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NOTICE OF MEETING

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PLANNING & HOUSING OVERVIEW & SCRUTINY PANEL

will meet on

TUESDAY, 29TH JANUARY, 2019

At 5.30 pm

in the

DESBOROUGH 4 - TOWN HALL,

TO: MEMBERS OF THE PLANNING & HOUSING OVERVIEW & SCRUTINY PANEL

COUNCILLORS RICHARD KELLAWAY (CHAIRMAN), MAUREEN HUNT (VICE-CHAIRMAN), MALCOLM BEER, GERRY CLARK, DR LILLY EVANS, LEO WALTERS AND JULIAN SHARPE

SUBSTITUTE MEMBERS

COUNCILLORS CLIVE BULLOCK, SAYONARA LUXTON, ADAM SMITH, LYNDA YONG, CLAIRE STRETTON, JOHN STORY AND EILEEN QUICK

Karen Shepherd –Service Lead- Governance - Issued: Monday, 21 January 2019

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at www.rbwm.gov.uk or contact the Panel Administrator **Nabihah Hassan-Farooq** 01628 796345

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AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence.	
2.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest.	5 - 6
3.	<u>MINUTES</u> To confirm the Part I minutes of the meeting of the 4 th December 2018.	7 - 8
4.	<u>BUDGET 2019/20</u> To comment on the Cabinet report.	(To follow)
5.	<u>ARTICLE 4 - REMOVAL OF PERMITTED DEVELOPMENT RIGHTS TO CHANGE FROM OFFICE TO RESIDENTIAL USE</u> To receive a report on the item as titled above.	9 - 16
6.	<u>UPDATE ON THE TASK AND FINISH GROUP</u> To receive a verbal report on the item as titled above.	Verbal Report
7.	<u>TRAVELLER LOCAL PLAN - ISSUES AND OPTIONS: EXTENSION OF CONSULTATION PERIOD</u> To receive a report on the above titled item.	17 -22
8.	<u>WORK PROGRAMME</u> To consider and amend the work programme as necessary.	23 - 24
9.	<u>DATES OF FUTURE MEETINGS</u> Dates of the upcoming meetings as follows: <ul style="list-style-type: none">• February 2019 (Time and venue-TBC)• 16th April 2019, 7pm, Council Chamber, Maidenhead	

(Not for publication by virtue of Paragraph of Part 1 of Schedule 12A of the Local Government Act 1972)

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MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a DPI or Prejudicial Interest. If a Member has already disclosed the interest in their Register of Interests they are still required to disclose this in the meeting if it relates to the matter being discussed.

A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in the discussion or vote at a meeting.** The speaking time allocated for Members to make representations is at the discretion of the Chairman of the meeting. In order to avoid any accusations of taking part in the discussion or vote, after speaking, Members should move away from the panel table to a public area or, if they wish, leave the room. If the interest declared has not been entered on to a Members' Register of Interests, they must notify the Monitoring Officer in writing within the next 28 days following the meeting.

Disclosable Pecuniary Interests (DPIs) (relating to the Member or their partner) include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any licence to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where:
 - a) that body has a piece of business or land in the area of the relevant authority, and
 - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

A Member with a DPI should state in the meeting: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations on the item: 'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'

Prejudicial Interests

Any interest which a reasonable, fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs the Member's ability to judge the public interest in the item, i.e. a Member's decision making is influenced by their interest so that they are not able to impartially consider relevant issues.

A Member with a Prejudicial interest should state in the meeting: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations in the item: 'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'

Personal interests

Any other connection or association which a member of the public may reasonably think may influence a Member when making a decision on council matters.

Members with a Personal Interest should state at the meeting: ***'I wish to declare a Personal Interest in item x because xxx'. As this is a Personal Interest only, I will take part in the discussion and vote on the matter.***

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Agenda Item 3

PLANNING & HOUSING OVERVIEW & SCRUTINY PANEL

TUESDAY, 4 DECEMBER 2018

PRESENT: Councillors Richard Kellaway (Chairman), Maureen Hunt (Vice-Chairman), Malcolm Beer, Gerry Clark and Leo Walters

Also in attendance:

Officers:

APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor L Evans.

