



Department for
Communities and
Local Government

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Our Ref: APP/MO655/A/13/2203059
Your ref: EFA Kings

04 February 2014

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 (SECTION 78)
APPEAL BY GREAT SCHOOLS FOR ALL CHILDREN (t/a KINGS LEADERSHIP
ACADEMY, WARRINGTON)
LAND OFF HILLOCK LANE, WOOLSTON, WARRINGTON WA1 4PF
APPLICATION REF: 2013/21175**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Kevin Ward BA (Hons) MRTPI, who held a hearing on 6 November 2013 into your clients' appeal under Section 78 of the Town and Country Planning Act 1990 against the decision of Warrington Borough Council to refuse planning permission for the erection of a secondary school with associated parking, landscaping, means of access, bin storage, electricity sub-station and replacement sports facilities, dated 18 January 2013, in accordance with application ref: 2013/21175.
2. The appeal was recovered for the Secretary of State's determination on 18 April 2013, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, because it involves proposals for development of major importance having more than local significance.

Inspector's recommendation

3. The Inspector recommended that the appeal be allowed and planning permission granted. For the reasons given in this letter, the Secretary of State agrees with the Inspector's recommendation. All paragraph numbers, unless otherwise stated, refer to the Inspector's report (IR), a copy of which is enclosed.

Procedural matters

4. The application for costs (IR1) made by your clients at the Inquiry is the subject of a parallel decision letter also being issued today.

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5. The Secretary of State notes the typographical error referred to by the Inspector at IR3 and is satisfied that nobody's interests in this case have thereby been affected.

Policy Considerations

6. In deciding this appeal, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan for the area is the Unitary Development Plan (UDP) which was adopted in January 2006. The Secretary of State agrees with the Inspector that the development plan policies relevant to the appeal are those set out at IR8-12.
7. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework (the Framework – March 2012); the Ministerial Policy Statement - planning for schools development (August 2011); and Circular 11/1995: *Use of Conditions in Planning Permission*.
8. The Secretary of State has also taken account of the current status of the Council's emerging Local Plan Core Strategy (IR13-15) and, like the Inspector, gives its policies significant weight.

Main issues

9. The Secretary of State agrees with the Inspector that the main considerations are those set out at IR54.

Urban Greenspace

10. The Secretary of State agrees with the Inspector that, for the reasons given at IR54-62, while the proposal would reduce the amount of greenspace, alter the character and appearance of the appeal site significantly and extend the built up area of Woolston, the majority of the playing fields would remain undeveloped and open, continuing to provide a substantial area of greenspace within the urban area. He agrees that the appeal proposal would continue to provide a recreational resource for the local community and, subject to the imposition of conditions to secure the additional facilities negotiated with Sport England, would result in a net benefit in relation to the provision of recreational facilities.

Noise and disturbance

11. While acknowledging the concerns of local residents about the potential increase in noise, disturbance and general inconvenience, the Secretary of State agrees with the Inspector's conclusion at IR71 that, for the reasons given at IR63-70, the extent of the increased vehicular and pedestrian activity associated with the proposal compared to the current situation would not be sufficient to lead to significant harm to their living conditions.

The benefits of the proposal

12. For the reasons given at IR72-76, the Secretary of State agrees with the Inspector's conclusions at IR77 that the proposal would bring substantial benefits in terms of education provision and choice, recreation and community facilities and

economic investment. He also agrees that the fact that there would be no significant harm in relation to urban greenspace and living conditions adds to the weight of argument in favour of the proposal.

Other matters

13. The Secretary of State agrees with the Inspector (IR78) that the appeal site is the only one which is realistically available, deliverable and suitable. He also agrees (IR79) that there would be no significant effect on the outlook from nearby dwellings or on the privacy of their occupiers; and that nearby residents would not be affected by light spillage. He notes (IR79) that the vehicular and main pedestrian access would make use of the current access (with appropriate improvements to provide a suitable and safe access – IR82); and that potential noise and disturbance would be focussed on relatively short periods of time, with a condition requiring the provision of additional screening to help to reduce the impact. He further agrees with the Inspector (IR80) that: the proposals are satisfactory with regard to drainage; there is no evidence that the appeal site is of particular importance as a wildlife habitat; and there is no basis to conclude that it would not provide a suitably secure and safe environment (IR81).

Conditions

14. The Secretary of State agrees with the Inspector's reasoning and conclusions on conditions, as set out in IR41-53; and is satisfied that the conditions recommended by the Inspector and set out in the "*Schedule of recommended conditions*" attached to the IR are reasonable and necessary and meet the tests of Circular 11/95.

Overall conclusions

15. The Secretary of State is satisfied that the appeal proposal accords with national policy and the relevant development plan policies, and would provide substantial benefits in terms of educational provision and choice, recreational and community facilities and economic investment. He does not consider that it would result in an unacceptable loss of urban greenspace or have a significant adverse effect on the living conditions of local residents; and therefore concludes that there are no material considerations of sufficient weight to justify refusing to grant planning permission.

