

COMMITTEE REPORT

Committee: Planning Committee **Ward:** Rural West York
Date: 5 March 2007 **Parish:** Upper Poppleton Parish Council

Reference: 06/02200/FUL
Application at: Proposed Manor Church Of England School Site Millfield Lane
Nether Poppleton York
For: Erection of two storey school building with associated car
parking, playing fields, tennis courts and all-weather pitch
By: York Diocesan Board Of Finance
Application Type: Full Application
Target Date: 30 January 2007

1.0 PROPOSAL

BACKGROUND

1.1.1 In 2003 the City of York Council Education Authority (LEA) began a consultation exercise on the options available for the provision of secondary school places in the west side of the City. The review was prompted by a fall in pupil numbers within the area, with a projection showing that 50% of pupil places would be available within the Lowfield School and 20% of places available within Oaklands School by 2008. Local Authorities are required by the Audit Commission to keep surplus capacity under review and to ensure that the surplus of school places match demand.

1.1.2 Lowfield and Oaklands are both LEA controlled community schools with designated catchment areas. A third school, Manor Church of England School, is also located within the area and sits within the catchment area for Lowfield School. Manor School takes a number of community places but it is the governing body of the school rather than the LEA who is responsible for admissions.

1.1.3 The Manor CE School is currently oversubscribed. The original school was built to accommodate 350 pupils and now houses 640 pupils. Extensions have taken place to the school over the years but the site is of an insufficient size to accommodate this number of pupils and the required external sports space. The school is in a situation whereby it has an informal agreement with British Sugar to allow them to use their playing fields.

1.1.4 It was agreed with the Governors of Manor School and the landowners of the site (The Diocese of York) that the consultation on future provision for the wider catchment area would review all three schools. The consultation exercise sought comments on three options for the provision of the revised facilities:

Option 1: Maintain all three schools as existing

Option 2: Merge Lowfield and Oaklands and increase Manor School to 900 pupils, taking more community places

Option 3: Merge Lowfield and Oaklands and retain Manor School as existing

56% of replies stated that the preferred option was number 2. This option would see the Manor CE School increase its number of pupils from 640 pupils to 900 pupils with an increase in community places, from 258 to 439. Lowfield and Oaklands would be merged at the Oaklands site and would increase capacity from 850 pupils to 1050, with the Lowfield site sold for housing, subject to planning.

1.1.5 The consultation exercise was followed by a number of feasibility studies which confirmed that the current Manor CE School site was incapable of being expanded to accommodate 900 pupils on the existing site as it had insufficient land requirements to meet the Government's design standards for new and expanding schools.

1.1.6 Having concluded that the existing site would not be of sufficient size the Diocese of York and the Council commissioned a series of reports to consider alternative locations for the Manor CE School. The new site would have to be within the Priority Access Zone (catchment area) and close to the main urban area in order to reduce travel.

1.1.7 Two reports were undertaken by Spawforth Associates in 2006 and focussed on the search for brownfield sites and non-greenbelt sites within the area. This revealed no appropriate sites and the use of green belt sites were considered and an assessment carried out. These issues will be discussed in full later within the report but in general terms the study focussed on the green belt area closest to the urban area immediately west of York and within the PAZ and identified nine sites. Four of the sites were immediately discounted on the basis that they were either high flood risk zones or allocated for other uses. The remaining sites were considered in more detail and the Millfield Lane site was considered to be the best option.

APPLICATION SITE

1.2.1 The application site is located to the South Side of Millfield Lane. It sits within a triangular piece of land bounded by Millfield Lane, the Outer Ring road and Boroughbridge Road. The site has an area of 6.7 hectares (16.5 acres) and consists of a single agricultural field currently in set-aside. It is bounded by intermittent hedgerows containing a limited number of mature hedgerow trees. It has a general width of 135m and is generally level, with a number of slopes to the southern part of the site.

1.2.2 It is located opposite a small industrial estate comprising offices and light industrial units. The site itself has a frontage onto Millfield Lane and runs in a south westerly direction towards the A59 roundabout on the Outer Ring Road.

1.2.3 There are a number of small residential developments within the vicinity of the site. Two residential properties off Millfield Lane are located immediately north of the site and are contained within large gardens, which include a number of outbuildings. At the southern end of the site, immediately east of the A59 roundabout lies a group of seven residential properties accessed from the A59. These comprise a mix of

detached and semi detached properties and bungalows, generally well screened from view by mature planting.

1.2.4 The now disused former Civil Service Sports Ground area takes up the majority of the southern boundary of the site. A small parcel of land lies between the application site and the roundabout serving York Business Park. This is agricultural land in set aside, which is owned by North Yorkshire County Council.

PROPOSAL

1.3.1 The application seeks permission for the erection of a new secondary school building with associated outdoor facilities. It is a full detailed application which will have to be referred to the Government Office as a departure from the Green Belt. The building would be located back from the highway and would be separated by a car parking area and internal vehicular access routes. Combined pedestrian and cycle access points would be provided independently from the single vehicular entrance. The main highway implications and internal vehicular arrangements will be discussed in detail further into the report.

1.3.2 The building has been designed in accordance with DfES Building Bulletin 98 'Briefing framework for secondary school projects'. The building itself would be constructed over two floors with internal lifts to allow for disabled access throughout the school building. Internal accommodation comprises of:

- Public reception area and parent meeting room
- Administration and school management suite
- Main assembly hall opening into the major hub of the school building (a recreation and social space at double height with gallery above)
- Sports and activity studio and hall and associated changing facilities
- Specific performing arts centre for music, drama and dance
- 38 general classrooms with additional seminar rooms and teaching areas
- ICT and library/resource suite

1.3.3 The building appears to be divided into two sections. To the north of the site the building would house the main assembly hall and indoor sports hall, together with further dance and activity studios, ICT suits, the library and musical recital rooms. These form the main block of the scheme and include the main access points into the building for pupils, staff and visitors. As well as the main internal social space for pupils.

1.3.4 The location of the assembly hall to the front of the site is a result of the Manor CE School being given the status as a performing arts college. This status is recognition of the work within the performing arts and the priority the school gives to developing this area. This status has been taken into account when developing the new building and the assembly hall would create a first class theatre space with retractable seating for an audience of 400. As the hall would be used outside usual school hours its location allows it to be accessed easily whilst keeping the majority of the school closed to visitors.

1.3.5 To the south of this main building the majority of the teaching classrooms are located. These are housed within a linear shaped section, which is separated from the main building by an open courtyard. Access to this section is via two pedestrian routes off the large internal social area. This linear building would again be over two floors and would incorporate the majority of the fenestration, which would overlook the sports pitches.

1.3.6 The building has been kept to a minimum height, with the courtyard rotunda measuring 11m and the remainder no higher than 9.8 metres, by indicating a gently undulating roof constructed of standing seam metal with the possibility of creating an area of sedum green roof on the central section, subject to funding. A flat roof section is present within the scheme, which houses the assembly hall. The building would be constructed of differing materials including brickwork, render and cladding.

1.3.7 The building itself would cover 10% of the whole site, with the remainder open to sports pitches and pedestrian and vehicular routes. The outdoor sports provision includes:

- Hard play area
- Four floodlit tennis/netball courts
- A floodlit all weather sports pitch measuring 102m by 63m
- Two turfed pitched (football or rugby)
- Running track
- Cricket square
- Long jump facilities

1.3.8 It is proposed that the school facilities will be open the general public to allow them to be used outside of the core school hours. The school will enter into a community use agreement, which will dictate the hours, type and volume of community access to the site. This will include the use of the indoor sports facilities and auditorium as well as the outdoor areas, which would be used for community football matches and hockey as well as other sports.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

Air safeguarding Air Field safeguarding 0175

City Boundary York City Boundary 0001

DC Area Teams West Area 0004

2.2 Policies:

CYSP2 The York Green Belt

CYSP6 Location strategy

CYGP1 Design

CYGP3 Planning against crime

CYGP9 Landscaping

CYGP11 Accessibility

CYGP13 Planning Obligations

CYGP14 Agricultural land

CYNE1 Trees, woodlands, hedgerows

CYGB1 Development within the Green Belt

CYGB13 Sports facilities outside settlements

CYT7C Access to Public Transport

CYT13A Travel Plans and Contributions

CYT20 Planning agreements

CYED1 Primary and Secondary Education

3.0 CONSULTATIONS

INTERNAL

3.1 ENVIRONMENTAL PROTECTION UNIT - The Environmental Protection Unit's interest in the application are split into three areas: air quality; contaminated land; and noise, dust and other amenity issues:

Air Quality - The levels of additional traffic associated with school arrival and departure are not sufficiently high to trigger any air quality concerns for this development. The council welcome the introduction of a travel plan for the proposed development. The Council's EPU undertakes nitrogen dioxide diffusion tube monitoring in the vicinity of the proposed relocation site (diffusion tube is located on Nidd Close, off Millfield Lane) which has indicated that levels of nitrogen dioxide are well below current health based objective levels. Measures to control dust generation during construction appear adequate.

