

As an authority, we have made a commitment to apply a systematic equalities and diversity screening process to both new policy development or changes to services.

This is to determine whether the proposals are likely to have significant positive, negative or adverse impacts on the different groups in our community.

This process has been developed, together with **full guidance** to support officers in meeting our duties under the:

- Equality Act 2010.
- The Best Value Guidance
- The Public Services (Social Value) 2012 Act

About the service or policy development

Name of service or policy	Article 4 Direction – Additional storeys for certain buildings
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Why is this service or policy development/review needed?
<p>The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 came into force on 1 August 2020 and introduced:</p> <ul style="list-style-type: none">• A new Class A– 'New dwelling houses on detached blocks of flats' – which grants the right to extend purpose-built blocks of flats upwards by two additional storeys. The blocks of flats must consist of three storeys or more before the extension and cannot have a total height of 30 metres or more with the additional two storeys. <p>The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020 amended the GPDO and granted additional permitted development rights which came into force 31 August 2020 and introduced:</p> <ul style="list-style-type: none">• Classes AA and AB which permit new flats on detached buildings (AA) and terraced buildings (AB) which are in commercial or mixed use as shops, for financial and professional services, restaurants and cafes, offices, betting offices, pay day loan shops, or launderettes or in a mixed use combining one of those commercial uses with use as a dwellinghouse. For Class AA only, the building must already be three storeys in height, above ground level, to rely on the permitted development right.• Classes AC and AD which permit new flats on terraces (AC) or detached buildings (AD) which are in use as single dwellinghouses. In both cases the right is not permitted if the house has already been enlarged by the addition of one or more storeys above the original structure. <p>As the prior approval application process only considers a limited range of issues, the Council will not be able to secure any contributions to mitigate the impact of the development on local infrastructure or ensure the provision of affordable housing through a S106 planning obligation. This will have a significant negative impact on local communities as their local services become strained from major developments which do not contribute to local infrastructure.</p> <p>The Council has an opportunity to remove these permitted development rights within specific areas of the borough through an Article 4 Direction. This would mean that applications for additional storeys for certain buildings would be considered under a full planning permission to consider issues relating to the development rather than a set criteria. It would also mean that the Council could seek financial contributions to mitigate the impact of the development on local infrastructure and can seek the</p> <p>Provided that there is justification for both its purpose and extent, an article 4 direction can:</p> <ul style="list-style-type: none">• cover an area of any geographic size, from a specific site to a local authority-wide area• remove specified permitted development rights related to operational development or change of use• remove permitted development rights with temporary or permanent effect

Why is this service or policy development/review needed?

To avoid compensation payments, non-immediate Article 4 directions can be made which take effect at least one year from the date of issue. We are intending to introduce a non-immediate Article 4 direction in this case.

1. Community impact (this can be used to assess impact on staff although a cumulative impact should be considered).

What impacts will this service or policy development have on communities?

Look at what you know. What does your research tell you?

Please state which data sources you have used for your research in your answer below

Consider:

- National & local data sets
- Complaints
- Consultation and service monitoring information
- Voluntary and Community Organisations
- The Equality Act places a specific duty on people with 'protected characteristics'. The table below details these groups and helps you to consider the impact on these groups.
- It is Council policy to consider the impact services and policy developments could have on residents who are socio-economically disadvantaged. There is space to consider the impact below.

Introduction

The Council recognises the importance of considering equality and diversity issues in all aspects of its work. The Borough has a duty under the Equalities Act 2010 to undertake an Equality Impact Assessment (EqIA) on the proposed Article 4 Direction. The Equalities Act 2010 protects people from discrimination on the basis of certain protected characteristics, namely: age, disability, ethnicity, gender, gender reassignment, marriage & civil partnership, pregnancy & maternity status, religion & belief and sexual orientation. The Council also aims to interrogate disproportionate impact on people on the basis of Socio-economic status.

