

15 September, 2004

Author : John Meeker  
Principal Planning Officer  
(01722) 4343396  
jmeeker@salisbury.gov.uk

# REPORT

Cllr Noeken : Cabinet Member for Planning & Econ Development

## DRAFT DEVELOPMENT BRIEF: LAND AT DUCK LANE, LAVERSTOCK

### RESULTS OF CONSULTATION EXERCISE AND ADOPTION OF THE DEVELOPMENT BRIEF

#### 1. Purpose of the Report

Policy H2G of the Adopted Local Plan (June 2003) allocates land for residential development at Duck Lane in Laverstock. This site was allocated to meet the district's overall housing requirement for the period up until 2011. The Local Plan indicates that in order to guide and control development of the site, a development brief will be prepared.

Following a lengthy preparation process which involved a working group from the Parish Council, a draft development brief was released for consultation on the 8<sup>th</sup> of April for a period of 6 weeks ending on the 20<sup>th</sup> May.

This report now considers the issues raised in the consultation period and highlights changes to the development brief where it is appropriate and reasonable to do so. Subject to members acceptance that all the raised issues have been satisfactorily addressed and that the changes made are appropriate, the report concludes by seeking the formal adoption of the document by the Cabinet as Supplementary Planning Guidance to the adopted Local Plan which will then be used to assess planning applications relating to the site.

#### 2. Background to Development Brief Exercise

Policy H2G of the adopted Local Plan allocates land at Duck Lane for residential development. Members will recall that this site was recommended by the Local Plan Inspector in his 2001 report and was the subject of much local objection. In response to local concerns a number of key issues were reexamined with regard to the site, including two separate studies on highway matters, which all concluded that there were no sound reasons to reject the allocation. On this basis the allocation was confirmed when the plan was adopted in June 2003.

It is a requirement of Policy H2G that a development brief be prepared for the site. The purpose of a Development Brief is to provide a broad framework for the development of a site in accordance with the requirements of the Local Plan and to take into account more detailed local conditions. In short, the development brief is a bridge between the Local Plan policy and future Planning Applications.

A key part of the development brief preparation process is that appropriate public consultation is undertaken to inform those with interests and gain views which can be taken into account in shaping the final brief. The ultimate goal is to identify a development solution which optimises the benefits of the development and minimises any negative impacts.

When the Development Brief proposals have been subjected to consultation, and the views from that consultation exercise have been assimilated back into the brief (where it is reasonable and appropriate to do so) it is expected that the document is adopted as Supplementary Planning Guidance (SPG). SPG, whilst having no statutory status in its own right, represents a significant material consideration in the determination of planning applications.

Work on the Duck Lane Development Brief began in October 2003 with a series of meetings between agents for the developer and officers. At the same time, a small Parish Council working group was formed to ensure that there was local input into the content of the brief. By March 2004, following a number of meetings with the developers, the Parish Council working group and other key individuals, draft proposals were ready for release for public consultation. In order to ensure that the proposals were exposed to as much public scrutiny as possible, officers and the developers agent prepared a range of publicity materials which included the delivery of leaflets to around 500 local households, and ran two public exhibition days at the St Andrews Hall in Laverstock. In all around 250 people attended the exhibitions which enabled them to see and question the proposals.

### **3. Results of the Public Consultation Exercise.**

A formal period of public consultation was undertaken in respect of the draft Development Brief between 8<sup>th</sup> April and 20<sup>th</sup> May 2004. As summarised above, every effort was made to ensure that local people were informed of this opportunity. Furthermore, some 40 other consultee organisations (including English Nature, the Environment Agency, Wilts & Dorset Bus Co, etc) were sent a copy of the brief to ensure that operational issues were taken account of.

At the close of the consultation period, 68 responses had been received. Of the responses received 4 were in support of the proposals, 12 were in objection, however the remaining majority raised points which either required clarification or contributed to making improvements to the brief. Officers have welcomed the inputs of all respondents to this exercise which has improved the quality of the brief in a number of areas.

