

## London Borough of Hackney Equality Impact Assessment Form

### Title of this Equality Impact Assessment:

Article 4 Direction for Permitted Development Rights for Class E Use (commercial, business and service) to Residential Use
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### Purpose of this Equality Impact Assessment:

<p>To initially assess the potential impacts on certain individuals or equality groups that could be affected by the implementation of a non-immediate Article 4 Direction (A4D) withdrawing the permitted development rights for Development consisting of a change of use to a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order. This is contained in Class MA, Part 3 of Schedule 2 to the Town and Country Planning (General Permitted Development etc.) (England) (Amendment) Order 2021.</p>
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The areas affected are the Borough's Priority Industrial Areas and Locally Significant Industrial Sites.

Following endorsement by Cabinet, the A4D will be issued and would undergo a consultation period of 6 weeks. If intending to proceed permanently with the A4D, the Council will need to confirm the A4D following the 12 month notice period, on the date provided by the notice. If, following consultation, it is recommended to confirm the A4D, a further EqlA will be produced to assess any impacts on equalities, particularly with any information gained from the consultation process.

### Officer Responsible: (to be completed by the report author)

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<b>Directorate: Legal, HR and Regulatory Services</b>	<b>Department/Division: Spatial Planning</b>

Assistant Director:

Date:

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Comment :

## **PLEASE ANSWER THE FOLLOWING QUESTIONS:**

### **STEP 1: DEFINING THE ISSUE**

#### **1. Summarise why you are having to make a new decision**

Ensuring the right amount of industrial floor space is essential for supporting job creation, economic growth and inclusive regeneration in Hackney.

The A4D area proposed comprises the Borough's Priority Industrial areas and Locally Significant Industrial Sites. Combined, these centres are of strategic employment importance to Hackney, and are recognised as important sources of jobs for Hackney residents. In addition, these are the areas where low-cost workspace for SME businesses in the Borough can be found.

The Council actively seeks to protect and improve business land and commercial floorspace to assist existing and new businesses to grow following the recovery of the local economy after the pandemic. This is facilitated in part through the planning process by planning policies protecting viable and important employment land and retail floorspace. Economic and employment activities in the Priority Industrial Areas and Locally Significant Industrial Sites are of vital importance in supporting a thriving local economy and low-cost workspace.

The issuing of a non-immediate Article 4 Direction (A4D) on a building and the land within its curtilage would remove the PD right that was introduced in 2021 to allow a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order, and thus would mean that a planning application would be required for this change. This is to allow the Council to manage any potential future change of use which may otherwise constitute a threat to the amenities of the Borough and would be prejudicial to the proper planning of the Borough, in particular the Council's ability to prevent loss of uses which contribute to the wider strategic aims for the area and across London.

It is considered important to ensure that employment uses are protected if Hackney is to remain a balanced and sustainable community providing both necessary housing but also floorspace/sites for local jobs and businesses, and by assessing proposed development, including issues around viability against the Local Plan policies.

The issue of the A4D is considered to be consistent with the Council's Inclusive Economy Strategy (2019) which has three priorities 1) Support local neighbourhoods and town centres to thrive and to be inclusive and resilient places; 2) Champion and support local business and social enterprise in Hackney and protect and maximise the delivery of affordable workspace in the borough; and 3) Connect residents to high-quality employment support and opportunities to learn new skills, get good quality, well-paid work and progress their career throughout their working life.

The issue of the A4D is considered to be consistent with national, regional and local planning policy and guidance. The London Plan policies recognises the need to protect and manage commercial business activities in support of economic development within the wider London context and sets out specific policies protecting

industrial employment land and activities. In turn, the Local Plan (LP33) encourages development that protects employment land to meet local business needs, seeking to ensure that the communities in the borough are supported by appropriate employment and commercial land and floorspace, in support of business growth and development.

## **2. Who are the main people that will be affected?**

The A4D is likely to have an impact Borough-wide on people who live and work in the Borough. There could be some local impact for the owners, occupiers, employers, employees, customers, and people who live or work in the areas affected. It has not been identified that a particular equalities group with protected characteristics would be negatively affected at this stage.

## **STEP 2: ANALYSING THE ISSUES**

### **3. What information and consultation have you used to inform your decision making?**

The A4D is in line with the Council's Local Plan policy, as well as national and regional planning policy and guidance. The NPPF states that "Significant weight should be placed on the need to support economic growth and productivity" and that this is particularly important "in areas with high levels of productivity, which should be able to capitalise on their performance and potential".

