



Report of the Director of City Development

Executive Board

Date: 3rd December 2008

Subject: Spenhill Residents Deputation

Electoral Wards Affected:

Kirkstall Ward

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Eligible for Call In

Not Eligible for Call In
(Details contained in the re

EXECUTIVE SUMMARY

1. This report is in response to a deputation received from the Spenhill Residents Association regarding the protection of Butcher Hill playing fields and surrounding land set out in Appendix 1.
2. The site is part owned by the Diocese of Ripon (managed by Abbey Grange School) and Leeds City Council and consists of a range of sport facilities.
3. In January 2008 Planning Perspectives LLP, a Town Planning Consultancy, wrote to the Planning Service on behalf of their clients Powerleague Fives Ltd, a company that specialises in the provision of all weather football pitches on school playing field sites. Planning Perspectives sought a pre-application meeting to discuss a possible Powerleague development at the site.
4. Powerleague's consultants are aware of Officers' conclusions that the proposal is an inappropriate development in the Green Belt and that it will be necessary for the applicants to demonstrate very special circumstances for the proposals to be supported in planning terms. Furthermore, the loss of a grass pitch in this area of North West Leeds will limit access to future grass pitches where current demand is high. Therefore, from the perspective of the Recreation Service, the site is considered to be more valuable for the delivery of the Playing Pitch Strategy as a grass pitch as sites managed by Parks and Countryside in the area are already fully booked. They have also been informed that the access to the site crosses City Council land. Even if planning permission was to be granted on appeal, the City Council could still refuse to grant access to the site. It is therefore considered that, at this stage, there is no merit

in considering the transfer of Council's land into a trust or to register it as a village green.

1.0 Purpose Of This Report

- 1.1 This report is in response to a deputation received from the Spenhill Residents Association regarding the protection of Butcher Hill playing fields and surrounding land.

2.0 Background Information

- 2.1 The Butcher Hill / Abbey Grange site is partly owned by the Diocese of Ripon (managed by Abbey Grange School) and Leeds City Council, and currently consists of the following facilities:
- 1 Rugby League Pitch
 - 4 Football Pitches and
 - 1 redgra all weather.

The ownership boundary is identified on Plan 1 attached to this report.

- 2.2 The site is used by the school for educational sporting activities and the following community clubs:
- Vesper Gate FC
 - Bridge Street FC
 - Burley United FC
 - Queenswood Social FC
 - Skyrack Open Age
 - Headingley Wests ARLFC
 - Milford ARLFC utilise the redgra facility for training
- 2.3 In January 2008 Planning Perspectives LLP, a Town Planning Consultancy, wrote to the Planning Service on behalf of their clients Powerleague Fives Ltd, a company that specialises in the provision of all weather football pitches on school playing field sites. Planning Perspectives sought a pre-application meeting to discuss a possible Powerleague development at the site.
- 2.4 The submitted letter sought pre-application planning advice and set down the basis of proposals that Powerleague had apparently been discussing with representatives of Abbey Grange School. These included:
- All weather facilities to include 10 five a side and 2 seven a side football pitches.
 - A full size hockey pitch
 - A 168 space car park, (Powerleague estimate a requirement of 12 spaces per pitch, based on other sites).
 - A pavilion with reception, changing and clubroom (bar area) facilities. The total area of the pavilion is shown as approximately 350m², on one level.
- 2.5 Information provided by Powerleague has provided more detail. Powerleague would operate the pitches from 6.00pm until 11.00pm in the evening. The school would

have use of the pitches during the day until 4.30pm. They would be available to hire for the community in the early evening between 4.30pm and 6.00pm at a subsidised rate (not specified). At the weekend the use of two pitches would be offered free to supervised under 16 groups and to local children based on a card registration system. The pitches would be floodlit and it was argued that the distance from adjacent housing (130 metres for the football pitches and 90 metres from the hockey pitch) would be sufficient to minimise disturbance to residents. The drainage of the remaining grass playing pitch was to be improved

