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## Report of the Director of City Development

### Executive Board

Date: 11 JUNE 2008

**Subject: Deputation to Council – 16 January 2008 - regarding a request for the Council to buy the recreational and sports facilities on The Leeds Girls High School site.**

<p><b>Electoral Wards Affected:</b> Headingley Hyde Park &amp; Woodhouse</p> <p><input type="checkbox"/> Ward Members consulted</p>
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<p><b>Specific Implications For:</b></p> <p>Equality and Diversity <input checked="" type="checkbox"/></p> <p>Community Cohesion <input checked="" type="checkbox"/></p> <p>Narrowing the Gap <input checked="" type="checkbox"/></p>
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Eligible for Call In

Not Eligible for Call In   
(Details contained in the re

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One appendix is included in this report which is not for publication under the Council's Access to Information Procedure Rules 10.4 (3)

### EXECUTIVE SUMMARY

This report follows the deputation to Council on 16 January 2008 by a group of residents from the Hyde Park area. A copy of the speech relating to the deputation, together with a sample from the petition (signed by approx. 1000 people), is attached to this report (Appendix A).

The deputation argued that there was a shortage of playing fields and sports facilities in this part of inner Leeds and that, following the relocation of the Leeds Girl's High School to the Alwoodley site in September 2008, the opportunity should be taken for the Council to acquire these facilities for the benefit of the local community. To allow such a possibility to be fully investigated, a 'holding' response was reported to the Executive Board on 12 March 2008. Executive Board instructed officers to enter negotiations with the owners with a view to the Council acquiring land to be used as public open space.

In addition, a letter dated 25<sup>th</sup> March 2008 was received from the Chair of Governors of Rosebank Primary School, which also requests that the Council buys the playing fields, in addition to the other sports facilities, for the use of local primary schools. This letter was also written on behalf of Quarry Mount Primary, Brudenell Primary and Spring Bank Primary Schools. This correspondence is attached as Appendix B.

This report responds to these requests and explains that, once the school closes, the playing pitches would not be suitable for retention as formal pitches but are clearly valued by the local community and as such could form informal greenspaces, if it is affordable for the Council to acquire land which is over and above what a developer would be required to provide by planning policy. Officers are therefore exploring securing the retention of the playing fields, both as part of the planning process and, additionally, through negotiations in advance of the closure of the Headingley campus in July 2008.

The report also explains that there is a realistic prospect for the school sports hall and gym to be retained and for the local community to have access to these facilities.

## **1.0 PURPOSE OF THIS REPORT**

- 1.1 At the request of Executive Board of 12<sup>th</sup> March 2008, this report explores the feasibility of bringing some or all of the playing pitches and sports facilities at Leeds Girl's High School into public ownership. In addition to the planning issues this raises, the matter has also been considered by the Chief Asset Management Officer. A confidential appendix updates members on progress with negotiations to acquire land as public open space following the Executive Board instruction.

