

PUBLIC OPEN SPACE, FOREST GATE, FAWLEY**1. INTRODUCTION**

- 1.1 This report sets out proposal for the sale of part of an area of public open space to permit access to a residential development site and for the transfer to the Council of an additional area of land for additional public open space (POS).

2. BACKGROUND

- # 2.1 New Forest District Council acquired the two areas of public open space (grey on the plan appendix 1) through developer's contributions from Carla Home as part of the Forest Gate and Foxhayes Lane developments in July 1995.
- 2.2 At the time of the development the owners of the property Standors in Mopley Road did not wish to sell, and their property was excluded from the development separating the two areas of POS. The land shown by horizontal lining between the two areas of POS, has for some years been allocated as POS in the local plan but the owner has refused to sell.
- # 2.3 Approximately two years ago the owner of Standors died and the executors of the estate have sought planning consent for the demolition and replacement of the existing dwelling and the building of two additional units in the rear garden (see MDT Design plan appendix 2).
- # 2.4 The area of land proposed to be transferred to create the new road (shown by vertical lining appendix 1) has been licensed for the past two years to the owners of 14 and 16 Forest Gate. In 2006 a site inspection revealed that these parties had been using the land as part of their garden. In order to avoid a claim for adverse possession being established the land was licensed for a nominal £20 pa.
- 2.5 There is some local opposition to the proposal set out in this report but this in part should be set in context. Earlier this year the licensees removed the established shrubs and bushes and planted roses and other species contrary to the license terms. If the proposal set out below in this report does not proceed the parties will be asked to reinstate the planting to an acceptable standard. The actions taken by 14 and 16 Forest gate have understandably caused some disharmony in the street.
- 2.6 The Asset Management Group considered this report on the 28th August and endorsed the recommendation.

3. ACCESS

- 3.1 Following the refusal of an earlier planning application on highways and access issues a scheme has now been proposed (application number 08/93060) that would see a new access being created across the northern part of the POS

(shown vertical hatched on the plan at appendix 1). The rough position of this road has been suggested to avoid the removal of existing trees but is subject to final survey. The existing access to 14 and 16 Forest Gate will be stopped up and new driveways created to these properties off the new access road. The narrow strip of land shown black on the plan between the new road and the current driveways will be transferred to 14 and 16 Forest Gate and no cost. There is no other financial incentive on the table for these parties and the scheme cannot proceed without their involvement as any scheme that would see an additional, rather than replacement driveway being created is likely to be refused.

3.2 Subject to contract, planning, final agreement of the route and landscaping, agreement has been reached for the provision of access with the executors of Standors that they will pay the sum of £30,000 to NFDC in addition they will transfer the land shown by vertical lining on the plan for the provision of additional POS.

4. PUBLIC OPEN SPACE PROVISION

4.1 The proposal will provide an additional area of POS, amounting to a net gain of approximately 125 m². While the development is below the threshold for the mandatory provision of public open space the loss of POS taken by the proposed access route amounts to approximately 115 m² the land proposed to be transferred to the Council amounts to approximately 240 M² (these figures are subject to final survey).

4.2 Public Open Space Policy

4.2.1 The loss of public open space through development would normally be resisted; Local Plan policy DW-R2 states;

4.2.2 Permission will not be granted for the development of non-recreational uses on existing or proposed formal or informal public open spaces . . . unless:

1. Alternative open space facilities of equivalent direct benefit to the community and equivalent or better accessibility by a choice of transport modes are made available; or
2. It is demonstrated that the open space is surplus to requirements in terms of all its functions; or
3. The proposals bring benefits to the community that outweigh the effects of the loss of open space.

4.3 In re-providing the area of POS lost the proposal meets the objective of policy DW-R2 (1) and by providing an additional area of POS thereby enhancing the current open space provision by linking two existing sites also meets the criteria of the planning policy DW-R2(3) above.

5. PORTFOLIO HOLDER'S COMMENTS

- 5.1 Both the Finance & Efficiency and Leisure, Culture & Youth Matters Portfolio Holders support the recommendation contained in this report.

6. FINANCIAL IMPLICATIONS

- 6.1 In addition to the grant of additional open space land the proposal will generate a capital receipt of £30,000.