- 2.6 A sketch was submitted with the letter showing access at the northern frontage of the site to Butcher Hill, opposite the school, to the car park. The proposed pavilion was shown south of the car park area as a building measuring approximately 23 metres x 15 metres. A more detailed drawing sent to Sport England included plans and elevations of the proposed pavilion. This showed the customer bar area to be 96m², and this plus the bar servery and associated storage accounting for just less than half the floor area of the pavilion. The all weather pitches were shown south of the pavilion on the western side of Butcher Hill playing fields close to the wooded railway cutting.
- 2.7 The additional information submitted by Powerleague indicated that a Premises Licence would be sought with opening hours of 6.00pm to 11.00pm Monday to Friday, until midnight on Saturdays for private function hire and until 10pm on Sundays.
- 2.8 In addition, Powerleague's consultants had assessed the impact of the development on traffic flows on Butcher Hill, and suggested that in the peak hour 7.30pm to 8.30pm there would be 70 additional movements. It was also argued that there would be no increase in traffic in current peak hours, because the facilities would not be available other than for school use up to 4.30pm, and that start times would be staggered on the pitches to reduce peak traffic flows.
- 2.9 A meeting was held between Powerleague's planning and highway consultants and Council Officers on 20 February 2008 to discuss the proposal, the purpose being to discuss the main issues and advise on local and national policies relevant to the proposed development.
- 2.10 It was understood following that meeting that a planning application was to be submitted during the summer. Some additional work was undertaken by Powerleague to investigate potential on site contamination during that time, and this has been considered by Council Officers and additional information sought. No application has been submitted.

3.0 Main Issues

Planning Policy

- 3.1 The site is within the Green Belt, Urban Green Corridor and is identified as Urban Greenspace in the Leeds UDP (Review 2006).
- 3.2 In the Green Belt the construction of new buildings is inappropriate unless it is for specified purposes. This includes essential facilities for outdoor sport and recreation

but these are defined in policy terms as “small changing rooms or unobtrusive spectator accommodation for outdoor sport”.

- 3.3 Where development falls outside these specified purposes it is considered to be inappropriate and for planning permission to be granted “very special circumstances” need to be demonstrated.
- 3.4 Urban Green Corridors are intended to safeguard and improve public accessibility between the main built up area and the countryside, to promote the viability of wildlife in urban areas and are also seen as important “green lungs”. Policy (N8) states that in Urban Green Corridors development proposals should ensure existing corridor functions are retained enhanced or replaced.
- 3.5 The site is also identified in the UDP as Urban Green Space. Policy N1 indicates that development of such areas for anything other than outdoor recreation will not be permitted, unless the need for greenspace in the area is already met or a suitable alternative site can be identified and laid out as greenspace.
- 3.6 In addition to compliance with policies relating to the specific land use allocations identified above it would also necessary to consider compliance with general UDP policies, including: GP5 (proposals should resolve detailed planning considerations); and T2 (proposals should not materially add to problems of safety, environment or efficiency on the highway network).

Outdoor Recreation Issues

- 3.7 The loss of a grass pitch in this area of North West Leeds will limit access to future grass pitches where current demand is high. Therefore, from the perspective of the Recreation Service, the site is considered to be more valuable for the delivery of the Playing Pitch Strategy as a grass pitch as sites managed by Parks and Countryside in the area are already fully booked. Furthermore a rugby pitch will be lost as part of these proposals.
- 3.8 Competitive league and school matches cannot be played on artificial pitches and as the facility will only provide 5-a-side play or 7-a-side play, any competitive play will not be possible on this site in future. In addition, the existing proposals show a grass pitch 80x50m which is only suitable for under 11s and 12s.
- 3.9 A 30 x 20m 3G artificial surface area only lends itself to 5-a-side soccer. The demand for the facility for rugby will be very limited as the area is not large enough to do any serious training or set piece work. The benefit towards league football is similarly limited.

4.0 Implications For Council Policy And Governance

Planning Policy

- 4.1 Powerleague was advised, following the pre-application meeting, that on the basis of the information provided the submitted proposals appeared to be contrary Green Belt

policy, and policies relating to the protection of Urban Greenspace and Urban Green Corridors.

