

Agenda Item 9

Forward Planning
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Report

Report subject: Land at Downton Road and proposed swap of community land.

Report to: The Cabinet

Date: 28 March 2007

Authors: Sarah Hughes, Planning Officer, Forward Planning.

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Cabinet Member for Planning and Economic Development:

CLlr Penny Brown

1.0 Report Summary:

A report was considered by City Area (Community) in December 2004 on the principle of swapping land designated for Community use within the Westbury Homes (Westbury) development site to facilitate the provision of a shop. Councillors agreed in principle to the transfer. (Minute 124 refers). The issue is being brought to Cabinet as the authority to acquire and transfer land is within the remit of Cabinet.

2. Background

The land shown edged in black on the attached plan was transferred to the Council in January 2003 for community purposes as part of a Section 106 Agreement in respect of the original Rowbarrow development. The total area of the site is about 4256 sq meters. The Community Association has obtained planning consent for a Community Hall however development has not yet commenced.

A development brief was produced for the housing site adjacent to the community land, allocated in the local plan under policy H2F. The policy states that as part of the development a shop will be provided. The consultation draft of the brief stated that the Council and Westbury Homes were commissioning an independent consultant to assess whether a shop is financially viable in this location. The response from the consultant was that a shop is expected to be financially viable, and that the preferred location for the shop would be the location of the proposed Community Hall. This location makes sense in commercial terms, as it will be a prominent location for passing trade.



Awarded in:
Housing Services
Waste and Recycling Services



In order for the shop to be located on the site of the Community Hall, lengthy discussions have taken place between the Community Association, officers of the Council and Westbury. The result of these discussions is that there should be a land swap between the council and Westbury, so that the part of the Community Hall land will be transferred back to Westbury, and an equivalent area of land will be given back to the council for community purposes.

As a result of the above, the Community Hall site has now been relocated. This move also benefits the hall, as the Community Association was keen that the hall has access to open land that they would be able to hold summer fetes on etc. Moving the hall to this location would meet this objective.

Plan B shows the area of land to be swapped with the council, which is a like for like swap, resulting in the new community hall land being 4256 sq m.

Original community hall site (Plan A)	Land to be swapped Plan B, parcel C	Area of remaining community land plan B parcel A	New area for community hall Parcel C + Parcel A
4256 Sq m	2683 Sq m	1573 Sq m	4256Sq m
Difference			0 sq m

Councillors should note that all the land (parcels A,C,D,E) are either currently in our ownership, or will be transferred to the authority as part of the housing development, therefore the small parcel of community land adjacent to parcel E, will not be cut off from other public land.

Cabinet approval is required for the land transfer to proceed, as it is the body responsible for the existing land. If it is agreed to proceed with the transfer, as the original land transfer was dealt with under the Section 106 for Rowbarrow gardens, once a request to vary the original S106 has been received from the applicant, a report will have to be taken back to City Area (Planning) committee for them to decide whether it is appropriate in planning terms to modify the original agreement to reflect the changes agreed by Cabinet.

In order that meaningful discussions can continue with both the Community Association and Westbury, Cabinet is requested to indicate if it wishes to approve the land swap as described above, and shown on the attached plan.

3. Recommendation:

Cabinet is requested to approve the land swap as shown on the attached plan with Westbury and instruct Officers accordingly, once a request to vary the original S106 has been received from the applicant that a report be taken back to City Area (planning) committee recommending that the section 106 agreement be amended.

4. Background Papers:

Correspondence from the Community Association and the Bell Cornwell Partnership

5. Implications:

Financial : None arising from this report

Legal : None arising from this report

Human Rights : None arising from this report

Personnel : None arising from this report

Community Safety : None arising from this report

Environmental : None arising from this report


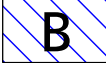





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Council and a willing partner; communicating with the public; supporting the disadvantaged.

Wards Affected : East Harnham

Downton Road Salisbury

Land Swap Areas

-  Application number S/2005/0980 Boundary
-  **B** Transfer land from Salisbury District Council to Westbury Homes (approximate area - 1660m²)
-  **C** Transfer land from Westbury Homes to Salisbury District Council (approximate area - 2683m²)
-  **A** Current Community Hall land (approximate area - 1573m²)
-  **D** Land under Salisbury District Council ownership
-  **E** Open space land within Westbury Homes ownership
-  Original community land

Scale 1:1250 at A3

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