

Briefing Note

<p>Subject: Consider whether Addingham Old First School should be added to the list of Assets of Community Value</p>	<p>Confidential: No</p>
	<p>Date: 6th June 2024</p>

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 the site of the former Addingham Old First School, comprising of Addingham Primary School Land ARN 00133 and the adjacent playing field ARN 54007, listed as a recreation area, Chapel Street, Addingham, Ilkley LS29 0PG to the List of Assets of Community Value.
- 1.2 The Council has received a nomination from Addingham Parish Council. 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 does not have a current use which furthers the social wellbeing or social interests of the local community and there has not been such a use in the recent past. The property cannot therefore be added to the List of Assets of Community Value.

2. Recommendations

- 2.1 The Strategic Director of Corporate Resources is recommended not to add Addingham Old First School, Chapel Street, Addingham, Ilkley LS29 0PG 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 the site of the former Addingham Old First School and playing field, Chapel Street, Addingham, Ilkley LS29 0PG shown edged and hatched red on plan number ACV0121 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 (the Act) 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 of the Act 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 of 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 that does not meet the criteria laid out in 88(1) is 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 add the site to the List of Assets of Community Value.

5. Main Issues

- 5.1 A nomination for the site of the former Addingham Old First School and playing field was received on 18th April 2024 and submitted by Addingham Parish Council.
- 5.2 This report has been based on an assessment of the nomination form, and a site visit by the case officer.
- 5.3 Addingham Parish Council are eligible to nominate land or buildings as Assets of Community Value as specified in paragraph 5(1)(b) of the Assets of Community Value (England) Regulations 2012 (the Regulations) and a voluntary or community body with a local connection as specified in Section 89(2)(b)(i) of the Act.
- 5.4 The site of the former Addingham Old First School and playing field is located in the Craven ward. The land is currently owned by Bradford Metropolitan District Council who purchased the freehold in July 1966.
- 5.5 The Portfolio Holder for Regeneration, Planning and Transport, Ward members, the local Parish Council, the local ward officers and the owners have been made aware of the nomination.
- 5.6 For a property to be added to The List of Assets of Community Value, the Local Authority must be of the view that a current non-ancillary use furthers the social interests and social wellbeing of the local community and that it is realistic to think that it can continue to do so, or that there has been such a use in the recent past and that it is realistic to think it can be brought back into such a use, whether or not in the same way, within the next five years.

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

- 5.7 The site has been in the ownership of the Council since 1966. Addingham First School opened in 1874 and closed in 2000 and was later demolished, leaving areas of walling and hardstanding. The whole site has become

overgrown and untidy, graffiti is evident on some remaining structures, tarmacked areas are in many places covered in moss. The former playing field, the northern portion of the subject site, is within the ownership of the Council's Parks and Landscapes Department but has never been subject to grounds maintenance services. The playing field does not have independent access, so would have to be maintained via access from the former school buildings area.

- 5.8 The entire site measures 1.39 hectares (3.44 acres) and is located on the edge of the village settlement area, just to the north of the Addingham Conservation Area, with aspects over open countryside. The site is bounded by Back Beck, a water course, to the southern boundary and an unmade track to the north.
- 5.9 Reference to the Replacement Unitary Development Plan reveals the site was covered by two policies, the site of the former school building, policy K/H2.9, which allocated the land as a Phase 2 Housing site and the former playing field site, policy OS3, which prohibited development.
- 5.10 The Addingham Neighbourhood Plan adopted in January 2020 does not give the former school buildings area a specific use designation but identifies the former playing field as being covered by policy ANDP11/11, 'Local Greenspace', meaning development can only be permitted where it is consistent with green belt policies as directed by paragraphs 105-107 of the National Planning Policy Framework 2023.
- 5.11 The Preferred Options (Regulation 18) version of the emerging Bradford District Local Plan which went to community and stakeholder consultation in March 2021 identified the site of the former school buildings as a potential housing allocation under policy AD5/H to accommodate 5 dwellings. The former playing field was identified as open space, sport and recreation. However, as the Local Plan is still in the early stages of preparation, and planning allocations have yet to be fully decided little weight can be attached to it.
- 5.12 The 'brownfield' area which accommodated the former school buildings, is included within the Council's property disposals list.
- 5.13 It is clear from visiting the site that it is currently disused and there is no evidence of a non-ancillary use which furthers the social wellbeing or social interests of the local community. Although the land is open, this is not considered to be an actual use of the land. Similar cases have been considered by the First Tier Tribunal under review and describe an actual use as a 'physical use'.

Has there been 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?

- 5.14 The Local Green Spaces assessment for the Addingham Neighbourhood Plan determined the site met the 'demonstrably special to a local community' criteria for it's wildlife value.
- 5.15 Whereas there is evidence of footfall in some areas of the site and children sometimes use the site for informal play, the general condition is so overgrown that structured use for legitimate purposes appears implausible.
- 5.16 The site has been vacant since the school closed in 2000 and is overgrown and derelict. The nomination states the site is rich in bio-diversity features, having 'rewilded' since 2000, and is visited by a variety of local nature groups including the Civic Society Young Environmental Group and the adjacent primary school for Science Week investigations for study purposes. Officers are of the view that such use is ancillary use and is not thought to be authorised as the Council has posted 'trespassers will be prosecuted' notices at one entrance to the site.
- 5.17 The site has not been used since closure and therefore there are no uses in what can reasonably be described as 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.

Is it 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?

- 5.18 The subject site has not been in use since 2000, with signage at one entrance warning of prosecution for trespassers.
- 5.19 Despite the local ancillary use, land can only be added to the List of Assets of Community Value if there is a current eligible use of the land itself, or if there has been such a use within the recent past. In this case officers are of the view that there is no current eligible use of the subject land and that there hasn't been such use within the recent past.
- 5.20 The criteria for adding a property to the List of Assets of Community Value as set out in paragraphs 88(1) a and b and 88(2) a and b of the Localism Act 2011 is not considered to have been met in this case and the property should not 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, 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 not recommended to add the site of the former Addingham First School and adjacent playing field to the List of Assets of Community Value.

9. Background documents

9.1 ACV plan number ACV0121

9.2 Application to Nominate Assets of Community Value – Addingham Old First School.

Report Sponsor: Tom Harte	Contact Officer: Ian Stuart
	Telephone: 07890 420695



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