Contaminated Land - The applicant has submitted a desk study as part of the application. This study has highlighted the presence of a landfill to the north west of the site and proposals are made to investigate whether gas is impacting on the application site from this landfill. Conditions are recommended.

Noise, Dust and other Amenity Issues - The applicants have commissioned a noise survey, which was carried out during summer 2006. This determined the existing

noise levels produced by specified activities on the existing school site and determined the noise level on the proposed application site. The levels are such that it appears the site is suitable for a noise sensitive development such as a school to go ahead in that location. There is the potential for noisy activities on the new school site to impact on the surrounding noise sensitive properties. In the Council's opinion the use of the outdoor recreational areas, extraction units serving kitchens and air conditioning plant and vehicles using the service road could potentially affect the nearby residential properties but can be controlled by conditions. These include restricting the hours of use of the outdoor recreation area, details of all extraction equipment to be submitted, acoustic noise barrier details to neighbouring residential property boundary, hours of construction and details of proposed floodlighting.

3.2 ARCHAEOLOGY -The site does not lie in the Area of Archaeological Importance. There are no scheduled ancient monuments or listed buildings on the site. There are no archaeological finds from this field. However, there are significant archaeological finds from the parishes of Upper and Nether Poppleton. These indicate that there is a widespread and well developed late prehistoric and Romano-British landscape in this area.

The archaeological potential of the site and its surroundings the site has been assessed by West Yorkshire Archaeological Services in a desk-based assessment completed in August 2006. This assessment revealed that there were no known or potential archaeological sites within the site. However, there are cropmarks representing an enclosure and sub-circular features of unknown date within 1 kilometre to the north and south of the Site. There are also extensive tracts of ridge and furrow to the north-west of the Site towards Nether Poppleton, and to the south around Wheatlands. The Site covers an area once known as Mill Field which relates to a mill known to have existed somewhere between Nether Poppleton and Boroughbridge Road in the seventeenth century.

A first stage (geophysical survey) evaluation comprising detailed magnetometer survey of 50% of the site did not identify any significant anomalies identified as archaeological features, although some linear anomalies indicative of ridge and furrow ploughing were noted. Subsequently a second stage (trenching) evaluation was carried out. Seven evaluation trenches 25m by 4m in size, and six trenches 50m by 2m in size were excavated in December 2006. I visited the site on the 11th December and inspected all the trenches. The trenches produced no archaeological features or deposits other than the very-truncated remains of medieval ridge and furrow.

It is considered that the likelihood of archaeological features and deposits surviving elsewhere on this site is very low. No objections raised subject to standard condition.

3.3 COUNTRYSIDE OFFICER - The officer fully concurs with the information submitted within the EIA. There is little of substantive value on the existing site although there will need to be a check on whether there are barn owls present. Owl pellets were recorded but they are probably Tawny. I am pleased that they have included into the possible mitigation the ability to incorporate wildlife design into both the buildings and the landscaping. Wildlife enhancement can be conditioned in along with the landscape plans.

3.4 LANDSCAPE OFFICER - The site forms part of a triangle of open land defined by the ring road, the A59, and Millfield Lane. It consists of agricultural fields and disused sports pitches to the south; which together make up a sizeable tract of land. The development would introduce engineered levels to create a suitably level playing field. The site is only partially and seasonally screened by hedgerows and mature trees. There are no PROWs, other than Millfield Lane that directly overlook the site.

It is felt that, although this is not such a major development, the assessment does not clearly define the methodology and gradations of quality of landscape, sensitivity for change, and degrees of impact. I also think it doesn't adequately qualify (e.g. under para.s 5.2 and 5.9) why the impact in the landscape is slightly beneficial. Over half of the site will be built on or artificially surfaced and lit, therefore I do not see why it would have a generally positive influence on the surrounding landscape character. Undoubtedly the additional tree planting will screen the ring road and from outside the application boundaries, the site will be screened, therefore the overall impact may be negligible. The development may give structure to Millfield Lane, which is already considerably subject to urban encroachment. And it is in this context that the site is seen from Millfield Lane. Whereas from the ring road, there is a view on both sides of the road, giving an impression of connectivity and hence rural context to the site. Otherwise from the other surrounding areas the site is very much cut off by the ring road, or screened by vegetation and other recent developments.

The site falls within landscape character type 1 of the York Landscape Appraisal by ECUS. With regards this development, the retention of hedgerows and the planting of new woodland belts in the southern half of the site, is in accordance with the management guidelines for this area. In general terms the landscape quality is not high and is not highly sensitive to change. The proposed indicative landscape could provide an attractive setting for the development and give structure to this part of Millfield Lane, the amenity of which is currently substantially reduced by the industrial units. It is considered that man's intervention (through earthworks), and human presence (during lessons and matches) on the landscape would become more apparent, but the associated additional tree planting would screen off the ring road, thereby reducing its impact, which is currently considerably negative.

The ring road currently passes through an agricultural setting to the outer edge of the city at this point (and indeed for much of its length, with the exception of Clifton Moor and York Business Park). The site is most visible from the ring road where it presents a gap between the ring road and the built up edge of the city, thereby representing a change from urban to rural. The highest number of receptors are those travelling by car at fairly high speeds on the ring road. As such, the development would have an impact on the setting of the city, albeit the site is experienced fleetingly by those driving by.

It is considered that the overall development will result in a change in character but that change may not be visually detrimental.

3.5 STRUCTURES AND DRAINAGE - The development is in low risk Flood Zone 1 and should not suffer from river flooding. With regards to 'Section 8: Proposals For Discharging Surface Water Run Off' in the FRA, the applicant states that no public

sewer or known watercourse are available to accept SW discharge. A public SW sewer does exist in the lane to the side of the Electric Sub Station, but the size / depth is not shown. Enquiries with Yorkshire Water have indicated that this sewer may be suitable. An open watercourse (Poppleton Central Dyke) is also available adjacent to the YWS pumping station on Millfield Lane, 40m north of the bridge carrying the A1237. The Marston Moor IDB should be consulted regarding the capacity of this watercourse. As the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, carried out in winter - to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself.

3.6 LIFELONG LEARNING AND LEISURE - The current Manor school site is one of only two secondary schools in the city that does not have a sports hall. This is crucial for the delivery of the P.E. curriculum and meeting the 2 hours high quality PE target measured by Comprehensive Performance Assessment, Local Performance Service Agreement (II) and National DfES.

The provision of floodlighting greatly increases the potential for community use of those facilities which is badly needed in the area. Demand for astro turf pitches in the city outweighs supply. The pitch at Oaklands operates in line with a detailed sports development plan with a strong focus on Hockey development. There is a need in the area for more pitch space that can be booked by clubs and works teams for 5 and 11 a-side football. The local area will also benefit greatly from access to the sports hall. Statistically the zone is short of indoor sports space, and we know that there is demand for casual pay and play access to Oaklands sports hall, which cannot be met due to the high usage by clubs and teams. A complementary hall in the zone would mean that both clubs and casual users could be catered for.

There is a high need for community accessible, high quality grass playing pitches. The former Civil Service Sports Club facilities closed next to this site impacting on the availability of recreation space. The Cricket club now share a ground in Heslington. The local area is particularly short of junior and mini pitches. Provision of these will complement and support the on going increase in participation in Junior football in the Poppleton area.

LLL are happy to work with the school on the preparation of a community use agreement, the terms of this will dictate the hours, type and volume of community access to the site.

3.7 SUSTAINABILITY OFFICER - It is very welcomed that the application details include substantial sustainability issues both in terms of construction and other issues such as transport and the sourcing and use of local materials and labour. The report from JSH received the 2 November gives a commitment to achieving BREEAM 'very good' for the development which allay any fears I may have had that the details provided prior to that would not be implemented. There are still a number of matters such as renewable energy generation that could be usefully dealt with through conditions. With this in mind I would suggest that conditions be used if consent is given.

3.8 HIGHWAY NETWORK MANAGEMENT - There are no objections raised to the application. Detailed discussions have taken place with the applicant who have agreed funding a number of off site highway works necessary in connection with the proposed school. These include the provision of a rising bollard at Low Poppleton Lane/Millfield Lane, improved pedestrian/cycle facilities to Beckfield Lane, Low Poppleton lane and Millfield Lane, proposed pedestrian crossing to Boroughbridge Road and a school safety zone. The main points are contained within the main body of the committee report.

3.9 CITY DEVELOPMENT: On submission of the application additional information was requested in order to justify the very special circumstance in order to allow development within the greenbelt. The further information submitted addresses the policy concerns regarding why this is the most appropriate option emerging from the educational review of this area of the City and furthermore why Manor needs to expand to 900 pupils. The further information submitted includes the detailed alternative site assessments which were carried out and an explanation of why developing a new school across split sites is not an alternative. The additional explanation provided on the 2 site assessments is helpful. Lifelong Learning and Leisure have provided comments on the community and sports facilities, which are to be provided as part of the proposal.

