

TITLE: Non-immediate Article 4 Direction(s) for small houses in multiple occupation in parts of Crewe

VERSION CONTROL

October 2019	Version 1	Author	Description of Changes
18 th October 2019	1.0	Charlotte Rous/ Claire Coombs	Draft
22 nd October 2019	1.01	Kathryn Bradley	Minor changes and approval for ongoing journey.
26 th February 2021	2.0	Claire Coombs	Update following receipt of representations
3 rd March 2021	2.0	Sarah Walker	EDI officer sign off



CHESHIRE EAST COUNCIL - EQUALITY IMPACT ASSESSMENT

Stage 1 Description

Department	Strategic Planning		Lead officer respon	sible for assessment	Jeremy Owens Development Planning Manager		
Service	Environment and Ne Services	ighbourhood	Other members of the assessment	he team undertaking	Claire Coombs Principal Planning Officer		
Date	26th February 2021		Version 2.0				
Type of document (mark as appropriate)	Strategy	Plan	Function	Policy	Procedure	Service	
Is this a new/ existing/ revision of an existing document (please mark as appropriate)	<u>Ne</u>	<u>ew</u>	Exi	sting	Rev	vision	
Title and subject of the impact assessment (include a brief description of the aims, outcomes, operational issues as appropriate and how it fits in with the wider aims of the organisation) Please attach a copy of the strategy/ plan/ function/ policy/	Background HMO's are defined a Country Planning (Usindividuals and a large The Town and Country Planning individuals and a large The Town and Country Planning individuals and a large The Town and Country Planning individuals individuals and a large individuals and a large individuals individu	s single dwellings oc se Classes) Order 19 ge HMO's (Sui Gener ntry Planning (Gene or the change of use	ecupied by a number of 187 (as amended) a sm ris – outside of any use tral Permitted Developo to of a dwelling (Class C	separate households/ use HMO (Class C4) accommodates 7 ment) Order 1995 (as 3) to a small HMO (Class to a larger HMO (Su	unrelated individuals commodates between or more unrelated amended) (GPDO)	s. Under the Town & en 3 and 6 unrelated individuals. provides permitted need to apply to the	
procedure/ service		•	•	draw specified permitte an be exercised over de			



4 Directions ("A4D") can be immediate or non-immediate. Non-immediate A4D normally come into effect one year after notice being given of them being made.

Once an A4D comes into effect, a planning application is then required for the specific permitted development withdrawn. The withdrawal of permitted development rights does not infer that planning applications will automatically be refused if they are submitted. The submission of a planning application simply gives the local planning authority opportunity to consider a proposal against relevant planning policies, supplementary planning documents (where available) and any other material planning considerations. If approved, planning conditions can be also imposed to ensure that sufficient waste storage is provided for example.

Whilst HMO's are recognised as an important source of low cost, private sector housing for those on lower incomes, students and those seeking temporary accommodation, a concentration of HMOs in a particular area can change its character, increase demand on services and infrastructure and can lead to conflict with the existing community. A4D can therefore be used as a tool to monitor and manage the number of new HMO's created within a defined area in order to support and retain balanced communities.

Article 4 Directions in Crewe

On the 3rd December 2019, Cheshire East Council ("the Council") authorised the making of three non-immediate A4Ds for the Nantwich Road, Hungerford Road and West Street areas of Crewe.

This decision was based on evidence of high concentrations of HMOs within the three areas together with a coincidence of other environmental, economic and social issues. The Directions were justified on the grounds of amenity and well-being of those areas.

The Directions were made on the 6th October 2020. Subject to confirmation, they will come into force on the 1 November 2021.

The making of the A4Ds will fits into wider aims of the Council to address amenity and well-being issues within the areas of the Directions and contribute to the Council's strategic outcome of protecting and enhancing 'quality of place' in the Borough, ensuring that Cheshire East is a green and sustainable place.

Who are the main stakeholders and have they been engaged with?

Those living and working within the area of the proposed direction(s). Property owners, landlords and developers.



