

Strategic Planning Board

Agenda

Date: Wednesday, 9th December, 2020
Time: 10.00 am
Venue: Virtual

How to Watch the Meeting

For anybody wishing to watch the meeting live please click in the link below:

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or dial in via telephone on 141 020 33215200 and enter Conference ID: 974 018 273#

Please note that members of the public are requested to check the Council's website the week the Strategic Planning Board meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the top of each report.

It should be noted that Part 1 items of Cheshire East Council decision meetings are live recorded and the recordings are uploaded to the Council's website.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

To receive any apologies for absence.

2. **Declarations of Interest/Pre Determination**

Please Contact: Sarah Baxter on 01270 686462
E-Mail: sarah.baxter@cheshireeast.gov.uk with any apologies or request for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have a pre-determination in respect of any item on the agenda.

3. **Minutes of the Previous Virtual Meeting** (Pages 5 - 12)

To approve the minutes of the previous virtual meeting held on 18 November 2020 as a correct record.

4. **Public Speaking-Virtual Meetings**

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Strategic Planning Board
- The relevant Town/Parish Council

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not members of the Strategic Planning Board and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **19/1068M-The demolition of existing buildings and the residential redevelopment of The King's School Cumberland Street site to provide a mixture of conversion and new build dwellings and 'Later Living' apartments, with associated access, car parking, open space, landscaping and infrastructure, Kings School, Cumberland Street, Macclesfield for Mr James Payne, Hillcrest Homes (est 1985) ltd and the Foundation of Sir John Percyvale** (Pages 13 - 54)

To consider the above application.

6. **20/3107M-Full planning application for surface water drainage improvement works comprising alterations to existing culverts; the creation of new culverts; the excavation of material and formation of two flood storage basins; and temporary stockpiling of material, Royal London Campus, East of Alderley Road, Wilmslow for C/o Agent, The Royal London Mutual Insurance Society Limited (RLMIS)** (Pages 55 - 78)

To consider the above application.

7. **20/3833M-Erection of glasshouse with associated lagoon, water tank and hard standing (Phase 2), Woodend Nursery, Stocks Lane, Over Peover for Mr C Rudd, F Rudd And Sons Nursery** (Pages 79 - 94)

To consider the above application.

8. **Update following the resolution to approve application 20/0901C: Part full/part outline application proposing: 1: Full planning application for an employment Development (Use Class B2 & B8 with ancillary Use Class B1 floorspace), and security gatehouse and Weighbridge, the provision of associated Infrastructure, including a substation, plant, pumping Station, service yards, car and hgv parking, cycle and Waste storage, landscaping, ecological enhancement Area, drainage attenuation, access from ERF way and Re-alignment of the River Croco tributary. 2: Outline Planning application for an employment development (Use Class B2 & B8 with ancillary Use Class B1 Floorspace) with all detailed matters except for Access reserved for future determination, phase 4b and 1b Magnitude - off ERF Way, Middlewich for Magnitude Land LLP & Swizzels Matlow Ltd (Pages 95 - 104)**

To consider the above report.

Membership: Councillors A Critchley, S Edgar, A Farrall, S Gardiner (Vice-Chairman), P Groves, S Hogben, M Hunter (Chairman), D Jefferay, R Moreton, P Redstone, J Weatherill and P Williams

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CHESHIRE EAST COUNCIL

Minutes of a virtual meeting of the **Strategic Planning Board**
held on Wednesday, 18th November, 2020

PRESENT

Councillor S Gardiner (Vice-Chairman)

Councillors A Critchley, S Edgar, A Farrall, P Groves, S Hogben, D Jefferay, R Moreton, P Redstone, J Weatherill and P Williams

OFFICERS IN ATTENDANCE

Mr A Crowther (Major Applications-Team Leader), Mrs N Folan (Planning Solicitor), Mr P Hurdus (Highways Development Manager) Mr R Law (Planning Team Leader) and Mr D Malcolm (Head of Planning)

47 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor M Hunter.

48 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in respect of applications 19/1371N, 19/2178N and 20/2925M, Councillor S Edgar declared that he was the Chairman of the Public Rights of Way Committee, who had been consulted on the applications, however had had not discussed the applications or made any comments on it.

In the interest of openness in respect of applications 19/1371N and 19/2178N, Councillor S Hogben declared that he was a non-Executive Director of ANSA who had been consulted on the applications, however he had not discussed the applications or made any comments on it.

In the interest of openness in respect of application 19/2178N, Councillor S Gardiner declared that Gary Halman who was speaking on the application was known to him.

In the interest of openness in respect of application 20/2925M, Councillor S Gardiner declared that the agents for the application were a previous employer.

It was noted that all Members had received correspondence in respect of application 20/2925M.

49 MINUTES OF THE PREVIOUS VIRTUAL MEETING

RESOLVED

That the minutes of the virtual meeting held on 18 October 2020 be approved as a correct record and signed by the Chairman.

50 PUBLIC SPEAKING-VIRTUAL MEETINGS

RESOLVED

That the public speaking procedure be noted.

