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APPLICATION NO: 20/00273/FUL	OFFICER: Mrs Emma Pickernell
DATE REGISTERED: 14th February 2020	DATE OF EXPIRY : 10th April 2020
WARD: St Peters	PARISH:
APPLICANT:	Mr Stephen Harper
LOCATION:	21 Great Western Road, Cheltenham
PROPOSAL:	Demolition of the existing garage and outbuilding and erection of 2 storey extension to form 4 x 1 bedroom flats.

ADDITIONAL REPRESENTATIONS

Councillor Willingham
Ward Councillor
St Peter's Ward

Comments: 27th May 2020

As you are no doubt aware, s149 of the Equality Act 2010 requires that "A public authority must, in the exercise of its functions, have due regard to the need to—

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

This is commonly referred to as the Public Sector Equality Duty (PSED) and Cheltenham Borough Council is a public authority as defined in the Act.

As far as I can tell, this report is lacking an adequate Equality Impact Assessment to demonstrate that the PSED has been complied with. I have raised the issue of equalities previously in response to planning issues and I am getting both frustrated and to some extent rather appalled at how often these concerns are ignored, disregarded, or in some cases not even individually thought about in terms of planning.

You are probably reading this and wondering what equalities issues I intend to raise, as I have not yet detailed what the issue is, and if that is the case, I think it will evidence more than anything else the problem that exists in empathising and performing a PSED for planning matters.

The problem that needs a PSED relates to overdevelopment of the site, and what happens on the days when waste or recycling is to be collected.

Currently there is a single dwelling on the site, this should result in one bin or two boxes, which currently should (and could) be kept just inside the curtilage of the property. The proposal would result in four bins or eight recycling boxes, and since there is no way that

these could be kept within the property boundary, they will be left on the street and will cause obstructions for mobility impaired individuals such as wheelchair users (protected characteristic: disability) or parents with baby buggies (protected characteristic: maternity) and more seriously, they could create a dangerous obstacle course for visually impaired people (protected characteristic: disability).

This does not appear to have been considered, and a search of the document find that there has been no equalities impact assessment.

It is my opinion that reports need to include an equalities impact assessment regarding the above. More generally, I do not understand why planning reports have not been updated to include and require a Equalities Impact Assessment to be considered for every report.

Out of curiosity, I also looked at the now-withdrawn application 20/00229/LBC and despite there clearly being the need for an equalities impact assessment in respect of the protected characteristic of sexual orientation, the EqIA is missing from that report too!

To comply with the PSED, subsequent sub-sections of s149 state the following:

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

- (a) tackle prejudice, and
- (b) promote understanding.

Sub-section (7) makes it clear that the relevant protected characteristics include disability and maternity.

Furthermore, there is case law for example *Brown v Secretary of State for Work and Pensions* [2008] EWHC 3158 (Admin) and *R (Buckley) v Bath and North Somerset Council* [2018] EWHC 1551 (Admin).

These have led to the following principles:

- The decision maker must be aware of the duty to have due regard to the relevant matters.
- The duty must be fulfilled at the time when a particular policy of decision is being considered.

- The duty must be exercised in substance, with rigour and with an open mind, it is not a box-ticking exercise.
- It is a continuing duty.
- It is good practice to keep records demonstrating consideration of the duty.
- The duty requires decision makers to be properly informed, which in some cases will require further consultation by the public body with appropriate groups.
- Provided there has been a rigorous consideration of the PSED, a court will not interfere in matters of what weight was given to the equality considerations.
- This duty applies to the regulatory functions (Licensing and Planning) of a local authority.

(This with reference to "Journal of Licensing", no. 25, Nov 2019, pages 28-30)

We may not be able to easily change extant developments to ensure they are equalities-friendly, but we can influence the future, and I don't believe that it is acceptable to permit new developments where the pavement becomes a dangerous obstacle course for disabled people at least once a week on refuse or recycling collection day, if this application is approved, then it will show disabled people how little they are thought of by this town. I think that disability rights matter, and I think we should demand better for new developments and use planning to prevent them from doing things that we all know will cause inconvenience and danger to parents with baby buggies, wheelchair users, and blind or partially sighted people.

21 Market Street
Cheltenham
GL50 3NH

Comments: 27th May 2020

I submitted a comment/objection to this development on behalf of and representing the views of St James Action Group.

I now wish to object most strongly, as a resident of Market Street, to the specific issue of parking and the 'change of position' by Gloucestershire County Council Highways. I contest their assertion that there is capacity for increased resident parking on the streets in this area.

The original submission and advice supported a no car development with measures to exclude residents of these flats from the area parking scheme.

With this attached to any permission, it would have been unlikely to attract objections from the local community. It is impossible to judge whether interested parties felt some support from this and therefore made no objection, but I took some heart from it and could not have reasonably expected this change so late in the process.

