

# Stratford-on-Avon District Local Development Framework

## Local Choice - meeting the needs of Rural Communities

Supplementary Planning Document



APRIL 2007

# **Local Choice - meeting the needs of Rural Communities Supplementary Planning Document**

## **Contents**

	Page No.
1. Introduction	2
2. Status	2
3. The Local Choice Approach	2
4. What is meant by 'local need' ?	4
5. Local Choice – Local Responsibility	5
6. Meeting housing needs	6
7. Procedure for assessing proposals	7
8. Implementation of the Local Choice approach	9
Appendices	
1. List of Local Centre Villages	11
2. Sources of help and information	12
3. Local occupancy controls and model definitions of 'local connection'	13
4. Sales procedure for local market properties	15
5. Self help housing schemes	18
Sustainability Appraisal	20

## **1. Introduction**

The District Council encourages its local communities to promote sustainable development that meets identified local needs. This approach is set out in the *Stratford-on-Avon District Local Plan Review 1996-2011* ("the Local Plan Review"), notably in Policy COM.1.

This Supplementary Planning Document (SPD) contains guidance on:

- How to identify development needs;
- How proposals should be promoted;
- How the suitability of proposals will be assessed.

Unless otherwise stated, references to policies are to those contained in the Local Plan Review.

## **2. Status**

This SPD was adopted by the District Council on 23 April 2007.

As such it supersedes and replaces:

- The District Council's previous Supplementary Planning Guidance on this topic (adopted April 2003); and
- Paragraphs 7.7 to 7.12 and Appendix 9 of the District Council's Supplementary Planning Guidance on 'Meeting Housing Needs' (adopted June 2006).

Policy IMP.2 in the Local Plan Review provides the context for the publication of this draft SPD.

## **3. The Local Choice approach**

### **i. Policy framework**

Policy COM.1 establishes the principle of 'local choice'. It provides rural communities in Stratford District with an important opportunity to help shape their future. It enables them to identify and determine how their development needs can best be met.

The role of the policy is two-fold:

- It provides for plans prepared by local communities themselves (in the form of Parish Plans or equivalent) to play a central role in the planning process; and
- In the case of Main Rural Centres and Local Centre Villages (as identified in Policy STR.1), it provides scope for planning permission to be granted for schemes that meet needs identified by a local community.

## ii. What it does

In summary, the Local Choice initiative:

- Is an innovative approach to planning in market towns and larger rural villages;
- Enables local communities themselves to assess their own needs and to promote development in response to such needs;
- Reshapes what has, historically, tended to be a 'top down' approach to planning in rural settlements;
- Can be regarded as a 'self-help' tool for local communities;
- Provides particular scope for local communities to bring forward proposals to meet identified needs for new housing – particularly affordable housing;
- Covers other forms of development, for example local employment opportunities and community facilities.

## iii. Role of Parish Plans

By virtue of Policy COM.1, adopted Parish, Village and Town Plans play a vital role in informing planning decisions. For convenience, references in this SPD to 'Parish Plans' relate to all such plans of this nature.

All local communities are therefore encouraged to prepare and adopt Parish Plans, and to keep them under review. Many such Plans have already been adopted; some of these can be viewed on the Council's website and all are available for inspection.

Their role includes:

1. Identifying particular development needs that a local community wishes to have met;
2. Promoting or supporting specific locations where these needs can be met; and
3. Providing guidance on the nature and form of such development to assist the preparation of detailed schemes.

It is nevertheless recognized that there may be circumstances where development proposals cannot readily be assessed against an adopted Parish Plan. These are discussed in more detail in Section 5 below.

## iv. Context

The Government's Planning Policy Statement 3 (PPS3): Housing, post-dates the adoption of the Local Plan Review. However, it confirms the validity of the Plan's strategy towards meeting the needs of rural communities.

The Local Plan Review explains that new development – particularly for housing and employment purposes – is generally restrained within Stratford-on-Avon District. This is in order to help implement the long-term strategic objectives of

the West Midlands Regional Spatial Strategy, which aims to facilitate the regeneration of major urban areas.

However, it is also recognised that it may be beneficial and indeed necessary to allow scope for development in certain circumstances to meet identified local needs. Hence Policy COM.1 provides the framework for the operation of the 'Local Choice' initiative.

The MRCs identified in Policy STR.1 are: Alcester, Bidford-on-Avon, Henley-in-Arden, Kineton, Shipston-on-Stour, Southam, Studley and Wellesbourne.

A list of LCVs current at the time of publication of this document is provided at **Appendix 1**.

For those, generally smaller, settlements not defined as MRCs or LCVs the view is taken that there are insufficient facilities and services available at the present time to enable them to provide a focus for additional development in a form that would be sustainable. The development of small-scale affordable housing schemes may assist in developing the sustainability of those settlements. Accordingly, where such communities have identified a specific need, Policy CTY.5 provides a framework for promoting rural 'exception' schemes.

The implementation of the Local Choice initiative will be assessed in the context of the review of the Regional Spatial Strategy and also the Local Development Framework that the District Council will produce to replace the Local Plan Review. Both will cover the period up to 2026. Once this process is concluded, this SPD will be reviewed and amended as necessary.

