

COUNCIL - 20TH JANUARY 2009

REPORT OF THE DIRECTOR OF COMMUNITY AND PLANNING SERVICES

RE: LOCAL DEVELOPMENT FRAMEWORK: SITE ALLOCATIONS & GENERIC DEVELOPMENT CONTROL POLICIES DEVELOPMENT PLAN DOCUMENT – PREFERRED OPTIONS CONSULTATION

1. PURPOSE OF THE REPORT

To seek Members approval to consult on the Site Allocations & Generic Development Control Policies Development Plan Document (DPD): Preferred Options and Sustainability Appraisal in accordance with the Town and Country Planning Regulations (Local Development) (England) 2004 (as amended 2008) and the Local Development Scheme.

The Site Allocations & Generic Development Control Preferred Options is available on the Council's website and in the Members' Room. The final draft of the Sustainability Appraisal will be available at these locations from 19th January 2009.

2. RECOMMENDATIONS

That Members approve:

- (i) The undertaking of a six-week period of consultation on the Site Allocations & Generic Development Control Policies DPD: Preferred Options and Sustainability Appraisal from Tuesday 27th January 2009 to Tuesday 10th March 2009 inclusive.
- (ii) That the results of the consultation be reported to a future Council meeting, together with any amendments proposed to the Site Allocations & Generic Development Control Policies DPD for approval prior to a future period of consultation in advance of submission to the Secretary of State.
- (iii) That the Director of Community & Planning Services write to the appropriate Government Department expressing this Council's strongly and long-held concern over the number of sites that it is required to allocate for gypsies and travellers and the guidance issued by Central Government regarding their location.

3. BACKGROUND

Hinckley & Bosworth Borough Council is in the process of replacing the Local Plan (adopted 2001) with a new Local Development Framework (LDF), a folder of documents that, once adopted, will provide the planning framework for the Borough. As the first stage in this process, the Council will be focussing on a number of key development plan documents (DPDs):

- The Core Strategy;
- Site Allocations and Generic Development Control Policies; and
- Hinckley Town Centre Area Action Plan

The Core Strategy is the key document in the LDF. It sets out the long term vision for Hinckley & Bosworth and provides the overarching strategy and core policies to guide the future development of the borough to 2026, providing a key delivery mechanism for the spatial aspirations of the Leicestershire Sustainable Community Strategy and the Hinckley & Bosworth Community Plan. It must be in general conformity with the East Midlands Regional Plan and National Guidance. The Core Strategy does not allocate sites for development. This is done in the Site Allocations Development Plan Document. It does however set out the general areas where development will be appropriate. All other DPD's must be in conformity with the Core Strategy.

All LDF documents are subject to periods of public consultation in accordance with Planning Policy Statement 12 and the Town and Country Planning Regulations (Local Development) (England) 2004 (as amended 2008). These should follow the procedures set out in the Borough Council's Statement of Community Involvement.

In the Preferred Options stage of consultation, the Council puts forward its preferred way forward and the other options considered, and asks the community whether they agree with this approach, or whether there is a better way forward.

This is the stage that has now been reached in respect of the Site Allocations and Generic Development Control Policies DPD and officers have prepared a document, covering the whole of the Borough and based on national guidance and best practice, on which to consult the public, subject to Members' approval. It needs to be emphasised that Members are not making decisions on sites at this meeting, only on a whole series of options on which to consult. There will follow a six week period of formal public consultation after which the document will be brought back to Council for agreement to submit to the Secretary of State. After that, a Government Inspector will examine the proposals in public, and only after that will the sites ultimately be approved. It is anticipated that it will be November 2010 before the document is finally adopted.

Site Allocations & Generic Development Control Policies DPD: Preferred Options

In the initial phases of devising the programme of works for the LDF it was proposed that the Site Allocations and the Generic DC Policies DPD's be produced independently and consulted on as separate documents. Following the consultation phases which took place between August – October 2007, these two documents have been amalgamated for consistency and clarity.

The Site Allocations & Generic Development Control Policies DPD supports the policies set out in the Core Strategy and allocates land for specific uses in the Borough. In light of the emerging policies in the draft East Midlands Regional Plan the Borough has a requirement to allocate additional land for housing, employment, show people, gypsy and traveller sites and community uses. Whilst the Core Strategy sets out the broad locations for development in the Borough, it is the role of the Site Allocations & Generic Development Control Policies DPD to determine the exact locations of development and to allocate sites.

Based on Policy 3 of the draft East Midlands Regional Plan (proposed changes 2008), the order of preference for allocating development sites is directed towards urban areas, and on previously developed land within existing development boundaries as set out by the HBBC Local Plan (adopted 2001). In addition, the development needs of other settlements and rural areas should also be provided for.

