



Report of Head of Council Housing Growth
Report to Director of City Development
Date: 23rd October 2019
Subject: Response to Deputation heard 11th September 2019 from a group regarding 'save TV Harrison Sports Ground'

Are specific electoral wards affected?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, name(s) of ward(s):	Farnley & Wortley
Has consultation been carried out?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Will the decision be open for call-in?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If relevant, access to information procedure rule number:	
Appendix number:	

Summary

1. Main issues

- A Deputation was heard on the 11th September 2019 from a group regarding 'save TV Harrisons Sports Ground'. It was resolved that the subject matter be referred to the Director of City Development for consideration in consultation with the relevant Executive Member.
- The former TV Harrison Sports Ground refers to a parcel of vacant land on Oldfield Lane extending 4.19 acres, part in Council ownership (1.1 acres), part in Private ownership (3.09 acres), which together had a former use as sports pitches, but has since been allocated for housing within the Site Allocation Plan (SAP).
- In November 2018 Executive Board approved the scope of the Council's new housing scheme proposals and approved the use of various sites, including the subject site at Oldfield Lane, for the delivery of new general needs council housing.
- An action group has been formed to oppose the development of the site for Housing, and would like options to be considered for the sites redevelopment as a Sporting Facility.

2. Best Council Plan Implications (click [here](#) for the latest version of the Best Council Plan)

- Housing is one of the Best City priorities as set out in the Best Council Plan, and the Council Housing Growth Programme will directly support the following priorities by delivering additional social housing stock:
 - a. Housing of the right quality, type, tenure and affordability in the right places
 - b. Minimising homelessness through a greater focus on prevention
- The Programme will also directly contribute to ensuring that “everyone in Leeds Live(s) in good quality, affordable homes, in clean and well cared for places” which is one of the target outcomes set out in the Best Council Plan.

3. Resource Implications

- In November 2018, Executive Board approved an investment of c£55m to deliver c358 new council homes. On 27th February 2019, Full Council approved a further injection of £90.9m into the Council Housing Growth Programme. The Council House Growth programme now has total approved funding available of £221m as at September 2019 and incorporates sufficient funding to meet the costs of delivering the Oldfield Lane development.

Recommendations

The Director of City Development is recommended to:

- a) Note the content of this report in response to the deputation heard on September 11th September 2019.
- b) Consider and approve the proposed response to the points made in the deputation and set out in this report;
- c) Note the planning status of the site as allocated for housing within the SAP and Executive Board’s continued support for the site to be developed as part of the Council Housing Growth programme
- d) Recommend to the Deputy Leader and Executive Member for consultation and approval.
- e) Continue to work with Ward Members and other Council Departments to identify where existing facilities can be improved and how such works can be funded.

1. Purpose of this report

- 1.1 The purpose of this report is to consider the deputation by a group regarding ‘save TV Harrisons Sports Ground’.

2. Background information

- 2.1 The TV Harrison Sports Ground is the site of a former playing pitch facility located on Oldfield Lane. The site is part owned by Leeds Schools Sports Association (the LSSA land) and part by the Council (the Council land).
- 2.2 The Leeds Schools Sports Association are a charitable organisation with the objectives of;

- A) To promote and assist any form of athletic activity which tends to improve the physique and morals of the children attending the schools of the city.
 - B) To endeavour to secure better facilities for playing games in open spaces and to secure adequate equipment for all games in all schools.
- 2.3 The registered proprietor of the land is National Westminster Bank PLC who hold it on trust on behalf of the LSSA.
- 2.4 Due to a lack of funding, failed fund raising & grant application efforts, along with continued acts of vandalism, the site closed as a sporting facility in circa 2005 and has remained vacant since.
- 2.5 It is the intention of the LSSA to dispose of their land and use the receipt obtained from the sale to enable them to continue their charitable objectives.

2 Main issues

- 3.1 The key points raised in the deputation are as follows
- a. The site had been in use for a considerable period of time and previously hosted school sports, sports and children's day activities and school football finals;
 - b. The site was purchased via public subscription;
 - c. The deputation states that the deeds clearly state that the land "shall be left open and unbuilt upon";
 - d. The ground was not maintained and the changing facilities were vandalised so the ground became unused in the 1990s;
 - e. At least 3 sporting groups had attempted to resurrect the facilities but negotiations with LSSA and the Council were unsuccessful;
 - f. Concern about the loss of greenspace and land being built upon;
 - g. That the group would like to make the ground useful again and to seek funding to provide an all-inclusive community hub; and
 - h. The group would work with the Council to explore options for the ground to provide a return on investment.
- 3.2 In response to these points, the Council would make the following response
- a. The Council acknowledges the previous uses of the site and understands that it historically had an important role in relation to school sports in the city. However the Council further notes that the site had remained unused for a considerable period of time and as a result, had been identified as a site for housing under the Site Allocations Plan (SAP) process in 2015. The land was originally allocated within the UDP as N6 Green Space, however the Site Allocation Plan (SAP) allocates the site as a phase 1 Housing Allocation (HG2-84) for 61 units. The initial inspection process and consultation resulted in only 13 responses to this proposal and the Government appointed Inspector agreed with the Council that the site should be allocated for housing. The SAP was adopted by the council on 10 July 2019. The plan now forms part of the Council's Local Plan. The Plan was found sound by the Inspectors appointed to oversee the public examination process;
 - b. LSSA is a charitable organisation and the charitable objectives of LSSA are that they should promote school sports activities. Whilst the LSSA must meet

