

**Report of : The Director of City Development**

**To : Executive Board:**

**Date: 17 October 2007**

**Subject: HOLT PARK DISTRICT CENTRE AND TINSHILL RECREATION GROUND**

**Electoral Wards Affected:**

**Adel & Wharfedale  
Weetwood**

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 report)

**Executive Summary**

The purpose of the report is to advise members of progress and issues associated with the potential regeneration of Holt Park District Centre, to advise on the outcome of public consultation on the concept proposals and to seek the agreement of Executive Board to the proposed fencing of two pitches at Tinshill Recreation Ground which will facilitate land being available for the regeneration of the centre.

The report outlines the background to the potential regeneration scheme, the key opportunity to include the site of the former Ralph Thoresby High School within the redevelopment proposals and issues regarding the provision of two fenced pitches at Tinshill Recreation Ground to serve the replacement school.

The report provides details of public consultation on the regeneration opportunities and the proposed pitch fencing including a deputation to Council with regard to Tinshill Recreation Ground and other local issues. An update on the provision of a range of improved community facilities, and the funding implications for the Council where appropriate, is also included.

Executive Board is recommended to agree the continued development, including the key site of the former school, of a comprehensive approach to regeneration of the district centre and to the provision of two fenced sports pitches at Tinshill Recreation Ground to satisfy the requirements of the school.

## 1.0 PURPOSE OF THIS REPORT

1.1 The purpose of this report is to :

- (i) update Executive Board on public consultation on the Holt Park District Centre regeneration proposals;
- (ii) seek approval to the regeneration proposals being progressed, including the site of the former Ralph Thoresby High School, with a further report back on progress at the appropriate stage;
- (iii) advise Executive Board of issues with regard to the proposed fencing of 2 pitches at Tinshill Recreation Ground in association with the new Ralph Thoresby High School;
- (iv) seek endorsement of Executive Board to the fenced pitches at (iii) above

## 2.0 BACKGROUND

2.1 Holt Park District Centre was built in the mid 1970's and in March 2002, Executive Board considered a report which set out a number of issues associated with the centre including the outdated range of facilities, the poor quality environment and issues associated with anti social behaviour.

2.2 Executive Board agreed that a proposal for the redevelopment of the District Centre and adjacent land be explored and that the opportunities arising from it in terms of regeneration of the surrounding neighbourhoods be examined. The proposal was based on the aspiration of Asda to replace their existing food store with a new, larger supermarket on sports pitches adjacent to the district centre and forming part of Ralph Thoresby High School (RTHS).

2.3 In November 2003, Executive Board agreed that the condition of the buildings and outdated facilities at RTHS merited its inclusion as part of a PFI programme of new school buildings. Executive Board also agreed that the location of the new school be the site of the school pitches already identified by Asda for their proposed new store. As part of a wider package of improved community/sports facilities associated with the new school, the upgrade of the 6 poor quality sports pitches on the adjacent Tinshill Recreation Ground was identified to offset the loss of the school pitches now required to accommodate the new school buildings.

2.4 In July 2005, Executive Board considered a further report which identified a number of opportunities and issues associated with the district centre as follows :

(i) Potential Regeneration of Holt Park District Centre

- the opportunity for a complete renewal and extension of the district centre by incorporating the site of the 'old' RTHS in a wider scheme.
- the preparation of a draft Planning Framework which set out indicative proposals for a redevelopment/regeneration scheme for consultation with the local community.

(ii) Generation of Capital Receipts

- the opportunity to dispose of Council owned land associated with a

redevelopment scheme and to utilise these receipts to assist with funding the provision of new community facilities at RTHS together with the upgrading of the 6 pitches at Tinshill Recreation Ground.

- Executive Board agreed that £4m arising from the anticipated generation of capital receipts at/adjacent to Holt Park District Centre be ring fenced to finance the additional school/community facilities.

