

Report Considered by the Western Area Committee 4th November 2004

REASON FOR REPORT TO MEMBERS

Councillor Couper has requested that this item be determined by Committee due to the prominent nature of the site and the interest shown in the application

SITE AND ITS SURROUNDINGS

This site, at present, forms part of the larger allotment gardens for Hindon, although it is currently disused and overgrown. The site occupies an a fairly exposed and elevated position on a sloping site that falls away more steeply to the south eastern side of the site towards the existing allotments that are worked and The Dene beyond. It is located immediately adjacent to the south western edge of the settlement within the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty. It also lies immediately adjacent to, but outside of, the Hindon Conservation Area.

The site can be accessed via Footpath 11, that runs from The Dene to the south east of the site adjacent to the north eastern side of the used allotment gardens and part of the length of the site, where it connects with a track/pathway (designated as a road used as a public path (No9)) that leads to Angel Hill (B3089) to the north west. The site can also be accessed via Footpath 13 that runs from the High Street in a south westerly direction and connects with Footpath 11 at its junction with the pathway to Angel Lane. Both footpath 11 and 13 are grassed and have a changing character from worn grass, compacted stone and finally a loose gravel surface.

THE PROPOSAL

This application seeks planning permission for a change of use of part of the village of Hindon's allotment site from allotments that are disused to a recreation and amenity ground for public use. The proposal does not seek planning permission for any specific recreational use/facilities at this stage, although two site layout plans have been submitted for illustrative purposes indicating the sort of facilities that could be provided and the way the ground could be laid out, together with the associated alterations to the existing ground level changes that would be required, subject to further consideration.

PLANNING HISTORY

No previous relevant planning history.

CONSULTATIONS

WCC Highways: Raise concerns that children will make use of the pathway leading to Angel Hill (B3089) where there are no footways or street lighting that will create a road safety hazard. Further concerns are raised regarding the current standard of footpaths 11 and 13 that will be subject to further wear and the use of the track leading to Angel Hill (B3089) by construction traffic that will cause extraordinary wear and tear.

Environmental Health: No observations to make.

Rights of Way Officer: No comments received.

Parks Manager: No objections to the principle of the proposed development.

REPRESENTATIONS

Advertisement Yes - expired 07/10/04
Site Notice displayed Yes - expired 15/04/04

Departure	No
Neighbour notification	Yes - expired 08/04/04
Third Party responses	Yes

21 letters of representation have been received in response to the proposed development that raise objections to the proposed development. Although some of these letters support the principle of the provision of recreational facilities within the village they do not consider that this is a suitable site and raise the following concerns/objections:

- The allotments are described as being disused, but this is far from the fact. The area has often been widely used for vegetables and fruit growing though currently there are few users;
- If a water supply was provided to the allotments then the demand would be much greater;
- The proposal is to provide playing facilities for children older than those who use the existing ones and former activities have been shown to be of no interest to older children;
- The proposal excludes the majority of the residents of Hindon;
- It has not been demonstrated that additional recreational facilities are required in Hindon;
- Should part of the existing allotments be no longer fully required, a better solution would be to turn it over to grazing land;
- The use of the land proposed would soon become idle and result in attempts to develop the site for housing with access onto a dangerous road;
- The site is somewhat isolated and the use of this land as a play area would require the supervision of children to prevent vandalism and accidents;
- The recreation area may become a haven at night for drug taking and under age drinking;
- The access track from Angel Lane will be torn up if heavy vehicles are required to use it to gain access for the building works;
- There is no suitable access for the emergency services;
- The entrances/exits to the proposed development are unsafe due to the restricted visibility, particularly to the B3089, while the footpaths are unmade and hazardous;
- The proposal does not include the provision of any parking and it will therefore create congestion in the village;
- The footpaths will be used by cyclists causing conflict with the pedestrians;
- The proposal will not be in keeping with the character of the adjacent Conservation Area or listed buildings;
- The proposed development will adversely affect views into and out of the Conservation Area;
- The proposed recreational activities will generate noise and disturbance to the adjoining residents and should exclude the use of skateboards, motor cycles, bicycles etc
- No mention has been made regarding the future maintenance costs. The village already has a playground that the Parish Council find difficult to maintain given the limited funds available and if the proposed site is not maintained properly deterioration will soon occur and it will become a derelict site;
- The transferral of public land to a private concern representing the interests of a minority of the residents in Hindon should not be allowed and should be the democratic decision of the whole of the community;
- The application is premature as Hindon is now producing a Village Design Statement which may identify other preferred uses;
- Many of the people living in Hindon are unaware of who the Hindon Recreation Trust are or what the trust deed or indenture contains or what restrictions they are placing on themselves;
- The area is environmentally important as a home to rare species of butterflies and orchids;
- The land falls within the Cranborne Chase and West Wiltshire Downs AONB
- Any change to the existing pattern of drainage down the allotment slope will increase the risk of flooding to properties along the Dene and the lower allotments;
- People may trespass across adjacent private land; and
- The proposed development will devalue the adjacent/nearby properties.

