

Report

Subject : Salisbury District Local Plan : Review of Second Phase Housing Sites
Report to : The Cabinet
Date : 07 June, 2006
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Cabinet Member for Planning & Economic Development : Cllr Mrs M Peach

1. Overview

During the process of preparing the current Local Plan, the council (in line with Planning Policy Guidance (PPG3: Housing)) was required to divide the development period 2001-2011 into two phases. This 'phasing' of the plan period would enable the council to assess whether the supply of housing land was adequate to deliver the district housing requirement of 5,500. As a result, the release of three greenfield housing allocations at Downton, Tisbury and Wilton were delayed until 1st April 2006. The purpose of this delayed release was to allow the council to assess whether these sites were still needed at that time to meet the district housing requirement. Cabinet is now required to make a decision on the release of the phase 2 sites for development in light of the review exercise.

2. The Review Exercise

PPG3 states in para. 34 that

"Sufficient sites should be shown on the plan's proposals map to accommodate at least the first five years (or the first two phases) of housing development proposed in the plan. Site allocations should be reviewed and updated as the plan is reviewed and rolled forward at least every five years. **Local planning authorities should monitor closely the uptake of both previously-developed and greenfield sites and should be prepared to alter or revise their plan policies in the light of that monitoring.** However, it is essential that the operation of the development process is not prejudiced by unreal expectations of the developability of particular sites nor by planning authorities seeking to prioritise development sites in an arbitrary manner."

In light of this guidance, the terms of reference for the review can be summarised as follows -

- i) the current level of district wide housing delivery is compared with the overall district requirement to determine whether there is a surplus or shortfall.
- ii) An assessment is undertaken to determine whether there are any alternative brownfield sites in the vicinity of the phase 2 allocated sites which would directly replace the need for the allocated sites. It is important to reiterate that alternative brownfield sites should be of a similar scale, thus being capable of providing a similar number of houses and ideally respond to the strategic requirements and objectives which formed the basis of the original greenfield allocation.

For the avoidance of doubt the review exercise was not concerned with re-evaluating the merits of sites already allocated, as these matters were fully explored throughout the Local Plan process.



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3. Consultation

On 16th March, a consultation review paper was published for a non-statutory 6 week period. There was no requirement to undertake consultation, as, following discussion with Government Office for the South West, it was seen as a largely technical exercise. Nevertheless, in line with the Council's emerging Statement of Community Involvement (SCI), and given the sensitivity of the issue in certain parts of the district, it was considered prudent to apply the standards which would be applied to an evidence gathering exercise as set out on page 14 of the Submission Draft SCI. Accordingly the following activities were undertaken –

- Publication of the review paper on the council's website, and the placing of copies at council offices, information points and local libraries.
- Awareness raising through a public notice in the Salisbury Journal and Blackmore Vale Magazine, issue of a press release, headlines on the council's webpage
- Direct notification of at least 80 individuals by letter or email enclosing or attaching the full review paper and details of the consultation exercise. Individuals were selected from the database held by Forward Planning as well as other known interested parties or those identified during the consultation period. Local councillors were contacted.
- Advertised public exhibitions within the libraries at Wilton, Tisbury and Downton throughout the week ending 27th March with an officer in attendance on one day in each location to explain and answer questions on relevant matters. In Downton and Wilton, exhibition interest on the attended days was limited, in Tisbury on 31st March between 30 and 40 people viewed the exhibition and spoke directly with the officer in attendance, including a delegation from the Parish Council which was able to discuss matters for around an hour.
- An open public meeting on 3rd April attended by 23 individuals (4 in respect of Downton, 19 in respect of Tisbury) which enabled a balanced discussion to take place on the whole process and in respect of the sites concerned. Notes of the session are included as appendix A.
- Opportunity to submit comments online or by letter by the closing date of 27th April.

The aim during this period was to seek views and inputs from interested parties which could be used to inform the final review paper now presented to Cabinet.

In terms of response to the consultation, the table below crudely summarises the distribution of views received.

	Total	Supporting	Neutral	Objecting
General Responses	2	-	2	-
Downton Specific	1	1	-	-
Tisbury Specific	17	7	2	9
Wilton Specific	1	1	-	-

Appendix B sets out all the issues raised in the consultation responses received, with consideration being given to each point based on factual evidence and application of the relevant national, regional, county and local policy context.

