



## **Agenda Update Sheet**

### **Planning Committee**

**Date: 10<sup>th</sup> November 2022**

## **ITEM 5**

**DM/22/1371**

On page 28, above the heading Impact on Conservation Area, add the following paragraph:

### **Accessibility**

Policy DP28 in the District Plan requires all development to meet and maintain high standards of accessibility. For developments of 5 or more dwellings it is expected that developments of 5 or more dwellings will be expected to make provision for 20% of dwellings to meet Category 2 – accessible and adaptable dwellings under Building Regulations – . Approved Document M Requirement M4(2), subject to a number of exceptions, one of which is where specific factors such as site topography make such standards unachievable by practicable and/ or viable means. In this particular case the topography of the site is challenging and this has resulted in a split level building with stepped access. Given the fact that it has been accepted on viability grounds that the scheme is not viable to provide on site affordable housing, it is reasonable to conclude that it would not be viable to require the development to meet the above standard in this case.

On page 30, under the heading Impact on Neighbouring Amenity, in the first paragraph, add the following sentence:

‘The proposed blocks would be visible to the occupiers of Woodside to the east but as the blocks of flats would be separated by a distance of some 33m, it is not considered that there would be a loss of amenity to the occupiers of the flats in Woodside.’

On page 39, correct the Education contribution to read £34,747

The applicants have now advised that Air Source Heat Pumps will be used for space and water heating rather than gas boilers. The applicants will continue with using PV panels on the flat roof part of the buildings. Therefore an additional condition should be added to read:

No development above slab level shall take place until details of the proposed air source heat pumps and PV panels have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that this is a sustainable development, to achieve a well designed building and to protect the amenities of future occupiers and to comply with policies DP26, DP29, DP35 and DP39 in the Mid Sussex District Plan 2014-2031.

## **ITEM 6**

**DM/22/2241**

On page 81, before the heading of Planning Balance and Conclusions, add the following paragraphs:

Local authorities are under a duty not to discriminate as both service providers and exercisers of public functions under the Equality Act 2010. They are also subject to the public sector equality duty (section 149 of the Equality Act 2010). This imposes a procedural

requirement when the authority exercises its functions, including meetings, to have due regard to the need to: eliminate discrimination, advance equality of opportunity between those with protected characteristics and those without and foster good relations between those with protected characteristics and those without when carrying out their activities.

Having due regard for advancing equality involves:

Removing or minimising disadvantages suffered by people due to their protected characteristics;

Taking steps to meet the needs of people from protected groups where these are different from the needs of other people, including steps to take account of disabled persons' disabilities;

Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The Act also states that meeting different needs involves taking steps to take account of disabled people's disabilities.

The duty is personal to the decision maker who must direct their mind to the obligations. There must be a proper and conscious focus on the statutory criteria and appreciation of the potential impact of the decision on equality. The substance and reasoning must be examined. A properly informed rational view must be taken on the extent of the likely impact. There does not however need to be a formal impact assessment. The absence of it will not make the decision unlawful. But there has to be collection and consideration of information to enable the Council to assess whether the decision would amount to unlawful discrimination or impact on the promotion of equality of opportunity or impact on the promotion of good relations and if so, the extent, nature and duration of that impact.

The proposal is for a decked area to allow a disabled resident to access the rear garden and if approved and constructed, there would be an improvement to the facilities at the dwelling for this resident. The scheme would also allow for easier wheelchair movements to vehicles to the front of the property. However if the application were not approved, then this improvement to the facilities at the house for this resident would not occur. Whilst this would not be desirable for the applicants, the facilities at the property would not be worsened from their current level. It is important to note that the Public Sector Equality Duty (PSED) does not require a particular outcome, but it does require the Local Planning Authority to address the issue.

In this case, were planning permission to be refused, whilst there would not be an improvement to the facilities at the property for the disabled resident, the facilities at the property would be no different to how they are now. It has not been suggested that without the works proposed in this application being in place that the dwelling would no longer be suitable for the disabled resident. As such it is not considered that there would be a breach of the PSED if the planning application were to be refused.

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