The main Policy implications are discussed in detail within the main body of the report.

EXTERNAL

3.10 SPORT ENGLAND - The proposal represents a significant investment in sport and has the potential to increase sport participation and talent pathways. This is in accordance with Central Government aims of dual use of educational sites for local communities, and of increasing sports participation, linked to health and fitness objectives. A Community Use Agreement should be provided for the future use of the site. Care will need to be taken with planting around the site boundaries to ensure it does not incur onto the buffer/safety zones around pitch boundaries.

The playing field sport uses proposed will be of particular benefit to community use, especially as floodlighting has been provided. The sports hall appears to have been designed to meet normal design requirements and it is located in close proximity to the activity studio, and both facilities are accessed by an inviting roof canopy entrance. Sport England is concerned that the location of the sports centre around the back of the school, away from the site front and parking will not encourage community use. The sport hall facilities would be better if they were re-orientated towards the front of the site. The entrance to sports hall facilities also needs a reception area in order to encourage community use.

It must also be ensured by condition that the proposed sports facilities are provided at the same time as the rest of the school, and made available prior to the closure of the existing school.

3.11 UPPER POPPLETON PARISH COUNCIL - Support the application

3.12 NETHER POPPLETON PARISH COUNCIL - Do not object to the application but recommend that the proposed 30mph limit outside the school be a 20mph limit

3.13 MARSTON MOOR INTERNAL DRAINAGE BOARD - The only watercourses that the Board are aware of are on the western side of the bypass. Neither of these watercourses are believed to be able to accept any increase in discharge without increasing the flood risk. We have no details of any other watercourse in the area. The applicant states that surface water will be discharged by soakaway. As such conditions are recommended.

3.14 ENVIRONMENT AGENCY - The agency has no objections to the application subject to conditions. The agency is keen to promote the use of sustainable drainage systems. The applicant is advised to ensure that no protected species or habitats are adversely affected by this development.

3.15 NATURAL ENGLAND - Natural England has no objections to the proposed development in respect of legally protected species and habitats.

3.16 POLICE LIAISON OFFICER - Details should be provided on the proposed security to the front of the site such as the pedestrian and vehicular access points. Vulnerable areas such as the side and rear grounds needs more defensive barriers with walls or fencing to a minimum height of 1.8m. No details of security lighting have been submitted or details of CCTV covering the exterior of the building and the grounds and in particular for the car parking and cycle storage areas.

The car parking areas appear vulnerable, as they are not overlooked by the main body of the school. Cameras and lighting will help to control and supervise welcome and unwelcome visitors. The design of cycle storage areas is vital. Entry should be via key-operated, digital access control locks or swipe cards. Both cycle storage areas are poorly sited with neither being particularly well overlooked by the school building.

There appears to be no barrier to access from the car park down the sides of the school suggesting that it is open access. Signing, fencing and defensive planting

3.17 Canon Dr Ann Lees Diocesan Director of Education - Support the application

The Archbishop of York - Support the application

The Archbishop of Selby - Support the application

The Very Revd Keith Jones The Dean of York - Support the application

3.18 Neighbours - Letters from the residents of Rivendell and Knoll Cottage. These properties bound the application site to the south, adjacent to the proposed sports pitches. They are in general support of the proposed relocation of the school but have concerns in connection with the proposed boundary fence and landscaping. The landscaping would result in a loss of view and potential overshadowing if not adequately maintained. However, revised plans show the positioning of the boundary

fence set well within the proposed landscape area removes the majority of the concerns.

A further 59 letters of support have been received from residents, parents and teaching staff.

Since reconsultation took place of the provision of highway implications, including the rising bollard, eight additional letters have been received from residents of Low Poppleton Lane, Beckfield Lane (signed by 6 residents) and Millfield Lane raising the following issues:

- Expensive undertaking when only 34 pupils use the bus
- It appears the rising bollard is required to provide a bus service for Poppleton Park
- If Low Poppleton Lane were to become a bus route works would need to take place at the dangerous junction with Boroughbridge Road
- Proposed cycle/pedestrian route to Low Poppleton Lane should be on the opposite site where there are no houses
- Previous scheme for a bollard was refused three years ago due to cost and objections from residents and Nether Poppleton Parish Council
- Increased congestion and possible accidents
- Increase in noise and pollution from waiting vehicles
- Poor signage already leads to vehicles thinking they can access Millfield Lane via Low Poppleton Lane and the rising bollard may make this situation worse
- Inadequate road construction leading to collapses
- Buses should drop children off at Low Poppleton Lane and encourage them to walk
- Will worsen highway safety problems at junction of Low Poppleton Lane, Beckfield Lane and A59
- Taxi drivers could use route as a "rat-run"
- Severe congestion will be caused
- Cycle lane should not be installed on Beckfield Lane due to possible difficulties for residents leaving their drives
- Cyclists should be diverted down Albion Avenue, exiting onto Boroughbridge Road from Portal Road
- Beckfield Lane front gardens already flood and the situation may be worsened with the cycle lane in place
- Would be safer to have the cycle lane on the east side of Beckfield Lane
- No mention of what the existing school site will be used for

4.0 APPRAISAL

4.1 Key Issues

Greenbelt location

Design

Highway Implications

4.2 POLICIES

North Yorkshire County Structure Plan:

Policy R1 states that provision will be made for the development of recreational, leisure and cultural facilities in locations accessible to both public and private transport where this is not detrimental to local interests.

Policy R9 states that provision will be made for the development of community leisure facilities throughout the county and priority will be given to extending the joint provision and dual use of education facilities and other suitable publicly owned land and buildings for leisure purposes.

Policy E2 states that:

Development in the open countryside outside the national parks, areas of outstanding natural beauty, areas of heritage coast and green belts will normally be permitted only where it relates to:

- (i) small scale proposals requiring an open countryside location for operational reasons; and
- (ii) small scale proposals for individual sites or for the re-use or adaptation of existing rural buildings to secure employment uses, which benefit the rural economy and provided it would not harm the character and appearance, general amenity or nature conservation interests of the surrounding area.

Policy E8 states that:

The North Yorkshire Green Belts will consist of:

- (i) a band from 1 to 5 miles wide along the county's southern boundary, from the boundary of the Yorkshire dales national park to west of Wetherby
- (ii) a strip between Harrogate and Knaresborough'
- (iii) a band some 4 miles wide along the western boundary of Selby district, from west of Tadcaster to the boundary with south Yorkshire County.

These green belts will broadly include those areas previously approved by the secretary of state as green belt (some on an interim basis) with the addition of a small area south of Balne Moor:

- (iv) a belt whose outer edge is about 6 miles from York city centre.

Policy E8a defining the precise boundaries of the green belt in local plans, account will be taken of:

- (i) the need to regulate the size and shape of urban areas in order to prevent uncontrolled growth;
- (ii) the need to prevent the coalescence of existing settlements;
- (iii) the need to preserve areas of open land extending into the urban area from the countryside which have an existing or potential recreational or amenity value;
- (iv) the need to preserve easy access to open country and outdoor recreation in pleasant surroundings.

Policy E9 states that planning permission within green belt areas will normally be granted only for the erection of new buildings, or for the change of use or

redevelopment of existing buildings which are necessary in connection with the following land uses:

- (i) agriculture and forestry;
- (ii) outdoor sport and recreation;
- (iii) cemeteries or institutions standing in extensive grounds; and
- (iv) other uses appropriate in a rural area.

The relevant City of York Council Draft Deposit Local Plan Policies are as follows:

Policy SP2 states 'The primary purpose of the York Green Belt is to safeguard the setting and historic character of the City of York and is defined on the Proposals Map'. It states that there is a general presumption against unnecessary or inappropriate development with the objective of redirecting this development towards existing settlements.

Policy SP6 states that development will be concentrated on brownfield land within the built up urban area of the City and urban extensions, followed by surrounding settlements and selected existing & proposed public transport corridors. Outside defined settlement limits, planning permission will only be given for development appropriate to the Green Belt or the open countryside.

Policy GP1 'Design' aims to increase the awareness and importance of good design; visually, environmentally and sustainably. This design policy is supported by policy GP4a 'Sustainability' which requires new development to have regard to the principles of sustainable development.

Policy GP3 'Planning Against Crime' states that new development will be required, where deemed appropriate, to incorporate crime prevention measures to achieve: natural surveillance; secure locations for any associated car and cycle parking; satisfactory lighting; and provision of CCTV in certain locations.

GP9: 'Landscaping' Where appropriate development proposals will be required to incorporate a suitable landscaping scheme.

GP11: 'Accessibility' In order to achieve satisfactory access to new development planning applications will be required to demonstrate that suitable provision will be made for access and facilities for people with mobility problems sensory impairment and carers with children, including parking facilities and pedestrian routes to and from those parking facilities.