51 19/1371N-OUTLINE APPLICATION FOR THE DEVELOPMENT OF UP TO 400 RESIDENTIAL UNITS (USE CLASS C3) AND ASSOCIATED INFRASTRUCTURE AND OPEN SPACE, LAND OFF, MINSHULL NEW ROAD, LEIGHTON, CREWE FOR MR M THOMPSON, ENGINE OF THE NORTH LTD

Consideration was given to the above application.

RESOLVED

That for the reasons set out in the report and in the written and verbal update to the Board, the application be approved subject the following conditions:-

1. Outline – matters to be reserved
2. Outline – timescales
3. Approved plans
4. Phasing plan
5. Materials
6. Landscaping
7. Landscape implementation
8. Submission of an AIA at reserved matters stage
9. Tree/hedgerow protection plan
10. Development to be carried out in accordance with the approved FRA
11. Submission of a detailed strategy/design limiting surface water runoff
12. Surface water rates and outfall locations to be agreed
13. Foul and surface water on separate systems
14. Implementation of the NW Crewe Package before first occupation
15. Implementation of highways infrastructure prior to occupation
16. Future RM application to provide unimpeded access to adjacent development to the north
17. Construction/Environmental Management plan
18. Travel plan
19. Public Rights of Way Management Scheme and signage to be agreed
20. Electric vehicle infrastructure
21. Ultra-Low Emission Boilers
22. Phase II ground investigation
23. Verification report
24. Soils assessment
25. Unexpected contamination

26. Reserved matters applications to be supported by an updated badger survey and mitigation strategy.
27. Submission of a wildlife friendly lighting scheme with reserved matters applications.
28. Submission of a detailed strategy for the delivery and 25 year management of the habitat creation measures detailed on the submitted Ecological Mitigation Plan (drawing reference G7362.020A prepared by TEP) with the relevant reserved matters application. The strategy to include compensatory hedgerow planting for any hedgerows lost.
29. Each reserved matters application to be supported by proposals for the incorporation of features including, bird (swift, house sparrow) and bat boxes, hedgehog domes, brash and log piles, gaps in garden fences for hedgehog and native species planting,
30. Submission and implementation of 25 year habitat management plan with any subsequent reserved matters application.
31. Retention of all trees with bat roost potential unless otherwise agreed by the Council at the reserved matters a stage.
32. Retention of hedgerows (H7 and H9) on submitted plans as important hedgerows.
33. Updated barn owl survey to be undertaken. The survey should include buildings B14, B31 and B39.
34. Archaeology
35. Levels
36. Urban design coding submitted as part of RM submission in line with the Cheshire East Design Guide.
37. Requirement to enter into a Section 106 Agreement securing the following:-

S106	Amount	Triggers
Affordable Housing	20% (65% Affordable Rent / 35% Intermediate)	In accordance with phasing plan to be submitted at the reserved matters stage. No more than 80% open market occupied prior to affordable provision in each phase.
Education	£1,488,500	50% upon first occupation remainder upon 25% occupation
Health	£40,000	50% paid upon commencement of development and the remaining 50% paid completion of 90% of the dwellings.
Indoor recreation	£71,500	On first occupation
Outdoor recreation	Private Management Co.	On first occupation
Public Open Space	Private Management Co.	On first occupation

Highways contribution Towards NWCP	£5,500 per dwelling (£5,500 x 400 units = £2,200,000	1/2 on 1st occupation 1/2 on 200th unit. but in any event all of the commuted sum to be paid by a fixed point/date in development
Highways contribution To Leighton Hospital Link	£100,000	On first occupation
Travel Plan Monitoring	£5,000	On first occupation
S106 contributions subject to overage review		To ensure additional profits over and above those expected are captured

In the event of any changes being needed to the wording of the Board's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Board's decision.

(During consideration of the application, Councillor A Farrall arrived to the virtual meeting and therefore did not take part in debate or vote on the application. Councillors R Moreton and P Redstone lost connection during consideration of the application and therefore also did not take part in the rest of the debate or vote on the application. Prior to consideration of the following item, the virtual meeting was adjourned for a short break).

52 19/2178N-OUTLINE PLANNING APPROVAL FOR THE DEVELOPMENT OF UP TO 850 RESIDENTIAL UNITS (USE CLASS C3), LAND RESERVED FOR NEW PRIMARY SCHOOL, A LOCAL CENTRE (USE CLASS A1-A4, AA, B1A, C3 AND D1) AND ASSOCIATED INFRASTRUCTURE AND OPEN SPACE, LAND OFF MINSHULL NEW ROAD AND FLOWERS LANE, LEIGHTON FOR BLOOR HOMES AND GALIFFORD TRY PARTNERSHIP

Consideration was given to the above application.

RESOLVED

That for the reasons set out in the report and in the written and verbal update to the Board, the application be approved subject to the completion of a Section 106 Agreement securing the following:-

S106	Amount	Triggers
Affordable Housing	10% (65% Affordable Rent / 35% Intermediate)	In accordance with phasing plan submitted at the reserved matters stage.

