

Planning and Licensing Committee Update Report – 4th February 2021

AGENDA ITEM 5 – 20/00713/FUL – Land Rear Of 19 To 25 Innings Way, Rochdale

Public Sector Equality Duty

Disability and age are protected characteristics and consideration needs to be given to whether persons with a protective characteristic will be disproportionately affected by the decision which is being made versus someone who does not have that particular characteristic. It is for the decision-maker to decide what weight to give to the equalities implications of any decision being made.

ASSESSMENT

Section 149(1) of the Equality Act 2010 establishes a duty to have ‘due regard’ in respect of three ‘needs’ in the exercise of public powers and the delivery of public services. These are as follows:

- (a) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (b) The need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it.

As such, the Council, as decision-maker needs to decide what weight to give to the above in determining the application.

The NPPF at Paragraph 61 states that within the context of delivering a sufficient supply of homes, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies including, older people, and people with disabilities. Policy C3 (Delivering the right type of housing) of the adopted Core Strategy states that the Council will deliver the right types of homes, well designed and built to appropriate densities, to meet the overall needs and aspirations of the borough, supporting the provision of housing on appropriate sites to meet the needs of specific groups including older people and other vulnerable groups.

Paragraph 12 (Housing for Older and Disabled people) of the NPPG classifies bungalows as general housing, and states that older people may not want or need specialist accommodation or care and may wish to stay or move to general housing that is already suitable (such as bungalows). The application has not been submitted on the basis that the bungalow will be made available exclusively to persons over 55 or persons with a disability. The plans show the bungalow would provide three bedrooms, a kitchen/diner, a bathroom and a living room.

While it is accepted that the bungalow accommodation could be used by an older person or a person with a disability, the NPPG is clear that bungalows are general rather than specialist housing and there is no evidence that this development will be used in a way other than as general housing. Furthermore, it has not been demonstrated that any need for such accommodation could not be adequately met on other sites in the borough, rather than Protected Open Land.

On this basis, it is not considered that persons with a protected characteristic would be disproportionately affected by a decision. The application would not accord with Policies P3 and G5 of the adopted Core Strategy or the National Planning Policy Framework, and the recommendation remains to refuse planning permission.

Whilst the development is not proposed to be made available exclusively to persons over 55 or a disabled occupant, if this were put forward by the applicant, there are other matters that would need to be considered further in respect of equalities implications, such as suitable internal layout for a disabled occupant and whether access via an existing car park is a suitable means of access for disabled or older persons. For example, there would be insufficient space for a designated footpath to be provided to the bungalow from the existing footpath on the highway of Innings Way to provide a safe means of access for future occupiers, which would in itself impact upon some occupiers with protected characteristics. In addition, such occupiers would have to take bins a distance of approximately 25 metres to the highway of Innings Way for refuse collection. In any event, the application is not put forward on this basis, and the bungalow would be sited at the rear of an existing car park, at odds with the established pattern of development and character of its immediate surroundings. Its isolated position relative to the existing housing would relate poorly to it and would fail to maintain a strong sense of place. The proposed development is therefore contrary to saved Policy D/10 of the UDP, Policies P3 and G5 of the adopted Core Strategy and the National Planning Policy Framework.