

PREFACE ITEM

APPLICATION NO. P/99/0768

APPLICANT(S) NAME: Whitchurch Holdings Ltd

PROPOSAL: Discharge of condition 4(5) attached to P/99/0768 to 'Redevelop former colliery for housing, employment (B1, B2, & B8 USES) shop and pub including land reclamation and conversion of pit head building Land at Penallta Colliery, Ystrad Mynach, Hengoed.

LOCATION: Details received in respect of Multi Use Games Area at Harrier Avenue, Cwm Calon.

On 23rd August 2002 planning permission was granted for the above development. When resolving to grant permission the Planning Committee also resolved that the discharge of conditions should be referred back to the committee for determination.

Condition 4 of the planning permission states:-

Prior to the commencement of any work, other than reclamation works, associated with the development of any proposed after uses and works associated with the conversion of existing buildings, A Design Brief shall be prepared for the whole application site and shall be submitted to and approved by the Local Planning Authority. The brief shall include provision for the following:-

- 1 The development shall be laid out to accommodate facilities for public transport, cycling and walking, together with access for motor vehicles including delivery and service vehicles. The development to be laid out to accommodate the principles of achieving low vehicular speeds as a 20mph zone. Details of the school shall have regard for Council policy regarding safe routes to school.
2. Of the phasing of the development should have regard to providing levels of access to accommodate all classes of highway users and particularly public transport as the development is occupied.
3. The area of land to the north west of north of Dyffryn Street and Penallta Villas shall be designed with housing between the existing housing and the proposed neighbourhood centre. A landscaping buffer shall also be provided between the existing housing and proposed new housing.

4. The design of the housing shall have regard to the guidance set out in the Council's design guide No.6 'Housing Layout'.
5. Open play space provision and outdoor sports provision in accordance with Policy L9 (as amended).
6. Defined barriers should be provided between the proposed housing and the proposed and existing industrial uses. The design, location and extent of the barriers shall be included in the submitted Brief.
7. The provision of a new primary school and associated playing fields to the Council's design specifications.
8. The structural landscaping of the whole site, incorporating as much of the existing trees, hedgerows and vegetation as possible.

In meeting the requirements of this condition Redrow Homes, who subsequently acquired the site submitted a Masterplan and Design Brief, dated 23rd November 2004 for the whole application site, now known as Cwm Calon. Both the Masterplan and the Brief emerged following meetings with officers and two presentations to the Design Commission for Wales and have incorporated points raised during those exercises. It is considered that the design concept is one that, if delivered, will result in a high quality development consistent with this Council's aspirations for the site to build a sustainable community development.

The Masterplan is the plan that sets out the strategy for the land uses, including play areas, and general layout for the whole development. The Brief, amongst other things provides for the appropriate level of formal open spaces, comprising a full size playing field to the north of the Power Hall, local areas of play (LAPS), one Local Equipped Area for Play (LEAP), one Neighbourhood Equipped Area for Play (NEAP) and one Multi Use Games Area (MUGA). The main LAPS are located to the eastern side of Cwm Calon Way and another within the centre of the site on the eastern side of Heron Drive. A LEAP, which is yet to be constructed, is identified on an area of land in what is now generally opposite the northern end of Phoenix Way and the eastern end of Merlin Avenue; a NEAP is located at Buzzard Way; and a Multi-Use Games Area (MUGA) located on the area of land adjacent to the Ysgol Penallta school at its north-eastern end and at the junctions of Firecrest Walk and Harrier Avenue. The proposed play areas will serve the new Cwm Calon development comprising 630 dwelling units to date. It is the details of the MUGA, which are subject of this application to discharge condition 4(5) attached to P/99/0768 relevant to this element of the development.

Whilst the Masterplan shows the strategy for the development, the details of each phase of the development as they have progressed have been submitted for the approval of the Local Planning Authority in accordance with the conditions of the planning permission. The MUGA is included within the site layout drawing no: 3BDE – 15-04-02 Revision C, approved on the 7th March 2013 in respect of Phases 3B, D, and E of the development. The position and orientation of the MUGA was previously agreed with Leisure Services and the facility is required to contribute to the recreational / play areas that formed part of the original Masterplan. Whilst the position of the MUGA was agreed at that time the details of the MUGA were reserved for subsequent approval. Those details have now been submitted and are subject of this application.

The details submitted have been considered in accordance with local plan policies and national planning guidance referred to below.

Strategic Policy

SP1 – Development Strategy in the Northern Connections Corridor, SP5 – settlement Boundaries,
SP6 – Place making, SP22 – Community, Leisure and Education Facilities.

Countywide Policies

CW2 – Amenity, CW10 – Leisure and Open Space provision, CW15 – General locational constraints.

The following Welsh Government policies have also been considered.

TAN 12 – Design and TAN16 – Sport, Recreation and Open Space.

Government's aim amongst other things is:-

“Young people's recreational needs are a priority, improving levels of physical activity and access to facilities in and outside schools. The Assembly Government recognises the critical importance of play for the development of children's physical, social, mental, emotional and creative skills. Its 'Play Policy' (October 2002) together with the 'Play Policy Implementation Plan' (February 2006), aims to help create an environment which fosters children's play and underpins a national strategy to provide for their play needs.

