

At a meeting of the PLANNING AND HIGHWAYS COMMITTEE held in the CIVIC CENTRE on TUESDAY 14th DECEMBER, 2010 at 6.00 p.m.

Present: -

Councillor Tye in the Chair

Councillors Ball, Charlton, Copeland, Essl, Fletcher, M. Forbes, Francis, E. Gibson, G. Hall, Howe, Miller, Padgett, Snowdon, Wood and A. Wright.

Declarations of Interest

Councillor Charlton declared a personal and prejudicial interest in Item 8 - Objection to the Proposed Reintroduction of Sunday and Bank Holiday Parking Charges at St. Mary's and Sunnyside Car Parks as a Cabinet Member with the Portfolio for Prosperous City and withdrew from the meeting prior to consideration of the item.

Apologies for Absence

Apologies for absence were submitted on behalf of Councillors O'Connor, Old, J. Scott, Tate, P. Watson and D. Wilson

Minutes of the last Meeting of the Committee held on 23rd November, 2010

1. RESOLVED that the minutes of the meeting of this Committee held on 23rd November, 2010, 2010 be confirmed and signed as a correct record subject to the inclusion of Councillor Miller's apologies.

Report of the meeting of the Development Control (North Sunderland) Sub Committee held on 23rd November, 2010

The report of the meeting of the Development Control (South Sunderland) Sub Committee held on 23rd November, 2010 (copy circulated) was submitted.

(For copy report – see original minutes).

2. RESOLVED that the report be received and noted.

Variation in the Order of Business

At this juncture the Chairman proposed and it was agreed to vary the order of business to consider Item 8 at Item 5.

Objection to the Proposed Reintroduction of Sunday and Bank Holiday Parking Charges at St. Mary's and Sunnyside Car Parks

The Executive Director of City Services submitted a report (copy circulated) to inform the Committee of an objection that had been received to the proposed reintroduction of parking charges on Sundays and Bank Holidays at St Mary's and Sunnyside car parks.

(For copy report – see original minutes).

Mr. Earl Belshaw, Parking Services Manager presented the report.

Councillor M. Forbes commented that she felt the reintroduction of the parking charges was a retrograde step given that the Metro Centre and Dalton Park did not charge for parking.

Councillor G. Hall enquired how many individual businesses were included on the approved consultee list and was informed that there were 30 consultees on the list. Two businesses had responded. One business was against the reintroduction of the charges and the other (a bus company) had proposed that the tariff be increased to £3.00.

In response to a question from Councillor Hall, Mr. Belshaw advised that the parking signs showing space availability had become obsolete and had been switched off in 2008. There were no plans to reintroduce them.

In response to a question from Councillor A. Wright, Mr. Belshaw advised the introduction of free parking had not seen a significant increase in footfall in total. Mr. Belshaw confirmed that the Bridges was a private car park and had continued to charge.

Mr. Belshaw agreed to forward Councillor M. Forbes the number of spaces that were available in the two car parks during the time the charges were revoked.

Councillors M. Forbes, G. Hall and A. Wright requested that it be placed on record that they did not agree with the recommendation.

2. RESOLVED that

- (i) The formal objection received during the statutory consultation process opposed to the reintroduction of parking charges on a Sunday and Bank Holidays at both St Mary's and Sunnyside car parks is not upheld.
- (ii) The objector be notified accordingly.

The New Government Guidance on the Validation of Planning Applications

The Deputy Chief Executive submitted a report (copy circulated) to obtain the committee's endorsement of the amended list of validation requirements which have to be in operation from the end of December 2010.

(For copy report – see original minutes).

Mr. Mike Mattok, Technical Manager, Development Control presented the report and advised that the consultation process had been completed and the comments had been analysed. Where appropriate the Local List of validation requirements had been amended.

Mr. Mattok informed the Committee of the changes between the draft version and the final version of the Local List of validation requirements.

Members having noted the report it was:-

3. RESOLVED that the Committee note and endorse the contents of the report and to note that the new Validation List will be brought into use immediately from 1st January 2011.

The Revocation of the Regional Strategy – Update

The Deputy Chief Executive submitted a report (copy circulated) to update the committee on the recent High Court ruling in respect of the challenge against the Secretary of State for Communities and Local Government's announcement to revoke Regional Spatial Strategies made in July 2010.

(For copy report – see original minutes).

Mr. Neil Cole presented the report and provided background to the report

On 10th November 2010 judgment ruled in the case of Cala Homes Ltd that the Secretary of State for Communities and Local Government was not entitled to use the discretionary power to revoke regional strategies contained in s 79(6) of the Local Democracy, Economic Development and Construction Act 2009.

In response to the High Court ruling, the DCLG Chief Planner had written to all Councils. Whilst acknowledging the RSS again becomes part of the development plan, he advised that since it has been the new Government's long standing intention to abolish RSS (which will now occur via the emerging Localism Bill) this in itself should be treated as a material consideration in considering the weight to attach to the RSS policies when considering planning applications.

However, CALA Homes had subsequently won a temporary High Court injunction in respect of the operation of the DCLG letter and its content, pending a full legal hearing into the lawfulness of this guidance. A court date was set for 20th December 2010.

The effect of the High Court decision for Sunderland was to re-establish the North East RSS into the city's development plan, subject to outcome of the forthcoming decision in the High Courts against the latest DCLG letter and ultimately the enactment of the Coalition Government's new Localism Bill.

Councillors M. Forbes and Essl both enquired what the implications were under European Law.