		No more than 80% open market occupied prior to affordable provision in each phase.
Education	£708,850 and a of provision serviced site for a school	50% upon first occupation remainder upon 25% occupation
Health	£86,000	50% paid upon commencement of development and the remaining 50% paid upon completion of 90% of the dwellings.
Indoor recreation	£149,500	On first occupation
Outdoor recreation	Private Management Co.	On first occupation
Public Open Space	Private Management Co.	On first occupation
Highways contribution Towards NWCP	£5,500 per dwelling (£5,500 x 850 units = £4,675,000	1/3 on 1st occupation 1/3 at 300th unit; 1/3 at 600th unit. but in any event all of the commuted sum to be paid by a point/date in the development
Highways contribution Leighton Hospital Cycle Link	£212,500	On first occupation
Travel Plan monitoring	£5,000	On first occupation
S106 contributions subject to overage review		To ensure additional profits over and above those expected are captured

And subject to the following conditions:-

1. Outline – matters to be reserved
2. Outline – timescales
3. Approved plans
4. Phasing plan
5. Materials
6. Landscaping
7. Landscape implementation
8. Submission of an AIA at reserved matters stage to include an updated hedgerow impact assessment
9. Tree/hedgerow protection plan
10. Development to be carried out in accordance with the approved FRA
11. Submission of a detailed strategy/design limiting surface water runoff
12. Surface water rates and outfall locations to be agreed
13. Foul and surface water on separate systems
14. Implementation of the NW Crewe Package before first occupation

15. Implementation of highways infrastructure prior to occupation
16. Provision of pedestrian links N & S of Flowers Lane
17. Future RM application to provide unimpeded access to adjacent development to the south
18. Construction/Environmental Management plan
19. Travel plan
20. Public Rights of Way Management Scheme and signage to be agreed
21. Requirement to submit a noise impact assessment (NIA) inclusive of vibration at reserved matters.
22. Details of any proposed external flood lighting to be submitted
23. Electric vehicle infrastructure
24. Ultra-Low Emission Boilers
25. Phase II ground investigation
26. Verification report
27. Soils assessment
28. Unexpected contamination
29. Reserved matters applications to be supported by an updated badger and barn owl survey and mitigation strategy.
30. Submission of a wildlife friendly lighting scheme with reserved matters applications.
31. Submission of a detailed strategy for the delivery and 25 year management of the habitat creation measures detailed on the submitted Ecological Mitigation Plan (drawing reference G7362.020A prepared by TEP) with the relevant reserved matters application. The strategy to include compensatory hedgerow planting for any hedgerows lost.
32. Each reserved matters application to be supported by proposals for the incorporation of features including, bird (swift, house sparrow) and bat boxes, hedgehog domes, brash and log piles, gaps in garden fences for hedgehog and native species planting,
33. Submission and implementation of 25 year habitat management plan with any subsequent reserved matters application.
34. Retention of all trees with bat roost potential unless otherwise agreed by the Council at the reserved matters a stage.
35. Archaeology
36. Levels
37. Restriction on uses/floor-space in local centre
38. Urban design coding submitted as part of RM submission in line with the Cheshire East Design Guide.

In the event of any changes being needed to the wording of the Board's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Board's decision.

53 20/2925M- CONSTRUCTION OF AN ADVENTURE GOLF COURSE WITH ASSOCIATED WORKS, ADLINGTON GOLF CENTRE, ADLINGTON ROAD, ADLINGTON FOR ADLINGTON GOLF CENTRE LTD

Consideration was given to the above application.

RESOLVED

That the application be refused for the following reasons:-

1. Green Belt - The site lies within the North Cheshire Green Belt. The proposed development, whilst not inappropriate development by definition, would lead to a loss of openness and encroachment in the Green Belt. The various structures, features and associated means of enclosure would have a material impact on openness and cause encroachment into the countryside thereby undermining the purposes of including land within the Green Belt. By reason of the harm to openness, the proposed development represents inappropriate development in the Green Belt. There are not considered to be material considerations that clearly outweigh the harm to the Green Belt by reason of loss of openness and other identified harm. The proposal is therefore contrary to the National Planning Policy Framework, Policy PG 3 of the Cheshire East Local Plan Strategy and saved Policy GC1 of the Macclesfield Borough Local Plan.
2. Landscape Impact – The proposal would result in the introduction of large features which would appear incongruous in the landscape and countryside, contrary to Policies SE 1 and SE 4 of the Cheshire East Local Plan Strategy.
3. Airport Safeguarding – Insufficient information has been submitted with the application to determine the likely threat to aircraft from birdstrike, which is a material consideration. Approval of the scheme contrary to the advice of the Safeguarding Authority for Manchester Airport would be contrary to the advice the Town and Country Planning (safeguarded aerodromes, technical sites and military explosives storage areas) Direction 2002.

In order to give proper effect to the Board's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning, in consultation with the Chairman (or in his absence the Vice Chairman) of the Strategic Planning Board to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

(During consideration of the application, Councillor A Critchley left the virtual meeting and did not return).

54 PERFORMANCE OF THE PLANNING ENFORCEMENT SERVICE FIRST TWO QUARTERS 2020-2021

Consideration was given to the above report.