its charitable objectives in relation to promoting sport, there are no restrictions detailed within the deeds of the LSSA land the Council wish to purchase that would prevent the land from being sold or developed for an alternative use or that restrict the use to a playing field. Further the LSSA would, in accordance with their charitable objectives use the proceeds from the sale of the site to further promote sports activities within the city;

- c. One portion of the larger TV Harrison site is held by the LSSA under a lease from the Council. The Council's freehold title of this portion of the site was purchased in 1903. The 1903 conveyance did contain restrictive covenants that certain areas of the site "shall be left open and unbuilt upon" for the purposes of constructing road ways. This restrictive covenant does not relate to playing fields and does not affect the larger LSSA site;
- d. The Council is aware that LSSA previously attempted a campaign that included a large number of articles spread over a 9 month period in the Yorkshire Post asking for support to bring the facility back into use. Unfortunately this campaign was unsuccessful. During this period the LSSA looked into eligibility for grant funding, but unfortunately, at the time, grant funding was not available for single pitches. The LSSA had no major reserves to fund further repairs to the facilities;
- e. The Council is unable to comment on any discussions that may have taken place between LSSA and other sporting clubs around the potential for use of the Oldfield Lane site;
- f. The Council recognises the need to support the provision of greenspace and sporting facilities across the city and within the Farnley and Wortley ward. It took the difficult decision to seek to re-designate the site at Oldfield Lane for the reasons given earlier in this report. Notwithstanding that, Leeds City council remains committed to developing sporting facilities for the benefit Leeds residents. The report to Septembers Executive Board regarding all weather pitch provision in Leeds and the commitment to support the FA's Parklife programme demonstrates that commitment. More locally, officers continue to support clubs to develop facilities and to secure long term futures including Wortley FC and Farnley Falcons Rugby League Club. Similarly, offices supported West Leeds Rugby League club to develop facilities at Redshaw Road;
- g. The challenge in developing a single pitch site such as Oldfield Lane, is that the potential to attract the significant funding needed to provide a quality grass pitch and changing facility is limited. Larger scale projects on multi pitch sites inevitably lead to improved outcomes in terms of participation. Notwithstanding that, should development take place at Oldfield Lane, this will present opportunities to invest in local sports facilities and leverage additional funds to develop schemes. Potential options include improving facilities at New Wortley recreation ground including both grass pitches and changing rooms and also potentially support the ongoing development of facilities at Butt Lane.
- h. The Council is seeking to arrange to meet a number of the TV Harrison Community Action Group members in early October 2019 to discuss the opportunities for improving sports facilities within the ward and would welcome working with them to identify how some of the current proposals within the ward might be realised. The proposed redevelopment of the site

would generate a commuted sum of circa £80,000 to support this work, along with other sums generated by other new homes being built in the ward;

- 3.3 In acknowledgment of the loss of the space as a result of the site's redevelopment, the Council is keen to ensure that sport provision is enhanced within the local area. The development of the site would require the provision of on-site public open space, and it is anticipated that a commuted sum would also be generated towards the provision or improvement to existing facilities in the locality.
- 3.4 Leeds City Council recognise and empathise with the concerns raised by the group and the Council are looking into options available for how this sum could be used as a match funding contribution to lever in other investment for improvements within the surrounding area.
- 3.5 A majority of the Oldfield Lane site is, in the large part, within the control of LSSA who, having considered the options available, intend to dispose of their land asset.
- 3.6 It is noted that the deputation refers to grant funding opportunities that could be utilised to bring the site back into use as a sports facility. In the Council's experience however, due to the size of the site, such proposals would not attract funding, given the preference for hub facilities capable of providing multiple pitches.
- 3.7 There is significant demand for council housing in the city and this is one of a number of sites that Executive Board considered and approved for inclusion as part of a new programme of council housebuilding in November 2018. The Council will therefore proceed with the acquisition of the LSSA site from Leeds School Sports Association and intend to appoint a contractor to develop the site for new council homes in the coming months.

