

CABINET (LOCAL PLAN) COMMITTEE

5 October 2016

Attendance:

Committee Members:

Councillors:

Weston (Chairman) (P)

Godfrey (P)

Humby (P)

Pearson (P)

Other invited Councillors:

Evans (P)

Griffiths (P)

Ruffell (P)

Others in attendance who addressed the meeting:

Councillors Porter and Tait

Others in attendance who did not address the meeting:

Councillors Bell, Byrnes and Izard

1. **DISCLOSURE OF INTERESTS**

Councillors Godfrey and Humby declared disclosable pecuniary interests in respect of agenda items due to their roles as a County Council employee and County Councillor respectively. However, as there was no material conflict of interest, they remained in the room, spoke and voted under the dispensation granted on behalf of the Standards Committee to participate and vote in all matters which might have a County Council involvement.

2. **MINUTES**

RESOLVED:

That the minutes of the previous meeting held on 29 February 2016 be approved and adopted.

3. **PUBLIC PARTICIPATION**

Various questions and statements were also made on specific agenda items and are summarised under the relevant items below.

4. **CHANGE OF USE OF OFFICES TO DWELLING HOUSE – ARTICLE 4 DIRECTION TO REMOVE PERMITTED DEVELOPMENT RIGHTS**
(Report CAB2838(LP) refers)

The Assistant Director (Environment) advised that updated figures from the County Council indicated that since the introduction of Permitted Development Rights (PDRs) in 2013, 2,807 sq.m of office space in Winchester had already been converted to housing. A further 4,493 sq.m of office space had approval to be converted. As the report pointed out this figures are only estimates but this meant that approximately 6.8% of Winchester's office space had been converted to housing or had approval to be converted.

The Assistant Director (Environment) outlined the background to the proposals, as set out in the Report. In response to questions, he acknowledged there was a risk that applying to make an Article 4 Direction could result in more business premises owners applying for PDRs to convert to residential prior to the Article 4 coming into effect. However, this had to be balanced against the risks of introducing an immediate Article 4 Direction, as outlined in Paragraph 3.2 of the Report. In addition, when an Article 4 was made in Stanmore recently, removing rights to change dwelling houses to Houses in Multiple Occupation (HMOs), there was little evidence that there was a rush to use PDRs before the Direction came into effect in May 2016.

The Assistant Director (Environment) confirmed that serious consideration had been given to an emergency Article 4 Direction in response to concerns raised by the Winchester business community and specific business tenants in Capitol House. However, the risk was it could expose the Council to paying compensation to business owners if subsequent planning applications were refused or permitted with conditions. In the specific example of Capitol House, compensation could be hundreds rather than tens of thousands of pounds. If repeated elsewhere in the city, the costs to the Council could be substantial. This was not a risk therefore that Council should expose itself to.

One Member acknowledged there was no requirement for an Article 4 covering the Solent Business Park at this time but queried whether the area would be kept under review in case required in the future. The Assistant Director (Environment) advised that officers were in regular contact with businesses in the area through the Whiteley Forum. If the trend in Winchester became evident in Whiteley it would be possible to consider an Article 4 Direction.

During public participation, the following comments were made and are summarised below.

Stephen Gates (Chair of Winchester Area Committee at Hampshire Chamber of Commerce/Managing Director of Denplan) highlighted the issue of the change of use under PDR of Capitol House as premises clearly built for commercial use and still currently in use by businesses. He referred to a Report for the Local Enterprise Partnership (LEP) which stated that between May 2013 and October 2015 there were 34 prior notifications of office to residential, 20 in the town centre and 8,000 sq.m of B1(a) space. Loss of office space was putting further pressure on the supply of existing office

accommodation and he encouraged the Council to use an Article 4 Direction to address this.

Nick Joynes (The Natural Travel Collection and Member of Hampshire Chamber of Commerce) thanked Members and officers for their consideration of his previous request for an emergency Article 4 Direction made at Cabinet on 7 September 2016. Approval had been granted to convert his current rented business accommodation at Capitol House under PDR forcing him to seek alternative accommodation, he employs 29 staff and the premises were perfectly suited to the nature of his business. He emphasised his requirements for parking and super fast broadband in any new premises. In general, he highlighted the increase in PDRs and the Council's stated policy to ensure a strong local economy. He therefore requested that an Article 4 Direction be introduced. Whilst it would not change the situation at Capitol House, he would like to know that the same circumstances would not be repeated if he moved to new premises in Winchester.

At the invitation of the Chairman, Councillor Tait endorsed the comments made above and in particular concerns regarding the conversion of Capitol House to residential accommodation. He did acknowledge that some other office accommodation might be more suitable for conversion to residential and there was a housing need to be met. He also highlighted the demand for high quality office accommodation in Winchester town centre.