GP13: 'Planning Obligations' Where appropriate, the Council will expect developers to enter into planning obligations to provide for the infrastructure, archaeological, environmental and other significant consequences of a proposed development. Appropriate financial contributions will be sought from developers towards integrated public transport and other green mode linkages, and necessary community facilities, relevant to planning, directly related to the proposed development, and fairly and reasonably related in scale and kind to the proposed development, overcoming or mitigating against the effects or deficiencies resulting from the proposed development.

GP14: 'Agricultural Land' Planning permission will only be granted for development that would result in the loss of the best and most versatile agricultural land (defined as grades 1, 2 and 3a) if an applicant can clearly demonstrate that very special circumstances exist which determine that the proposal cannot be located elsewhere.

NE1: 'Trees, Woodlands and Hedgerows' states that trees, woodlands and hedgerows, which are of landscape, amenity, nature conservation or historical value, will be protected.

GB1: 'Development in the Green Belt' Within the Green Belt, planning permission for development will only be granted where: the scale, location and design of such development would not detract from the open character of the Green Belt; and it would not conflict with the purposes of including land within the Green Belt; and it would not prejudice the setting and special character of the City of York. The development should be for one of the appropriate uses including agriculture and forestry; essential facilities for outdoor sport and outdoor recreation; cemeteries; limited extension, alteration or replacement of existing dwellings; limited infilling in existing settlements; limited affordable housing for proven local needs; limited infilling. All other forms of development within the Green Belt are considered inappropriate. Very special circumstances will be required to justify instances where this presumption against development should not apply.

GB13: 'Sports Facilities Outside Settlement Limits' Within the Green Belt or open countryside proposals for the development of essential ancillary facilities for outdoor sport or recreation will be permitted where: the facilities are essential to support the outdoor provision; the facilities are kept to a scale consistent with the requirements of the outdoor recreational activity; there are no opportunities to provide the built facilities in adjacent settlements; any new buildings or structures and associated parking do not detract from the openness of the Green Belt or open countryside or result in the coalescence of settlements; and the proposal will not compromise grades 1,2 or 3a agricultural land.

T7c: 'Access to Public Transport' All new built development on sites of 0.4 hectares or more should be: within 400 metres of a bus service offering a day time frequency of 30 minutes or better; or within 1000 metres of an existing railway station. Where the proposed development is greater than 100 dwellings or 5,000 square metres (gross floorspace), the required frequency will be 15 minutes. Where these frequencies are not available developers will be expected to fund the provision of an appropriate public transport service from when the first unit is occupied to a minimum of 2 years after the development is 95% occupied. In all new development site layouts should provide appropriate infrastructure to accommodate bus services including the provision of direct, safe and convenient access to stops and the provision of alternative routes for buses where required to avoid traffic congestion.

T13a: 'Travel Plans and Contributions' Developments which meet the criteria set down in PPG13, or which are likely to employ more than 30 employees, or a residential site with more than 20 units, will be required to submit a travel plan including; modal split targets, time scales, measures and sanctions to be taken to meet these targets as well as measures to monitor the effectiveness of the plan.

T20: 'Planning Agreements' Where traffic, pedestrians and cyclists could be accommodated by the provision of special facilities or appropriate improvements to the highway network affected, applicants will be expected to enter into a Section 106 Agreement under the Town and Country Planning Act 1990 and into an agreement under the Highways Act 1980 in order to provide or make an appropriate contribution to such improvements.

ED1: 'Primary and Secondary Education' Planning applications for new/extended primary and secondary education facilities will be granted permission provided that: it would meet a recognised need; the proposed development is of a scale and design appropriate to the character and appearance of the locality; an area of open space and playing fields, sufficient to meet the needs of pupils is incorporated in the development; where a development is capable of a joint or dual use for community benefit, this has been incorporated into the design.

National planning policy guidance should also be taken into account when considering the application and should include Planning Policy Statement (PPS) 1 'Delivering Sustainable Developments', Planning Policy Guidance Note (PPG) 2 'Green Belts', PPS7 'Sustainable Development in Rural Area', PPG13 'Transport', PPG17 'Planning for Open Space, Sport and Recreation' and PPG 25 'Development and Floodrisk'

4.3 GREENBELT POLICY

Section 38 of the Planning and Compensation Act 2004 requires that any determination made must be in accordance with the relevant development plan unless material considerations indicate otherwise. In this case, however, the adopted plan would be the North Yorkshire County Structure Plan, Alteration No 3 (1995) and the policies contained within the Regional Spatial Strategy (RSS) based on the Selective Review of RPG12 (December 2004). However, these offer little guidance, as they are unspecific in their advice regarding the inner boundaries of the York Green Belt. In approving the Structure Plan in 1980 the Secretary of State confirmed the principle of the green belt encircling the City, defining it as 'a belt whose outer edge is about 6 miles from York City Centre'. No inner boundary is defined in the Structure Plan. The adopted RSS makes no attempt to define the York Green Belt boundaries.

Therefore, as a result of the inner boundary not being confirmed it is necessary to consider the following plans which are, from a policy perspective, material considerations:

The York Green Belt Local Plan Post Modifications (September 1995)
City of York Local Plan (Deposit Draft) (1998)

The York Green Belt Local Plan was never formally adopted but identifies the inner and outer boundaries of the York Green Belt. Regarding the inner green belt boundary the plan considered the findings of the 'Greater York Study - a Strategy of 2006' which proposed that only limited peripheral growth around the existing urban area should be permitted. As such the green belt was drawn tightly around the

existing urban area. The application site was identified as being within the York Green Belt.

The City of York Deposit Draft Local Plan (1998) continued to identify this piece of land as being located within the York Green Belt. As such the erection of a school at this location would be considered to be 'inappropriate' and would conflict with the purpose of including land within the green belt. The applicant therefore needs to identify 'very special circumstances' why permission should be granted.

4.4 VERY SPECIAL CIRCUMSTANCES

The very special circumstances argument put forward include a number of points but centres on three key issues, namely educational needs, wider community benefit/support for the proposal; and a lack of alternative sites. Each will be discussed below.

EDUCATIONAL NEED

4.4.1 As previously stated within the report pupil numbers have been falling within the west side of the city and it is expected that the school rolls would fall from 2130 in 2003 to 1912 in 2007. The Audit Commission requires that LEAs keep surplus capacity under review to ensure that the supply of school places matches demand so that money intended for educating children is not used to maintain empty buildings. As a result a review was undertaken which identified the following three options and consultation was undertaken with the public to gauge their preferred option.

4.4.2 OPTION 1 - Maintain the existing three schools - This option assumed the retention of the three secondary schools serving the area. Without any changes to the current catchment area, this option would result in a very uneven distribution of children between the three schools, raising doubts over the viability of Lowfield. It would be possible to retain the three schools but only if the catchment area were redrawn allowing the transfer of children from Oaklands to Lowfield or by involving neighbouring schools such as Millthorpe. It was further recognised that this solution would not allow for any significant investment at either Lowfield or Oaklands, which was required, as the level of funding required would only be available if the Authority were to dispose of one of the sites. Furthermore this option would see Manor CE School retained as existing. It supports 640 pupils in a building originally built to house 350 pupils, although extensions have been added.

Although the Manor CE School has been extended since it was originally built the school does not meet modern day educational requirements and the design and layout of the building has severe problems with congestion in internal corridors and disabled access. Although Manor CE School has performing arts status, the drama studio is on the second floor and has no lift access. The school has no sports hall and one small gym capable of accommodating one badminton court.

4.4.3 OPTION 2 - Merge Lowfield and Oaklands to create a new school on the Oaklands site. Build a new, larger Manor school and increase the proportion of community places - This would provide 1950 places in the west of the city to

accommodate the 1912 pupils expected to require secondary school education in the area under review in September 2006. Manor CE School would significantly increase its boundaries of its 'Priority Access Zone' in order to admit the children from Poppleton Ousebank, Rufforth and Carr Junior Primary Schools as community places. A larger school would be established at Oaklands with the extension required partly funded by capital receipts gained from the sale of the Lowfield school site, which was considered to be more suitable for development of alternative uses. This option was dependant on Manor CE School securing significant capital funding through the Church Schools PFI. This would create a 1050 pupil school at Oaklands and a 900 pupil school at Manor CE School. The provision of a school with pupil numbers of 1050 was only considered acceptable if the Manor CE School could be enlarged.

4.4.4 The Manor School remains a very popular school achieving consistently high educational outputs. Its replacement with a larger facility would be in accordance with the government's policy on improving educational standards. Furthermore, the benefits of an expanded Manor School were also recognised in the Council's 26 July 2006 Executive Committee Report which supports the proposal to relocate Manor School to provide a 21st century education facility for 900 pupils and that an enlarged Manor secondary school would cater for parental preference and comply with the Council's objective of meeting such preference as far as reasonably possible.