The purpose of this document is to ensure that all policies are evaluated in terms of their potential impact, both positive and negative, on the Borough's diverse population. Where negative impacts are anticipated, the EqIA can recommend methods to avoid discriminatory or negative consequences of any proposed policy on any particular group.

1. Demographics

During this century Barking and Dagenham has become one of the fastest-changing communities in Britain:

- Between the 2001 and 2011 censuses the population rose from 164,000 to 186,000 and is projected by the Office for National Statistics (ONS) to rise to 228,000 people by 2043. The most recently available provisional population estimate from ONS is 212,906 as at 30 June 2019.

- The age of the community is changing with the highest birth rate in London, and a large number of young people – Barking and Dagenham has the highest proportion of under 16-year olds in the UK.
- The borough becomes more diverse each year – the proportion of the population identifying as coming from black and minority ethnic backgrounds increased from 19.1% to 50.5% between the 2001 and 2011 censuses, whilst those identifying as White British reduced from 80.9% to 49.5%. Ethnic projections available from the GLA forecast 66% of the borough population identifying as coming from black and minority ethnic backgrounds in 2020 compared to 34% identifying as White British.

People in the borough die earlier, have poorer health and lower levels of education and skills than across London whilst too many residents are in low paid work and struggle to find suitable homes they can afford. Barking and Dagenham had the highest overall deprivation score in London according to the 2019 indices of deprivation published by the Ministry for Housing, Communities and Local Government (MHCLG).

According to the latest ONS data, 16.9% of Barking and Dagenham residents aged 16-64 years were EA core, or work-limiting disabled as at December 2019 (ONS, 2020).

More nationalities, cultures and faiths are represented than ever before. The 2011 Census which showed 18.7% of the population aged 3 and over did not have English as their first language with 3.6% unable to speak English well or at all. More recent data taken from the council's latest School Census as at January 2020 shows that the main household language for 51.4% of pupils in Barking and Dagenham was not English (LBBB School Census January 2020).

Diversity is an asset and a strength but it also brings challenges. As a commissioner and provider of public services we must keep up-to-date with demographic changes and adapt our approach to meet the needs and expectations of our residents. We must value diversity and understand that residents are individuals. As such we must evolve how we plan and deliver services that are inclusive, accessible, outcomes focussed, and personalised.

The Council is committed to putting equalities at the heart of what it does, and it is imperative that we consider the impact of the proposed Article 4 Direction on every member of the Borough's diverse community.

2.1 Age

As of mid-2019, the total population of the Borough is estimated to be 212,906.

Barking and Dagenham has the highest proportion of children of all London boroughs, with 57,981 children (aged between 0 and 15) or 27.2% of the total population. This is higher than both the Greater London average (20.6% of total population) and the UK average (19% of total population).

135,145 people are of working age (between 16 and 64) or 63.5% of the total population. This is lower than the London average (67.4% of total population) but is in line with the UK average (62.5% of total population)

19,780 people are of retirement age (65 and older) or 9.3% of the total population. This is slightly lower than the London average (12.1% of total population) and substantially lower than the national average (18.5% of total population).¹

2.2 Disability

In 2020 approximately 9,030 people (16-64 years) were claiming disability allowance.²

In 2017, Barking and Dagenham had the 3rd highest proportion of working-age residents economically inactive due to long-term illness or disability London, at 5.8% or 1 in 17.³

2.3 Gender

Revised estimates for mid-2019 indicate 49.7% (105,877) of the population identifies as male and 50.3% (107,029) identifies as female.⁴

2.4 Gender reassignment

We estimate that there may be approximately 40 people in the Borough who have or who will undergo gender reassignment.⁵ Data regarding members of the Trans* community in the Borough who have not or do not intend to undergo medical transition is currently unavailable.