#### **4. What is meant by 'local need' ?**

'Local need' can take various forms, for example:

- It is anticipated that **housing provision**, particularly the need for affordable housing, will feature prominently in Parish Plans. Specific guidance on this important topic is therefore provided in this document.
- The need for improved **employment opportunities** particularly for local people and to support rural businesses. However, the relationship between jobs and the availability of housing has to be carefully considered. It is also necessary to acknowledge that the planning process is not generally able to control the occupancy of buildings in business use.
- A range of **community facilities** would be eligible for consideration, including public open space, leisure, retail, education and health. In many cases there is unlikely to be an objection in principle to such proposals, but an explanation of the need identified would be useful in clarifying the purpose of such facilities.
- In addition, opportunities may arise for schemes to secure significant **environmental improvements** to the physical fabric of the area. However, such schemes should be essentially local in impact and not be based on a proposal for development that would have wider implications.

Research and surveys should be used to identify the nature of any needs and a community's aspirations. The findings should then inform the preparation of Parish Plans. Copies of adopted local housing needs surveys are available to view and download from the District Council's website.

Ordinarily it is expected that the 'local need' to be met by proposed development will relate exclusively to the town or village and surrounding parish where the need arises. However, there may occasionally be special circumstances where a justification for development may legitimately relate to a wider catchment area. This dispensation will only apply in the case of sites in MRCs on account of the role they play in serving a wider rural hinterland. This is a matter for Parish Plans to address.

## **5. Local Choice – Local Responsibility**

At the outset it should be stressed that the principle embodied in Policy COM.1 is one of being community-led; it is the community that should be identifying the 'need' in the first place rather than a landowner or developer making the first move.

It is therefore important for all local communities in MRCs and LCVs, including their Parish/Town Councils, to be aware of the responsibility that the Local Choice initiative creates. In particular, they should:

- Consider and keep under review the steps needed to assess and address their own needs; and
- Ensure that the process of preparing or reviewing a Parish Plan (and any associated research) involves the whole community.

Help and advice on these tasks is available from the District Council and the Rural Housing Enabler (see **Appendix 2**).

It is vital that Parish Plans should be produced in such a way that the needs and aspirations of all sections of the community can be identified. The overall credibility and effectiveness of the Local Choice initiative would be undermined if this is not the case.

It is reasonable, however, for a landowner or developer to respond to a 'need' that has been identified by a community and to propose how it might be satisfied. Parties who wish to promote a scheme are advised to first contact the relevant Parish Council, and any body which has been set up by the community to produce a Parish Plan, to discuss their ideas.

When a scheme comes forward purporting to meet a local need it will be assessed against the relevant Parish Plan that has been adopted by the District Council as a material planning consideration. Provided the proposal is consistent with the provisions of the Parish Plan, and the criteria of Policy COM.1 and other relevant planning considerations, the application will normally be supported.

Occasionally, there may be circumstances where a proposal cannot readily be assessed against a Parish Plan. For example, a pressing local need may have been identified but:

- No firm arrangements are in place to produce or review a Parish Plan (including associated survey work); or
- A Parish Plan may have been produced but not deal with the matter in sufficient detail.

Also, an opportunity may arise which could not have been anticipated and needs to be responded to in an appropriate manner, eg. the redevelopment of a 'bad neighbour' use.

In such circumstances, it would be unreasonable to preclude consideration of a bona fide proposal provided there is sufficient reliable evidence that it would meet the local need that has been identified and it has been the subject of appropriate community engagement at pre-application stage.

Therefore, Policy COM.1 specifically allows for alternative sources of reliable evidence to be taken into account in the absence of a Parish Plan. Section 8 provides guidance in relation to such cases.

## **6. Meeting housing needs**

It is a key objective of the District Council's Corporate Strategy 2005-08 and Housing Strategy 2006-11 to provide a range of housing accommodation to meet the needs of different sections of the community and, in particular, to increase the supply of affordable housing in rural areas to meet local needs.

Because it is anticipated that meeting the housing needs of local residents will feature as a high priority in most Parish Plans, further specific information on this topic has been included in this document.

The preparation of Parish Plans provides an ideal opportunity to gauge local housing needs. The Parish Plan itself can then put forward proposals for meeting those needs by identifying a specific site or alternative sites. Most often the requirement is likely to be for affordable housing, although the Local Choice approach also provides scope for the provision of local market housing.

A good evidence base must underpin all development proposals. Ensuring public confidence in the impartiality and reliability of local housing needs surveys is vital. More detailed advice on undertaking such surveys is available on the District Council's website. If the circumstances described in Section 5 of this SPG apply, the extent to which this advice has been followed will be taken into account when considering the reliability of any alternative sources of evidence, in accordance with Policy COM.1.

Further information is available from the contacts listed in **Appendix 2**. Warwickshire Rural Community Council employs a Rural Housing Enabler to promote the provision of affordable homes in rural communities. He/she should always be consulted before undertaking any survey, as should the relevant Parish/Town Council and the District Council's Housing Service.

Examples of the types of housing need that could be identified in a Parish Plan include:

- Affordable housing for local people, for example, to enable young families to remain living in a village.
- Specialised types of housing, for example 'extra care' accommodation for older people or homes for 'key workers'.
- Local market housing; that is to say homes built for sale to existing residents of a town/village this enabling purchasers to satisfy their housing needs using their own resources.

