

Land at Shottendane Road

Cabinet	25 January 2024
Report Author	Bob Porter (Director of Place)
Portfolio Holder	Cllr Rick Everitt, Leader of the Council
Status	For Decision
Classification:	Unrestricted
Key Decision	Yes
Reasons for Key	Significant effect on communities
Ward:	Garlinge Ward

Executive Summary:

This report sets out a range of possible development options for the council owned land at Shottendane Road, Garlinge.

The site is owned by the council and held within the general fund.

The report was considered by the Overview and Scrutiny Panel at its meeting on 16 January 2024, when members of the Overview and Scrutiny Committee were invited to review the report prior to its consideration at Cabinet. The recommendations made by the Overview and Scrutiny Panel are detailed in section 1 of the report.

Recommendation(s):

It is recommended that Cabinet agree:

1. To conduct public consultation with the Gypsy and Traveller community and neighbouring residents about the proposal to establish a number of Gypsy and Traveller pitches on land off of Shottendane Road (area shown in annex 6).
2. Subject to the outcome of the consultation, submit an application for outline planning permission for the provision of Gypsy and Traveller Pitches on the land marked 1aii in annex 5.
3. To dispose of part of the land at Shottendane Road (areas marked as 1b and 2b on annex 5) to KCC for the proposed Major Road Network (Inner Circuit) improvements and a linked sustainable drainage scheme.

It is also recommended that Cabinet note:

4. That proposals for the provision of housing on the wider Shottendane Road site could only be considered, following the assessment of all land submitted to the council as part of the 'Call for Sites' and the completion of the current review of the Thanet Local Plan.

Corporate Implications

Financial and Value for Money

The estimated cost for outline planning permission is circa £15k and can be contained within existing resources.

It is noted within the report that, at this stage the costs of delivery are not known, and depend significantly on the delivery arrangements and timescales. The council will not be able to proceed with project delivery unless the necessary resources are secured or alternative delivery options identified, as a result, this project will only proceed once arrangements are made to secure appropriate funding.

Legal

The Government's National Policy Framework published in December 2023 requires Councils to assess and establish housing need in respect of the size, type and tenure of housing needed for different groups in the community. These groups should include travellers. This report demonstrates the results of the Council's assessment of need in relation to travellers. The proposals in this report are aimed at meeting that identified need.

The proposals in this report will support the Council to fulfil its duty under homelessness legislation. The Council's duty to those who are homeless under Section 175 (2) (b) of the Housing Act 1996 extends to those with accommodation that consists of a moveable structure, vehicle or vessel designed or adapted for human habitation. People with such accommodation will be homeless if they do not have somewhere to both place their accommodation and reside in it.

Risk Management

This report discusses a range of development options for land at Shottendane Road, Garlinge. Development proposals raise a number of potential areas of risks, as follows:

Planning Risks: The risk that planning consent is not granted for the proposed developments. In respect of the proposal relating to the provision of gypsy and traveller pitches, informal advice has been obtained from the council's planning service, and details of the relevant local plan policy is set out in this report. The development of the wider site for housing is dependent upon the site being allocated for housing in the current review of the local plan.

Delivery Risk: This report does not set out any delivery proposals at this stage. In the event that planning consent is obtained further reports will be needed setting out detailed delivery options, proposals, and resources required.

Financial Risk: At this stage the costs of delivery are not known, and depend significantly on the delivery arrangements and timescales. The council will not be able to proceed with project delivery unless the necessary resources are secured or alternative delivery options identified.

Demand Risk: Demand risk is considered to be low, and the council has published

information about the need for both affordable homes and gypsy and traveller pitches in its Strategic Housing Market Assessment and Gypsy and Traveller Accommodation Assessment.

Reputational Risk: The council has a statutory duty to consider the housing, accommodation and site needs of all sections of the community, including the requirement to make provision for any unmet need for gypsy and traveller pitches within its local plan. Not doing so would present a significant risk to the council.

Corporate

The proposals set out in this report support priority 2 of the Council's draft Corporate Plan 2024-2028, to deliver the housing we need.