4. Corporate considerations

4.1 Consultation and engagement

- 4.1.1 Local ward members have been consulted about the site development proposals on a number of occasions and provided with updates in relation to proposals for the Council to acquire the part of the site owned by LSSA. The most recent meetings took place in March 2019.
- 4.1.2 Members are opposed to development of the site for housing, although they acknowledge its status under the SAP. Officers have also advised local members in relation to green space improvements which could be delivered both within the scheme boundary and also in the wider Farnley & Wortley ward area using the planning contributions from the scheme.
- 4.1.3 The local MP has requested briefings about the site proposals on a number of occasions and discussed matters with the Deputy Leader and Executive Member for Communities. The Executive Member is fully supportive of the scheme.

4.2 Equality and diversity / cohesion and integration

- 4.2.1 An Equality, Diversity, Cohesion and Integration (EDCI) screening was completed for this phase of the council housing new build programme and accompanied the November 2018 Executive Board report.
- 4.2.2 An updated version of this EDCI for this particular scheme has been appended at **Appendix A**.

4.2.3 These proposals will contribute to delivering an increase in supply of high quality, genuinely affordable homes to meet current and predicted localised gaps in affordable housing provision across the city's neighbourhoods.

4.3 Council policies and the Best Council Plan

4.3.1 Housing has been identified as one of the Best City priorities and this programme will directly support the following priorities Housing of the right quality, type, tenure and affordability in the right places;

- Minimising homelessness through a greater focus on prevention;
- Tackling fuel poverty

4.3.2 The project will also directly contribute to the achievement of a number of the key performance indicators the Council will use to measure success including:

- Growth in new homes in Leeds;
- Number of affordable homes delivered;
- Improved energy and thermal efficiency performance of houses; and
- Number of households in fuel poverty

4.3.3 As well as enabling the Council to build to meet its housing needs, such a significant development programme will also contribute to delivering against our social value charter aspirations via the creation of employment, skills and apprenticeship opportunities.

4.4 Climate Emergency

4.4.1 Leeds City Council declared a climate emergency in March 2019.

4.4.2 All of the homes being delivered via the CHGP will be built to the Leeds Standard specification which focusses on cutting carbon, improving air quality and tackling fuel poverty and which will play a key role in ensuring excellence in delivery through design quality, space standards and energy efficiency standards. It sets out challenging targets for our contractors to meet in terms of carbon emissions for these new homes.

4.4.3 In addition to this, as the programme moves forward, it will continue to explore how it can further contribute to delivering against the council's aspirations around carbon reduction and this will include, as well as implementing energy efficiency measures, considering what opportunities exist for energy generation within our schemes.

4.4.4 The programme is also committed to ensuring our new housing is delivered in sustainable locations, with due regard to considerations such as availability and proximity to public transportation, and cycling and pedestrian infrastructure.

4.4.5 The council will seek to develop a scheme that results in a 10% net gain in biodiversity for this site.

4.4.6 More detailed proposals for this scheme will follow in later reports.

4.5 Resources, procurement and value for money

- 4.5.1 The council housing growth programme is delivered by a multi-disciplinary team supported by the Council's technical consultants NPS. The team includes colleagues from housing management, housing finance, land and property, property & contracts, urban design, planning, highways, parks & countryside, and all other relevant internal stakeholders in relation to this potential scheme.
- 4.5.2 A report will be prepared for the Director of Resources and Housing to consider the proposed procurement approach for this scheme in due course. Value for money will be ensured via a range of mechanisms and full details will be set out in this report.
- 4.5.3 The rents for the properties at Oldfield Lane will be set in accordance with the principles agreed at Executive Board in June 2019. These ensure that rents are set at no more than 30% of local affordable incomes in Leeds. These rents are generally 20% lower than other affordable rents which are usually set at 80% of the prevailing local market rent.