Formal Decision

16. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants planning permission for the erection of a secondary school with associated parking, landscaping, means of access, bin storage, electricity sub-station and replacement sports facilities, dated 18 January 2013, in accordance with application ref: 2013/21175, subject to the conditions listed at Annex A of this letter.
17. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

18. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

19. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

20. A copy of this letter has been sent to Warrington Borough Council. A notification letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

Jean Nowak

Authorised by the Secretary of State to sign in that behalf

CONDITIONS

Annex A

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and supporting documents: P3600-100A, P3600-101D, P3600-SK023E, P3600-SK021G, P3600-SK020B, P3600-102A, P3600-103E, P3600-200F, P3600-201G, P3600-202C, P3600-500B, P3600-300E, P3600-301C, P3600-302C, P3600-401, P3600-400B, P3600-900A, P3600-901, P3600-902, P3600-904, P3600-905, P3600-906, 1661.01D, 1661.02C, 1661.03A, 1661.04C, TRN 10941-SA 95 005 RevB, TRN 10941- SA 95 006, 10941-92-SK01, D21331/PR/G, P21331/PR/A, Landscape Design Strategy-Issue 3-March 2013, Construction Methodology Statement 02/01/2013, Flood Risk Assessment-January 2013, Drainage Strategy-Issue 2- April 2013, Noise Assessment-January 2013, Air Quality Assessment-January 2013, Planning Lighting Statement, Initial Sustainability Design Review Report, Planning Utility Statement, Phase 1 Land Quality Assessment-January 2013, Arboricultural Survey Report-January 2013, Ecological Appraisal-Issue4-June 2013, Transport Assessment-Final V3-January 2013, Framework Travel Plan-Final V3-March 2013, Sports Development Plan and Needs Assessment March 2013, Sports Development Plan and Needs Assessment Addendum April 2013, Playing Field Site Investigation 4 April 2013.
3. Within three months of the commencement of the development hereby permitted, samples of the materials to be used in the construction of the development shall be submitted to the local planning authority or a sample board made available for inspection on site. These samples shall include materials to be used on the exterior of buildings, external hard surfaces, car parking areas, footpaths and the access road. The samples shall be approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
4. The approved planting scheme and specification shall be carried out in the first planting and seeding seasons following the occupation or completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 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 similar size and species, unless the local planning authority gives written approval to any variation.
5. If during the course of construction, contamination not previously identified is found to be present, then no further construction works shall be carried out until a remediation strategy setting out how the contamination will be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be carried out as approved.
6. Prior to the occupation of the development, details of fixed mechanical plant and any mitigation measures necessary shall be submitted to and approved in writing by the local planning authority. The level of ambient noise from fixed mechanical plant shall not exceed the maximum monitored background noise level during either the daytime (07.00 to 23.00 hours) or night time (23.00 to 07.00 hours) on any day. The noise levels shall be determined by measurement or calculation at the nearest noise sensitive premises. The measurements and assessment shall be made according to BS4142:1997.
7. Prior to the occupation of the development, details of a full air quality assessment/dispersion modelling assessment which reviews impacts of the proposed biomass facility on local air quality shall be submitted to the local planning authority. Comparison against national standards for NOx, PM10 and PM2.5 shall be undertaken. In addition an odour assessment shall be made for emissions from the biomass unit and the biomass store. Any adverse impacts shall be identified and suitable mitigation measures implemented prior to the biomass unit being brought into use.
8. Prior to the occupation of the development, details of the air extraction and filtration system for the proposed kitchen facilities shall be submitted to and approved in writing by the local planning authority. The approved extraction and filtration system shall be implemented in full prior to the occupation of the development.

9. No development shall take place until a scheme for the management of traffic along Hillock Lane and the access road to the school from Hillock Lane has been submitted to and approved in writing by the local planning authority. The traffic management scheme shall include signage, markings and parking prohibitions on Hillock Lane and a "No Waiting At Any Time" parking restriction on the access road to the school from Hillock Lane, and a mechanism for delivery. The approved traffic management scheme shall be implemented in full prior to the occupation of the development.
10. No development shall take place until full construction details of the access road to the school from Hillock Lane have been submitted to and approved in writing by the local planning authority. The access road shall be constructed in accordance with the approved details prior to the occupation of the development.
11. Prior to the occupation of the development the car and cycle parking spaces shown on drawing no. 1661.02C shall be provided and marked out. The car and cycle parking spaces shall be retained thereafter.
12. As shown on drawing no. TRN 10941-SA 95 005 RevB, visibility splays of 2.4m x 43m shall be provided at the proposed access road onto Hillock Lane. Nothing shall be erected or allowed to grow above a height of 0.6m within the visibility splays.
13. No development shall take place until details of the boundary treatments and landscaping along the access road to the school from Hillock Lane and to the rear of 81 Hillock Lane have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. The boundary treatments and landscaping shall be put in place prior to the occupation of the development and retained thereafter.
14. Prior to the first use of the sports facilities, a sports development plan and community use agreement shall be submitted to and approved in writing by the local planning authority following consultation with Sport England. The plan and agreement shall apply to the sports hall, changing rooms, artificial grass pitch and rowing room, and shall include details of pricing policy, hours of use, access by non educational establishment users/non-members, management responsibilities, a mechanism for review and a programme for implementation. The approved plan and agreement shall be implemented from the first use of the sports facilities and shall be complied with thereafter.
15. No development shall take place until details of the design, specification and layout of the sports hall, changing rooms and artificial grass pitch have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
16. No development shall take place until a detailed scheme to ensure that the remaining part of Woolston Playing Fields will be provided to an acceptable standard in accordance with the recommendations set out in the Playing Field Site Investigation 4 April 2013 has been submitted to and approved in writing by the local planning authority. The scheme shall include a written specification of works to be undertaken and other operations associated with grass and sports turf establishment, a programme of implementation and measures to ensure continuity of use during pitch improvement works. The approved scheme shall be implemented in full and in accordance with a timeframe agreed with the local planning authority.
17. The public access from Hillock Lane through the development and into Woolston Playing Fields and Woolston Park shall be kept open throughout the construction of the development and retained thereafter.
18. The teaching facilities as indicated on the Spatial Organisation Plan drawing no. P3600-SK023E shall only be used between 07.45 and 17.30 on Mondays to Fridays and between 08.00 and 12.00 on Saturdays. On no more than 40 days in each calendar year the teaching facilities shall be open for educational purposes until 22.00. The community sports and leisure facilities as indicated on the Spatial Organisation Plan drawing no. P3600-SK023E shall only be used between 08.30 and 22.00 on Mondays to Fridays, between 09.00 and 18.00 on Saturdays and between 10.00 and 16.00 on Sundays and Bank Holidays.