RESOLVED

That the report be noted.

The meeting commenced at 10.00 am and concluded at 2.25 pm

Councillor (S Gardiner)

Application No: 19/1068M

Location: KINGS SCHOOL, CUMBERLAND STREET, MACCLESFIELD,
CHESHIRE, SK10 1DA

Proposal: The demolition of existing buildings and the residential redevelopment of
The King's School Cumberland Street site to provide a mixture of
conversion and new build dwellings and 'Later Living' apartments, with
associated access, car parking, open space, landscaping and
infrastructure

Applicant: Mr James Payne, Hillcrest Homes (est 1985) ltd and the Foundation of Sir
John Percyvale

Expiry Date: 14-Jun-2019

Macclesfield is one of the principal towns and growth areas of the Borough where national and local plan policies support sustainable development. The proposal provides 115 dwellings of an acceptable scale relative to the principal town of Macclesfield and would deliver housing within a highly sustainable location adjoining the Town Centre Boundary. The site is largely brownfield in nature and therefore its redevelopment to provide homes in such a highly sustainable location. Whilst there would be a partial loss of open space comprising of the cricket pitch, this would be replaced with an equivalent or better provision at the new school site. The proposals would provide for a diverse range and mix of housing, and correspondingly, a diverse community.

In design terms, the proposal would provide a high quality innovative scheme with a contemporary approach whilst protecting listed buildings. Whilst it is acknowledged that there would be an intrusion of the later living block, it is considered that this is balanced against the improvements that would be seen from the Sainsbury's roundabout and the overall design credentials of the scheme. There are also benefits derived from ensuring a sustainable future use is secured for such an important and prominent site within Macclesfield from a heritage perspective. Thus, the proposals represent a high quality scheme, with many positive attributes.

There is an opportunity to ensure that the loss of the cricket pavilion is replaced with a high quality memorial proposal to compensate for its loss. Coupled with the applicant's proposal for the memorial garden within the site, and the school's memorial proposals at the site of the new school, it is considered that the loss of the cricket pavilion would be acceptable.

In highways terms, the impact from a residential scheme would be no greater than that of the school use and therefore the local highway network would be able to accommodate the likely traffic movements generated by the proposal. Adequate parking would be provided having regard to the size, type and scale of units and the sites' highly sustainable location adjoining the town centre boundary.

The proposal would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants having regard to the character of the area and the design credentials of the scheme. The application would offset the impact on healthcare and education through the provision of financial contributions and would partially offset the impact on children's play provision at West Park, which would be redirected from indoor sport following a review at member's request. The development can only bear the cost of providing 5 affordable units. The applicants have demonstrated general compliance with national and local guidance in a range of areas including ecology, flood risk, noise and air quality.

The proposal is for sustainable development which would bring environmental, economic and social benefits. The proposal is therefore considered to be acceptable in the context of the relevant policies of the Cheshire East Local Plan Strategy and the saved policies of the Macclesfield Borough Local Plan and advice contained within the NPPF. The application is therefore recommended accordingly.

SUMMARY RECOMMENDATION

Approve subject to conditions and S106 Agreement

REASON FOR DEFERRAL

At the meeting of 29th January 2020, Members resolved to defer this application for the following reasons:

- Publication of viability appraisals;
- Consideration given to cost of providing internal footpath / cycleway balanced against affordable housing;
- Submission of an affordable housing scheme;
- Clarification on air quality;
- Consideration given to using the commuted sums towards indoor sport and recreation on upgrading the children's play equipment at West Park;
- Review and redesign of the scheme with particular reference to Type P, F, E and D house-types and the Later Living Block;
- Further review on impact of proposal on setting of designated heritage assets.

Following deferral of the application, the scheme has been amended. As a result of revisions made to the proposal, the scheme as amended has resulted in the loss of 1 house and the addition of 1 later living apartment and so the overall proposal is still for 115 residential units. The amendments have been assessed in the report that follows and have been subject to further consultation. The response to the reasons for deferral are summarised as follows:

1. Publication of viability appraisals;

The Viability Appraisal, the Council's independent review and the applicant's Supplemental Viability Letter are publicly available to view.

2. Consideration given to cost of providing internal footpath / cycleway balanced against affordable housing;

Having considered the merits of the proposed internal footpath / cycleway, it is considered that the benefits of maintaining this connectivity through the site are significant. The internal pathway will go some way to ensuring that the future delivery of any potential highway scheme on Cumberland Street is not prejudiced by providing an alternate pedestrian / cycle route through the site. The cost of providing the footpath / cycleway should not, in this case, be sacrificed to provide further affordable housing and vice versa nor should the already reduced quantum of affordable housing be re-directed to provide further pedestrian / cycleway enhancements. The cost of providing the footpath would be £37,000. Omitting this cost would not secure the provision of an additional affordable housing unit at the site and therefore the scheme has not been amended in this regard.

3. Submission of an affordable housing scheme;

The revised proposals have been supported by an updated Affordable Housing Scheme. This details the provision of 5 affordable units of intermediate tenure and their location. 1 x three bedroom property would be located within the Type P properties and 4 x two

bedroom apartments would be apportioned within the apartment block fronting Coare Street.