Consultation/	Yes
involvement carried out? What consultation method(s) did you use?	The previous EIA (v1.01) concluded that the introduction of an Article 4 Direction was unlikely to affect or unfairly disadvantage any particular group however it stated that this would be reviewed through the consultation process. Given the specific characteristics of the areas being considered for Article 4 Directions, the assessment stated that the consultation process should take into account the range of groups and individuals affected by it are aware of what is being proposed. Consultation methods could include notifying community groups with the area of the Direction and consideration should be given to the presentation of information to ensure that those who are categorised as having "protected characteristics" of age, race and disability are all able to access the information. A draft list of organisations and groups operating within Crewe that work alongside groups with protected characteristics was prepared. Regard was also had to the recent 'Alley Gates' consultation which covered similar geographical areas of Crewe and included the translation of consultation materials into alternative languages. Prior to finalising the consultation, giving notice of the directions and inviting representations to be made, the advice of the Equality, Diversity and Inclusion Officer and the Research and Consultation team was also sought.
	Statutory requirements
	The GPDO prescribes the consultation required for the making and notification of non-immediate A4D. In accordance with the GDPD, notice of the making of the directions was given by:
	 local advertisement – public notices were placed in the Crewe Chronicle on the 21 October 2020 and on the 25th November 2020;
	 site notices erected in each direction area on the 19 October 2020. Each site notice (just under 200 erected across all direction areas) also included a short translation to Romanian, Polish, Slovakian and Portuguese (consistent with the languages referred to in the recent Alley Gates consultation.
	The GPDO stipulates the information to be included on the notice – for example the location where the documents can be viewed (online/ Crewe Library/ by post on request), the timescale for inviting representations (19 October 2020 – 11 January 2021) and the date that the directions will come into effect (1 November 2021).

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Other

In addition to the statutory requirements, 200 printed letters and 88 emails were sent on the 19th October to a number of local organisations in Crewe, including those who work alongside groups with protected characteristics, licenced landlords, letting/estate agents and national landlords associations. Emails were also sent to those ward members affected by the directions, the town council and MP.

The A4Ds were also referred to in the notification letters and emails sent in relation to other planning policy consultations that were taking place at a similar time. Notifications consisted of 282 printed letters and 2,651 emails sent on 23rd October 2020 to all active stakeholders on the council's local plan consultation database. These stakeholders include residents of Cheshire East, landowners and developers, as well as planning consultants, businesses and organisations, including statutory consultees. Letters and emails were also sent to all town and parish councils in Cheshire East, elected members and MPs.

A number of pages on the Cheshire East website provided information and links to the consultation. These pages included:

- The homepage (in the 'have your say' section): www.cheshireeast.gov.uk
- The Article 4 Directions page for Houses in Multiple Occupation in parts of Crewe: <u>www.cheshireeast.gov.uk/A4D</u> - this included a link to the online survey and translating the page to different languages
- The private sector housing/licencing webpage also included a link to the SPD consultation:

www.cheshireeast.gov.uk/housing/private_sector_housing/houses_in_multiple_occupation/houses_in_multiple_occupation.aspx

Two media releases were issued informing people of the consultation.

Representations were initially invited for a period of 6 weeks (the statutory minimum is 21 days) but this was later extended to the 11 January 2021. Copies of the Directions were placed on the council's website and in Crewe Library. Due to temporary restrictions due to the Covid-19 pandemic, Crewe Library was closed between the 5 November 2020 and 2 December 2020 and from 30 December 2020 onwards. Posted paper copies of the Directions were made available on request.

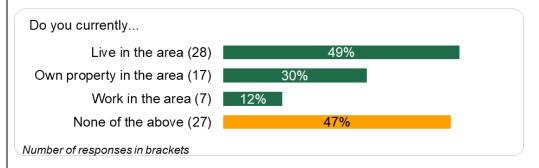
Representations could be submitted by email, letter or by completing the online survey (prepared in conjunction with the Research and Consultation team). Further details can be found in the consultation statement (available separately).

