12 Cemetery Road, Weston, Crewe, Cheshire, CW2 5LQ**

**UPDATE PREPARED**

2<sup>nd</sup> July 2018

The figures relating to gypsy need used within the report have been updated and are reflected below.

**Demonstrable Need**

Within para.24 of the Planning Policy for Traveller Sites (PPTS) (2015), it is advised that in assessment of planning applications, a number of issues should be considered including; a) the exiting level of local provision and need for sites.

The Cheshire Gypsy, Traveller & Travelling Showpeople Assessment was completed in March 2014. In Cheshire East, the assessment identified an overall need for permanent residential pitches.

The existing identified need for in Cheshire East is for 32 pitches between 2013-2018 (5-years), a further 17 pitches between 2018-2023 (10 years) and a further 20 pitches between 2023-2028 (15 years), brining the total need to 69 pitches.

With regards to addressing this identified need;

- 24 Pitches have been granted at Booth Lane, Middlewich;
- 4 pitches approved at Land East of Goby Road, Crewe;
- 4 pitches at The Oaks, Smallwood and;
- 9 transit pitches and 1 permanent pitch – council transit site
- 5 pitches have been granted at Betchton Gardens, Betchton
- 2 pitches have been ranted at Groby Road

This brings the total approvals within the above timeframe to; 48 pitches. This meets the 5-year need. However, their remains a need for 21 pitches up to 2028, which the application proposal would help to meet.

## Human Rights

The below section of the report has been updated to reflect current legislation related to gypsy and travellers.

It is right and proper that Local Planning Authorities should consider the consequences of refusing or granting planning permission, or taking enforcement action, on the rights of the individuals concerned.

Article 8 of the Human Rights Act 1998 states that everyone has the right to respect for his private and family life, his home and his correspondence. It adds there shall be no interference by a public authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals or the protection of the rights and freedoms of others.

Further, Article 14 of the Human Rights Act states that the enjoyment of the rights and freedoms set forth in that Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

In this particular case, the determination of this application will not have a direct impact on the Applicant's rights given that the application site has not been laid out or is being occupied. Should the application be refused, the Applicant has a right of appeal and any resultant enforcement proceedings would only be taken following due consideration of the aforementioned rights.

The Equality Act 2010 protects people from discrimination in the workplace and wider society. It replaces previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection. Race is one of the protected characteristics under the Equality Act, and the Act requires that someone shouldn't be discriminated against because of their race. Notably Romany Gypsies and Irish Travellers are identified as having a safeguarded characteristic under the Act. The Applicants identify themselves as Travellers.

The Public Sector Equality duty as set out in section 149 of the Equality Act 2010 states that where any decision is likely to impact on a person with a protected characteristic the decision maker must have due regard to the need to:

- a. eliminate discrimination, harassment, victimisation and any other conduct prohibited under the act;
- b. advance equality of opportunity between persons who share a protected relevant characteristic and persons who do not;
- c. foster good relations between persons who share a relevant protected characteristic and persons who do not.

The duty to have regard to the aims listed above applies not only to general formulation of policy but to decisions made in applying policy in individual cases.

Considerations of the rights of gypsy and travellers have been taken into account within Local Plan Policy given the need to allocate sites up until 2023, this proposal will help to meet that need.

The impact of the development on the rights of the local residents has been fully assessed; both in this report and accordingly any impacts are considered acceptable.

## **RECOMMENDATION**

There is no change to the recommendation which remains as:

Approve with conditions