Empty statements, naming this proposal as 'car free' and providing bicycle stores and highlighting the close walking distance to facilities is cynical at best, and adds further to the many inaccurate statements made in the development proposal in order to 'sell' it to the planners.

I suspect the applicant complained when the County Council appeared to apply their powers to exclude residents in this development from the parking scheme. Personal and professional integrity are sadly lacking, and they cannot have it both ways.

However, we are where we are, and I am saddened that the County Council has withdrawn the informative regarding the on street parking but strongly contest their assertion that capacity is at 42%.

I can only surmise that by some clever calculation over the whole zone they managed to come up with this figure, which is certainly not the situation in the area around this development.

The area covered by Zone12 has roads, (such as St Georges Road), where the majority of residents have off street parking, and the more commercial areas within the town centre, both primarily used as short term parking for non residents. Great Western Road, together with Park Street and Market Street, form a large cul-de-sac, with a single access from Gloucester Road. It is almost entirely high density period terraced housing with no off street parking.

I cannot stress enough the frustration felt by residents in this area from the difficulty parking, although a paid permit is required. Residents must purchase a permit in order to park anywhere near their homes, yet non residents can enjoy free parking for 4 hours in the period from 8am to 8pm. Similar resident permit schemes are in force throughout the entire area from the town centre to the Railway Station.

There are considerable problems facing residents on a daily basis under normal conditions, (pre lockdown) with residents competing with non residents for the spaces. The lack of available capacity becomes apparent when residents often find it impossible to park if returning to their homes in the evening.

Seeking any available space in the surrounding area, although in the same parking zone, involves a drive of considerable distance and varying walking distance back to our homes. I ask what you would consider a reasonable distance away from your home to park your car, when you pay for the privilege?

The closest available parking within the zone outside of the cul-de-sac would involve a half mile drive and a short 3-4 minute walk, but could necessitate a drive of three quarters of a mile or more and a walk of over half a mile.

Nothing has changed from 2 March until the latest submission on 20 May - except the unusual Coronavirus impacts.

At the start of the lockdown all the available spaces were taken with next to no car movements for many weeks. Under normal conditions some of the spaces would be vacated as residents went to work, to be replaced with non resident workers, shoppers or visitors throughout the day.

As a few residents either returned to work or travelled farther afield as the lockdown rules allowed, there are now more car movements, yet spaces are quickly filled, even though there are no shoppers and no visitors.

There is no spare capacity for residents parking on these streets.

The County Council appeared in their submission of 2 March to accept this as a no car development, and assert their powers to exclude residents of the development from the residents parking scheme, thus:

Restrictions of Parking Permits - Controlled Parking Zone/Residents Parking Scheme.

You are advised that the Local Highway Authority has recommended to the Local Planning Authority (LPA) of which the development forms part and shall be treated as car free/low-car and the occupiers are ineligible for resident parking permits as well as visitors parking permits if in a residents parking scheme.

For once, after years of talking about planning for no car developments, it could have been delivered.

The County Council believes that there is sufficient capacity for on street parking for this development, with the potential for 8 additional vehicles, but it is wrong.

With the County Council no longer asserting its control over parking capacity, I urge you to refuse this application.

18 Great Western Road
Cheltenham
Gloucestershire
GL50 3QN

Comments: 27th May 2020

I would like to get across that I have no problem or objection to the development being planned for 21 great western. I think it will be an exciting opportunity for the area and improve this street. I must stress that my only concern and my fellow neighbours concern is that parking will be a huge problem. We currently have a four hour parking rule, which many non residents that work near use. Four flats brings the potential of 8 cars and there will just be not enough room. Has anyone from Cheltenham council looked at the wasted land next to where this development is due to go? As a suggestion could the double yellow parking lines at the cul-du-sak at the bottom of the road be removed to create parking space? If my proposal does not get looked at thoroughly I will have no option but to strongly object this project.

19 Great Western Road
Cheltenham
Gloucestershire
GL50 3QP

Comments: 27th May 2020

I am writing this email on behalf of the multiple residents of the Great Western Road area who objected to the above planning application.

Apologies for the lateness of this email. We received an email on the 21st of May informing us of the meeting on the 28th of May regarding the above planning application. Since then, the applicant has added further documentation from GCC informing us that they have investigated the parking in the area and that it currently sits at around 42%(?!?). As I am sure you will agree, given that this was added just prior to a bank holiday weekend and less than a week from the planning meeting, we have not had chance to follow up these claims with GCC.

We therefore request that the meeting and the decision on this planning application be deferred until such a time when more detail about how this percentage was calculated. From our experience, every week night residents are forced to park on the double yellow lines at the turning circle at the end of the road. This has resulted in many parking fines. We are perplexed by the percentage quoted by GCC and believe more detail is required about how it was calculated before it can be used for/against the planning application.

If the meeting is not deferred, I would like to request permission to call into the meeting and speak in objection. I will write an email with a transcript of what I want to say and send it over this afternoon.