



CABINET – 3RD JUNE 2015

SUBJECT: LAND AT TROEDYRHIW, YSTRAD MYNACH

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND S151 OFFICER

1. PURPOSE OF REPORT

- 1.1 To seek approval to dispose of land at Troedyrhiw Ystrad Mynach (as shown edged black on the plan at Appendix 1 - "the land").

2. SUMMARY

- 2.1 The land was acquired in 1953, with other land, as part of the development of the Troedyrhiw Housing Estate, but has never been developed.
- 2.2 The majority of the estate was sold as self-build plots, with the land edged black being retained by the Council. The land originally had grass and tarmac surfaces, the latter removed in 2012 and it is used now as a general amenity verge (informal open space).
- 2.3 Leisure Officers feel the area has never been treated or designated as a play area or local area of play and do not believe that the land is critical to local children's development.
- 2.4 Since the land is considered to be an area of informal open space, any proposal would need to adhere to Policy CW7 on the Protection of Open Space; in summary, it is considered that the release of this site for residential development is acceptable, as sufficient open space within the area will remain and the value of the site in recreational and visual amenity terms is not significant.
- 2.5 Local members object to the sale.
- 2.6 In line with the agreed procedure, the matter is being referred to Cabinet for a decision.

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 land was acquired in 1953, with other land, as part of the development of the Troedyrhiw Housing Estate. It is bounded to the east by Ystrad Mynach College and to the north by an open watercourse, the other side of which is the Queen Elizabeth II Sunflower Field (dedicated to the National Playing Fields Association - Fields In Trust).
- 4.2 The land has an area of 0.42 hectare (1 acre, or thereabouts) and has no allocation within the adopted LDP; it does, however, lie within the settlement boundary, which defines the area within which development would normally be acceptable, subject to all other material considerations being met (Policy SP5 refers). Planning permission would be required for residential development.

5. BACKGROUND

- 5.1 The majority of the Council's landholding was sold as self-build plots during the 1960/70s. The land was retained by the Council and the tarmac area was originally used as a parking / reversing / turning area by buses etc serving the adjacent comprehensive school site. The rest of the land was grassed.
- 5.2 For reasons no longer extant, a row of bollards was erected to prevent vehicles using the tarmac area. The adjoining grass areas have always been cut by the Parks sections of Rhymney Valley District Council and, subsequently, Caerphilly County Borough Council. The Rhymney Valley 1990 Grounds Maintenance documents classed the land as a general amenity verge.
- 5.3 It is also clear, from a report considered by members in 1989 (see Appendix 4), that the former Rhymney Valley District Council had aspirations to sell the site for residential development.
- 5.4 During 1999, the Council determined to rationalise the number of playgrounds it held, due to the age of equipment and the cost of maintaining over 200 sites. As part of this programme, a number of premier parks was established, one being Ystrad Mynach Park, while many sites were cleared and grassed over.
- 5.5 The land is not referred to in the rationalisation programme.
- 5.6 The land remained unchanged until 2011, when Railtrack used it as a depot/compound in connection with a large engineering scheme on the nearby railway line.
- 5.7 The contractor was under an obligation to reinstate the land to its former condition once works were completed, but officers requested that the reinstatement works be changed to include the removal of the hard surface and soiling /seeding of the entire area, producing a completely green verge.
- 5.8 **Public Open Space Requirements (Under S123(2A) Local Government Act 1972)**
- 5.8.1 Since the land forms open space, section 123(2A) of the Local Government Act 1972 prohibits its disposal unless, before the disposal, the Council 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.
- 5.8.2 Such advertisements appeared in a copy of the Campaign Newspaper on 19th and 26th March 2014 with a final date for any objections to the sale being 4th April. Notices were also posted on and opposite the site. 74 written responses were received to the notices; these responses are available to view if required. The main heads of opposition can be condensed to:

Loss of a local play area: Residents advise that Caerphilly Urban District Council designated the area as a play area in 1958. They believe that:

- Use of the site has increased in recent years, as several young families have moved onto the estate.
- The area is safe and overlooked. It is accepted that there is other open space nearby - this consists of woodland and the formal park, which is accessed via the woodland. The woodland is not felt to be safe for unattended children; it is not overlooked by properties and is often frequented by youths consuming alcohol.
- The roads on the estate are narrow and are unsafe for play.
- The Council has reneged on its previous decision to retain the land for leisure use and is not interested in their views. The Government and Council advocate the development of safe local areas of play and ensure that such is provided on new developments.
- The loss of this area will have a massive effect on residents but only a small impact on Council finances. They do not feel that the short-term financial gain will justify the long-term affect on the health and well being of future generations.

