

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

18 SEPTEMBER 2018

REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

COMMUNITY ASSET TRANSFER OF TENNIS COURT AT PENCOED RECREATION GROUND AND CONSIDERATION OF OBJECTIONS RECEIVED PURSUANT TO SECTION 123(2A) LOCAL GOVERNMENT ACT 1972

1. Purpose of Report

- 1.1 The Council's Community Asset Transfer Steering Group approved the 35 year leasehold transfer of the Tennis Court at Pencoed Recreation Ground to Pencoed Town Council on 30 October 2017 and as the site comprises public open space, the Council advertised the community asset transfer in accordance with Section 123(2A) of the Local Government Act 1972 and asked for any objections to be made in writing by no later than 13 July 2018.
- 1.2 This report outlines the objections received and Cabinet is asked to consider this report and decide whether or not the Council should complete the leasehold transfer of the Tennis Court to enable it to be transformed into a Skateboard Park by Pencoed Town Council.

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

- 2.1 **Helping people to be more self-reliant** – taking early steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services.
- 2.2 **Smarter use of resources** – ensuring that all its resources (financial, physical, human and technological) are used as effectively and efficiently as possible and support the development of resources throughout the community that can help deliver the Council's priorities.

3. Background

- 3.1 The Tennis Court is located at Pencoed Recreation Ground, Felindre Road, Pencoed as shown coloured green on the plan attached at **Appendix A**.
- 3.2 The site is located within the Main Settlement boundary of Pencoed, as defined by the Council's adopted Local Development Plan (2013). It is positioned approximately 395 metres to the west of the A473 Primary Route, and is around 700 metres to the north of the M4 motorway. Felindre Road (C001) is located approximately 120 metres to the north, which is the main vehicular and pedestrian access point.

- 3.3 The need for a Skateboard Park was first included in the Pencoed Regeneration Strategy and Action Plan as Supplementary Planning Guidance (SPG) adopted in the Bridgend Unitary Development Plan (UDP) that was approved in January 2011. A copy of the SPG was sent to over 100 targeted consultees including planning consultants and statutory undertakers with 33 representations being received. The Skateboard / BMX Park project received the following responses:

Support	Disagree	No Opinion	No Response
50%	14%	11%	25%

- 3.4 Pencoed Town Council has previously taken possession of one of the tennis courts at the Recreation Ground in 2013 and converted it into a multi- use games area (MUGA), with conditional planning consent being approved on 25 February 2013 (Application Reference P/13/31/FUL) but without the leasehold being agreed with the Council. The Town Council submitted an Expression of Interest for a community asset transfer (CAT) on 31 January 2017 to transform the remaining tennis court into a Skateboard Park. The CAT Steering Group agreed at the meeting held on 27 February 2017 that the transfer of the tennis court should be approved subject to Pencoed Town Council accepting a joint 35 year lease for both tennis courts.
- 3.5 Following discussions with the CAT Officer on 5 April 2017 the Town Clerk confirmed that the lease transfer of both tennis courts should be progressed, and the CAT Steering Group was informed of the Town Council's decision on 3 May 2017 and agreed that a lease should be progressed (subject to planning permission).
- 3.6 A business case and report seeking approval for the leasehold transfer of the Tennis Courts was approved by the CAT Steering Group on 30 October 2017.
- 3.7 The Town Council submitted a planning application (Reference P/17/931/FUL on 3 November 2017 for the installation of a Skateboard Park and the application was advertised through direct neighbor notification and the erection of a site notice. No representation was received within the consultation period which expired on 4 December 2017.
- 3.8 Public Protection was consulted on the proposed development and raised concerns about the noise impact of the development on neighbouring properties. A Noise Impact Assessment was submitted on 4 April 2018 which concluded that the impact of the development is acceptable providing that the maximum height of any ramps is 1.7 metres and a 2.5 metre acoustic barrier is provided around the skate park.
- 3.9 Planning permission was formally granted by the Council on 24 April 2018.

4. Current situation/proposal

- 4.1 Pencoed Town Council is seeking to transform the remaining tennis court which is presently an under used resource and in a poor state of repair (see photograph at **Appendix B**) into a Skateboard Park that can be used by the young people of the area. The Skateboard Park will assist in promoting good health and provide an additional activity for young persons to participate in.
- 4.2 The Skateboard Park would be subject to regular inspection to ensure it is kept safe and tidy by the Town Council's Community Services Supervisor who already fulfils a similar responsibility in respect of the MUGA. It must be noted that the Green Spaces and Bereavement Services Manager has confirmed that the Authority has a vicarious liability to make sure that the facility is installed, inspected and maintained to BS EN 14974:2006+A1:2010 and that an Annual Inspection by an approved Independent Playground Inspector is required.
- 4.3 The Town Council submitted a funding application for £20K under the Council's Town and Community Council Capital Grant Fund 2018-19 towards an estimated total project cost of £59K for the development of a Skateboard Park which was approved by Cabinet on 27 March 2018.
- 4.4 The proposed community asset transfer of the Tennis Courts (the area already utilised as a MUGA and the proposed Skateboard Park) has been advertised by way of Notice for two consecutive weeks on 21 and 28 June 2018 in the Glamorgan Gazette, in accordance with the requirements of Section 123(2A) of the Local Government Act 1972 relating to "Public Open Space". The Notice required any objections to the proposed community asset transfer to be made in writing no later than 13 July 2018.

