Taunton Deane Borough Council

Executive – 18 January 2012

Release of further Interim Release Sites

Report of the Strategy Lead
(This matter is the responsibility of the Planning and Transportation Portfolio Holder)

1. Executive Summary

The purpose of this paper is to identify the need for, and scope to recognise further interim release housing sites which would to supplement our five year deliverable supply of housing land.

• We are required under Planning Policy Statement 3: Housing to maintain a rolling deliverable supply of housing land, in order for such sites to be ‘deliverable’ they must satisfy certain criteria relating to suitability, availability and achievability.

• Failure to demonstrate a five year supply increases the risk of planning decisions which do not accord with our emerging Core Strategy, and indeed, this Plan being found “unsound”.

• The Council cannot robustly demonstrate a five year deliverable supply of housing land at present with an identified shortfall of 0.3 years in the recently published Strategic Housing Land Availability Assessment.

• Irrespective of the extent of the shortfall, it would be pertinent to identify as much potential through interim release sites as possible so as to ensure the Council is in the strongest position as it can be.

• Interim release sites should be recognised at Ford Farm, West of Greenway and Hartnells Farm. Together these sites could contribute up to 700 dwellings (or nearly 1 year towards the five year supply)

• In advance of the preparation of a comprehensive masterplan an interim release at Comeytrowe / Trull would conflict with the Published Plan Core Strategy
2. Background

2.1 National planning policy requires all Local Planning Authorities to demonstrate a five year “deliverable” supply of housing land. In order for sites to qualify as deliverable they must satisfy some basic provisions, namely that they are:

- Available – the site should be available now for development
- Suitable – the site offers a suitable location for development now and would contribute towards the creation of sustainable, mixed communities; and
- Achievable – there is a reasonable prospect that housing will be delivered on the site within five years

(PPS3, Para 54)

2.2 The Council monitors its housing land supply position through the Strategic Housing Land Availability Assessment (SHLAA). This document is reviewed annually and provides a robust assessment of the latest land supply position based on current consents and commitments. Crucially, the assessment of sites is undertaken through the involvement of housebuilding professionals including agents, developers and housebuilders who have the opportunity to discuss the merits and relative prospects of sites likely to come forward in the next five years and beyond.

2.3 The 2011 SHLAA was published in December 2011, it identified that the Council could not robustly demonstrate a five year deliverable supply of housing land. The shortfall equates to approximately 0.3 years (or approx 230 dwellings).

2.4 The reasons for this shortfall are mixed and quite complex but they include: continued slow progress in the implementation of long-standing commitments (particularly on large sites), the difficulties in developers obtaining finance to develop town centre flatted schemes (from which the Council would otherwise draw a significant part of its supply) and of course, the continued stagnation in the wider economy.

2.5 The consequences of failing to identify a five year supply are potentially quite severe and impact on both plan-making and development management processes.

2.6 In respect of plan-making, as members will be well aware, the Core Strategy is scheduled for independent examination commencing next month (February 2012). A number of representations made in respect of the Published Plan relate to a perceived lack of a five year supply. The five year requirement is set out very clearly in national planning policy guidance and the failure to be able to demonstrate sufficient supply could result in the Inspector recommending the release of further sites which could contribute, or worse still, finding the whole plan “unsound” meaning that the Strategy would have to go back a number of stages causing further cost, delays and uncertainty for all parties.
2.7 With regard to development management, the risk is more about the Council forfeiting the ability to determine where and when development is acceptable. Under separate provisions of PPS3 (paragraph 71) it states:

“Where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, for example, where Local Development Documents have not been reviewed to take into account policies in this PPS or there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing…”

2.8 The policy does include limited protection to LPAs, identifying that such proposals should satisfy some very basic tests, namely that; high quality housing will be delivered; a good mix of housing is provided; the site is broadly suitable for development; land is used effectively and efficiently; and that proposals are in-line with general planning for housing objectives and the spatial vision for the area. Of course, the main difficulty with these criteria is that they are almost entirely subjective, and as a consequence, many planning appeals relating to housing proposals are won and lost on these very arguments.