4.4.5 OPTION 3 - Merge Lowfield and Oaklands and retain the status quo for Manor CE School - This option would see Manor CE School remain at its current size and be unable to offer an increase in community places. This would see a larger Oakland school with 1350 pupils following the closure of Lowfield. Whilst there is no official optimum size for secondary schools in the UK a school of this size was considered to be beyond an acceptable size in terms of delivering a balanced secondary school curriculum. The average secondary school size in the UK is 930 pupils.

4.4.6 The outcome of the consultation exercise showed that the preferred option was number 2 and a council cross- directorate development team was established to undertake a feasibility study.

4.4.7 The need for the re-organisation of the schools within the west area was prompted by a decline in pupil numbers and the fact that the education authority should be spending capital on educational factors rather than the upkeep of vacant facilities at school properties.

4.4.8 In assessing the information Officers consider that the need for improved educational facilities is required in order for the Council to conform to the requirement of the Audit Commission. The options have been assessed in details and it is apparent that options 1 and 3 are not feasible whilst meeting the requirements of the Audit Commission and providing acceptable educational facilities. Officers are therefore satisfied that there is a compelling case to justify the provision of a new school facility within the PAZ.

4.4.9 With regard to the site selection and the use of a green belt site this will be assessed further in the report.

4.5 ALTERNATIVE SITES

4.5.1 The Council's 2004 Executive Committee decision was the starting point for the proposed reorganisation, which in part was reliant upon the Manor School obtaining the necessary funds to expand to a 900 pupil school. In addition to obtaining the necessary funds, it was also necessary to explore whether or not a new and larger 900 pupil school could be built on the existing Manor School site.

4.5.2 These matters were fully explored by the Council's cross directorate Development Team through the appointment of Spawforth Associates to undertake a two stage assessment of the existing site and possible 'off-site' playing fields and then, in a second review, an assessment of alternative sites for the whole Manor School. Stage 1 of this process considered a range of possibilities including; providing a new Manor School and all facilities on the existing site, finding additional playing field provision on an alternative site (a split site arrangement), or moving the Manor School to a new site.

4.5.3 In considering all options, the Stage 1 report has regard to the DfES published guidance size requirements and design standards in the form of BB85 (School Grounds) and BB98 (Secondary School Projects). The report details the space/size requirements for a 900 pupil school with performing arts status to meet BB98 requirements which set a total site area (including all buildings) as somewhere between 6.85ha and 7.71ha.

Retaining All facilities on the Existing Site

4.5.4 The site area covered by the school buildings and hardstanding is 3.7ha. British Sugar adjoins the school site and through an informal agreement allow the school to use their playing fields only and not any associated facilities on site. These fields comprise an area of 2.2ha, which along with the current manor CE School site would offer a total school site of 5.9ha. There is no formal agreement with British Sugar to allow for the continued use of the playing fields, especially since the closure has been announced. British Sugar have been contacted on a number of occasions by the City of York Council Property Department in an attempt to formalise and extend the informal agreement of the use of the playing fields. However, they have not formally replied in writing but have verbally refused to this arrangement. It can therefore be seen that the combined site of 5.9ha falls somewhat short of the requirement of 6.85ha and with no option of securing the adjacent playing fields alternative sites needed to be assessed.

Split Sites

4.5.5 It has been identified that the current school site is of an insufficient size to accommodate the school and playing fields. Options were therefore considered for utilising the existing Manor CE School site along with off site playing fields. Two potential sites were identified as being in a 400m (5 min) walk from the site. These were the British Sugar site and the former CSSC Sports ground on Boroughbridge Road. The owners of both of the sites were approached but stated that they had no intention of releasing the land to the school. The Millfield Lane site (800m or 10min

walk) and the former Northfield Lane school site were also identified. The Millfield Lane site, at the time of the report was allocated for use as a Park and Ride site and the Northfield Lane site had been sold to Barretts for residential development.

4.5.6 Off site provision of sports facilities is in general terms not considered to be good practice as:

- the facilities cannot be used as part of DfES 'Growing Schools' initiative or 'schools sports manifesto' because of security considerations and supervision
- curriculum delivery impeded by time wasted in accessing the off site playing fields from changing rooms on the school site
- emergency facilities for accidents are very limited on an open site with no access to cover
- it is considered poor practice educationally, limiting independent development and the encouragement of a healthy life style
- cost to the LEA and impact on the budget allocations to all schools as split sites attract additional funding.

The main issue appears to be that the DfES are reluctant to fund a development, which is fundamentally bad practice as recognised by educationalists and as not meeting modern standards of education.

4.5.7 As split sites and the reuse of the existing site were discounted the report commissioned by the council examined alternative brownfield sites within the 'Priority Access Zone'. This PAZ boundary had been drawn by the Council having regard to the catchment areas of neighbouring secondary schools as part of the 'West of City' reorganisation. In the search for the new school site, increased community use was a consideration in the choice of suitable locations and the search criteria was extended beyond those of normal education criteria to include:-

- Proximity to existing facilities;
- Proximity to community; and
- Accessibility - bus links in the evening.

4.5.8 The report identified 3 possible 'Non-Green Belt' locations in the York District - of these only the York Business Park was located within the Priority Access Area. Sites not within the Priority Access Area are deemed unsuitable as they would automatically increase all forms of travel to the new facility. Furthermore, the government's Building Bulletin 98: Briefing Framework for Secondary Schools Projects (DfES) specifically requires a new school to be located within the catchment area and within its own community. In addition the York Business Park site was deemed unsuitable as the adopted policy sought to protect this site for higher value uses. Other brownfield sites within close proximity, which were discounted, included the former Northfield site, which has been sold for residential development, and Donnelley's site, which has permission for residential and mixed use.

4.5.9 The lack of brownfield sites forced a study of available green field sites. The study identified nine sites, four of which were immediately discounted on the grounds of deliverability, flood risk, accessibility in terms of linkages and sustainability and alternative allocations within the local plan. The five alternative sites were:

- A - Land to south Millfield Lane (application site)
- B - Former Civil Service Sports Ground
- C - Land south of Boroughbridge Road
- D - Land West of Northfield school
- E - Land South of Knapton

Site A - The area is not identified as an area of valuable green belt as defined by the councils 'Approach to Green Belt Appraisal' 2003. The land is located within relative proximity to Nether and Upper Poppleton and has good cycle access. The site is owned by the council and deliverable

Site B - The area is not identified as an area of valuable green belt as defined by the councils 'Approach to Green Belt Appraisal' 2003. The site is well served by public transport. The site would be capable of delivering all of the educational objectives, however, the site is not available

Site C - Again the site is not identified as an area of valuable green belt as defined by the councils 'Approach to Green Belt Appraisal' 2003 and is capable of delivering educational objectives. This site comprises a number of smaller enclosures with access needed directly off the A59. A ransom strip exists at the entrance and the owners are unwilling to sell the land believing that it would be released for housing development in the future.

Site D - The councils 'Approach to Green Belt Appraisal' 2003 identifies this area of green belt as being an important area of open farmland, particularly for maintaining the openness of the Green Belt and preventing coalescence between Knapton and the urban area of York. The site is well located for public transport links and a high number of pupils could access the site by foot or by cycle. The site is capable of delivering the educational objectives

Site E - The councils 'Approach to Green Belt Appraisal' 2003 identifies this area of green belt as being an important area of open farmland, particularly for maintaining the openness of the Green Belt and preventing coalescence between Knapton and the urban area of York. The site is further remote from the larger settlements of Nether and Upper Poppleton.

4.5.10 The information provided identified that sites A, B and C were the least constrained by Green Belt Policy and of the three sites site A has the least problems regarding deliverability.

4.5.11 The Millfield Lane site was therefore one of three suitable sites in terms of location and education capabilities. However, having regard to landownership, the Millfield Lane site was the only site deliverable in terms of landownership within the timescale required by the three schools reorganisation.

British Sugar Site

4.5.12 Since the report by Spawforths British Sugar has announced its closure and as such had not been considered as an alternative site. The ES states that the likelihood of a considerable portion of the site being transferred from private

ownership to public use within the timescale required under the current Manor CE School funding bid was considered remote. A joint statement from City of York Council, Persimmon Homes and Joseph Rowntree Housing Trust states that the site would not be available for development until 2012. The statement was released in relation to a joint housing public inquiry concerning development proposals for greenfield sites at Metcalf lane and Germany Beck.

4.5.13 Since the submission of the Manor School application, the Council continue to liaise with British Sugar with a view to drawing up a joint British Sugar Site/ Central Teardrop Area Action Plan for the Local Development Framework. It is considered that to locate a larger Manor School across the existing site, using an extended area of the British Sugar recreational site, would be regarded as being premature to the Area Action Plan. Members should be aware of the Councils successful opposition to a proposed housing development on Leeman Road where it was considered that the scheme was premature in relation to the Central Teardrop Action Plan. The application was refused by the Council and supported by the Planning Inspectorate in their decision in 2006.