2.5 Pregnancy and maternity status

In 2018, there were 20.3 pregnancies per 1,000 women under the age of 18. This is substantially higher than both the London average (17.1 per 1,000) and the national average (18.8 per 1,000). This was the second highest rate in London, although the long-term trend of annual numbers of teen pregnancies has been decreasing steadily in the Borough.⁶

2.6 Marriage and civil partnership

It is estimated that 41.9% of the population aged 16 and above are married, 38.8% are single and never married, and 0.2% are in a same-sex civil partnership. In 2011, Barking had Dagenham ranked in 17th highest proportion of residents in London aged 16 and above who were not married or in a civil partnership.⁷ Formalisations for opposite sex civil partnerships took place in 2019, there are currently no available statistics on this for the Borough.

2.7 Ethnicity

GLA projections suggest that, as of 2019, 47% of Barking and Dagenham's population is White, 23% is Black, 23% is Asian, 5% is Mixed and 2% is Other. However, within these broad groupings, there is a large amount of diversity. The three largest sub-categories are White British (35%), Black African (18%) and Other White (11%). Since the 2011 census, the proportion of White ethnic groups has decreased (58.3% in 2011), and the total numbers of BME has increased (from 41.7% in 2011). These trends are predicted to continue, as Asian

¹ Population estimates for the UK, England and Wales, Scotland and Northern Ireland: mid-2019, ONS

² DWP Nomis 2020

³ Joint Strategic Needs Assessment 2018 London Borough of Barking and Dagenham

⁴ Population estimates for the UK, England and Wales, Scotland and Northern Ireland: mid-2019, ONS

⁵ Gender Identity Research and Education Society advice (2016)

⁶ Joint Strategic Needs Assessment 2018

⁷ 2011 Census

and Black ethnic groups are projected to increase by 2023, whereas White ethnic groups are predicted to decrease.⁸

Ethnic Group	2011 census		
White: British	49.46%	White: Total	58.30%
White: Irish	0.93%		
White: Gypsy or Irish Traveller	0.1%		
White: Other	7.81%		
Asian or Asian British: Indian	4%	Asian or Asian British: Total	15.92%
Asian or Asian British: Pakistani	4.31%		
Asian or Asian British: Bangladeshi	4.14%		
Asian or Asian British: Chinese	0.71%		
Asian or Asian British: Other	2.76%		
Black or Black British: African	15.43%	Black or Black British: Total	19.98%
Black or Black British: Caribbean	2.81%		
Black or Black British: Other	1.74%		
Mixed: White and Black Caribbean	1.44%	Mixed heritage: Total	4.24%
Mixed: White and Black African	1.14%		
Mixed: White and Asian	0.67%		
Mixed: Other	0.99%		
Other: Arab	0.52%	Other: Total	1.57%
Other: Any other ethnic group	1.04%		
		BAME total:	41.70%

2.8 Religion or belief⁹

According to the 2011 census, 56% of the population identify as Christian, 13.7% identify as Muslim, and 18.9% identify with no religion.

	Christian	Muslim	Hindu	Sikh	Jewish	Buddhist	Other Religion	No Religion	Religion not Stated
Barking and Dagenham	56%	13.73%	2.4%	1.59%	0.23%	0.45%	0.29%	18.88%	6.44%
Greater London	48.42%	12.39%	5.03%	1.54%	1.82%	1%	0.59%	20.73%	8.47%
UK	59.5%	4.4%	1.3%	0.7%	0.4%	0.4%	0.4%	25.7%	7.2%

⁸ GLA 2016-based ethnic group projections (housing-led).

⁹ 2011 Census

2.9 Sexual Orientation

Between 10,000 – 14,000 people in Barking and Dagenham identify as lesbian, gay and bisexual.¹⁰

3 Article 4 Direction

The Council has significant growth ambitions, with the draft Local Plan seeking to deliver 42,737 additional new homes by the year 2037. The Infrastructure Delivery Plan (2020) has identified the infrastructure needs of the borough and will assist the Council in securing the necessary financial contributions from Section 106 planning obligation agreements to ensure that any new development coming forward provides the necessary schools, hospitals and transport to support the increase in new homes. All developments will also need to ensure that they reflect the housing needs of the local communities through the correct range of housing types and tenures, including the provision of affordable housing.