3. Potential interim release of sites

3.1 In-light-of the potential risks identified above, it is considered that members should consider the opportunity to recognise interim release sites so as to supplement the housing land supply. This would help to reduce the risk of successful appeal on sites which do not fit within the Council’s strategic plans. It would also help to ensure that at the imminent Core Strategy examination, officers can demonstrate best endeavours in the face of continued difficult market conditions to plug any shortfall in housing supply.

3.2 Members will recall in Spring 2010 they were asked to consider the recognition of a number of potential interim release sites, namely sites at Cades Farm, Nerrols Farm, Ford Farm and Killams. Ultimately interim sites were recommended for release at both Nerrols Farm and Cades. Since this time both sites have progressed through the development management process and are anticipated to make a significant contribution towards housing land supply over the next five years.

3.3 The following sites were initially identified by officers as potential interim release sites:

- Ford Farm, Norton Fitzwarren
- Killams
- West of Greenway
- Hartnells Farm
- Comeytrowe Early Release / Broadlands
Killams

3.4 Land at Killams was of course, previously proposed for interim release through the May 2010 Scrutiny Paper. It was considered at this time that the site was an active demonstration of “localism in practice” in view of the substantial level of local representation and consequently was dropped as an interim site from further consideration. For this reason, the site has not been subject to further consideration through this report.

Comeytrowe Early Release / Broadlands

3.5 A consortium of landowners has formed within the Comeytrowe / Trull area. This consortium comprises both volume national housebuilders and local developers Summerfield. Together the Consortium has made substantive representations against the site’s non-allocation within the Published Plan Core Strategy.

3.6 The Published Plan does identify Comeytrowe / Trull as a “Broad Location” but stopped short of making a formal allocation at this stage, principally on the basis that a comprehensive masterplan including meaningful public consultation has not been undertaken as of yet.

3.7 The Consortium is in the process of preparing an Outline Planning Application for an “early release” at the northern end of the Comeytrowe / Trull area of search. Officers would advise that whilst this location could make a contribution towards the five year supply of deliverable housing land and broadly represents a suitable location for housing, to formally recognise the site ahead of substantial public engagement and commitment to a comprehensive masterplan would conflict with the principles established so recently in the Published Plan Core Strategy.

3.8 Land at Broadlands also lies within the Comeytrowe / Trull area and is also being promoted by agents on behalf of the landowner. The site is therefore considered to be available for development and is in a location where housing is likely to be achievable. Officers would not recommend an interim release in this location. The promoters of the site have indicated that the site should be treated as a ‘stand alone’ development opportunity which therefore would not be subject to any comprehensive masterplan and thus not contributing towards identified strategic infrastructure requirements. As such, an interim allocation here would also conflict with the Published Plan Core Strategy.

4. Proposed interim release of sites at Ford Farm, West of Greenway and Hartnells Farm

4.1 The section below provides an indicative summary of suitability, availability and achievability of three potential interim release sites, which, it is considered, could make a significant contribution towards the Council’s five year deliverable supply of housing land. Please note that whilst plans have been included within the Appendices of this report, these are **indicative only**. Were these sites to come forward through the
development management process, the red line boundaries shown may be different from those indicated within this report.

Ford Farm, Norton Fitzwarren (approx 16.48ha)

4.2 **Site Description:** The site lies to the west of Norton Fitzwarren next to the former Matthew Clarke cider factory. The land is optioned to a number of major housebuilders including Barratt Homes. The land itself is partly in functional floodplain: Flood Zone 3b and partly in Zone 3a. Please see Appendix 1 for an indicative plan.

4.3 **Site Availability:** The land is under option and has been promoted through the plan-making process on behalf of the consortium for allocation.

4.4 **Site Achievability:** Subject to an acceptable planning solution being found to the flood risk issue and this being viable for the developers to implement the site could be regarded as achievable. It adjoins the first phase of development which is currently being implemented by the Consortium.