Objections

- 4.5 The advertising of the Council's intention to proceed with the community asset transfer and potential closure of the remaining Tennis Court resulted in a total of 490 objections being received by the Council during the objection period, viz:

<i>Type of Objection</i>	<i>No.</i>
Letters Sent	23
Signed Petition	161
Electronic Petition	306
Total	490

- 4.6 An analysis of the petitions identified some duplication – 18 entries (or 3.7% of the total):

<i>Type of Duplication</i>	<i>No.</i>
Letter Sent and Signed Petition	7
Letter Sent and Electronic Petition	2
Signed Petition and Electronic Petition	8

Electronic Petition Twice	1
Total	18

- 4.7 The objections received by the Council pursuant to Section 123(2A) of the Local Government Act 1972 Notice should be viewed and considered by Cabinet prior to making their decision on the community asset transfer of the Tennis Court. Copies of the objections are attached as follows.

Letters Sent	Appendix C(1)
Signed Petition & Electronic Petition	Appendix C(2)

- 4.8 In addition to the individual letters included at Appendix C(1), a further 34 comments were made as part of the electronic petition and these have been included at **Appendix D**.

- 4.9 Although not an exhaustive list, the objections can be broadly categorised as follows:

- The loss of a “well used” tennis court facility;
- The skate park could be located at numerous other locations within Pencoed;
- There are no maintenance costs to the Council in keeping the Tennis Court open.

- 4.10 Below are a few representative extracts from the objections received relating to the loss of the Tennis Court:

- “This tennis court is only one of four tennis courts remaining and is used regularly by residents of the town.”
- “The tennis courts are used by all ages, provide healthy exercise for those who use it and should, in my opinion, be retained.”
- “There is no logic whatsoever in taking away one facility to provide another one given the numerous alternative locations within the town.”
- “We need more facilities not less”.

- 4.11 Pencoed Town Council has submitted the following response to the objections received, not necessarily in order of priority:

- a) The proposal for a Skateboard Park in Pencoed has been longstanding and follows consultation by Hyder in the Regeneration Strategy accepted by the Council in 2011 on a partnership basis.
- b) The proposed site is the most suitable area at Pencoed Recreation Ground because of potential noise nuisance to neighbours. The site also lends itself to the strategy within Pencoed Town Council to develop youth facilities and wellbeing of the future generations of Pencoed.

- c) The existing Tennis Court is dilapidated and potentially dangerous with the fencing damaged and the net in a very poor state. This situation has existed for several years. It is unfit for purpose.
- d) The Town Council met with objectors at their meeting in July and they argued that they wished to retain the Tennis facility at the site, however there has never been a request to provide or improve the Tennis Court made to Pencoed Town Council.
- e) There is a MUGA next to the proposed Skate Park which can be used safely for all ball games.
- f) Pencoed Town Council is not averse to considering provision of additional facilities for Tennis.
- g) Pencoed Town Council invites the Cabinet to visit the site before any final decision is made, to examine the poor state of repair of existing facilities.
- h) Pencoed Town Council has sought to establish whether or not Pencoed has a Tennis Association and to the best of the knowledge of the residents, one does not exist.
- i) Pencoed Town Council are concerned that many signatures on the on-line and paper petitions may be from people who have little or no knowledge of the needs or requirements of the residents of Pencoed since they do not live within the boundaries of Pencoed or indeed Bridgend County Borough.
- k) Pencoed Town Council has already acted upon the decisions relating to the community asset transfer of the said land and incurred costs. This is based on information given to the Town Council by the Council indicating the land has been agreed to be leased.

4.12 In summary, Cabinet is asked to note that the Tennis Court is in a poor state of repair and the Council due to current financial constraints is not in a position to improve or replace the facility and Pencoed Town Council has indicated that they will consider providing tennis facilities in the future. The development of a Skateboard Park for young persons was an objective included in the Regeneration Strategy and Action Plan of Pencoed Town Council that was previously adopted by the Council and the community asset transfer of the remaining Tennis Court will facilitate the achievement of this objective.

5. Effect upon Policy Framework & Procedure Rules

5.1 None.

6. Equality Impact Assessment

- 6.1 An Equality Impact Assessment is not required for the transfer or disposals of land and buildings.

7. Well-being of Future Generations (Wales) Act 2015 Assessment

- 7.1 The Well-being of Future Generations (Wales) Act 2015 Assessment based on the 5 ways of working has been considered and there are no significant or unacceptable impacts upon the achievement of wellbeing goals/objectives as a result of the proposed decommissioning of the Tennis Court and replacement with a Skateboard Park.

8. Financial Implications

- 8.1 The Council has allocated £20K to the total development cost of the Skateboard Park which is estimated to be £59K under the 2018/19 Town and Community Council Capital Grant scheme.
- 8.2 The Council will achieve minimal maintenance cost savings from the transfer of the asset, and no income is currently derived by way of hire charges from the use of the tennis court.

9. Recommendation

- 9.1 That Cabinet, having considered this Report and the objections received in response to the Notices published in accordance with Section 123(2A) of the Local Government Act 1972, authorises the community asset transfer of the Tennis Court at Pencoed Recreation Ground to Pencoed Town Council so that it can be subject to development as a Skateboard Park.

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Background documents: None