

CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL

RECORD OF STRATEGIC DIRECTOR'S DECISION
FOR ASSETS OF COMMUNITY VALUE

Elliott Street Playing Field Silsden BD20 0DE

Date of recommendation:	6 th August 2021
Recommendation made by:	Nigel Gillatt – Senior Surveyor Research and Development
Decision maker:	Joanne Hyde – Strategic Director, Corporate Resources
Nominee:	The Hive, Charitable Incorporated Organisation, nomination dated 10 th February 2020.
Specific delegation:	Resolution of the Executive, 8 th September 2020.
Brief description of recommendation:	To list the above asset as an Asset of Community Value on the grounds that the nomination meets the criteria and definition of an Asset of Community Value as set out in the Localism Act 2011.
Reports or parts of reports considered:	To recommend that the nomination of the property known as the Elliott Street Playing Field, Silsden, BD20 0DE be approved.

Signed by the decision maker:



Name:

Joanne Hyde

Job Title:

Strategic Director, Corporate Resources

Date:

10/09/2021

Briefing Note

Subject: Consider whether the Elliott Street Playing Field should be added to the list of Assets of Community Value	Confidential: No
	Date: 1 st June 2021

1. Summary of main issues

- 1.1. In line with the legislation and regulations set out in the Localism Act 2011, this report considers the nomination to add Elliott Street Playing Field to the List of Assets of Community Value.
- 1.2. The Council has received a nomination from The Hive Silsden which is a Charitable Incorporated Organisation. They are eligible to nominate the property, trigger the moratorium period, bid for the property and purchase the property.
- 1.3. Officers conclude that the property's current use furthers the social wellbeing and interests of the local community and it is realistic to think that this can continue in the future.

2. Recommendations

- 2.1. The Strategic Director of Corporate Resources is recommended to add Elliott Street Playing Field Silsden BD20 0DE to the List of Assets of Community Value.

3. Purpose of this report

- 3.1. The purpose of this report is for the Strategic Director of Corporate Resources to consider whether Elliott Street Playing Field Silsden BD20 0DE shown edged and hatched red on plan number ACV00084 should be included in the List of Assets of Community Value or whether it should be included on the List of Land Nominated by Unsuccessful Community Nominations in accordance with Part 5 Chapter 3 of the Localism Act 2011.

4. Background

- 4.1. Part 5 Chapter 3 of the Localism Act 2011 details the legislation for Assets of Community Value and sets out the Community Right to Bid. The right came into force on 21st September 2012 and its purpose is to give communities a right to identify a property or land that is believed to further their social interests or social wellbeing and gives them a fair chance to make a bid to purchase the property or land on the open market if the owner decides to sell. From the date the landowner informs the Council of their intention to sell, eligible community groups have a period of six weeks to confirm whether or not they wish to submit to bid to purchase the property or land. If they do inform the Council that they want to bid, the landowner is prevented from disposing of the property for a period of six months (from the date they originally informed the Council of their intention to sell) unless it is to a community organisation. The landowner is free to dispose of the property at the end of the six-month period to whomsoever they see fit.

- 4.2. Section 90 states if a local authority receives a “community nomination”, the authority must consider the nomination. The authority must accept the nomination if the land nominated is in the authority’s area and is of community value.
- 4.3. Only specified bodies with a local connection are able to submit nominations for property or land to be included in the List of Assets of Community Value:
- A Neighbourhood Forum;
 - A Parish Council;
 - An unincorporated body with 21 local people on the electoral roll that does not distribute any surplus it makes to its members;
 - A company limited by guarantee which does not distribute any surplus it makes to its members;
 - An industrial and provident society which does not distribute any surplus it makes to its members;
 - A community interest company.
- 4.4. The nominator must be able to demonstrate and satisfy all the listing criteria as laid down in the legislation. Section 88 (1) states that buildings or land with a current use is considered to be of community value, if, in the opinion of the authority, there is:
- a) An actual current use of the building or other land that is not an ancillary use furthers the social wellbeing or social interests of the local community, and
 - b) It is realistic to think that there can continue to be non-ancillary use of the building or other land which will further (whether or not in the same way) the social wellbeing or social interests of the local community.
- Section 88(2) states that land is also of community value if in the opinion of the authority:
- a) there is a time in the recent past when an actual use of the building or other land that was not an ancillary use furthered the social wellbeing or interests of the local community, and
 - b) it is realistic to think that there is a time in the next five years when there could be non-ancillary use of the building or other land that would further (whether or not in the same way as before) the social wellbeing or social interests of the local community.
- 4.5. It is important to note that if either of the criteria in Section 88(1) or (2) are met, then the Council must include the site in the List of Assets of Community Value.

5. Main Issues

- 5.1. This report has been based on an assessment of the nomination form dated the 10th February 2020 and a site visit by the Council’s case officer.
- 5.2. The Hive Charitable Incorporated Organisation is a registered charity (Charity Number 1182526) based in Silsden and are therefore a qualifying body that are allowed to nominate land or buildings as Assets of Community Value a specified in paragraph 5(1)(d) of the Regulations and a voluntary or community body with a local connection as specified in Section 89(2)(b)(iii) of the Act.

- 5.3. Elliott Street Playing Field shown edged red on plan number ACV00084 is owned by the Council and is an off-site school playing field for Silsden Primary School.
- 5.4. The Neighbourhood Co-ordinator, Department of Children's Services with whom the land vests and Silsden Town Council have been made aware of the nomination and no formal comments have been received.
- 5.5. Elliott Street Playing Field is in the Craven Ward, Ward Councillors have been made aware of the application two of the Ward Councillors have expressed their support of the nomination.

