

Tarporley Parish Council
Minutes of working groups
and other meetings

March 2017

Meeting with Mr & Mrs Stoddard
Community Land Trust Meeting
RBL and Community Assets Meeting

p2
p3-4
p5-6

Meeting between members of Tarporley Parish Council and Mr Alistair and Caroline Stoddard
Monday 20th February
Tarporley Community Centre

Present

Tarporley Parish Council

Ken Parker	Gill Clough	Peter Tavernor	Elaine Chapman
Richard Statham	Bill Mather		
Abigail Webb – Project Coordinator			

Alistair Stoddard Caroline Stoddard Jo Redmond – Strutt & Parker

Mr and Mrs Stoddard have been residents in Tarporley for 36 years and currently live in the Old Rectory. This is a large property and Mr & Mrs Stoddard are looking to downsize and in order to do this, they would like to build a smaller house in the grounds of their current property. In particular they are considering their field to the north of their current house, at the back of the Rising Sun carpark. Currently, Mr & Mrs Stoddard have not contact Cheshire West and Chester Council and have no formal plans yet.

The brief overview was given regarding the Neighbourhood Plan and the work around the call for sites. The property is in an area which lies outside the settlement boundary and therefore any planning applications should not normally be approved. The exception to this would be to apply for a Neighbourhood Development Order and in order to do this would require a referendum which would allow the village to vote.

Another option to consider is a planning application with a significant community benefit attached to it. The position of the property is at the rear of the Rising Sun car park and as such, the Parish Council are in discussions with Robinsons Brewery regarding extending the car park into their field.

Access into this field is quite narrow but if some of the land owned by Mr & Mrs Stoddard could be used to widen the access and to provide more car parking spaces, this would be considered a community benefit.

To provide a plan with significant community benefit, Mr & Mrs Stoddard acknowledged that it may be an option to use some of their land for extending the car park behind the Rising Sun. However the exact amount would need to be discussed further privately.

Mr & Mrs Stoddard thanked the members of the Council for their time and advised that they would make contact with them again in the near future once they had discussed this further.

Abigail Webb
20th February 2017

Informal meeting between members of Tarporley Parish Council and Rachel Rens Cheshire West
and Chester Council
Tuesday 21st March 2017
Tarporley Community Centre

Present:

Tarporley Parish Council

Ken Parker Bill Mather Gordon Pearson
Abigail Webb – Project Coordinator

Cheshire West and Chester Council

Rachel Rens – Affordable Housing Policy Officer

Rachel informed that Council that CWAC currently has a plot of land on Brook Road which has planning permission for 10 affordable houses. The full scheme is for 40 house of which 30 has already been built. The priority for these remaining houses to be built is fairly low on the list of priorities for CWAC. Rachel stated that there is funding which is restricted to affordable houses in rural areas and this scheme would qualify for this funding. The total amount for this scheme is £200,000 or up to £25,000 per unit. CWAC is keen to engage with the local community and Tarporley Parish Council to explore options of a Community Land Trust (CLT) to develop this site.

Rachel informed the Council about the West Cheshire Homes website which has a lot of information regarding the process of applying for affordable housing and suggested that it might be that local people have not completed the application form correctly and therefore not qualified for the affordable housing in the area.

The Council are interested in forming a Community Land Trust because the existing Brook Road development has not provided affordable housing for local people in the community and many of the properties have gone to people from outside Tarporley. The Council would like to have clear requirements for the allocation of these affordable houses and the only way to have this control is to develop the site through a Land Trust alone or working in Partnership with a private developer or a housing trust. If working in partnership, there would need to be a discussion around allocation requirements. If Tarporley forms a CLT, they can decide the amount of rent to charge and the requirements of tenancy i.e. should the financial situation change for the tenants, they may be required to leave their property.

A list of people who require affordable housing use to be available and it was suggested that the Council need to conduct a survey to determine whether there is a demand in the area for affordable housing and what format that may come in i.e. one bedroom flats or studio apartments.

Rachel checked the information that CWAC hold on applicants who have requested affordable housing for Tarporley and currently that figure is 257. What is unclear is whether these applications live or work in the area, however, Rachel stated that this information can be obtained but would require manually trawling through each application to see if there is any significant connection to Tarporley. The majority of these applicants are young single people who require one bedroom properties.

If the Council forms a CLT alone then the CLT will collect the rent. CWAC will provide the land on a long lease to the CLT. The current value of the land is approximately £150,000 so this will be

given to the CLT plus £50,000 which will make up the £200,000 for the scheme. Once a CLT has been formed there are a variety of funding streams that can be accessed to help with setting up costs and funding towards developing the site. The National CLT website has a lot of information regarding funding options and this is something that John Hesselwood CWAC would be able to assist the CLT with should it form.

The CLT is made up of volunteers so ensuring that the right skill set of people on the board of CLT is crucial. If the Council have funding available, they may wish to employ a project manager to oversee the development however usually the CLT is led by volunteers alone.

Rachel informed the Council that if it is decided to form a CLT in Tarporley, a meeting needs to be arranged with John Hesselwood and a member of his team as they are both very experienced in CLTs and can advise what type should be formed in Tarporley.

Next Steps

CLTs to be discussed at the April Council meeting for a decision whether to support forming a CLT.

To conduct a housing needs survey (template available from CWAC) to identify the need for affordable housing and also support from the community in developing a CLT.

CWAC to inform the Council of the results of their housing survey that is taking place in the next 3-4 months.

Abigail Webb
21st February 2017

**Informal Meeting regarding Former Royal British Legion Site & Community Assets.
Thursday 23rd March 2017 - Tarporley Baptist & Methodist Chapel.**

Present:

Parish Council – Elaine Chapman, Gill Clough (Chairman), Bill Mather, Gordon Pearson, Nigel Taylor.