4.6 Legal implications, access to information, and call-in

- 4.6.1 The planning status of the site was originally discussed and determined as part of the Planning Inspection process in 2015. There were no further changes proposed when the Inspector reviewed the process in July 2018 and is now adopted following the full Council meeting on 10th July 2019. Now that it is formally allocated for housing, and as we have identified in our reports to Executive Board in November 2018 and June 2019, the Council's intention is to proceed with a high quality housing scheme.
- 4.6.2 We have satisfied ourselves on the basis of the documents we have seen that there are no restrictions on the disposal of the site by LSSA. Documentation supplied to us by the solicitor acting for LSSA show that the second, larger parcel was purchased by Tom Vernon Harrison, Robert Jarman and Arthur Thornton on the 13th September 1928 for £1,800. The conveyance was said to be free from incumbrances which indicates it was not the intention of the vendors that any restriction be placed on the future use of the site.
- 4.6.3 We have also been provided with a copy of the abstract of a further conveyance dated 23 November 1929. This is a transfer of the site from Messrs Jarman and Thornton (Mr Harrison having deceased) as the original trustees of the Leeds Elementary Schools Athletic Association (LEAAS) to Westminster Bank Limited (now NatWest) to hold the land as custodian trustee. This second conveyance specifically gives the Bank the power, on request of the LEAAS trustees to sell the land. Although the LEAAS intended to use the land as sports field there is no restriction on the sale or mortgaging of the land. We have no evidence that the position has changed since 1929.
- 4.6.4 It appears from a cutting from a newspaper from 1928 that the £1,800 used to purchase the second parcel of land was (at least in part) raised through public subscription. There is no evidence that we have seen that suggests any part of the site was 'gifted' to the children of Leeds and there is no obligation for any purchaser to maintain the site for use by the public.
- 4.6.5 Our understanding is that there will be requirements on LSSA to use the proceeds from the sale of the site in accordance with their charitable aims (in respect of

promoting sport for young people in Leeds). We also understand that there are no restrictions on LSSA in terms of where and how they use any proceeds consistent with their charitable aims. We have had a number of discussions with LSSA and other city partners with a commitment to sports provision to consider options. Unfortunately, Oldfield Lane is not viable as a standalone football ground.

4.6.6 The LSSA must comply with the Charity Commission's requirements to authorise the sale of the site.

4.7 Risk management

4.7.1 The overarching Council Housing Growth Programme is being delivered using the council's agreed project management methodology and a programme risk log will be maintained and risks managed, monitored and escalated through the governance process as necessary.

4.7.2 Delivery of the proposals set out in this report will contribute to mitigating one of the council's corporate risks around failure to meet additional housing supply targets and the consequent lack of homes for people in Leeds. There remain pressures in respect of delivering new affordable housing within the city despite the relative success in the overall delivery of new homes in Leeds which remains a corporate risk for the council.

4.7.3 As set out above, based on current RtB rules, if the 'one-for-one' element of the receipt generated by a RTB purchase is not spent within 3 years then it must be returned to central government. This programme will contribute to mitigating this risk by utilising some of the receipts which would otherwise be at risk of being handed back.

4.7.4 The scheme specific risks currently identified for this project include

4.7.4.1 **Risk of delay** – there are likely to be objections to the delivery of the scheme at planning application stage which may take longer than normal to resolve. This risk is mitigated by a number of factors including: the site is allocated for housing under the SAP and the SAP is now adopted; the indicative scheme proposals have been discussed informally with colleagues from planning and highways and a fully compliant scheme is proposed for the site.

4.7.4.2 **Risk of cost increases** – Until detailed design and site investigations are undertaken, there is a risk that unforeseen ground conditions could result in additional costs. This risk is mitigated by the inclusion of provisional sums within the overall project budget.

5 Conclusions

5.1 The council has set itself a challenging target to deliver a minimum of 300 new council homes a year going forward on an ongoing basis as part of our direct contribution to an overall affordable housing target of 1,230 homes p.a. across the city from 2019. It is an important priority to the council to meet these targets and

achieve more affordable housing across the Leeds district, especially on land that is allocated for housing through the city's adopted Site Allocation Plan (SAP).

- 5.2 A report to Executive Board in November 2018 approved funding to deliver c358 new build council homes, across 7 sites in Leeds, including the one at Oldfield Lane. This site was one of those identified through the city's Site Allocation Plan (SAP), as one of many identified across the city for social housing developments. The council recognises that finding suitable land which could potentially be listed for inclusion is never easy, but determined that the land at Oldfield Lane is appropriate, given it had not been in use for 14 years and was previously identified for housing.
- 5.3 The council is aware of concerns which have been raised around the quality of playing provision in the area. We are extremely open and willing to working closely with local representatives and residents around what options are available to potentially enhance sporting facilities at other locations in and around the community.

6 Recommendations

6.1 The Director of City Development is recommended to:

- a) Note the content of this report in response to the deputation heard on September 11th September 2019.
- b) Consider and approve the proposed response to the points made in the deputation and set out in this report;
- c) Note the planning status of the site as allocated for housing under the SAP and Executive Board's continued support for the site to be developed as part of the Council Housing Growth programme;
- d) Recommend to the Deputy Leader and Executive Member for consultation and approval.
- e) Continue to work with Ward Members and other Council Departments to identify where existing facilities can be improved and how such works can be funded

7 Background documents¹

7.1 None.

¹ The background documents listed in this section are available to download from the council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.