

## **PREFACE ITEM**

APPLICATION NO. P/99/0768

APPLICANT(S) NAME: Whitchurch Holdings Ltd

PROPOSAL: Redevelop former colliery for housing, employment (B1, B2 & B8 USES), shop and pub including land reclamation and conversion of pit head buildings

LOCATION: Land At Penallta Colliery Ystrad Mynach Hengoed Mid Glam

### **DISCHARGE OF CONDITION 4(5) ATTACHED TO:**

**P/99/0768 Redevelop former colliery for housing, employment (B1, B2 & B8 uses), shop and pub including land reclamation and conversion of pithead buildings: Land at Penallta Colliery, Ystrad Mynach, Hengoed**

### **IN RESPECT OF THE PROPOSED LOCALLY EQUIPPED AREA OF PLAY (LEAP) CWM CALON, YSTRAD MYNACH.**

On 23<sup>rd</sup> August 2002 the planning permission decision notice was issued 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(5) of the planning permission requires details of open play space provision to be agreed. In this respect the location and size of the LEAP was previously agreed by Members, as part of the Masterplan and Design Brief in December 2004. In these respect details of the proposed play equipment to be installed within the playground has been submitted.

On the 6<sup>th</sup> May 2015 the Planning Committee deferred consideration of this application for a site visit; this was carried out on 20th May. The development was then presented to the Planning Committee held on the 10<sup>th</sup> June 2015, where Members agreed the application be deferred to allow further discussions between residents, officers and the applicant in order that consideration be given to the equipment proposed in the LEAP, particularly in relation to a deck with steel slide, which was considered by some residents to be too big.

Following discussions, the applicant has submitted a further revised scheme – Revision 7, which aims to address those concerns by introducing a smaller ‘Crazy Maze play pod toddler unit’ to replace the ‘Zingo Dek with steel slide’, seats changed on swings, and the wet pour area now a less vibrant black and green fleck.

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The proposed revised scheme includes equipment considered appropriate for children aged up to 6 years old and includes: -

1. A toddler's unit incorporating steps and slide to replace the deck with steel slide
2. A toddler's roundabout
3. 2.4m high Olympic swing with flat and cradle swing to replace two flat swings
4. 1.8m Olympic wing with two cradles
5. Two springers, which are animal shaped seats on springs

The scheme also includes 2 seats, a closed top litter bin, and 1.2m high bowtop fencing in powder coated green with 2 self-close gates in yellow.

All those residents who objected to the previous Revision 6 scheme were notified of the changes and provided with a copy of the revision 7, in correspondence dated 2<sup>nd</sup> July 2015.

A pre-arranged meeting was then held between the planning officer, four representative residents and Leisure Services Officers on the 15<sup>th</sup> July 2015 to discuss the same. At the meeting the residents expressed their concern with regards to the size of the playground and proposed a smaller footprint of 14.5m x 10m amounting to 145 square metres. This falls far short of the Fields In Trust guidelines, which propose 400 square metres of play area in respect of a LEAP. More discussion ensued via telephone calls and e-mails between residents and officers.

The planning officer requested evidence that the residents represented the views of the majority of residents on the Cwm Calon Estate. It should be noted that there are currently 630 dwellings on the estate. In response to this the resident group carried out a door to door survey, showing residents the Council's proposal i.e. revision 7 – which identifies smaller equipment on a playground with a footprint of 25m x 18m against the residents proposal for a reduction in the footprint of the playground to 14.5m x 10m. They have advised that the pros and cons of each proposal were discussed with each resident. Around 159 properties were visited with 94 residents preferring the smaller playground but with the inclusion of the Council's smaller planned equipment, five residents preferring the larger footprint playground (Revision 7), and there were 60 properties where there were no replies.

It is evident that the planned equipment indicated on Revision 7 would not fit on the proposed smaller footprint of 145 square metres proposed by the residents group but from the survey carried out, it would appear residents were content with the smaller play equipment proposed by the Council. Consequently, a compromise was suggested by the planning officer at a further meeting held with the residents group and Leisure Services Officers on the 19<sup>th</sup> August 2015. In this respect and having regard to the FIT guidelines a smaller footprint was suggested, which could achieve the 20m buffer zone between the façade of a dwelling with a habitable room window and the boundary of the playground, notwithstanding that there is no requirement on buffer zones for Cwm Calon being a high density brownfield site. This would result in the depth of the playground being reduced to 13m.

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Whilst the reduction in the dimensions would not accord with the FIT guidelines in terms of the 400 square metres of play area sought, it does not fall far short, giving an area of 325 square metres if the length is retained at 25m. It was considered important to draw the resident group's attention to the pros and cons of such a proposal. Such a proposal would address resident's concerns regarding the size and proximity of the playground to neighbouring dwellings. However it would also result in an area of around 9 metres in depth to the front of the playground fronting Phoenix Way being outside of the control of the Council and as such not maintained by the Council. It would also provide the potential for the area to be used for free play by children and as such bring play nearer to the neighbouring houses and the potential for children to run out onto the road more easily. It also has the potential to be used as a dog fouling area.

The residents group have considered the proposal and have confirmed that having e-mailed those residents who had provided the group with their e-mail address, "the vast majority of these residents reside on Merlin Avenue and Phoenix Way. All were in agreement with the offer made of a smaller park of 25m x 13m in measurement and thought it was a reasonable compromise to conclude negotiations". Members should note that it was made clear to residents that the length of the park may have to be elongated slightly to accommodate the six items of equipment proposed and the seating as listed above. The provision of this level of equipment would then meet with the minimum number of experiences suggested in the FIT standards. Verbally, the resident group have accepted this may be necessary.

The Leisure Services Officer confirms that in terms of play provision, a suitably scaled, equipped play facility that provides a quality and valued fit for purpose facility for the very large community development at Cwm Calon is required and the network of facilities to be provided at Cwm Calon is a basic requirement for a site of this scale. Such provision also has to comply with the Authority's LDP policy in respect of leisure and recreation and the Welsh Government's Play Sufficiency Duty and the Rights of the Child. In terms of anti-social behaviour, he confirms that the leisure services department collaborate very closely with the Council's Community Safety team and the wardens remain alert to this location and will also be able to respond to issues at the site. The area is subject to patrol, the same as the network of other facilities in the borough. He was concerned that the survey undertaken did not cover the whole of Cwm Calon or express the views of the children of Cwm Calon but nevertheless agrees the proposal for a reduced footprint with smaller equipment as agreed by the residents group is an acceptable compromise.

At the time of writing this report a revised site layout for a reduced playground area incorporating the equipment indicated in the Revision 7 drawing is being prepared, which will have a depth of 13 metres and a minimum width of 25 metres. That will be incorporated in the presentation to the Planning Committee.

Recommendation: that the latest revision of the proposed play area is approved.