Highway Issues

- The estate road is narrow .The College causes serious congestion and access/egress to the estate is a major issue, especially at peak times. Residents feel that additional development will exacerbate the existing problems.
- Due to the topography of the estate, access is very difficult during icy conditions - the land in question is at the bottom of a steep hill and on a 90-degree bend. During icy weather, vehicles can lose control on the hill and skid onto the open area; in addition, cars entering the estate are sometimes left along the frontage of the plot when they are unable to navigate the hill.

Visual Amenity. Residents feel the land forms an attractive open area at the entrance to the estate and its development will be detrimental to the visual amenity of the estate

- 5.8.3 Gelligaer Community Council object to the disposal of land on the on the grounds of loss of amenity and highways.
- 5.8.4 Local members also object to the disposal, on the basis that it is used extensively for informal recreation. Councillor Angel presented a petition to Council on 22nd April 2014 bearing the signatures of 135 local residents, who oppose the sale of an area, which they believe is designated for children on the estate.

5.9 The Leisure Perspective

- 5.9.1 Leisure Officers feel the area has never been treated or designated as a play area or local area of play, and do not believe that the land is critical to local children's development.
- 5.9.2 From a disability play or passive recreation play provision, they are of the opinion that the Council has built on its 1999 rationalisation plan in providing a full range of facilities at the premium play sites.
- 5.9.3 The provisions called for by the Welsh Government (under both its play policy and its Play Sufficiency Assessment) are addressed with the development of access paths, entrances, parking provision, security and information signs around Ystrad Mynach Park. Provision of the toilets/welfare facilities installed in the park was undertaken following past consultation and feedback from local children and families using the park, additionally the specific play equipment provided in the Park's play area was completed as a result of consultation with and guidance from staff and pupils at the nearby Trinity Fields School.

5.9.4 Agreement to the release of the land was in the knowledge of the opportunity for local children to play also on the new, well equipped play facility sited on the nearby Forge Mill Estate in Ystrad Mynach.

5.10 The Planning Perspective

5.10.1 Since the land is considered to be an area of informal open space any proposal would need to adhere to Policy CW7 on the Protection of Open Space. This policy 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.

5.10.2 The proposal would also need to adhere to criterion B of Policy CW7. From a recreational amenity perspective, it is acknowledged that the land is a large flat area of open space, which has some recreational and visual amenity value. Given the proximity to the much larger area of open space at Ystrad Mynach Park, the recreational value of the land cannot be considered to be 'significant' as residents' recreational needs can be addressed nearby. In addition, the Troedyrhiw estate has an open feel, due to the prevalence of smaller areas of open space within the estate itself and its location east of open countryside and west of woodland and parkland; whilst the site is visually attractive, the value is less significant, given the openness of the area. It is therefore considered that the loss of this site would be acceptable with regards to criterion B.

5.10.3 Highways do no object to the principle of development and, based on the proposal to sell the land for 5-6 dwellings, Highways officers are happy that there will be little or no impact on the signalised road junction at The Coopers Public House.

5.10.4 The provision of a new footway along the frontage of the development would be required.

5.10.5 In summary, officers consider that the release of this site for residential development is acceptable, as sufficient open space will remain within the area and the value of the land in recreational and visual amenity terms is not significant.

6. EQUALITIES IMPLICATIONS

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

7. FINANCIAL IMPLCATIONS

7.1 The sale of the land will produce a capital receipt.

8. PERSONNEL IMPLICATIONS

8.1 There are no personnel implications arising out of this report.

9. CONSULTATIONS

- 9.1 Other than those referred to in paragraphs 0 to 0, there are no views expressed as a result of consultation that differ from the recommendation. Members are asked to note that, although not formally consulted on the report, the office of Jeff Cuthbert AM has made representations on behalf of his constituents, which representations are reflected in the report.

10. RECOMMENDATION

- 10.1 That the land be sold on the open market for residential development.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 The land is not required operationally and is regarded as surplus.
- 11.2 There is sufficient open space nearby to serve the needs of the community.
- 11.3 The sale of the land will produce a capital receipt.

12. STATUTORY POWER

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

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Background Papers: Responses to Notices of intention to dispose of the land can be viewed on Corporate Property IDOX file ID: 08443

Appendices:

- Appendix 1: Plan showing the land
Appendix 2: Playgrounds: the proposed response to the ROSPA risk assessments (July 1999)
Appendix 3: Report to Cabinet on 28th February 2000 on the replacement programme for playgrounds
Appendix 4: Copy of card index, Minutes from Policy and Resources 2nd May 1989 and Leisure Services 11th April 89, together with the Report of Officers referred to