

MINUTES OF A MEETING OF THE SAUGHALL PARISH RURAL HOUSING WORKING GROUP held on 25 September 2002 in the Parish Room, Fiddlers Lane, Saughall

In attendance: Councillor A Bailey (in the Chair)  
Councillor RA Storrar  
Councillor Mrs JE Storrar  
Councillor A Warrington

Mr S Lewis, Forward Planning, Chester City Council  
Mr B Holmes, Rural Housing Enabler, Cheshire Community Council

10 MODEL CODE OF CONDUCT

No Declarations of Interest were received.

11 MINUTES

The Minutes of the meeting of the Working Group held on 24 June 2002 were **AGREED** as a correct record.

12 CHESTER DISTRICT LOCAL PLAN PUBLIC INQUIRY  
- INSPECTOR'S COMMENTS ON AFFORDABLE HOUSING

A Public Inquiry had been held in respect of the Chester District Local Plan and the Inspector's findings had recently been published.

Members were particularly interested to see the Inspector's comments specifically relating to the provision of low cost housing within or on the edge of rural settlements. The key issues were as follows:

- ?? Whether the Plan should allocate particular sites for low cost housing;
- ?? Whether the policy should only apply to accredited housing organisations;
- ?? Whether permission should only be granted if locally supported and with S.106 obligation;
- ?? Whether obligations should restrict occupation where local need has been met;
- ?? Whether the policy & the R/E restricts the ability to meet local needs;
- ?? Whether a settlement's environmental capacity should be considered; is it clear as to its meaning.

The Inspector's reasoning behind the key issues that he had identified were as follows:

*"It would be 'inappropriate for policies to identify particular sites and allocate them for affordable housing in the local plan or to reserve land allocated in the plan to meet general housing demand for local needs only'.*

There was no doubt that the allocation of sites for affordable or low cost social housing, should not be proposed in the Plan. Similarly, the Guidance refers to situations where it may be possible to identify particular 'areas' where the provision of exception sites may be explored. That does not imply that individual sites within 'an area' (that could include a group of parishes or villages) should be identified and allocated. The plan-led approach does not alter this.

Thus the suggestions that sites at Kelsall, Mollington, Tattenhall and at Elton should be identified for low cost housing should be viewed in this light. I comment further upon those sites shortly. I also note that planning permission has now been granted for a scheme on a site at Saughall for low cost housing.

It would also not be appropriate to restrict such housing developments to accredited housing organisations. Whilst the Plan suggests that such organisations may well be the main providers, this does not mean that others could not utilise this policy. What is important is that suitable mechanisms controlling future occupancy are in place. However, such clauses are not suitable when a Registered Social Landlord is involved by virtue of the Housing Act 1996.

Locally gleaned information will be vital in establishing local need both at the survey and application stage. The Council confirms that this would be sought, but in order to be consistent with revised DHO3fc, the reference to the 'Housing Waiting list' should be modified to 'Register'. **Further, the policy should not transfer the responsibility for determining the merits of a particular case from the Local Planning Authority to the Parish Council as suggested.**

The policy provides the mechanism by which planning permission could be granted in suitable cases. As an exception policy, this does not imply any weakening of controls in the Green Belt. Neither does it undermine the justification for washing-over settlements where the potential for new development, other than infilling, has been ruled out. However, my earlier comments regarding the lack of defined settlement boundaries are relevant in terms of the policy's implementation. Without a definition of where the boundary lies, arguments as to whether an exception policy is applicable might arise.

Nothing in the exceptions policy detracts from the policies relating to the Green Belt or the need to ensure that any development proposal has regard to the local character and capacity of the environment. This is reflected in the policy's last criterion, but the R/E fails to explain what matters would be of interest in this regard. Clearly, the drainage and highway infrastructure, the landscape character and ability to accept new development, the agricultural land quality and any archaeological and ecological interests will be important considerations. This should be made clear in the R/E.

PIC 197 seeks to delete reference to the size of dwellings allowed under this policy framework. Given my earlier comments about the social, cultural and medical aspects of need, this deletion is sensible. However, attention is drawn to paragraph 26 of Circular 6/98 that refers to single dwellings built under such policies and the need to limit their size. This would appear to be a sensible precaution that the Council is recommended to incorporate into the R/E.

The PIC 197 also removes the 'prohibition' of utilising this policy in settlements where an allocated site includes an expectation of affordable housing being included. Given the size of the unmet affordable housing need, this deletion would remove the limitation upon those seeking to make a local contribution."

The Inspector's recommendations were as follows:

?? "Modify the Plan by implementing PIC 197, but consider the position relating to single dwellings approved as exceptions.

?? Modify the paragraph 5 of the R/E to refer to RSL schemes and conditions/obligations.

?? Modify paragraph 3 of the R/E to refer to the Housing Register.

?? Modify the R/E to explain to more fully the considerations relating to 'environmental capacity'."

Mr Lewis reported that his colleagues were preparing a report that detailed the Inspector's findings. It would be presented to a future Chester City Council meeting. The City Council would then decide whether to accept the Inspector's recommendations. If it decided not to adopt certain recommendations it would need to supply good reasons that would stand up to any future legal challenges. If there were good local reasons for not adopting any of the recommendations they would be justification enough.

There was no formal consultation process in place but the Parish Council was **RECOMMENDED** to make comments on the Inspector's findings.

