

Planning Policy Sub-Committee – 31 January 2019

Minutes of the meeting of the **Planning Policy Sub-Committee** held on **31 January 2019** when there were present:-

Chairman: Cllr D J Sperring

Cllr J R F Mason

Cllr C M Stanley

Cllr Mrs C A Weston

VISITING MEMBERS

Cllrs Mrs C E Roe and I H Ward.

APOLOGIES FOR ABSENCE

Apologies for absence were received from Cllrs G J Ioannou and Mrs J R Lumley.

OFFICERS PRESENT

S Scrutton - Managing Director
D Goodman - Senior Planner
S Worthington - Democratic Services Officer

13 MINUTES

The Minutes of the meeting held on 24 September 2018 were approved as a correct record and signed by the Chairman.

14 NEW LOCAL PLAN EVIDENCE BASE: SOUTH ESSEX GYPSY AND TRAVELLER ACCOMMODATION ASSESSMENT (SEGTA) UPDATE - 2019

The Sub-Committee considered the report of the Managing Director setting out the key findings of the South Essex Gypsy and Traveller Accommodation Assessment, as well as the implications for Rochford District's plan-making.

In response to a Member question relating to transit sites, officers advised that transit sites were sites occupied on a very short term basis, from, for example, one night and up to one week, but which were not travellers' home base. The need for such sites had been identified on a county-wide basis, but there was not currently an identified need for a transit site within each of the districts/boroughs. A programme of work was starting at the Essex Planning Association level considering how Councils within the county might plan for the provision of a transit site somewhere within Essex. Such a transit site would, typically, be managed; therefore, how long individuals could stay at a site would be managed. There was no suggestion there was a need for such a site within the Rochford District.

Members further questioned whether it was preferable to allow sporadic unauthorised occupations of land by travellers to occur or rather to consider a transit site that could be controlled.

Officers reiterated that there was the need for consideration of a transit site somewhere within Essex and that the other 11 Districts would be delighted if Rochford were to provide this; however, it should be borne in mind that this would then become a transit site for the whole county and this could become a focus of traveller families during the travelling period of the summer.

A Member observed that ASELA should give serious consideration to what sort of transit site provision should be made within Essex. Another Member further emphasised that detailed strategic conversations should take place between Essex authorities to ascertain what the best provision would be for the county. Members concurred that there should be further discussion by Rochford District Council in respect of the provision of county transit sites and potential locations of these.

In response to a further concern raised by a Member in respect of the control and costs of such a site, it was noted that the County Council already managed traveller sites within the county and would therefore have the necessary expertise to administer any proposed transit site.

Resolved

That the South Essex Gypsy and Traveller Accommodation Assessment be noted as evidence and published on the Council's website and that further discussion take place at Rochford District Council level in respect of the provision of county transit sites and potential locations of these. (MD)

15 GYPSY AND TRAVELLER ISSUES PAPER AND SUSTAINABILITY APPRAISAL: REGULATION 18 CONSULTATION

The Sub-Committee considered the report of the Managing Director setting out the identified challenges and options for meeting the present and future accommodation needs of the Gypsy and Traveller community in the District.

Officers advised that within the last 24 hours written confirmation had been received from the owner of one of the sites, site 340370, listed within the document, along the Eastwood Road, that he wished to withdraw the site. He further advised that Members might therefore wish to consider removing the site from the consultation paper as it no longer met the criterion in respect of land availability. Members confirmed that it would therefore be appropriate to remove that site from the Issues Paper.

Responding to a Member question relating to consultation with the settled community, officers advised that the report recommended that the Council undertake public consultation on the document for six weeks; at that point the wider community would be encouraged to respond to the consultation.

In response to a Member question relating to the grant of planning permission for unauthorised traveller sites at appeal; officers advised that there were currently two such appeals waiting to be heard;

the outcomes of any planning appeals relating to unauthorised traveller sites would have to be taken into consideration, including the option of planning applications coming forward for consideration by the Council in respect of granting permission to those unauthorised sites. The capacity of sites would have to be considered on a case by case basis for sites occupied by travellers not wishing to expand those sites if the Council was to consider allowing additional pitches on any sites. The traveller sites would ordinarily be considered inappropriate development within the Green Belt; however, the Council had to take into consideration the outcome of recent planning appeals which had given greater weight to the issue of unmet need for such sites within the District, as well as the potential harmful impact of the sites on the Green Belt. In the case of existing unauthorised sites that may have been in place for some considerable time any impact on the Green Belt would have a degree of permanence. The Council was not seeking to challenge Government policy, but sought to balance competing requirements.

Officers advised, in respect of a further Member question relating to waste water, clean water and waste more generally, there was a specific chapter within the report that explored the criteria that needed to be considered as part of the process of assessing the suitability of sites and all material planning considerations would have to be deliberated on by the Council; issues that were not material planning considerations, including, for example, loss of property value, could not be taken into account through any planning process.