7. ENVIRONMENTAL IMPLICATIONS

- 7.1 The provision of additional public open space in this locality will improve the general overall provision of two existing areas of public open space and will realise a long held desire to acquire this land.

8. CRIME AND DISORDER IMPLICATIONS

- 8.1 There are no direct crime and disorder implications arising from this proposal.

9. EQUALITY AND DIVERSITY IMPLICATIONS

- 9.1 There are no equality and diversity implications arising from the proposals in this report.

10. CONCLUSIONS

- 10.1 The proposals outlined in this report will generate not only a modest capital receipt but also enhance two areas of existing POS that have remained isolated for some years thus fulfilling a key planning objective.

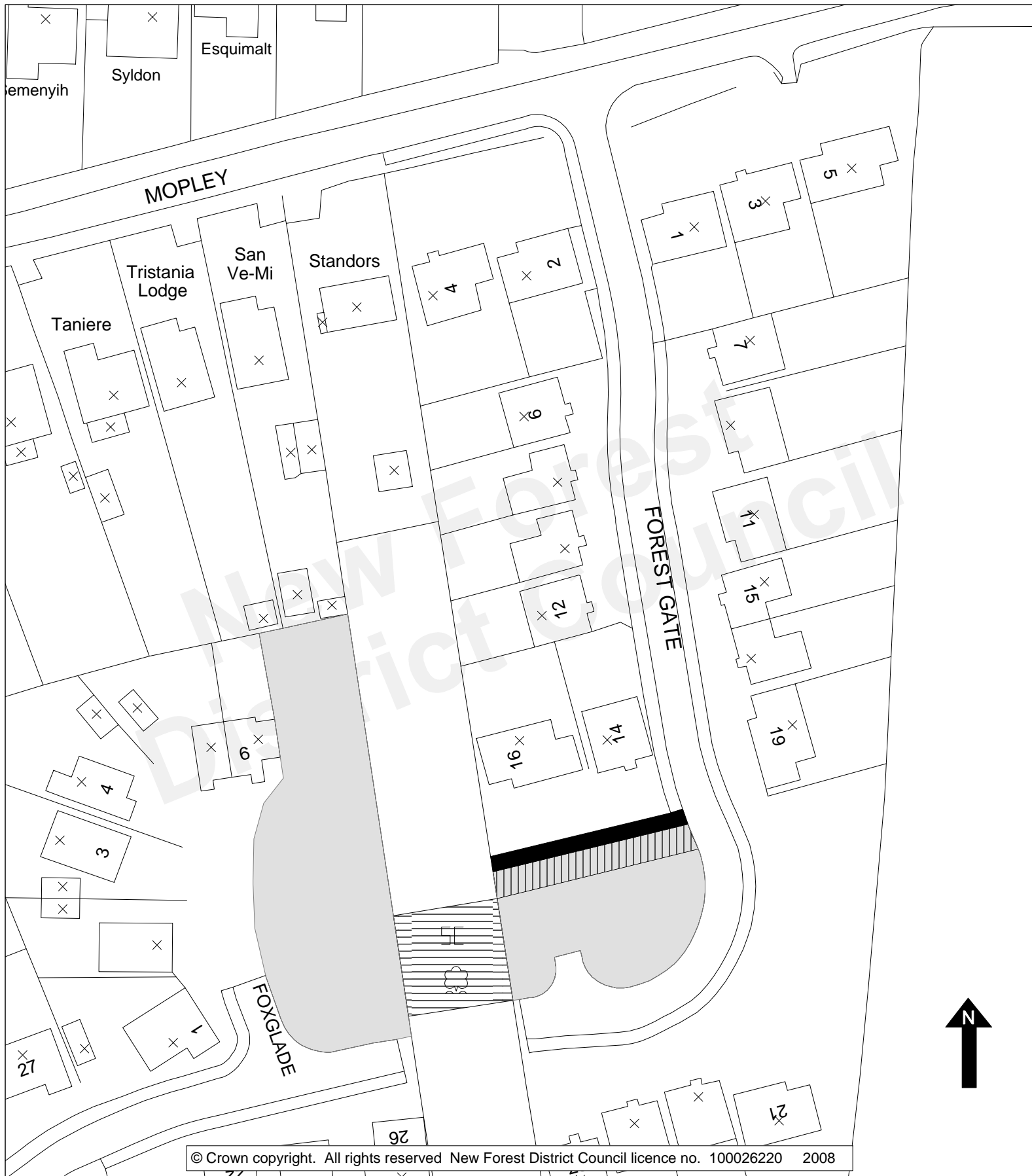
11. RECOMMENDATION

- 11.1 It is recommended that Cabinet endorse the proposal in this report and subject to contract and planning, officers are authorised to settle terms for the grant of access rights and the transfer of land for public open spaces as set out above.

For Further Information Please Contact:

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Title

POS Forest Gate
and Foxhays
Fawley

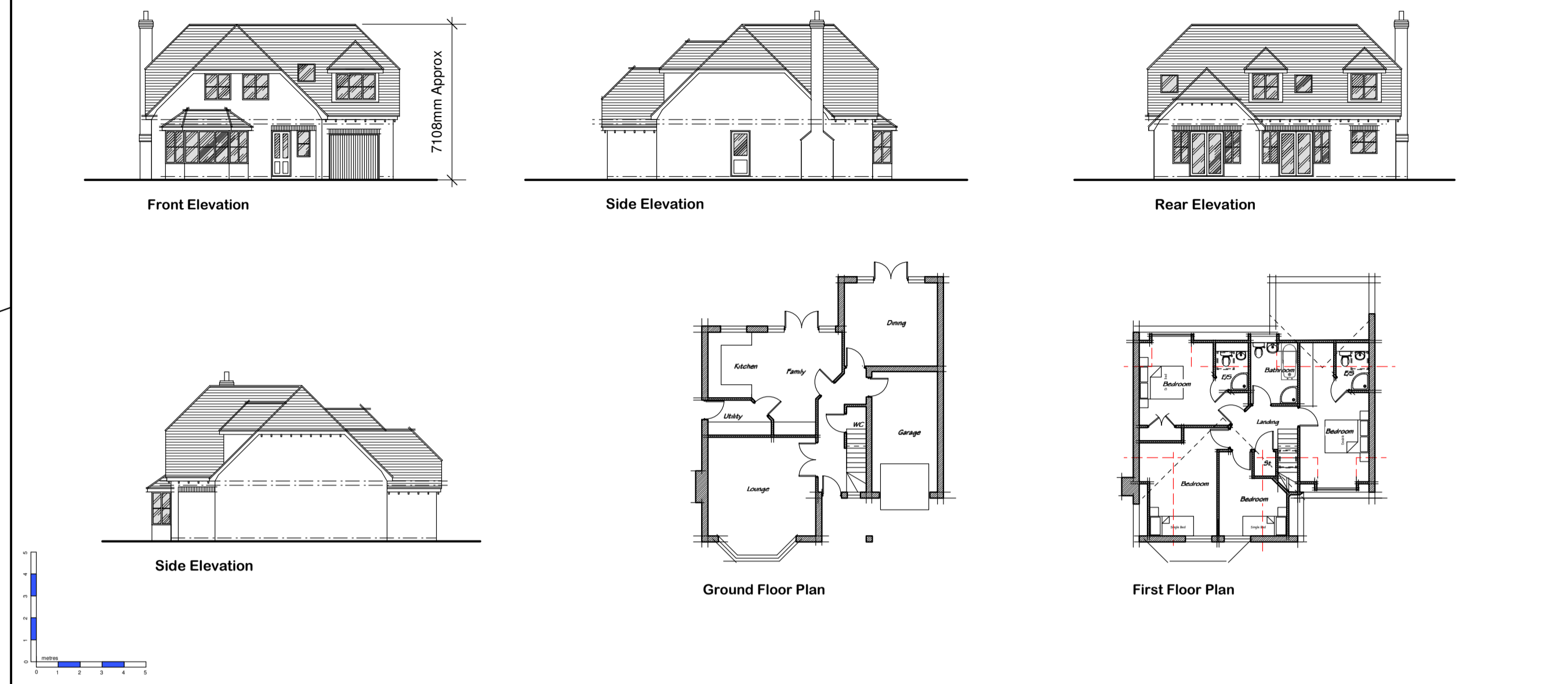