A full summary of all the issues raised by respondents is set out in the table [at Appendix I](#) of this report. Minor changes to the brief are set out in the appendix and have been incorporated into the version which is now presented to members.

The following sections now go on to examine key subject areas which warrant more careful consideration.

#### **a) Highways and Access**

The major concern which has permeated all discussions related to this site right back to the time when the site was originally put forward was that the local road network was unable to cope with any new housing development. Members will be aware that the Council commissioned two separate studies to examine highway issues related to the site. Both studies concluded that there was no basis to reject the allocation of the site on highway grounds. However, the second study, undertaken by the respected transport consultancy Mott Macdonald, made a number of recommendations which were designed to mitigate against some localised problems which could be overcome. The draft development brief incorporated the recommendations of the Mott Macdonald study.

The development brief consultation exercise has resulted in a large number of responses in relation to this matter. Those responses that reject the development on the grounds of inadequate highways cannot be addressed in any further manner, however a number of responses identified issues and locations which officers have undertaken to investigate further with highway engineers. These issues are considered in the following subsections below.

- i) Loss of parking space for residents at the ends of Hill Road and Boundary Road

The existing turning heads at the ends of Hill Road and Boundary Road serve to provide for additional parking for residents. It is fair to observe that some properties have more than the average number of cars. In opening up the roads to the new development some of this parking amenity will be lost, however in the early plans that have been prepared by the developer, additional space has been set aside within the boundary of the new development to accommodate lost provision.

**Action** - To ensure this commitment is maintained the an additional bullet point is added into para 4.44 as follows

- The loss of some limited parking amenity at the ends of Hill Road and Boundary Road will be accommodated in a parking area in a proximal location within the new development area.

ii) More extensive use of anti skid surfacing at key locations on the approaches to the development site

The Mott Macdonald report suggested that the steeper gradients at the junctions of Down View Road / Duck Lane, St Andrews/Park Road and Park Road/Duck Lane would benefit from the laying down of high resistance surfacing to improve braking and address concerns about the dangers imposed in bad weather conditions. The brief excluded the mention of St Andrews/Hill Road.

**Action** - Accordingly, it is proposed that the reference to St Andrews/Hill Road is added into the 4<sup>th</sup> bullet point related to para 4.44 of the brief. No other locations have been identified or suggested for this treatment.

iii) The corner of The Avenue and Duck Lane.

A number of respondents commented upon the blind corner of Duck Lane and The Avenue as being a hazard to road users. However one response highlighted the fact that improvements to this corner would increase risks as speeds were likely to increase as a result of any changes. This latter view is shared by highway engineers who consider that the blind corner acts as a form of traffic calming by encouraging drivers to slow on the approaches. Additional concerns were raised that cars approaching The Avenue from Duck Lane were often in the middle of the road as a result of car parking on Duck Lane. The formation of the footpath and formalisation of the car parking will mean that the road will be clearer in this location meaning that drivers will be able to use more of the carriageway than is currently the case, in turn reducing the identified problem.

No action proposed

iv) The Junction of Park Road and Duck Lane

Concerns were raised that visibility in emerging from Park Road onto Duck Lane is poor and that this needs to be addressed. A smaller number of responses raised concerns along the same lines in respect of Down View Road's Junction with Duck Lane. In response to these comments, the footpath works on Duck Lane will improve the visibility at both these junctions, and when combined with the introduction of a pinch point between the two junctions, highway engineers have concluded that the reduced speeds and improved visibility will overcome these concerns.

No action proposed

v) Road/Cycle safety and traffic noise.

A number of concerns were raised about increase traffic resulting in road safety issues on the existing estate roads for cars, cyclists and pedestrians. Pedestrian safety concerns appear to be unwarranted given that there are adequate pavements and footpath links, although clearly the formation of a footpath on Duck Lane will address the inadequacy of provision in this location. In terms of motorists and cyclists, there is already a 30mph speed limit extending throughout Laverstock as a whole; however in looking further at this issue the establishment of a 20mph zone was identified as an opportunity to address such concerns, including expressed concerns about increased traffic noise.