The Chairman thanked the contributors for their comments and emphasised that the Council had previously taken steps to try and resist the loss of office space before the PDRs were introduced in 2013. In addition, Cabinet noted that whilst the needs of businesses were important, the Council also had to consider the requirements of residents and visitors to Winchester.

The Chairman also expressed sympathy to Mr Joynes regarding his particular case. The Assistant Director confirmed that proposals to introduce an Article 4 Direction were required to be evidence-led and it was believed the Council did now have the evidence to demonstrate it was required.

The Committee agreed to the following for the reasons set out above and outlined in the Report.

RECOMMENDED (TO CABINET):

1. **That the Head of Legal and Democratic Services be authorised to make an Article 4 Direction under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 to remove permitted development rights under Class O of Schedule 2, Part 3 (Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwelling houses) of that Schedule). The Direction will apply to Winchester Town as set out in the emerging Winchester District Local Plan Part 2 and will come into effect 12 months after the A4 is made ; and**

2. That delegated authority be given to the Assistant Director (Environment) and Head of Legal and Democratic Services to consider any objections received after the Direction is publicised and, either to confirm the Direction or return the matter to Cabinet for further consideration.

5. **WINCHESTER DISTRICT LOCAL PLAN PART 2 (LPP2): DEVELOPMENT MANAGEMENT AND SITE ALLOCATIONS – UPDATE FOLLOWING EXAMINATION HEARINGS**
(Report CAB2735(LP) refers)

The Committee noted a Glossary of terms referred to within the Report which had been distributed to those present, together with a flowchart setting out the various stages before the adoption by the Council of LPP2. These documents were treated as background papers to the Report and made available as such on the Council's website.

The Head of Strategic Planning introduced the Report and emphasised Section 2 which set out the key points of the Inspector's Initial Findings and Proposed Modifications. It was anticipated that the Committee would be asked to recommend adoption of LPP2 to Council in March/April 2017.

In response to questions, the Head of Strategic Planning advised that the LPP2 did not include parts of the District that fell within the South Downs National Park (SDNP) area and therefore, once adopted, the existing 2006 Local Plan would be abolished in areas of the District outside of the SDNP but remain in place until the SDNP had finalised its Local Plan. However, the policies within the SDNP Local Plan would carry increasing weight as it moved towards adoption, depending on the level of objections and consistency with the National Planning Policy Framework.

With regard to provision for Gypsies and Travellers, the LPP2 Inspector concluded that the Plan should set out a target for the number of traveller pitches/plots required. A separate Report on this matter was to be considered elsewhere on the agenda (Report CAB2837(LP) refers).

A number of Members expressed concern regarding the Inspector's comments on Policy DM2 and as a result, how the Council would be able to control the development of excessively large 2/3 bedroomed homes. The Head of Strategic Planning emphasised that these concerns had been raised with the Inspector during the Examination but he believed that the Policy was contrary to the Government's position in removing restrictions on housing development. The Inspector considered the Council's concerns could be addressed by it implementing the existing Policy DM2 more rigorously.

At the invitation of the Chairman, Councillor Tait also expressed concern regarding the Inspector's comments on Policy DM2. He highlighted that in practice there was a danger of excessively large 2/3 bedroomed houses being built which were subsequently altered to include more bedrooms under permitted development rights.

The Committee thanked the Head of Strategic Planning and Team for their continuing work on the Local Plan.

The Committee agreed to the following for the reasons set out above and outlined in the Report.

RESOLVED:

That the work on progressing the Local Plan Part 2, initial outcomes of the examination hearings, and future stages be noted.

6. **GYPHY AND TRAVELLER NEEDS / SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT (DPD)**
(Report CAB2737(LP) refers)

The Head of Strategic Planning stated that, as mentioned under the item above, the Council had originally intended that a separate Gypsy and Traveller Needs/Site Allocations DPD be produced to establish pitch requirements and allocate necessary sites. However, the LPP2 Inspector had considered that the absence of a traveller policy in the Plan was a “soundness” matter that needed to be addressed. The Schedule of Modifications for LPP2 therefore included a policy setting out a target for the number of traveller pitches required, informed by an updated Traveller Accommodation Needs Assessment (details in Paragraph 2 of the Report). The Head of Strategic Planning emphasised that the consultants undertaking the Assessment had done similar work for the majority of other local authorities within Hampshire.

The Head of Strategic Planning advised that a meeting of the consortium of seven Hampshire authorities which had commissioned the Assessment, including Winchester, had taken place the previous day and had received a presentation on the draft Assessment. This required further comments/factual checking before it was made publicly available but it appeared that the figures were broadly consistent with the previous Assessment.