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

This report relates to the following aim of the equality duty:

- To advance equality of opportunity between people who share a protected characteristic and people who do not share it
- To foster good relations between people who share a protected characteristic and people who do not share it.

This report considers the potential development options for land at Shottendane Road, Garlinge. These opportunities included the potential for both affordable homes and pitches for the needs of Gypsies and Travellers.

The future residents of any affordable homes and of any Gypsy and Traveller pitches provided include people with protected characteristics under the public Sector equality Duty. Prior to the submission of a planning application, an Equalities Impact Assessment will be completed to consider the impacts on people with protected characteristics and how proposals can best promote and foster good relationships between communities.

Corporate Priorities

This report relates to the following corporate priorities:

- *Communities*

1.0 Introduction and Background

- 1.1 This report sets out a range of possible development options for a council owned site at Shottendane Road, Garlinge.
- 1.2 The site is owned by the council and held within the general fund.
- 1.3 A plan showing the full site location is attached at annex 1.
- 1.4 This report was considered by the Overview and Scrutiny Panel (OSP) at its meeting on 16 January 2024, and the recommendations made by the panel are set out below:
 - The panel recommended that Cabinet agree recommendations 1,3 and 4, but reject recommendation 2.
 - The panel further recommended that, 'That Council holds-off the public consultation until they have identified more suitable sites after looking at all of the Council's land holdings and thereafter conduct a full and transparent consultation.'

2.0 The Shottendane Road Site

- 2.1 The Shottendane Road site is currently used for agriculture. The site is within walking distance of Margate and has access to both Shottendane Road to the South and Caxton Road to the Northwest. The attached site plan at annex 2 shows a bit more detail about current use. The small parcel of land fronting onto Hartsdown Road, marked as plot 3 on the plan attached at annex 2, is in the freehold ownership of the council, but subject to a 99 year lease to a neighbouring resident. A further small parcel to the South West, fronting onto Shottendane Road, marked as plot 2 on the plan attached at annex 2 is also in the freehold ownership of the council and subject to a separate 25 year lease.
- 2.2 The land shown as plot 1 on the plan attached at annex 2 is currently let on an agricultural tenancy agreement from October 1977. Initial legal advice has indicated that the agreement is an Agricultural Tenancy governed by the Agricultural Holdings Act 1986 (AHA 1986). This gives security of tenure to a tenant of an agricultural holding by restricting the circumstances in which it is possible for a landlord to terminate the tenancy. We have obtained legal advice about the best way to bring this agreement to an end and have served a 12 month notice expiring on 11 October 2024.
- 2.3 Once the council has secured possession of the land shown as plot 1 on the plan attached at annex 2, it will be able to re-parcel the land in line with the proposals set out in this report, and consider any interim proposals to continue an agricultural use on areas not immediately required for other uses.

3.0 The need for Affordable Housing

- 3.1 The council's most recent Housing Needs study identified that our district needed 548 new affordable homes each year to meet the needs of our local community. These 548 homes are part of the overall annual target of around 1,200 homes set out in the adopted Thanet local plan. Local financial viability constraints mean that we could at most hope to see 30% of new homes on strategic housing sites delivered as affordable homes.

- 3.2 Due to the viability constraints on market led housing sites, there is a critical need for more affordable housing led sites to be identified and delivered, with land, funding and timetables that are independent of market housing delivery. Poorhole Lane delivered by Town and Country using an offsite manufacturing solution and Riverside Housing at Westwood cross are great examples of affordable housing led development, with a mix of tenures. But more are needed.
- 3.3 In addition, the Council committed to a programme to deliver at least 400 new affordable rented homes by 2027 at its meeting on 12 July 2023. Even combined, these programmes will deliver new affordable homes at a rate that is still a long way short of the 548 needed.
- 3.4 If allocated for housing through the local plan review, the Shottendane Road site offers an opportunity to further increase the supply of new affordable homes, either directly as part of the council's own programme or by working in partnership with other providers.