(iii) Fencing of School Pitches

The report considered a number of issues with regard to:-

- health and safety issues experienced by staff and pupils of the school when using Tinshill Recreation Ground for curriculum activities. These included interruption of lessons by people walking across the pitches, abuse and intimidation of staff and pupils, joy riding, dog fouling, litter and other debris. It was for these reasons the school had some years earlier, fenced its own pitches (now the site of the new school) to focus sports activities within this protected space (please see Context Plan attached to report)
- an assessment of risks undertaken by the school in recognition of the above issues and their requirement for fenced sports pitches in the new development to satisfy the health and safety obligations of the school and local education authority.
- consideration of the outline and reserved matters applications for the new school and works to Tinshill Recreation Ground which Plans Panel West, whilst supportive of the principle of the regeneration proposals, had expressed concern with regard to the proposed fencing of 2 of the 6 pitches at Tinshill Recreation Ground.

2.5 Executive Board, in recognition of the above issues, considered the following 3 options:-

**Option 1**

Two fenced pitches on an upgraded Tinshill Recreation Ground.

This would satisfy the requirements of the school and facilitate a comprehensive regeneration scheme.

**Option 2**

Two unfenced pitches on an upgraded Tinshill Recreation Ground.

This would not satisfy the requirements of the school and would prejudice the release of the old school site to facilitate regeneration.

**Option 3**

Two fenced pitches on the site of the existing school.

This would satisfy the requirements of the school but the fenced pitches would not be the size required by DfES and by severely limiting the area available for redevelopment, would preclude the envisaged comprehensive approach to regeneration of the district centre.

2.6 Executive Board agreed:-

- (a) that Option 1 was the preferred option.
- (b) that progress on the Holt Park regeneration project be noted.
- (c) that the indicative proposals shown in option 1 of the draft Planning Framework be agreed as the basis for public consultation, the outcome of which to be reported to Executive Board.

### **3.0 CONSULTATION ON REGENERATION PROPOSALS**

- 3.1 Following the decision of Executive Board in July 2005 to support the principle of a regeneration scheme and fenced pitches at Tinshill Recreation Ground, the proposals were further developed in association with Asda and other key stakeholders.
- 3.2 With the draft redevelopment/regeneration proposals sufficiently developed to enable arrangements for public consultation to be undertaken, Asda advised in the summer of 2006 that they would wish to undertake a financial assessment of the draft proposals prior to any public consultation taking place. The outcome of this assessment, which took into account a wide range of retail industry factors, site development costs etc, was that the scheme was not viable in terms of the proposed acquisition of Council land which mainly comprised the site of the old RTHS.
- 3.3 In recognition of this decision, two alternative concept plans were drawn up which maintained the principles of a comprehensive regeneration scheme with a range of new community facilities and improved district centre environment but with the existing Asda store retained as existing. Both these two concepts (Concepts 1 and 2) utilised the key site of the old RTHS. A third concept (Concept 3) left the District Centre fundamentally unchanged for the foreseeable future with only limited scope for improvement. The site of the old RTHS was shown to be undeveloped with its future to be determined at a later date.
- 3.4 Public consultation to seek the views of the local community on the regeneration proposals for Holt Park District Centre, including the proposed enclosure of two fenced pitches at Tinshill Recreation Ground, took place during January/February 2007. The consultation was based on the three concepts referred to in paragraph 3.3 above. Asda declined the opportunity for the previous "not viable" scheme to be included in the public consultation.
- 3.5 An exhibition, providing details of the various proposals, was held outside the entrance to Asda at Holt Park District Centre on four consecutive days from Wednesday 10 January to Saturday 13 January 2007. An evening exhibition at RTHS was also held on Wednesday, 24 January 2007. The exhibition overall, which was staffed by Council officers, generated considerable public interest with in excess of 500 people estimated to have visited the display. Whilst differing views were expressed on the merits of the concepts, the overwhelming majority of people expressing a view to officers supported either Concept 1 or 2 (ie regeneration of the district centre).
- 3.6 The proposed fencing of two pitches at Tinshill Recreation Ground was not raised as an issue by the majority of people attending the exhibition. For those who did, the issue focussed mainly on the importance of maintaining public access outside of school use rather than the fencing/enclosure itself.