4. Updates to the Review Paper

In light of consultation and further information becoming available, the following factual changes have been made to the consultation review paper –

Housing Supply

Page 2 - section 2.0 – recently issued housing completion data for 2005/06.

Page 3 – section 2.1 – update to table 2 to reflect actual completions on sites in 2005/06, and alterations of some delivery timescale assumptions. For example, slow progress in the planning stages of the Old Sarum and Durrington allocations means that delivery will not come forward as soon as previously estimated. The table also includes figures in respect of Netherhampton Road which were omitted in the draft paper.

Consideration of Alternatives

Page 8 – section 3.3 – alteration to the reference to the site currently being in employment use. The former use of the main building has ceased, although there has been re-use by a number of businesses since that time.

(NB. Tables and graphics have been amended accordingly, and the commentary has been updated)

The final version of the review paper for consideration is attached at Appendix C.

5. Key Issues of the Review

Stage 1 - Housing Supply

Throughout the consultation there was very little comment in respect of housing supply. All respondents acknowledged the shortfall that has developed over the last 7 years and accordingly there is no reason to conclude that the supply of housing from the phase 2 sites is no longer needed.

Stage 2 – Alternative Sites

DOWNTON and WILTON

In respect of Downton and Wilton there were no alternative sites identified and consultation responses did not reveal any issues aside from support for the review findings. On this basis – as set out on pages 7 and 10 of the Review Paper (Appendix C) - the release of the allocated sites at Wick Lane (Downton) and Bulbridge (Wilton) should be confirmed.

TISBURY

The potential of the Station Works site in Tisbury has given rise to significant interest throughout the review. Discussions with officers at the attended exhibition, public meeting and at Western Area Committee all revealed a clear balance in views both for and against the redevelopment of this site as shown in the table in section 3. There is undoubtedly still concern amongst Hindon Lane residents over the allocation within the Local Plan, and it is apparent that this is engendering a degree of support for the Station Works site from those respondents. It is however essential that this review is considered on the basis of the planning issues as well as factual information available.

When considering potential alternative sites, the aim of the review exercise is to determine whether they are acceptable, given the criteria set out in the final point of section 3.1 of the review paper, namely

- Suitability in Planning Policy Terms**
- Ability to bring forward a similar number of houses**
- Ability to be developed within a reasonable timeframe relevant to the plan period**

These criteria are based on the content of paragraph 4.10 of the adopted Local Plan. Members are need to be clear that they are not being asked to undertake a comparison between the site identified in the Local Plan at Hindon Lane and the Station Works site.

In terms of the key issues, the following points need to be reiterated,

- The Station Works site is the most significant area of remaining employment land in Tisbury. This factor is a critical issue because Tisbury is an identified main settlement, whose role is to provide balanced development to meet its own needs and those of the surrounding rural area.
- National guidance, regional guidance (adopted and emerging), the Wiltshire Structure Plan and the Salisbury District Local Plan are all based upon policy directions concerned with promoting a sustainable pattern of mixed land uses
 - PPS1 (Para 5) clearly sets out that “*Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by ensuring that development supports existing communities and contributes to the creation of safe, sustainable, liveable and mixed communities with good access to jobs and key services for all members of the community.*”
 - The update to PPG3 : Housing, entitled ‘Supporting the Delivery of New Housing’ states that “*Local planning authorities should consider favourably planning applications for housing or mixed use developments which concern... redundant land or buildings in industrial or commercial use, but which is no longer needed for such use*”. To date, it has not been demonstrated that the Station Works site “is no longer needed for such use.”
 - Emerging PPS3 – still in draft form – emphasises that the use of brownfield sites is a priority, however this is balanced in para. 41 by stating “*Local planning authorities should consider*

favourably planning applications for housing development ... (b) if the site is suitable for housing development (including land allocated or previously used for industrial or commercial use, which is no longer needed for that use.)”

