

## **Freshford & Limpley Stoke Neighbourhood Plan**

### **Interim Report of the Planning & Development Group: October 2012**

This group's initial and expanded remit is set out below under 'Starting out'. However, its title points to the extent to which its work is different from that of the other three groups: Facilities & Services, Environment & Landscape, and Transport & Movement. Planning & Development are concerned with what, whether and how development can be justified and permitted and, having considered this, how the rules governing any development should be framed so that they conform to the over-arching rules of the local authorities and government. In ordinary circumstances this would not be a problem: difficult but possible. However, with the Local Plans of both B&NES and Wiltshire Councils due to expire in the spring of next year (2013) and the adoption of the succeeding Core Strategies delayed by many months, the over-arching rules don't make up the necessary set. We can look to the government's National Planning Policy Framework (NPPF) but it is no more than that: a framework. The detail we could expect to find in a council's Local Plan will be, in a few short months, no longer there.

We have two questions for the Steering Group:

- (i) Should we take the draft Core Strategies together with the NPPF, for want of anything else, as our points of reference on the assumption that, for our purposes, what is eventually adopted will not differ significantly, if at all?
- (ii) If the first draft of our Neighbourhood Plan is completed on that assumption, is it thinkable that we could have a sort of test run by an independent examiner – before it is formally submitted for examination?

### **Starting out**

The initial brief given to this group, and published in the booklet that went to every household in the summer, was to consider

1. Providing affordable housing and homes suitable for the elderly
2. Identifying areas where employment opportunities and business and housing development can be supported without jeopardising Conservation Areas, the Green Belt or our rural surroundings
3. Improving access to open spaces and developing links between important hubs in our communities
4. Maximising the use of buildings, including those currently under-utilised, and providing improved space for community use

Before our first meeting in August we added two other topics which seemed relevant to what we had been asked to deal with

5. An extension of the Housing Development Boundary (HDB) in Freshford and the establishment of an HDB and a Conservation Area in Limpley Stoke
6. Identification of assets that might be of value to the communities. The Localism Act 2011 encourages such an exercise and gives communities 'first right of refusal' on such assets.

What was also made clear to members of the group was that, so far as the legal significance of the Neighbourhood Planning process is concerned, the work of this group is the most important. In fact, it is at the heart of the Neighbourhood Plan. If what we recommend

- a) accords with B&NES's and Wiltshire Council's emerging Core Strategies and the Government's National Planning Policy Framework (NPPF),
- b) passes the Independent Assessor's assessment and, finally,
- c) succeeds (reaches more than 50%) in a formal referendum by all our electors

it will then be adopted as part of the B&NES and Wiltshire Planning Authorities' set of documents against which any future planning application must be judged.

The work that the other groups will do is more akin to the work that went into the preparation of the two parishes' Parish Plans that were launched in 2008. Much of that will set down the direction that people want the communities to take but, for the most part, it will not be subjected to independent assessment or have to be put to a vote. It will be a statement of how the communities see the future - just as were the Parish Plans.

Having said that, there will be parts of each of the other groups' interests that have a planning aspect. For example, it was thought that the Environment Group's likely consideration of landscape and the Green Belt (see mention of Community Supported Agriculture under Green Space towards the end of this report) might influence ideas on a

Conservation Area for Limpley Stoke; or provision for parking might be a very serious concern of the Transport Group. Subject to how the Management Committee wanted to deal with such matters it seemed likely that our group would have to consider the planning aspects. That is still the case.

## Under way

Over the course of the last three months, while all groups have been meeting, it has been apparent that there is an overlap of work that each is doing. As a consequence, this group has not dealt in detail with Item 3 (Improving access to open spaces and developing links between hubs) and Item 4 (maximising the use of existing buildings). These have been within the remit of the Transport & Movement and Facilities & Services Groups respectively, who have been dealing with them more fully. However, in the course of our meetings all the topics listed above have been discussed - without complete agreement. Some have been aired at great length, others touched on - and unanticipated aspects amounting to new topics have emerged and are being dealt with. These included