A petition against the proposed development containing a total of 76 signatures has also been submitted in response to the application. This petition, principally, objects to the proposed change of ownership of the site from public to private ownership.

Parish Council Support.

POLICY CONTEXT

The following policies of the Adopted Replacement Salisbury District Local Plan (June 2003) are relevant to the current proposal:-

G2, CN11, C5, R1A, R1C and R20.

MAIN ISSUES

1. Principle of Development
2. Visual Impact
3. Residential Amenity
4. Highway Issues

PLANNING CONSIDERATIONS

1. Principle of Development

The proposed change of use from disused allotments to a recreation and amenity ground is intended to provide outdoor recreation provision for older children within the village of Hindon, as there is currently a shortfall in outdoor recreation provision within the village especially for outdoor adult recreation and youth facilities. This contention is supported by the Council's most recent survey of open space provision that was undertaken in 2000 that identified a total shortfall of 1.13 hectares of recreation provision and no provision of adult/youth facilities within Hindon whatsoever. In accordance with Policies R1A and R1C of the Adopted Replacement Salisbury District Local Plan (June 2003), the principle of proposals for the provision of new outdoor recreation facilities is considered to be acceptable subject to there being no adverse impact on the landscape of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty, no adverse impact on the amenities of neighbouring residents and provided they are acceptable by means of public transport and other sustainable modes of transport. The site is also located immediately adjacent to the Hindon Conservation Area and in accordance with Policy CN11 of the Adopted Replacement Salisbury District Local Plan (June 2003) new development is acceptable provided that views from and into the conservation area are safeguarded.

Given that the application site forms part of an allotment garden, albeit that it is no longer used for this purpose, Policy R20 of the Adopted Local Plan that considers the development of allotment sites is applicable to this proposal. This policy states that;

"The development of allotment sites will not be permitted unless alternative facilities are provided in an appropriate location, or the allotments are no longer required in the locality".

The supporting paragraphs to this policy acknowledge that allotment sites are generally well utilised although it is also recognised that demand for plots varies from time to time, while the Local Planning Authority does not wish to enforce the retention of such facilities where they are clearly no longer required. As such, the development of these sites is prohibited unless alternative sites are made available or it can be demonstrated that the demand for allotments no longer exists in the local area.

In support of the proposed development, the applicant's agent has advised that the application site comprises an area of former allotments that have long since fallen out of use and that is currently unkept and overgrown. The applicant also states that the site excludes that part of the allotment site that is currently in horticultural use and that sufficient land would also be retained for cultivation as new

allotments should there be demand for additional allotment plots in the future. However, no evidence has been submitted to support the contention that there is no longer any demand for these allotment plots, such as records of the number of applications to demonstrate the demand or otherwise for the allotments over a reasonable period of time. Furthermore, a number of objections have also been received to the application on the grounds that the demand for the allotments within Hindon would be much greater if a water supply was provided to the site, while no evidence has been provided to demonstrate that the area of land that would be retained for new allotments would be sufficient to meet future demand should this arise. In the absence of adequate information to demonstrate that there is no demand for the allotments, it is considered that the proposal would result in the loss of allotments, albeit that they are currently disused, without the provision of a suitable and equivalent alternative facility contrary to the requirements of Policy R20 of the Adopted Replacement Salisbury District Local Plan (June 2003) and as such there is an 'in principle' policy objection to the proposal.