- The emerging RSS states in para 3.7.9 that “*Local Authorities should consider the potential of previously developed land in terms of the best future use and appropriateness in relation to the development needs of individual settlements. This may not necessarily imply residential use in all cases, particularly in places where land for economic uses is in relatively short supply*”
- The recently adopted Wiltshire Structure Plan states in paragraph 4.24 “*At all settlements the redevelopment of previously developed land for housing should not take place at the expense of the supply or range and choice of employment sites locally...*”.
- In respect of the Salisbury District Local Plan, policy G1, whilst acknowledging the role of previously developed land also promotes a sustainable pattern of land uses. Furthermore, the rationale behind policy E16 – as set out in para 5.25 makes it clear that “*Proposals involving the significant net loss of employment opportunities in a town or main settlement or the loss of an employment use that is important to the rural economy will be resisted. The Council will consider making exceptions to this only where there is clear evidence that the land or premises are no longer viable for an employment generating use*”
- Unencumbered by nearby residential development and with access to the railway, the site is well placed to accommodate businesses of all types from light industrial, technology, offices and small scale local distribution to some elements of heavy industrial use.
- The Station Works has until very recently been in use as an employment site providing work for around 50-60 people.
- Despite two formal requests (and numerous informal discussions), effective marketing of the site to establish whether it has future value as an employment site - as required under Local Plan Policy E16 – has not been undertaken. In considering the marketing which was undertaken, advice from officers with the council’s Property and Economic Development teams commented that -
 - marketing of the site and component buildings for lease imposed conditions which were considered to be unattractive to business which relies on a degree of stability to encourage investment.
 - no attempt had been made to offer the site for sale (in full or in part) which was considered to be an attractive means for business to invest in their own property which constituted a notable sector of the market.
- An offer to buy the site was made in 2004 for the purpose of “splitting up the existing buildings into smaller units to make them more attractive to the market”. This offer was rejected with a comment that the landowner was seeking a mixed use redevelopment of the site. In order to ascertain whether this offer – which is still on the table – was reasonable in the local market, property consultants Myddelton and Major were asked to comment on the offer made. They concluded,

“... the demand for the property for employment purposes will only come from a speculator/developer who would improve and divide the property into smaller units of lettable / saleable employment accommodation. The resulting building area and cost of division on the useable part of the site, the remaining landscape area having a nominal value only, creates a freehold value in the market today, assuming vacant possession, in the region of £900,000 to £1,000,000.

I have not been able to research whether service supplies are adequate to cater for the smaller units, this may have a cost implication which would reduce the value.

The offer made of £800,000 for employment use in April 2004 was in my opinion not unrealistic. In the intervening period, values have moved forward creating the slightly higher value which is appropriate in the market today.”

This response would indicate that there is no basis for the purchase offer to be rejected.

- The council deals with many applications and appeals, in relation to both employment land and community facilities, and insists upon adequate marketing. Hence, it is important that a consistent line is taken on this matter in order to demonstrate that the council is committed to its policy and the principles of sustainable development at a strategic level.

In addition to the principal policy issues set out above, there are a range of question marks over the proposals for the Station Works (including the provision of affordable housing). Some of these are raised by respondents to the consultation exercise. Individually, these may be possible to resolve, but the range of issues do indicate that more thought needs to be given to any scheme on this site and that this should be properly considered in the production of a development brief.

In conclusion, whilst the Station Works site can be considered to be a brownfield alternative to the Hindon Lane allocation, there are real concerns about its loss as an employment resource in the town within the context of sustainable development and “creating better places to live.” Furthermore, given the failure of the site owners to demonstrate a lack of demand for the site despite having over 2 years to undertake this work, and the apparent unjustified rejection of an offer to bring the whole site into a more effective economic use, officers consider that the planning grounds to promote the Station Works as an alternative are not sound.

6. Implications

In considering this matter, members should be aware of the likely alternative scenarios that would emerge following any decision. It is considered unlikely that members would reject the recommendations to release the allocated sites at Wick Lane (Downton) and Bulbridge (Wilton), so this assessment is confined to the situations that may emerge in Tisbury. Advice has been taken from the Head of Legal and Property Services on this matter in order that members are made fully aware of the outcomes.

SCENARIO 1 : The Hindon Lane allocation is confirmed - A development brief which has been drafted for the allocated site and will be consulted on during the summer and adopted in the autumn prior to the submission of a planning application towards the end of the year.

At the Station Works site, attention will need to be given to working with the landowner to understand and promote demand on the site, including assistance in gaining grants (such as those available from SWERDA) to improve and develop rural workspace. Should these or other efforts prove not to uncover any local demand or interest, or if the landowner is not willing to become involved in this dialogue, the site may be promoted through the Local Development Framework to meet housing needs in the period to 2026.