The area contains much of the Borough's existing industrial land and floorspace, and some of its best designated employment land. The Council believes that such land is highly important for business and job growth, both for the Borough and to contribute to the capital's economy. The Hackney Local Plan sets out policy to protect and promote industrial land and floorspace in the borough. The new PD rights for the loss of these uses without management through the planning system could undermine the operation of the industrial planning policy for the proper planning of the Council's area as they may inhibit the Council's ability to retain an adequate sock of industrial capacity to support a diverse, adaptable and more sustainable economy The Council's employment policies are supported by robust evidence as well as referencing market signals through the submission of marketing evidence.

The A4D will be subject to a 12-month notice and a 6 week consultation period. During the consultation period, the Council will publish a notice of the A4D in Hackney Today, which is delivered free to every home and business in the Borough. A notice will also be posted onto the Council website. At least two site notices will be displayed for at least 6 weeks. On the same day that notice is given the Council notifies the Secretary of State who has powers to cancel or modify an A4D. Individual owners or occupiers will however not be served with such notice because their number within the affected area makes individual service of notice impracticable.

The proposed A4D will be open for consultation to enable the public to respond, once the consultation has closed, the Council will review these and decide whether any modifications need to be made. The consultation will further inform any impact on inequalities, and a further EqIA will be produced to highlight and seek to mitigate those

adverse impacts if it is recommended to confirm the A4D. The Council will re-consult for 21 days on any modifications that are made.

## Equality Impacts

### 4. Identifying the impacts

This EqIA has been produced to assess the impacts that may be experienced following the implementation of the A4D on Class E uses in the affected areas. The key objective is to maximise the positive impacts and for them to outweigh the potential negative impacts. The positive and negative impacts likely to be experienced are considered below:

Equality Groups	Positive Impact	Negative Impact
Overall	<p>The A4D seeks to protect existing industrial land and floorspace in key industrial areas in the borough, to ensure that the viability of those areas are not adversely affected, while protecting local jobs and businesses which could be beneficial to all or most equality groups.</p>	<p>The A4D may prevent new residential uses coming forward, however this needs to be balanced against the need to provide housing of a range of sizes, tenure and dwelling mix in the appropriate locations that meets the Borough's housing needs.</p>
<b>AGE</b>	<p>By ensuring that a planning application is made for the change of use from Class E to C3, this would allow the Council to assess whether the proposal provides housing in locations suitable for housing generally and family housing in particular.</p> <p>The Article 4 Direction will ensure that affordable workspace is provided through financial contributions from new developments in the designated employment areas. Affordable workspace supports the growth of Small and Medium sized Enterprises and Local Small Businesses.</p> <p>The Article 4 Direction will protect against the creation of poor quality housing through permitted development. Housing produced through permitted development has been evidenced to produce poor quality accommodation.<sup>1</sup> The health and social impacts of poor quality</p>	<p>The size limit for the PD right change from Class E to residential is 1500sqm, which can therefore incorporate family-sized housing. However, industrial areas would not be acceptable locations for new housing in that they are work areas where industrial processes take place, where industrial machinery is used and heavy goods deliveries are frequent . By issuing the A4D, this may affect large families looking for large housing that may have benefitted from this PD right. It is important that the Council manages the type of housing that is built in the Borough to ensure that family-sized housing is provided in the right location.</p>

	housing disproportionately impacts older people and young people. For example, children attain less well at school, have poorer physical health and have increased stress, anxiety and depression. <sup>2</sup>	
<b>DISABILITY</b>	<p>Requiring a planning application for a change of use development would mean that applications that are made are assessed against planning policy and may be required to be fully accessible.</p> <p>The PD right to change uses to residential could have a negative impact on individuals with disabilities as industrial units were not built with accessibility primarily in mind. For instance, industrial areas may not have safe access for wheelchairs and people with limited mobility could struggle. There may also be limited disabled vehicle spaces. The Article 4 Direction will mean that home proposals meet the accessibility and adaptability needs of people with disabilities.</p>	As many of the existing industrial buildings may not have been built to be accessible, it might be difficult to provide accessible design if a planning application is to be approved, particularly if the building is located in a busy working industrial area. This would be considered on a case by case basis.
<b>GENDER REASSIGNMENT</b>	None specifically identified at this stage.	None specifically identified at this stage.
<b>MARRIAGE AND CIVIL PARTNERSHIP</b>	None specifically identified at this stage	None specifically identified at this stage
<b>PREGNANCY AND MATERNITY</b>	The conversion of industrial floorspace to dwelling houses can lead to poor quality residential accommodation and amenity for local residents. This Article 4 Direction has positive impacts on mental health and wellbeing by preventing poor quality conversions to housing for all local residents <sup>3</sup> . Health conditions associated with poor conditions include: respiratory conditions, cardiovascular disease and communicable disease transmission, and increased mortality, increased stress, depression and anxiety.	None specifically identified at this stage

