

# SLAUGHAM PARISH COUNCIL

## NEIGHBOURHOOD PLANNING

### COMMITTEE MINUTES

Monday 20<sup>th</sup> February 2023 at 7.30pm in the Sports Pavilion, High Street, Handcross

Sally Mclean – Clerk to the Council

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**Present:** Cllrs Eric Prescott, Bob St George, David Dunn, Lorette Holborn, Jane MacNaughton

**Others Present:** 8 members of public

1. **Apologies for absence:** To receive and accept apologies for absence: Cllrs Michael Earle, Lesley Read
2. **To approve the minutes of the meetings held on the 17<sup>th</sup> & 24<sup>th</sup> November 2022 Proposed Cllr MacNaughton Second Cllr St George APPROVED**
3. **To receive declarations of interest from members in respect of any items on the agenda:** Cllr Bob St George, Cllr Lorette Holborn members of Community Land Trust
4. **Adjournment for questions from the public:** The Committee is to consider whether to adjourn the Meeting in accordance with Standing Orders, in order to receive questions from members of the public.
  - 4.1. The Council have received correspondence from 4 members of public (*cc'd to members in advance*): *Below are extracts of points raised for clarification, they do not contain the full narrative:*

Object to the sale of the land (St Martins Close East) to Millwood Designer Homes.

If the land is sold will lodge an enforcement notice on the covenant on the north side of the land as it would be an adverse impact of our amenity.

The site was earmarked as affordable housing **in perpetuity** with capital raised to rebuild the Parish Hall which has been at the heart of Handcross since it was built. In order to secure these two ends, the Slaugham Parish Community Land Trust (CLT) was established, and the understanding was always that the CLT would lead the development of St Martin Close (east).

The proposal to develop St. Martin Close (East) in terms of 21 market houses and 9 affordable runs contrary to the aspirations of the NHP namely – “proposals should provide a suitable mix of dwelling types and size to meet the needs of current and future households.” Indeed the 30% affordable content is the minimum proportion set out by any development of more than 11 dwellings in Mid Sussex. Detailed proposals show 6 of the 9 affordable units as one bedroom with the remainder as 2bedroom dwellings, this is not going to suit young and growing households.

Challenge the significance of the covenant held by the land owner:

1. Firstly, if Millwood Homes are seen to be the only viable bidder, why have they offered £1.8 million for the site, some 50% above the figure calculated by Fowlers?
2. The development of the West site relies on the prior development of the East site. Only Slaugham Parish Council can initiate proceedings to develop the East site, so there is a clear incentive for the land owner to release the Covenant. Reference to the Fowler report relating to the Covenant issue at page 53 states – “this potentially provides a negotiating position ....” However, the Parish Council have seen fit to not pursue this

potentially advantageous position and appear to have taken the path of least resistance to the detriment of a generation of people wishing to live in Handcross.

The proposed development subject of this discussion is nothing more than a small-scale version of the development at Pease Pottage and, since Slaugham Parish is building far more houses than needed within their plan, the only rationale for further development in the village would be something gives particular benefit to local people. I do not detect this feature in the current proposal.

#### 4.2. Participant Comments –

##### 4.2.1. Community Land Trust (CLT) – Comments

The CLT believe that St Martin Close (east) offers the unique opportunity to deliver affordable housing in perpetuity. That it could deliver a housing development that would meet the needs of Handcross and the wider Parish.

The Council issued a letter to the CLT by way of an update on the land disposal alive to their interest in the land. The letter advised them of the work completed to date. A statement made within the letter (*see extract*) is being challenged by the CLT as unlawful – *“SPC do not wish to progress negotiations and are not seeking further offers from SPCLT and/or other parties. The intention is for SPC to make a final decision on if and how to proceed with the site at their next convenient meeting (date to be confirmed)”*.

It is well known within the Parish Council that only the CLT can secure affordable units in perpetuity which they believe can offer long term benefit to the community. It seems to them that it would be perfectly possible to involve the CLT by including them in a contract of sale. They are of the opinion that this would not make a significant difference to the proceeds.

The CLT are not disputing the advice contained within the report in that the developer from the west site maybe the only viable developer, they accept the complexity of the covenants, and recognise that this is a complicated situation. However, that should not preclude the involvement of the CLT. The developer could deliver the affordable units and the CLT could acquire them and secure those in perpetuity. They do not accept that this about the covenants. The question is “how did the PC reach the decision that it would benefit the community by rejecting any role for the CLT?”.