- 3.7 A total of 125 comment forms were returned and these reflect the overall views expressed during the exhibition consultation.

In response to the question regarding which of the three indicative concepts they preferred, the results were:-

Concept 1	-	55
Concept 2	-	40
Concept 1 or 2	-	3
Concept 3	-	12
None	-	14
Not sure	-	<u>1</u>
Total	-	125

Therefore 98 of the 125 respondents preferred either concept 1 or concept 2 (78%)

With regard to the provision of playing pitches in association with Ralph Thoresby High School, 64 respondents made comments in response to this question but again, the main concern related to ensuring community access to the pitches rather than the fencing itself. Of those expressing a specific view on this matter, the response was as follows:

Against fencing – 6  
Support fencing - 6

#### **4.0 UPDATE ON DEVELOPMENT PROPOSALS/ISSUES.**

##### **4.1 Ralph Thoresby High School**

The new school, including the new community library, theatre and other facilities opened in September/October this year..

##### **Potential Replacement Leisure Centre**

Executive Board agreed on 19 March 2007 the potential replacement of Holt Park Leisure Centre as part of a proposal to the Department for Culture, Media and Sport (DCMS) should additional PFI credits become available during the current funding round. The proposal was submitted to DCMS in August 2007 and a response is awaited. The estimated capital cost of the scheme is around £11m and it is proposed to include a range of new facilities including 25m pool, learner pool, fitness suite, sports hall and flexible use space for meetings/community use. If the project proceeds, a start on site could commence in January 2010 with completion in April 2011. The old leisure centre would be demolished once the new centre had opened. Site area constraints mean the new Leisure Centre cannot be accommodated on the site of the current facility and it is proposed that it be built on part of the former school site.

Public consultation on the proposed new facility was held at the leisure centre on 25 April 2007 and this showed overwhelming public support for the proposal .

##### **4.2 2) Potential Replacement Health Centre**

The Leeds Primary Care Trust is currently undertaking a strategic review of facility provision in the City including the previous proposals for a new health centre at Holt Park District Centre. The outcome of this review is expected to be

published for consultation later this year.

4.3 3) Asda Review

Asda have indicated they wish to review the potential for a new, larger supermarket at Holt Park based on the site of the old RTHS. The company has been advised that part of this site has now been included in the indicative site area for the potential new Leisure Centre. In this regard there are significant timescale constraints in Asda pursuing this approach given the need for the Council to define more accurately the Leisure Centre site.

Should Asda's renewed interest for a new store not proceed, the company has indicated it will look at proposals based either on a refurbishment/extension of the existing store or seek to develop a new store based on their site ownership and possibly an element of third party land.

4.4 4) Scope to Accommodate Replacement Pitches on the Site of the Former School

The building footprint of the former school and immediate surrounding area is not large enough to accommodate 2 full size grass pitches. At most the site would only accommodate 1 full size and one junior pitch which would not satisfy the requirements set out by the government for a secondary school of this size.

In addition, the removal of the old school foundations, services and extensive site levelling would incur substantial costs and the works, including creation of the grass pitches, would delay any availability for school use until 2011 at the earliest.

Therefore, it is essential that replacement pitches are provided for the use of the school on Tinshill Recreation Ground if the regeneration of Holt Park District Centre is to proceed.

Pilot Project at RTHS/Tinshill Recreation Ground

4.5 5)

The Council's Parks and Countryside Service in partnership with Education Leeds, the Council's Public Private Partnerships Unit, the PFI Service Provider and Sport and Active Recreation are developing a pilot project to integrate usage of the car parking and changing facilities at RTHS and all the grass pitches at Tinshill Recreation Ground for existing users, potential new local community teams and the school. The proposals will provide sports clubs and teams access to quality facilities, including the two proposed fenced pitches outside of school use hours, through a single contact point and will help alleviate some of the problems experienced by local residents by car parking/players changing at Tinshill Recreation Ground.