- (i) The establishment of a Community Land (or Housing) Trust that would allow the two-parish community to purchase and manage property (land and buildings) to an extent that might not have been possible before the Localism Act 2011 came into force.
- (ii) A distinction between
  - a. homes made cheaper (affordable) by application of the Rural Exceptions Policy
  - b. 'Market' housing of a smaller size, some of which could be developed by the Community Land Trust to fund identified community projects.
- (iii) Housing specifically for the elderly. We have no statistical evidence for the need, however, several comments received during the period of the surgeries has indicated that there is a call. The next stage of the development of the Neighbourhood Plan should consider how the need is to be quantified.
- (iv) The provision of space for artisans and others who would contribute to the vibrancy and cohesiveness of the community
- (v) The identification of sites, including unused or underused buildings, which could meet the housing need or any requirement for new or improved places of work or community use
- (vi) The identification of green spaces vital to the character of the villages where development cannot take place
- (vii) The recognition of the need of modification of green spaces for 'development' such as footpaths or parking, the identification of the potentially affected green areas and the drafting of rules that would control it.
- (viii) The drafting of a village design statement to aid landowners and architects and the establishment of a design review panel
- (ix) The prospect of influencing any resumed development at Freshford Mill.
- (x) The identification of any unlisted buildings that contribute to the character of the villages. This was in response to a particular request from the heritage team at B&NES.

We have also been aware of the advice from Cleo Newcombe-Jones, the B&NES representative on the Neighbourhood Plan Steering Group, that

"...it is also worth bearing in mind that a Neighbourhood Plan must be positive and permissive in relation to development. Any additional planning constraints to be added are unlikely to be received positively by an Inspector unless they are linked to facilitating development elsewhere or mitigating the impacts of new development"

*(Email: Cleo Newcombe-Jones to Stuart Campbell, 10 October 2012)*

In order of what has emerged as important to our group, and on the assumption that our group is representative of the community at large, the following summarises where we have reached.

## **Affordable housing**

### **Background**

With the group leader's involvement in the search for affordable housing extending over seven years it has been a very useful exercise to have to look anew at and question the needs and assumptions so as to ensure that everyone in this Planning & Development group understands the concept.

The following is extracted from the Department of Communities & Local Government document 'Planning Policy Statement 3 (PPS3): Housing, June 2011', which still appears on the DCLG website but has been superseded by the National Planning Policy Framework, March 2012.

### **Planning Policy Statement 3 (PPS3) : Housing**

**Clause 30** In providing for **affordable housing in rural communities**, where opportunities for delivering affordable housing tend to be more limited, the aim should be to deliver high quality housing that contributes to the creation and maintenance of sustainable rural communities in market towns and villages. This requires planning at local and regional level adopting a positive and pro-active approach which is informed by evidence, with clear targets for the delivery of rural affordable housing. Where viable and practical, Local Planning Authorities should consider allocating and releasing sites solely for affordable housing, including using a **Rural Exception Site Policy**. This enables small sites to be used, specifically for affordable housing in small rural communities that would not normally be used for housing because, for example, they are subject to policies of restraint. Rural exception sites should only be used for affordable housing in perpetuity. A Rural Exception Site policy should seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection, whilst also ensuring that rural areas continue to develop as sustainable, mixed, inclusive communities.

#### **Making effective use of existing housing stock**

**Clause 31.** Conversions of existing housing can provide an important source of new housing. Local Planning Authorities should develop positive policies to identify and bring into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase procedures.

(Department of Communities & Local Government)

In replacing the Planning Policy Statement, the March 2012 National Planning Policy Framework (NPPF) document at Clauses 54 and 55 states that

54. In rural areas, exercising the duty to cooperate with neighbouring authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs.

55. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling.. Such a design should:
  - be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
  - reflect the highest standards in architecture;
  - significantly enhance its immediate setting; and
  - be sensitive to the defining characteristics of the local area

And Rural Exception Sites are defined in the same document as

Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. Small numbers of market

homes may be allowed at the local authority's discretion, for example where essential to enable the delivery of affordable units without grant funding..

The following is taken from Wiltshire Council's draft Core Strategy document. B&NES's is similar, as are the current ruling Local Plans of each of the two councils.

#### Core Policy 44

##### **Rural exceptions sites**

At settlements defined as Local Service Centres, Large and Small Villages (Core Policy 1), and those not identified within the settlement strategy, a proactive approach to the provision of affordable housing will be sought in conjunction with Parish Councils and working with local communities and other parties. This exception to policy allows housing for local need to be permitted, solely for affordable housing, provided that:

- i. the proposal has clear support from the local community
- ii. the housing is being delivered to meet an identified and genuine local need
- iii. the proposal is within, adjoining or well related to the existing settlement
- iv. environmental considerations will not be compromised
- v. the proposal consists of 10 dwellings or fewer
- vi. employment and services are accessible from the site
- vii. its scale and type is appropriate to the nature of the settlement and will respect the character and setting of that settlement and
- viii. the affordable housing provided under this policy will always be available for defined local needs, both initially and on subsequent change of occupant.