4. Clarification on air quality;

The air quality impact assessment and the addendum conclude that the impact of the future development will be *negligible* with regards to all the modelled pollutants at existing receptors. One of the new dwellings (PR1) is predicted to see a concentration of NO₂ which is above the annual average objective. However, the Council's Environmental Protection Unit (EPU) has recommended a condition requiring the installation of mechanical ventilation in this unit which would ensure that clean air is drawn from the 'clean façade' (i.e. the one facing away from Cumberland Street). Similar ventilation is recommended for other units facing Cumberland Street which would ensure that future residents are not exposed to excessive concentrations of NO₂. Further mitigation would be secured in the form of dust control measures and the provision of electric vehicle infrastructure in addition to the use of mechanical ventilation on specific plots. Based on this, it is confirmed that the scheme is acceptable in terms of air quality.

5. Consideration given to using the commuted sums towards indoor sport and recreation on upgrading the children's play equipment at West Park;

Members requested that consideration be given to diverting the indoor sport and recreation commuted sum of £19,500 towards the children's play equipment at West Park instead. The sum of £19,500 would not cover the full amount that would be required to upgrade and enhance the facilities at West Park, but it would go towards making some valuable improvements. This would be at the sacrifice of the provision of the commuted sum to provide 3 pieces of exercise equipment at Macclesfield Leisure Centre. However, given that the proposal includes the provision of family accommodation and will be occupied by children, it is feasible and recommended that the commuted sum could be re-directed towards additions, enhancements and improvements at West Park Play facilities. As such, the recommended heads of terms are amended accordingly.

6. Review and redesign of the scheme with particular reference to Type P, F, E and D house-types and the Later Living Block

The Type P properties, which would be situated on the frontage to Coare Street and the Type F units, which would be located in the position of the Science Block have been amended with the provision of a pitched roof with parapet detail to give the units a more traditional grounding. The Type F units have also had their rear balconies removed in response to comments and the overall floorspace has therefore been reduced.

The Type E units have been amended by the omission of 1 unit at the northern end of the block to allow the provision of a further 9 car parking spaces. This would bring the total to 156 spaces compared to the previous 147 spaces.

The Type D units have been repositioned slightly to improve the standoff with the main school building, although the change is minimal.

In addition to the above the applicant has also redesigned the Later Living Block to allow 1 additional unit within the building to offset the loss of the Type E1 unit.

In the round, it is considered that the proposed design changes are acceptable and have responded positively to Members request.

7. Further review on impact of proposal on setting of designated heritage assets.

The amended scheme does not have any greater impact on the designated heritage assets than the scheme that was considered by Members earlier this year. The conclusions drawn by officers remain the same. Any further comments made by the Council's Design and Conservation Officer will be reported to Members by way of an update.

DESCRIPTION OF SITE AND CONTEXT

This application relates to part of the King's School campus off Cumberland Street, Macclesfield, which has now been vacated following completion of the new school at Prestbury.

The site occupies a prominent position on the north side of Cumberland Street, one of the main arterial routes through the town. It is positioned in between the two roundabouts that juncture with Westminster Road, Churchill Way and Hibel Road (A537) with some listed Alms houses located on the opposite side of the road to the south. Westminster Road runs along the western boundary to the site with Sainsbury's supermarket located on the opposite side.

Coare Street, which is formed predominantly by terraced residential properties, is located to the north of the site and dissects the school campus. The northern side is not part of this application but there are proposals for the erection of retirement living housing and extra care retirement accommodation for older people, which the Council has resolved to approve under planning ref; 18/4540M, subject to a completion a s106 legal agreement. Further to the north, the rest of the Westminster Road campus is being developed for housing.

To the east of the site, Pownall Street and Tunnicliffe Street bound the site and accommodate further residential properties. The site benefits from vehicular and pedestrian accesses from Cumberland Street, Coare Street and Pownall Street.

Within the site itself, there are 2 principal listed buildings comprising of the original school (now library) and Headmasters House and lodge. There are also a number of pre-1948 curtilage listed elements: the extensive stone walls around the perimeter of the site, the main school building circa 1911, the Science block and the cricket pavilion (both 1930s). At the centre of the site, enclosed by buildings to the north, the vehicular driveway, mature attractive trees and stone walls, is the cricket pitch.

Buildings on the site are predominantly 2 storeys, however the arts block is 3 storeys on the Westminster Road side. The former library and the original school building are characterised by steeply pitched roofs, whilst the main school building is laid out in a 'U' plan with shallower, hipped roofs.

To the south of the main school buildings the site is relatively flat, but there is a change of level north of the buildings on Coare Street and to a lesser degree on Westminster Road, with the stone boundary wall retaining the site. The change in level on Coare Street is circa 5 metres, with the school building perched above and more modern additions on the rear of the main building and immediately behind the library constructed into the slope. The Coare Street side has a pedestrian bridge that links the two sites, which is currently in the process of being removed.