### 13 SECTION 106 AGREEMENTS

The Group considered the following draft Policy Statement on occupancy control for new affordable housing, which was currently being worked on by Chester City Council Officers:

"In the rural area of Chester, where affordable housing is provided, either as a proportion of a general market site, or on an "exceptions" site under policy DHO11 of the Chester District Local Plan, a developer must satisfy the Council that a suitable mechanism exists, or will be set up, to ensure that the affordable houses will be occupied only by local people who are in need of such accommodation, and who cannot afford to buy or rent on the open market.

To this end the allocation of Affordable Homes will be in accordance with the following criteria:

- (a) Each Affordable Home within the development shall upon practical completion of the Affordable Homes and at any time subsequently upon a vacancy arising be allocated to a person who is considered to be in need of affordable housing and who:
  - (i) in the first instance has immediately prior to such allocation been ordinarily resident in the "nominated" parish for the 12 months immediately preceding the date of application for the affordable dwelling or who have at any time previously resided in the parish for at least 5 years;
  - (ii) has a strong local connection with the "nominated" parish and in seeking to allocate any such unit of accommodation under this sub-clause the following shall be considered:-
    - (a) close family association in the "nominated" parish
    - (b) permanent employment within "nominated" parish
  - (iii) in the second instance (if no applicant qualifies under sub-paragraphs (i) or (ii)) is resident in or has strong local connection with one of the neighbouring

parishes of the “nominated” parish (all parishes should be named as part of the s106);

(iv) in the third instance (if no applicant qualifies under sub-paragraphs (i), (ii) or (iii)) is resident or has strong local connection with one of the neighbouring rural wards of the “nominated” parish (all neighbouring rural wards to be named as part of s106);

(v) in the fourth instance, upon any of the affordable homes within the development becoming available for occupation whether on practical completion of the development or at any time subsequently if any vacancy arising is unable to be filled in accordance with the terms herein before mentioned then the unit of accommodation shall be allocated to a person or persons included in the housing waiting list for the rural part of the district of Chester City Council.

(vi) in the sixth instance, upon any of the affordable homes within the development becoming available for occupation whether on practical completion of the development or at any time subsequently if any vacancy arising is unable to be filled in accordance with the terms hereinbefore mentioned then the unit of accommodation shall be allocated to a person or persons included in the housing waiting list for the whole of the district of Chester City Council.”

It was noted that Supplementary Planning Guidance on Affordable Housing had been developed by Chester City Council. It would be appended to the policy document. It was expected that the City Council would adopt this policy at a meeting held in the Autumn 2002.

Mr Holmes informed that it may be possible for Parish Councils to offer advice on what should be considered as "neighbouring parishes".

Housing need was demonstrated by the Housing Needs Survey findings and by the Housing Register/Waiting List. There were a lot of people in housing need not registered or on the waiting list. It was **AGREED** that Members would advise of the need to apply to go on the Housing Waiting List/Register and encourage people eligible to do so.

Members were very pleased to see a definitive guide, albeit in draft, on the allocation of housing. It was welcomed as a major step forward. It was **RECOMMENDED** that the Clerk would write to Chester City Council informing that the Parish Council supports the policy and would like to be consulted, or at the very least made aware, of any future developments in respect of it.

#### 14 AFFORDABLE HOUSING DEVELOPMENT IN SAUGHALL

The Lodge Lane site remained the preferred option for low cost housing in Saughall to meet local need by both the Parish Council and the Planning Authority. Cheshire County Council was the landowner. The County Property Manager wanted to realise the maximum value of the land and had in the past been in negotiation with the Parish Council and the Arena Housing Association with this in mind.

However, it was reported that Mr Charles Seward, Chester City Council's Head of Forward Planning, was now in discussion with the County Property Manager, Mr Ian Gould, and the Arena Housing Association and was hopeful of a positive outcome.

Arena wished to submit a bid in its next bidding round for funding to provide 12 low cost units on the site. The outcome of this bid would be known in the Spring 2003. It was **RECOMMENDED** that the Council should send a letter of support in respect of the Lodge Lane site as it may assist the bidding process. If it could be demonstrated that the project would not meet with local opposition and that it was very likely that it would go ahead, the funding bid had more chance of being successful. As there were always competing bids for scarce resources success could depend on the elimination of uncertainties.

The Parish Council was very supportive of the approach being made by Chester City Council and it awaited the outcome with interest. As the feedback on negotiations was so far positive it was **AGREED** that other possible sites on which affordable housing could be built in Saughall be not considered at the current time.

It was noted that affordable housing on Lodge Lane was now to be considered as one package whilst the development of recreational land would be considered as another. However, the Council was also mindful that All Saints Church required additional burial ground and land behind Lodge Lane was a possible option.

Members went on to consider the possible mix of units that could be accommodated on the Lodge Lane site and **AGREED** that the Parish Council should be consulted on it. It may also be willing to consider a possible split of rental and opportunity to buy properties.

It was unlikely that the developer would commute a sum to enhance the local area, provide recreational facilities etc. This was because of the need to upgrade the infrastructure and put in an access road and the associated costs.

## 15 DATE AND TIME OF NEXT MEETING

It was not known when reports would be considered by Chester City Council on the results of the Public Inquiry into the Chester District Local Plan or the proposed Policy Statement on Occupancy Control for New Affordable Housing. It was important that the Group knew the City Council's decisions in respect of these two issues before it met again.

It was **AGREED** that the next meeting would be held, subject to the issues detailed above being resolved, at 7:30pm on Monday, 9 December 2002 in the Parish Room, Fiddlers Lane, Saughall. If the decisions were still outstanding it would be necessary to reschedule the next meeting.

Councillor A Warrington was invited to become a permanent member and attend future meetings of the Working Group.