DECLARATIONS OF INTEREST

None.

TRAVELLER LOCAL PLAN - ISSUES & OPTIONS

Jenifer Jackson, Head of Planning (RBWM) outlined the above titled report. The Panel were informed that the Local Development Scheme (LDS) committed the Council to producing a single issue Traveller Local Plan. The Plan would set out how the accommodation needs of Gypsy and Traveller groups would be met until 2033. The report sought approval to publish the Traveller Local Plan Issues and Options paper in January 2019 for public consultation. Members were told that the draft document would be used for the formal consultation and that the item would be considered by Cabinet.

Councillor Walters queried what the unmet need was estimated as and what the reported pitch number was in relation to the shortage. It was confirmed that there were 26 pitches identified and that Mark 4 Consultants had carried out the assessment of need. Councillor Hunt highlighted that there were no pitches currently at the land south of Halarion and that this be amended to reflect the current state of land. It was noted that the consultants who had carried out the assessment had visited the site one year ago and that the data was correct as of the time of the findings. At the time it had been reported that there were 7/8 pitches, of which one was authorised. Councillor Walters queried the total number of pitches which were authorised and unauthorised. Ian Motuel, Principal Planner (RBWM) informed the Panel that there were 29 authorised pitches and that it was difficult to assess the total number of sites due to the transient nature of the inhabitants. It was highlighted that there was a need for new sites and that there were some unauthorised sites with the additional need for 21-26 additional pitches. Members were informed that there had been temporary consent given to the land south of Halarion and that this had not time expired.

RECOMMENDED ACTION- That the table at paragraph 4.7 of the Traveller Local Plan Issues and Options Paper be amended and that reference is made to the fact that information was taken as of the time of the consultative study and that this is not representative of current pitches in use. Jenifer Jackson and Ian Motuel to action these changes.

Members discussed whether pitches could be developed within the green belt and it was stated that there was some guidance from national Government that in cases that were 'different and exceptional', that discretion could be applied. Councillor D Wilson queried whether a certificate of unlawful land use would be issued to individuals who had lived on land for many years or whether positive enforcement would be exercised to these individuals.

Jenifer Jackson, Head of Planning told the Panel that it was too early in the process to definitively say whether enforcement action would be taken and that there were plans to have conversations with landowners regarding this matter. Members were told that the GTAA provided the main framework for assessing need and that there was some difficulty in measuring actual numbers of traveling families due to their travelling. Members discussed the sensitivity surrounding frictions between different traveller origin groups and it was noted that this would be dealt with sensitively and fairly when pitches were allocated. Councillor Kellaway queried whether “new age travellers” were included in the wider groups of the GTAA assessment and it was confirmed that there was no defined need for this group of travellers as set out in the legislation.

Members discussed whether RBWM planned to implement transit sites as part of the delivery for the unmet need. It was confirmed that there was no current identified need for a transit site but that neighbouring authorities could be consulted with moving forward. It was noted that there were concerns that any transit site could be occupied by transitory travellers and that the site could be difficult to manage. Councillor Walters suggested that housing associations could carry out the management of the site and it was highlighted that this concept needed to be explored further. Councillor Sharpe queried whether the data had been based on the summer need or whether it reflected the overall need. It was noted that there was no simple answer to this, due to the transient nature of travellers and that there was a higher number of individuals over the summer months as they were reported as being more favourable months for travelling. It was noted that further engagement with the traveller community was needed along with agencies who supported the community to understand how engagement could be increased. Members commended officers on the content of the report and felt that the report had been presented well.

ACTION- That the closing consultation time be amended from Friday 5pm to the following Monday 8am to allow time for all to respond over the weekend period as necessary.

RESOLVED UNANIMOUSLY; That Planning and Housing Overview & Scrutiny Panel considered and noted the recommendations as made to Cabinet;

(i) Approved the publication of the Traveller Local Plan Issues & Options paper for public consultation, along with necessary evidence base studies;

(ii) Gave the Head of Planning delegated authority to approve minor changes to the Issues & Options paper, in consultation with the Lead Member for Planning, prior to its publication.