Save for the cricket pitch, the site is designated as being within the predominantly residential area of Macclesfield according to the Macclesfield Borough Local Plan (MBLP) 2004. The area that the cricket pitch occupies is allocated as 'existing open space' in the MBLP. The Town Centre Boundary bounds Cumberland Street to the south.

DETAILS OF PROPOSAL

This application seeks full planning permission for the demolition of existing buildings and the residential redevelopment of The King's School Cumberland Street site to provide a mixture of conversion and new build dwellings and 'Later Living' apartments, with associated access, car parking, open space, landscaping and infrastructure. Following deferral of the application earlier this year, revised plans have resulted in the loss of 1 house and the addition of 1 later living apartment. As such the proposal would provide 115 residential units on the site comprising of:

- Houses - 33 units made up of 7 x 2 beds, 13 x 3 beds, 8 x 4 beds and 5 x 5 beds
- Main School Building - 29 units made up of 23 x 2 beds and 6 x 1 beds
- Library 7 x 2 beds units
- Later Living building - 45 units made up of 22 x 1 beds, 22 x 2 beds and 1 x 3 beds
- Gate House - 1 x 3 bed

RELEVANT HISTORY

001192P - GLASS CANOPY TO MAIN ENTRANCE – Approved 12-Jul-2000

42635P & 42547P - EXTENSION TO LIBRARY & CLASSROOM ACCOMMODATION – Approved 03-Oct-1985

75449P - ROOF EXTENSION AND EXTERNAL ALTERATIONS TO CRICKET PAVILLION (FORMER LIBRARY) – Approved 27-Oct-1993

19/1068M - Listed building consent for the demolition of existing buildings and the residential redevelopment of The King's School Cumberland Street site to provide a mixture of conversion and new build dwellings and 'Later Living' apartments, with associated access, car parking, open space, landscaping and infrastructure – Currently under consideration

In addition to the above, there are other applications which are of relevance as they relate to additional sites associated with Kings School. These applications are relevant because they are part of the schools overall plan to move from this site to their new purpose built school at Alderley Road in Prestbury. These are:

Alderley Road, Prestbury:

15/4286M – Construction of a new school comprising classrooms, libraries and supporting facilities together with additional playing fields and various associated outbuildings, infrastructure, car parking and access – Approved 23-Jan-2017

18/6002M - Change of use of land from agricultural use to education and sports and retained as open land for use by the school – Approved 28-Feb-2019

19/1270M - Full planning application for engineering works for outdoor sports facilities to provide a replacement cricket pitch for the King's School site at Cumberland Street- Approved 10-Dec-2019

Fence Avenue, Macclesfield:

15/4287M – Outline application for partial change of use and partial demolition of existing buildings and structures, residential development for up to 300 units, landscaping, supporting infrastructure and means of access – Approved 23-Jan-2017

20/0246M - Approval of reserved matters, Appearance, Landscaping, Layout & Scale on outline planning app 15/4287M, for partial change of use and partial demolition of existing buildings and structures, including the change of use of Fence House into 27 apartments, and erection of 273 dwellings, landscaping, supporting infrastructure and means of access – Approved 16-Oct-2020

Westminster Road, Macclesfield:

15/4285M – Demolition of existing buildings and structures, residential development up to 150 units, landscaping, supporting infrastructure and access – Approved 23-Jan-2017

18/3545M - Reserved matters approval (appearance, landscaping, layout and scale) on Outline application 15/4285M for the erection of 132 dwellings, landscaping and associated infrastructure – Approved 13-Dec-2018

18/4540M - Erection of Retirement Living Housing (Category II type accommodation) and erection of Extra Care Retirement Accommodation for Older People (Use Class C2), with associated communal facilities, landscaping and car parking – Resolved to approve subject to s106 legal agreement

POLICIES

Development Plan

Cheshire East Local Plan Strategy

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

PG7 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles
IN1 Infrastructure
IN2 Developer Contributions
SC1 Leisure and Recreation
SC2 Indoor and Outdoor Sports Facilities
SC3 Health and wellbeing
SC4 Residential Mix
SC5 Affordable Homes
SE1 Design
SE2 Efficient use of land
SE3 Biodiversity and geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland
SE6 Green Infrastructure
SE7 The Historic Environment
SE9 Energy Efficient development
SE12 Pollution, land contamination and land stability
SE13 Flood risk and water management
CO1 Sustainable travel and transport
CO3 Digital connections
CO4 Travel plans and transport assessments

Macclesfield Borough Local Plan (saved policies)

RT5 (Open Space Standards)
RT6 (Recreation/Open Space Provision)
H9 (Occupation of Affordable Housing)
DC3 (Amenity)
DC6 (Circulation and Access)
DC8 (Landscape)
DC9 (Tree Protection)
DC17 (Water Resources)
DC20 (Contamination of Watercourses)
DC35 (Materials)
DC36 (Road Layouts and Circulation)
DC37 (Landscaping)
DC38 (Space, Light and Privacy),
DC40 (Children's Play Provision and Amenity Space)
DC63 (Contaminated Land)
NE17 (Nature Conservation in Major Developments)
T13 (Existing Public Car Parks)