In all cases, it is emphasised that schemes must reflect a local need identified as part of the appraisal process. In other words, factors such as the number, cost, tenure, occupancy and design of the proposed dwellings must all reflect the nature of the housing need.

i. Local occupancy controls

The Council will need to be satisfied that all such housing is first provided and subsequently retained to meet identified local needs and does not undermine strategic policies. Its occupancy must in all cases be regulated by a legal agreement (known as a planning obligation or Section 106 Agreement).

More detailed information on the use and content of such legal agreements is provided in **Appendices 3** and **4**. The clauses set out in these Appendices may be subject to variation over time and/or depending on the particular circumstances of an individual case.

ii. 'Self-help' housing schemes

Very occasionally, there may be opportunities for households within a local community covered by the Local Choice initiative to come forward with 'self-help' housing solutions. The District Council will consider carefully the merits of such schemes whilst at the same time ensuring that public confidence in the Local Choice approach is maintained and potential abuse is avoided. Further guidance on this issue is provided in **Appendix 5**.

## **7. Procedure for assessing proposals**

This section provides advice to applicants and other interested parties on how the District Council will assess the merits of individual proposals. It also draws attention to the information that will be required as part of, or in support of, an application.

In providing scope for the Local Choice approach, it must be stressed that the District Planning Authority remains responsible for determining planning applications. In doing so, it has to take into account a wide range of planning matters. As a result, a particular form of development may be compatible with national and local planning policies even though the local community does not support the scheme. In such cases it may be unreasonable for planning permission to be refused. In other cases, it may be necessary to refuse planning permission for a scheme that the local community supports because certain planning considerations are not satisfied.

The District Planning Authority will assess the accessibility, location, design and landscape impact of proposals. Guidance on these and other issues is available separately, eg. District Design Guide. Relevant planning criteria must still be met, even if a proposal has the support of a local community. Subject to this point, the views of a local community on the principle of a proposal will be given considerable weight in accordance with the following approach:

1. Their views will be given considerable weight when expressed through an adopted Parish Plan, provided they are clearly either in favour of or against the development proposed. If there is any doubt on this point, the promoter must, at pre-application stage, seek the written support of the Parish/Town Council concerned.

2. However, in the circumstances described in Section 5 (such as where an adopted Parish Plan is not in place and there is no prospect of such a Plan being produced within a reasonable time-frame), whilst the views of local residents on the principle of a proposal will still be given considerable weight, such views may need to be balanced against reliable evidence of local need for the proposal produced by another party. It is essential that any research carried out is independent and unbiased. The evidence submitted will be verified by the District Council as necessary. The verification process will be expected to take place substantially at the pre-application stage.

It is also important to note that any community benefits that may be offered as part of a proposal must be reasonably related to the scheme in accordance with the provisions of Circular 05/2005 on 'Planning Obligations'.

It is essential that the following procedure is followed rigorously in order to:

1. Maintain the integrity of the Local Choice initiative and thus the confidence of local communities in its operation, and
2. Facilitate the delivery and implementation of schemes brought forward under the initiative in order to meet a local need.

To ensure that a planning application can be favourably and expeditiously considered it is essential that the following supporting information is provided at the time when the application is submitted:

1. A reasoned justification for the proposed development in terms of the evidence of local need (by reference to surveys etc.) and an explanation of the 'fit' of the proposal to the identified need.
2. Optimally, proposals will arise from an adopted Parish Plan. Thus:
  - (i) A supporting statement must therefore accompany the application referring to that Plan, identifying its relevant provisions, and explaining how it conforms to those provisions, or
  - (ii) Exceptionally, in the circumstances described in Section 5 of this SPD, a statement must be provided containing full details of the circumstances applying together with evidence that prior consultation has already taken place with the relevant Parish/Town Council and, in the case of housing schemes, the Council's Housing Service, together with copies of their responses.
3. A statement providing full details of the community engagement exercise undertaken at pre-application stage, including an explanation of how the views expressed by the local community have been reflected in the final proposals.
4. A Design and Access Statement as introduced by the Planning and Compulsory Purchase Act 2004.
5. A draft planning obligation in accordance with the following principles:
  - (i) The planning obligation must be based on this Authority's model form of obligation (including the provisions in Appendices 3 and 4, where appropriate).

- (ii) Prior consultation must have taken place with: the relevant Parish/Town Council; the Council's Head of Member Services; in the case of housing schemes, the Council's Housing Service; and other parties where applicable.
  - (iii) The draft obligation must be accompanied by (i) evidence of title to the land and (ii) an undertaking on behalf of the applicant to meet the Council's reasonable legal costs in connection with the processing of the agreement.
6. Copies of (i) a local lettings scheme and (ii) any model shared ownership lease (referred to in the planning obligation), where applicable.

If the information listed above is not provided at the time the application is submitted, permission will be refused on account of insufficient material being provided by which to assess the basis of the proposal. In order to avoid delay and ensure that service standards are met, the case officer concerned will not normally seek additional/missing information.

Subject to the delegation arrangements currently in force, applications may be determined by the Head of Planning Services or, following referral, by the relevant Area Planning Committee.

## **8. Implementation of the Local Choice approach**

This section provides information about certain issues relating to the implementation of the 'Local Choice' initiative.