DATES OF FUTURE MEETINGS

Members noted the following future meeting dates:

- 29th January 2019.

The meeting, which began at 6.00 pm, finished at 6.52 pm

CHAIRMAN.....

DATE.....

Report Title:	Article 4 – Removal of permitted development rights to change from Office to Residential use
Contains Confidential or Exempt Information?	NO - Part I
Member reporting:	Councillor Coppinger, Lead Member for Planning and Health including Sustainability
Meeting and Date:	31 January 2019
Responsible Officer(s):	Andy Jeffs, Executive Director Jenifer Jackson, Head of Planning
Wards affected:	“All”

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REPORT SUMMARY

1. Approval is sought to prepare and undertake public consultation on an Article 4(1) Direction to remove the permitted development rights to change the use of office premises to residential. Article 4(1) Directions must be subject to consultation in compliance with the statement of community engagement. The result of consultation will be reported to cabinet prior to adoption of the article 4(1) direction.
2. Since the introduction, in 2013 of permitted development rights to convert offices to residential through a prior approval process, 18,067 sqm of office floorspace has been converted to residential in the Borough. A further 9,136 sqm of floorspace is likely to be lost as the result of prior approvals that have been granted but not completed. These changes of use have had a significant effect on the Council’s capacity to provide sufficient office floorspace for future economic growth during the Borough Local Plan (BLPS) period.
3. The BLPSV economic development policies have identified the need to make provision office floorspace to meet the growth in jobs during the plan period. The continuing loss of existing space due to permitted development will add to the target. In view of the challenges that RBWM faces in terms of a constrained supply of development land, the continuing loss of employment floorspace will put the ability to plan for economic growth in jeopardy.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- i) **Authorises officers to prepare a draft Article 4(1) direction to remove the permitted development rights granted under the Town and Country Planning General Permitted Development Order 2015 Schedule 2 Part 3 Class O and undertake required consultation.**

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

- 2.1 The National Planning Policy Framework (NPPF) and Planning Practice Guidance requires local plans to provide sufficient land to accommodate the assessed growth in the economy over the course of the plan period. The spatial strategy for employment provision is to concentrate growth in the main settlements. In view if the constraints on identifying new development land in the Royal Borough, the economic development policies give weight to retaining existing employment land in this use and encouraging upgrading and redevelopment to meet the future needs of businesses.
- 2.2 The provisions of the prior approval process allow local planning authorities to consider only a small number of issues when considering conversion proposals. These do not include the impact of the loss of such premises on the capacity of the Royal Borough to meet the future needs of economic growth in the area. The continued unchecked loss of employment floorspace through the conversion of offices to residential is considered likely to adversely impact the capacity of the BLP policies to meet the requirement to provide sufficient employment floorspace in the future.
- 2.3 Article 4 of the General Permitted Development Order gives planning authorities the right to remove permitted development rights provided it is able to justify that the inability to otherwise control development would have a significant impact on amenity or would prejudice the proper planning of the area. The use of Article 4 Directions to control the loss of employment floorspace has been extensively used in London Boroughs and in other areas where the amount of employment floorspace to meet the economic development needs of the area is put at risk by the lower threshold considerations of the prior approval process. Table 1 contains the options considered.

Table 1: Options arising from this report

Option	Comments
<p>To draft and consult on introducing an article 4 direction to remove permitted development rights to convert offices to residential.</p> <p>The recommended option:</p>	<p>This option is provided for in legislation and has been used successfully by other local planning authorities to prevent further loss of valuable employment space. The result of consultation will be reported to the Cabinet prior to adoption of the article 4(1) direction.</p>
<p>To consider options for identifying further scope for increasing employment floorspace within the Royal Borough in order to continue to provide capacity to meet both the shortfall created by current losses in employment floorspace and the assessed level of future need through to 2033.</p> <p>This is not recommended</p>	<p>The BLP is currently submitted to the Secretary of State and is under examination. It is not appropriate to consider further changes to the plan policies at this point.</p>

Option	Comments
Do nothing. This is not recommended	The proper planning of the area would be prejudiced.