4.5 **Site Suitability Summary:** The site lies adjacent to a site currently being developed and as such would benefit from close proximity to a local centre providing a range of services and facilities. The prime consideration would appear to be over the desirability of allowing for development in an area at risk of flooding. It seems that there may be a technical solution to the flood risk issue but this may need to be confirmed in-writing prior to the Council sanctioning an interim release here.

4.6 **Potential Contribution Towards Five Year Deliverable Supply:** The site is under option to major housebuilders although any development would be dependent on fulfilment of a Grampian condition regarding implementation of flood works. With this in mind, construction of any housing would be unlikely before year 2. Given size of site, it is likely that build out rate will be double that achieved on smaller sites. Potential contribution 250 – 350 towards five year supply (total potential 400 – 500)

West of Greenway, Monkton Heathfield (approx 15ha but interim site unlikely to comprise entirety of site)

4.7 **Site Description:** Land immediately to the west of Sidbrook, north of the A3259. The potential interim release site would probably only encompass land to the southern extent in the ownership of Mrs Green and the Warrens. Please see Appendix 2 for an indicative plan.

4.8 **Site Availability:** The site is currently under option to Strategic Land Partnerships (who do not develop land themselves but package together schemes for disposal to major housebuilders). From discussions with its
promoter, an application may be forthcoming in the next six months for up to 200 dwellings.

4.9 **Site Achievability:** No obvious achievability issues. Site could be considered an attractive option for interim release since it represents one of the few parts of Monkton Heathfield not owned or under option by Redrow or Persimmon.

4.10 **Site Suitability Summary:** The prime consideration for this site is whether or not it can be released ahead of other parcels within the wider Monkton Heathfield urban extension. There may be for example, technical difficulties in transport terms as to why this site cannot be released within the next five years. As part of the masterplanning commission, further transport assessment is currently underway, consultants have been specifically asked the question of phasing with a view to this site coming forward in years 1-5.

4.11 In all other respects this site would appear a logical interim release. It lies within the proposed Monkton Heathfield allocation, is better-related than some sites to the heart of the village and sits on an existing public transport corridor. The Hestercombe House Habitats Regulations Assessment identified West of Greenway as a site where development would be permitted prior to on-site buffer planting and the off site offset habitat creation becoming functional provided that on and off site mitigation is initiated at this stage.

4.12 **Potential Contribution Towards Five Year Deliverable Supply:** Since the site is not in the control of a housebuilder and the site is reasonably small (at least in the context of the other sites considered here), any contribution is likely to be confined to years 2 – 5 at a build out of 25 in the first year and up to 50 per annum thereafter. Potential contribution 125 - 175.

Land at Hartnells Farm, Monkton Heathfield (approx 10ha)

4.13 **Site Description:** Land to the north of A3259 encompassing the Listed Hartnells Farm House. The exact extent of any planning application may cover a different area to that shown in the SHLAA. Please see Appendix 3 for an indicative plan.

4.14 **Site Availability:** The site is currently under option to Strategic Land Partnerships (who do not develop land themselves but package together schemes for disposal to major housebuilders). From discussions with its promoter, an application may be forthcoming in the next six months for up to 220 dwellings.

4.15 **Site Achievability:** No obvious achievability issues. Site could be
considered an attractive option for interim release since it represents one of the few parts of Monkton Heathfield not owned or under option by Redrow or Persimmon.

4.16 **Site Suitability Summary:** Unlike West of Greenway, this nearby site is likely to be more significantly affected by Lesser Horseshoe Bats and the Hestercombe SAC. The primary implication of this may well be that any development may be limited prior to off-site, off-set planting being established, thus rendering any interim release of limited value. Notwithstanding these concerns, the applicants seem confident that a technical solution can be found and therefore one consideration for the Council could be to promote the site subject to an acceptable solution to the bats issue being found (this should be acceptable to all parties: Borough Council, applicant, Natural England and Larry Burrows as the County Council’s ecologist). With this in mind, it is not proposed that the Council would formally place any allowance within its five year supply for this site until such time as any planning permission is granted.