4.5.14 Officers are of the opinion that the process of considering sites within the urban area prior to those within the green belt was correct. The lack of available urban sites within the PAZ has forced the applicant to consider available green belt sites. Of the nine originally listed only three appeared to be viable in terms of location within the PAZ and greenbelt allocation within the Councils 'Approach to Green Belt Appraisal' 2003. It is considered that the deliverability of the site needs to be taken into account when looking at alternative sites. Two of the remaining site were in private ownership and there was not any likelihood of them being released for the development of the proposed school. The ownership of the third site allowed for it to be delivered within the timescale required for the alterations proposed to the existing educational facilities and for provision of a new Manor CE School.

4.5.15 Whilst the search for alternative sites has been recorded in this report in brief format the supporting information submitted by the applicant and undertaken on behalf of the Development Team clearly demonstrates that the use of alternative sites has been looked at in great detail. The lack of brownfield sites and the detailed assessment of green belt sites has proven that the Millfield Lane site is the most suitable for the proposed scheme. Officers therefore consider that these are very special circumstances.

4.6 COMMUNITY FACILITIES

4.6.1 The proposed Manor CE School would provide considerably improved sports and community facilities over the existing school site. It would provide:

- 400 seater auditorium
- Indoor sports and activity studios
- Four floodlit tennis/netball courts
- Floodlit all weather sports pitch
- Two turfed pitches

4.6.2 Community access 'lettings' at the existing Manor School are not viable as the school has one-badminton-court size gym and no sports hall. The performing arts facilities are among the best in the City of York and yet the school is not DDA compliant. The drama studio is on the second floor with no lifts available. The school is, however, used by a church group on Sundays and as a youth centre on Friday evenings. Occasionally the school is used for regional training conferences for various Christian Youth Teams and by the City of York Adult Learning Team. The local parish church use the school as location for Alpha courses and performing arts events by local primary schools have taken place. However, the community use of the school is limited due to its poor design, poor access and inadequate sports facilities.

4.6.3 The new school has been designed to accord with the Councils ED1 Policy, which requires new schools to be capable of a joint or dual use for community benefit. In accordance with this policy the use of the performing arts facility has been designed so as to allow easy access to the key areas on evening and at weekends. The aim of the new school hall is to create a first-class theatre space with retractable seating for an audience of 400, to be used as a venue for performing arts groups throughout the west of the City. There is already an interest in the development from the York Symphony Orchestra who would like to transfer to the new School. They would use the new School as their base for rehearsals and performances.

4.6.4 The external sports pitches would be made available to the public and sports societies through a community use agreement. This would dictate the hours, type and volume of community access to the site. The school has been designed to allow for easy access to the internal changing room facilities, which have been designed to allow for mixed gender activity and community and school use at the same time. In addition the School has signed up to becoming an extended school. The school has taken on additional staff with a view to extending school hours when new facilities are available.

4.6.5 The Council has published an "Excellent Facilities" report, which provides an annual audit on existing facilities and forecast of supply and demand for the following 10 years. With respect to sports hall provision the report acknowledges that such provision is more often associated with schools and reports an undersupply of 24 publicly accessible badminton courts in the City with the under supply being relatively even across all parts of the City. Whilst additional facilities are to be introduced into the University of York's expansion plans, the report recognises there are three secondary schools in the City without sports hall and improvements at these locations would improve community access to such new facilities.

4.6.6 Chapter 5 of the report at contains an audit of playing pitches, again to be reviewed annually with shortfall forecasts for a further 10 years. The report considers each zone of the City and identifies a widespread shortfall of pitches across the whole City area. In addition to a shortfall, the report recognises pitch quality to be an issue with many existing playing areas being blighted by; poor drainage, poor changing facilities (often only single sex changing), dog fouling and littering. Although a serious shortfall exists, the report suggests new pitches should only be created where they will cater for a growing demand and suitable infrastructure exists or can be created to manage and maintain them. With respect to the western side of

York City, the shortfall is noted to be at least 7 mini soccer and 9 junior rugby pitches short in 2006 rising to 17 mini pitches, 2 junior pitches and 10 rugby pitches by 2015. Furthermore, the demand for astro turf pitches in the city far outweighs supply.

4.6.7 The location of the new school facilities are crucial for the delivery of community sport. The Council are measured by Comprehensive Performance Assessment on a percentage of the population within 20 minutes walk (in the urban area) of three different sports facilities. The proposed facilities are within 20 minutes walk of Poppleton and Beckfield Lane area and would therefore contribute to reducing car journeys to access sports facilities and meet the council targets.

4.6.8 It is considered that there is a justifiable need to provide improved community facilities, both in the form of indoor areas and outside sports pitches. The provision of these facilities would benefit the local and wider community greatly and would be a direct result of the development of the new school. Whilst the provision of external sports facilities is considered to be an acceptable use within the green belt and does not conflict with the purpose of including land within the green belt the provision of large scale buildings does, whether they incorporate community facilities or not. However, in this instance the external sports facilities would not be provided unless the school were to be developed. It is considered that the provision of the sports and community facilities would constitute a very special circumstance to justify development.

DESIGN IMPACT

4.7.1 The school buildings have been designed to reduce their impact upon the greenbelt location. They will be two storey with a height of 10.2 metres. The school has been separated into two distinctive buildings with undulating roofs and recesses in order to break up the bulk. The buildings are located to the eastern end of the application site, facing onto Millfield Lane. They would cover approximately 10% of the site with the remainder taken up by associated parking and vehicular routes, hard surfaced play areas and sports facilities. The applicant has stated that, subject to funding, an element of sedum green roof would be incorporated into the scheme, reducing its impact further.

4.7.2 The built form being located close to Millfield Lane reduces the impact of the scheme upon the open character of the area. Millfield Lane is already considerably subject to urban encroachment and the school buildings would not appear out of character in this setting. When viewed from the ring road the open sports pitches would be viewed giving the site a sense of rural context. Additional planting to the boundaries would mask the development from the elevated position of the ring road and mask the existing industrial units facing Millfield Lane.

SUSTAINABILITY DESIGN

4.7.3 The scheme has been designed to take into account sustainability in line with BREEAM and are seeking a 'very good' standard. The following elements will be designed into the scheme:

4.7.4 Sustainable Resources:

- It is proposed to include a Biomass heat generating plant with a waste paper shredding and burning facility for use by the School and for Staff and Pupils domestic waste paper.
- The building should be an energy exemplar as required by Part L2 of the 2006 Building Regulations. This may include rain water recycling, solar/domestic hot water pre heating, solar voltaic electricity production, biomass and waste paper heat production and ground source heat extraction.

4.7.5 Mechanical Engineering Installations:

- Hot and cold water distributed around the building from central sources. All concealed water services pipework will be thermally insulated to minimise heat loss.
- Remote parts of the building requiring hot water will be provided with local electric water heaters.
- Cleaners stores will be provided with local electric water heaters to obviate running the main plant in holiday periods.
- Pupil and designated disabled WC facilities will have temperature controlled domestic hot water outlets.
- All sink outlets will have timed push button spray or champagne taps as water conservation features. Urinals will have presence detection flush controls as a water conservation feature.

4.7.6 Heating and Lighting:

- Large volume areas will be heated by underfloor or radiant systems, each room will have independent thermostatic control.
- Groups of rooms will have timed zonal control which will allow sections of the building to be used out of hours without the need to heat the whole or larger sections of the School.
- Lighting design strategy to minimise the need for lighting - providing a combination of automatic and manual controls. The automatic controls will be able to take into account the illumination levels, the timing and whether a person/persons are present with in the space/area.
- All lighting will be low energy types ensuring only the minimum amount of energy is used when the lighting is operating.

HIGHWAY IMPLICATIONS

4.8.1 The proposal is to construct a new 900 place secondary school to replace the existing 640 place building. The school is to be relocated from its current site on Low Poppleton Lane approximately 400m further north on Millfield Lane.

4.8.2 The application has been supported by a Transport Assessment which has assessed the potential implications arising from the increased numbers of pupils/teachers/visitors that will be generated by the new schools increased size and the new location. In addition elements of the facilities of the new school are to be opened up for community use, including the school hall which has the potential to be used as a 400 seat theatre, and as such Officers have considered the worst case scenario of such a use and are satisfied that there will be no detrimental impact on the surrounding highway network.

4.8.3 The TA identified a number of mitigation works that are required as a result of the proposal. Following lengthy negotiations with officers the applicants have agreed to provide the highway works as set out below.

1) Lowering Bollard Millfield Lane/Low Poppleton Lane - The proposed school site is located in excess of 800m from public transport stops served by a high frequency service as required by local plan policy. In order to enable the school site to be considered sustainable it is necessary for a lowering bollard to be provided at the above location. Such measures will replace the current fixed bollards and will facilitate the diversion of First service 10 resulting in the service passing the site frontage. Bus stops to the site frontage are to be provided. Officers consider that these works are critical to ensuring the sustainability of the proposed site and thus reduction in dependence on the private car. The provision of such measures will require an amendment to the existing Traffic Regulation Order, which will be subject to separate full consultation. It is considered that if the lowering bollard is not provided as part of the scheme the development would be contrary to policy T7c and as such would not be acceptable and should be recommended for refusal.