The management and maintenance of the community use of the pitches will also be subject to a formal agreement.

4.6 6) Planning Update - Proposed Fencing of two pitches at Tinshill Recreation Ground

An application for planning permission to erect a fence around the two pitches was submitted on 4 April 2007. At their meeting on 14 June 2007, Plans Panel West raised a number of concerns about the proposal and were minded to refuse the application. The matter was reported back to Plans Panel West on 12 July 2007, following further discussions with the applicants about community

use. The Panel was advised that the proposed fence would not require planning permission for the following reasons:

The reduction of the height of the proposed fence to 1.8 metres, prior to the submission of the application, had brought the erection of the structure itself within the limits for Permitted Development and, as such, it no longer required permission. Additionally, following further negotiations, unrestricted public access to the land had been secured through the four proposed gates, except during the period 8am-6pm, Mondays to Fridays during term time and whilst booked community use was taking place. Subsequent legal advice had been received which advised that in the light of these factors the enclosure of the land would not constitute a material change of use, which would have required planning permission.

Consequently, the report was withdrawn, as the Local Planning Authority, in the light of the legal advice obtained, was no longer in a position to make a determination of the application. The Panel was concerned that the final decision to procure and erect the fence would now be within the remit of officers and resolved, amongst other matters, 'that a mechanism be established in order that the final officer decision to procure and erect the fence be brought to the attention of the appropriate Executive Member in order that he can consider whether the decision be referred to Executive Board.

## **5.0 MATTERS FOR CONSIDERATION**

### Regeneration of Holt Park District centre

- 5.1 The opportunity to address and resolve the significant issues associated with the current, outdated district centre are dependent upon the release of the former school site to facilitate a comprehensive regeneration/redevelopment scheme.
- 5.2 The public consultation undertaken earlier this year endorsed the need for a comprehensive district centre regeneration scheme.
- 5.3 It should be noted the provision of new facilities such as a replacement leisure centre, health centre, improved retail facilities etc, will be dependent not only upon the availability of a suitable site to accommodate such development, but the funding and investment decisions of stakeholders such as the PCT which has yet to be determined. All the key stakeholders have previously confirmed the need for replacement/improvement to their existing facilities.
- 5.4 Accordingly, Executive Board is requested to endorse the release of the former RTHS site for redevelopment and that the regeneration proposals be further developed as and when the requirements of the key stakeholders for new/improved facilities have been confirmed.

### Generation of Capital Receipts

- 5.5 Council funding has already been committed to assist with the provision of additional school and public facilities including a new theatre and community library together with the upgrade to pitches at Tinshill Recreation Ground. The opportunity to generate capital receipts through a regeneration scheme and associated development to cover this expenditure and fund other improvements at the district centre has been recognised in earlier reports to Executive Board and members are requested to endorse this approach.

## Tinshill Recreation Ground

- 5.6 The proposed fencing of 2 of the upgraded pitches at Tinshill Recreation Ground is required to satisfy the health and safety obligations regarding RTHS and to ensure the release of the former school site which is key to the district centre regeneration proposals..
- 5.7 With regard to the health and safety issues, whilst the Department for Children, Schools and Families recommend school sports pitches be fenced, this is not mandatory because fencing may not be required in every location, for example, in some rural situations. Accordingly the government, in effect, delegates responsibility for health and safety issues to the appropriate employer which is Education Leeds in terms of the school site and Leeds City Council with regard to Tinshill Recreation Ground . The relevant “Health & Safety :Responsibilities and Powers” advice follows Health and Safety Executive Legislation.