By means of explanation, a 20mph zone is normally based around residential areas where there is no through route which needs to be accommodated – in essence the roads serve the housing and no other purpose. For such an area to be designated as such, the road network should include formal and informal road features which contribute to maintaining low speeds. In examining both Down View Road and Hill/Park Road, highway engineers concluded that little, if any, work would be required to enable this designation to be introduced given the corners junction layouts and informal parking arrangements that exist. The District Council will pursue the designation of the estate roads in which feed onto Duck Lane as a 20mph zone with the County Council to coincide with the demands arising from the new development.

**Action** – new bullet point in section 4.44

- The District Council and the developer will work with the County Highways department to seek the designation of the new estate and existing adjacent estate roads as a 20mph zone which will include additional signing and speed reduction measures where they are considered appropriate.

vi) Parking on estate roads, in particular on the bend adjacent to the Village Hall on Park Road

The tight bend in Park Road adjacent to the Village Hall was identified by residents as often being restricted by parked cars. On occasions this inhibited bus access to the estate. Prior to the publication of the draft brief a written note from the developers agent, requested by local Councillors, confirmed that dropped kerbs in key locations would be offered to residents to remove on street parking. This provision is in line with the recommendations of the Mott MacDonald study.

**Action** - Amendment of bullet point 3 in para 4.44 to read as follows

- Drop kerbs to be provided at the junctions of Down View Road and Park Road with Duck Lane. The Developer and the District Council will examine the need to provide additional drop kerbs along Park Road and the provision of a contribution towards this requirement will be set out as part of a s106 agreement.

vii) The Avenue and its Junction with Church Road

One respondent highlighted the dangers of crossing the wide entrance to The Avenue when walking up Riverside Road and suggested that a refuge in the middle of the junction would improve pedestrian safety as well as contributing to reductions in speed. The point made is accepted, however officers and highway engineers would point out that this apparent deficiency is an existing problem unrelated to the housing development and accordingly it would be unreasonable for the developer to contribute directly to this measure. Furthermore, the Mott MacDonald study examined this junction and made no suggestions concerning possible improvements.

No action proposed.

viii) Footpath and cycle links to the city centre.

A large number of respondents raised issues concerning the foot and cycle links from Laverstock into Salisbury. Particular concern was expressed in relation to the lack of footway past Godolphin School on Laverstock Road which represents the most direct route into the city. Given that the allocation was argued by the developer to be well related to Salisbury, it is not unreasonable for the Council to negotiate contributions towards enhancing these linkages and the Joint Transportation Team have been drawing up an appropriate schedule of costs to which the developer will be required to contribute towards. In order to clarify this matter in the brief it is suggested changes are made as follows

**Action** – That point I in para 6.2 is amended to read as follows

- I. The provision of off site highway works as described in section 4 and contributions towards other measures which will encourage non-car based trips into Salisbury, including foot and cycle link improvements towards the city centre via Riverside Road and the Milford Hill area.

ix) Road access to the new development via Down View Road car park

A small number of respondents considered the development would be better served by an access through the car park on Down View Road. However, at least two residents pointed out that this land was set aside for car parking for occupants of adjacent flats and houses and that introducing a road would reduce the already stretched capacity. As highlighted above, highway engineers have identified on a number of occasions that the access via Hill Road and Boundary Road is adequate for this development proposal

No action proposed.

x) Prioritising the Duck Lane works at an early stage in the development process

A number of respondents have indicated that there will be a need to put the Duck Lane footpath in place at an early stage to address the pedestrian safety issues that have been identified. This suggestion seems a reasonable one to make and accordingly negotiations will be aimed at securing the works prior to the occupation of the first dwelling on the site.

