



CABINET - 21ST JANUARY 2015

SUBJECT: LAND AT DUFFRYN STREET, YSTRAD MYNACH

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND S151 OFFICER

1. PURPOSE OF REPORT

- 1.1 To seek approval to surrender the leasehold interest in land at Duffryn Street, Ystrad Mynach (as shown edged black on the plan at Appendix 1 - "the land").

2. SUMMARY

- 2.1 The Council leases the land from the Coal Industry Social Welfare Organisation (CISWO) for a term of 125 years from 25th March 1997. The lease restricts the use of the land to a children's playground.
- 2.2 The formal play equipment was removed from the site in 1999 as part of the playground rationalisation programme and the land is surplus to the requirements of the Parks division.
- 2.3 CISWO has indicated that it is willing to accept a surrender of the lease.
- 2.4 Local residents and Ward Members are united in opposition to the recommendation, fearing that development of the site will exacerbate parking/traffic problems, and that the play areas in Cwm Calon will be inadequate to serve the needs of the area.

3. LINKS TO STRATEGY

- 3.1 Under its approved Asset Management Objectives, the Authority aims to manage its land and buildings effectively, efficiently, economically, and provide a safe, sustainable and accessible living and working environment for all users.
- 3.2 The Authority has a medium term financial plan (MTFP), which includes cost saving targets resulting from the disposal of assets.

4. THE REPORT

- 4.1 The Council leases the land from CISWO for a term of 125 years from 25th March 1997; the lease restricts the use of the land to a children's playground.
- 4.2 Due to that restriction, there is no scope for the Council to sell its leasehold interest for alternative uses, or consider alternative uses itself.
- 4.3 There are 111 years left on the lease and it would seem to be in the Council's better interest to dispose of a surplus site with its associated liabilities of inspection, occasional maintenance and insurance.

- 4.4 Since the land forms open space within the meaning of section 336, section 123(2A) of the Local Government Act 1972 restricts the Council from disposing of land unless before the disposal it causes notice of the intention to do so to be advertised in 2 consecutive weeks in a newspaper circulating in the area and considers any objections to the proposed disposal that may be made.
- 4.5 Legal advice is that bringing the lease to an end would amount to a disposal.
- 4.6 The relevant advertisements appeared in a copy of the Campaign Newspaper on 28th August and 4th September 2014 with a final date for any objections to the surrender being noon on 12th September. In addition, a notice was posted on the site.
- 4.7 Residents fear that CISWO intends to sell the site for development and that this will exacerbate parking/traffic problems; they feel that is especially relevant if children have to resort to playing in the streets. They advise the area is well used and that the play area in Cwm Calon is inadequate to serve the needs of the area.
- 4.8 Local members also object to the disposal, on the basis that the site is used for informal recreation, that there is no short cut to the new play area, which is a 15-minute walk partly alongside a busy main road. Gelligaer Community Council objects to the loss of the facility, on the same grounds as local members.

PLANNING ISSUES

- 4.9 The surrender of the lease does not constitute a change in land use terms and the site's classification as informal open space would remain as such. The Head of Planning & Regeneration has been consulted, and has provided a commentary on the status of the site in the context of the Local Development Plan.

1. The site in question is unallocated, but lies within the settlement boundary as defined by Policy SP5 of the LDP. The settlement boundary defines the area within which development would normally be acceptable, subject to all other material considerations being met. Planning permission would be required for residential development.
2. The surrender of the lease, and the potential consequential loss of a local play area ("the proposal"), has been assessed in relation to Policy CW7 (Protection of Open Space) of the adopted LDP, which states that "*developments on areas of open space within settlements will only be permitted where:*
 - "A *The amount of open space remaining in the neighbourhood would still be adequate to serve local needs; and*
 - "B *The site has no significant value as a recreational resource or an area of visual amenity*".

The Council has adopted a Supplementary Planning Guidance (SPG) document on the Protection of Open Space, which sets out a methodology for assessing open space provision in order to ascertain whether there is sufficient open space to serve local needs in accordance with criterion A of Policy CW7. The methodology in the SPG is based upon the Fields in Trust (FIT) Benchmark Standards for Outdoor Play. The FIT Standard indicates that there should be 0.55ha of informal playing space per 1,000 population, which, when applied to a geographical area, broadly equates to 3ha of informal open space within a 0.5km radius of a given site.