<b>RACE</b>	The Article 4 Direction will ensure that low-cost workspace is provided through the protection of industrial floorspace which supports the growth of Small and Medium sized Enterprises and Local Small Businesses. Affordable work spaces are a positive for all residents.	By issuing the A4D, this may affect some minority ethnic groups with traditionally large families that may benefit from this PD right, and therefore fail to benefit from the A4D. However it is important that the Council manages the type of housing that is built in the Borough and its location.
<b>RELIGION/BELIEF</b>	None specifically identified at this stage.	None specifically identified at this stage.
<b>SEXUAL ORIENTATION</b>	None specifically identified at this stage.	None specifically identified at this stage.

<b>Other Groups</b>	<b>Positive Impacts</b>	<b>Negative Impact</b>
Owners	The owner would need to submit a planning application to change the use of Class E to residential. This would however allow the Council to assess the quality of the proposed development, by ensuring national space standards for housing are met	The owner would be required to submit a planning application to change the Class E use to residential which otherwise would have required prior approval. The Article 4 Direction will protect against the creation of poor quality housing through permitted development.
Occupier	If a planning application is received to change from Class E to residential, the occupier, (i.e. the employer) would be consulted by the Council if they did not submit the planning application and would be invited to submit representations; an action that is not required for a change of use under PD.	The occupier would be required to submit a planning application to change retail to residential use which otherwise would have required prior approval. As the A4D is non-immediate, the occupier could not claim compensation.
Employees	The A4D would lower the negative impact to job security and the chances of job losses in existing industrial areas, as the change to residential would require planning permission.	None specifically identified at this stage.
Local Residents/ Community/ Customers	With the A4D, areas of existing industrial processes would be prevented from changing under PD to a use that might not be suitable in the priority industrial and other locations, and might have detrimental impacts on the viability and vitality of the centre and impacts on customers who would have used those services, as well as adverse amenity impacts.	The A4D may prevent new residential uses coming forward, however this needs to be balanced against the need to provide housing and other services and facilities in appropriate locations to meet local needs for workspace and services.

	<p>The A4D would safeguard the opportunity for buildings in the affected areas to be used as industrial spaces and may safeguard jobs for local residents, as well as the prospect of affordable housing being provided in more appropriate areas.</p> <p>If a planning application is submitted for a change of use to residential, the local residents would be consulted by the Council and invited to submit representations. The Council would also be able to assess the planning application, taking into consideration the impact on local residents.</p> <p>The Article 4 Direction will ensure that low cost workspace is provided which supports the growth of Small and Medium sized Enterprises and Local Small Businesses.</p>	
Hackney Council	<p>The Council would be able to safeguard the use of industrial floorspace floorspace in employment areas, in line with Policy E7 of the London Plan, and LP28 and LP29 of the Hackney Local Plan.</p> <p>The Council would be able to manage and plan appropriately, taking account of local needs through retaining a balance of land uses in key areas of the Borough, for a sustainable community.</p>	
Other groups	None specifically identified at this stage.	None specifically identified at this stage.

**4. A) What positive impact could there be overall, on different equality groups, and on cohesion and good relations?**

- The A4D seeks to protect existing industrial floorspace in key areas in the Borough. This could protect local jobs and businesses which would otherwise be at risk by the PD right being applied.
- By issuing the A4D, it would ensure that a planning application is made for the change of use from Class E to C3 use. This would allow the Council to assess the quality of the proposed development against planning policy for the housing mix and tenure, size, amenity space and accessibility.
- The Council would be able to manage the balance of land uses in key areas of the Borough, for a sustainable community.

- The housing mix, tenure and amenity space provision of a residential development is particularly of importance for families. The A4D would allow for this type of assessment.
- It is likely that the existing industrial buildings would have been purpose built for industrial use and would therefore not meet adaptability and accessibility standards set out in the Building Regulations (M4(2)). By requiring a planning application for a change of use development, when applications are made, they would be required to be fully accessible.
- If a planning application is received to change the use of Class E to C3, the neighbouring residents (and the owner/occupier/employer if they did not submit the application) would be consulted by the Council and invited to submit representations; an action that is not required for a change of use under PD. The Council would also consider the impact on these groups when assessing the planning application.
- The A4D would lower the negative impact on job security and the chances of job losses in existing businesses for current and future employees.
- The A4D would safeguard the opportunity for buildings in the affected areas to be used as industrial spaces and low cost workspaces and may safeguard jobs for local residents, as well as the prospect of affordable housing being provided via a planning application.
- With the A4D, industrial spaces would be prevented from changing under PD to a use that might not be suitable in those industrial locations and might have detrimental amenity impacts to the local community (e.g. noise and disturbance that may be experienced by residential occupiers neighbouring industrial uses, and vice versa).
- The Council would be able to safeguard the use of industrial floorspace and jobs in the affected areas, in line with Policies E7 of the London Plan, and LP28 and LP29 of the Hackney Local Plan. For this reason it is vital they are protected if Hackney is to remain a balanced and sustainable community providing both necessary housing but also floorspace/ sites for local jobs and businesses.

