



Report of the Chief Planning Officer

Inner North West Area Committee

Date: 13th December 2007

Subject: Ralph Thoresby High School and Tinshill Recreation Ground

Electoral Wards Affected:

Weetwood

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Council
Function

Delegated Executive
Function available
for Call In

Delegated Executive
Function not available for
Call In Details set out in the
report

Executive Summary

The report briefly sets out the background to and present position regarding the upgrading of the playing fields at Tinshill Recreation Ground and the proposal to erect a fence around the two pitches at the Farrer Lane end of the site and to give priority access to this area to the Ralph Thoresby High School during the day in term time. It follows from the resolutions of the West Plans Panel meeting of 12 July and the Executive Board meetings of 17 October and 14 November 2007.

1.0 Purpose of This Report

- 1.1 The purpose of the report is to notify and inform the Inner West Area Committee of the background to and present position regarding the upgrading of the playing fields at Tinshill Recreation Ground and the proposal to erect a fence around the two pitches at the Farrer Lane end of the site and to give priority access to this area to the Ralph Thoresby High School during the day in term.

2.0 Background Information

(1) History

- 2.1 The planning permission for the new Ralph Thoresby High School, which opened in September of this year, included the upgrading of the existing playing pitches on Tinshill Recreation Ground to replace those lost by the siting of the new school on its former playing field area and to facilitate the regeneration of the Holt Park Centre by

incorporating the former school site. This was in accordance with principles that were first agreed by the Council's Executive Board in March 2002. In November 2003, the Executive Board agreed that the new PFI-funded school should be on the site it now occupies and that as part of a wider package of improved community/sports facilities associated with the new school, the 6 poor quality sports pitches on the adjacent Tinshill Recreation Ground should be upgraded to offset the loss of the school pitches required to accommodate the new school buildings. Outline planning permission for the new school and the associated improvements to the playing pitches on Tinshill Recreation Ground was granted on 18 November 2004.

- 2.2 The school, while supportive of the overall proposal in principle, made it clear from an early stage that they were unwilling to accept replacement pitches that were not fenced to meet their curriculum needs. Their arguments were based on their previous experience, which had included abuse and intimidation of staff and pupils, interruption of sports lessons and activities, joyriding, dog fouling, litter and other debris. It was for these reasons the school had some years previously, fenced its own three pitches (now the site of the new school) and focused sports activities within this protected space rather than use Tinshill Recreation Ground. There have continued to be problems arising from the abuse of the Tinshill Recreation Ground, the most recent being in October when a stolen car was burned out on one of the new pitches.
- 2.3 As a result of these concerns, when the application for planning reserved matters approval was submitted, as well as the details of the school itself (including a new community theatre and sports hall) and the improvements to the Tinshill Recreation Ground pitches, it included a proposed fence around the two playing pitches closest to the new school.
- 2.4 The application was considered by the West Plans Panel in February 2005, when it was resolved that the determination of the application should be deferred and delegated to the Chief Planning Officer for final approval, subject to negotiations to omit the fence and to additional conditions. Should negotiations have failed in respect of the fencing of Tinshill Recreation Ground, a further report was to be brought back to the Panel. In the event, the fencing element was withdrawn from the application and did not form part of the planning permission that was granted on 16 March 2005. The permission included a condition added by the Panel requiring the submission and approval of a scheme of maintenance and management of community access to both the playing pitches (the all-weather pitch within the school site and on Tinshill Recreation Ground) and the changing facilities within the new school.
- 2.5 When the Executive Board considered a further report on the regeneration of the Holt Park Centre in July 2005, their preferred option was that which involved the fencing of two pitches – but with the fence being only 1.8 metres-high – at Tinshill Recreation Ground, subject to appropriate public consultation. Following this decision, the Holt Park proposals were further developed in association with Asda and other key stakeholders. However, in summer 2006, Asda advised that they would wish to undertake a financial assessment of the draft proposals prior to any public consultation taking place. The outcome of that was that they concluded that the scheme was not viable in terms of the proposed acquisition of Council land, which mainly comprised the site of the old school.
- 2.6 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 utilised the old school site. A third concept left the District Centre fundamentally unchanged for the foreseeable future with only limited scope for improvement, with the old school site shown to be undeveloped and its future to be determined at a later date.