4.0 Local Plan Call for Sites

- 4.1 Part of the Shottendane Road site was submitted to the most recent call for sites process as part of the review of the Thanet local plan. The land submitted to the call for sites is marked as areas 1a and 1b on annex 3 and covers approximately 14 hectares. A high level capacity study was prepared and submitted showing potential for a combination of residential development and land set aside for community use, open space or woodland. The high level capacity study indicated that the site has capacity for 220 to 260 new homes, even with 50% of the land set aside for community use, open space or woodland. See attached high level capacity study at annex 4.
- 4.2 The site was also assessed for its potential to provide pitches for gypsy and traveller households, as detailed below. An initial assessment considered the potential for an area towards the North West corner of the site, close to the access onto Caxton Road for this purpose (see area marked 1aii in annex 5). The assessment confirms that there is potential to accommodate the 12 separate pitches, covering the entire need identified within the council's published Gypsy and Traveller Accommodation Assessment (See section 5, below).
- 4.3 However a number of smaller schemes, each covering part of either the temporary or permanent pitch requirements would be preferable based upon the initial feedback received from discussions with the Traveller Coalition. A smaller site could be designed and accommodated on the land at Shottendane Road, and is recommended, subject to consultation. The use of a parcel of land for this purpose would impact on the capacity for new housing set out in annex 4, but a combination of both uses is possible. A site assessment showing the provision of 4 pitches is attached at annex 6.
- 4.4 In addition to these uses, the Thanet Local Plan sets out proposals for improvements to the major road network, including a new inner circuit, designed to take pressure off of existing trunk routes along the A28 and A256 corridors. KCC is leading work to complete detailed proposals and has consulted on a preferred 'off-line' route adjacent to Shottendane Road. This new route option cuts across the southern part of the

Shottendane Road site (areas marked as 1b and 2b on annex 5). To enable this proposal to proceed the council will be required to transfer this area of land at the Southern end of the site to KCC for construction of the new road and a linked sustainable drainage project.

- 4.5 The Local Plan review, including the assessment of all submissions to the call for sites process, is currently scheduled to be completed by 2026 with the adoption of a new Local Plan. Any proposals for the development of housing on the land at Shottendane Road can only be considered after the completion of the Local Plan review and if its allocation for housing is agreed through this process. However, if the use of a parcel of the site for gypsy and traveller pitches is supported, an application for planning permission could be submitted in advance of the Local Plan review and assessed using the existing criteria based policy within the current Local Plan.

5.0 The Need for Gypsy and Traveller Site Provision

- 5.1 The council completed a Gypsy and Traveller Accommodation Assessment in 2019, which forms part of the evidence base for the Thanet Local Plan. The study is published on the council's website. The assessment considered the accommodation needs of gypsies, travellers and travelling showpeople. The study identified the need for 7 permanent pitches and 5 transit pitches over the Plan period to 2031. This need is driven entirely by the current and anticipated future needs of groups already in the area. A pitch is defined as providing sufficient spaces for two caravans, two vehicles and utility blocks, supported by communal facilities.
- 5.2 The Council is committed to working with the groups involved, to ensure that their accommodation needs are met. In particular the council is required to ensure that the needs identified within the study are included within the coming review of the Thanet Local Plan, and appropriate policies and/or land allocations agreed.
- 5.3 The identified need for 5 transit and 7 permanent pitches could be met on one, two or multiple sites across the district, in single or multiple ownership, and some of the potential delivery options are considered in section 6 below.
- 5.4 Combining temporary and permanent uses onto the same site may not be the right approach and would need careful consideration and management. Early engagement with the Traveller Coalition suggests that a number of smaller family sized sites, consisting of between 2 and 4 plots would be more appropriate.
- 5.4 The current planning policy position in relation to gypsy and traveller provision is set out in adopted local plan policy [HO20](#), as follows:

The need over the total Plan Period is for 7 permanent pitches and 5 transit pitches. The change of use of land to provide accommodation for Gypsy and Travelling communities will be permitted provided the proposed site is:

- suitable for its intended use (including any associated business activity) and can be accommodated without unacceptable impact on its surroundings and surrounding land uses and the living conditions of persons living in the vicinity of the site;