Report to the Secretary of State for Communities and Local Government

by Kevin Ward BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Date: 2 December 2013

Town and Country Planning Act 1990

Warrington Borough Council

Appeal by

Great Schools for All Children (t/a Kings Leadership Academy Warrington)

Hearing held on 6 November 2013

Land off Hillock Lane, Woolston, Warrington WA1 4PF

File Ref: APP/M0655/A/13/2203059

File Ref: APP/M0655/A/13/2203059

Land off Hillock Lane, Woolston, Warrington WA1 4PF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Great Schools for All Children (t/a Kings Leadership Academy Warrington) against the decision of Warrington Borough Council.
- The application Ref 2013/21175, dated 18 January 2013, was refused by notice dated 21 June 2013.
- The development proposed is erection of secondary school with associated parking, landscaping, means of access, bin storage, electricity sub-station and replacement sports facilities.

Summary of Recommendation: The appeal be allowed and planning permission granted subject to conditions.

Procedural Matters

1. At the Hearing an application for costs was made by the Appellant against Warrington Borough Council. This application is the subject of a separate report.
2. Following the submission of the planning application a number of plans and supporting documents were revised prior to the Council's decision. I have considered the appeal proposal on the basis of these amended plans and documents which are listed in the Council's suggested condition no.12. The correct reference for the General Arrangements Plan is 1661.02C and the correct reference for the Light Spillage General Plan is D21331/PR/G.
3. Due to a typographical error the Council's first reason for refusal cites Policy GNR10 of the Warrington Unitary Development Plan (the UDP). It should in fact refer to Policy GRN10.
4. In addition to the accompanied site visit at the end of the hearing, I visited the site and the surrounding area on the afternoon of the previous day. My visit coincided with the closing times of local schools. I was able to observe the increased vehicular and pedestrian activity associated with the collection of children from these local schools and the impact on parking and the local road network.

The Site and Surroundings

5. The appeal site extends to some 2.3Ha and sits within the residential area of Woolston. It is an area of public open space containing a grass sports pitch and an all weather "Redgra" pitch with floodlight columns. The all weather pitch has not been maintained recently and the surface is overgrown and in poor condition. The floodlights are not operational. The Council confirmed that it is not in active use for its intended purpose. The appeal site forms part of a larger area of open playing fields containing a number of sports pitches. The quality and use of the sports pitches is affected by poor drainage in some areas. In addition to facilities for outdoor sports, the appeal site and the wider area of playing fields are used for informal recreation and dog walking.
6. The boundaries of the playing fields are formed by significant lines of established trees and hedging, and fencing to the rear of nearby residential properties. The playing fields link in with Woolston Park to the north to form a substantial area of greenspace within the urban area.

7. There is a vehicular access from Hillock Lane serving the playing fields and the adjacent land owned by Woolston Parish Council although this is controlled by a locked barrier. The access road runs between nos. 81 and 85 Hillock Lane. There are pedestrian links to the playing fields from Hillock Lane, Woolston Park and the lane running to the west near the Monk Sports Club.

Planning Policy

8. The development plan for the area is the UDP which was adopted in January 2006. The appeal site forms part of an area of land identified as Urban Greenspace in the UDP. The Council considers the appeal proposal to be contrary to Policies GRN2, GRN10 and DCS1. Policy GRN11 is also of particular relevance.
9. Policy GRN2 concerns environmental protection and enhancement and sets out a number of criteria to be used in making provision for development and in determining planning applications. These include protecting and enhancing valuable green spaces, playing fields and recreational facilities and protecting residential and visual amenity.
10. Policy GRN10 relates specifically to the protection and enhancement of Urban Greenspace. It states that development likely to result in an unacceptable loss of greenspace within the built up areas of the borough will not be permitted and sets out criteria against which proposals will be assessed. In summary these concern:
 - The effect of the loss of greenspace on the level, availability and accessibility of recreational facilities, children's play provision and public open space.
 - The role that the site plays as part of a network of recreational footpaths and cycle ways or as a link to other green spaces or the countryside.
 - The value of the site in terms of landscape and nature conservation.
 - The value of the site as a visual amenity or townscape feature, its contribution to the character and appearance of the area and its role in avoiding town cramming or as a visual break in an otherwise intensively developed area.
 - The importance of the site as a community resource for formal or informal events.
 - Any associated proposals for the enhancement of existing facilities nearby or the provision of equivalent replacement facilities.
11. Policy GRN11 makes it clear that the loss of existing playing fields will not be permitted unless particular criteria are met. These include cases where alternative or replacement provision of at least equivalent quantity and quality is to be made in a suitable location or where the proposed development is for an outdoor or indoor sports facility of sufficient benefit to the development of sport such that it outweighs the loss of the playing field.
12. Policy DCS1 sets out a development control strategy. It states that development proposals should be designed to a high standard and sets out a number of criteria which include the need to preserve the amenities of near neighbours.
13. The Council's Local Plan Core Strategy (the Core Strategy) was submitted for examination in September 2012. Policy QE3 relates to green infrastructure. It

emphasises the need to protect existing green infrastructure and the functions it performs whilst improving the quality and functionality of existing provision specifically to increase its attractiveness as a sport, leisure and recreation opportunity and its value as a habitat for biodiversity. It also emphasises the need to improve access to and connectivity between existing and planned provision and to secure the provision of new green infrastructure.