SCENARIO 2 : The Station Works site is accepted as an alternative - The district council will be required to undertake a formal process to deallocate the Hindon Lane site. This process will broadly mirror the allocation process involving public consultation and a public inquiry and inevitably this will take a significant period of time. The most sensible course of action is to leave the deallocation until the commencement of site specific allocations within the LDF which is due to commence – based on the current Local Development Scheme timetable – in April 2007.

At Hindon Lane, The prospective developers of the Hindon lane site would probably progress their own development brief and outline application and submit those to the Council. In light of the decision made by cabinet, any grant of consent would need to be rejected by the council and would certainly be appealed against by the applicants. At appeal, dependent upon the progression of site at the Station Works and the situation regarding the undersupply of housing, a case could be made that the council has, a) held back the delivery of housing on an allocated site (given that a formal deallocation process will not have been completed) and, b) it had failed to promote a balanced planning strategy for Tisbury which was the basis used to allocate the Hindon Lane allocation. In this situation there would be a significant risk of substantial costs being awarded to the applicant. The council may consider arguing that any decision on this matter at appeal is premature – awaiting the outcome of the deallocation/review in the LDF process – however with reference to PPS12, is unlikely to be successful because this development would have an impact on a relatively small area and so any permission would not prejudice the outcome of the development plan process.

Parallel to the consideration of any application/appeal at Hindon Lane, there is no doubt that the site would be promoted through the Local Development Framework by the landowner to meet housing needs in the area to 2026. The timing of this process, as set out above, is set out in the council's adopted Local Development Scheme. Given the endorsement of the site in the previous local plan process the landowner would appear to have a degree of confidence that an inspector, whose decision would be binding, would reallocate the site.

At the Station Works site a grant of planning consent would still need to be underpinned by a demonstration that its existing use is no longer viable under the requirements of Local Plan policy E16. This would involve a standard 6-9 month marketing period during which careful documentation of activities will need to be demonstrated. If satisfactory, and subject to all the other issues set out in section 5 of this report being resolved, a planning application – probably at the initial stage in outline form – could be submitted by January-April 2007 with a detailed application being submitted later in the year depending upon the selling on of the site to a housebuilder. Given that there is no requirement for a development brief for the site, there would

be concerns that the council may not be best placed to control the development of the site and that community benefits accruing from the site would be less easy to secure. It will be essential that any scheme is underpinned by strong conditions which safeguard the delivery of employment floorspace.

SCENARIO 3 : A decision is made to delay any decision until the outcome of an effective marketing exercise on the Station Works site is undertaken - Officers would need to monitor any marketing exercise undertaken, which as indicated above, would be likely to take no less than 6 months. A clear decision one way or the other on the future demand for the Station Works site could then be reached, although there is a risk that late intervention or an uncooperative approach may cloud decision making. Depending upon the outcome of this, reference can be made to the previous two scenarios as regards the courses of action to be taken by each party. Nevertheless, it is fair to point out that a planning application for the Hindon Lane site could be submitted during the extended marketing period.

Recommendation

That Cabinet,

- a) Endorse the findings of the review paper attached at **Appendix C**.
- b) Confirm the release of the allocated sites identified within the second phase of the adopted Salisbury District Local Plan at Wick Lane (Downton), Hindon Lane (Tisbury) and Bulbridge (Wilton) for development to meet the district housing requirement.

Background Documents:

PPG 3 (2000), ODPM
PPG 3 Updates (Jan 2005), ODPM
PPS1 (2005), ODPM
Draft PPS3 (2006), ODPM
Submission Draft Statement of Community Involvement (Dec 2005), SDC
Salisbury District Local Plan (2003), SDC
Housing Monitoring Report (2005) WCC

Implications:

- **Financial:** None.
- **Legal:** As set out in the report
- **Environmental:** No comments
- **Human Rights:** The consultation exercise and subsequent reporting builds in the right to a fair hearing.
- **Personnel:** None
- **Community Safety:** None
- **Council's Core Values:** Being fair and equitable, Communicating with the public, Open learning council and willing partner
- **Ward(s) Affected:** Downton, Tisbury, Wilton