2) Pedestrian/Cycle facilities on Millfield Lane - Given the increase in numbers of pupils to the proposed school and need to travel further along Millfield Lane, the existing shared pedestrian/cycle facility on the Western side of Millfield Lane is to be widened from its present width of 2.7m to 3.5m in order to promote and encourage the existing high levels of walking/cycling to school that currently exists. The widening of this route will be carried out through a S278 Agreement and will require the relocation of a number of light columns.

3) Pedestrian facilities on Low Poppleton Lane - As the proposed school site is on the Western side of Low Poppleton Lane it is likely that pupils walking to school will use the Western side of Low Poppleton Lane instead of the Eastern side. As such the footway on the Western side of Low Poppleton lane is to be widened to 2m.

4) Pedestrian/Cycle facilities on Beckfield Lane - The existing footway on the Western side of Beckfield Lane is to be widened to 3.5m to provide a shared pedestrian/cycle facility for a length of approximately 70m on the approach to its junction with Boroughbridge Road. This will be provided by utilising existing vehicular crossings and widening the sections adjacent to the grass verge.

5) Crossing facilities on Boroughbridge Road - Funding of £30k is to be provided to implement a crossing facility on Boroughbridge road in the vicinity of the Low Poppleton Lane junction. This is likely to take the form of a Toucan crossing but details have not been formalised.

6) School Safety Zone - Access to the new school is to be from Millfield Lane via a new kerbed entrance. In order to provide a safe means of access the immediate site frontage will have a school safety zone, in accordance with the councils approach at other schools around the city. The SSZ will consist of vertical and horizontal traffic calming measures, a 20mph speed restriction and relevant Traffic Orders. The existing speed limit on Millfield Lane from the A1237 roundabout to Low Poppleton Lane is to be reduced to 30mph outside of the school safety zone.

4.8.4 Adjacent to the site frontage 2 new bus stops, which will serve the site, are to be provided. The stops are to be provided with easy access kerbs, shelters and BLISS (Bus Location Information Sub System) displays. Dedicated segregated access for those arriving by foot/cycle has been provided to the North and South of the site frontage, which will reduce the potential conflicts between motorised and non motorised highway users. Car Parking has been provided in accordance with CYC Annex E maximum standards. Cycle parking has been indicated however officers feel there is further scope to improve the layout/design of the facilities and as such a condition is recommended.

4.8.5 It is considered that the provision of the above mentioned works are vital in delivering a scheme which will promote green forms of transports and reduce dependence on the private vehicle. Comments received for members of the public question the need for the rising bollard and state that only 34 pupils travel to school by bus. However, the increased size of the school and the higher proportion of local pupils would see this number increase.

4.8.6 In conclusion the scheme accords with transport policy in terms of parking standards and the internal access arrangements of the site. In order to recommend the application for approval in highway terms a number of off site provisions are required to aid travel to the school other than the independent car. The main implication is the provision of a regular bus service past the front of the site. In order to facilitate this a rising bollard is proposed to the Low Poppleton Lane/Millfield Lane junction. This will be funded by the applicant and will be subject to a separate traffic regulation order in consultation with nearby residential properties.

RECENT APPEAL DECISION

4.9.1 In deciding the application members should be aware of a called in application decision made in December 2006 for a similar scheme at Epping in Essex. This application sought permission for a replacement secondary school with associated facilities which would be sited within the existing schools playing fields and would be located completely within the green belt. The scheme also sought permission for the erection of dwellings on the site of the existing school which would be partially within the greenbelt. In considering the appeal the following criteria were look at:

- The need to replace the school which was in a poor condition and poorly designed as originally built in 1961
- Financial considerations; the existing school site would be sold for housing and would provide the funding for the current scheme. If funding were available to build the school of the existing site concerns are raised that temporary accommodation would need to be provided which would be highly disruptive and difficult to provide specialist equipment for science.
- Other benefits; non-educational benefits including improved playing field facilities with better changing facilities for the community

4.9.2 The report states that the location of the new school is within the green belt, but on existing playing fields as opposed to the open countryside. It was agreed that the scheme represented inappropriate development. In assessing the scheme the inspector took count of the very special circumstances including the need to replace

the existing school, the gain to the community in having its own efficient secondary school and the proposed public open space and the lack of alternative sites. (The inspector noted that the a site is only an 'alternative' site if it is viable.)

4.9.3 The Secretary of State agreed with the Inspector in his conclusions and stated:

'The impact upon visual amenity of the Green Belt would be adverse but this would be mitigated by the proposed siting and planting, whilst the provision of public open space to enhance the access to this and other open land and would contribute positively to Green Belt objectives.'

' The SoS agrees with the Inspector that there are obvious flaws in the original design and construction of the existing school buildings, with particular regard to their inconvenient layout, and to the choice of materials and construction techniques; and that these could not be rectified by ordinary maintenance work.'

'The SoS notes that, with the Green Belt wrapped tightly around Epping, no other options have been proposed for an alternative location for a replacement school. She agrees with the Inspector that, even were a new site to be found at another settlement, it would entail long journeys by students living in Epping and would diminish the prospects for community use by Epping residents . . . It is also agreed that the proposed development would not significantly disrupt education in the existing school premises and would avoid the expense of decanting the school into alternative premises.'

The final statement on the impact upon the Green Belt is as follows:

'The SoS agrees with the Inspector's conclusion that the urgent need to replace the present school building, together with the associated community and public recreational benefits do provide very special circumstances which outweigh the harm that the proposed school building would cause to the Green Belt and the countryside by reason of inappropriateness, loss of openness, and all other identified harm.'

AGRICULTURAL LAND CLASSIFICATION

4.10.1 The site comprises Grade 2 (very good) agricultural land. It is considered that the very special circumstances demonstrated by the applicant in terms of the Green Belt issues would also satisfy the requirement of policy GP14.

5.0 CONCLUSION

5.1.1 The application site is located within the York Green Belt. It is considered that the school buildings are inappropriate development and by definition cause harm to the openness and visual amenity of the area. However, mitigation measures have been proposed to reduce this impact of the buildings. In assessing the application the very special circumstances to justify the inappropriate development were considered, being:

Educational Need: Local Authorities are required by the Audit Commission to keep surplus capacity under review and to ensure that the surplus of school places match

demand. A report commissioned identifies that a fall in pupil numbers will arise. Options were put forward to identify a solution and the erection of the new Manor CE School was the preferred option. This took account of the existing schools within the locality, the poor condition of the existing Manor CE School, problems which would arise of retaining the existing schools as present and problems of merging Lowfield and Oakland schools only.

Alternative Sites: Extensive information has been submitted to support the application in relation to the search for alternative sites. No brownfield sites were identified within the PAZ, which were available and capable of accommodating the proposed school. A search of green belt site took place and assessed in detail, with the Millfield Lane site being the most appropriate. Officers consider that the process undertaken by the applicant was correct and the lack of alternative site is considered to be a very special circumstance.

Community Facilities: The new school would provide greatly improved community facilities including a 400 seater auditorium, indoor sports hall, all weather floodlit pitches and turfed pitches. The changing rooms would allow for the facilities to be used by mixed genders at the same time. Provision of outdoor sports facilities within the west side of York are inadequate and the demand for astro turf pitches in the City outweighs supply. Furthermore, the facilities are easily accessible from the densely populated areas of Poppleton and Beckfield Lane. In referring the Epping SoS decision great emphasis was placed on the improved community facilities and as such Officers consider them to be very special circumstances.

5.1.2 It is considered that the urgent need to provide a new secondary school together with the associated community benefits and the lack of alternative sites constitute very special circumstances which outweigh the harm that the proposed school building would cause to the green belt by reason of inappropriateness and loss of openness and all other identified harm.

5.1.3 Officers therefore recommend approval, subject to referral to the Secretary of State.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve after referral to Sec. of State

1 TIME2

2 The development hereby permitted shall be carried out only in accordance with the following plans and other submitted details:-

Plan number 041233/101 received 31st October 2006

Plan number 041233/101E received 12th January 2007

Plan number 041233/102 received 17th October 2006

Plan number 041233/103skl received 25th January 2007

Plan number 041233/104 received 17th October 2006

Plan number 041233/105 received 17th October 2006
Plan number 041233/110 received 17th October 2006

Plan number 4210-004 Rev A received 11th January 2007
Plan number 4210-05 received 11th January 2007
Plan number 4210-06 received 11th January 2007

or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 VISQ8 Materials to be submitted

4 During the development of the site, all demolition and construction works and ancillary operations, including deliveries to and dispatch from the site, shall be confined to the following hours:

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00
Not at all on Sundays and Bank Holidays	

Reason: To protect the amenity of occupants of adjacent and adjoining properties during the development of the site.