The responsibilities of the employers, including the school, can therefore be described as :

1. the employer must have a Health & Safety policy and arrangements to implement it. The Health & Safety at work Act 1974 applies.
  2. employers must assess the risks of all activities, introduce measures to manage those risks, and tell their employees about the measures. The Management of Health & Safety at Work Regulations 1999 apply.
- 5.8 To satisfy their obligations referred to in the paragraph above, the school has assessed the risks, considered past health and safety incidents as outlined in para 2.4 (iii) and has confirmed the requirement for fenced pitches.
- 5.9 Usually, fencing to school sports pitches would be 2.4 metres high. In recognition of the sensitivities regarding the proposals, the school has stated that a lower, steel mesh fence 1.8 metres high would be acceptable. In addition, the siting of the fencing at the base of the new embankments, the design and the colour is such so as to minimise its impact on the landscape.
- 5.10 To provide a context, Tinshill Recreation Ground occupies an area of 8.2 ha (20.4 acres) and the proposed fencing of two of the upgraded pitches will occupy approximately 1.65 ha (4.0 acres) of the overall site. In percentage terms, this represents approximately 20% of the area proposed to be fenced with 80% of Tinshill Recreation Ground remaining completely open.
- 5.11 Should fencing of the two pitches at Tinshill Recreation Ground not proceed, the only alternative location is the former school site itself. As stated in para 4.4, this area would be insufficient to accommodate the pitches/school space requirements, significant costs would be incurred in terms of site levelling/preparation and there would be a delay in availability of the pitches for use.
- 5.12 Furthermore, the release of this substantial area of land is critical to achieving a comprehensive approach to regeneration of the district centre. Should the site be allocated for sports pitches or excluded from redevelopment, the scope for improvement at the district centre will be substantially curtailed due to the lack of site area upon which to base regeneration proposals and provision of new facilities.
- 5.13 Whilst the proposed enclosure of the 2 pitches has generated objections, given the issues referred to in paras 5.1 to 5.12 above, Executive Board is requested to agree

that the fencing be installed.

## **6.0 IMPLICATIONS FOR COUNCIL POLICY AND GOVERNANCE**

### **Council Policies**

- 6.1 The proposals associated with the regeneration of Holt Park District Centre will assist in the delivery of a range of key aims and objectives set out in the Vision for Leeds and the Council's Corporate Plan 2005/08. In particular, the proposals will support Council priorities regarding improving local neighbourhoods; promoting thriving and harmonious places for people to live; making sure children and young people are happy, healthy, safe, successful and free from the effects of poverty and ensuring people are able to live healthy and fulfilling lives.
- 6.2 In terms of one aspect of improving neighbourhoods at the detail level, the proposed fencing of two of the six upgraded pitches at Tinshill Recreation Ground will have a negative influence in terms of open space, accessibility and visual amenity compared to the present situation. The proposals recognise this and seek to minimise the impact of the fencing and the issue needs to be considered in the wider context of the benefits the regeneration opportunity will bring.

### **Consultation**

- 6.3 In addition to the public consultation undertaken earlier this year on the concepts for regeneration of the district centre, the proposed new leisure centre and as part of the planning applications relating to the new school, briefings on the regeneration proposals have been held with both Weetwood and Adel and Wharfedale members. A range of views have been expressed by members from both wards with support both for and against the fencing proposals at Tinshill Recreation Ground and the regeneration proposals for the district centre. The North West (Outer) Area Committee, the Executive Member for Development and the headteacher and governors of RTHS have also been briefed. Consultation has also been undertaken with the Leeds Primary Care Trust, West Yorkshire Passenger Transport Executive, the Kids Academy and Asda.
- 6.4 The meeting of Council on 20 June 2007 received a deputation from Kommunity regarding a range of development issues in the Holt Park area. A copy of the statement submitted is attached at appendix 1

## **7.0 LEGAL AND RESOURCE IMPLICATIONS**

### Legal Implications

- 7.1 Where a Local authority proposes to dispose of certain school land i.e. land forming part of the former RTHS site, the consent of the Secretary of State is required under Section 77 of the School's Standard and Framework Act 1998.
- 7.2 In making a decision, the Secretary of State will take into account the views expressed by the school. The application has the support of the school based on two of the six sports pitches at an upgraded Tinshill Recreation Ground being suitably fenced.