14. Policy QE6 of the Core Strategy seeks to avoid adverse impacts on the environment and residential amenity. It sets out a number of factors to be taken into account including noise and vibration, traffic movements and car parking.
15. Whilst the Inspector's report has not yet been published, proposed modifications to the submitted Core Strategy have been subject to public consultation. These modifications would not substantially alter Policies QE3 and QE6 of the Core Strategy. These policies are consistent with the policies of the National Planning Policy Framework (the Framework) and given the advanced stage of the emerging Core Strategy they carry significant weight.
16. Other material considerations include the Framework and the Ministerial Policy Statement – planning for schools development (August 2011).

Planning History

17. The appeal site has no relevant planning history.

The Proposal

18. The proposal is for a new secondary school for children aged 11-18 which would accommodate approximately 840 pupils and 96 staff. It would include an auditorium/hall, dining and kitchen facilities, indoor sports hall, changing facilities, artificial grass pitch and associated parking which would all be made available for community use. The car parking area would incorporate 75 spaces including 4 disabled parking spaces and a drop-off zone. Provision for parking up to 80 cycles would also be made. Additional landscaping would be provided and pedestrian routes across the site to the playing fields and Woolston Park would be maintained. The access road to Hillock Lane would be improved.

The Case for the Council

19. The Council's case can be summarised as follows¹:
20. The playing fields offer significant benefits to the local community due to the sports pitches available and their accessibility and close proximity to residents, community groups and schools. The appeal site plays an important role in creating a leafy suburban character running through the heart of the Woolston community and it provides an attractive setting for nearby dwellings.
21. The loss of greenspace would affect occupiers of nearby residential properties, those involved in outdoor sport and those engaged in recreation such as dog walkers.

¹ Based on the Council's Written Statement and submissions at the Hearing

22. The urban area would be extended into the “green lungs” of Woolston. The erosion of greenspace would affect the character and appearance of the area. The change would be significant, irreversible and permanent.
23. The proposal would substantially reduce views across to the remaining playing fields from the Hillock Road entrance. It would sub-divide the playing fields and reduce the overall sense of openness. The remaining playing fields would appear visually detached from Hillock Lane. The physical and visual barrier created would change the manner in which the playing fields are enjoyed and experienced. Their function and character would be reduced.
24. There are six existing schools in relative close proximity to the appeal site. The surrounding roads are minor and residential in character. The proposal would result in increased traffic flows and pedestrian activity in the area around school drop-off and pick-up times. Local residents already experience noise and disturbance, congestion and other inconveniences associated with coming and going from schools. The proposal would add to the level of traffic and pedestrian activity and extend the periods of disturbance given the longer school day envisaged. The issue is particularly significant in this case due to the concentration of a number of schools in a small area and the size of the new school proposed.
25. There are concerns regarding the need for additional school places on this scale and the potential adverse effect on existing secondary schools. Whilst the benefits of improved recreational facilities and community use are accepted, this needs to be seen in the context of new recreational facilities proposed nearby at the special needs school currently being built on the site of the former Woolston High School. Investment in the all weather pitch on the appeal site has been affected by the uncertainty surrounding the planning application. Improvements to the pitches are not necessarily reliant on the new school.
26. In overall terms, the proposal would lead to an unacceptable loss of urban greenspace to the detriment of visual amenity and the character and appearance of the area. It would have a detrimental impact on the amenities enjoyed by local residents by virtue of the comings and goings and disturbance from increased and prolonged vehicular and pedestrian activity. The proposal fails to comply with policies GRN2, GRN10 and DCS1 of the UDP, Policies QE3 and QE6 of the Core Strategy and the Framework. The benefits of the proposal do not outweigh the harm.

The Case for the Appellant

27. The Appellant’s case can be summarised as follows²:
28. The appeal site only takes up approximately 18% of the wider area of playing fields. The built development proposed would only cover approximately 8% of this area. A substantial area of greenspace would remain. Impact on the landscape would be localised and small scale. There is significant screening of the playing fields from residential properties and Woolston Park due to boundary vegetation. There is little if any visual connection between the playing fields and

² Based on the Appellant’s Written Statement, response to the statements from the Council and interested parties and submissions at the Hearing

Woolston Park. Views of the appeal site from residential properties are limited and are from upper floors at distance.

29. The proposal would incorporate significant additional planting and landscape bunding. It would not be unduly prominent from surrounding areas and the function and integrity of the wider area of greenspace would not be significantly affected.
30. The existing all weather pitch on the appeal site has not been maintained and is not in active use. The grass pitch is in need of improvement. The proposed artificial grass pitch and sports hall would be available for community use and the wider area of sports pitches would be improved. There will be a significant benefit in terms of the range and quality of sports facilities available to the local community and the hours that they can be used. Sport England does not object to the revised proposal subject to appropriate conditions.
31. Subject to some relatively minor access and traffic management improvements, additional traffic from the proposal could be accommodated safely on the highway network. Adequate car parking and a drop-off zone would be provided within the site. A significant proportion of pupils would live relatively close to the new school and secondary school pupils have a greater tendency to travel unaccompanied to school. The travel plan will encourage walking, cycling and the use of public transport. There is no other secondary school in the immediate vicinity and the proposed new school would help to reduce out commuting.
32. Any increases in noise levels would not be significant and would be for short periods of time. They would not be particularly noticeable compared with existing background noise levels. The proposed new school will open earlier and close later than existing schools in the area. This will avoid cumulative effects of additional traffic and activity in the area.
33. The proposed school will increase choice and help to raise educational standards, it will complement existing provision. There is significant public demand and support for the proposed school. The proposal accords with Para. 72 of the Framework and the Ministerial Policy Statement – planning for schools development.
34. The construction and operation of the school and associated community facilities would represent a significant economic investment in the area and support jobs.
35. In overall terms, the proposal would not have a significant effect on the appearance or function of the wider area of urban greenspace and would not adversely affect the character and appearance of the area generally. It would not have a significant effect on the living conditions of local residents in terms of noise and disturbance from increased traffic and pedestrian activity. The Council has not provided technical evidence to support its reasons for refusal and the relevant officers considered the proposal acceptable. The proposal would bring significant benefits in terms of education provision, sports and community facilities and the local economy. It accords with relevant local and national policy.

