



CABINET – 3RD JUNE 2015

SUBJECT: LAND ADJOINING ISLWYN INDOOR BOWLS CENTRE

REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND S151 OFFICER

1. PURPOSE OF REPORT

- 1.1 To seek Cabinet's views on a proposal to sell a plot of land adjoining Islwyn Indoor Bowls Centre for residential development.

2. SUMMARY

- 2.1 The land edged black on the plan is surplus to the requirements of the Leisure division.
- 2.2 The land is suitable in planning terms for a small residential development.
- 2.3 The Council has advertised its intention to dispose of this area of public open space and has received objections to the loss of this land.
- 2.4 Local members object to the sale.
- 2.5 In line with the agreed procedure, the matter is being referred to Cabinet for a decision.

3. LINKS TO STRATEGY

- 3.1 The disposal of this site would contribute to the following strategic objective
- Priority P2 of the Single Integrated Plan: "Improve standards of housing and communities giving appropriate access to services across the borough".
- 3.2 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.
- 3.3 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 edged black on the attached plan was considered for residential use during the preparation of the Local Development Plan (LDP) but was ruled out at that time on the grounds that there were aspirations to extend the Bowls Centre.
- 4.2 However, during 2013, the Sports and Leisure Services Manager confirmed that there were no plans for expansion and declared the site surplus to his requirements. The Head of

Performance and Property approved the sale of the land under his delegated powers, subject to there being no objections from local members or to a public open space advertisement.

- 4.3 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.
- 4.4 The required public open space advertisement was placed in a free newspaper, which is circulated in the Pontllanfraith area, for two consecutive weeks (4th and 11th September 2013).
- 4.5 Notices were also posted on site and the Bowls Centre Committee was advised of the proposed sale.
- 4.6 The Bowls Centre Committee objected to the sale of the land, as they still wished to extend the existing premises in the future.
- 4.7 The sale of the land was put on hold while Leisure Officers worked with the Bowls Centre Committee to establish a sustainable proposal and produce a robust business case to support the expansion of the existing facility (by developing an outdoor bowling rink adjacent to the Indoor Bowls Arena). This work has now been concluded; such a development would be desirable and could help support the Bowls Centre through the summer months, but officers consider it to be not viable financially, a conclusion reluctantly accepted by the Bowls Centre Committee.

4.8 Planning Issues

1. The Adopted Local Development Plan seeks to protect areas of informal open space within urban areas from inappropriate development and only permits the loss of open space where it can be identified that there is sufficient existing open space to meet the needs of the local community. An open space assessment has been undertaken on this site and has identified that there is sufficient existing open space, excluding this site, to meet local needs.

As such, there are no planning policy objections to the disposal of the land, although the trees bordering the site should be protected, which can be addressed at planning application stage.

2. Initial discussions with Planning and Highways suggest that the site could accommodate a small development of 5-6 'executive-style' dwellings. The site can be accessed via the existing road to the Bowls Centre although this will probably need to be improved by increasing the width and providing pedestrian facilities.

4.9 Local residents objected, and based on these representations, ward members also objected to the sale; the main grounds were:

1. The proposed sale will result in the loss of a safe place for young children to play. The nearest alternative provision at The Bryn is too far away for young children to use and would involve crossing a busy road.
2. The wider community uses the land for informal recreation.
3. The loss of an area of natural beauty and a habitat to various species.
4. There are concerns that access to the new development will be through Dan-y-Bryn, which will dramatically increase traffic flow and be a danger to children living/playing on the estate.

5. The perceived lack of consultation.

- 4.10 A representative of the Bowls Centre also expressed the concerns of the Club regarding access to the site and noise issues. They feel that developing houses on this land would be disastrous for the Club, as they will not be able to hold functions due to possible noise nuisance and disturbance to residents of the new homes. The land is also used as an overspill car park.

Officers consider the majority of these objections to be planning matters, which will be dealt with at the planning application stage.

As to the “perceived lack of consultation”, disposal of public open space requires an advertisement to be placed in a newspaper circulating in the area, for two consecutive weeks (4th and 11th September 2013). Ward members were advised of the proposed sale, notices were posted on site, and the Bowls Centre Committee was notified of the proposal.

Officers are content that the rules on consultation have been observed.

5. EQUALITIES IMPLICATIONS

- 5.1 An 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 negative impact have been identified, therefore a full EQIA has not been carried out.

6. FINANCIAL IMPLICATIONS

- 6.1 The sale of the land will produce a capital receipt.

7. PERSONNEL IMPLICATIONS

- 7.1 There are none.

8. CONSULTATIONS

- 8.1 The Bowls Centre Committee objected to the sale of the land, as they wished to extend the existing premises in the future.

- 8.2 A representative of the Bowls Centre also expressed the concerns of the Club regarding access to the site and noise issues. They feel that developing houses on this land would be disastrous for the Club, as they will not be able to hold functions due to possible noise nuisance and disturbance to residents of the new homes. The land is also used as an overspill car park.

- 8.3 Local residents presented a petition bearing 46 signatures, representing 25 households in Dan-y-Bryn (which immediately abuts the land in question) and 3 households elsewhere in Pontllanfraith. In addition, 15 individual letters of objection were received. The main grounds of objection are:

1. The proposed sale will result in the loss of a safe place for young children to play. The nearest alternative provision at The Bryn is too far away for young children to use and would involve crossing a busy road.
2. The wider community uses the land for informal recreation.
3. The loss of an area of natural beauty and a habitat to various species.

4. There are concerns that access to the new development will be through Dan-y-Bryn, which will dramatically increase traffic flow and be a danger to children living/playing on the estate.

5. The perceived lack of consultation.

8.4 Based on the above representations from their constituents, ward members also object to the sale and wish the land to be retained for leisure use.

8.5 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.

8.6 There are no other views expressed as a result of consultation that differ from the recommendation.

9. RECOMMENDATION

9.1 The land be sold on the open market for residential development.

10. REASONS FOR THE RECOMMENDATION

10.1 There are no plans to develop the land for formal leisure use.

10.2 The land is surplus to Leisure's requirements.

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

11. STATUTORY POWER

11.1 Local Government Act 1972, Section 123 ("A) A principal council may not dispose..... of any land consisting or forming part of an open space unless before disposing of the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed disposal which may be made to them. This is a Cabinet function.

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Background Papers:
Available for inspection at Tredomen House.

Appendices:
Appendix 1: Plan