(2) Holt Park Regeneration Public Consultation

- 2.7 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, based on the three concepts referred to in paragraph 2.5 above, included an exhibition, providing details of the various proposals, which was held outside the entrance to Asda on four consecutive days in January 2007. An evening exhibition was also held at the school.
- 2.8 The consultation 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 (i.e. regeneration of the District Centre). 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 focused mainly on the importance of maintaining public access outside of school use rather than the fencing/enclosure itself.
- 2.9 A total of 125 comment forms were returned, reflecting the overall views expressed during the exhibition consultation. 98 (78%) of the 125 respondents preferred either Concept 1 or 2. With regard to the provision of playing pitches in association with Ralph Thoresby High School, 64 respondents made comments and their main concerns related to ensuring community access to the pitches rather than the fencing of the pitches per se. The twelve respondents who expressed a specific view on this matter were evenly divided – six for and six against.

(3) Planning application No. 07/02001/FU

- 2.10 A further planning application for the erection of a 1.8 metres-high fence around the two pitches was submitted on 4 April 2007. The application attracted twenty objections on the grounds of loss of public use of the playing fields, the impact of the fence on visual amenity and the loss of an amenity for the local community, together with a petition containing 135 signatures and representations from Councillors Bentley and Chapman.
- 2.11 Negotiations continued to take place after submission of the application with the applicants on the means by which community access could be maintained to the area at times when the pitches were not required by the school for its own use. This matter was both key to consideration of the current application and still required pursuant to the condition attached to the Reserved Matters approval of March 2005 (See Paragraph 2.4 above). The scheme was also amended to locate the proposed fence at the bottom of the cutting at the west end and the embankment at the east end of the area occupied by the two pitches, thus further reducing its visual prominence.

- 2.12 The application was reported to the West Plans Panel on 14 June 2007. Members were advised of the representations received and heard a presentation on behalf of the objectors. They were also advised of the outcome of the negotiations that had taken place in respect of public access. The report stated:

“It is has been clearly established through the planning process for the RTHS project that the pitches remain within the public realm as part of an enhanced Tinshill Recreation Ground and are available for open public access outside of school hours....it is now proposed that RTHS have exclusive use of the pitches during the school day (defined as 8am-6pm on weekdays) and would be able to lock the gates to the site during this time. Outside of these hours, however, the gates would remain unlocked and the pitches would be available for community use in common with the rest of the Recreation Ground. The pitches would be checked and litter picked every morning before school use commenced”.

Members deferred their decision on the application to enable a report to be submitted, setting out reasons for refusal based on their concerns regarding the impact of the fence on public access and the openness of the green space and its visual impact.

- 2.13 The Chief Planning Officer attended the following Plans Panel meeting on 12 July 2007 and advised the Panel that further advice had been received from the Council's Legal Officer in respect of the need for planning permission for the proposals. That advice was as follows:

* In respect of the need for planning permission for the erection of the fence, the reduction of the height of the proposed fence to 1.8 metres prior to submission of the application had brought the erection of the structure itself within the limits for Permitted Development (under which a fence can be erected up to 2 metres in height without the permission of the local planning authority) and, as such, it no longer required permission.

* On the question as to whether the proposal constituted a material change of use requiring planning permission the advice was that as the applicant now intended to allow unrestricted public access to the land through the four proposed gates, except during the period 8am-6pm, Mondays to Fridays during term-time and while booked community use was taking place, the enclosure of the land would not constitute a material change of use. In essence, the land would still be used for outdoor recreation, albeit limited to a certain category of user from time to time but not an exclusive use by that category, which might create a separate planning unit. There would, therefore, not be any grounds to require planning permission. Furthermore, the use of the enclosed area would still be compatible with Policy N1 of the UDP.

Consequently, The Chief Planning Officer advised that the Local Planning Authority was no longer in a position to make a determination of the application and had no alternative to withdrawing it.

2.14 The resolution of the Panel was:

That having regard to the advice provided at the meeting, the application be withdrawn and:

- a) the matter be referred to the appropriate Scrutiny Board with particular reference to the process and outcome of this application
- b) 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
- c) that the matter be referred to North West Inner Area Committee for discussion.