The Case for others who spoke at the Hearing

36. Dennis Pickering, a local resident spoke in opposition to the proposal and made the following points. Hillock Lane is narrow and a bus route and there are

already major problems with the amount of traffic and parking; cycling is hazardous. There would be a significant increase in noise and disturbance from the arrival and departure of pupils and staff, particularly early in the morning. The disturbance and inconvenience would be for an extended period given the proposed hours of use for the school and community facilities. Light spillage from floodlighting would cause problems. There are concerns about the security of the site and unauthorised access. The proposed school would divert resources away from existing schools.

Written Representations

37. The Council received twenty three objections to the planning application. Three Councillors submitted objections as did Woolston Parish Council. Concerns were raised about increased levels of traffic, parking and congestion and the effect on highway safety. It was considered that there would be an unacceptable increase in noise and disturbance due to arrivals and departures from the school and a potential increase in anti-social behaviour. Access arrangements were considered inappropriate and inadequate. There were concerns regarding disturbance during construction, the effect on the privacy and outlook of those living adjacent to the access, the effect on flooding and drainage and the effect on wildlife. The loss of open space and recreation facilities was considered inappropriate. There were concerns regarding the lack of need for the school and the effect on existing schools. It was considered that there were more appropriate sites available.
38. Seventy eight responses were received in support of the planning application. These highlighted the educational, community and recreational benefits of the proposal and the significant level of support from parents. It was considered that the site offered a suitable and sustainable location for a new secondary school and that the effects of additional traffic could be accommodated. Support was expressed for the design of the proposed school and it was considered that it could be readily accommodated on the playing fields.
39. In response to the appeal there were thirteen representations objecting to the proposal. These raised similar issues to those submitted at the application stage and emphasised concerns in relation to the loss of greenspace, increased noise and disturbance, the need for a new school and the effect on other schools. Issues relating to the potential catchment area and the effect on transport modes were highlighted.
40. There were twenty six representations in support of the appeal making similar points to those raised at the application stage.

Conditions

41. The Council suggested thirty four conditions should the appeal be allowed. These were discussed at the hearing and have been considered in the light of Circular 11/95: The use of conditions in planning permissions and Para. 206 of the Framework which require conditions to be necessary, relevant to planning and the development to be permitted, enforceable, precise and reasonable in all other respects.
42. The Council accepted at the hearing that a number of suggested conditions which referred to supporting documents were unnecessary given that suggested

condition no.12 sets out a comprehensive list of such documents. It also acknowledged that in some cases, details sought through suggested conditions were already provided in submitted plans and documents. For these reasons the suggested individual conditions in respect of the Construction Methodology Statement, the Drainage Strategy and surface water management, tree protection, air quality during construction and the Framework Travel Plan are not required.

43. There is no evidence that the appeal site itself is of particular importance for roosting bats or nesting birds. Existing boundary vegetation would be largely unaffected. The suggested conditions relating to the timing of any clearance works and the provision of roosting and nesting facilities are therefore unnecessary.
44. A condition specifically concerning the details and hours of use of the floodlighting for the artificial grass pitch is not required given that sufficient information has already been submitted, it has been demonstrated that there would be no adverse effect on nearby residents and the hours of use of the sports and community facilities would be controlled by a separate condition. The suggested condition relating to additional lighting columns or floodlighting beyond those in the proposed scheme is unnecessary as these would require separate permission.
45. It would be unduly onerous to impose a condition setting out specific class times for the proposed school. Other school class times in the locality are not controlled in this way and could well change over time. On the basis of evidence available such a specific condition would in any case not be required to ensure highway safety or protect the living conditions of local residents.
46. The suggested conditions relating to security measures, a local employment scheme, public art and energy efficiency and renewable/low carbon energy sources are not necessary to make the proposal acceptable in planning terms and are not specific policy requirements.
47. A number of conditions are required in order to protect the living conditions of local residents, these relate to fixed mechanical plant, the extraction system for the kitchen facilities, the details of boundary treatments along the access road (which were not included at the time of the Council's decision) and the overall hours of use of the school, sports and community facilities. For operational reasons it is appropriate to extend the permitted hours of use of the school and teaching facilities to 17.30 on Mondays to Fridays rather than 17.00 as suggested by the Council. A condition in respect of the proposed biomass boiler and store is required in the interests of the living conditions of local residents and air quality.
48. Conditions requiring the provision of samples of external materials and hard surfacing and the implementation of the landscape planting scheme are necessary in the interests of the character and appearance of the area.
49. In order to ensure adequate highway safety, conditions are required in relation to traffic management measures along and near the access road from Hillock Lane, construction details of the access road, the provision and retention of car and cycle parking and visibility splays.

50. Given the site investigation works already undertaken and the history of the site as an area of public open space, the conditions suggested by the Council in respect of contamination would be unduly onerous and are not required. A simpler condition relating to unexpected contamination encountered during construction is justified however, in the interests of human health and the environment.
51. Conditions regarding the submission, agreement and implementation of a sports development plan and community use agreement, the details and specifications of the sports hall, changing rooms and artificial grass pitch and a scheme for the improvement of the remaining playing fields are required to ensure that there is sufficient benefit to the development of sport, suitable arrangements for community access and that the loss of the existing playing fields on the site is effectively mitigated. It would be unreasonable however to include a clause relating to the long term provision of the remaining playing fields given that such matters would be the responsibility of the Council. A condition ensuring that a pedestrian route to the playing fields and Woolston Park from Hillock Lane is maintained during construction and thereafter is required in the interests of providing effective community access to public open space.
52. For the avoidance of doubt and in the interests of proper planning a condition to ensure that development is carried out in accordance with the approved plans and relevant supporting documents is necessary.
53. I have made a number of amendments to the detailed wording of the Council's suggested conditions in the interests of clarity.