As the prior approval application process only considers a limited range of issues, the Council will not be able to secure any contributions to mitigate the impact of the development on local infrastructure or ensure the provision of affordable housing through a S106 planning obligation. This will have a significant negative impact on local communities as their local services become strained from major developments which do not contribute to local infrastructure. It would also mean that the Council will be unable to have an influence on the type, tenure or size of new dwellings in order for them to reflect the needs of local communities.

We are already seeing the types of development which will be coming forward through the new permitted development right through new prior approval applications, for example:

- An application at Princess Parade, Dagenham (20/02241/PRIADB) for the construction of two additional storeys on top of an existing terraced building to create 44 new units.
- An application at Gale Street, Dagenham (20/02225/PRIADB) for the construction of two additional storeys on top of a detached dwelling to create 20 additional units.

As more of these developments come forward, there will be further impacts on local infrastructure and a loss of affordable housing.

Potential impacts	Positive	Neutral	Negative	What are the positive and negative impacts?	How will benefits be enhanced and negative impacts minimised or eliminated?
Local communities in general	X			By ensuring that these types of development are considered through a full planning application we can ensure that the type, tenure and size of new dwellings reflect the needs of local communities. We would	The Council will be able to influence any proposed development to meet the needs of local communities through the determination of a full planning application.

¹⁰ Stonewall estimates

			also be able to secure contributions to local infrastructure and affordable housing which will provide positive benefits for the local community.	
Age	X		By ensuring that these types of development are considered through a full planning application we can ensure that the type, tenure and size of new dwellings reflect the needs of local communities. We would also be able to secure contributions to local infrastructure and affordable housing which will provide positive benefits for the local community.	The Council will be able to influence any proposed development to meet the needs of local communities through the determination of a full planning application.
Disability	X		By ensuring that these types of development are considered through a full planning application we can ensure that the type, tenure and size of new dwellings reflect the needs of local communities. We would also be able to secure contributions to local infrastructure and affordable housing which will provide positive benefits for the local community.	The Council will be able to influence any proposed development to meet the needs of local communities through the determination of a full planning application.
Gender reassignment		X	No perceived impact.	The Council will be able to influence any proposed development to meet the needs of local communities through the determination of a full planning application.
Marriage and civil partnership		X	No perceived impact.	The Council will be able to influence any proposed development to meet the needs of local communities through the determination of a full planning application.

Pregnancy and maternity		X		No perceived impact.	The Council will be able to influence any proposed development to meet the needs of local communities through the determination of a full planning application.
Race (including Gypsies, Roma and Travellers)	X			By ensuring that these types of development are considered through a full planning application we can ensure that the type, tenure and size of new dwellings reflect the needs of local communities. We would also be able to secure contributions to local infrastructure and affordable housing which will provide positive benefits for the local community.	The Council will be able to influence any proposed development to meet the needs of local communities through the determination of a full planning application.
Religion or belief		X		No perceived impact.	The Council will be able to influence any proposed development to meet the needs of local communities through the determination of a full planning application.
Sex	X			By ensuring that these types of development are considered through a full planning application we can ensure that the type, tenure and size of new dwellings reflect the needs of local communities. We would also be able to secure contributions to local infrastructure and affordable housing which will provide positive benefits for the local community.	. The Council will be able to influence any proposed development to meet the needs of local communities through the determination of a full planning application.
Sexual orientation		X		No perceived impact.	The Council will be able to influence any proposed development to meet the needs of local communities through the determination of a full planning application.

Socio-economic Disadvantage	X		By ensuring that these types of development are considered through a full planning application we can ensure that the type, tenure and size of new dwellings reflect the needs of local communities. We would also be able to secure contributions to local infrastructure and affordable housing which will provide positive benefits for the local community.	The Council will be able to influence any proposed development to meet the needs of local communities through the determination of a full planning application.
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2. Consultation.