##### **Cross-subsidy**

In exceptional circumstances a proportion of market housing may be considered appropriate where it can be demonstrated that the site would be unviable, as an exception site that meets the above criteria, without cross-subsidy. It should be recognised that the inclusion of open market housing will not normally be supported. In these exceptional circumstances:

- ix. the majority of the development is for affordable housing
- x. it has been demonstrated through detailed financial appraisal that the scale of the market housing component is essential for the successful delivery of the development and is based on reasonable land values as an exception site
- xi. no additional subsidy for the scheme and its affordable housing delivery is required and
- xii. that any new market housing approved on this basis should be for occupation as a principal residence.

The 'clear support from the local community' and the 'identified and genuine local need' were established to the Councils' satisfaction by the formal questioning of the residents of both parishes in 2009 and for Limpley Stoke again in 2011.

Armed with the knowledge that emerged from those exercises a committee formed of members of both Parish Councils set about identifying sites that might meet the necessary criteria and met and discussed with the appropriate representatives of Wilts and B&NES and their chosen Housing Association, the English Rural Housing Association.

Sites were agreed as being suitable for further consideration and the owners formally approached. In only two instances were the owners willing to contemplate use of their land for affordable housing. That is where the matter stood when this Planning & Development Group met.

#### ***The Planning & Development Group's approach***

The first question was:

- (a) Is the need that was established in 2009 for Freshford and in 2011 for Limpley Stoke still true in 2012?

A linked question was:

- (b) Did the 2009 and 2011 surveys properly reflect the need across all age ranges? It is commonly believed that affordable housing is only for the young when in fact it can apply to anyone who meets the requirements, albeit the likelihood is that it will be the young who are less able to afford market housing.

The follow-up question was:

- (c) Would the Independent Inspector of the Neighbourhood Plan accept that any need uncovered several years ago was representative of the situation now?

Bearing in mind that the answer to questions (a) and (c) might be 'No' but on the assumption that it would be 'Yes' the Group set about finding the answer to three more questions:

- (d) How can the parishes find a place for affordable housing which the owner is willing to sell?
- (i) The Group has looked again at all the sites chosen over the years by the parishes' affordable housing committee and selected five which are worth looking at afresh and another two which, on the face of it, appear to meet the planning criteria and will be followed up.
- (ii) We have also considered meeting the needs by sub-division of larger houses. This has been ruled out in the past by the social housing officers and housing associations as not being appropriate. But under the provisions of the rules which encourage us to develop our own Neighbourhood Plan, and with the idea that we could set up our own Community Housing Trust to procure and manage them, this is an approach which the Planning & Development Group recommends.
- (iii) There are several large houses in both parishes which have been divided into flats. We should consider registering an interest in the terms of the community right to bid part of the Localism Act; a right which came into force in September 2012. Our next step is to identify such other buildings as could be altered similarly and registering our interest. This could also be an answer to part of question (f) below.
- (iv) A reconfiguring of the abandoned Freshford Mill site must be a candidate but any thought of this must wait until the ownership is settled. However, with negotiations for a sale by the administrator having broken down and the community right to bid having just come into force this could be the right time to consider a greater involvement by the community in the future of this site, whether for affordable housing or artisan workshops. Should the community consider making an offer for that site?
- However, any development on this site should recognise the effect of traffic on the narrow lanes that lead to it to the extent that several members of the Planning & Development Group felt strongly that the total number of dwellings on the site should not exceed the twenty-one for which there is currently permission. The prospect of making it physically impossible for traffic associated with the site to use Rosemary Lane should be considered in the totality of the community-wide traffic network.
- (v) In certain circumstances the draft Core Strategies of both Wiltshire and B&NES allow the building of market housing on a rural exception site (as does the National Planning Policy Framework) in order to contribute to the cost of affordable housing (see Core Policy 44 from the Wiltshire draft above). The Planning & Development Group has discussed this and concluded that the market for relatively high cost housing alongside affordable would be limited but it should be tested. The restraints imposed by the Green Belt legislation must be tested insofar as market housing in this context is concerned.
- (vi) At a recent meeting of the Planning & Development Group the idea of our Community Housing Trust (CHT) sounding out Curo (formerly Somer Housing), who still own a proportion of the houses in The Glebe, was floated. As these become vacant could they be designated 'Affordable' housing and transferred to the CHT to meet the identified need?
- (e) Is there a need for housing in Freshford and Limpley Stoke for people of relatively limited means who don't qualify under the Rural Exception Policy?