- 4.2 The key issue in assessing the initial pre-application was Green Belt policy. The information provided indicated that as a result of: the size of the proposed pavilion; the proposed mix of uses, including a bar area; the addition of floodlights; and the large car park; the development could not be considered appropriate development in the Green Belt.
- 4.3 Such a decision does not preclude the granting of planning permission for such a development. Paragraph 3.2 of PPG2 states that:
- “Inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. In view of the presumption against inappropriate development, the Secretary of State will attach substantial weight to the harm to the Green Belt when considering any planning application or appeal concerning such development.”
- 4.4 The assessment of very special circumstances is, to some extent a matter of opinion. The general advice is clear however – the very special circumstances to justify inappropriate development need to be of considerable weight in the overall decision making process.
- 4.5 At a local level, before making a decision to support an application on the basis of very special circumstances, the implications for the overall interpretation of Green Belt policy and for defending related proposals on other Green Belt sites in the City is of relevance. If the very special circumstances are accepted they should be clearly spelled out and the weight accorded to them made clear.
- 4.6 If the City Council decided to accept that very special circumstances exist the Town and Country Planning (Green Belt) Direction 2005 is relevant. The order requires that: before granting planning permission for “inappropriate development” in the Green Belt relating to the construction of a building or buildings with a floor space of 1000m² or more, or “any other development which, by reason of its scale or nature or location would have a significant impact on the openness of the Green Belt”, the application should be referred to the Secretary of State. In these circumstances the decision on the application could potentially be taken out of the jurisdiction of the City Council and made instead by the Secretary of State.
- 4.7 As it stands Powerleague is aware that if an application is submitted along the lines considered during in the pre-application discussion officers will recommend that it is treated as “inappropriate development” and very special circumstances must be demonstrated. Clearly no assessment of any potential “very special circumstances” can be made in advance of their submission, but it is difficult to contemplate the circumstances that would be of sufficient weight to outweigh harm to the openness of the Green Belt if the proposed development took place on this site.
- 4.8 Powerleague is also aware that Officers have considerable concerns about the ability of the proposal to meet the requirements of Policy N1 and N8. In relation to

N1 the loss of the grass pitches and publicly accessible greenspace raises concerns. Potential nature conservation interests, particularly in relation to the area adjacent to the railway cutting and the effect on the visual amenity of the urban green corridor are also of concern.

- 4.9 In addition a development of the scale and nature proposed, dependent on the precise details, could potentially cause detriment to residential and visual amenity, and highway congestion. These and other issues, such as mobilisation of on site contamination and effects on drainage regimes could only be assessed on the basis of detailed study, not available at pre-application stage.
- 4.10 For these issues to be properly considered Powerleague's consultants were advised of the additional work that would be necessary, including:
- An ecological study
 - An assessment of the demand for the proposed facilities, and the effect on demand and supply of the loss of grass pitches.
 - Speed and traffic volume data for Butcher Hill.
 - Comparative parking data for other Powerleague sites.
 - Detailed assessment of the patterns of use of the parking area.
 - The effect of the proposed access on hedgerows and trees.
 - An assessment of the effect of floodlighting on the area and adjacent residential properties.
 - A noise assessment, again particularly in relation to adjacent residential properties.
 - A flood risk assessment.
 - Desk study and remediation strategy.
- 4.11 With the exception of the phase 1 desk study and scope of works for the proposed site investigation none of these documents have been submitted.
- 4.12 Local Councillors and residents have been made aware of the provisional views of the Chief Planning Officer, based on the submitted information.
- 4.13 Added to the planning issues identified above, the Council is also land owner of the frontage of the school playing field site that is currently used to access it. The proposed development relies upon the construction of a vehicular access across this frontage land, which would require the consent of the Council. Therefore, even if planning permission was to be granted on appeal against a decision of the City Council to refuse planning permission, the City Council as landowner, could refuse to grant access to the site on the grounds that it would be detrimental to the objectives of the Council's Playing Pitch Strategy for the reasons outlined above.

5.0 Legal And Resource Implications

- 5.1 The Spen Hill residents deputation also asked the Council to consider further means of protecting the land by transferring the adjoining Council owned playing fields to Wades Charity and registering it as a village green, in the hope that the church authority could be persuaded to do the same for the school playing fields. Given that the Council's land is already held for open space purposes and it is very strongly protected through planning powers, it is not considered that the current use needs

any further protection. Officers have already informed the Ripon Diocese and the School's Headteacher that they would not recommend that access be granted for the proposed development, but the Diocese wish to see it progressed if possible. Therefore there is no evidence to suggest that they could be persuaded to voluntarily restrict their land by transferring it into a trust or registering it as a village green.

6.0 Conclusions

- 6.1 Powerleague's consultants are aware of Officer's conclusions following the meeting in February. The tone of the response has been that the proposal is inappropriate development in the Green Belt and that it will be necessary to demonstrate very special circumstances. They have also been informed that the access to the site crosses City Council land. Even if planning permission was to be granted on appeal against a decision of the City Council to refuse planning permission, the City Council, as landowner, could still refuse to grant access to the site on the grounds that it would be detrimental to the objectives of the Council's Playing Pitch Strategy.
- 6.2 It is not considered that transferring the Council's land into a trust or registering it as a village green would offer it further protection or prevent the Diocese and School from seeking to progress this proposal on their own land.

7.0 Recommendations

- 7.1 That members of Executive Board note the contents of this report in response to the deputation.

Appendix 1: Copy of Deputation/Plan of Area

Background Papers

Playing Pitch Strategy
Leeds UDP