3. KEY IMPLICATIONS

- 3.1 The emerging BLP was submitted to the Secretary of State for examination in January 2018. The first hearings on issues raised in connection with the soundness of the plan took place in June 2018. The Local Plan Inspector has indicated that further issues will be examined at later hearings in 2019. Among the issues raised by representations on the published plan and therefore likely to be considered closely by the Local Plan Inspector is the provision of employment land and premises to meet the needs of local businesses during the plan period.
- 3.2 It is therefore important that the Local Planning Authority (LPA) remains committed to monitoring the current situation with regard to employment floorspace. As set out below, the continued loss of employment floorspace is of concern given the challenge of the highly constrained supply of development land within the Royal Borough. Although the BLP proposes the protection of the Triangle Site to meet future employment needs, this area is situated within the Green Belt. It will be necessary for the LPA to investigate all other options before it can be considered that the exceptional circumstances that could justify the release of green belt land for this use could apply. Creating a greater level of protection for existing employment sites by adopting an Article 4 Direction is part of the active management of the supply of land and premises and will support the policies of the emerging BLP
- 3.3 The failure to demonstrate that the BLP makes appropriate provision for future employment needs of the area will increase the risk that the BLP Inspector could ask for further work to be undertaken to identify additional employment floorspace generating further delay in the process of adoption of the BLP. At worst the Local Plan inspector could find that the BLP policies are unsound in respect of economic development provision.

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Support for BLP economic development policies during examination	June 2018	Autumn 2019	Spring 2019	May 2019	Spring 2020

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 The cost of preparing and consulting upon an article 4 direction will be met from within the current budget of the planning service.
- 4.2 The fee for a prior approval application is just £96, this fee will be foregone. In addition, where article 4 directions result in a planning application needing to be submitted, the Council cannot charge a planning application fee. It is the case that planning officers will need to undertake a more comprehensive assessment of the proposal that required by the restrictive matters to be considered under the prior approval process and there is a cost in terms of time taken to do this. However with an Article 4 direction in place, proposals for the conversion of offices to residential in the future are likely to generate a need for pre-application discussions, for which a fee to reflect the time spent by officers will be applicable. This will mitigate any impact on the loss of fee income and can be met from within the planning service budget.
- 4.3 As such it is considered that there are no significant financial implications.

5. LEGAL IMPLICATIONS

- 5.1 The legislation provides explicit provision for LPAs to restrict or remove permitted development provisions provided that it can be demonstrated that that the inability to otherwise control development would have a significant impact on amenity or would prejudice the proper planning of the area. It is considered that this measure can be justified in this instance.

6. RISK MANAGEMENT

- 6.1 Section 107 of the Town and Country Planning Act 1990 provides for property owners to claim compensation in certain circumstances including where ordinarily planning permission is not required but then is subsequently refused or conditions applied by the planning authority over and above those which would normally be required. The compensation payable reflects the difference in development value between the two scenarios and the additional cost in going through the planning process. However in relation to limitations placed by LPAs on changes of use permitted by the GPDO, compensation is not payable on any subsequent planning application decision after a period of 1 year following initial notification to adopt an Article 4(1) Direction. In order to avoid claims for compensation the majority of Article 4(1) Directions issued by LPAs are not immediate, but build in a delay of 1 year between notification and adoption. This is recommended in this case.

Table 3: Impact of risk and mitigation

Risks	Uncontrolled risk	Controls	Controlled risk
Compensation in regard to the loss of	If the Article 4 direction would be	Delay bringing into force the Article 4(1) direction	No claims for compensation

Risks	Uncontrolled risk	Controls	Controlled risk
permitted development rights in the case that planning permission for conversion is refused or conditions imposed.	brought in immediately there may be claims for compensation.	for a period of 12 months following adoption.	would be payable.