If there is a need for housing for people in this category its satisfaction appears to be quite limited. One member of the Group undertook a detailed survey of houses bought and sold in both parishes over the last two years which is summarised in the table below

|                             | Price range   | Freshford | Limpley Stoke | Total | percent |
|-----------------------------|---------------|-----------|---------------|-------|---------|
| 1 <sup>st</sup> time buyers | £150k - £250k | 2         | 2             | 4     | 14%     |

|             |               |   |    |    |     |
|-------------|---------------|---|----|----|-----|
| Family home | £250k - £850k | 9 | 13 | 22 | 79% |
| Large home  | £850k - £1.6m | 2 | 0  | 2  | 7%  |

(Source: Land Registry, extracted by Jacob Ashworth)

The number of people with no more than £250,000 to spend on a house represents less than a sixth of the total who were able to buy a house in Limpley Stoke or Freshford between 2009 and 2011. This exercise could be easily taken back several more years but it does indicate that there is a gap between need and provision, although there is evidence (Paddy to supply source) to suggest that the proportion of the population of the community that would fall into the first-time-buyer bracket is less than one-sixth.

(f) If there is a gap how can the parishes help bridge it?

The best hope seems to lie in the subdivision of larger buildings (see paragraph (iii) following question (d) above).

### **Businesses**

The Planning & Development Group has considered the needs of businesses that fall into three categories

- (i) Traditional and extant, such as the school, the pubs, the mine, the landscapers, the hotels, the shop (and café and post office). The churches and the village halls should also be included.
- (ii) Working-from-home
- (iii) Artisans working in workshops

The Facilities & Services Group has established the numbers and needs of (i) and (ii). The figures for (iii) need to be researched. A starting point would be to look again at one of the early planning applications for development of the Freshford Mill site which provided for live/work units. What need existed then? Also, there are several settlements of such buildings close by, in Tellisford and Beckington, which should be looked at.

Having established the need, where to put them? The most obvious site is on a reconfigured Freshford Mill site but any thought of this must wait until the ownership is settled. Should the community consider making an offer for that site? With negotiations for a sale by the administrator having broken down and the community right to bid having just come into force this could be the right time, as mentioned earlier.

It shouldn't be forgotten also that planning permission was granted for development of the Freshford Mill site as a nature and recreation park. Is this still wanted by the community and would the community be able to provide the funds to build and maintain it? Under the Localism Act the wishes of the community, whatever they are, are much more likely to be realised than before. We ought to remember, however, that that planning permission involved a change of us from 'industrial' to 'recreation'. Any renewed application would have to take account of the fact that the current status is for housing from which a change might be viewed less favourably.

### **Community buildings and the School**

One member of our group has submitted a paper proposing that further thought be given to relocating the school so that idea of a village square, mooted by ESHA earlier this year, could be looked at again. Could the school be put on part of the Freshford Mill site; the site of the existing Freshford Memorial Hall, with the hall moving to the present site of the school; or Brown's Field? A further part of the paper was concerned with the ambitions and future of the school. It did not advocate abandoning it, or even reducing its number of pupils

### **Green spaces**

The Environment Group has spent much time on this but so has ours. Any consideration of sites for housing, affordable or market, and businesses has always been checked by the effect such building might have on the green spaces that are vital to the character of the villages and the wildlife. The Green Belt, the Cotswold Area of Outstanding Natural Beauty and the designated Freshford Conservation and Housing Development Areas are all existing constraints on any form of development. The outstanding challenge to this group is to draft a plan that sets out what can be done and where.

While not of immediate concern to the Planning & Development Group another member of our group has drawn attention to the Community Supported Agriculture (CSA) concept and how it helps keep the Green spaces green while

benefitting both the farmers and the communities. This is something the Environment & Landscape Group will be dealing with.

## **Finally**

It seems clear that we will be recommending buildings of any kind are permitted only on sites that meet the rules of the Rural Exceptions Policy, on brownfield sites (such as at the Mill) or by the reuse of existing buildings. What has been less clear is the importance of setting rules that will guide the design of the necessary improvements to movement and safety on the roads, streets and footpaths. The Neighbourhood Plan should provide for improved safety for both children around the school and for pedestrians throughout the parishes. And the Neighbourhood Plan must give guidance on how to deal with the car that needs to park.