Cllr Prescott advised that the Council have not rejected any involvement from the CLT, that the points raised are valid and worthy of consideration. How would the CLT finance the acquisition of the units? The CLT advised that they would work with a registered provider which is a discussion that they would have, but cannot due to the letter that they believe states that the Council will no longer talk to the CLT.

They advised that it is their opinion that the decision not to progress negotiations is manifestly unreasonable and raises the question as to whether that decision is potentially lawful. They now have 3 months from the date of the letter in which they will consider a judicial review. If the Council withdraw the letter, then conversations surrounding the site can continue.

Cllr Prescott advised that their position on the report is undetermined, that it is not a done deal, but is happy with the intervention that the CLT make, that the Council will reflect on those. Nevertheless, he is disappointed that the CLT have suggested that the Council have acted unlawfully as he does not believe that, that is the case.

The Clerk advised that the letter is not suggesting that there will be no future involvement for the CLT, it is recommending that the due to the complex nature of the relationship between the sites that Council will not be seeking negotiations on offers. The CLT do not agree that that is the case.

Cllr Prescott reiterated that it was not the intention of the Council to preclude the CLT from future involvement, only that the Council would not be seeking further offers for the site based on the advice received. That he understands the position of the CLT and is not closed to the points raised. That the Council would need to reflect on those and discuss this with their advisors.

The CLT stated that the developer may have another social provider, but if they are not working with the CLT they are unable to deliver housing in perpetuity, which they believe the Council have currently rejected.

The CLT also raised a point surrounding the affordable units under valuation. The LPA planning policy requires 30% affordable so 9 units. However, the square footage of the units is only 19% of the square footage of the total development, the units are going to be tiny. They believe in the interest of maximizing proceeds the affordable unit sizes have been kept to minimum. They believe that the S106 coming from Pease Pottage to the Council that could be used to fund future infrastructure needed, so what is it the pressing need for the £1.8m that outweighs the argument for using some of the proceeds to be more generous with the affordable housing given that this is a unique opportunity that will not happen again. They believe the Council need to have a clear view on what it is they want the money for over the provision of larger affordable houses.

Cllr Prescott advised that we do not know what the sum of money will be in the first instance. The proceeds will be invested back into the village, one being the need to replace the village hall as the current facility is not in the ownership of the Parish. There are number of requirements that are to be provided for, that the Council cannot commit to at this time as the proceeds are undetermined.

The guidance that the Council have received is that any development built is in line with the LPA's policies, the size and scale of those homes are determined by those guidelines, by using the proceeds to build larger homes it will only benefit a small number of families it does not benefit the wider community to build a limited number of slightly larger houses. Those houses would have to be designed in line with local standard and national social construction guidelines.

The CLT questioned as to whether that is what the community want and need.

Cllr Prescott advised that the most up to date figures are that there are 17 people on the register for 1 bed apartments:

Housing Need Data from the Council's Common Housing Register	1B rent	2B rent	3B rent	4B rent	Total
Local Connection to Handcross	17	6	7	3	33
Local Connection to Warninglid	5	1	0	0	6
Local Connection to Slaugham	0	1	0	0	1
Local Connection to Pease Pottage	6	6	3	0	15

To reiterate the valuation is illustrative for the purposes of the report to assist the Council in their decision making on how best to take the project forward, delivering the aspirations of the wider village.

The CLT also wish to raise valuation error within the figures between the valuation and the lead report. 5403sqft to 7000sqft.

#### 4.3.3 Action in Rural Sussex (AIRs) – Some of the points raised repeat those covered under item 4.2.1 above.

They would add to the point raised on how the CLT would finance the site, in that they would do this with their Housing Association (HA) Partner. They are one of the biggest housing associations in the country with an incredibly strong track record in delivering these kinds of schemes. They have deep pockets and are perfectly able to finance the project. Why would the Council not consider that?

Cllr Prescott advised that CLT did not put forward a tangible proposal. It was considered by our advisors and determined that the HA partner would not be able to deliver both sites, because of the complexities linking the two sites already discussed. The points are well made and are captured.

The CLT are asking for the options to acquire the affordable units on completion as part of a contract for sale.