<p>Provide details of what steps you have taken or plan to take to consult the whole community or specific groups affected by the service or policy development e.g. on-line consultation, focus groups, consultation with representative groups.</p> <p>If you have already undertaken some consultation, please include:</p> <ul style="list-style-type: none"> • Any potential problems or issues raised by the consultation • What actions will be taken to mitigate these concerns
<p>Prior to the article 4 direction coming into effect, the Council must give notice of the proposed direction through local advertisements. It must also have a minimum of 2 site notices within the borough for no less than 6 weeks. The notices will provide information on when the proposed direction will come into force, where members of the public can view the proposed notice and provide a period of at least 21 days where members of the public can submit any representations.</p> <p>We will ensure that we engage with all relevant stakeholders and business groups so that they are aware of our proposals and that they have sufficient notice to submit their representations. We will also need to submit our proposed direction to the Secretary of State.</p>

3. Monitoring and Review

<p>How will you review community and equality impact once the service or policy has been implemented? <i>These actions should be developed using the information gathered in Section 1 and 2 and should be picked up in your departmental/service business plans.</i></p>		
Action	By when?	By who?
It is requirement for a local authority to produce an Authority Monitoring Report (Section 113 of the <u>Localism Act 2011</u>). This amends Section 35 of the 2004 Planning and Compulsory Purchase Act which	Winter 2021	Principal Planning Officer (Alex Philpott)

<p>How will you review community and equality impact once the service or policy has been implemented? <i>These actions should be developed using the information gathered in Section 1 and 2 and should be picked up in your departmental/service business plans.</i></p>		
<p>previously required Local Planning Authorities to submit an Annual Monitoring Report to the Secretary of State. The Localism Act removes this requirement but retains the need for local authorities to produce a monitoring report for public consumption. The Authority Monitoring Report will be used to present the Council's delivery of housing including the type and tenure that has been provided. It will also include information on what has been secured through a S106 planning obligation.</p>		

4. Next steps

It is important the information gathered is used to inform any Council reports that are presented to Cabinet or appropriate committees. This will allow Members to be furnished with all the facts in relation to the impact their decisions will have on different equality groups and the wider community.

Take some time to summarise your findings below. This can then be added to your report template for sign off by the Strategy Team at the consultation stage of the report cycle.

Implications/ Customer Impact
<p>The proposed Article 4 Direction to remove the permitted development rights for upwards extensions on certain buildings will ensure that each proposal is considered through a full planning application. This will enable the Council to influence the type, size and tenure of housing that will be coming forward so that it reflects the needs of local communities. It will also ensure that the Council is able to secure contributions towards local infrastructure and affordable housing in order to mitigate any harmful impacts that new development might have on local communities.</p> <p>The assessment of the impact of the Article 4 Direction has found that the policies are anticipated to have a positive or neutral impact on groups with protected characteristics as defined by the Equalities Act 2010. Local communities are expected to benefit from the proposed increase in net affordable housing and access to social infrastructure. They are also expected to benefit from a range of types and sizes of housing which the Council will be able to influence, such as family sized housing and housing for groups with specific needs such as those with disabilities.</p> <p>With regard to the protected characteristics of gender reassignment, marriage and civil partnership and sexual orientation, the impact of the Article 4 Direction has been assessed as neutral.</p> <p>There will be an opportunity for members of the public and business to comment on the proposed Article 4 Direction before it comes into force. The comments will be considered in</p>

order to take further mitigating actions which may be required.

5. Sign off

The information contained in this template should be authorised by the relevant project sponsor or Divisional Director who will be responsible for the accuracy of the information now provided and delivery of actions detailed.

Name	Role (e.g. project sponsor, head of service)	Date
Will Donovan	Policy and Participation Officer	10/12/2020
Tim Thomas	Head of Transport, Infrastructure and Policy Planning, Be First	10/12/2020