### **i. Roles for development bodies**

In addition to their role in preparing Parish Plans, local communities should consider the role they may wish to play in the actual implementation of 'Local Choice' schemes and the future management arrangements required to ensure effective delivery. This is a matter of judgment for the local community concerned.

Local communities may wish to secure a direct and permanent stake in 'Local Choice' development. This may assist in developing their capacity and self-reliance. Particularly in the case of employment-related development, this could be achieved through mechanisms such as community land trusts and Community Interest Companies (CICs). However the time and other demands involved in setting up such bespoke initiatives should not be under-estimated.

In the case of housing schemes, it will usually be more appropriate and efficient for the local community concerned to invite one of the District Council's partner housing associations (listed in **Appendix 2**) to promote the development in question, and manage it upon completion.

As noted in Section 5, there may be a legitimate role for land owners and developers in promoting development schemes. However, in order to maintain public confidence in the initiative it is essential to define the circumstances in which such involvement is considered acceptable, namely:

1. where proposals are in accordance with an adopted Parish Plan, or

2. where an adopted Parish Plan exists but the proposals address an unmet local need not identified in the Parish Plan and are supported by appropriate reliable evidence, or
3. where no Parish Plan (or relevant part) has been adopted by the District Council, the proposals address an unmet local need identified by appropriate reliable evidence.

In all cases the promoter must have undertaken a community engagement exercise. A report on the outcome of that exercise must accompany any planning application.

ii. Land values

It is intended that the strategy and policies of the Local Plan Review and this SPD will help more effectively meet local needs, by adopting a more sensitive and discerning yet flexible approach to the release of land for housing development. This should also boost public confidence in the planning process.

Because the new policy approach is intended to apply in the long term, one of its effects should be to exclude competition for residential land at unfettered open market values whilst at the same time providing scope for the sale of land that would not otherwise carry any residential development potential – or ‘hope’ value. In this way, there is an incentive for the creation of a local land market. This will enable land owners to sell land at values significantly lower than open market value but higher than existing use (generally agricultural) value.

iii. Compulsory purchase

It is anticipated that sites for development under the initiative will normally be secured through negotiation and voluntary agreement between land owners and interested parties. The initiative should improve the choice and availability of sites.

However, it is conceivable that there may be circumstances where negotiations are unsuccessful and/or complex land assembly issues arise, yet site acquisition is necessary to meet a pressing local need. If the circumstances are sufficiently compelling, the District Council is prepared to consider the use of Compulsory Purchase Orders (CPOs), on behalf of local communities, to facilitate land assembly.

The basis for calculating compensation payments is set out in legislation, but such payments are likely to be below unfettered open market values for the reasons explained above. Bodies petitioning the District Council to make CPOs on its behalf will be required to indemnify the Council in respect not only of any compensation payments but also in respect of all associated legal and other costs.

## **Appendix 1**

### **List of Local Centre Villages** (as at April 2007)

Bishops Itchington  
Brailes  
Claverdon  
Ettington  
Fenny Compton  
Harbury  
Illmington  
Lighthorne Heath  
Long Compton  
Long Itchington  
Napton-on-the-Hill  
Newbold-on-Stour  
Quinton  
Salford Priors  
Snitterfield  
Stockton  
Tiddington  
Tysoe  
Welford-on-Avon  
Wilmcote  
Wootton Wawen

## **Appendix 2**

### **Sources of help and information**

Development and Enabling Officer, Stratford-on-Avon District Council  
Telephone: 01789 260843

Planning Policy Team, Stratford-on-Avon District Council  
Telephone: 01789 260314

Warwickshire Rural Community Council:  
25 Stoneleigh Deer Park, Stareton, Kenilworth CV8 2LY  
Telephone: 02476 531280

County Highway Authority:  
Warwickshire County Council, Shire Hall, Warwick CV34 4SX  
Telephone: 01926 410410

Environment Agency:  
Sentinel House, 9 Wellington Crescent, Fradley Park, Lichfield, Staffordshire  
WS13 8RR  
Telephone: 01543 404971

Natural England (West Midlands Region):  
1<sup>st</sup> Floor, Vincent House, Quay Place, 92-93 Edward Street, Birmingham B1 2RA  
Telephone: 0121 233 9399

The Stratford Housing Partnership comprises the District Council and the following housing associations:

Bromford Housing Group  
Holly Farm Business Park, Honiley, Kenilworth, Warwickshire CV8 1NP  
Telephone: 01926 485378

Gloucestershire Housing Association  
2 St Michael's Court, Brunswick Road, Gloucester GL1 1JB  
Telephone: 01452 541810

Jephson Group of Housing Association  
1<sup>st</sup> Floor, Trafalgar House, King Street, Dudley DY2 8PS  
Telephone: 01384 231516

South Warwickshire Housing Association  
10 Greenhill Street, Stratford-upon-Avon, Warwickshire CV37 6LG  
Telephone: 01789 404418

Warwickshire Rural Housing Association:  
Whitlock Business Centre, Stenson Road, Coalville, Leicestershire LE67 4JP  
Telephone: 01530 276545

## **Appendix 3**

### **Local occupancy controls and model definitions of 'local connection'**

In the case of new housing provided through the 'Local Choice' approach, it is essential that robust arrangements are put in place to ensure that properties are and remain occupied only by people with local connections and more generally that all such schemes satisfy the Council's adopted policies.