## **1.0 BACKGROUND INFORMATION**

- 1.1 In January 2004, the Governors of Leeds Girls High School (LGHS) and Leeds Grammar School (LGS) announced that the two schools were to merge to form the Grammar School at Leeds (GSAL). The merger will result in the relocation of all pupils 7 years and above and staff at LGHS to the current LGS site at Alwoodley Gates, Leeds.
- 1.2 As a consequence of the expansion of the Alwoodley Gates site, the current LGHS sites located on Victoria Rd./Headingley Lane will become surplus to requirements. The school will vacate the sites in July 2008, thereafter the land will be unoccupied, with the exception of Ford House which is being retained to provide accommodation for children under 7 years of age.
- 1.3 The school occupies four sites, comprising the main school bordered by Headingley Lane and Victoria Road; Ford House and its gardens/sports pitch on the northern side of Victoria Road; the swimming pool and gym and sports pitch on the south side of Victoria Road; and the Elinor Lupton Centre on Headingley Lane/Richmond Road. With the exception of the Victoria Road site, all lie within the Headingley Conservation Area. The three sites (excluding the Elinor Lupton Centre) contain playing pitches which are protected under Policy N6 of the adopted Leeds Unitary Development Plan.
- 2.4 Council planning officers have been involved in discussions about the future of the School's Headingley site since 2006. The intention was to work towards agreeing a Planning Brief with the School, their advisors and the local community in order to guide the future re-use of the overall campus. The aim of the Brief was to help bring about a comprehensive approach to the re-use and redevelopment of the whole school campus (excluding the Elinor Lupton Centre) as the basis for considering future planning applications. A key objective was to ensure that the site delivers a high quality scheme which respects its landscape setting and Conservation Area context as well as deliver lasting benefits to the local community. The brief was intended to prevent the individual parts of the campus from being considered in isolation of each other and to balance potential community benefits with development options across the whole school site.
- 2.5 However, the draft Planning Brief was withdrawn at the Council's Executive Board on 22 August 2007. The main reasons why the Brief was withdrawn related to a proposal to allow development on part of the school playing fields, in particular the field to the rear of the sports hall off Victoria Road and, to a lesser extent, the tennis courts on the main campus.
- 2.6 A plan is attached to this report which shows the different parts of the school campus and the playing fields which were the subject of the deputation to Council.

### 3. PLANNING ISSUES

- 3.1 The issues raised by the deputation are not new. They were explored during discussions with the school and their advisers when the draft planning brief for the site was in preparation. The conclusion reached at that stage was that it was not financially viable for the Council to acquire the facilities. However, following the deputation to Full Council, officers have been instructed to re-consider the prospect of the Council acquiring the playing fields and the sports facilities to determine whether a realistic and affordable way could be found to bring any or all of the facilities into public ownership.
- 3.2 The deputation refers to all of the sports and recreation facilities on the LGHS site: the sports hall and swimming pool; a grass pitch south of the sports hall, off Victoria Road; a grass pitch to the south of Ford House; and the tennis courts (on the main school campus). These facilities have been considered independently, on each of their merits, in the context of their possible acquisition by the Council.
- 3.3 Before looking at each of the facilities in turn, it is important to note that all the playing fields and the sports hall/swimming pool are currently in private ownership and have never been officially available for the public to use. However, it is well known that there has been some informal and unauthorised use of the playing field at Victoria Road. Also, it is accepted that local people have benefited from being able to look across these open areas and have valued the contribution they make to the character of the area.

#### The Sports Hall and Swimming pool

- 3.4 This facility, built in two phases in the 1980's comprises a large, multi-purpose sports hall, gymnasium, swimming pool and changing rooms. Following the announcement that the school was going to close, it was recognized by the local community that availability of the pool/gym presented an opportunity to benefit them. Therefore when the draft planning brief was in preparation, officers investigated this possibility in discussions with the school and visited the premises on several occasions to examine its condition and potential.
- 3.5 Consideration was given to the ownership and management of this facility to be passed to the City Council. Senior officers from Recreation Services gave this very serious consideration and agreed that it was in a fair condition given that it is around 30 years old. However, whilst the prospect of this facility being passed to the Council at either no or minimal capital cost could be viewed as appealing at face value, it needs to be acknowledged that accepting the property would incur significant capital expenditure to make it compliant under the Disability Discrimination Act, to provide reception facilities, ICT and improve the changing rooms to enable it to be used by the wider community. Clearly, a full building condition survey has not been commissioned to ensure that the building is in a sound and weatherproof condition.