The assessment of open space undertaken in respect of the site indicates that, in terms of usable informal open space in the area, there is sufficient informal recreation space to meet the FIT standard.

The proposal would also need to adhere to criterion B of Policy CW7 and, from a recreational amenity perspective, the site is a former play ground and as such is a relatively flat area of land sometimes used for informal play.

However, given the proximity of Dyffryn Street to the adjoining Cwm Calon Site and its associated leisure areas, the recreational value of the land cannot be considered to be 'significant' as residents' recreational needs can be addressed nearby. The site is a tarmacadamed area, which cannot be considered to be visually attractive. It is therefore considered that the loss of this site would be acceptable with regards to criterion B

Therefore there is no policy objection to the release of the site.

5. EQUALITIES IMPLICATIONS

- 5.1 An Equalities Impact Assessment (EqIA) screening has been completed in accordance with the Council's Equalities Consultation and Monitoring Guidance and no potential for unlawful discrimination and / or low level or minor negative impact have been identified, therefore a full EqIA has not been carried out.

6. FINANCIAL IMPLICATIONS

- 6.1 The proposal will release the Council from ongoing liabilities in respect of inspecting, maintaining and insuring the site until the lease expires in 2122.

7. PERSONNEL IMPLICATIONS

- 7.1 There are none.

8. CONSULTATIONS

- 8.1 Eleven (11) written responses to the notices were received (see Background Papers). The main heads of opposition can be condensed to:

Potential Development. Based on an assumption that CISWO intends to sell the site for development, residents fear that this will exacerbate parking/traffic problems. This is especially relevant if children have to resort to playing in the streets.

Loss of a local play area. Residents advise that the area is well used by residents of the established community around Dyffryn Street, as well as children from Cwm Calon estate, who do not have a fenced area in which to play ball games. It is also used for community events. They feel the play area in Cwm Calon is inadequate to serve the needs of the area. It is too far away for young children from Dyffryn Street, who would need to cross the main entrance road to Cwm Calon and walk alongside a main road to access it.

- 8.2 Local members also object to the disposal, on the basis that the site is used for informal recreation; Councillor Angel has contacted residents of all but 3 of the properties in the adjoining streets and all object to the loss of the facility. He advises that there is no short cut to the new play area on Cwm Calon; it is a 15-minute walk and part of the route is alongside a busy main road. He reports that residents do not wish to lose the facility and that some have asked for the play equipment to be reinstated. Gelligaer Community Council objects to the loss of the facility, on the same grounds as local members.
- 8.3 These views have been addressed satisfactorily in paragraph 4, and cannot be incorporated in the recommendation as they are rejections of it, requiring the council to retain ownership of the land.
- 8.4 There are no other views expressed as a result of consultation that differ from the recommendation.

9. RECOMMENDATION

9.1 That the Council surrenders its leasehold interest in the land to CISWO.

10. REASONS FOR THE RECOMMENDATIONS

10.1 There is no operational requirement for the site and it is regarded as surplus.

10.2 Alternative facilities have been provided within the adjacent new housing estate.

10.3 The surrender of the lease will release the Council from ongoing costs/liabilities.

11. STATUTORY POWER

11.1 Section 123 of the Local Government Act 1972 (as amended). This is a Cabinet function.

Author:	Colin Jones	Head of Performance and Property Services
Consultees:	Chris Burns	Interim Chief Executive
	Nicole Scammell	Acting Director of Corporate Services
	Pauline Elliott	Head of Regeneration & Planning
	Mark Williams	Head of Community & Leisure Services
	Derek Price	Parks and Outdoor Facilities Manager
	Rhian Kyte	Team Leader Strategic & Development Planning
	Tim Stephens	Development Control Manager
	John Rogers	Principal Solicitor
	Gail Williams	Interim Head of Legal Services
	Angharad Price	Deputy Monitoring Officer
	Cllr D Hardacre	Cabinet Member for Performance and Asset Management
	Councillor Angel	Ward Member
	Councillor James	Ward Member and Chair, Ystrad Mynach Community Partnership
	Ceri Mortimer	Clerk, Gelligaer Community Council

Background Papers:

Responses to Notices of intention to dispose of the land can be viewed on Corporate Property IDOX file ID: 06535

Appendices:

Appendix 1 Plan showing land at Duffryn Street, Ystrad Mynach