4.17 As with West of Greenway there could be technical difficulties in transport terms as to why this site cannot be released within the next five years. As part of the masterplanning commission, further transport assessment is currently underway, consultants have been specifically asked the question of phasing with a view to this site coming forward in years 1-5.

4.18 The site sits within the proposed Monkton Heathfield allocation, is better-related than some sites to the heart of the village, moreover it lies on an existing public transport corridor.

4.19 **Potential Contribution Towards Five Year Deliverable Supply:** Since the site is not under option to a housebuilder and the site is reasonably small (at least in the context of the other sites considered here), any contribution is likely to be confined to years 2 – 5 at a build out of 25 in the first year and up to 50 per annum thereafter. Potential contribution 125 - 175. It should also be noted that given relationship of the site to Hestercombe House SAC, off-site, off-set habitat planting may well impact on the extent to which this site can contribute towards the five year supply.

5. Finance Comments

5.1 At the time of the report’s presentation, no formal finance comments have been received. Recognition of further interim release sites should help to bolster the Council’s five year deliverable supply of housing land. This would potentially increase the share of ‘New Homes Bonus’ monies that the Council is in receipt of and also realise contributions towards planning obligations / any Community Infrastructure Levy. Failure to identify a five year deliverable housing supply could result in costs to the Council in terms of unsuccessfully being able to defend planning appeals and demonstrate that the emerging Core Strategy is ‘sound’ in its forthcoming examination.
6. Legal Comments

6.1 No additional legal implications have been identified beyond those outlined in the main body of this report.

7. Links to Corporate Aims

7.1 The Core Strategy has identified a number of strategic sites that will provide sustainable mixed use development and community facilities. The Interim Sites proposed relate to initial phases of the strategic site at Monkton Heathfield and at Ford Farm that can help to supplement the Council’s five year deliverable supply of housing land. This relates to the Corporate aims of regeneration, affordable housing and climate change.

8. Environmental Implications

8.1 Obviously the main environmental implications relating to the interim release of all the sites outlined in this paper is that greenfield land will be lost to development. Notwithstanding this, all three sites proposed for interim release are in sustainable locations, in the case of sites at Monkton Heathfield, these are in close proximity to the existing village centre and will ultimately be within comfortable walking distance of the proposed District Centre and lie on a public transport corridor.

9. Community Safety Implications

9.1 There are no identified community safety implications.

10. Equalities Impact

10.1 No separate Equalities Impact Assessment has been carried out for the proposed interim release of sites. A separate Equalities Impact Assessment has however been prepared to accompany the Published Plan Core Strategy.

11. Risk Management

11.1 Principal risks associated with failure to identify interim release sites are that the Council cannot robustly demonstrate a five year supply of housing land. This would put the Council in an extremely vulnerable position as to the determination of planning applications but also be a concern for the Core Strategy examination where the soundness of the Plan will need to be demonstrated.

12. Partnership Implications (if any)

12.1 No specific partnership implications have been identified.
13. Recommendations

13.1 The Executive is recommended to support the proposed further interim release sites. The recognition of such sites would allow the Council to argue that there is a reasonable prospect that housing will be delivered on the respective sites within five years.

Further, formal recognition of these sites by the Council would act as a tacit acceptance of the suitability of sites. Without such a recognition, the Council would be unable to argue that these are “deliverable” before such time as the Core Strategy is formally adopted (in the case of the sites at Monkton Heathfield) or the Site Allocations Plan has been adopted (in the case of Ford Farm, Norton Fitzwarren – assuming of course that the site is allocated in the Plan). Officers are seeking written assurance from the promoters of the three sites outlined above ahead of hearing sessions scheduled as part of the Core Strategy examination in early 2012.

13.2 The Executive is therefore requested agree the following interim release sites:

1. West of Greenway, Monkton Heathfield;
2. Hartnells Farm, Monkton Heathfield; and
3. Ford Farm, Norton Fitzwarren.

Contact: Nick Bryant
Strategy Lead
Tel no: 01823 356482 (or ext. 2425)
email: n.bryant@tauntondeane.gov.uk