Inspector's Conclusions

54. I consider that the main issues in relation to the appeal are:

- a) The effect of the proposal on urban greenspace.
- b) The effect of the proposal on the living conditions of local residents in terms of noise and disturbance.
- c) The benefits of the proposal and whether these would outweigh any harm in terms of urban greenspace and living conditions.

Urban greenspace

55. Given its current open, undeveloped nature, the appeal site contributes positively to the character and appearance of the area, forming part of a substantial area of urban greenspace. The proposal would reduce the amount of greenspace, alter the character and appearance of the appeal site significantly and extend the built up area of Woolston.
56. However, the majority of the playing fields would remain undeveloped and open. Combined with Woolston Park they would continue to form a substantial area of greenspace within the urban area. Whilst views across the appeal site from nearby dwellings, from within the playing fields and from the access via Hillock Lane would inevitably be affected, existing and proposed landscaping would do much to screen the built development from wider views. The proposal would not have a significant effect on the overall amount of greenspace available. Pedestrian links across to the playing fields and Woolston Park would be retained

- and these areas would remain fully accessible to the local community. The perception of a large area of public greenspace would remain.
57. The proposal would not therefore have a significant effect on the integrity and function of the wider area of urban greenspace in terms of townscape and visual amenity and the effect on the character and appearance of the wider area would be limited.
58. As part of the playing fields, the appeal site provides a recreational resource for the local community both in terms of organised sport and informal activity such as dog walking. The existing sports pitches on the appeal site would be lost.
59. However, as noted above, the value of the site in terms of sport is limited by the poor condition of the all weather pitch. Following discussions with Sport England, the proposal was amended to include an artificial grass pitch in line with standards for football and rugby league and a four court sports hall. Subject to the provision of these facilities, improvements to the remaining grass pitches on the playing fields and a sports development plan and community use agreement, Sport England withdrew its original objection on the basis that the benefit to the development of sport would outweigh the loss of the playing field.
60. Whilst opportunities for informal recreation and dog walking on the appeal site itself would be lost, a substantial area of public open space would remain on the rest of the playing fields and in Woolston Park.
61. Subject to appropriate conditions, the proposal would provide a net benefit in terms of the provision, range and quality of sports facilities available to the local community. There would be a very limited impact on the opportunity for informal recreation given the amount of public open space that would remain overall. The Council accepts that on balance the proposal has benefits in terms of recreation. The impact on the recreational value of the appeal site was not specifically referred to in the reasons for refusal or in the Council's written statement.
62. Whilst there would be a limited effect in terms of townscape, visual amenity and the character and appearance of the area, there would be net benefits in relation to the provision of recreational facilities. The proposal would not result in the unacceptable loss of urban greenspace therefore.

Noise and disturbance

63. The Council does not contend that the proposal would have an adverse effect on highway safety. Its concerns in terms of noise and disturbance relate specifically to the increase in vehicular and pedestrian activity and the extended period for such activity compared with existing schools.
64. The concentration of existing schools, particularly the three primary schools in close proximity to the appeal site already causes issues in terms of parking, localised congestion and the free flow of traffic. There is significant vehicle and pedestrian activity around the schools and surrounding streets at the start and end of the school day.
65. Clearly the introduction of a new secondary school and associated community facilities will involve increases in vehicular and pedestrian activity above current levels. However, it is likely that the majority of the secondary school pupils will

- live relatively locally and a significant number would be able to walk or cycle. Hillock Lane is on a bus route and there are bus stops close to the site entrance. Given the age group, there is a greater tendency for secondary school pupils to travel to school unaccompanied compared with those attending primary schools.
66. The provision of 75 car parking spaces would be only slightly below the Council's adopted maximum standard for such a development (80 spaces). Significant cycle parking would be made available. The design and layout of the proposal would allow for pupils to be dropped off within the site, reducing the need for parking on surrounding streets.
 67. The Noise Assessment produced on behalf of the Appellant (and not disputed by the Council) concludes that additional traffic associated with the proposal would only result in a minimal increase in noise compared with background levels.
 68. It is intended that the proposed school day would start at 08.20 and finish at 16.30 Monday to Friday. It is also intended to open the school on Saturday mornings. The nearby primary schools currently have school days which start later and finish earlier. The intended arrangements would extend the time periods of increased vehicular and pedestrian activity and potential disturbance. On the other hand they would reduce the likely peak level of activity and spread it more evenly on weekdays.
 69. In any event, the technical evidence available concludes that noise levels would not be significantly above existing background levels. Even with the longer school hours proposed, the increased vehicular and pedestrian activity would be for relatively short periods of time. It would not be particularly early in the morning or late at night when local residents are entitled to expect a degree of tranquillity.
 70. It is intended that the sports and community facilities would be open until 22.00 on Mondays to Fridays, 18.00 on Saturdays and 16.00 on Sundays and Bank Holidays. Vehicular and pedestrian activity associated with such use is likely to be spread over time and is not likely to coincide to any great extent with the school opening and closing times. Again it would not be particularly early in the morning or late at night and the technical evidence available does not indicate significantly increased noise levels. The Council has not raised specific concerns in respect of noise and disturbance from the sports and community facilities.
 71. I appreciate that a number of local residents clearly have genuine concerns about the proposal and the potential increase in noise and disturbance and general inconvenience. However, taking all of the above factors into account, I consider that whilst there would be increased vehicular and pedestrian activity associated with the proposal and the periods of such activity would be extended compared to the current situation, this is not to the extent that it would lead to significant harm to the living conditions of local residents in terms of additional noise and disturbance.