Mr. Jonanthan Rowson, Assistant Head of Law and Governance (Acting) advised that in his opinion the current proceedings would not end up in the European courts because the Court had held that the Secretary of State does not have the power to revoke the RSS without new primary legislation. Regardless of the outcome of the current proceedings, ultimately the new Localism Bill would be used by the Government to revoke the RSS in any event.

Councillor Miller was pleased that for the time being there was no effective change to the regional planning policy guidance and that the RSS were reinstated as part of the development plan.

4. RESOLVED that the Committee note the contents of this report for information.

Planning Reform Update

The Deputy Chief Executive submitted a report (copy circulated) to updates committee on the planning reforms introduced to date since the new Coalition Government took office, and on those future reforms that it proposes to bring forward.

(For copy report – see original minutes).

Mr. Keith Lowes, Head of Planning and Environment presented the report. Mr. Lowes brought Members attention to the three key functions that the White Paper identified as being the purpose of the planning system: -

- Giving people more control over the shape, look and feel of their communities including the protection and promotion of important environmental and social interests;
- Providing sufficient housing to meet demand
- Supporting economic development by providing infrastructure and using land use planning

Referring to section 4.6, third bullet point, Councillor Wood welcomed the proposed relaxation of the Pre-determination rule but acknowledged that caution needed to be exercised in this area.

Councillor Wood also asked for further clarification with regard to paragraph 4.4 of the report and the use of Article 4 directions.

Mr. Lowes advised that Article 4 Directions were issued by the Council to remove permitted development rights in circumstances where specific control over development was required, primarily where the character of an area of acknowledged importance would be threatened. They were therefore more commonly applied to conservation areas. Local Planning Authorities with large student populations (e.g. Manchester) had looked into blanket article 4 directions but caution needed to be exercised before making an Article 4 Direction as any decision could be challenged by affected developers and landowners if the power has not been used appropriately on planning grounds.

In response to a further question from Councillor Wood, Mr. Lowes advised that there was no restriction on the size of the article 4 directions and it could potentially cover an entire conservation area.

In response to a question from councillor Essl, Mr. Lowes advised that the changes to permitted development rights had relaxed matters relating to multiple occupation with regard to planning, however licensing regulations still applied under housing legislation.

Councillor G. Hall enquired how Neighbourhood Planning would affect houses in multiple occupation as this was a particular issue in his ward (St. Peters). Mr. Lowes advised that Neighbourhood Planning was not about achieving less but was about being less restrictive, the intention was to provide real opportunities for communities to play a much stronger role in shaping planning decisions and securing the future of important buildings and public services.

In response to a query from Councillor G. Hall regarding the New Homes Bonus, Mr. Lowes advised that the money raised from any new homes built would be payable to the Local Authority, not Registered Social Landlords. Local authorities were expected to have control over how they spend the money.

With reference to the Community Infrastructure Levy (CIL), that allows local authorities to set charges which developers must pay when bringing forward

new development in order to contribute to new infrastructure, Councillor G. Hall raised concerns that it would ultimately lead to an increase in house prices.

Members all agreed that they would benefit from future training on changes to the planning system outlined in the White Paper and the Localism Bill.

Councillor Copeland referred to the first key function of the planning system identified in the White Paper and stated that there was much talk about decentralising power to local communities but the powers allocated to local government were less clear.

Councillor Snowden raised concerns about Voluntary Agreements – which would cover developers reaching voluntary agreements to compensate immediate neighbours for loss of amenity associated with the development. She stated that it could lead to people who were financially better off buying out less well off neighbours.

Councillor Miller stated that there was a lack of crucial detail within the White Paper and in detailing areas of concern he advised that the policies it sets out were flawed and subject to a number of challenges, not least because less guidance and more local variation could result in 'crazy paving in every ward'.

Mr. Cole advised that the Department for Communities and Local Government have provided a 'New Homes Bonus calculator' which provides estimates of the payments local authorities could receive for building new homes. Accordingly it was estimated that Sunderland could receive £3.3 million over the 6 year period that the bonus would be available

Councillor A. Wright questioned whether the reintroduction of the 'needs test' for retail developments was a good thing.

Mr. Lowes advised that it could be helpful to demonstrate capacity in a given area to justify the scale of a proposed new store; however the benefits that could arise from stores in a locality competing with each other would not be a material consideration, although ultimately it should be the customer who reaps the benefits of increased competition.

Councillor Wright referred to the two options available when introducing the test; whether this would be achieved through a partial alteration to PPS4 or through its inclusion within the forthcoming National Planning Framework and queried which one would be preferable.

Mr. Lowes advised that it was likely to become part of the National Planning Framework if PPS4 was abolished at the same time. Mr. Lowes stated that as each individual package came through it would likely be in the form of a consultation paper.

With reference to Communities Minister, Andrew Stunell's announcement outlining a new "fair deal" for Gypsies and Travellers with the intention to

commence Section 318 of the Housing and Regeneration Act 2008, designed to extend tenancy rights for travellers in authorised local authority traveller sites, Councillor Padgett enquired whether there were any designated sites within the city.

Mr. Lowes advised that there were none but there was some information available on pattern of movement. He confirmed to Councillor Essl that local communities would be involved in addressing Gypsy and Traveller accommodation needs.

Councillor Francis requested that a glossary be provided to members.

5. RESOLVED that the note the contents of this report for information.

The Chairman then closed the meeting and thanked everyone for their attendance.

(Signed) P. Tye
Chairman.