Responding to another Member question relating to consultation with the community around the proposed locations of traveller sites within the settled community, in the context of concerns already raised relating to the poor management of unauthorised traveller sites, particularly in respect of waste management, officers advised that the document outlined a number of options including authorising sites that were relatively remote from the settled community, although there were also some options that were closer to the settled community. The issues paper explored the kinds of facilities that sites might need to include and there was a programme of work planned with the Essex Planning Officers Association (EPOA) in respect of a potential Design Guide for new traveller sites. Some treatment of foul water did fall within the planning system; existing issues should be addressed by a different process to this current one which looked at whether there was planning justification for authorising currently unauthorised sites. At that point issues relating to the treatment of waste might be considered, but only in proportionate detail based on submitted details rather than the settled community's experience of such sites.

In response to a Member question as to whether there had been any development of the Michelins Farm site, officers confirmed that Michelins Farm was an allocated site and the Council was currently in receipt of a planning application from the new owner of the site for business development at the site, which excluded the area allocated for the traveller site.

If Members considered that the Council should act via its budget processes to seek to acquire the land and develop the site, they had the opportunity to raise the matter for consideration at the Council's forthcoming budget meeting.

Officers advised, in response to a Member question as to when the Council might deliver a traveller site within the District, that this would depend on which options the Council determined should be pursued. Authorising already occupied unauthorised sites was a quicker process than allocating new land for new sites. Allocating new land would require a new development plan document and would take a considerable amount of time to compile. The Council would need to consider all the responses gathered during the public consultation on the broad options outlined in this document; this was an information-gathering exercise. It was further emphasised that if the Sub-Committee was to recommend to Council that the consultation paper be published for a consultation period of six weeks, the consultation would provide an opportunity for all members of the community to put forward their views, whether from the settled community or the traveller community on the issues set out in the paper.

Officers confirmed, in response to a Member question relating to a design guide in respect of traveller sites, that the County Council was seeking to develop design guidance for gypsy and traveller sites. This was currently at the scoping stage, assessing what issues the design guide would need to cover. Once that work was well advanced this Council could take a decision as to whether or not to adopt that guidance. Officers advised that the guidance would undoubtedly include guidance around the layout of sites and, for example, the provision of green space on particularly large sites. The issues paper was looking at the process for bringing forward potential sites.

In response to a Member question around the problems associated with delivery of the GT1 Michelins Farm site, officers confirmed that the site had been put forward by the Council and had been tested through the local plan process and confirmed as a suitable site for delivering traveller accommodation. The site had, however, a complicated and chequered history. There was a concern raised about potential contamination levels at the site and the implications of that on the deliverability of the site for accommodation. Ownership of the site had now changed and there had been discussions with the new owner about the deliverability of a traveller site. The Council had to determine whether there was a likelihood of a private development taking place on the site for traveller accommodation or whether the owner was willing for there to be a substantial public investment in bringing forward a publicly provided site to contribute towards meeting the traveller accommodation needs within the District.

Responding to a supplementary Member question as to why the Council had taken no positive action in respect of delivering the Michelins Farm site, officers advised that this was a question for Members to raise next month at Council.

In response to a Member question around how many traveller sites with temporary planning permission granted on the basis of exceptional circumstances were included in the document, officers confirmed that two such temporary permissions had been identified in the document, one of which was relatively recently determined on appeal. This apportioned weight in respect of the needs of a child. In terms of the other temporary site, the Council was in receipt of a planning application to extend the temporary permission and there would need to be consideration given as to whether the circumstances on that site had changed and whether or not there was justification to grant temporary or permanent permission on that site. If the Council did not expect the Michelins Farm site to be delivered at the end of the expiry period for these temporary planning permissions, it would have to consider options for providing alternative accommodation for those existing households, including the possibility of the grant of permanent planning permission.

A Member observed that the consultation document should draw attention to these specific issues, which were material, so that the public were given the opportunity to comment on whether they considered those temporary sites should become permanent or not. Officers advised that it would be possible to include a note in the paper outlining the current planning status of unauthorised sites and indicating, where relevant, whether there was a possibility of such sites, including site TR9, not being delivered.

In response to a Member question relating to site TRA12 Greenacres, officers confirmed that the landowner had not formally withdrawn this particular site for consideration as a traveller site. Officers confirmed, in response to the point made by a Member that residents claimed that the map relating to site TRA12 within the document was an old one that was inaccurate that all the maps relating to traveller sites within the document would be checked for accuracy and replaced where necessary.

Recommended to Council

That the Gypsy and Traveller Issues Paper and accompanying Sustainability Appraisal be published for formal public consultation for six weeks, subject to the following:-

- (1) That site 340370 Eastwood Road be removed from the Issues Paper.
- (2) That specific notes be included in the Issues Paper outlining the current planning status on unauthorised sites and indicating, where relevant, whether there was a possibility of such sites, including site TR9, not being delivered.

- (3) That all maps relating to traveller sites within the Issues Paper be checked for accuracy and replaced, where necessary. (MD)

16 LOCAL PLAN: LOCAL DEVELOPMENT SCHEME 2018-2021

The Sub-Committee considered the report of the Managing Director providing details of the draft Local Development Scheme 2018-2021.

