

## **Executive Member for Finance and Performance Decision Session**

Report of the Assistant Director of Regeneration and Asset Management

### **Petition Re: Former Manor School Playing Fields**

#### **Summary**

1. This report acknowledges receipt of a petition concerning the future use of the former Manor School playing fields and outlines the Council's position concerning the current situation and future proposals for this site.

#### **Background**

2. The former Manor School site ("the Site") (see Annex A for a plan on which the Site is shown edged red) was vacated by the school in 2009 to move to the new site on Millfield Lane. The site was not sold on vacation because it is immediately adjacent to the former British Sugar site where there were proposals for a major residential development. The buildings have had a number of temporary occupiers and the former playing fields have been maintained by the council
3. A planning application has been submitted by the owners of the British Sugar site for the redevelopment of their site with an access route across the Council's land. The Council have granted the owners of the British Sugar site an option to purchase a specified strip of our adjoining site. They can exercise that option by serving written notice on the Council at any point within 5 years from the date on which satisfactory planning permission for construction of the road/access route is obtained by them. However either party can terminate the option agreement on or after 1<sup>st</sup> August 2018 if planning permission has not been obtained by that date provided that notice exercising the option has not already been served on the Council before that date but in which case the Council would have to refund to British Sugar the

Option Fee payment which we received from them when the Option was granted.

4. On 1<sup>st</sup> September 2014 the Secretary of State for Education gave consent pursuant to Schedule 1 of the Academies Act 2010 for the sale of the Site (Schedule 1 requires that SoS consent is obtained before a local authority can dispose of or change the use of any property that has been used for school purposes within the preceding 8 years). The Council also has the benefit of consent for sale of the Site pursuant to S.77 of the School Standards and Framework Act 1998 (which requires that Secretary of State consent is obtained before a local authority disposes of, or changes the use of, any land which has been used as school playing field within the preceding 10 years).
5. Part of the Council's site – the area which currently has the remaining buildings and hardstanding/parking area at the north and western part of the site – has also been put forward for a residential site under the emerging Local Plan
6. No public use of the former playing fields has been permitted although licences have been granted for short term uses such as for use by a local junior football club whilst their ground was flooded and also, earlier this year, for the Friends of Acomb Green to use for the Acomb Fair
7. On the 18<sup>th</sup> October 2016 a petition was received from Cllr Stuart Barnes which has been signed by 546 people (262 online and 284 paper signatures) which is titled 'Save the Old Manor School Playing Fields for Acomb Residents.' A copy of the front sheet of this petition which sets out more details is attached at Annex B

## **Options**

8. The petition has been acknowledged as it has received the required number of signatures.
9. Apart from the agreement to sell part of the site to the owners of the adjoining British Sugar site to enable an access road to be constructed and also part of the site being submitted for a housing allocation under the emerging Local Plan, there are currently no other proposals for the future use of these former playing fields because the next steps are dependant on the outcome of the current planning application detailed in para 3 above.

10. Once a satisfactory planning consent has been obtained for the British Sugar site and, if appropriate, the option notice is served on the Council by the owners of the British Sugar site to acquire land on the Council's site for an access road, then discussions can take place on options for future uses of the remainder of the Council's site and the British Sugar site and the location of them to ensure the two sites are sympathetically developed. Any proposed disposal or re-use of the Council's land will be reported to the Council's Executive at an appropriate time for a decision to be made.

### **Council Plan**

11. The proposal supports the Council priorities
  - a. A prosperous city for all – provision of good quality housing and opportunities
  - b. A council that listens to residents – by working in partnership with the local community

### **Implications**

**Financial** – None

**Human Resources (HR)** – none

**Equalities, Crime and Disorder and IT** - None

**Legal** – Since the site was used as an operational school until 2009, it is understood that the general public have not been entering the site 'as of right' (openly, without permission and without forcing entry) for 20 years. Therefore the site cannot be registered as a Town Village Green under the Commons Act 2006. It is also understood that the site is not generally used by the public (with or without the Council's permission) for the purposes of public recreation so the site would not appear to fall within the definition of 'open space' contained in S.336 of the Town and Country Planning Act 1990. (S.123 of the Local Government Act 1972 requires local authorities to publish a notice in a local newspaper and to give due consideration to any comments/objections received before they dispose of any 'open space' land).

**Property** – Contained within the report

**Other** - none

## **Risk Management**

12. There are no risks in respect of noting this petition.

## **Recommendations**

13. The Executive Member is asked to agree to receive the petition outlined above and note its contents

Reason: To show that the Council is listening to residents

## **Contact Details**

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Management  
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**Chief Officer Responsible for the report:**  
Neil Ferris Director of Economy and Place

**Report  
Approved**

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**Date** 8 December 2016

## **Specialist Implications Officer(s)**

Implication Legal  
Name Gerry Allen  
Senior Solicitor - Property  
Tel No. 552004

**Wards Affected:** Acomb

**For further information please contact the author of the report**

## **Annexes**

Annex A - Site plan of former Manor School  
Annex B – Frontsheet of petition.