2. Visual Impact

The application site is quite prominent in the local landscape by virtue of its elevated position on this sloping land and the open/exposed nature of the site that makes it clearly visible from more distant views across the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty. Given these circumstances, together with the fact that the site is located immediately adjacent to the Hindon Conservation Area where the views into and out of the conservation area could be affected, the visual impact of any proposed structures/equipment to be provided within the site would be critical. Furthermore, ancillary structures such as fencing to enclose possible court areas and to the perimeter of the site, together with associated changes in ground levels that would be required to provide level playing areas for tennis, basketball etc, could also potentially have a significant adverse impact upon the landscape.

In support of the application, two site layout plans have been submitted to indicate the sort of facilities that could be provided and how they could be laid out together with an indication of the changes in the ground levels that would be required depending upon the type of facilities and equipment to be provided. These site layout plans, however, have been submitted for illustrative purposes only and currently no firm proposals for the scheme design and facilities to be included within the proposed recreation ground have been advanced. In the absence of any firm proposals of the type of facilities to be provided and the associated ground level changes that would be required, it is impossible to make a proper assessment of the potential visual impact of the proposed change of use of this site to a recreation ground. However, it is considered that some types of facilities could be provided within the proposed recreation ground without causing any significant harm to the surrounding landscape or adversely affecting the views into and out of the conservation area subject to careful design and landscaping, while the applicant has confirmed that the scheme will not incorporate any exterior lighting as it is intended that the facilities will only be in use during daylight hours. Furthermore, in visual terms, it is also considered that the principle of the use of this area of land, in its current form, as an area of open recreation and amenity ground is acceptable. As such, it is considered that subject to conditions removing permitted development rights for the erection of any structures/equipment and prohibiting any alterations to the existing ground levels being undertaken so that these can be controlled through a subsequent application(s) the proposed change of use of this site to a recreation and amenity ground is acceptable in visual terms.

3. Residential Amenity

With regards to residential amenity, the nearest residential property is "The Nook" that lies immediately adjacent to the north eastern boundary of the application site, while the other surrounding residential properties are further distanced so that they would not be unduly affected. Although it is recognised that certain types of facilities, such as skateboard ramps, can generate relatively high levels of noise, recreational use per se is not inherently noisy from machinery or similar rather just from human voices. In the absence of any firm proposals of the type of facilities to be included within the proposed recreation ground it is not possible to assess the likely levels of noise that they may generate, although it is considered unlikely that the degree of noise and disturbance that would be created from human voices would materially affect the peaceful enjoyment of their property by the occupants of

“The Nook”. Furthermore, it is important that it is not intended to provide floodlighting to the recreation ground, as confirmed by the applicant, as this would otherwise enable the facility to be used when it is dark and during the more sensitive hours during the early morning and late evening when it could have a greater impact upon the amenities of the nearby residents. There is no objection to the proposal by Environmental Health.

4. Highway Issues

With regards to highway issues, the key consideration relates to the proposed means of access to the application site. The site can be accessed along several routes, including via footpaths 11 and 13 leading to “The Dene” to the south east and “High Street” to the north west respectively. Both of these footpaths are grassed and have a changing character from worn grass, compacted stone and finally a loose gravel surface. As a result of the proposed change of use, both of these routes would be subject to an intensification of use and further wear and tear. In light of the current standard of these footpaths, it is considered that it is essential that both routes be upgraded to an acceptable surface throughout their length. However, following discussions with the applicant the proposal has not been amended to incorporate these works. While this issue could potentially be overcome via a legal agreement requiring the upgrade of these routes, given that the applicant does not own the footpaths concerned it is not considered that there is a reasonable likelihood of this being achieved as it would also necessitate the owners of the land to enter into these agreements as well. In the case of footpath 13, in particular, this would require the agreement of a large number of third party residents to upgrade the surface treatment as it passes in front of their properties which have ownership over the land. Furthermore, the applicant has not provided such an agreement in support of this application.