- has reasonable access to local facilities and services, particularly schools, employment and healthcare,
 - and not within a flood risk area;
 - and will not have an unacceptably detrimental impact on local environmental quality including Green Wedges or sensitive landscape areas.
- 5.5 Pending the next review of the Local Plan the Council will take proactive steps to accommodate all emerging needs of Gypsy and Travelling communities within the District on temporary sites and permanent sites which meet the above criteria.
- 5.6 Shottendane Road has been identified as potentially suitable for the provision of some of the gypsy and traveller pitches required in the district. This followed an assessment of the planning policies and constraints of sites in the council's ownership. If some of the required pitches are provided on the land at Shottendane Road, there will still be a requirement for further sites elsewhere providing for the remaining identified need.

6.0 Delivery of Gypsy and Traveller Pitches

- 6.1 There are a range of potential options for the development of new sites, ranging from district council, county council or private sector owned sites with rented pitches to single family owned and occupied sites. Where an identified site is in council ownership, the council could offer the site or individual pitches for rent, lease or sale. The views of gypsy and traveller families in the district will be an important part of determining the best approach to delivery and any proposed provision will need to be supported by a viable long-term funding plan. The council could only consider the direct delivery of pitches if the costs of provision were fully covered by pitch fees and/or external grant funding.
- 6.2 The council bid to the Government's Gypsy and Traveller site fund in 2021 for a capital grant to assist with the costs of establishing a site. The bid was not successful and the council does not currently have identified capital funding to support the provision of new sites.
- 6.3 Any future Government funding opportunities are likely to be linked to deliverable sites. Having planning consent in place and a site or sites that can be delivered within a prescribed time period are likely to be key factors in any future funding bid.
- 6.4 A key part of an assessment of deliverability is the planning status of any proposed site. The experience from bidding for funding in 2021 showed that sites with outline or detailed planning consent are more likely to be successful for any future funding that becomes available. Outline or detailed planning consent would also create an option for the council to dispose of any proposed site by way of a lease or sale to a family or families wishing to occupy the land or to a third party seeking to establish and manage a site.

6.5 Taking these considerations into account, this report proposes that the council should consult with representatives of Gypsy and Traveller families in the district and with other local residents about the outline proposal shown at annex 6, and, depending on the outcome of this consultation, submit a planning application for outline consent. The estimated cost of preparing and submitting an outline planning application is £15,000.

7.0 Options

7.1 This report makes the following recommendations:

1. To conduct public consultation with the Gypsy and Traveller community and neighbouring residents about the proposal to establish a number of Gypsy and Traveller pitches on land off of Shottendane Road (area shown in annex 6).
2. Subject to the outcome of the consultation, submit an application for outline planning consent for the provision of Gypsy and Traveller Pitches on the land marked 1a ii in annex 5.
3. To the disposal of part of the land at Shottendane Road (areas marked as 1b and 2b on annex 5) to KCC for the proposed Major Road Network (Inner Circuit) improvements and a linked sustainable drainage scheme.

This report further recommends that Cabinet note:

4. That proposals for the provision of housing on the wider Shottendane Road site could only be considered, following the assessment of all land submitted to the council as part of the 'Call for Sites' and the completion of the current review of the Thanet Local Plan.

7.2 The Cabinet can approve, amend or reject these recommendations.

Contact Officer: Bob Porter (Director of Place)

Reporting to: Colin Carmichael (Interim Chief Executive)

Annex List

Annex 1: Shottendane Road site plan

Annex 2: Site plan showing current lease arrangements 1, 2 and 3

Annex 3: Site plan showing proposed plots

Annex 4: Shottendane Road - Housing Capacity Study

Annex 5: Site Plan showing potential location for Gypsy and Traveller provision

Annex 6: Shottendane Road - Gypsy and Traveller site assessment

Annex 7: Major Road network land requirements

Background Papers

None

Corporate Consultation

Finance: Matthew Sanham (Head of Finance and Procurement)

Legal: Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)