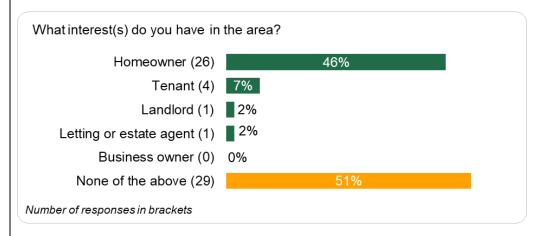
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Stage 2 Initial Screening

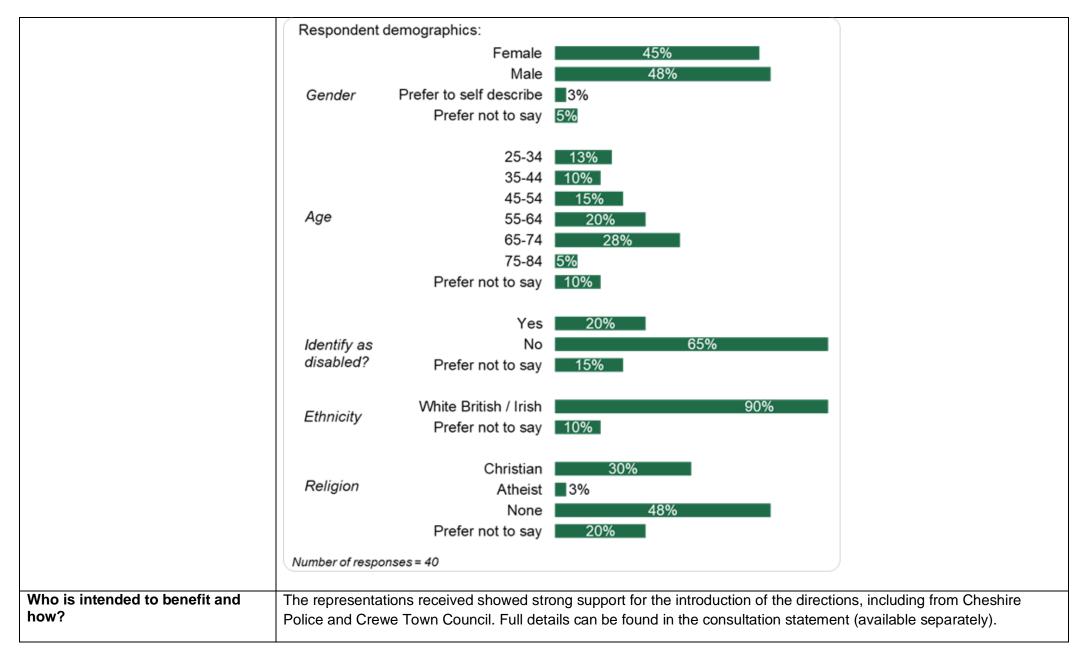
Who is affected and what evidence have you considered to arrive at this analysis? (This may or may not include the stakeholders listed above) Ward councillors. Those living and working within the area of the proposed Direction(s). Landlords and property developers. Representations were received via the online survey from these groups:



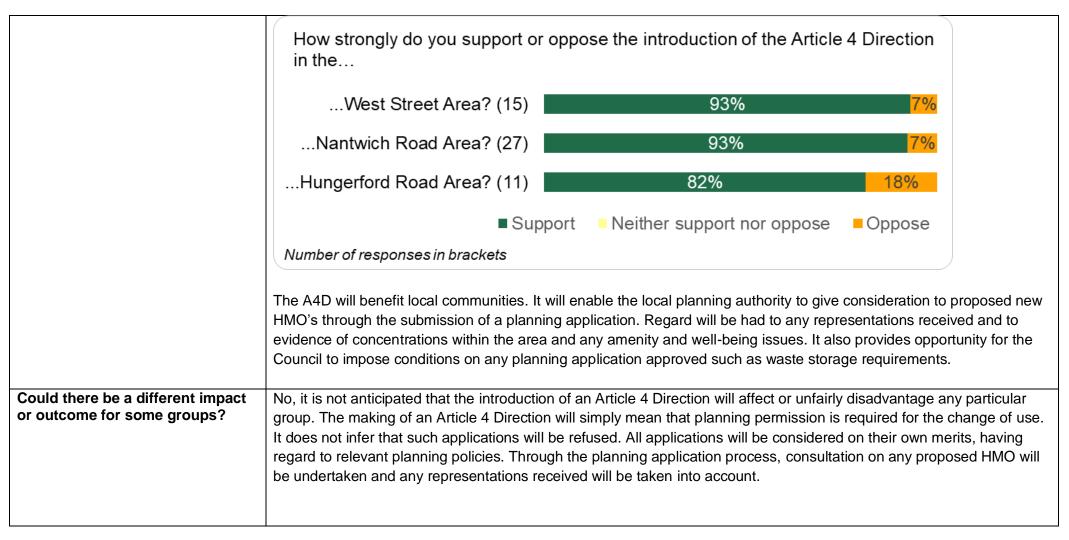


In addition, the following demographical information was captured through the online survey:

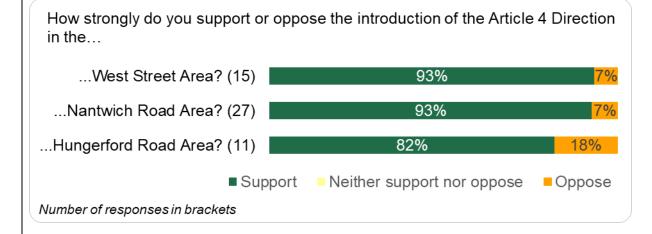












The consultation highlighted various environmental and social issues within the direction areas including waste management, fly-tipping, noise, anti-social behaviour, parking etc.

In addition, the following concerns were raised:

Impact upon the supply of HMO accommodation in the direction areas and rental values

Although A4Ds may have some effect on the supply of HMOs and possibly rental values, this is likely to be localised in its extent given that the directions cover three defined and limited areas. The introduction of an HMO A4D does not apply any sort of moratorium preventing HMOs being created. It requires a planning application to be made to convert homes into small HMOs. It does not change the situation with regard to the creation of larger HMOs, which could not be created through permitted development rights even in the absence of an A4D.

Impact of the directions upon persons with protected characteristics

A representation was received about the significant potential for the A4Ds to adversely affect persons who share Protected Characteristics by virtue of bias against sexual orientation or gender. This representation states that the creation of HMOs provides accommodation for homeless people and people escaping abuse due to gender, sexual orientation, and other vulnerabilities.



Age	Y	N	Marriage & civil partnership	Υ	N	Religion & belief	Y	N
Is there an actual or potential r these characteristics	negati	ve imp	eact on these specific characteristics? (Plea	se tick	k) The	consultation has the potential	to affect t	hose of
Is there any specific targeted action to promote equality? Is there a history of unequal outcomes (do you have enoug evidence to prove otherwise)?		comm	bjective of an Article 4 Direction is to support an unities. This procedure will promote equality fo ntrations of HMOs.	r reside	ents who	may have experienced adverse e	ffects fron	n high
Are relations between different groups or communities likely to be affected? (eg will it favour one particular group or deny opportunities foothers?)	0	No, it is not anticipated that the introduction of an Article 4 Direction will affect or unfairly disadvantage any particular group. The making of an Article 4 Direction will simply mean that planning permission is required for the change of use. It does not infer that such applications will be refused. All applications will be considered on their own merits, having regard to relevant planning policies. Through the planning application process, consultation on any proposed HMO will be undertaken and any representations received will be taken into account.						
Does it include making decision based on individual characteristics, needs or circumstances?		within	e decision to make an Article 4 Direction is bas the area rather than individual characteristics.			•		
		The key aims of the A4Ds are to manage the concentration and quality of new HMOs in specific locations. It is also important to bear in mind too that bringing all HMOs in the A4D areas under planning control provides an opportunity improve their standards and consider the need to protect the amenity of the neighbourhoods in which they would be situated. It is considered that this could have a positive effect on the people who occupy new HMOs including those people who share Protected Characteristics.						unity to
		Protect the su limited being situation	ot considered that the A4Ds would have any significant considered that the A4Ds would have any significant characteristics, or any other Protected Characteristics, or	aracteri nd loca IMO A ² made which c	stic. Alth lised in i ID does to cover ould not	nough A4Ds of this nature may have the extent. The Directions cover the not apply any sort of moratorium put homes into small HMOs. It does be created through permitted dev	ve some e ree defined preventing not chang	effect on d and HMOs ge the