In response to a Member question relating to whether the Council had taken into consideration the timescale for development of the Local Plan in respect of sites allocated for development going up to 2025/2030 to ensure that sites were developed within that timescale before adding to that timescale, the Chairman emphasised that the importance of expediting identified sites had been appropriately raised; however, it was not within the Council's powers to dictate deadlines to developers for development. This did not, however, negate the fact that the Council was expected to continue to produce 5-year plans.

Officers advised, in response to a Member question as to whether any formally allocated sites that had stalled could be removed from the new Plan, that they were unaware of any of the allocated sites that were not in the process of discussions around development being brought forward. The development process was simple for sites with a single landowner; however, some of the allocated sites were more complicated, with multiple ownership. There was a need for all such owners to reach agreement between themselves and with developers. This could take longer than the Council would wish, and posed a risk to the need for a constant 5-year supply of sites.

In response to a supplementary question as to whether, in the event of gaps existing in terms of the Council's 5-year supply of sites developers could ask the Council to bring forward newer sites for development, officers advised that this principle had been accepted in respect of the major Hullbridge site where there were potentially two phases of development and a planning permission granted across the whole site. Local authorities were having to deal with the risk of sites taking longer than anticipated to come forward for development in terms of 5-year supply and therefore having to identify other developments to stop gaps in order to ensure a continuous 5-year supply. Within a Green Belt District the National Planning Policy Framework indicates that sites should only be brought forward through a local planning allocations process.

Officers advised, in response to a further Member question relating to the new Local Plan process whether newer, emerging sites that appeared likely to proceed to allocation relatively quickly might take the place of slower, previously allocated sites, that this could potentially be the case in principle, but was unlikely. If the Council was to consider removing a site currently allocated for housing from a Plan on the basis that it was slow to progress, it would be likely to encounter issues relating to compensation.

It was further emphasised that any landowners submitting an argument to the Council that they had land to put forward that would resolve the Council's housing supply problems would be disappointed. The Council planned properly for development in the District; the Council considered all appropriate policies and allocations through the plan-making process, including the Joint Strategic Plan. The Council should resist the notion that the owner of an unallocated Green Belt site should take precedence over allocated sites or the plan-making process.

Recommended to Council

That the draft Local Development Scheme 2018-2021 be adopted. (MD)

17 NEW LOCAL PLAN EVIDENCE BASE: SOUTH EAST ESSEX STRATEGIC GROWTH LOCATIONS ASSESSMENT 2019

The Sub-Committee considered the report of the Managing Director providing details of the South East Essex Strategic Growth Locations Assessment 2019 for Members' approval.

In response to a Member question relating to Sector D and whether that was the same as a major application submitted some years ago by Icenl on a site located on the Rochford/Southend boundary, officers confirmed that this was the same site.

Officers advised, in response to a question as to whether the Council had missed an opportunity to make a bid to Government for a garden community in respect of Sector D, that ASELA had been advised that it was too early yet to make a bid for garden communities; the Council therefore submitted an expression of interest to ensure that there would be an opportunity to submit a bid to Government for resources to help that process during the next bidding round.

In response to a supplementary Member question as to whether the emerging new Local Plan would include an option for a new garden community within the Rochford District, officers emphasised that this was simply an evidence base document. There was a process to be followed – the Council's own Local Plan process and the Joint Strategic Plan process. Later in the year it was intended that there should be a new Issues and Options Paper emerging as part of the Joint Strategic Plan work and there will be an option of looking at a new garden settlement; this would come forward as part of the JSP consultation and this document would be deposited as an evidence base document to that.

Officers confirmed, in response to a further Member question as to whether this option should be included in the Council's Preferred Options Document in October 2019, that the expectation was that the Issues and Options Document for the JSP would be considered in spring, ie, prior to the Council undertaking any Preferred Options work in the autumn.

Resolved

- (1) That the South East Essex Strategic Growth Locations Assessment be noted as an evidence base document and published on the Council's website.
- (2) That officers continue to work with Southend and Castle Point Borough Councils under the Duty to Co-operate to continue to address any cross-boundary issues that may have legal or soundness implications for Rochford's plan-making. (MD)

18 ISSUES AND OPTIONS DOCUMENT: FEEDBACK REPORT 2018

The Sub-Committee considered the report of the Managing Director identifying, summarising and providing an initial response to the main issues raised in the Council's recent Issues and Options consultation, which formed the first stage of formal consultation on the Council's new Local Plan.

In response to the point made by Members that during the remainder of the Local Plan plan-making process, including proceeding to Preferred Options, this was a dynamic document that should be looked back on and complied with and used to inform future stages of the process, the Chairman emphasised that this was an evidence base document and Members would ensure that that would happen. Members emphasised that residents' views were given considerable weight and would be referenced during the new Local Plan process.

Resolved

That the Issues and Options Feedback Report be noted as an evidence base document and published on the Council's website. (MD)

The meeting commenced at 9.30 am and closed at 11.01 am.

Chairman

Date

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