

CHESHIRE EAST COUNCIL

Council

Date of Meeting: 23 February 2012
Report of: Strategic Director Places & Organisation capacity
Subject/Title: Petition – Proposed Gypsy & Traveller Site – Parkers Road – Crewe
Portfolio Holder: Councillor Rachel Bailey, Portfolio Holder
Safer and Stronger Communities

1.0 Report Summary

- 1.1 This report considers the submission of a Petition with 5543 signatures against the construction of a Gypsy & Traveller site on Council owned land at Parkers Road in Crewe

2.0 Recommendation

- 2.1 That the Council notes that the planning merits of the proposed site are a matter devolved for consideration by the Strategic Planning Board
- 2.2 That in the event that planning permission be granted, Cabinet will consider matters relating to the construction, funding and management of the site.

3.0 Reasons for Recommendations

- 3.1 The consideration of planning applications is devolved to the Strategic Planning Board where all relevant information can be considered within the context of the formal planning process.
- 3.2 Matters of land disposal and the use of resources for this scale of development are reserved for consideration by the Cabinet.

4.0 Wards Affected

- 4.1 ALL

5.0 Local Ward Members

- 5.1 Councillors Margaret Martin, Christopher Thorley & David Newton

6.0 Policy Implications

- 6.1 Cheshire East's Housing Strategy 2011-2016 sets out the authorities' priorities for a balanced housing market that meets the varied needs of our residents. One of these

priorities is “Meeting the needs of our most vulnerable residents” which highlights the need for additional permanent and transit pitches and outlines our strategic approach to bring forward this provision including using our own land assets and the development of policies through the Local Plan

7.0 Financial Implications

- 7.1 The submission of a planning application has cost the Council a total of £25,535. This comprises £25,200 for the consultants Turner & Townsend and £335 for the planning application fee. Only £3,500 remains to be paid to the consultants. The cost of processing this application has been met from Strategic Housing’s 2011-12 revenue budget.
- 7.2 The Homes and Communities Agency announced earlier this month that it had allocated £1.26 million in funds to provide 18 Gypsy & Traveller pitches in Cheshire. This equates to an average of £70,000 per pitch. Should planning approval be granted, the Council will work with Registered Housing Providers on a detailed proposal for the site. A sum of £540,000 is available within the 2012/13 Capital Programme for the provision of Gypsy & Traveller accommodation throughout the Borough as a whole.

8.0 Legal Implications

- 8.1 The Housing Act 1985 s8 requires Councils to undertake periodic reviews of local housing conditions and needs with a view to providing further housing accommodation. The Housing Act 2004 s225 requires such reviews to include assessment of the accommodation needs of Gypsies & Travellers residing in or resorting to the borough: accommodation needs are not confined to houses, they include caravan sites.
- 8.2 The Housing (Assessment of Accommodation Needs)(Meaning of Gypsies & Travellers)(England) Regulations 2006 define gypsies & travellers to include persons with a cultural tradition of nomadism including those who have ceased travelling temporarily or permanently on the grounds of their own, their families` or their dependants` education or health needs.
- 8.3 The Council reviewed Gypsy & Traveller needs in 2007. This has helped inform its recent Housing Strategy 2011 (prepared pursuant to s87 Local Government Act 2003). This includes the objective to “Increase the provision of accommodation for Gypsies and Travellers”, by (amongst other measures) “Utilising our land assets for the provision of a permanent Gypsy and Traveller site” [Cheshire East Housing Strategy page 43].
- 8.4 The Equality Act 2010 s149 protects racial groups (which include gypsies) from discrimination. In the exercise of its functions the Council must have due regard to the need to eliminate discrimination, harassment and victimisation, to advance equality of opportunity, to foster good relations. This includes taking steps to meet the specific needs of a racial group, to tackle prejudice, to promote understanding

- 8.5 The Good Practice Guidance on Gypsy and Travellers Site Management published by the Department of Communities and Local Government in July 2009 provides detailed guidance on the management of these sites, and suggests that where the management of Gypsy and Traveller sites is contracted out, local authorities should build relevant race equality considerations into contracts to ensure that the site management function meets the requirements of the 1976 Act.
- 8.6 In the context of Human Rights legislation, the Human Rights Act 1998, requires all public authorities to act in accordance with the Convention Rights set out therein. The following convention rights are likely to be applicable in relation to the creation and management of Gypsy/Traveller sites:

Article 8: Right to respect for private and family life

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right, except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country for the protection of health or morals or for the protection of the rights and freedoms of others.

First Protocol, Article 2: Right to education

No person shall be deprived the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions so far as[is] compatible with the provision of efficient instruction and training, and the avoidance of unreasonable public expenditure.

Article 14: Prohibition of discrimination

The enjoyment of rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property birth or other status.

- 8.7 From a procedural point of view, the Council's Constitution, in accordance with the Local Government Act 2000 in relation to functions, has delegated the consideration of planning applications to its planning committees, with Strategic Planning Board having responsibility for determining larger and more important applications. The function of determining the use to which Council owned land is to be put rests with the Council's Cabinet.

9.0 Risk Management

- 9.1 The Council is required by the Housing Act 2004 to undertake regular assessments of the accommodation needs of Gypsies and Travellers either living in, or travelling through, their area. It also requires the Council to include the needs of Gypsies and Travellers in any housing strategy that it produces

and to take any such strategy into account in exercising its functions. The objective behind all this is to ensure that councils consider the need for additional transit and permanent residential accommodation in their area. Further details on how the Council should meet its requirements are laid out in planning guidance i.e. Planning Policy Statement 3 and Circular 01/2006.