7. POTENTIAL IMPACTS

- 7.1 The BLP SV contains sustainable policies for the provision of sufficient employment floorspace to meet the needs of businesses in the area during the plan period 2013 – 2033. The level of provision has been assessed through an Economic Development Needs Assessment as part of the evidence underpinning the BLP. The BLP SV identified that in order to provide for the additional the working population of the Borough additional employment floorspace to accommodate 546 jobs per year for the whole of the plan period (rising to 565 jobs if existing commuting trends are consistent over the plan period). Just over half of these are within Class B (6,776 jobs).
- 7.2 This is considered to require the provision of 81,233 sq m of additional office floorspace (on average 4,062 per year). BLP policies which have been subject of sustainability assessment as part of the plan preparation propose that this need should largely be met through intensification of existing suites alongside a small number of new allocations (for mixed use). The plan acknowledges the potential impact of permitted development to allow the change of use of offices, light industrial and warehouse/storage uses to residential, the plan states at para 8.9.6 that changes will be monitored and the supply of floorspace managed in order that an appropriate supply of premises and sites continue to be available. The current proposals are considered to be an appropriate response to the monitoring data which shows a significant continuing loss of employment space.
- 7.3 The table below shows the amount of employment floorspace that was lost as a result of conversions under the prior approval process.

Table 4: Floor space change for offices to residential conversions (completed developments in sqm Gross Internal Area (GIA))

	Maidenhead Town Centre	Windsor Town Centre	Other	Rest of Borough	Total
2013/14	0	-565	0	0	-565
2014/15	-1,083	-2309	-341	-1257	-4990
2015/16	-120	0	-4073	-3691	-7884
2016/17	0	0	-510	-60	-570

2017/18	-3418	0	-393	-247	-4058
Total	-4621	-2874	-5317	-5255	-18067

- 7.4 Looking forward, the monitoring data shows that as of 31 March 2018, a further 16 schemes had prior approval but had either not yet been completed or had not started. These additional schemes if completed will give rise to the loss of a further 9869 sq m of office floorspace. Table 5 contains details of this.

Table 5: Potential office floorspace loss through prior approvals not started or under construction at 31 March 2018 (sqm GIA)

	Maidenhead Town Centre	Windsor Town Centre	Other	Rest of Borough	Total
Class B1(a) floorspace lost	-2647	-660	-1257	-5412	-9869
Residential units created	46	5	14	105	170

- 7.5 Further, records show that in the current monitoring year to date (April – December 2018), prior approval applications have been submitted for the conversion of a further 4304 sqm of offices to create 86 units of residential accommodation.
- 7.6 It is considered that the continued loss of office floorspace at this rate would be unsustainable in terms of the ability of the plan to meet the future needs of businesses in the area.
- 7.7 The equality implications of the proposed article 4(1) direction will be fully assessed at such time as the consultation on a draft direction is complete and the results reported back to cabinet as part of a report preceding the adoption of the direction.

8. CONSULTATION

- 8.1 The report will be considered by Planning and Housing Overview and Scrutiny Panel on tbc, comments will be reported to Cabinet'
- 8.2 Consultation on the draft Article 4(1) Direction, if agreed by cabinet will be undertaken in accordance with the provisions of schedule 3 of the Town and Country Planning General Permitted Development Order 2015 in respect of directions without immediate effect and the RBWM Statement of Community Involvement

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 Implementation date if not called in:
- 9.2

Table 6: Implementation timetable

Date	Details
February 2019	Preparation of draft article 4(1) direction for the removal of Permitted Development rights for change of use from offices (ClassB1) to Residential (ClassC3)
February - March	6 week consultation period
May/June 2019	Report to Cabinet on consultation response

10. BACKGROUND DOCUMENTS

10.1 This report is supported by background documents which are available on the Council Website:

- Borough Local Plan (Submission Version):
https://www3.rbwm.gov.uk/info/201026/borough_local_plan/1351/submission/1
- RBWM Authority Monitoring Report 2018:
https://www3.rbwm.gov.uk/info/201048/evidence_base_and_monitoring/482/monitoring
- RBWM Local Development Scheme
https://www3.rbwm.gov.uk/info/201025/emerging_plans_and_policies/1346/local_development_scheme
- Statement of Community Involvement:
https://www3.rbwm.gov.uk/download/downloads/id/512/statement_of_community_involvement_sci.pdf

CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr Coppinger	Lead Member for Planning and Health including Sustainability	3/01/19	3/01/19
Russell O'Keefe	Acting Managing Director	3/01/19	
Rob Stubbs	Section 151 Officer	3/01/19	
Elaine Browne	Interim Head of Law and Governance	3/01/19	
Nikki Craig	Head of HR and Corporate Projects	3/01/19	4/01/19
Louisa Dean	Communications	3/01/19	
Andy Jeffs	Executive Director	3/01/19	3/01/19
Kevin McDaniel	Director of Children's Services	3/01/19	3/01/19
Angela Morris	Director of Adult Social Services	3/01/19	3/01/19
Hilary Hall	Deputy Director of Commissioning and Strategy	3/01/19	3/01/19

REPORT HISTORY

Decision type: Key decision	Urgency item? No	To Follow item? N/A
Report Author: Jenifer Jackson Head of Planning 01628 796042		

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Report Title:	Traveller Local Plan – Issues and Options: Extension of consultation period
Contains Confidential or Exempt Information?	NO
Member reporting:	Councillor Coppinger, Lead Member for Planning and Health (including sustainability)
Meeting and Date:	Cabinet - 31 January 2019
Responsible Officer(s):	Andy Jeffs, Executive Director & Jenifer Jackson, Head of Service
Wards affected:	All

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REPORT SUMMARY

1. Cabinet resolved to approve the publication of the Traveller Local Plan Issues and Options Regulation 18 consultation at its meeting on 13th December 2018. The consultation will run from Monday 14 January 2019 until Monday 25 February 2019 (midnight).
2. Throughout the 6 week consultation period, which accords with the Council's SCI, officers have meetings/presentations scheduled with key stakeholders. At one of those meetings a formal request was made to the Lead Member for an extension to the consultation period which has been duly considered.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That Cabinet notes the report and:

- i) **Agrees to a 2 calendar week extension of the Regulation 18 consultation period on the Traveller Local Plan Issues and Options; to close on 11 March 2019 (midnight);**
- ii) **Agrees to the publication of further letters and adverts as required to publicise the extension of the consultation period and the new closure date.**

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

- 2.1 The Regulation 18 consultation is underway. At one of the first events attended by the local planning authority a request was made for an extension to the consultation. Following that request another has been received and therefore due consideration has been given to the option of extending the regulation 18 consultation period. The local planning authority is keen to meet with stakeholders throughout the consultation process and, due to staff availability and Parish Council meeting schedules, some of those meetings and discussions will not take place until near to the end of the consultation period. This would mean that those groups might have less time or, indeed,

very little time, to formulate a formal response than others who have already been taken through the issues and options paper.

- 2.2 In this instance, whilst the planning authority should operate within the guidance contained in the adopted Statement of Community Involvement, there is no pressing need to push forward in the very short term. There is no legally prescribed time period for a regulation 18 consultation and it is for the Council to determine the appropriate way forward. The lengthening of the consultation period will simply shorten the time for officers to consider the responses received before moving on to prepare the next consultation version of the Traveller Local Plan.

Options

Table 1: Options arising from this report

Option	Comments
Extend the regulation 18 consultation period by two calendar weeks, to close on 11 March 2019 (midnight). Recommended option	The LPA is keen to listen to feedback from stakeholders and to ensure it can engage in meetings as appropriate. There is no pressing need to progress such that two further weeks of consultation cannot be accommodated.
Do not extend the regulation 18 consultation period beyond the 6 weeks, closing on 25 February 2019 (midnight).	This meets the Council's adopted Statement of Community Involvement, which does not prescribe a time period, and complies with the Regulations but fails to take onboard the feedback from stakeholders.