- 3.6 A possible sale price has not been agreed between the school and the Council, not least because a building of this nature is difficult to value. However, even if the building was passed to the Council at minimal cost, there would be the significant initial capital costs of making the building fit for purpose. In addition, consideration would also need to be given to the on-going revenue costs of supporting a new leisure facility, particularly the swimming pool. Such costs would need to be justified by levels of demand. Research undertaken by the Council's Sport & Active Recreation Division, in conjunction with Sport England under the Active Places programme has demonstrated that the City is in fact overprovided for in terms of 'water space' based on demand levels. A conclusion has therefore been reached that, however desirable the local community may feel their proposals are of the Council taking responsibility for the swimming pool and sports hall, it is neither affordable nor justified. Added to this position, the City Council has made £1.5m available to secure public use of Leeds University's new pool, which will be relatively close to the former Leeds Girl's High School facility.
- 3.7 There is, however, the strong possibility of another operator taking over the building on the basis that there would have to be affordable and convenient access (i.e. opening times) for the local community. This could be facilitated by a 'Community Access Agreement' being drawn up in order to formalise such an arrangement. The GSAL have previously expressed their 'in principle' support for this arrangement and an alternative 'education-based' operator has been found. Concluding negotiations with this third party have had to be delayed until the school can agree a development solution for the whole site and are able to ascribe a value to this. In this context, it is important to understand that the site of the pool and gym occupied a potential redevelopment site and if it is to be retained as a leisure facility geared to community needs and not a straightforward commercially-run business, the school would effectively be disposing of the site at 'less than best' value.

### Playing Fields

- 3.8 The future of the playing fields was the most contentious issue when the draft brief was subject to public consultation in Spring 2007 and the need to protect greenspaces on the campus was highlighted in an earlier deputation to Council on 18 July 2007.
- 3.9 The areas defined as Protected Playing Fields on the Leeds Unitary Development Plan (Policy N6) have been used by the school as follows:

Main site: Two sets of tennis Courts (one set still in use and the other used for staff car parking), and an open grassed area used as informal recreation space by the School.

Land south of Ford House: Used for summer athletics events, but only infrequently

Land south of the Gym and Pool, off Victoria Road: Used as a practice pitch and occasional hockey pitch.

3.10 In looking at the redevelopment potential of the school, the former Planning Brief (now withdrawn) proposed the following on each of the above sites:

Main site: Removal of the tennis courts and allowing the redevelopment of the site for family housing subject to the retention of a large central area of informal greenspace and the protection of important trees. In making this proposal, it was concluded, on the advice of the Parks and Countryside Service, that there was already an adequate community provision of tennis courts at the nearby Woodhouse Moor Park.

Land south of Ford House: This is regarded as an important piece of open space and the possibility of development proposals taking place on this land have been firmly resisted. In the draft Planning Brief, the Ford House playing field was proposed to be given by the school to the City Council, together with a capital sum to improve its quality and a further sum of money to maintain it thereafter, in order to create a new community park. Officers believe that this community gain could still be delivered in any redevelopment plans for the school site and will negotiate with the school and their advisors on this basis.

Land south of the Gym and Pool, off Victoria Road: This site was proposed for residential development in the draft planning brief and was the subject of a large number of objections to the Brief from the local community. The proposal emerged from a careful consideration of the balance of development and community benefits over the whole school site and was put forward for the following key reasons:

- a) The School would not secure any capital receipts from the Ford House playing field and, subject to the provisions of the draft Planning Brief being agreed, would also provide a sum of money to the Council in order to create the new 'park.' This would be a significant cost to the school.
- b) The school had, in principle, agreed to sell the pool/gym at 'less than best' to an education-based third party in order to secure its retention for the benefit of the local community.
- c) The Council's Playing Pitch Strategy approved by the Executive Board in October 2003 recognises that single pitch sites are expensive to maintain and are of limited value in terms of sports development. Therefore the Parks and Countryside Service would not promote the acquisition of this site for the purpose of using it as a formal playing pitch.
- d) Both Leeds University, Leeds Met. University and Park Lane College were also approached about their possible interest in this site as a playing pitch and neither party was interested.

3.11 Many representations argued that the Victoria Road pitch should be retained and managed as a sports pitch. However, a key issue is that, if it was to be retained, it would clearly need an organisation to operate and manage the facility. With this in mind Leeds Metropolitan University, the University of Leeds, Park Lane College and the Parks & Countryside service all confirmed that they would not be interested in taking on responsibility for a single pitch in this location. It is poorly drained and if future use and maintenance is not secured it is likely to become degraded and potentially subject to anti-social behaviour.