Other Material Considerations

National Planning Policy Framework (The Framework)
National Planning Practice Guidance
Cheshire East Residential Design Guide

CONSULTATIONS (External to Planning)

ANSA and CEC Leisure – No objection to financial contributions of:

- £19,500 towards indoor sport and recreation to provide 3 additional pieces of equipment at Macclesfield Leisure Centre
- £1,500 per family dwelling and £750 per 2 bed space in apartments to make additions, enhancements and improvements at West Park Play facilities

Cadent Gas / National Grid – No objection but comment that there is an intermediate pressure gas pipeline in the vicinity of the site (running along Coare Street and Westminster Road). It does not appear the proposed works will directly affect the pipeline but request information is attached advising the developer of their obligations.

Education – No objection subject to a financial contribution of £274,298 towards secondary and SEN (Special Educational Needs) school places. No primary provision is required.

Environmental Protection – No objection subject to conditions and informatives relating to electric vehicle infrastructure, noise mitigation, mechanical ventilation, use of low emission boilers, dust control and contaminated land.

Flood Risk Manager – Request further clarification on drainage details.

Historic England - No comment to make but advise that advice should be sought from the Council's own archaeologist and conservation services.

Housing Strategy & Needs Manager – Awaiting comment but objected originally on the basis of reduced affordable housing provision without justification.

Head of Strategic Infrastructure (Highways) – Awaiting comment but offered no objection originally subject to conditions and also the dedication of the pedestrian/cycleway to public highway.

Natural England - No comment to make but advise that advice should be sought from the Council's own ecologist and standing advice.

NHS Eastern Cheshire Clinical Commissioning Group – Request a financial contribution of £84,024 to support premises development of the Waters Green Medical Centre and development of additional primary care premises within Macclesfield.

Sport England – Have not commented on the revised proposals but previously offered no objection subject to the approval of application 19/1270M (replacement cricket pitch at Derby Fields) and a condition that development is not to commence until the replacement cricket pitch is implemented and brought into use.

United Utilities – No objection subject to foul and surface water drainage being connected on separate systems, the submission of a surface water drainage scheme, sustainable drainage management plan and an informative advising that there are two water mains located in the vicinity of the site (outside the site boundary on Cumberland Street).

VIEWS OF THE MACCLESFIELD TOWN COUNCIL

Object to the development on the following grounds:

- The design of building type F is inappropriate for the area and not in keeping in form, materials and scale.
- That the design of building type F demonstrates a loss of amenity to existing residences due to the scale and balconies creating loss of privacy due to overlooking, as well as potential loss of light.
- That the Memorial Pavilion should be retained and consideration given to its sustainable future
- Inadequate parking provision, not meeting the local plan policy and the potential impact this will have on adjoining residential streets in terms of increased on street parking and traffic disruption.
- Impact on highways creating a negative impact on Pownall Street as a residential road.
- Impact on highways in failing to address and potentially compound issues faced on Cumberland Street.
- Adverse impact on local air quality
- That there is inadequate provision for electric vehicle charge points on site.
- Loss of amenity green field in the form of the cricket pitch.
- That in the absence of a Traffic Management Strategy for Macclesfield the highways impacts cannot be properly measured or mitigated.
- That the temporary tree preservation orders should be made permanent to provide appropriate long term protection for the trees on the site
- Object to the new designs for Type E and Type F properties on the grounds:
 - Loss of natural light to existing properties
 - Direct overlooking from habitable rooms;
 - Loss of privacy to existing properties in direct conflict with Local Plan Policy SE1 4 (i) Ensuring appropriate level of privacy for new and existing residential properties;
 - Not meeting distance standards between habitable rooms as per supporting information under SADPD Policy HOU 11.

OTHER REPRESENTATIONS

Representations were received from over 125 addresses during consultation on the original scheme including a petition, submissions made by Macclesfield Civic Society, Guild and Chamber of Trade, the Kings School, Stanley and Brocklehurst Almshouses Trust, Cllr Roberts in his capacity as Local Ward Councillor, MP David Rutley and residents and community groups, expressing the following views:

- All of the Kings school sites should have been considered collectively – separation of planning applications
- When considering previous proposals at the other Kings Schools sites, the case was made that this site was of little commercial value and used to justify a lack of affordable housing on these sites
- Proposal are contrary to policy and guidance
- Support the residential use of the site
- Development is not needed for the Council's housing land supply – no strategic need