The application site can also be accessed via a track/pathway that is designated as a road used as a public path and that leads to “Angel Lane” (B3089), to the north west of the site, where there are no footways or street lighting, where visibility at the junction is poor and where vehicle speeds are relatively fast. Although it is accepted that the users of the proposed recreation ground are most likely to use the footpath routes from “The Dene” and “High Street”, it is possible that the proposal would encourage increased use of the pathway from Angel Lane, particularly by those residents living within the village to the north of the B3089 and given that footpath 7 that runs from the top end of “High Street” adjoins Angel Lane directly opposite this pathway. Furthermore, given that there is no means of preventing pedestrians accessing the site via this pathway from Angel Lane it is considered that the proposal would be prejudicial to highway safety by virtue of such pedestrian movements. On this basis, WCC Highways have raised an objection to the proposal.

Concern has also been raised by WCC Highways regarding the use of the track/pathway from Angel Lane to the application site by construction traffic as this could result in damage to the surface of this path, particularly if used at times when the weather is poor. However, it is considered that the use of this route can be controlled by an agreement to determine the level of use and size of vehicles and confirmation that any repairs deemed necessary will be carried out at the applicants’ expense.

5. Conclusion

In conclusion, it is recognised that the underlying objective of this application is commendable as it seeks to provide a facility for a group of the community that are presently not provided for within the village. However, the proposal would result in the loss of existing allotments, albeit that they are currently disused, without the provision of adequate information to demonstrate that there is no demand for the allotments. As such, it is considered that there is an ‘in principle’ policy objection to the proposal as it would conflict with Policy R20 of the Adopted Replacement Salisbury District Local Plan (June 2003).

With regards to the visual impact of the proposal and notwithstanding the absence of any firm proposals for the facilities to be included within the proposed recreation ground, together with other ancillary structures and ground level changes, it is considered that the principle of the use of this site as an area of open recreation and amenity ground is acceptable and that it would be possible to accommodate some facilities within this site without causing any significant harm to the landscape of

the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty or the views into and out of the adjacent Hindon Conservation Area. Nevertheless, it will be necessary to impose conditions preventing the erection of any structures/buildings or alterations to the existing ground levels without the benefit of separate formal planning permission. In terms of residential amenity, it is also considered that the proposed use would not cause any material harm by virtue of associated noise and disturbance.

With reference to highway issues, however, it is considered that the proposed recreation ground would result in an intensification of the use of the footpaths leading to the site that would damage their surfaces without any realistic prospect of these footpaths being upgraded by the applicant in accordance with the requirements of WCC Highways. Furthermore, it has also been assessed that the proposal would encourage the increased use of the pathway from Angel Lane (B3089) where there are no footways or street lighting, where visibility at the junction is poor and where vehicle speeds are relatively fast and as such it is considered that the proposal would be prejudicial to highway safety by virtue of such pedestrian movements.

RECOMMENDATION:

REFUSE for the following reasons:

- (1) The proposed development would result in the loss of an existing allotment site that provides a community facility, and in the absence of the provision of an alternative site of equal quality or sufficient evidence to demonstrate that demand for the allotments no longer exists in the locality it is contrary to Policy R20 of the Adopted Replacement Salisbury District Local Plan (June 2003).
- (2) The proposed development would give rise to an intensification of the number of pedestrian movements along the pathway that leads to Angel Lane (B3089) (road used as a public path (Path No9)) where there are no footways nor street lighting and where visibility is poor. As such it would be prejudicial to highway safety. Furthermore, the proposal would also generate increased pedestrian activity along Public Footpaths 11 and 13 that would cause deterioration of their surfaces that are already in a poor condition. As such, the proposal would fail to provide an adequate and satisfactory means of access to the site contrary to Policy G2 (i) of the Adopted Replacement Salisbury District Local Plan (June 2003).