

EXECUTIVE
12th March 2007

LDF – SITE SPECIFIC ALLOCATIONS PREFERRED OPTIONS

SUPPLEMENTARY REPORT RESPONSE TO PETITION RE LAND AT REAR OF VIVIAN AVENUE

1.0 Summary

- 1.1 Local residents have petitioned the council to include the land to the rear of Vivian Avenue to retain the site as a green space with sports facilities.

2.0 Recommendations

- 2.1 That Executive agrees a further Site Specific Allocation for the Vivian Avenue site based on option 4 set out below; and
- 2.2 Delegates the final wording of the SSA to the Head of Planning in consultation with the Head of Legal Services.

3.0 Detail

- 3.1 The council's planning committee has refused an application for a two storey 72 unit elderly person's 'sheltered housing' scheme and improvement to a former sports clubhouse on 5th September 2006. The proposed development covers most of the 0.7ha site in accommodation and associated uses with limited amenity and greenspace. The site is a backland one bounded by houses on Vivian Avenue and Harrow Road and split by a public footpath. It was used for many years as Tennis Courts and private allotments. The Two tennis courts have not been used for over 14 years and have fallen into disrepair but club members have maintained the adjoining clubhouse, although this is now in poor condition. The allotments appear to be let on a grace and favour basis and the applicants maintain that only one plot is now cultivated.
- 3.2 The applicants have now submitted an appeal against the council's refusal for their September 2006 scheme, but no appeal date is known at this stage.
- 3.3 In planning terms the site could be considered as a sports ground or as urban greenspace. The Council's existing Unitary Development Plan (UDP) policy protects sports grounds but does allow limited development if this were to protect the remainder of the site for sport and recreation. As urban greenspace the site should be protected from development.
- 3.4 The council's emerging Local Development Framework (LDF) proposes to limit housing development to brownfield (previously used sites) and either not build or limit development on Greenfield sites. The LDF however has limited

planning weight at this stage of its life and members should note that at any planning appeal, an inspector would give more weight to the council's UDP policies. Nevertheless any Site Specific Allocation shows the general future direction the council wishes to go and in the event that the council's refusal is upheld by an inspector, gives clear guidance as to the council's future intent.

3.5 The Executive has three main options in responding to the Vivian Avenue Action Group's request as well as the supporting the proposal:

3.6 Option 1: Supporting a significant development proposal
If members of Executive considered that there was little need for or open space value in the current site then the Executive should support an SSA that allowed maximum development of the site. The council's Planning Committee have not, on officers advice, supported such an approach.

3.7 Option 2: No Site Specific Allocation
The site is protected by existing Unitary Development plan policy and it could be argued that any Site Specific Allocation would not add to that protection. It may be that any SSA would not in any event have significant material weight if for example, applicants went to appeal and the SSA had not progressed through any further stages. This option therefore relies on current policy

3.8 Option 3: SSA to Protect the whole site for open space and recreation uses.
A further option is to try and designate the site as one where development is only permitted for open space including sport and recreation uses. The concern over this option is that even if this designation was made, if there were no reasonable prospect to implement it, an inspector at appeal may prefer to support a solution based on development. This would in all probability need the council or a locally based group to purchase the site and for the council to support such action using Compulsory Purchase Order powers. The council has not made any budget provision to acquire the site and acquisition and management by the council is not recommended by the Director of Environment and Culture. It is unclear whether the Action Group or other organisation could do likewise without the support of the council.

3.9 Option 4: SSA to protect the site
The council's current UDP policy on sports grounds does allow for the possibility of some development- the minimum required to improve the remainder. The current policy could be re-enforced by a SSA that sought the minimum amount of development on the site that would allow the remainder to be brought back into open space and sports use. This could mean very little development if funds were found to purchase part or all of the site. Alternately this may be whatever development that was reasonably required to enable some sports/open space provision to be re-provided on the site.

Conclusions

3.10 While the most satisfactory outcome would be to protect the site for open space and sports use, your officers recommend consulting on Option 4. This provides a pragmatic way of preserving as much open space/sports use as possible and provides a funding route. The council can continue to attempt to prevent any non-recreational development but it is possible that any developer will be successful at appeal if there are no reasonable prospects of a satisfactory solution to the future use of the land.

END