



DERBY CITY COUNCIL

**COMMUNITY COMMISSION
20 JANUARY 2009**

ITEM 15

Report of the Corporate Director for Corporate
and Adult Services

Travellers Site At Russell Street

SUMMARY

- 1.1 At its meeting on 16 September the Commission considered an item brought by Councillor Bayliss under Overview and Scrutiny Rule 15 on the Russell Street Travellers Site. Members requested that officers look into the concerns raised in the Notice and report back any findings to the next scheduled meeting of the Commission.

RECOMMENDATION

- 2.1 To note the responses provided.

SUPPORTING INFORMATION

- 3.1 Reprinted at Appendix Two is the notice received from Councillor Bayliss. The issues identified by the Co-ordination Officer are marked in the text with double square brackets; the associated question and the answer received from the relevant officers appear below.

Q1 Was account taken of the known importance of the Masterplan for the Osmaston area?

The Rose Hill and Osmaston “master plans” went to the same Cabinet meeting on 2 September 2008 as the consideration of Council’s request to withdraw the Russell Street Planning application. Cabinet Members would therefore have been well briefed on the master plans whilst considering the Russell Street issue.

This was also in advance of the Planning Control Committee meeting on 4 September 2008 which determined the Russell St application.

Q2 Would the presence of a Travellers Site compromise (either severely or to a degree) the opportunity to transform the area?

It is considered that there is no clear evidence at this stage to support the view that the proposed Russell Street development would seriously compromise the regeneration of Osmaston, whereas the continuation of the current Glossop Street situation almost certainly would.

The master plans are still very broad brush so there remains plenty of scope to work around an authorised site and still achieve our regeneration aims.

The master planning consultants themselves concluded that if a travellers' site were to be located within Osmaston, then Russell Street would be an advantageous location. In their words:

"There are a number of advantages of this location:

- Proximity to Elton Road, the district's principal local distributor road
- Availability of site for delivery in an early phase of comprehensive redevelopment; and
- Potential to incorporate housing of design and layout appropriate to traveller and settled community needs due to large size of perimeter block." - Para 5.4.5 of main report.

Q3 Was there strong opposition from the owner in relation to 2?

Rolls Royce had objected to the Russell Street planning application. That objection was reported to Planning Committee when it considered the application on 4 September 2008. Subsequent negotiations with Rolls Royce have progressed and it is hoped that the sale of the site will be agreed within the current financial year.

Q4 Were the Planning Control Committee members fully made aware of the significance of the Masterplan in the documentation provided for the meeting?

Paragraph 5.1 contained within the Officer report to the Planning Control Committee makes reference to economic considerations and specifically the Masterplanning process. It also draws Members' attention to the objections that had been received relating to the impact of the proposal on future economic regeneration.

There was also additional related discussion at the Planning Control meeting following oral presentations by both ward member and resident representatives before the Committee voted on the proposal.

Q5 What is the response to the statement that the (Planning) Officer's report was 'unduly weighted' in favour of granting permission?

It is considered that the Officer's report was well balanced drawing Members' attention to the nature and volume of the objections that had been received. In conclusion the report makes clear the Assistant Director considers the relative merits to be 'finely balanced' but it does recommend that permission should be granted.

Q6 What is the response to the statement that the housing representations were that a) there would be no effect on inward investment and b) provided 'absolutely no evidence' to support that?

The Housing representations made at Planning Control Committee were obviously reflecting the decisions taken by Cabinet on 2 October 2007 and 2 September 2008 that this was the Council's preferred site.

The point that was made, was that the current situation at Glossop Street is undesirable for all parties and if it were allowed to continue in it's current sprawling and largely unmanaged form it would be likely to have a seriously detrimental effect on future regeneration proposals for the area. The Russell Street proposal, would by contrast, be a compact well laid out and managed site that would be far less likely to frustrate future economic investment.

Under planning law the default presumption is in favour of new development. Once Cabinet had determined that Russell St was the preferred site, the onus was not therefore on the Council to provide evidence that the Russell Street proposals would not compromise future investment, but rather it fell to the objectors to provide evidence that it would.

- 3.2 In light of the responses above, the Chair and Vice Chair concluded there was not a need to require the attendance of an officer at the meeting.

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Background papers:	The report to the Planning Control Committee on 4 September 2008 is accessible via this hyperlink: http://cmis.derby.gov.uk/CMISWebPublic/Binary.ashx?Document=11832
List of appendices:	Appendix 1 – Implications Appendix 2 – Notice under O&S Rule 15

IMPLICATIONS

Financial

- 1.1 None directly arise

Legal

- 2.1 None directly arise from this report. The application for planning permission was considered within the legal requirements and parameters of land planning legislation.

Personnel

- 3.1 None directly arise

Equalities Impact

- 4.1 Page 7 of the report to the Planning Control Committee states that the Housing Act 2004 and Planning Circular 01/2006 reintroduced the duty on Local Authorities to assess and provide for gypsy and traveller accommodation needs.

Corporate objectives and priorities for change

- 5.1 This issue links to Making Us Proud Of Our Neighbourhoods

Travellers Site at Russell Street

Reprinted below is the notice received from Councillor Bayliss. The issues that were identified by the Co-ordination Officer are marked in the text with double square brackets. The questions posed and the answers received from appropriate officers are as set out in the main body of the report.

NOTICE TO DIRECTOR OF CORPORATE AND ADULT SERVICES UNDER RULE OS15

We wish to place the following item on the agenda of the next meeting of the appropriate Overview and Scrutiny Commission:

The Council Cabinet response to the Council motion requesting the withdrawal of the planning application for a traveller site at Russell Street was negative in that it did not take into account the known importance of the master-plan for the Osmaston area. **[[Q1]]**

This once in a century opportunity to transform the area will be severely compromised **[[Q2]]** by the presence of a Traveller site in the area as is recognised by the strong opposition of the owner of the property which is the main focus of the re-development site (the Rolls-Royce Nightingale Road factory) **[[Q3]]**.

The master-plan calls for among other things:

1. A gateway to the redeveloped Osmaston at Russell Street and that would be impossible with a Traveller site there.
2. New housing within the whole area of Osmaston achieved through the partnership of the Council, Rolls-Royce and Derby Homes. They commissioned the urban planning company to develop the master-plan.
3. Re-landscaping of the layout of the Osmaston area including Victory Road with the full engagement of tenants and other residents.

New primary school/s are recognised as a parallel project.

The subsequent granting of the planning permission for Russell Street by the Planning control Committee was agreed with absolutely minimum discussion and consideration. Its cognisance of the master-plan was minimal. **[[Q4]]**

The officer's report clearly was unduly weighted in favour of granting consent and its minimal representation of the importance of the master-plan is particularly clear. **[[Q5]]**

Representation by the Housing Department, with absolutely no evidence, was biased in favour of the site on the basis of an assertion that the Traveller site would have not effected the inward investment from developers and statutory agencies (the successors of the Housing Commission [sic] and English Partnerships). That attitude is incomprehensible in view of the importance the Council has always put on the transformation of the area. **[[Q6]]**

Without a Traveller site in the area the transformation project would by far be the biggest such project ever in Derby.

The action of the Cabinet and of the subsequent Planning Control Committee agenda item (the latter acting under the influence of an unbalanced report and presentation by housing) should be reviewed by the Overview and Scrutiny process - probably by means of a joint commission, but that would have to be with a clearly agreed means of voting.