**Action** – amendment of the first bullet point in para 4.44 to read as follows

- A footpath on the eastern side of Duck Lane between Down View Road and The Avenue which will be put in place prior to the occupation of the first dwelling on the development site.

xi) Alternative options for residents parking on Duck Lane

Residents of 15-37 on the eastern side of Duck Lane submitted a joint response related to parking provision for their properties. The new footpath on Duck Lane will formalise their existing parking arrangements which currently consist of an unmade area adjacent to the highway. The works will not alter the number of parking spaces available to residents in this location. The residents response proposes that the developer facilitates their desire to have off street parking on the frontage to their properties. This solution would involve the excavation of the raised bank and the establishment of retaining walls on individual properties. Here the developer would need to accommodate dropped kerbs for each of the 12 properties whilst residents would each (or collectively if agreement could be reached) bear the cost of excavation and building work required to provide required hardstanding.

In examining this alternative to the status quo (i.e. that they retain parking in formalised on street parking bays provided as part of the footpath works) following comments can be made.

- a) County Highways have identified concerns that they would not wish to see 12 new separate private driveways feeding onto Duck Lane. This view is based on the fact that this would decrease road safety with cars emerging onto the road, particularly where reversing manoeuvres into the main carriageway would occur. Related to this there was concern that such manoeuvring might require additional road width which is not available (this matter was to be confirmed).
- b) From a planning perspective, there is concern that works to excavate the substantial bank in this location would be of detriment to the character of Duck Lane in this location. Clearly this matter would need to be considered by members in a planning application.
- c) The most significant point of note is the likely cost of excavation and retaining walls which would be required. To accommodate one car, excavation of 3-4 metres of the 6-8 foot bank would be required and there would certainly then need to be foot access to the actual dwellings.

In terms of recommending a solution with regard to these recommendations, officers would suggest that this matter is not essential to be decided upon for inclusion in the development brief and instead should be a matter for negotiation at the time of a planning application. There is clearly a need for affected residents to consider their approach to this matter given the cost implications. Ultimately a coherent view will need to be established amongst the residents of the properties concerned as a scenario of driveways being blocked by on street parking bays is likely to undermine the efforts made to improve their parking.

No action proposed at this stage.

## **b) Education Provision**

Increased demand for education places resulting from the new development was identified by local people as another crucial issue when the site was allocated in the Local Plan. When published for consultation, the draft brief included paragraphs which set out that the developer was committed to making contributions towards improving local education facilities and increasing the capacity to meet the new demands.

However, in terms of ensuring that the new primary education provision was put in place before new demands for school places arose, the brief was open in that it admitted that a timetable to ensure this would happen had yet to be agreed. In the period since the publication of the brief, officers have brought together the developers, the School and Diocese of Salisbury (who oversee St Andrew's Primary School) to seek some form of agreement about the costs involved, but more importantly the timetable required to ensure that the works are completed. The ultimate aim of the discussions was to ensure that new demands, predicted to arise from the completion of the first houses in Summer 2005, could be accommodated in the completed new school facilities at St Andrew's School.

The initial meeting suggested that a lead in time of a year would be needed to secure planning consent and undertake the required works at St Andrews to be ready for September 2005, although clearly this timetable is reliant to a degree on the developer making the appropriate and timely financial contribution. Another factor is related to the works proposed being granted planning permission and initial meetings with Development Control officers on this matter are programmed for September. In order to assure members about the planned timetable, a letter from the Diocese of Salisbury is attached at [Appendix 2](#) which sets out how the work will be completed by September 2005. Clearly, the main focus is to ensure that the works are completed on time, but alongside this account needs to be taken of the possible disruption to the operation of the school and its teaching during the construction works.

With regard to secondary education, the LEA and Diocese have agreed that a financial contribution will be adequate to provide for new demands amongst this age group and this will be negotiated in the normal fashion as part of the s106 legal agreement.

In light of the reassurances about the works to St Andrews Primary School from the Diocese of Salisbury, who will ultimately be responsible for this matter, it is proposed that the brief is amended as follows.