The benefits of the proposal

72. Para. 72 of the Framework makes it clear that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. It advocates a proactive, positive and collaborative approach to meeting this requirement and to

development that will widen choice in education. Great weight should be given to the need to create, expand or alter schools. Similar principles are set out in the Ministerial Policy Statement – planning for schools development, which emphasises the commitment to increasing both the number of school places and choice and diversity in the state funded sector and makes it clear that there should be a presumption in favour of the development of state funded schools.

73. I have taken account of the concerns raised by interested parties in terms of the need for additional school places and the potential adverse effect on the operation and viability of existing secondary schools. Similar concerns were raised by the Council at the hearing although they did not form part of the Council's reasons for refusal and were not set out in its written statement.
74. There are differing views as to the potential effects on existing schools and the justification for the proposed school in terms of the need to raise educational standards. What is clear however is that the proposal will create an additional school, increasing the number of school places available and creating greater choice and diversity for secondary education in the area. In the context of the Framework and the Ministerial Policy Statement, this constitutes a significant benefit that carries substantial weight.
75. As set out above, there are net benefits in respect of the provision of sport and recreational facilities for the local community. Community access and use of a range of facilities within the proposed development, along with improvements to the remaining playing fields represents a significant benefit.
76. The proposal would involve a substantial investment and bring economic benefits to the area both through the initial construction phase and in the longer term through the operation of the school and associated facilities.
77. There would be substantial benefits in terms of educational provision and choice, recreational and community facilities and economic investment. Given that I have found no significant harm in relation to urban greenspace and living conditions, this adds to the weight of argument in favour of the proposal.

Other Matters

78. I have taken account of the range of other matters raised by local residents. The Appellant undertook an assessment of potential alternative sites and having considered options concluded that the appeal site is the only realistically available, deliverable and suitable site. There is no substantive evidence to suggest otherwise.
79. The proposed building would be two storeys in height and sit within the site, set back from the boundaries with residential properties. Existing boundary landscaping would be supplemented by new planting. Given this, there would not be a significant effect on the outlook from nearby dwellings or the privacy of their occupiers. Information submitted in relation to the floodlighting arrangements for the artificial grass pitch demonstrates that nearby residents would not be affected by light spillage. Although the vehicular and main pedestrian access would pass between nos. 81 and 85 Hillock Lane, this is the case with the current access to the playing fields. Potential noise and disturbance would be focussed on relatively short periods of time at the start and end of the school day and subject to a condition, additional screening could be provided along the

boundaries of these properties as suggested by the Appellant (Plan Ref 1661.05.A).

80. There is no evidence that the appeal site is of particular importance as a wildlife habitat. Existing boundary vegetation would be largely unaffected and the proposal would include ponds and additional planting. The appeal site is in Flood Zone 1 and therefore at low risk of flooding. The proposal includes suitable arrangements for on site drainage and the improvements to the remaining sports pitches would assist in alleviating existing drainage problems.
81. The Construction Methodology Statement submitted by the Appellant sets out a comprehensive range of measures to control and reduce the potential impacts on local residents during the construction phase. The proposal will introduce natural surveillance to the site extending into the evenings and will incorporate significant boundary treatments. There is no basis to conclude that it will not be a suitably secure and safe environment.
82. The available evidence demonstrates that the improvements to the entrance from Hillock Lane and associated traffic management measures would provide a suitable and safe access.

Overall conclusion

83. The proposal would not result in the unacceptable loss of Urban Greenspace, it would not have a significant effect on the living conditions of local residents in terms of noise and disturbance and there would be substantial benefits in terms of educational provision and choice, recreational and community facilities and economic investment.
84. The proposal accords with Policies GRN2, GRN10, GRN11 and DCS1 of the UDP, Policies QE3 and QE6 of the Core Strategy and relevant aspects of the Framework.

Recommendation

85. I recommend that the appeal be allowed and planning permission be granted subject to the conditions set out in the attached schedule.

Kevin Ward

INSPECTOR

Schedule of recommended conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and supporting documents: P3600-100A, P3600-101D, P3600-SK023E, P3600-SK021G, P3600-SK020B, P3600-102A, P3600-103E, P3600-200F, P3600-201G, P3600-202C, P3600-500B, P3600-300E, P3600-301C, P3600-302C, P3600-401, P3600-400B, P3600-900A, P3600-901, P3600-902, P3600-904, P3600-905, P3600-906, 1661.01D, 1661.02C, 1661.03A, 1661.04C, TRN 10941-SA 95 005 RevB, TRN 10941- SA 95 006, 10941-92-SK01, D21331/PR/G, P21331/PR/A, Landscape Design Strategy-Issue 3-March 2013, Construction Methodology Statement 02/01/2013, Flood Risk Assessment-January 2013, Drainage Strategy-Issue 2- April 2013, Noise Assessment-January 2013, Air Quality Assessment-January 2013, Planning Lighting Statement, Initial Sustainability Design Review Report, Planning Utility Statement, Phase 1 Land Quality Assessment-January 2013, Arboricultural Survey Report-January 2013, Ecological Appraisal-Issue4-June 2013, Transport Assessment-Final V3-January 2013, Framework Travel Plan-Final V3-March 2013, Sports Development Plan and Needs Assessment March 2013, Sports Development Plan and Needs Assessment Addendum April 2013, Playing Field Site Investigation 4 April 2013.
- 3) Within three months of the commencement of the development hereby permitted, samples of the materials to be used in the construction of the development shall be submitted to the local planning authority or a sample board made available for inspection on site. These samples shall include materials to be used on the exterior of buildings, external hard surfaces, car parking areas, footpaths and the access road. The samples shall be approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) The approved planting scheme and specification shall be carried out in the first planting and seeding seasons following the occupation or completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 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 similar size and species, unless the local planning authority gives written approval to any variation.
- 5) If during the course of construction, contamination not previously identified is found to be present, then no further construction works shall be carried out until a remediation strategy setting out how the contamination will be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be carried out as approved.
- 6) Prior to the occupation of the development, details of fixed mechanical plant and any mitigation measures necessary shall be submitted to and approved in writing by the local planning authority. The level of ambient noise from fixed mechanical plant shall not exceed the maximum monitored background noise level during either the daytime (07.00 to 23.00 hours) or

night time (23.00 to 07.00 hours) on any day. The noise levels shall be determined by measurement or calculation at the nearest noise sensitive premises. The measurements and assessment shall be made according to BS4142: 1997.