### Resource Implications

- 7.3 Executive Board on 19 January 2005, agreed a report on the Leeds Combined Secondary School PFI Project which included reference to the provision of additional facilities at RTHS including a new community theatre, community library and artificial

sports pitch together with the upgrading of the 6 pitches at Tinshill Recreation Ground Executive Board agreed that £4m arising from the anticipated disposal of Council land as a result of the regeneration of Holt Park District Centre be ring fenced to fund the proposed improvements.

- 7.4 The new school has now opened and works have commenced to upgrade the pitches at Tinshill Recreation Ground. The scope to deliver capital receipts to fund the improvements either carried out or underway, will be restricted if the site of the former school is not included for redevelopment. In addition, the scope to fund other improvements associated with the regeneration of Holt Park District Centre will be restricted if a comprehensive scheme is not progressed.
- 7.5 The proposed new leisure centre is dependent both upon the availability of additional PFI credits being made available during the current funding round and the success of the Council's bid to the DCMS for any credits made available. Should PFI credits for a new leisure centre not be secured from DCMS, the Council will need to determine whether alternative funding arrangements for a new facility be considered or the substantial investment requirements associated with retention and upgrading of the existing leisure centre should be pursued. .

## **8.0 CONCLUSIONS**

- 8.1 The opportunity to address and resolve the significant issues associated with an outdated Holt Park District Centre were first considered and endorsed by Executive Board in 2002.
- 8.2 Since that time, RTHS has been replaced with a new school and this has created the significant opportunity to transform the district centre on a comprehensive basis by including the site of the former school for redevelopment. Without the release of this substantial and key area, there is insufficient land within or adjacent to the district centre to accommodate a comprehensive approach to renewal. This includes the range of new and improved community facilities envisaged including the new leisure centre which has been agreed by Executive Board. The opportunity to address the fundamental issues associated with the current centre will, therefore, be substantially compromised if the former school site is not released for inclusion in a redevelopment scheme .
- 8.3 In addition, the generation of capital receipts to assist with the committed funding of additional school and community facilities associated with RTHS, may not be delivered given the restricted, development opportunities potentially available .
- 8.4 Public consultation on the proposed regeneration of the district centre, including a new leisure centre, has shown overwhelming support for a comprehensive approach to renewal of the district centre. The consultation also included the proposed fencing of 2 of the 6 upgraded pitches at Tinshill Recreation Ground to meet the health and safety obligations of the school. In this regard the consultation showed that where a concern was expressed regarding this proposal, it focussed on public access to the pitches outside of school use rather than the fencing itself.
- 8.5 In contrast, the fencing proposal generated objections from both members of Plans Panel West, from local residents consulted as part of the planning application for the new school and the deputation to the Council on 20 June 2007. It has been determined that the fence does not require planning permission.

8.6 In summary, there is the significant opportunity to deliver a comprehensive approach to revitalising Holt Park District Centre to complement the new school and its public facilities. Although objections to the fencing proposals have been registered, the broader public consultation on the regeneration proposals has demonstrated overwhelming public support for a comprehensive approach to renewal of the district centre. As this report has advised, the fencing is considered essential by the school for its successful operation and is therefore crucial to enabling this regeneration to succeed by releasing the key, former school site for inclusion within the overall development area. To promote use of this site to contribute to the sports/space requirements of the new school or alternative use, would not only remove the key site in terms of the regeneration of the district centre; it would not satisfy the requirements of the school either. The only means to realistically satisfy these requirements is for 2 of the 6 pitches at Tinshill Recreation Ground to be fenced as proposed.

## **9.0 RECOMMENDATIONS**

9.1 Executive Board is requested to :

- (1) instruct officers to progress the development of regeneration options at Holt Park District Centre based on the inclusion of the former Ralph Thoresby High School site within the overall redevelopment area.
- (2) note the outcome of public consultation on the proposed regeneration of Holt Park District Centre and the fencing of two pitches at Tinshill Recreation Ground..
- (3) agree that a 1.8metre high, steel mesh fence with four gates to the two pitches at Tinshill Recreation Ground adjacent to Farrar Lane, be procured and erected.