**Action** – Amendment of para 4.53 as follows

4.53 The principal education matter to be addressed by the development is the provision of new classroom space and extensions to the core facilities at St Andrews Primary School by September 2005. Discussions with the Diocese of Salisbury in July 2004 have confirmed that the completion of the works can be achieved by that date. However, this commitment is subject to two principal factors which are outside of its control, namely the granting of planning consent for the school improvements, and the receipt of developer contributions required to undertake the works. In response to these factors, the District Council is committed to expediting the determination of any planning application for the school works (in line with normal procedures) and the developer will be required to make a commuted payment immediately following the granting of planning consent.

### **c) Contributions to Community Facilities**

One area that was omitted from the original brief was any requirement for contributions to local community infrastructure. During the public exhibitions, the Village Hall Committee approached officers to identify that there were long held plans to extend the village hall which would approve its amenity. Clearly this extension of the hall's facilities represents a response to increased demands for the use of the facility which will grow further in light of additional population growth in this part of the village. Accordingly, in line with policy R4 of the adopted Local Plan it is considered appropriate that the developer should contribute a sum which will be made available to cover the extension costs involved. This sum will be agreed as part of the s106 legal agreement which is required to be entered into by the developer.

**Action** - a new paragraph 4.54 has been included to read

#### **Community Facilities**

4.54 It is accepted that the new development will contribute to new demands on existing community facilities. During the consultation exercise it was identified that there is scope to extend Laverstock Village Hall and that consideration had been given to increasing its capacity. In light of the new demands likely to be forthcoming from an increased population in the locality it is considered appropriate, in line with Policy R4 of the adopted Local Plan, that the developer makes a commuted payment (as part of the s106 legal agreement) to cover identified costs involved in extending the Village Hall.

### **d) Affordable Housing**

The District Council has highlighted the need for affordable housing on a district wide basis in light of increasing evidence of the inability of local people to afford their own home. With regard to this development site, the Parish Council and local people, with the exception of one individual, have supported the proposals to include at least 25% affordable housing, although a good proportion of the responses felt that 25% was not enough. In light of the current situation, the District Council shares this view and the brief has therefore been adjusted to indicate that a proportion of not less than 33% affordable housing is provided on the site. In reality this should provide for 40 affordable homes which will be split between rented and homes for purchase under a shared ownership scheme.

Members and local people may question why this proportion has not been set higher. In response to this one must bear in mind that any development site can only yield so much planning gain for the community. The District Council commissioned some research work to examine the viability of a number of development schemes in the district which concluded that, on this particular site, the 33% level could be

readily provided without public subsidy. This conclusion takes into account other requirements which the development is expected to provide for including improved education facilities, open space, road and footpath improvements as well as contributions to the village hall and open space maintenance costs.

At the time the revised brief was presented to Southern Area Committee on the 5<sup>th</sup> August negotiation was still ongoing in respect of delivering this 33% requirement. In the subsequent period agreement has been reached on the level of provision and hence, of the 120 dwellings expected on the site, 40 will be provided in affordable tenures. The following change can now be fully incorporated into the brief.

**Action** - General Principle 3 (page 9) and para 4.51 of the original brief will be amended to read

GP3 - provide a range of house types and sizes including a proportion of not less than 33% affordable housing.

4.51 Policy H2G of the adopted Local Plan requires that at least 25% of the housing provided should be affordable housing. In line with the District Council's Supplementary Planning Guidance on affordable housing, which is underpinned by a Housing Needs Survey and local Council waiting list figures, it is appropriate that 33% of the total number of units provided on the site should be affordable housing. This housing will be made available in the first instance to those in identified need in Laverstock, however, properties may also be used to address significant need known to exist in Salisbury. The precise type, tenure and location will be negotiated with the District Council as part of a s106 legal agreement at the time of a planning application.

#### **e) Public Open Space**

The draft proposals set out 3 options for the positioning of a children's play area within the development scheme set out on page 23 of the original brief. The majority of respondents who commented on this matter felt that the central location, adjacent to an existing area of open space off Down View Road, was most appropriate in that this allowed surrounding houses to overlook the play area and that this would help to foster community cohesion between new and existing residents. The Parish Council's response supports this view and accordingly this option has been selected for the play area.