Tarporley Allotments Association – Ann Gibson (Secretary), David Press

Tarporley Bowling Green – Mike Guest

CW&C – Steven Holmes (Planning Officer), Kathryn Jones (Corporate Asset Manager), Eveleigh Moore Dutton (Ward Councillor).

Clerk - Ann Wright.

A discussion took place regarding the allotments and bowling green's allocation as a Community Asset and the right to bid which included the following points: -

- ☒ It was confirmed that if the right to bid moratorium was invoked it would be a planning consideration for the planning officers in the application. However, it is not a planning policy and as such would not have the weight of a planning policy. It was also stated that the value of the allotments and bowling green is already recognised without the moratorium being invoked as they are registered community assets.
- ☒ It was confirmed that the protection as a community assets lasts for 5 years after it has been originally listed even if the moratorium is not invoked, at that time the asset can be relisted.
- ☒ If the moratorium is not invoked now, it cannot be invoked for another 18 months.
- ☒ The moratorium provides the community organisation which has invoked it 6 months to prepare a bid to purchase the site including raising funds etc. After that 6 months the site can be sold however there is no obligation on the owner to sell to the community organisation. There is also no obligation for the community organisation to purchase the site after the 6 months.
- ☒ The right to bid process is separate from the planning process, and is triggered when the land owner wishes to dispose of a listed site.
- ☒ Compulsory Purchase – it was confirmed that a principle authority has the legal right to apply for compulsory purchase of a site if it falls into disuse and/or the land owner refuses to sell it. It was noted that there would need to be a very robust case to support the purchase and the community group requesting this would need to underwrite the costs. It was noted in the case of the former RBL site the land owner has already offered to gift/sell a proportion of the site.
- ☒ It was noted that only community organisations (registered as charity or community interest company) can invoke the moratorium and right to bid. It was agreed advice would be taken on whether a Parish Council can do this.
- ☒ It was noted the deadline for the moratorium to be invoked is 4th April 2017.
- ☒ As the allotments and bowling green are listed as assets of community value there would need to be a planning application if their use was to change, although the allotments could be used for agricultural purposes.
- ☒ Both the allotments and bowling green were listed in 2015.
- ☒ If CW&C are minded to approve the application a S106 agreement would have to be agreed which will determine how the allotments and bowling are provided to the community in perpetuity, the S106 would be part of the permission.
- ☒ Any S106 agreement must pass the test of being reasonable, necessary, and clearly relate to the application.
- ☒ It is the protection of the bowling green and allotments for perpetuity which on balance may make this application acceptable.
- ☒ It was noted the planners are concerned with how the land will be protected rather than who has ownership, as such this could be any community or not for profit organisation.
- ☒ The S106 obligations will pass on with the land if ownership changes in the future.
- ☒ It was suggested that when considering all the options that the only suitable organisation to take on the allotments and bowling green for perpetuity would be the Parish Council as a statutory, elected body which represents the whole community, and given the history of the

site this would be the only way to maintain public confidence and allow for transparent local control of the two sites.

The Parish Council is currently investigating the creation of a Community Land Trust which will be run by community members and could in the future manage this site and the Brook Rd. Leisure Land.

The following planning matters were discussed: -

- ☒ It was noted that CW&C can only judge the application which is front of them, they can negotiate changes with the applicant, the applicant can also amend the application up until it goes for decision, if they are significant changes the public would be consulted again.
- ☒ Cllr Eveleigh Moore Dutton confirmed she would call in the application to be considered by the planning committee.
- ☒ The Planning Committee can, approve the application, with conditions if required, refuse the application or defer it for further discussions or information.
- ☒ Concerns were expressed regarding the 3 storey properties at the rear of the site given the elevation levels of the site, noting the Neighbourhood Plan permits 2.5 storey buildings in the centre of the village.
- ☒ When considering the scheme there is a need to take into account the impact of the Conservation area (which includes the bowling green) and whether the proposal 'preserves and enhances' the conservation area. This includes views into and out of the site and the heritage value of the site.
- ☒ There is also a need to consider the general impact of the proposal on the character of the area and its impact on the core of the village, including if it represents good urban design and protects local distinctiveness.
- ☒ A viability study is not required as the proposal does not include enough houses to trigger the need to provide affordable housing. Planning authorities do not have the right to determine how much profit a developer is permitted to make so cannot demand a viability study to justify the application.
- ☒ It was noted that the current access as shown on the plan off the development road into the allotments and bowling green is not adequate to allow vehicles to access the sites for maintenance or in an emergency as there is not enough turning space as such this will lead to the loss of additional allotment space, and the route to the bowling green is too narrow.
- ☒ The separation of the allotments and bowling green from the car park will also represent harm to the allotment holders and bowlers as such it was stated that the applicant should contribute towards parking on the scrub land at the rear of the bowling green. Again the proposed access would need to be amended to allow for this vehicular access and this should form part of the S106 agreement.
- ☒ It was confirmed that access rights to the allotments and bowling green form part of the deliverability of the site in perpetuity and as such will form part of the S106 agreement. Noting that access is required 24 hours a day, 365 days per year.
- ☒ It was noted that Highways cannot insist that the road is adopted but can insist by condition it is of an adoptable standard.
- ☒ It was noted that access to the primary school, allotments and bowling green needs to be retained during the building of any application once approved. It was noted this would make up part of the Construction Management Plan, which will need to include phasing and the developer will be asked to provide an acceptable plan.

Ann Wright
24th March 2017