The identification of land within the DPD which is presented in the Preferred Options consultation draft of the document has been based upon strong evidence bases, including:

- Strategic Housing Land Availability Assessment (SHLAA);
- Leicestershire Housing Market Assessment;
- Urban Housing Potential Study;
- Employment Land & Premises Study;
- Green Infrastructure Strategy;
- Landscape Character Assessment;
- Leicester & Leicestershire HMA Employment Land Study;
- Leicestershire, Leicester & Rutland Gypsies' & Travellers' Accommodation Needs Assessment (April 2007)

The sites included within the consultation draft of the DPD have been robustly assessed for their suitability taking into consideration the evidence bases and the opinions of other professional bodies including the relevant departments at the County Council.

The sites which are proposed in this document cover all types of land allocation in accordance with the requirements set by national, regional and local policy, including residential, employment and gypsy and travellers. Failure to provide associated land would most likely result in the development plan document being found unsound at examination. It is important to note that the sites set out at this stage do not constitute the final decision for allocations, but it is officers opinion that they represent the sites which meet the necessary criteria and represent the best options which serve the requirements and needs for the Borough. A full list of these sites are detailed in the document, which can be found on the Council's website and reference copies will be made available in the members room. Further information on the national design guidance definition of Gypsy and Traveller pitch sizes has also been provided for information in appendix A.

Supporting the implementation of the Core Strategy & the Site Allocations are the Generic Development Control Policies. The 20 policies set out in the document are intended to be used in day-to-day decision-making on planning applications and contain more technical policy to guide the application process.

Following the approval of the document, there will be a 6-week period of public consultation, which is in line with practice adopted elsewhere in the country. The primary aim of this consultation is to seek public opinion on the Council's preferred options and use feedback to amend and reconsider these options where applicable. These comments can then be used in the preparation of the submission draft of the document which will be finalised for October 2009, with anticipated public examination in 2010.

Officers are mindful of Members' genuine concerns on behalf of their communities and the Borough as a whole over particular aspects of the allocation of sites, particularly in respect of housing numbers and the Gypsies and Travellers allocations. These are essentially matters which are dealt with through the Core Strategy. However, in respect of the housing numbers, it is acknowledged that these will need to be reviewed over the plan period and this authority should commit to participating fully in such reviews and be prepared to adjust its housing delivery numbers accordingly. However, at the present time, the evidence suggests that over the period of the Local Development Framework to 2026 the numbers will need to be increased. The Government Office of the East Midlands has supported, in writing, the proposed housing numbers and state that it introduces flexibility to the Core Strategy.

In respect of the provision for Gypsies and Travellers sites, Members are reminded that objections to the number of pitches to be provided have been submitted on two separate occasions (5th June 2007 at the Examination in Public and October 2008) as part of consultations on the draft East Midlands Regional Plan. On both occasions, those objections have not changed the outcome. This authority now needs to allocate sites for an additional 42 permanent pitches (3 of which have already been given planning permission), 3 pitches for show people and a transit site for up to 10 caravans in order to ensure that the Core Strategy and Site Allocations document meet the statutory requirement of being in conformity with the East Midlands Regional Plan.

The Government guidance in respect of the location of these sites states that they should be located close to settlements and local services. This is reflected in the proposals contained in the document. Officers are aware that repeated representations have been made that neither the settled nor the travelling communities support this element of the guidance.

Members, therefore, may wish that the Director of Community and Planning Services write to the appropriate Government Department expressing this Council's concerns over the guidance and particularly emphasising that there

is evidence that it does not serve the best interests of either the settled or travelling communities.

4. FINANCIAL IMPLICATIONS (DB)

There are none arising from this report. The costs of the consultation can be met from within existing budgets.

5. LEGAL IMPLICATIONS (AB)

Under the terms of Section 24 of the Planning and Compulsory Purchase Act 2004 The “Act”) it is a requirement that this Council’s DPDs conform with the East Midlands Regional Plan. The extent to which the DPD complies with the Regional plan is one of the criteria which will be considered by the Secretary of State on submission of the DPD. The Secretary of State has the power under S 21 of the Act to direct the modification of the DPD to comply with the Regional Plan

Although the consultation proposed in this report is not the formal pre-submission consultation required under the Town and Country Planning Regulations (Local Development) (England) 2004 (as amended 2008) it is considered important that consultation takes place as early as possible in the process of drafting the document under the terms of this council’s statement of Community Involvement

6. CORPORATE PLAN IMPLICATIONS

The Core Strategy supports the following aims of the Corporate Plan 2008-2013

- Cleaner & greener neighbourhoods
- Thriving economy
- Safer and healthier borough
- Strong and distinctive communities
- Decent, well managed & affordable housing.

7. CONSULTATION

Consultation on both the Site Allocations and the Generic DC policies has been extensive with the initial issues and options public consultation taking place between August and October 2007. The feedback from these events has fed into the joint Site Allocations & Generic Development Control document, and a full report of the responses and officers comments can be found in Summary of Consultation Responses reports on the Councils website.

In addition, preparation of the document has taken place alongside regular updates to the LDF Members Working party, most recently on 2nd September 2008. Further consultation and briefing of members on the Site Allocations took place at all-party member confidential workshops on 20th November 2008

and 11th December 2008. Other members have been briefed individually if this has been requested.

This report was considered by the Strategic Leadership Board at the meeting on 22nd November 2008.