3. KEY IMPLICATIONS

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Publication of the TLP Issues & Options document and relevant evidence	After 7 January 2019	By 7 January 2019	By 4 January 2019	By 21 December 2018	January 2019

4. FINANCIAL DETAILS / VALUE FOR MONEY

- 4.1 There financial implications are limited to the cost of additional notices/adverts and postage which will be met from the budget for the project.

5. LEGAL IMPLICATIONS

- 5.1 The Council has already indicated its agreement to consult on the Traveller Local Plan Issues and Options at Regulation 18. Officers do not have the authority to agree an extension to that consultation period, the legal advice taken is that this requires the approval of Cabinet.

6. RISK MANAGEMENT

Table 3: Impact of risk and mitigation

Risks	Uncontrolled risk	Controls	Controlled risk
The Council is unable to defend appeals against the refusal of planning permission for traveller sites as it cannot demonstrate a 5 year supply of pitches and plots.	HIGH	Progress a single issue Traveller Local Plan and publish an Issues and Options paper in accordance with the Local Development Scheme.	LOW

7. POTENTIAL IMPACTS

- 7.1 The effect of extending the consultation will be to require additional resource from within the planning policy team to assist the lead officer on this project to give effect to the extension. It is possible to meet this requirement through work programming.

8. CONSULTATION

- 8.1 This is a late report to Cabinet which will be considered as an urgent item at Planning and Housing Overview & Scrutiny on 29 January 2019, any comments will be provided orally to Cabinet.

9. TIMETABLE FOR IMPLEMENTATION

- 9.1 Implementation date if not called in: Immediately.

10. APPENDICES

- 10.1 This report is supported by 3 appendices:
- Cabinet report dated 13th December 2018 on the Traveller Local Plan Issues & Options and the relevant minute of the meeting.
 - Traveller Site Assessment Methodology (see appendix to 13th December 2018 Cabinet report).

- Traveller Local Plan Issues and Options Paper (see appendix to 13th December 2018 Cabinet report).

BACKGROUND DOCUMENTS

10.2 This report is supported by 3 background documents:

- Council Plan https://www3.rbwm.gov.uk/downloads/file/3320/2017-2021_-_council_plan
- The Local Development Scheme <https://consult.rbwm.gov.uk/file/4979935>
- The Planning Policy for Traveller sites from Central Government <https://www.gov.uk/government/publications/planning-policy-for-traveller-sites>

11. CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr Coppinger	Lead Member for Planning	23/01/19	23/01/19
Russell O'Keefe	Acting Managing Director	23/01/19	
Rob Stubbs	Section 151 Officer	23/01/19	
Elaine Browne	Interim Head of Law and Governance	23/01/19	
Nikki Craig	Head of HR and Corporate Projects	23/01/19	23/01/19
Louisa Dean	Communications	23/01/19	
Andy Jeffs	Executive Director	23/01/19	23/01/19
Kevin McDaniel	Director of Children's Services	23/01/19	23/01/19
Angela Morris	Director of Adult Social Services	23/01/19	
Hilary Hall	Deputy Director of Commissioning and Strategy	23/01/19	23/01/19

REPORT HISTORY

Decision type:	Urgency item?	To Follow item?
Key decision Non-key decision	Yes - the item was previously considered by cabinet with a 6 week consultation period, as the consultation is due to end on 25 February 2019 a decision cannot be deferred. The Chairman of the Planning and Housing O&S Panel has agreed to the reports inclusion and reason for urgency.	
Report Author: Jenifer Jackson, Head of Planning, 01628 796042		

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WORK PROGRAMME FOR PLANNING & HOUSING OVERVIEW AND SCRUTINY PANEL

February 2019 (Meeting to be scheduled)

REPORT	AUTHOR
Budget Report	Rob Stubbs
Borough Design Guidance	Jenifer Jackson

April 2019

REPORT	AUTHOR

ITEMS ON THE CABINET FORWARD PLAN BUT NOT YET PROGRAMMED FOR A SPECIFIC SCRUTINY PANEL MEETING

REPORT	AUTHOR

ITEMS SUGGESTED BUT NOT YET PROGRAMMED

REPORT	AUTHOR

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