Date 30/09/08

Appendix 1

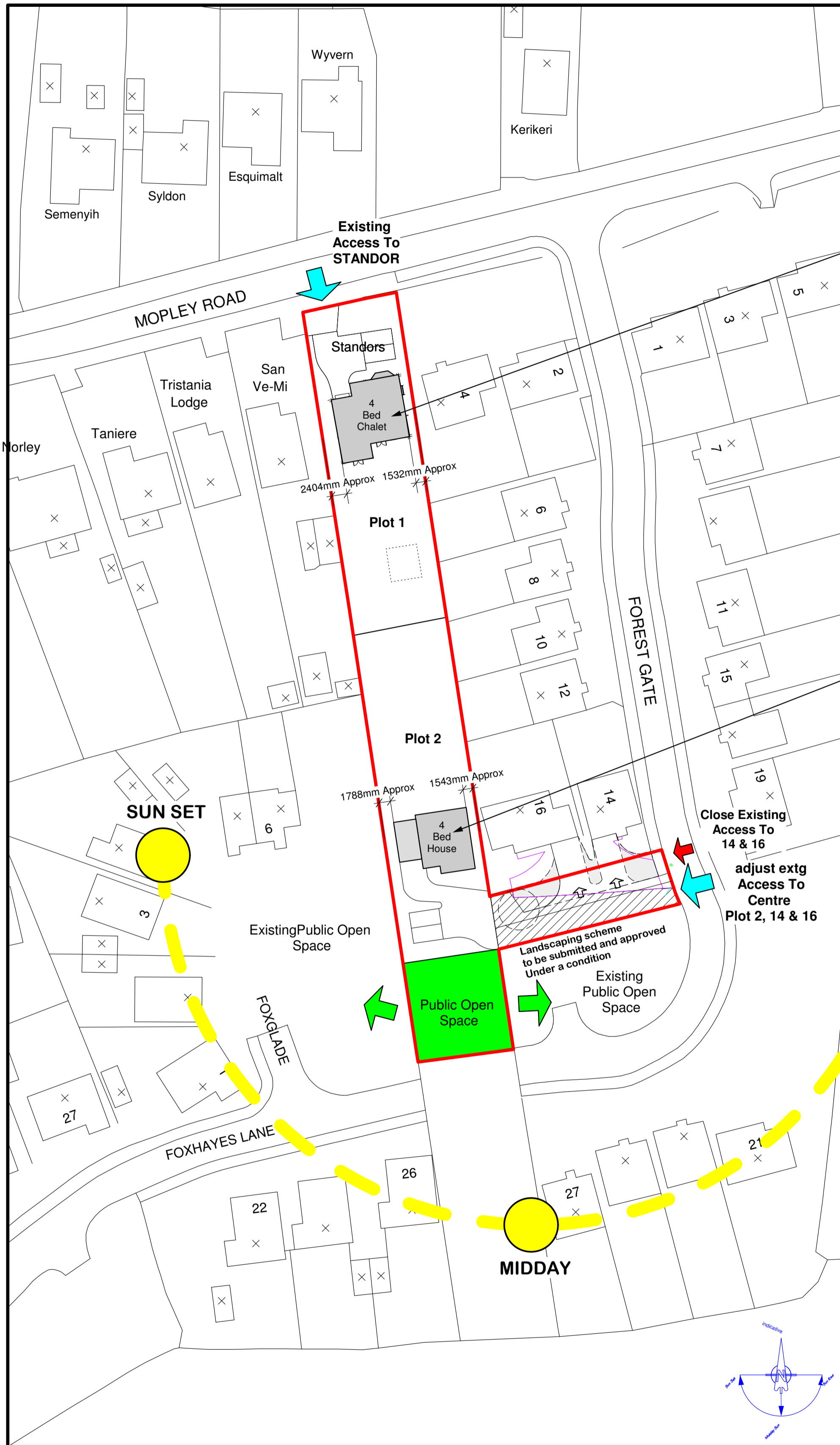
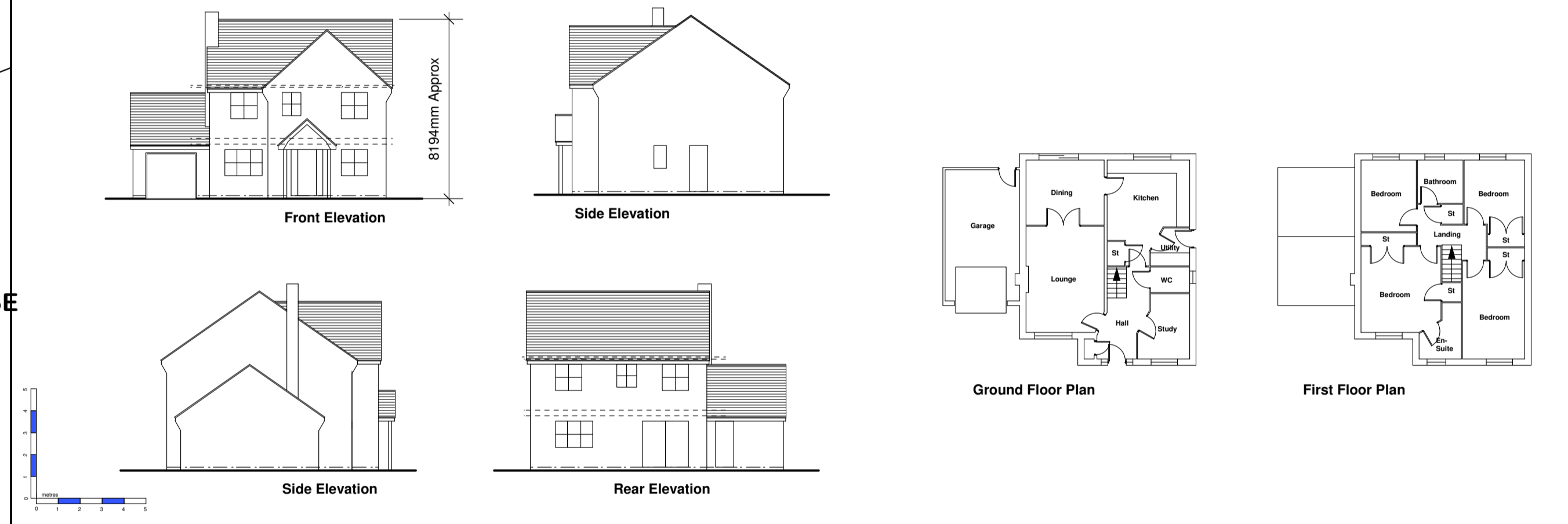
NOT TO SCALE - FOR IDENTIFICATION ONLY