8. RISK IMPLICATIONS

It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision/project have been identified, assessed and that controls are in place to manage them effectively.

Management of Significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Development Plan Documents found unsound at examination.	Evidence based justification used to underpin the preferred options in the DPD.	Richard Palmer
Failure to consider and make provision of sites for all uses as set out by national, regional and local policy.	Robust consideration of sites for all purposes and extensive consultation with the public, officers and members to seek opinion and involve in the process of finding sufficient and the most suitable sites.	Richard Palmer
Fail to allocate sufficient land for future development needs, thus receiving applications for unallocated sites which may not be defensible at appeal.	Identified sites as necessary in line with policy.	Richard Palmer

9. RURAL IMPLICATIONS

The Site Allocations & Generic DC Preferred Options DPD addresses the needs of both urban and rural areas equally and offers options in accordance with the spatial strategy of the Core Strategy and the East Midlands Regional Plan. Whilst more sites have been allocated to the urban areas, this is to secure conformity to Policy 3 of the Draft East Midlands regional plan. The balance of green spaces and community facilities for the Borough as a whole have been considered and where deficits of such areas have been identified, whether rural or urban, this document seeks to make provision for the future.

10. CORPORATE IMPLICATIONS

By submitting this report, the report author has taken the following into account:

- Community Safety Implications – None Identified.
 - Environmental Implications – None Identified.
 - ICT Implications – None identified.
 - Asset Management Implications – The Estates and Asset Manager has been involved in the consultation of this document.
 - Human Resources Implications – None identified.
 - Planning Implications – Contained in report.
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Background Papers:

Appendix A: Gypsy & Travellers Pitch Size Definition

- Site Allocations & Generic Development Control Policies Development Plan Document – Preferred Options Consultation Draft 2009 – *Available on the Councils website & in the members room.*
- Sustainability Appraisal for Site Allocations & Generic Development Control Policies Development Plan Document - Preferred Options Consultation Draft 2009 - *Available on the Councils website & in the members room from 19th January 2009.*

In addition an extensive evidence base has been utilised in the production of this document including the Core Strategy (Pre-Submission 2008) DPD & the East Midlands Regional Plan (Suggested Changes 2008). A full list of these documents can be found on the website at the following address:

<http://www.hinckley-bosworth.gov.uk/pp/gold/viewGold.asp?IDType=Page&ID=13164>

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Executive Member: Cllr Stuart Bray

Appendix A - Gypsy and Traveller Pitches Definition

Residential Pitch

There is no set definition for a Gypsy and Traveller residential pitch. In the same way as the settled community, gypsies and travellers require various accommodation sizes, depending on the number of family members.

'Designing Gypsy and Traveller Sites: Good Practice Guide' (CLG, 2008) does however state that:

"As a general guide, it is possible to specify that an average family pitch must be capable of accommodating an amenity building, a large trailer and touring caravan, (or two trailers) drying space for clothes, a lockable shed (for bicycles, wheelchair storage etc), parking space for two vehicles and a small garden area.

Smaller pitches must be able to accommodate at least an amenity building, a large trailer, drying space for clothes and parking for at least one vehicle).

Where space permits the inclusion of a garden or play space on each pitch is recommended." (pp. 40-41)

Transit Pitch

Transit sites are permanent sites intended for temporary use by residents (i.e. travellers/gypsies). The length of stay generally varies between 28 days and three months. As transit sites are not intended to be used as a permanent base, the site requirements are different to those of permanent sites. (Any evidence of usage from other areas would be very helpful here)

In terms of transit pitches, 'Designing Gypsy and Traveller Sites: Good Practice Guide' (CLG, 2008) states:

Size of pitch – It is important to ensure that wherever possible each pitch is of a size sufficient to accommodate two touring caravans, two parking spaces and private amenities.

Private amenities – It has been found that the majority of Gypsies and Travellers prefer private amenities on each pitch including a toilet, wash basin and shower with hot and cold water supply. An illustration of a simple fixed utility building for a transit site is at Annex B.8 of the government paper).

Depending on the degree of usage, consideration could be given to providing portable facilities on a transit site to meet these needs. Where transit sites are empty for lengthy periods there is a risk of vandalism to facilities and it may be preferable for these to be removed until the site is reoccupied. In adopting this

approach, it is sensible to ensure that permanent waste and water pipework is in place for facilities to be easily reinstalled.

Travelling Showperson Pitch

'Travelling Showpeople's Sites – A Planning Focus: Model Standard Package' was issued by the Showman's Guild of Great Britain in September 2007 and contains good practice information on the requirements of sites for travelling showpeople.

Regarding the land use characterisation of pitches, the document states:

"Showpeople's sites do not neatly fit into any definition of any one land use category. The sites combine a residential use, attained by the siting of their mobile caravans, with a commercial use, attained by storing and maintaining fairground equipment."

The document highlights the need for a pitch to contain an area for the siting of mobile homes, caravans and parking; a recreational area; a storage and maintenance area; and associated drainage and refuse facilities.

The model pitch size of a travelling show person is suggested by the guidance to be approximately 1500 square meters.