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Report

Subject : Planning application S/2006/1698 Land between Netheravon Road and High Street Durrington – Allotment Provision

Report to : Northern Area Committee

Date : 3rd March 2008

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1. Report Summary:

The report sets out the current situation as regard to the provision of allotments relating to the above planning application at the former MOD site between Netheravon road and the High Street Durrington.

2. Main Report

On the 1st March 2007 Northern area committee resolved to grant planning permission for the erection of 156 dwellings and associated infrastructure on former MOD land at Durrington this included the reprovision of existing allotments on an alternative area of land at the site. The MOD issued notices to quit to the allotment holders in November 2006 and these notices to quit expired in November 2007. Since this point allotment holders have stated that they have been without allotments at the former MOD site.

Policy H12 of the local plan covers this allocated housing site and states –

Residential development is proposed on about 4.0ha of land east of Netheravon Road, Durrington. A planning obligation will be sought in respect of the provision of educational, recreational and community facilities and other requirements where they are necessary, relevant to planning and directly related to the proposed development. These will be set out in the development brief, which is being prepared for the site. A mix of house types and sizes will be sought including a proportion of not less than 25% of affordable housing which will be negotiated with the developer and which will take account of the identified need in Durrington.

In July 2006 the council adopted a development brief for the Former MOD site in Durrington. The development brief sets out on page 25 that –

The allotments will be relocated with continuity of use and will be of an equal or greater quantity and quality than the existing, ensuring adequate light, car parking, perimeter fencing and water supply.

It should be noted that the policy does not make a requirement for the reprovision of allotments at the development site or therefore for continuity of use. In view of this it would be difficult to refuse permission solely on the grounds that the development does not provide for continuity of use.

The heads of terms relating to the allotments in the S106 legal agreement are:

- (a) **New Allotments:** To be properly laid out and fenced and available on or shortly before the date on which the allotment holders are required to give up possession under the terms of the new tenancies of the existing allotments. There is also provision for the allotment holders to remove and transfer crops, sheds etc from the old allotments to the new ones
- (b) **Existing Allotments;** Until the new allotments are provided, the use of the old allotments will continue. The Owner is required to offer new tenancies of the existing allotments within a month of the completion of the S106 agreement unless such tenancies have been completed prior to the completion of the S106 agreement to the Council's satisfaction. It is understood that tenancies have been offered in the form agreed with the Council. It will be possible to provide an update at the committee as to how many have been offered and completed.

3. Options for consideration:

a) That members agree the heads of terms as set out above.

b) That members refuse planning application S/2006/1698 on the grounds that inadequate provision has been made for the continued use of the allotments at the site

4. Consultation Undertaken: Full consultation was undertaken in respect of planning application S/2006/1698.

5. Recommendation(s): That the heads of terms in relation to the allotments set out above are agreed.

6. Background Papers: None

7. Implications:

- **Financial:** There are significant costs implications of refusing the planning application on the grounds that inadequate provision has been made for the continued use of the allotment at the site.
- **Legal:** None
- **Human Rights:** None
- **Personnel:** None
- **Community Safety:** None
- **Environmental:** None
- **ICT:** None
- **Wards Affected:** Durrington Ward