Floor Plans and Elevations 1:200 (INDICATIVE ONLY).

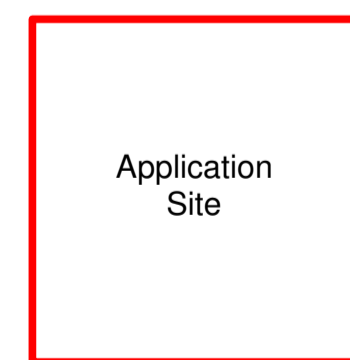
Plot 1 - 4 Bed Chalet



Plot 2 - 4 Bed House



Site Proposals
 1 - 4 Bed Chalet
 1 - 4 Bed House



Total Site Area 2024sq/m
Total Site Area 0.50 Acre
Total Site Area 0.20 Hectare
2 - Units
10.00 Units/Hectare



Total Site Area Handed Back as Public Open Space 235sq/m



Location Plan 1:1250

Rev	Date	Description	p.m.

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Project : Proposed Development
STANDOR
 Mopley Road
 Langley
 Hampshire
 SO45 1YJ

Client : Mr S Bunday Estate

Drawing : Proposed Development
OUTLINE
PLANNING APPLICATION

Creativity in every design

MDT DESIGN

Date.
 Jan 2008

Scale.
 1:500
 & 1:200 @ A1
Revisio

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Drawin

715/07-10

Architectural Design Services & Building Plans

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