#### 4.3.4 Member of the Public –

Member 1 - Felt that the report was finalised. What about the services, water and electricity especially in recent years, where the village has been without water, power for several days. Cllr Prescott advised that the utilities are engaged with throughout the planning process, that the developers are required in planning to satisfy the LPA.

The children of the village cannot get on the housing register. How do they decide the prices of the houses? We need housing to be more affordable. AiRs advised that that is something that the CLT can help with.

Cllr Prescott agreed, several of us here have young children. There is a contradiction even this evening that the Council are up against in that the CLT are suggesting the affordable units could be bigger, but they will cost more, even subsidised, it will be a slightly bigger house, but more expensive and that is a contradiction in itself that has to be resolved. The Council do not set the planning framework, we are consultees. We can make recommendations, but do not set out the size parameter's, rents etc. You would not get a very basic house through planning because they demand minimum standards have to be met.

Cllr Prescott advised that we are all in agreement and want the same the thing, the challenge is that the HA provide something affordable by making them smaller as queried by the CLT. However, any application would need to conform with DP30 and Policy 9 of the Neighbourhood plan and have regard to the tenure and mix as a policy compliant scheme. The planners would resolve the mix at the point of need, they would dictate that. The housing register shows the current need, it does not mean that they will deliver 17 x 1 bed apartments for example.

Member 2 - Asked for confirmation that correspondence had been received from two previous members of the Council – The Clerk advised that these had been received and any comments will be documented as part of this meeting.

They believe that the Council are not going down the original concept of housing perpetuity.

Cllr Prescott advised that the first plan SPNHP1 in 2011/12 failed at examination. The adopted plan does not have the same requirement or provision for housing in perpetuity. Notwithstanding that the points that have been made surrounding this have been made, noted and will be considered.

#### 4.3.5 Members of Council -

Cllr Bob St George asked AiRs - How do other Councils achieve homes for those on lower income that they can afford and still build them to a national standard where planning isn't compromised; AiRs – All housing associations are taking building public subsidy and have to build to national space standards, unfortunately those standards are mean and most HA's build to that requirement to make the scheme viable. Some can go beyond that if they wish and produce a decent capital receipt.

How can the CLT/HA guarantee housing in perpetuity through a local lettings plan that will ensure that they remain in perpetuity? AiRs - The law is different for the CLT an ordinary RP cannot do this. There is a voluntary opt out of the right to buy or right to acquire which the CLT will opt out of. They have spent a lot of time seeking out a RP that would adopt this.

5. **Slaugham Neighbourhood Plan Review 2021/22 Update:** Members to consider review and amendments to the plan in line with the LPA District Plan: Nothing new to add
6. **Members are asked to consider an independent report prepared on behalf of the Parish Council in relation the land disposal St Martin Close (East).** It is envisaged that the report will assist Slaugham Parish Council in their determination of how best to proceed in respect of the proposed disposal of land owned by the Parish Council, known as St. Martin Close (East).

- 6.1. Prospective Disposal of Land at St. Martin Close (East) - The Chair thanked attendees for joining the meeting this evening and providing comments which some have been very positive and constructive. The Committee are not dismissive of any of them, this is by no means a done deal. If the report gave that view, then we take responsibility for that, if the language was clumsy, but equally the threat of judicial review is not useful, we do not take that likely either.

The CLT stated that they stand by the opportunity to do something unique and they do not understand why the Council will not consider that, and the letter issued has started the clock ticking on a review.

The Clerk asked for confirmation on what is being challenged, to which they confirmed that it was their opinion that the Council do not wish to provide housing in perpetuity.

The Clerk and Cllr Prescott advised that that is not a decision that has been made.

The CLT believe that the letter states that the Council do not want to talk to the CLT anymore, which they believe is unreasonable and that no other Council would reject the opportunity to talk to the CLT about the provision of housing in perpetuity.

The Clerk asked the CLT to write to the Parish Council setting out their position.

The Chair will not be asking the Committee to consider motion 7 at this time to allow them the opportunity to deliberate the comments made at the next convenient meeting.

7. **Members to consider next steps:**

- 7.1. To consider recommendation of the report to Parish Council – The motion has been suspended to consider comments received under item 4 –

8. **Members to consider communications strategy:** Undetermined

9. **Matters for future consideration:** see item 4

10. **Date of the next meeting:** TBA