5 The school buildings shall be used only between the hours of 08:00 and 22:00 Monday to Friday and 09:00 to 21:00 Saturday and Sunday. The external hardsurface courts and all weather pitches shall be used only between the hours of 08:00 and 22:00 Monday to Friday and 09:00 to 21:00 Saturday and Sunday. The remaining pitches shall be used only between the hours of 08:00 and 22:00 Monday to Friday and 10:00 to 18:00 Saturday and Sunday.

Reason: to protect the local residents from undue noise and disturbance late at night and at weekends.

6 ARCH2

7 The suitability of soakaways, as a means of surface water disposal, should be ascertained in accordance with BRE Digest 365 and to the satisfaction of the Approving Authority. If the suitability is not proven the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained

Reason: In the interests of the satisfactory drainage of the site.

8 No development shall take place until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping and wildlife enhancement scheme which shall illustrate the number, species, height and position of trees, shrubs and other wildlife features;. This scheme shall be implemented within a period of six months of the completion of the

development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site.

- 9 Prior to the development hereby approved coming into use details of the illumination of the all-weather pitch and tennis courts on the site shall be submitted to and approved in writing by the Local Planning Authority and the agreed scheme implemented and maintained on site.

Reason: To protect the living conditions of the nearby residential properties and to prevent light pollution.

- 10 Prior to the development hereby approved coming into use details of any scheme for illumination of all external areas of the site shall be submitted to and approved in writing by the Local Planning Authority and the agreed scheme implemented on site.

Reason: To protect the living conditions of the nearby residential properties and to prevent light pollution.

- 11 The developer shall aim to achieve a BREEAM "very good" assessment standard for the development. Before the commencement of work on site the developer shall submit in writing for the approval of the Local Planning Authority a BREEAM design assessment demonstrating the progress of the BREEAM assessment, the percentage score expected to be achieved and which standard this relates to. Where this does not meet at least a 'very good' standard then the developer must demonstrate what changes will be made to the development to achieve at least 'very good'.

Reason: To achieve a sustainable development

- 12 Prior to the commencement of work on site the following details shall be submitted to and approved in writing by the local planning authority:

The evaluation and proposals for the heating and ventilation of the building, including the consideration of Biomass boiler,
The evaluation and proposals for renewable energy generation technologies to be used in the development,
The evaluation and proposals for the use of rainwater harvesting in the development,
Details of the contractor specification which should include a commitment to Considerate Constructors and Site Waste Plans

Reason: In order to achieve a sustainable development

- 13 HT1 Height...11 metres...
- 15 HWAY8 Position of gates
- 16 HWAY10 Vehicular areas surfaced – details reqd
- 17 HWAY14 Access to be approved – details reqd
- 18 HWAY18 Cycle parking details to be approved
- 19 HWAY19 Car and cycle parking laid out
- 20 HWAY21 Internal turning areas to be provided
- 21 HWAY23 Vehicular sight lines protected
- 22 HWAY31 No mud on highway during construction
- 23 HWAY40 Dilapidation survey
- 24 HWAY41 Safety audit
- 25 The development hereby permitted shall not come into use until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same:
 - a/ Widening of the footway on Beckfield Lane to a maximum of 3.5 at a length of 70 metres to provide a shared pedestrian/cycle route
 - b/ Provision of a 2 metre wide maximum footway to the western side of Low Poppleton Lane
 - c/ Widening of the footway to Millfield Lane to a maximum of 3.5 metres to provide a shared pedestrian/cycle route
 - d/ Implementation of a school safety zone and associated works as shown indicatively on drawing 4210-004 Rev A
 - e/ Provision of improved crossing facilities on Boroughbridge Road

Reason: In the interests of the safe and free passage of highway users.

Informative: The provision of improved crossing facilities on Boroughbridge Rd could be satisfied by the completion of a planning obligation made under Section 106 of the Town and Country Planning Act 1990 by those having a legal interest in the application site, requiring a financial contribution. The obligation should provide for a financial contribution calculated at £30000.

- 26 No works shall commence on site in connection with the development hereby permitted until the following highway works (which definition shall include works associated with any Traffic Regulation Order required as a result of the development, signing, lighting, drainage and other related works) have been carried out in accordance with details which shall have been previously submitted to and approved in writing by the Local Planning Authority, or arrangements entered into which ensure the same.

Provision of a lowering bollard (or other means) and any associated works to facilitate public transport only access between Millfield Lane from Low Poppleton Lane

Reason: In the interests of the safe and free passage of highway users.

- 27 A site investigation including the potential for migration of landfill gas on to the site shall be undertaken based upon the findings of the desk study dated July 2006 report no. 9261/1 submitted as part of the application by Encia Consulting Limited. The investigation shall be carried out in accordance with BS10175: Investigation of potentially contaminated land: code of practice. The results of the investigation shall be submitted to and approved by the local planning authority in writing prior to any development commencing on site.

Reason: To protect the health and safety of workers on site, occupiers of the site and the integrity of structural components and any proposed underground services.

- 28 A risk based remedial strategy shall be developed based upon the findings of the site investigation. This remedial strategy shall have due regard for UK adopted policy on risk assessment and shall be developed in full consultation with the appropriate regulator(s). It shall be submitted to and approved by the local planning authority in writing. The approved strategy shall be fully implemented prior to any development commencing on site.

Reason: To protect the health and safety of workers on site, occupiers of the site and the integrity of structural components and any proposed underground services.

- 29 A validation report shall be submitted to and approved by the local planning authority, detailing sample locations and contaminant concentrations prior to any development commencing on site.

Reason: To protect the health and safety of workers on site, occupiers of the site and the integrity of structural components and any proposed underground services.

- 30 Any contamination detected during site works that has not been considered within the remedial strategy shall be reported to the local planning authority.

Any remediation for this contamination shall be agreed with the local planning authority and fully implemented prior to any further development on site.

Reason: To protect the health and safety of workers on site, future occupiers of the site and the integrity of structural components and any proposed underground services.

- 31 A timetable of proposed remedial works shall be submitted to the local planning authority prior to any works being undertaken on site.

Reason: To protect the health and safety of workers on site, occupiers of the site and the integrity of structural components and any proposed underground services.

- 32 Details of all machinery, plant and equipment to be installed in or located on the use hereby permitted, which is audible outside of the site boundary when in use, shall be submitted to the local planning authority for approval. These details shall include maximum ($L_{Amax}(f)$) and average sound levels (L_{Aeq}), octave band noise levels and any proposed noise mitigation measures. All such approved machinery, plant and equipment shall not be used on the site except in accordance with the prior written approval of the local planning authority. The machinery, plant or equipment and any approved noise mitigation measures shall be fully implemented and operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: to protect the local residents from undue noise and disturbance.

- 33 There shall be adequate facilities for the treatment and extraction of fumes so that there is no adverse impact on the amenities of local residents by reason of fumes, odour or noise. Details of the extraction plant or machinery and any filtration system required shall be submitted to the local planning authority for approval; once approved it shall be installed and fully operational before the proposed use first opens and shall be appropriately maintained thereafter.

Reason: To protect the amenity of the local residents.

- 34 Details of an acoustic noise barrier to protect the residential properties on the north-eastern and south-western boundary shall be submitted to and approved in writing by the local planning authority. These details shall include the construction of, height, thickness, acoustic properties and the exact position of the barrier. The barrier shall be erected in accordance with the approval before the use hereby permitted first comes into use and maintained thereafter.

Reason: to protect the amenity of the local residents.

- 35 Prior to any works commencing on site, a construction environmental management plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall identify the steps and procedures that will be implemented to minimise the creation and impact of

noise, vibration and dust resulting from the site preparation, groundwork and construction phases of the development. Once approved, the CEMP shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

Reason: To protect the amenity of occupants of adjacent and adjoining properties during the development of the site.

- 36 Prior to the commencement of use a Community Use Agreement shall be submitted to and approved in writing by the Local Planning Authority and the approved Agreement shall be implemented no later than 6 months following the opening of the new school. The Agreement shall address the nature of the use, hours of availability, management, pricing structure, access to changing accommodation, and shall include a mechanism for review.

Reason: To promote the communal use of facilities, in accordance with draft Local Plan Policy C1.

- 37 Details of any re grading of land levels in connection with the laying out of the sports pitches shall be submitted to and approved in writing by the local planning authority prior to the commencement of development on the site.

Reason: In the interests of the visual amenities of the area and in the interests of the prevention of the flooding of adjacent land.

7.0 INFORMATIVES: Notes to Applicant

1. REASON FOR APPROVAL

In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to the openness or setting of the green belt, the purpose of including land within the green belt, highway implications, residential amenity, nature conservation, landscape value, design and sustainability. As such the proposal complies with Policies R1, R9, E2, E8, E8a and E9 of the North Yorkshire County Structure Plan (Alteration No.3 Adopted 1995) and Policies SP2, SP6, GP1, GP3, GP9, GP11, GP13, GP14, NE1, GB1, GB13, T7c, T13a, T20, and ED1 of the City of York Local Plan Deposit Draft.

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