Disability	Υ	N	Pregnancy & maternity	Y	N	Sex	,	·	N
Gender reassignment	Y	N	Race	Υ	N	Sexual orientation	,	1	N
What evidence do you have to support your findings? (quantitative and qualitative) Please provide additional information that you wish to include as appendices to this document, i.e., graphs, tables, charts The Cabinet Report and evidence paper support the making of the Article 4 Direction.						Consultation involvement carried out			
	<u>00 pop</u>						Yes	No	
Age			It is anticipated that the A4D will have a proposed for the accommodation needs of all ages at to be introduced so that the suitability of accommodation can be assessed. This is irrespective of age. Equally such planning controls will take accommodation as the proposed premises characteristics. That would for example households. This creation of greater the submission of representations on future proposed premises of the introduction of these Articipates are the likelihood of discrimination, members of society lack information about powerless to have any influence or engage equality of opportunity resulting for example accommodation within the borough, foster occupy HMOs and those who occupy prophave opportunity to engage with and enjoyplanning process.	the factorial th	o enables cilities are interest of the an will induce olde ency of gapplicate rections rections are affections with the created relations to the c	s conventional planning controls and amenities provided by such as of all future HMO occupiers then the second provided by such as of all future HMO occupiers the second planning interests of those people clude people with protected are residents and/or long-term planning process will enable tions and public access to the tion, would thereby be likely to help and victimisation caused when any them or feeling that they are them. The A4D may improve ion of higher standards of HMO ons between those persons who hem especially as the latter will			
Disability			It is anticipated that the A4D will have a post for the accommodation needs of all people enable conventional planning controls to be facilities and amenities provided by such ac interests of all future HMO occupiers irresp	, includ e introd ccomm	ing those uced so to odation c	with disabilities. A4D will that the suitability of the can be assessed. This is in the			



	Equally such planning controls will take account of the amenity interests of those people living near such proposed premises which will include people with protected characteristics. That would for example include long-term households. This creation of greater transparency of planning process will enable submission of representations on future planning applications and public access to the statutory information required as part of a planning application, In doing so the introduction of these Article 4 directions would thereby be likely to help reduce the likelihood of discrimination, harassment and victimisation caused when members of society lack information about changes affecting them or feeling that they are powerless to have any influence or engagement with them. The A4D may improve equality of opportunity resulting for example from the creation of higher standards of HMO accommodation within the borough, foster improved relations between those persons who occupy HMOs and those who occupy properties close to them especially as the latter will have opportunity to engage with and enjoy rights of representation within the statutory planning process.	
Gender reassignment	It is anticipated that the A4D will have a positive impact. HMO accommodation provides for the accommodation needs of all people, irrespective of gender identity. A4D will enable conventional planning controls to be introduced so that the suitability of the facilities and amenities provided by such accommodation can be assessed. This is in the interests of all future HMO occupiers irrespective of gender identity. Equally such planning controls will take account of the amenity interests of those people living near such proposed premises which will include people with protected characteristics. That would for example include long-term households. This creation of greater transparency of planning process will enable submission of representations on future planning applications and public access to the statutory information required as part of a planning application,	
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	have opportunity to engage with and enjoy rights of representation within the statutory	
Marriage & civil partnership	planning process. It is anticipated that the A4D will have a positive impact. HMO accommodation provides for the accommodation needs of all people. A4D will enable conventional planning controls to be introduced so that the suitability of the facilities and amenities provided by such accommodation can be assessed. This is in the interests of all future HMO occupiers irrespective of their marital or civil partnership status.	
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Pregnancy & maternity	It is anticipated that the A4D will have a positive impact. HMO accommodation provides for the accommodation needs of all people. A4D will enable conventional planning controls to be introduced so that the suitability of the facilities and amenities provided by such accommodation can be assessed. This is in the interests of all future HMO occupiers irrespective of pregnancy, maternity or paternity.	
	Equally such planning controls will take account of the amenity interests of those people living near such proposed premises which will include people with protected characteristics. That would for example include long-term households. This creation of greater transparency of planning process will enable submission of representations on future planning applications and public access to the statutory information required as part of a planning application,	