- 3.12 Officers remain of the view that, whilst this area functioned as a playing pitch as part of the High School, it is not suitable for retention as a formal playing pitch. However, it is recognised that many people in the local community would support its retention as informal open space.
- 3.13 It is known that the school has development aspirations for this site. In this context, it is important to note that the possible development of any protected pitches, including the tennis courts, as part of any overall development strategy, is contingent upon the school being able to demonstrate compliance with the guidance contained in Planning Policy Guidance Note 17 (PPG17) and satisfying Sport England (statutory consultee) that, in the round, they are providing replacement sports facilities of at least equal value and that the right approach has been adopted. This assessment would include the additional facilities the school are providing at the Alwoodley site, together with the retained and improved (in terms of public access) greenspace and sports facilities in Headingley. The School has commissioned consultants to carry out this PPG17 Study and this will need to be submitted with any planning application.
- 3.14 In this context, PPG 17 states that:
- “Existing open space, sports and recreational buildings and land should not be built on unless an assessment has been undertaken which has clearly shown the open space or the buildings and land to be surplus to requirements. For open space, ‘surplus to requirements’ should include consideration of all the functions that open space can perform. Not all open space, sport and recreational land and buildings are of equal merit and may be available for alternative uses. In the absence of a robust and up to date assessment by a local authority, an applicant for planning permission may seek to demonstrate through an independent assessment that the land or buildings are surplus to requirements. Developers need to consult the local community and demonstrate that their proposals are widely supported by them. Paragraph 15 below applies in respect of any planning applications involving playing fields.” (para 10 of PPG17).*
- In advance of an assessment of need, local authorities should give very careful consideration to any planning applications involving development on playing fields. Where a robust assessment in accordance with this guidance has not been undertaken, planning permission for such developments should not be allowed unless:*
- iii the playing fields that would be lost as a result of the proposed development would be replaced by a playing field or fields of equivalent or better quantity and quality and in a suitable location.” (para 15 of PPG17).*
- 3.15 Elsewhere in PPG17 (para 13), it states that replacement land for any lost pitches, should be at least as accessible to current and potential new users, and at least equivalent in terms of size, usefulness, attractiveness and quality.
- 3.16 The Open Space Assessment which is referred to in the above guidance is known as a ‘PPG17 Audit’. Work has just begun on a city-wide audit for Leeds but, given the scale of the task, the outcome of this study will not be known for another year.
- 3.17 If the LGHS can demonstrate full compliance with PPG17, to the satisfaction of the Council and Sport England, then it would certainly be more difficult for the Council to oppose development proposals. If it did so, and any planning application was refused, the matter is likely to be dealt with by an Independent Inspector at Appeal.

3.18 Such a course of action might be obviated if the Council could negotiate with the school in order to bring these areas of land into public ownership by agreement. This point is considered further in Appendix C of this report which is marked as confidential under the Council's Access to Information Procedure Rules.

3.19 It is recommended that the key sites which should be subject of these discussions with the school are:

- Ford House Garden
- Land south of Victoria Road

This assumes that the sports hall and swimming pool would be bought and managed by a third party with acceptable community access.

3.20 Should Executive Board consider the acquisition of one or both of these sites, it should be noted that there is no existing budget provision within the Parks and Countryside Service budget for this and therefore additional revenue and capital funding would be required to cover acquisition costs, improvements to make the areas accessible and useable, plus costs for future maintenance. This has to be balanced with the possibility that some, but not necessarily all, of these benefits could be negotiated with the school and be secured at no or little cost to the Council through the planning process.

3.21 The existing tennis courts on the main school site are also protected playing pitches but none of the agencies contacted are interested in taking on responsibility for them. Other than the tennis courts the remainder of the protected 'playing fields' on this site is in fact informal grassed areas. It is not recommended that efforts are made to bring these areas into public ownership as this is not considered to be justified given the proximity of alternative tennis provision at Woodhouse Moor. It is also considered that their retention could prejudice the prospects of delivering a high quality, family-oriented residential scheme. However, it must be stressed that an integral part of the redevelopment of the main school site will be to create a significant and high quality area of informal, publicly accessible greenspace.