Accordingly, the occupancy of all such properties will need to be regulated by a planning obligation (Section 106 Agreement). No property should be let, sold or occupied otherwise than in accordance with the terms of the relevant Agreement.

The local community concerned has a role to play in determining what local occupancy controls to propose in relation to any particular scheme. The full text of the required planning obligation must therefore be the subject of pre-application consultation with the relevant Town/Parish Council on behalf of the local community concerned. Further, the draft planning obligation must accompany any planning application, as described in section 7 of this SPD.

Such Agreements should incorporate a set of standard Local Occupancy Criteria as set out below and provide that occupancy of the dwellings to which it relates is restricted to "Qualifying Persons" as defined below. Similar arrangements have been applied successfully in a wide range of affordable rented and shared ownership schemes and are also appropriate for local market housing (see **Appendix 4**).

In the case of affordable housing, nominations of tenants or purchasers of properties will normally be made from applicants on the Council's Housing Register. In the case of local market housing, the arrangements set out in **Appendix 4** will apply.

It is recommended that the following clauses be included within a schedule to the relevant Agreement. [NB. The clauses set out in this Appendix may be subject to variation over time and/or depending on the particular circumstances of an individual case.]

1. For the purpose of this [Schedule] a Qualifying Person shall mean a person who either
  - i. Was born in the parish of \*\*\*\*\*, or
  - ii. Presently resides in the parish of \*\*\*\*\* and has been lawfully and ordinarily resident within that parish for a continuous period of not less than twelve months, or
  - iii. Is presently employed or self-employed on a whole time basis in the parish of \*\*\*\*\* and whose main occupation has been in the parish of \*\*\*\*\* for a continuous period of not less than twelve months, or
  - iv. Presently has a close family member lawfully and ordinarily resident within the parish of \*\*\*\*\* and who has been lawfully and ordinarily resident within the parish for a continuous period of not less than three years and for the purposes of this clause a "close family member" shall mean a mother, father, brother, sister, son or daughter."

In the case of affordable housing schemes only, inclusion of the following "displacement" and "cascade" clauses may also be appropriate:

- v. "Was lawfully and ordinarily resident within the parish of \*\*\*\*\* for a continuous period of not less than three years but has been forced to move away because of the lack of affordable housing.
  - vi. Would qualify in respect of any one of more criteria (i) to (v) above but in respect of any one of the following parishes (being parishes immediately adjacent to the parish of \*\*\*\*\* within the District of Stratford-on-Avon) namely
    - (a) \*\*\*\*\*
    - (b) \*\*\*\*\*
    - (c) \*\*\*\*\*"
2. The dwellings shall not at any time be occupied other than by a Qualifying Person or any of the following:
- i. a wife or husband of a Qualifying Person (or any person enjoying equivalent rights of assignment or succession under the provisions of the Civil Partnership Act 2004) or
  - ii. a resident dependent of a Qualifying Person or
  - iii. a dependent of a wife or husband of a Qualifying Person who either at the commencement of his or her occupation lived with the Qualifying Person or has subsequently lived in the dwelling with the Qualifying Person.

## **Appendix 4**

### **Sales procedure for local market properties**

The District Council will apply a mechanism to control the occupancy of market dwellings that are provided as part of any 'Local Choice' scheme. This is seen to be a legitimate and reasonable extension of the approach since it would clearly undermine the justification and purpose of a scheme if market dwellings could be made available on the open market at the outset, or subsequently, to those without a local connection.

However, unlike the position with affordable housing, the District Council will not have a role in nominating purchasers or tenants of properties. It is therefore essential that mechanisms for monitoring and enforcement of planning obligations are self-regulating.

In accordance with the above principles, this Appendix sets out a set of model procedures to be followed in the initial marketing and sale of properties and their subsequent re-sale, as the case may be. These procedures are intended to provide the fairest, most practical and enforceable means of implementing the 'Local Choice' approach in relation to local market housing.

It is recommended the following clauses be included as a schedule to the relevant Agreement. [NB. The clauses set out in this Appendix may be subject to variation over time and/or depending on the particular circumstances of an individual case.]

#### **A. PROCEDURE ON FIRST SALE**

1. Prior to the commencement of the Development, a Marketing Plan shall be submitted to and approved by the District Council.
2. The relevant properties shall be marketed only in accordance with the approved Marketing Plan.
3. The District Council and relevant Parish/Town Council shall be notified of the availability, asking price and intended start date for the marketing of any property prior to the commencement of such marketing.
4. The developer shall (at their expense) obtain two independent valuations of each property. Such valuations shall specifically take into account the local occupancy restrictions set out in Appendix 3. The average of the two valuations shall be used to determine the price of each property unless they differ by more than 5% in which case a third valuation will be taken and the average of the two closest ones used to determine the price.
5. The relevant properties shall be marketed for sale to qualifying persons within the meaning of Appendix 3 at a price not exceeding the average of the independent valuations.
6. Provided that the relevant properties shall have been continuously marketed for a period of not less than three months (calculated in accordance with clause A7 below) but in any particular case remain unsold or unleased, the Developer may then continue to offer such property for sale at a price not greater than the Independent

Valuation but to any purchaser irrespective of whether they are a Qualifying Person within the meaning of Appendix 3.