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Race	It is anticipated that the A4D will have a positive impact. HMO accommodation provides for the accommodation needs of all people. A4D will enable conventional planning controls to be introduced so that the suitability of the facilities and amenities provided by such accommodation can be assessed. This is in the interests of all future HMO occupiers irrespective of their race.	
	Equally such planning controls will take account of the amenity interests of those people living near such proposed premises which will include people with protected characteristics. That would for example include long-term households. This creation of greater transparency of planning process will enable submission of representations on future planning applications and public access to the statutory information required as part of a planning application,	
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Religion & belief	It is anticipated that the A4D will have a positive impact. HMO accommodation provides for the accommodation needs of all people. A4D will enable conventional planning controls to be introduced so that the suitability of the facilities and amenities provided by such accommodation can be assessed. This is in the interests of all future HMO occupiers irrespective of their religion or belief.	



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Sex	It is anticipated that the A4D will have a positive impact. HMO accommodation provides for the accommodation needs of all people. A4D will enable conventional planning controls to be introduced so that the suitability of the facilities and amenities provided by such accommodation can be assessed. This is in the interests of all future HMO occupiers irrespective of sex.	
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Proceed to full impact assessment? (Please tick) No Date 3 March 2021	
Lead officer sign off Date 10 March 2021	
Date 10 March 2021	



Head of service sign off	96c	Date	10 March 2021

please publish the initial screening as part of the suite of documents relating to this issue



Stage 3 Identifying impacts and evidence

This section identifies if there are impacts on equality, diversity and cohesion, what evidence there is to support the conclusion and what further action is needed

	1		T	
Protected	Is the policy (function etc)	Are there any positive	Please rate the impact	Further action
characteristics	likely to have an adverse impact	impacts of the policy	taking into account any	(only an outline needs to be
	on any of the groups?	(function etc) on any of	measures already in place	included here. A full action
		the groups?	to reduce the impacts	plan can be included at
	Please include evidence		identified	Section 4)
	(qualitative & quantitative) and consultations List what negative impacts were recorded in Stage 1 (Initial Assessment).	Please include evidence (qualitative & quantitative) and consultations List what positive impacts were recorded in Stage 1 (Initial Assessment).	High: Significant potential impact; history of complaints; no mitigating measures in place; need for consultation Medium: Some potential impact; some mitigating measures in place, lack of evidence to show effectiveness of measures	Once you have assessed the impact of a policy/service, it is important to identify options and alternatives to reduce or eliminate any negative impact. Options considered could be adapting the policy or service, changing the way in which it is implemented or introducing balancing measures to reduce any negative impact. When considering each option
			Low: Little/no identified impacts; heavily legislation-led; limited public facing aspect	you should think about how it will reduce any negative impact, how it might impact on other groups and how it might impact on relationships between groups and overall issues around community cohesion. You should clearly demonstrate how you have considered various options and the impact of these. You must have a detailed rationale behind decisions and a justification for those alternatives that have not been accepted.
Age				
Disability				
Gender reassignment				
Marriage & civil partnership				
Pregnancy and				



maternity		
Race		
Dalinian 9 haliaf		
Religion & belief		
Sex		
Sexual orientation		

Is this change due to be carried out wholly or partly by other providers? If yes, please indicate how you have ensured that the partner organisation complies with equality legislation (e.g. tendering, awards process, contract, monitoring and performance measures)



Stage 4 Review and Conclusion

Summary: provide a brief overview including impact, changes, improvement, any gaps in evidence and additional data that is needed						
Specific actions to be taken to reduce, justify or remove any adverse impacts	How will this be monitored?	Officer responsible	Target date			
Please provide details and link to full action plan for actions						
When will this assessment be reviewed?						
Are there any additional assessments that need to be undertaken in relation to this assessment?						
Lead officer sign off		Date				
Head of service sign off		Date				

Please publish this completed EIA form on the relevant section of the Cheshire East website