Does a current non-ancillary use further the social interests or social wellbeing of the local community?

- 5.6. The current use of the property is as a school playing field, it is however remote from both of the built school site the nearest being 160 metres away. The school use is occasional rather than as a matter of course including sports day and some summer sports.
- 5.7. Elliott Street Playing Field has open access at all times for casual recreation, sport and play including dog walking and this is therefore considered the non-ancillary use. There is a small area fenced off adjacent to the Canal, this area is boggy and it is presumed that it is fenced to stop children falling into the Canal.
- 5.8. Storm Rugby Club and Silsden Football Club utilise the land for training junior teams.
- 5.9. The land is used for an annual fire work display organised by the Hive CIO and out of school activities for primary school aged children in conjunction with the Silsden Gala Committee.
- 5.10. The current use of Elliott Street Playing Field is considered to be for general recreation, sport and play which furthers the social wellbeing and social interests of the local community. The use includes informal visits by persons local to the site and formal visits for activities organised by The Hive CIO for the community and in accordance with Section 88 (1) of the Act it is the main use and is therefore considered to be non-ancillary.

Is it realistic to think that there can continue to be non-ancillary use of the of the land which will further social wellbeing or social interests of the local community?

- 5.11. The site is allocated on the Replacement Unitary Development Plan to come under Policy OS3, which states:
"Development will not be permitted on land shown on the proposals maps as playing fields or otherwise used as playing fields, unless:
(1) there is a demonstrable excess of playing field provision in the area and the site could not be used to help meet any deficiency in another type of open space;
or
(2) the development proposal provides for alternative provision in the form of equivalent or better quality and of equivalent or replacement unitary development plan for the Bradford district greater quantity of playing field provision in a suitable

location, or if suitable replacement land does not exist, the playing fields can be satisfactorily re-located elsewhere within the same neighbourhood; or

(3) the proposed development only affects land which is incapable of forming a playing pitch (or part of one), or

(4) the proposed development is for an outdoor or indoor sports facility of sufficient benefit to the development of sport to outweigh the loss of the playing field, or

(5) the development is ancillary to the principal use of the site as a playing field or playing fields and does not affect the quantity and quality of pitches or adversely affect their use, and

(6) the playing field is not important to the character of the surrounding area or to local amenity.”

5.12. The Site is not allocated for development in the Strategic Housing Land Availability Assessment (SHLAA).

5.13. The land is designated under Policy SWES11 Protecting Sport and Recreation Provision in the Silsden with Eastburn and Silsden Neighbourhood Plan as a site (SWES11/2) protected for sports and recreation uses. The Council does not have to adhere to proposals in the Neighbourhood Plan but the outcome of a referendum on 6th May 2021 was a yes vote to the following question: “Do you want the City of Bradford Metropolitan District Council to use the Neighbourhood Plan for Steeton with Eastburn and Silsden to help decide planning applications in the neighbourhood area?”

5.14. There currently no outstanding planning applications on the Elliott Street Playing Field.

5.15. On the 19th July 2016 the Council’s Executive resolved that:

“3.3. Site Disposals

3.3.1 The Disposal of Aireview Infant School site, Hothfield Junior School site and Elliott Street Playing Field site will only be undertaken once the new building has been provided and the primary school has vacated their current sites.

3.3.2 It is proposed that income generated from the sale of the above sites will be ring fenced towards the financing of the new school building accommodation.”

5.16. The replacement school site has a replacement junior sized grass playing pitch and a MUGA however this is to be surrounded by 2.4-metre-high security fence and open access restricted.

5.17. The new school playing field is not an ideal replacement as it is 0.9 km from the existing recreation area which is close to the centre of the ‘old town’ with its typical terraced houses and lack of greenspace and is not an appropriate alternative provision in accordance with OS3 Paragraph 2.

5.18. Elliot Street Playing Field has a long established use, and is not subject to any current planning applications to change this use which is therefore expected to continue for the foreseeable future. Although Elliott Street Recreation Ground is subject to an Executive resolution that it be sold this is not certain to happen. The sale is likely to be for a residential development which may not attain planning approval and there is likely to be wide spread objections to the sale from the MP

Robbie Moore who has requested the field remain in the community domain, Ward Councillors, the Town Council and general public.

- 5.19. The nominator is eligible to make a nomination, the subject property has a current non-ancillary use which furthers the social wellbeing and social interests of the local community and it is realistic to think that the use can continue. Elliott Street Playing Field Silsden should therefore be added to the List of Assets of Community Value.

6. Financial, HR, Communications issues (including value for money)

- 6.1. There are no financial, other than those listed in paragraph 6.3, HR, communication or value for money issues other than in certain circumstances the owner of a listed property can claim compensation from the local authority.
- 6.2. Should an appeal be made to the First-Tier tribunal by the owner against a listing this can have an impact on costs and staff resources.

7. Other Implications

- 7.1. There are no equality & diversity, sustainability, greenhouse gas emissions, community safety, Human Rights Act or Trade Union implications.

8. Recommendations

- 8.1. The Strategic Director of Corporate Resources is recommended to include Elliott Street Playing Field, Silsden, BD20 0DE on the List of Assets of Community Value.

9. Background documents

- 9.1. Plan of Elliott Street Playing Field Silsden Number, plan number ACV00084.
- 9.2. Nomination to list Elliott Street Playing Field Silsden, dated 10th March 2020.
- 9.3. The Constitution of the Hive Silsden CIO.

Report Sponsor: Neil Charlesworth	Contact Officer: Nigel Gillatt Telephone: 01274 434224
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