- 9.2 The level of need for Gypsy and Traveller and Travelling Showperson accommodation within Cheshire East has been identified through the *Cheshire Partnership Area Gypsy and Traveller Accommodation and Related Services Assessment* (GTAA), published in May 2007. This identified a need to provide further permanent residential pitches in Cheshire East equating to 27 – 42 pitches between 2006 and 2011 and a further 19 – 22 pitches between 2011 and 2016. To date 21 new pitches have been created in Cheshire East since 2006, comprising 11 permanent, 8 temporary and 2 transit. However, only the 11 permanent pitches can be counted towards meeting the identified needs figure.
- 9.3 Recent experience has shown that failure to meet the identified needs of Gypsies and Travellers has resulted in the Council losing planning appeals for new Gypsy & Traveller sites, even though the Council considers the location of these sites to be inappropriate. Failure to show that the Council is addressing the outstanding need issue is likely to result in the loss of further planning appeals of a similar nature and will not provide a plan led approach to tackling this issue.

10.0 BACKGROUND AND OPTIONS

- 10.1 A petition has been submitted to the Council by the campaign group CATS (Crewe Against Travellers Sites) which protests at plans to construct a Gypsy & Traveller site at Parkers Road / Kents Lane in Coppenhall, Crewe.
- 10.2 The petition follows widespread publicity that the Council intended submitting a planning application for a residential Gypsy & Traveller site on land in its ownership. The Petition requests that the matter is debated at a full meeting of the Council and highlights several reasons against both the principle of providing a site and its provision in this particular location. The Group make it clear that they are non-racist organisation but they wish to express clear and reasoned opposition at the highest level within the Authority.
- 10.3 The Council has thus far made no decision on this matter other than to test the suitability of the Parkers Road site via the submission of a planning application. Under the constitution this decision is delegated to officers but has been made in conjunction with the relevant portfolio holders. The application will ascertain whether the proposed development complies with relevant planning policies and merits the grant of planning permission.
- 10.4 No decision has been made beyond this in relation to the construction of the site or its funding. These are issues which would naturally follow should planning permission be granted.

The Planning Application

10.5 A Planning application was submitted by the Council on 18 January. It comprises the following documents:

- Planning & Design Statement
- Sustainability Statement
- Topographical Survey
- Extended Phase 1 Habitat Survey Report
- Great Crested Newt Survey
- Noise Assessment
- Site Location Plan
- Proposed Site Layout Plan
- Utility Block Plan
- Management / Warden Office Plan

Matters Raised by the Petition - General

- 10.6 **Financial Implications.** The Council has made no decision as to the funding of the site or the use of resources to support it. This will be considered by Cabinet in due course. However the Government anticipates that Local Authorities will be proactive in the provision of Gypsy sites – and makes funding available via the Homes & Communities Agency. Once established a site would not be expected to place a burden on the public purse; the gypsy & traveller site already owned by the Council operates at a modest profit.
- 10.7 **Housing Waiting List.** As the strategic housing authority, the Council has a duty to consider the housing needs of the whole Borough – across all communities and all types and tenures of accommodation. As such resources are devoted to a variety of housing needs – both minority and mainstream. The submission of a planning application for a gypsy and traveller site should be viewed against the wider role of the Housing Authority. This encompasses the provision of affordable housing, improvement of substandard homes, the re-use of empty properties, adaptations and repairs for vulnerable people and many other activities.
- 10.8 **Process.** It is considered that the best means of testing the suitability of any proposed site is via the planning process. This allows the merits of the proposal to be fully considered within a formal decision making framework with full public involvement. There is however a cost in submitting a planning application – especially given the necessary studies and surveys that are required. An effort has been made to minimise the cost involved by proceeding on just one site initially. However to do this considerable officer time has been expended on examining a wide range of alternative options to focus on the site that appears to best conform to development plan policy. Now a planning application has been made the merits of the site can be properly considered in an open and transparent way.

- 10.9 **Culture & Integration.** The Council has a statutory duty to promote equality. Should planning permission be granted any additional measures necessary to support community relations will be considered by cabinet.

Matters Raised by the Petition - Planning

- 10.10 The other matters raised are ones that properly fall to be considered as part of the determination of the planning application. In making its decision the Council will take account of Development Plan policy and all material considerations. These are considered briefly below:

Traffic Hazard – A new site access is proposed which meets highway standards. Discussions have taken place with highways and there are no outstanding concerns regarding this proposal;

Protected Wildlife – The ecological work submitted as part of the application has been undertaken by suitably qualified staff within a specialist company. The overall conclusion was that the proposed development is not anticipated to impact upon any statutory or non-statutory designated sites within 2km of the site boundary.

School Places – This proposal is likely to generate only a small requirement for additional school places compared with the larger developments which have been approved elsewhere in the area. The Council is working to ensure that it meets its statutory duty to provide sufficient school places.

- 10.11 Finally the Council has experienced a series of unauthorised developments in recent years involving new gypsy & traveller sites. Many of these have subsequently been granted planning permission on appeal. By making planned and properly managed provision for gypsy & traveller needs in the area the Council will be better placed to resist such unauthorised developments in unsuitable locations.

Conclusion

- 10.12 The Planning application has been properly submitted and is the best means of testing the suitability of the Parkers Road Site. The planning application will be considered in an open and transparent way by the Strategic planning Board and should be allowed to run its course through the planning system.
- 10.13 Any subsequent decision to approve the development of the site is a matter to be considered by the cabinet, when and if planning permission is granted. Any decision will take full account of the funding, land, management and community relations issues.
- 10.14 There is hence no need for the Council to take any further action at this stage

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

Section: Strategic Housing Team

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