7. The start of the minimum period of three months referred to in clause A6 shall be calculated by reference to:
  - (i) the date on which the property is first offered for sale in accordance with the Marketing Plan, or
  - (ii) the date on which an offer to purchase a property (such offer having previously been accepted by the Developer) is withdrawn prior to the exchange of contracts for the purchase of that property, or
  - (iii) the date on which a Certificate of Practical Completion is issued;

whichever shall be the latter date.

8. Following exchange of contracts for the sale of the relevant properties (but in any event prior to completion in each case) particulars of the sale shall be notified to the District Council. A statement of particulars shall include the following matters (i) the intended date of completion (ii) the price paid for the property (iii) the name(s) and previous address(es) of the purchaser(s) and (iv) a statement of the eligibility (if any) of the purchaser(s) with reference to the local occupancy restrictions as set out in Appendix 3.
9. In the case of the letting of a relevant property, references to the letting or rent for such property shall be substituted for references to the sale or sale price of such property as the case may be.

#### B. PROCEDURE ON SUBSEQUENT RE-SALES

1. Prior to the property being marketed, the Owner shall obtain (at his/her own expense) an Independent Valuation of his/her property in accordance with A4 above.
2. The District and Parish/Town Councils shall be notified of the availability, sale price and intended start date for the marketing of any property prior to the commencement of such marketing.
3. The property shall be marketed for sale to qualifying persons within the meaning of Appendix 3 at a price not exceeding the Independent Valuation determined in accordance with A4 above.
4. Provided that the relevant property shall have been continuously marketed for a period of not less than three months (calculated in accordance with clause B5 below) but remains unsold the Owner may then continue to offer the property for sale at a price not greater than the Independent Valuation but to any purchaser irrespective of whether they are a Qualifying Person within the meaning of Appendix 3.

5. The start of the minimum period of three months referred to in clause B4 shall be calculated by reference to:
- (i) the date of the notification given in accordance with clause B2, or
  - (ii) the actual date on which marketing commenced, or
  - (iii) the date on which an offer to purchase a property (such offer having previously been accepted by the Owner) is withdrawn prior to the exchange of contracts for the purchase of that property;

whichever shall be the latter date.

6. Following exchange of contracts for the sale of the property (but in any event prior to completion) particulars of the sale shall be notified to the District Council. A statement of particulars shall include the following matters (i) the intended date of completion (ii) the price paid for the property (iii) the name(s) and previous address(es) of the purchaser(s) and (iv) a statement of the eligibility (if any) of the purchaser(s) with reference to the local occupancy restrictions set out in Appendix 2.
7. In the case of the letting of a relevant property, references to the letting or rent for such property shall be substituted for references to the sale or sale price of such property as the case may be.

## Appendix 5

### Self help housing schemes

There may be certain circumstances where local households are able to come forward with 'self-help' housing solutions. Such schemes are important because they provide a means by which households (who would otherwise be unable to afford to buy or rent a home locally on the open market) could satisfy their own housing need without recourse to public funds, which may be better invested elsewhere. The District Council therefore wishes to encourage such initiatives whilst at the same time maintaining public confidence in them and avoiding potential abuses. Proposals will therefore be assessed against the following criteria.

(1) **Family-owned land**

Very occasionally, an established local family may own land in a town or village that is suitable for building a single dwelling for their own occupation, or that of a close household member. In such circumstances, proposals will be supported provided *all* the following criteria are met:

(a) The proposal is for a single permanent dwelling.

And

(b) Either:

(i) The need and acceptability for such a dwelling is specifically identified in an adopted Parish Plan

Or

(ii) The proposal has the written support of the local Parish/Town Council, following completion of a local housing needs survey.

And

(c) Satisfactory evidence is submitted to demonstrate that:

(i) The family or household member concerned has a strong local connection (see **Appendix 3** of this SPD), and;

(ii) The land in question has been in the ownership of the family concerned for a period of at least five years, and;

(iii) The proposed dwelling is the most appropriate means of satisfying an unmet housing need of the family in question, or a close household member, and who would otherwise be unable to satisfy such need locally on the open market. In assessing the acceptability of such evidence, it will be expected that the size, type and cost of dwelling proposed is proportionate to the profile of the household and resources available to it

and that no available accommodation has previously been sold.

And

- (d) A planning obligation is completed restricting:
  - (i) The ability to implement the related permission solely to the household or family member concerned, and;
  - (ii) The initial occupancy of the dwelling to that household or family member and future occupancy to a household with strong local connections.

(2) **Self-build housing**

Very occasionally, there may be circumstances in which an individual household having, or a self-build co-operative all of whose members have, a strong local connections are willing and able to build a home or homes for their own occupation. Such proposals will be supported provided *all* the following criteria are met:

- (a) All the criteria at (1)(a) and (b) above are met, with the exception of (1)(a) (where not applicable) and (1)(b)(ii).

And

- (b) A planning obligation is completed restricting:
  - (i) The ability to implement the related permission solely to the household or self-build co-operative concerned in accordance with a self-build agreement, and;
  - (ii) The occupancy of the dwelling or dwellings upon completion to the applicant(s).
  - (iii) Subsequent re-sales to households with a local connection in the first instance, in accordance with Appendix 4 of this SPD.