The need for recreation facilities for older children adjacent to the development was also identified by a number of respondents. The general consensus was that equipment, perhaps in the form of kick walls or skateboard ramps, should be provided on the existing recreation area to the south of the site. This view is supported by the Parish Council. In order to address this requirement it is proposed that the Youth/Adult R2 contributions which will be required from the developer should be spent on these facilities in this location.

With regard to the landscape amenity area on the northern boundary of the site, respondents supported the incorporation of this feature, subject to the planting scheme being appropriate to screen the development. The Parish Council maintains that the formalised footpath across the site should closely follow the line of development to ensure personal safety issues are addressed.

An overarching issue affecting all three of the public open space components associated with this development is the maintenance and upkeep. The Parish Council have made it clear that they would wish to take on the ownership of the landscaping strip and the play area and then contract out the maintenance works. In order to cover the costs of maintenance a commuted payment will be made by the developer in line with the current formula.

The transfer of land to Parish Council, and the securing of appropriate commuted sums for maintenance, will be agreed as part of a section 106 legal agreement which will be required to accompany the planning application.



**Action** - the following changes are proposed to the draft brief.

Combine para's 4.48 and 4.49, include new para 4.49 and amendment to para 4.50 as follows

- 4.48 In light of consultation, it is proposed that a children's play area be located on land adjacent to an existing open space off Down View Road which will ensure that the facility benefits from passive surveillance by nearby properties. The new children's play area should consist of a minimum of the following
- A suitable safety surface which conforms to current BSI safety standards
  - Secure fencing with self closing access to prevent animals gaining access
  - A range of play activities from toddler provision right through to facilities for children of 12 years of age, subject to specific circumstances of the locality and any other considerations
- 4.49 As set out in para 4.46, the developer will be required to make a commuted payment towards youth and adult recreation provision. In light of consultation it has been identified that there is a need to provide youth recreation facilities, which could be accommodated on the existing recreation area to the south of the site. It is proposed that part of the commuted sum be used to equip this area.
- 4.50 It is a requirement that appropriate maintenance measures are put in place to ensure that the open spaces within the development (including the northern landscape amenity area) are kept safe and in good condition. In light of the fact that the District Council maintains existing spaces within the estate adjacent to the site, the Parks service have confirmed that they would take on maintenance responsibility for the open spaces within the site should the Parish Council not accept this role. This arrangement will be subject to the receipt of an appropriate maintenance payment from the developer (as part of the s106 legal agreement)

## 5. Views of Southern Area Committee

The revised development brief was presented to members of the Southern Area Committee on the 5<sup>th</sup> August and was given an extensive examination. The Committee resolved to recommend the Development Brief for adoption by Cabinet subject to the following amendments

- Acknowledgement that the Public Open Spaces within the scheme would be transferred to the Parish Council (see section 5e) above)
- That the 33% affordable housing level is confirmed (see section 5d) above)

## 5. Recommendation

That Cabinet accepts the proposed changes as set out in this report and in the revised [Development Brief attached to the report](#) and adopts the Development Brief as Supplementary Planning Guidance to the Salisbury District Local Plan.

## 6. Background Papers:

Salisbury District Local Plan (June 2003)

Land off Duck Lane Laverstock (Consultation Draft) April 2004

Both available at [www.salisbury.gov.uk/planning](http://www.salisbury.gov.uk/planning) via the Forward Planning web page.

## 7. Implications:

- **Financial:** Section 3a (xi) – Residents Parking on Duck Lane - Members should be aware that a number of properties on Duck Lane are Council owned and thus there may be implications for the Housing Revenue Account Capital Programme
- **Legal:** As set out in the report

- **Human Rights:** Article 6 (the right to a fair hearing) may apply. The consultation process contributes to compliance with this.
- **Personnel:** None at this stage
- **Community Safety:** None at this stage
- **Council's Core Values:** Excellent service, thriving economy, fairness & equality, open council & willing partner, communicating with the public, supporting the disadvantaged, protecting the environment.
- **Ward(s) Affected:** Laverstock & Ford