**4. B) What negative impact could there be overall, on different equality groups, and on cohesion and good relations?**

- The A4D does not prevent the change of use from class E to residential, instead it allows all applications to be assessed by the council against its local plan policies and ensure quality housing is provided as part of any change of use and that important employment areas are protected to meet the needs of local communities.
- The size limit of an industrial unit that can change under PD to residential is 1500sqm. This could mean that housing is put in that is used by families with children, elderly people and people with disabilities in industrial areas that are not appropriate for those groups of people.
- The A4D may have an impact on large families, including those from ethnic minorities with traditionally large sized families seeking large sized housing who may benefit from this flexibility of the PD rights. However the market may produce more non-family sized housing units that are much more in demand, sell faster and yield higher profits. Therefore it is important that the Council



manages the locations of where new housing is built in the Borough to ensure that family-sized housing would also be built to meet the Borough's housing need.

- As many of the existing industrial buildings may not have been built to be accessible, it might be difficult to provide accessible design if a planning application is to be approved, particularly if the building is located in a busy working industrial area.
- The owner/occupier/employer would need to submit a planning application to change the use of an industrial space to residential, which would otherwise have just required prior approval. As the A4D is non-immediate, the owner could not claim compensation.

### **STEP 3: REACHING YOUR DECISION**

#### **5. Describe the recommended decision**

It is considered that the A4D at this stage would have a mostly positive impact on equalities in general, as it would potentially safeguard industrial and low cost workspace, and allow the Council to fully assess any potential change of use by receipt of a planning application. At this stage there were some negative impacts identified, however these need to be balanced against the need to provide good quality housing in appropriate locations, size and tenure mix which meets the Borough's housing needs. Furthermore Hackney reached 98% of its housing target over 5 years from FY2015-2019 and is projected to meet its housing target going forward.

The positive impacts from the implementation of the A4D are therefore considered to outweigh the negative impacts, in which actions can be taken to eliminate or mitigate them. The recommendation is therefore to proceed with the issue of the A4D, but it will be considered again after consultation.

## STEP 4 DELIVERY – MAXIMISING BENEFITS AND MANAGING RISKS

### 6. Equality and Cohesion Action Planning

No	Objective	Actions	Outcomes highlighting how these will be monitored	Timescales / Milestones	Lead Officer
1	To ensure that local residents and those with an interest in the affected areas are notified of the proposed A4D	Consult via Hackney Today, site notices and the Hackney website	An equal opportunity for people to provide comments on the proposed A4D	During consultation	
2	To safeguard retail, office and community floorspace in key areas in the Borough	By applying the A4D and resisting the loss of offices under PD without a planning application being submitted	The requirement of a planning application to change the use to residential, which could then be assessed by the Council	A4D to be confirmed 12 months after its issuing	
3	To require a planning application from the owner/ occupier to change a Class E unit to a dwelling	By requiring a planning application to be submitted for a change of use to allow the Council to assess the potential impacts	Through Development Management and Enforcement	Ongoing	
4	To ensure that the A4D meets the Council's equality objectives before confirmation of the A4D	Another EqIA will be produced before any potential final confirmation of the A4D	The new EqIA will assess any impacts on equalities, particularly with any information	Within 12 months of the issuing of the A4D	

			gained from the consultation process.		
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- 1) Research into the quality standard of homes delivered through change of use permitted development rights Dr Ben Clifford, Dr Patricia Canelas, Dr Jessica Ferm and Dr Nicola Livingstone Bartlett School of Planning, UCL Professor Alex Lord and Dr Richard Dunning Department of Geography and Planning, University of Liverpool July 2020
- 2) Health Equity in England: The Marmot Review 10 Years On, Professor Sir Michael Marmot Jessica Allen Tammy Boyce Peter Goldblatt Joana Morrison, 2020. Institute of Health Equities
- 3) Healthy High Streets Good place-making in an urban setting, Sorcha Daly, and Jessica Allen, Institute of Health Equity Public Health England, Institute of Health Equity, London 2018
- 4) Loneliness - What characteristics and circumstances are associated with feeling lonely? 2018