(4) Executive Board Meetings, October and November 2007

2.15 The issue was considered by the Executive Board on 17 October 2007 as part of a lengthy report dealing with both the Holt Park District Centre and the associated issues relating to the Tinshill Recreation Ground. It was resolved:

- (a) That the development of regeneration options at Holt Park District Centre be progressed on the basis of the inclusion of the former Ralph Thoresby High School site within the overall redevelopment area
- (b) That the outcome of public consultation on the proposed regeneration of Holt Park District Centre and the fencing of two pitches at Tinshill Recreation Ground be noted
- (c) That a 1.8 metres-high, steel mesh fence with four gates to the two pitches at Tinshill Recreation Ground adjacent to Farrar Lane, be procured and erected.
- (d) That a report be brought back to (the Executive) Board detailing the terms for access to the two fenced pitches both for organised sport and general public access.

2.16 Further to this resolution, the Executive Board considered a report from the Chief Recreation Officer at its meeting on 17 November 2007, which set out the terms of a Service Level Agreement (SLA) between the City Council and the school in respect of the school's right to exclusive access the two pitches during the school day, the arrangements for allowing open access to the area for formal and informal activity at all other times and the associated maintenance regime. This includes the opening and closing the gates and preparing the pitches for use. The report commented that under the SLA, the pitches will continue to managed by the Council's Parks and Countryside Service, which will also allocate local and club team use of the pitches. The report also referred to the arrangements currently being made to promote access to the car park and changing facilities in the new school for teams playing on all of the Tinshill Recreation ground pitches.

2.17 The Executive Board resolved:

(a) That the report be noted and the following arrangements approved:

- The substantial improvements to the pitches at Tinshill Recreation Ground
- The letting of the pitches at Tinshill Recreation Ground through the Parks and Countryside annual allocation process
- The allocation of an on site gardener to Tinshill Recreation Ground
- The development of the pilot project for allocations to the changing facilities and car parking at Ralph Thoresby School and the pitches at Tinshill Recreation Ground

(b) That reports be brought back to this Board on an annual basis with regard to the operation of these arrangements, including information with regard to frequency and patterns of usage under former arrangements and these arrangements.

3.0 Main Issues

3.1 With regard to the resolutions of the Plans Panel and the Executive Board noted above, the present position in relation to Tinshill Recreation Ground is as follows:

- * The Executive Board has now determined that the former school site should be included within the overall redevelopment area for the Holt Park Centre and that the two pitches should be enclosed by a 1.8metre-high steel mesh fence.
- * A Service Level Agreement has been concluded between the school and the Council's Parks and Countryside Service. This establishes the criteria for school and general access, lettings and maintenance of the facilities. This will add to and complement the provisions of the facilities management provisions of the PFI contract for the facilities, including an all-weather pitch and sports hall, within the new school. Although they have not been finally agreed, at present the pitches are not yet completed and available for use by either the school or the public.
- * A pilot scheme is being established for providing a single point of access for booking the existing pitches on Tinshill Recreation Ground and the new all-weather pitch and use of changing facilities and car parking within the new school, which will be of benefit to community users and should reduce on-street car parking and instances of people changing in their cars.
- * The SLA and the provisions of the pilot scheme should, once fully agreed, provide a framework for management and maintenance of community access to the facilities both within the main school site and on Tinshill Recreation Ground, in accordance with the requirements of the condition attached to the planning permission for the development of the school (Paragraph 2.4 above).

3.2 To date, the issues around the process that led to the withdrawal of the report and the application from the Plans Panel have not been considered by the Scrutiny Board.

4.0 Implications For Council Policy and Governance

- 4.1 The content of this report demonstrates the need for careful monitoring of the respective roles and responsibilities of different decision making bodies within the Council on projects or proposals particularly when these cross boundaries with the need for decisions to be taken by the Executive on some aspects and regulatory bodies exercising Council functions (such as the Plans Panel) on others.

5.0 Legal and Resource Implications

- 5.1 This report has no specific legal or resource implications.

6.0 Conclusions

- 6.1 As a result of the legal advice that, as a result of the changes made, the proposed enclosure of the pitches with a 1.8 metres-high fence now falls within the limits of Permitted Development. Consequently, the Local Planning Authority cannot exercise any control over this aspect of the development, other than in respect of the planning condition requirements relating to the maintenance and management of community access to the facilities themselves. This condition will not be fully complied with until all of the facilities are complete and available for use and all of the arrangements have been approved. However, In accordance with their resolutions of 17 October and 14 November, the Executive Board will now be responsible for the subsequent monitoring their operation on an annual basis.

7.0 Recommendations

- 7.1 The Inner North West Area Committee is requested to note the content of the report.