3.22 In summary, if, upon receipt of a planning application, a protected playing pitch(s) is proposed for development, this would have to be assessed as part of the normal planning process and in the context of local and national planning guidance. It would still be the Council's intention to secure as much community benefit for the Headingley community as is reasonable, consistent with the scale/nature of the development proposed, and secure this through a s.106 Legal Agreement.

3.25 In this context it is important to note that any planning application for residential development would need to comply with Policy N2:1 of the Adopted Unitary Development Plan. This sets a standard for the provision of on-site greenspace being provided at 0.2ha. per 50 dwellings, pro-rata. By way of example, should an application be submitted for 150 dwellings, an area of 0.6 ha. of publicly accessible greenspace would be required on site. In the case of Leeds Girl's High School, it would be acceptable for this to be mainly provided at Ford House Gardens. This would need to be designed and laid out in a manner agreed with the Council, together with its future maintenance being secured at no cost to the Council. The final area of greenspace required would of course depend upon the final numbers of dwellings proposed. Consequently, the key question is whether agreement can be reached for the Council to acquire an additional area of land for informal greenspace at Victoria Road.



## Potential use of the playing fields by local Primary Schools

- 3.25 In considering the possible acquisition of the protected playing pitches for use by local Primary Schools, the views of Education Leeds have been obtained. The comments received are essentially sympathetic, in that the points made by the schools are valid in themselves as they have little greenspace of their own. However, the absence of playing fields does not of itself constitute a breach of any regulation or legislation. Whilst Education Leeds would welcome the provision of greenspaces for both school and community use, it is acknowledged that finding the funds to buy the land from their resources is likely to be a problem. There is no identified funding vested with Education Leeds to support the costs of purchasing this land. An additional concern of Education Leeds is that, as the fields are not linked to any of the local Primary Schools, there are likely to be implications in both the management and maintenance of the fields to make them suitable for school use, including health and safety matters.
- 3.26 Although it is not considered feasible to link these fields directly for school use, if the land was to be acquired by the Council as pitches or more informal greenspaces, the schools could still use the facilities created via the Parks & Countryside Service.

## **4.0 CONCLUSIONS**

- 4.1 Although the clear aspiration of the community is to protect all of the protected pitches as playing fields, officers believe that this is not a practical solution. The playing pitches would not function as well as they have done in the past once the LGHS is relocated to Alwoodley. It is considered that a better solution would be to seek the retention of the sites mentioned in para. 3.19 above, as informal greenspaces. The inherent difficulties in reaching an agreement with the school on this are recognised, especially around the issue of land values and it may not prove to be affordable for the Council to acquire all of the playing field areas.
- 4.2 However, it has been reported that a significant area of greenspace will need to be provided in order for a development to comply with UDP Policy and it is recommended that this should be provided at Ford House Garden. The possible acquisition of additional land, over and above what is required by policy, is still the subject of negotiations. It is hoped that a negotiated agreement on this land can be reached as it would have benefits for the school, in terms of securing an early planning approval, as well as for the local community in terms of securing long-lasting community facilities which could be used for active or passive recreation. Appendix C, which is not for publication, explains what progress is being made in the negotiations with the School.
- 4.2 Subject to Sport England approval, and the availability of Council funds to acquire, layout and maintain these spaces, it is believed that the recommended approach, as outlined above, offers an acceptable balance between facilitating a viable re-use of school buildings, together with an appropriate level of new development, and securing significant and long lasting benefits for the local community.

## **5.0 RECOMMENDATIONS**

5.1 Executive Board is requested to note the above conclusions and to :

1. Support the principle of any public greenspace requirement associated with a residential scheme, to comply with UDP Policy, being mainly provided at Ford House Garden;
2. Over and above what is required by UDP Policy, and subject to it being affordable to the Council, to support negotiations for the acquisition of the land south of Victoria Road, for use as informal greenspace, through a negotiated agreement, and authorise officers to continue to investigate this with the school.