- 7) Prior to the occupation of the development, details of a full air quality assessment/dispersion modelling assessment which reviews impacts of the proposed biomass facility on local air quality shall be submitted to the local planning authority. Comparison against national standards for NO_x, PM₁₀ and PM_{2.5} shall be undertaken. In addition an odour assessment shall be made for emissions from the biomass unit and the biomass store. Any adverse impacts shall be identified and suitable mitigation measures implemented prior to the biomass unit being brought into use.
- 8) Prior to the occupation of the development, details of the air extraction and filtration system for the proposed kitchen facilities shall be submitted to and approved in writing by the local planning authority. The approved extraction and filtration system shall be implemented in full prior to the occupation of the development.
- 9) No development shall take place until a scheme for the management of traffic along Hillock Lane and the access road to the school from Hillock Lane has been submitted to and approved in writing by the local planning authority. The traffic management scheme shall include signage, markings and parking prohibitions on Hillock Lane and a "No Waiting At Any Time" parking restriction on the access road to the school from Hillock Lane, and a mechanism for delivery. The approved traffic management scheme shall be implemented in full prior to the occupation of the development.
- 10) No development shall take place until full construction details of the access road to the school from Hillock Lane have been submitted to and approved in writing by the local planning authority. The access road shall be constructed in accordance with the approved details prior to the occupation of the development.
- 11) Prior to the occupation of the development the car and cycle parking spaces shown on drawing no. 1661.02C shall be provided and marked out. The car and cycle parking spaces shall be retained thereafter.
- 12) As shown on drawing no. TRN 10941-SA 95 005 RevB, visibility splays of 2.4m x 43m shall be provided at the proposed access road onto Hillock Lane. Nothing shall be erected or allowed to grow above a height of 0.6m within the visibility splays.
- 13) No development shall take place until details of the boundary treatments and landscaping along the access road to the school from Hillock Lane and to the rear of 81 Hillock Lane have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. The boundary treatments and landscaping shall be put in place prior to the occupation of the development and retained thereafter.
- 14) Prior to the first use of the sports facilities, a sports development plan and community use agreement shall be submitted to and approved in writing by the local planning authority following consultation with Sport England. The plan and agreement shall apply to the sports hall, changing rooms, artificial

grass pitch and rowing room, and shall include details of pricing policy, hours of use, access by non educational establishment users/non-members, management responsibilities, a mechanism for review and a programme for implementation. The approved plan and agreement shall be implemented from the first use of the sports facilities and shall be complied with thereafter.

- 15) No development shall take place until details of the design, specification and layout of the sports hall, changing rooms and artificial grass pitch have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 16) No development shall take place until a detailed scheme to ensure that the remaining part of Woolston Playing Fields will be provided to an acceptable standard in accordance with the recommendations set out in the Playing Field Site Investigation 4 April 2013 has been submitted to and approved in writing by the local planning authority. The scheme shall include a written specification of works to be undertaken and other operations associated with grass and sports turf establishment, a programme of implementation and measures to ensure continuity of use during pitch improvement works. The approved scheme shall be implemented in full and in accordance with a timeframe agreed with the local planning authority.
- 17) The public access from Hillock Lane through the development and into Woolston Playing Fields and Woolston Park shall be kept open throughout the construction of the development and retained thereafter.
- 18) The teaching facilities as indicated on the Spatial Organisation Plan drawing no. P3600-SK023E shall only be used between 07.45 and 17.30 on Mondays to Fridays and between 08.00 and 12.00 on Saturdays. On no more than 40 days in each calendar year the teaching facilities shall be open for educational purposes until 22.00. The community sports and leisure facilities as indicated on the Spatial Organisation Plan drawing no. P3600-SK023E shall only be used between 08.30 and 22.00 on Mondays to Fridays, between 09.00 and 18.00 on Saturdays and between 10.00 and 16.00 on Sundays and Bank Holidays.

APPEARANCES

FOR THE APPELLANT:

Justin Paul	J10 Planning
Richard Berry	Pozzoni Architects
Carl Taylor	TPM Landscape
Robert Ford	Waterman Group
Mark Maclagan	Waterman Group
Sir Iain Hall	Kings Leadership Academy

FOR THE LOCAL PLANNING AUTHORITY:

Andrew McGlone	Senior Planning Officer
Steve Smith	Environmental Health Officer
Hilary Smith	Families and Wellbeing Directorate
Cllr Paul Bretherton	Local Councillor
Cllr Bill Brinksman	Local Councillor
Cllr Colin Froggatt	Local Councillor

INTERESTED PERSONS:

Dennis Pickering	Local resident
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DOCUMENTS

- 1 Letter of notification of hearing arrangements
- 2 UDP Policy DCS2
- 3 Supplementary Planning Document: Design and Construction
- 4 Written application for costs submitted by Appellant



Department for Communities and Local Government

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS;

The decision may be challenged by making an application to the High Court under Section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

Decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged under this section. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application under this section must be made within six weeks from the date of the decision.

SECTION 2: AWARDS OF COSTS

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

SECTION 3: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the report of the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.