With regard to site allocation, the Head of Strategic Planning explained that the Council had worked with East Hampshire District Council and the SDNPA to appoint consultants to produce a Site Assessment Study. This Study had been published in September 2016 as part of the evidence base, and was available to view on the Council’s website. It concluded existing sites should be safeguarded and that 15 potential new sites should be examined, depending on the outcome of the Needs Assessment. However, the Head of Strategic Planning emphasised that the contents of the Study had not been endorsed by the Council and no sites had been formally proposed and consequentially no consultation had as yet been undertaken. The Assessment will be publicised alongside the consultation on the LPP2 Proposed Modifications and Parish Councils will be invited to coordinate any comments on factual matters. The Draft Plan would be produced in March/April 2017 which would include recommendations about proposed sites and formal consultation would be undertaken at this stage.

In response to questions, the Head of Strategic Planning confirmed that the Council’s studies and subsequent proposals would not include areas of the District that fell within the SDNP. The SDNPA would be required to undertake a separate assessment as part of the development of its own Local Plan. The

Head of Strategic Planning acknowledged that both the Council and the SDNPA faced similar difficulties in that neither had an adequate land supply allocated to address Gypsy and Traveller needs.

In response to concerns raised by various Members, the Head of Strategic Planning advised that an unauthorised pitch would be counted as an unmet need and if it was subsequently granted consent, this was counted towards meeting that need. He highlighted that the Government's definition of Gypsies and Travellers had changed and the questionnaire aimed to address this.

The Chairman highlighted that the Council had a requirement to allocate land for Gypsy and Travellers and asked that local communities assist with this process. Whilst acknowledging the concerns that some local residents may have, she emphasised that Gypsies and Travellers formed part of society and the Council had a duty to address their needs.

During public participation, the following comments were made and are summarised below.

Lady Vesty spoke as a resident and landowner of Bishops Sutton and expressed concern regarding any proposal to allocate a site in Bishops Sutton as set out in the Site Assessment Study. She emphasised that the site was at risk of regular flooding and had no proper water or sewerage provision. She expressed concern that local residents and the Parish Council were not aware of the proposals and that proper consultation must be undertaken. As a rural community, she highlighted that many residents did not have easy access to the website and any consultation should take this into account.

Robert Fowler expressed concern regarding the Travellers' Rest site which was a private authorised site within the Bishops Sutton parish. The site was currently unoccupied but there had previously been a long history of objections relating to disruption from the site. He argued that the location was unsuitable being very close to the A31. He also expressed concern that proper consultation should be undertaken on proposed site locations.

The Chairman thanked contributors for their comments and drew attention to the statements made earlier by the Head of Strategic Planning that the findings of the Study had not been endorsed by the Council and no recommendations as to possible sites to allocate had been made at this time. Consultation would be undertaken and it was suggested this initially be done through the Parish Council. It was noted that Councillor Griffiths was present at the meeting as an invitee to the Committee and who was also a member of New Alresford Town Council.

At the invitation of the Chairman, Councillor Porter emphasised that Gypsies and Travellers were part of the wider community. She believed that consideration of the management of sites was key and that currently privately controlled sites risked a consequent lack of the ability of the Council to access, monitor and control activity on site. She suggested that possibility of housing association controlled sites be investigated. She also suggested that

examples of good practice from other areas of the UK be shared with the public in order to help alleviate concerns.

The Head of Strategic Planning advised that details of the current position would be included in the next edition of Parish Connect which was sent to all Parish Councils in the District. He confirmed that this could also be sent to all District Councillors in order that they could help with disseminating information to the local parishes.

The Committee agreed to the following for the reasons set out above and outlined in the Report.

RESOLVED:

That the situation regarding provision for gypsy and traveller needs and the revised scope and programme for the Traveller DPD, as set out in the revised Local Development Scheme (Report CAB2836(LP) refers) be noted.

7. **REVISED LOCAL DEVELOPMENT SCHEME 2016**
(Report CAB2736(LP) refers)

In introducing the Report, the Head of Strategic Planning referred to the LPP2 Inspector's recommendations that a review of the Local Plan commence no later than 2018. The Local Development Scheme (LDS) had been revised to reflect this and other changes, including the preparation of the Gypsy and Traveller Development Plan document.

The Committee agreed to the following for the reasons set out above and outlined in the Report.

RESOLVED:

That the revised Winchester District Local Development Scheme 2016, as set out in Appendix 1 to the Report, be approved and brought into immediate effect.

The meeting commenced at 2.00pm and concluded at 3.55pm

Chairman