“The Assembly Government is committed to ensuring that all children have access to rich, stimulating environments in which to play freely. It recognises that play is integral to the health and well-being of children and young people, founded on the United Nations Convention on the Rights of the Child. It also recognises that providing opportunities for physical activity can help address wider health and well-being issues, particularly obesity, and that the closer a play area is to home, the more likely it is to be used by children.”

“Noise

Local planning authorities should assess the compatibility of noise generating recreational and sporting activities with other uses. The siting, location and intensity of use of such activities should be given special regard in order to minimise their impact on the amenity of local residents and on the surrounding area. Local planning authorities need to balance the positive contributions of leisure pursuits to the area and user enjoyment, against local environmental quality and possible nuisance to other people.”

Planning Policy Wales, 7th Edition July 2014 states as follows:-

“11.1.3 Sport and recreation contribute to our quality of life. The Welsh Government supports the development of sport and recreation, and the wide range of leisure pursuits, which encourage physical activity. These activities are important for the well-being of children and adults and for the social and economic life of Wales. ‘Climbing Higher’ sets out the Welsh Government’s long term strategy for an active, healthy and inclusive Wales where sport and physical activity are used to enhance the quality of life nationally and in local communities. The Welsh Government’s main planning objectives are to promote:

- a more sustainable pattern of development, creating and maintaining networks of facilities and open spaces in places well served by sustainable means of travel, in particular within urban areas;
- social inclusion, improved health and well-being by ensuring that everyone, including children and young people, the elderly and those with disabilities, has easy access to the natural environment and to good quality, well-designed facilities and open space; and
- the provision of innovative, user-friendly, accessible facilities to make our urban areas, particularly town centres, more attractive places, where people will choose to live, to work and to visit.”

- “11.2.6 The development plan should encourage the multiple use of open space and facilities, where appropriate, to increase their effective use and reduce the need to provide additional facilities. It should ensure that open spaces and built facilities are, where possible, sited, designed and maintained as integral parts of existing and new developments so as to encourage their use and minimise crime and vandalism.”
- “11.3.3 Authorities need to consider the effects of sport and recreation on neighbouring uses in terms of noise, light emissions, traffic generation and, in the case of larger developments, ease of access and the safety of residents, users and the public (sections 13.13 to 13.15).”

The Council’s Leisure Services Officers have confirmed that Caerphilly has the second highest level of obesity in Wales. It follows that our policies on creating healthy active lifestyles ties in with our commitment to providing proximal, accessible and safe areas for play and recreation. Moreover, the new Welsh Government Duty on play sufficiency requires the authority to provide such infrastructure.

The main issues to be considered in the determination of this application are in terms of the design of the MUGA and the impact of the same upon the amenity of neighbouring properties. The footprint of the MUGA is in line with that previously approved and measures 30metres by 18metres. The MUGA is hard surfaced with an external 4m high sentinel perimeter fence, in Forest Green. The fence will include two pedestrian gates and two maintenance gates. The MUGA will offer the opportunity to play various activities including football, basketball, tennis, and cricket and it is hoped will also be used by the neighbouring Ysgol Penallta School. The design including the colours used are typical of such development and are considered to be in accordance with Policy SP6 of the LDP and as such acceptable in planning terms.

Policy CW2 of the LDP considers amenity and in this respect the location of the MUGA has previously been considered and approved, as discussed above. In terms of the objections raised it is worth noting the proximity of dwellings to the facility. The nearest dwelling to the MUGA is opposite, to the east of the site at 1 Firecrest Walk. This dwelling is south facing and as such it is the gable end of the dwelling, which has no habitable room windows that face the MUGA. Here the shortest distance between the MUGA and the gable end of the dwelling is 15 metres.

The side boundary of no. 1 Harrier Avenue is located 25 metres to the north of the MUGA and 28 metres to the gable end of the property. Again there are no habitable room windows in the gable end of the property, which could result in the privacy of the occupiers being adversely affected. The land around the MUGA and between the houses is to be landscaped with grass and trees in accordance with landscaping plan drawing no: 870.01/1 approved in December 2014. Existing trees along the western boundary of the site form a landscaped boundary with the adjoining industrial estate.

The application has been advertised on site and ten neighbouring properties have been consulted. Two e-mails have been received concerned about potential anti-social behaviour, the use of floodlighting of the MUGA and the maintenance of the MUGA. The complainants both live at Osprey Avenue located to the south of the MUGA beyond a culvert and ditch running to the south of the site and a private shared drive serving the dwelling. There is a distance of 34.5 metres between the nearest points of the MUGA to the front elevation of the objector's property, which is considered sufficient not to cause undue loss of privacy or amenity to the occupiers of that dwelling. In terms of anti-social behaviour, whilst this would be a police matter the MUGA would be patrolled by the Council's Community Safety Team along with the other play areas. The MUGA will not have any floodlighting and will be maintained by the Council. As referred to above the location of the MUGA has previously been agreed but it is considered the proposed use of the MUGA, would not significantly harm the privacy or amenity of the occupiers of neighbouring residential properties.

It is considered the proposed details submitted are in accordance with local plan policies and national planning guidance referred to above and as such are acceptable in planning terms.

RECOMMENDATION: .

It is recommended that the details submitted in respect of the MUGA are approved.