## **Sustainability Appraisal**

### **1. Introduction**

- 1.1 At the core of the need to carry out a Sustainability Appraisal of Local Development Documents (LDD) and Supplementary Planning Documents (SPD) is the fundamental objective of the planning system to facilitate the delivery of the government's planning policy objective of achieving sustainable development. Sustainable development and the objectives it seeks to achieve give us the opportunity to revisit some of the original principles of social equity, the management of economic impacts, and proper mitigation of the environmental consequences of development. The shift in ethos of the planning system from land use planning to spatial planning provides a useful platform for the planning system to contribute significantly towards sustainable development.
- 1.2 It is often very difficult to balance the potential tensions that might exist between social, economic and environmental objectives. Sustainability Appraisal is a means for ensuring that a good balance is achieved between the three dimensions of sustainable development. It enables a critical assessment of each policy or proposal and the contribution they make towards sustainable development. It also enables weaknesses in plans to be identified and mitigation measures introduced to make them as sustainable as they could possibly be. More importantly, it enables these considerations to be taken into account at the early stages of the development plan process.
- 1.3 Sustainability Appraisal of Development Plan Documents and Supplementary Planning Documents is a requirement of the Planning and Compulsory Purchase Act of 2004 and encompasses the provisions of European Union Directive 2001/42/EC (SEA Directive), which require an assessment of the effects of certain plans and programmes on the environment. The key purpose of this European Directive is to provide adequate protection for the environment and contribute to the integration of environmental considerations into the preparation of plans and programmes.
- 1.4 The overall goal of the Stratford-on-Avon District Local Plan Review is "to make a significant contribution to the United Kingdom's (UK) sustainable development strategy by meeting the social and economic needs of communities throughout the District whilst maintaining effective protection of the environment and ensuring the prudent use of resources". This goal acknowledges the important role that the Local Plan can play in supporting the socio-economic needs of local communities and promoting sustainable development.
- 1.5 The District Local Plan has already undergone a thorough Sustainability Appraisal as part of its preparation. The Appraisal Report was published in January 2002 and a full copy of the Sustainability Appraisal is available on request. The appraisal was independently verified to ensure its objectivity and the soundness of its approach. It was therefore an influential piece of work in defining the social, economic and environmental objectives of the plan. In preparing the Sustainability Appraisal, the Council was concerned to ensure that the provisions of the SEA Directive had been met. Although it was not a requirement at the time, the Council did so because it had recognised that the concept of sustainable development encompasses a

far broader agenda than just the consideration of environmental issues. It is intended that the evidence base used to underpin the appraisal of the District Local Plan will be developed more fully under the new Local Development Framework.

- 1.6 The methodology for carrying out sustainability appraisals and the evidence base required has moved on since and it is expected that the sustainability appraisal of the Local Development Documents will take that on board.
- 1.7 In clarifying the operational details of Policy COM.1 in the District Local Plan and to help promote and implement the concept of 'Local Choice' across the District, the Council prepared a Supplementary Planning Guidance entitled 'Meeting the needs of the District's rural communities', which was adopted in April 2003. This Sustainability Appraisal is an integral part of the conversion of the guidance to the status of a Supplementary Planning Document.

## **2. Key objectives of Policy COM.1**

- 2.1 The policy embodies the principle of 'Local Choice', providing rural communities with the opportunity to identify their needs and how they can be satisfied. This is particularly important in the context of a regional strategy that generally seeks to concentrate development in the main towns and cities and a Local Plan strategy that identifies Stratford-upon-Avon town as the focus of most development in the District.
- 2.2 Such an approach gives scope to provide small-scale housing and employment opportunities to meet the specific needs of an individual community. This process can help to support the social and economic health of its residents and businesses, sustain local services and encourage self-help and local determination.

## **3. Baseline Information**

- 3.1 The District comprises about 250 towns and villages spread over an area of 979 sq.km, making it by far the largest District in Warwickshire and one of the largest in England. It has a population of about 112,000 people (2001 Census). The unemployment rate is about 1.2% compared to the UK average of 2.5%. The average household income of about £29,600 is above the national average of £26,200. In 2001, there were about 49,000 homes. Half the households have two or more cars.
- 3.2 The combination of these factors and the healthy economy of the District, together with its attractive environment, create significant pressures on the housing market in the District. The average value of an open market dwelling in Stratford District is £263,505 (at 2005), well above the average for England & Wales of £194,589. As a result, many households cannot get onto the property ladder and look to the provision of rented or shared ownership dwellings.
- 3.3 It is important that planning policies provide some scope to respond to this situation, albeit set within the strategic framework. Not to do so would have a negative impact on the future of our rural communities.

