

Supplementary Officer Note - Public Sector Equalities Duty 6e 23/01691/REM Oakley Farm Priors Road (Pages 149 - 328)

Step 1 -About planning application 23/01691/REM

The application for approval of Reserved Matters (access, appearance, landscaping, layout and scale) following outline planning permission for residential development of up to 250 dwellings and associated infrastructure, ancillary facilities, open space and landscaping, demolition of existing buildings and creation of a new vehicular access from Harp Hill (in accordance with the terms of outline planning permission 24/00251/CONDIT). Details are also submitted in relation to conditions 6 (phasing), 9 (Energy and Sustainability Statement), 13 (Harp Hill access junction details) and 2 (see full details in the Officer Report (OR)).

The Primary customers/users of the service will be homeowners, tenants, leaseholders, visitors and the community at large who will be affected by the above development.

The development will be implemented at Oakley Farm, Priors Road, Cheltenham

The potential barriers that might exist are the unique terrain of the proposed development as set out in the application.

Step 2 - What do you already know about your existing and potential users?

The information before the Council is set out in the OR and advises the users of the development will be homeowners, tenants, leaseholders, visitors and the community at large.

The application for the development has been widely consulted upon as set out in the OR.

Step 3 - Assessing community impact.

We have considered how the development impacts on different groups including people from black and minority ethnic groups, people who are male or female, people who are transitioning from one gender to another, older people / children and young people, people with disabilities and mental health challenges, people who have a particular religion or belief, people who are attracted to their own sex, the opposite sex or to both sexes, people who are married or in a Civil Partnership and people who are pregnant or who are on maternity leave and other group or communities.

We know that the development must be accessible by those that have a disability and have had due regard as set out below under the heading 'Equality Impact Assessment'.

Equality Impact Assessment

Under section 149 of the Equality Act 2010 (EqA) , all public bodies, in discharging their functions must have due regard to the Public Sector Equalities Duty (PSED).

The PSED requires public authorities to have due regard to:

- The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the EqA 2010 (section 149(1)(a)).
- The need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (section 149(1)(b)). This involves having due regard to the need to:
 - Remove or minimising disadvantages suffered by people due to their protected characteristics;
 - Take steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people; and
 - Encourage persons with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage and that compliance with the PSED in section 149(1) may involve treating people more favourably than others, the duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

As set out in the accompanying OR for planning application 23/01691/REM, the local planning authority (LPA) considers the proposed development (reserved matters details) to be acceptable in respect of the above PSED duties. The reasons for this are set out as follows:-

- A. In the case of application 23/01691/REM, the LPA considers the PSED is satisfied in respect of highway related matters. In exercising its PSED obligations, the local highway authority (HA) has had regard to the relevant design standards of Department of Transport Guidance ‘Inclusive Mobility dated 2021 (notably, paragraph 4.3 *Gradients*) and the Manual for Gloucestershire Streets (MfGS).

Under the heading of “Meeting the needs of People with Protected Characteristics”, the MfGS states *“Section 149 of the Equalities Act, 2010 requires Local Authorities to have ‘due regard’ when making any decisions to the needs to eliminate discrimination, which includes the duty to make reasonable adjustments for disabled people and the “need to promote equality of opportunity between disabled persons and other persons”, which includes “the need to take steps to take account of disabled person’s disabilities” even where that involves “treating disabled persons more favourably than other persons”. The MfGS states regarding vertical alignment the maximum gradient is “1:20 (5%), but consideration given to 1:12”*

The proposals do not include gradients steeper than 1/12 and where gradients of 1/12 are proposed they do not exceed 30 metres in length.

The HA responses to the LPA confirm that, in respect of highway design and gradient levels, the proposed development complies with MfGS, which itself aligns with the specific requirements of the EqA 2010. The HA has commented on the need to balance the topography of the site and

other constraints against the road gradients which are achievable (noting also that outline planning permission has already been granted).

- B. In terms of building design, the LPA has considered compliance with Parts M and K of the Building Regulations 2010, particularly in respect of wheelchair users. There are 2no., single storey, M4(3) category wheelchair accessible dwellings proposed. Any ramps or other works required for level access to any property would need to comply with Part M of Building Regulations.
- C. The LPA, when considering the proposed affordable housing element and the housing/tenure mix for both market and affordable sector dwellings, has had regard to the objectives of its relevant local housing needs assessments.

The proposals include 100 affordable dwellings with a tenure mix of social rented, shared ownership and First Homes properties. The affordable provision includes 36 x M4(2) accessible (level access) affordable homes and 2 x M4(3) wheelchair accessible affordable homes (Plots 215 & 216), as shown on drawing number 1002 Revision P7. The agreed provision of 36 x M4(2) level access affordable homes and 2 x M4(3) wheelchair accessible affordable homes on this site meets the PSED requirements, by minimising disadvantage for disabled households through the provision of appropriate level access and wheelchair accessible homes and directly meeting the housing needs of these households.

The 2020 Gloucestershire Local Housing Needs Assessment (LHNA) identifies a need for 67% M4(2) and 8% M4(3) units to be provided on new developments for market and affordable tenures to meet current and forecasted future accessible needs. On this development, given the sloping nature of the site and potential for viability to reduce affordable housing contributions, the agreed approach of delivering 36% M4(2) and 2% M4(2) affordable homes is deemed to be reasonable and acceptable.

The proposed Housing Mix for the market sector dwellings (the majority of which are M4(2) category dwellings) is also considered acceptable and policy compliant (Policy SD11 of the Joint Core Strategy). The outline planning permission does not include any requirement (by way of a planning condition or s106 obligation) for a proportion of the dwellings to exceed the M4 house type minimum standards (M4(1)) for the open market housing.

The PSED requirements for the above elements of the proposed development are therefore met.

- D. Where relevant, all other aspects of the proposed development are also considered acceptable in relation to PSED, either as currently proposed or, where relevant, to be considered fully via the discharge of planning conditions and s106 obligations attached to the planning permission. These include:- building design, layout and orientation, vehicular/cycle and pedestrian hard surfacing treatment, steps and ramp design, public seating, external lighting, site navigation/permeability, provision and access to public open space and recreation facilities (including children's play areas and equipment), access and proximity to public transport and sustainable/sustainable modes of transport, access and proximity to local community facilities

(shops, services, medical facilities etc.), education and libraries provision and off-site highway improvement works.

Step 4 - What are the differences

We have considered that no groups are affected in different ways as a result of the development. There is no discrimination either directly or indirectly because of the development. The development will provide much needed housing to the area with benefits to visitors, homeowners, tenants, leaseholders and the community at large as a result of the development.

Step 5 – Taking things forward

The application is for consideration and determination by the Planning Committee and any approval will be subject to conditions and monitored by the Council as Local Planning Committee.