

AUDLEM PARISH COUNCIL
APPENDIX TO MINUTES OF MEETING ON 6TH MARCH 2017

Question & Answer session with David Malcolm, Head of Planning Regulation at Cheshire East Council.

(Questions are in *italics* and followed by a summary of Mr Malcolm's response)

Where a maximum number of dwellings has been stipulated on a site at Appeal, how can a local planning authority allow that number to increase?

Situations can change, policies change occur frequently at the moment and any decision is only a snapshot of a point in time. If new submissions are made then decisions have to be made within the current context. There is also no obligation to implement all the dwellings which were given permission for. This continual change also applies to the application of funding requirements linked to planning permissions.

What steps can be taken by a local planning authority to allow the mix of social affordable housing to be less than 65% of the total affordable housing on a planning application?

Currently CE requires 30% of any development greater than 10 dwellings to be affordable housing, based on a mix of 65:35 social housing:owner occupied but housing associations have been struggling with funding for the ideal mix. Houses size standards are not laid down by a policy but CE are guided by housing associations and national guidelines. Approval would not be given for dwellings smaller than national guidelines if they had not been accepted by a housing association. Every site is a balance of impact. This may involve technical issues and contributions and it must be remembered that some policies are for guidance and as such offer flexibility but some are absolute. Currently affordable housing stays affordable in perpetuity for example discount on sale (20 or 30% below market price), There is talk of a new government initiative related to starter homes but there is no guarantee that the same affordability in perpetuity will also relate to this scheme.

Does CEC encourage developers to make available more affordable homes?

CE are now looking at a better mix of dwellings, considering size as well as affordability, so that 2-3 bed homes feature in the affordable homes provision.

What is your opinion about dialogue with developers being confidential?

CEC as a planning authority gives advice, developers pay fees for pre-application advice/discussions and sometimes these conversations are commercially sensitive and therefore Planning Authorities are obliged to keep them confidential. However, CE, unusually for a Planning Authority, notifies all ward members of all pre-application discussions so, even when there is commercial sensitivity and ward members are also bound by confidentiality, there is as much transparency as possible and ward members may attend meetings. Developers are encouraged to contact PCs as part of a pre-application consultation. They are now also encouraged, when applications are not commercially sensitive, to involve Town and Parish Councils earlier than that too.

What is the developers' attitude?

They don't always like the early inclusion of ward members but they do realise that local engagement is beneficial.

Is there impartiality?

Of course, Planning Officers have a professional code of conduct (RTPI), but they are obliged to provide advice to any party which applies for it.

How hard CEC are fighting Appeals such as Bird's Nest. Are they just going through the motions or actually putting some effort in?

Planning Officers can recommend approval and then the council decide to refuse permission. The planning officers will then support the council's decision. At an appeal, an individual officer who recommended contrary to the council's decision would be recused from working on the appeal; in this instance another party can be brought in to represent the planning department.

How much weight does the Audlem Neighbourhood Plan currently carry in determining planning applications?

Neighbourhood Plans are material and so they do have weight. The only reason why their weight can be reduced currently is when there is a lack of a 5 year Housing Land Supply which diminishes the weight of all planning documents including NPs. However developers ignore them at their peril because balance is required and the Neighbourhood Plan as a balanced planning policy, especially as it is very recently produced forms part of that balance. Where there is a lack of a 5 year Housing Land Supply, all policies other than Housing ones still carry the full weight.

Why hasn't CE prioritised the 5yr Housing Land Supply?

Originally there were 2 methodologies for calculating HLS and unfortunately CE adopted the methodology which subsequently fell out of favour. The preferred Sedgefield method has now been used. In addition to this, prior to the government's requirement for HLS, there had been restrictions on how many houses could be built in an area in a set period. In the years prior to the requirement for a 5yr HLS, Macclesfield and Congleton had fulfilled their quotas in Yr 8 of a 15 year housing target and were therefore under housing restraint. This has led to there being a massive backlog of housing requirement and the 5yr HLS has to include numbers that mitigate this backlog as well as current requirement levels. It now looks as though the backlog can be met over 8 years rather than 5 and so CE are closer to having an agreed 5yr HLS. The backlog means the annual supply needs to be 1800 homes rather than 1150. The situation has been exacerbated by developers gaining permission but not building straight away and also building at a much slower rate than previously.

Can s106 be applied to the village?

s106 payments are for mitigating for the site itself so it might be used for highway improvements but only for a nearby junction example. They can also be used for education and medical facilities but the latter has proved difficult because NHS England cannot prove that payments will be used in the direct locality. S106 payments are not paid up front but in phased tranches in line with the pace of the development. There is no confirmation as yet as to whether the CCGs and GP practices taking over their own budgets will improve the chances of a community gaining medical s106 payments.

The Borough Council has announced a 'call for sites'. How quickly will the Parish Council be able to find out what pieces of land have been put forward as potential development sites?
We will use local knowledge. CEC will let Town and Parish Councils know as soon as possible. You can then use your local knowledge to determine which sites you would prefer to include as development sites.

Is there a point at which a borough council cannot afford to fight appeals?
CE will fight an appeal provided there is a justification, if it is defensible.

Cllr Rachel Bailey then spoke about Highways refusals. CE rely on Highways professionals especially as many criteria are absolute. If an application is refused against highways expert advice, going to appeal can be dicey.

Cllr Seddon commented that the TRICS (transport) data being used to support many applications is for larger towns and even cities which are not comparable with Audlem. This is not challenged by Highways personnel despite there being comparable TRICS data available. Mr Malcom commented that this would be something the PC would have to raise with Paul Hurdus who oversees the relevant Highways department.