#### **4. Sustainability Appraisal Process**

- 4.1 Government guidance on the Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents, published in November 2005, sets out five key stages for the preparation of sustainability appraisals of SPDs. These are:
- setting the context and objectives, establishing the baseline and deciding on the scope
  - developing and refining options and assessing effects
  - preparing the sustainability appraisal report
  - consulting on Draft SPD and Sustainability Appraisal Report
  - monitoring the significant effects of implementing the SPD.
- 4.2 However, the provisions of the government guidance allow scope for specific exemptions to be made from undertaking a sustainability appraisal where an SPD would, in itself, have no significant effects. A key question is whether an exemption would apply to this particular SPD. An assessment has been undertaken in accordance with the government guidance on screening to determine whether an exemption would apply to this SPD.
- 4.3 As a result, it has been concluded that a full sustainability appraisal would not be needed in this particular instance because the SPD would have no significant social, economic and environmental effects beyond those already appraised in relation to the parent policy in the adopted District Local Plan Review.
- 4.4 This position is taken because, first, the SPD does not go beyond the provisions of Policy COM.1 in terms of its scope and purpose and, second, is procedural in nature. Furthermore, it only applies to Main Rural Centres and Local Centre Villages, as identified in Policy STR.1 in the District Local Plan. Consequently, its geographic and physical implications are consistent with the overall strategy of the Plan that has already been subject to the rigours of a Sustainability Appraisal and Public Inquiry.
- 4.5 The Planning and Compulsory Purchase Act requires the Local Planning Authority to produce a Sustainability Appraisal Report for all LDDs, including SPDs, regardless of whether there are likely to be any significant effects. Because the SPD has been judged not to require a full sustainability appraisal, the SA Report is a commentary on the sustainability effects of the relevant parent policies of the District Local Plan Review as recommended by the government guidance.

#### **5. Assessment of the Sustainability Effects of Parent Policies**

- 5.1 As stated above, the SA Report is a commentary on the sustainability effects of the parent policies in the District Local Plan on which the SPD is based. These are taken to be:
- Policy STR.1 Settlement Hierarchy
  - Policy STR.4 Previously Developed Land
  - Policy COM.1 Local Choice
  - Policy COM.17 Rural Employment
- 5.2 A commentary is given below on how each of these policies contributes towards the achievement of the social, economic and environmental objectives of the Plan. It also considers the effects of these policies on the

elements of sustainable development established as the framework for the Sustainability Appraisal. This commentary is informed by the outcome of the Sustainability Appraisal of the District Local Plan.

- 5.3 The objectives of the Plan and the elements of sustainable development as established in the original Sustainability Appraisal are listed below:

Objectives of the Plan

- satisfy housing need
- satisfy employment need
- secure high quality design
- protect landscape character
- foster biodiversity
- protect historic heritage
- promote alternative modes of transport
- facilitate energy conservation
- sustain water resources
- assist rural diversification
- stimulate rural centres
- promote Stratford Town Centre
- support sustainable tourism
- provide leisure opportunities

Elements of sustainable development

- facilities
- accessibility
- jobs
- housing
- design
- energy conservation
- archaeology
- amenity
- heritage
- landscape
- soil
- minerals
- wildlife
- non-renewable fuels
- water
- air quality

- 5.3 The effects of the parent policies on the objectives of the Plan and the elements of sustainable development are analysed in the table below.

Figure 1: Assessment of Parent Policies

Policy	Effect of Policy on Objectives of Plan	Effect of Policy on elements of sustainable development
STR.1	This policy has some positive and neutral effects on the objectives of the Plan. On the one hand, it serves to concentrate most development in the larger settlements in the District, particularly Stratford-upon-Avon, which has some effect on reducing the need to travel by car and conserving energy. Conversely, this approach can mean that the housing and employment needs of rural communities are not met.	The policy has various effects which can pull in different directions, particularly in relation to the availability of homes, jobs and services and access to them.
STR.4	This policy seeks to concentrate most development on brownfield land. Generally, it has a strong positive impact on objectives relating to landscape, heritage and resources.	The policy has strong positive effects but can have a detrimental impact if a site has ecological value.
COM.1	This policy is designed to meet local needs. It is judged to have a significant positive impact on the objectives of the Plan, particularly in relation to satisfying housing and employment needs where they arise.	The policy has strong positive effects. In particular, it has the potential to meet a wide range of social needs of local people.
COM.17	This policy supports the provision of local employment opportunities through a number of means including 'Local Choice' schemes.	The policy seeks to ensure that those living in rural areas have access to job opportunities.

## 6 Specific Effects of implementing the SPD

- 6.1 The SPD has been judged not to have any significant effects beyond those already appraised in relation to the parent policies of the District Local Plan. However, there are some potential marginal effects which should be acknowledged. On the social front, by seeking to facilitate housing to meet local need, it is expected that the implementation of the SPD will further enhance social inclusion within communities.
- 6.2 The economic impacts of the SPD are less certain to predict because it is more difficult to control the occupancy of workspace to local companies or to those that are most likely to provide jobs for local people.
- 6.3 As for environmental impact, much will depend on the sites that come forward for consideration. However, it is not anticipated that a development to meet a proven local need would be supported if it would cause demonstrable harm to the environment.

## **7 Key Conclusions**

- 7.1 The purpose of the above analysis is to confirm the sustainability credentials of the parent policies, which underpin the SPD. In particular, it assesses whether the parent policies are able to deliver the objectives of the Plan and also how the policies impact on the key elements of sustainable development. Overall, the policies have strong links with the objectives of the Plan and there are very few instances where policies could have a negative effect on the elements of sustainable development.
- 7.2 Although the SPD has been judged not to have any significant effects beyond those already appraised in relation to the parent policies of the District Local Plan, there are some potentially positive effects regarding its impact on social inclusion. Overall, it is expected that the adoption of the SPD will support the Council's objective of achieving sustainable development in the District.