- Brownfield development is already running ahead of expectations
- Proposal represents an overdevelopment of the site with high density
- Design, layout, scale, height and density of the proposed buildings are not sympathetic to the site and surroundings and will appear prominent
- Use of flats roofs not appropriate
- Lack of affordable housing
- Loss of green open space and playing field
- Demolition of the War Memorial Cricket Pavilion does not respect the memory of those who arranged its construction and those it commemorates
- Cricket pavilion should be repurposed
- War memorial garden will not compensate loss of the cricket pavilion
- Increase in traffic on local highway network
- Lack of parking provision
- Development too close to neighbouring properties resulting in overshadowing and loss of light
- Series of balconies overlooking neighbouring properties would result in overlooking
- Increase in air pollution and impact on air quality and health of residents
- Impact on residential amenity from construction works
- Materials not in keeping (grey brick)
- Coare Street should be closed at its mid point as was planned a few years ago
- The access only onto Coare Street / Pownall Street is continually ignored and this would be made worse
- Impact on trees including those subject of Tree preservation Orders
- The visibility splays required for the access off Coare Street would reduce on street parking for existing residents
- Proposals not sympathetic to the heritage of the site
- Heritage assessments flawed
- Noise nuisance from Coare Street will be made worse with more traffic
- Development will not stand the test of time
- Town has declared a climate change emergency yet the carbon footprint does is a big concern
- Increased risk to safety of children travelling to school
- Use of Pownall Street entrance could impact on amenity
- Loss of iconic views
- Access proposals could create a rat rut
- Impact on drainage and flooding
- Impact on protected species including bats and owls
- Lack of explanation as to planning process
- Lack of information available to assess proposals and uploaded after consultation notification letters sent
- Retention of existing stone boundary walls and potential damage
- Lack of proposals for new trees
- Encroachment into tree root protection areas
- Size and bulk of school extension in relation to the existing school block in excessive and change in roofline will detract from its appearance
- Loss of existing chimneys
- Large expanse of brick work on side elevation of Coare Street block

- Non listed buildings should be treated with similar value to the listed building owing to their group value
- Materials from demolition should be reused within the site
- Unsustainable incursion into minimum root protection area of established trees
- Small gardens
- Unsustainable restrictive covenants
- Inaccuracies in plans
- Subsidence risk
- Vibration to neighbouring properties from construction
- Cycle and walking opportunities very limited and wider connections should be made with Beech Road and Manchester Road
- Scheme should be reviewed by an expert for disabled access
- Electric charging points, charging storage for mobility scooters and adequate bin storage should be included
- Proposal will add much needed vitality to the town centre
- Impact on townscape underestimated
- Pre-consultation process has been flawed
- Lack of co-ordination with other strategic development in the area e.g. Local Development Orders at Whalley Hayes car park and Strategic Regeneration Framework
- Statements made by the applicant are misleading
- CEC found to have previously falsified air quality data
- Retention of boundary walls
- Welcome the replacement Percy Vale building
- Emergency vehicle access will be difficult and illegal parking will continue to be a problem
- Construction hours should be limited
- Loss and impact on wildlife
- Existing drainage infrastructure insufficient to support development
- Remembrance gates not wide enough for access
- Other brownfield sites should be utilised
- Housing density
- Parking
- Traffic flow – what plans are in place for a by pass for the traffic
- Privacy and overlooking
- Design and style
- Environment, including air quality, wildlife, trees
- Affordable housing
- Ownership and maintenance responsibility
- for gates, boundary walls, trees
- Loss of protected green open space in centre of Macclesfield
- Loss of memorial cricket pavilion

Following deferral and re-consultation on the amended proposals, a further 16 representations have been received objecting to the application on the following grounds:

- Lack of parking including a loss of existing on street parking on Coare Street

- Lack of affordable housing
- Overdevelopment of the site and density too high
- Nothing has changed regards poor access to and from the site and increased traffic and parking problems in an already densely built up area
- Some key documents not uploaded (Zones 1, 2, 3 and 4)
- Loss of the cricket pavilion war memorial
- Loss of view of the school through the main gates on Cumberland St
- Design of the proposed dwellings is not sensitive enough to the site
- Impact on privacy of neighbouring properties
- Impact on air quality

NB: Matters relating to ownership and maintenance of the boundary walls are not a material planning consideration. Maintenance responsibly will fall to the respective landowner/s including the Highway Authority where the new pedestrian/cycleway is adopted.

OFFICER APPRAISAL

Background

The application is a full application for the redevelopment of the existing King's School site at Cumberland Street in Macclesfield for residential purposes. This follows the relocation of Kings School from its current two separate girls and boys campuses in Macclesfield town to a newly constructed girls and boys school at the site adjacent to the existing Derby Fields off Alderley Road in Prestbury. The other King's School sites at Fence Avenue and Westminster Road will be redeveloped for housing. Work to construct the residential development of part of the Westminster Road site is well underway.

Principle of Development

Macclesfield is identified as one of the 'principal' towns in Cheshire East where CELPS Policy PG 2 seeks to direct 'significant development' to the towns in order to 'support their revitalisation', recognising their roles as the most important settlements in the borough. Development will maximise the use of existing infrastructure and resources to allow jobs, homes and other facilities to be located close to each other and accessible by public transport.

In this case, the provision of 115 no. units would be of an acceptable scale relative to the principal town of Macclesfield and would deliver housing within a highly sustainable location adjoining the Town Centre Boundary which bounds Cumberland Street to the south. The site is largely brownfield in nature, is recently vacant and therefore its redevelopment to provide homes in such a highly sustainable location aligns with the general principles of national and local policy.

In terms of other designations, the central part of the site is designated as open space with the remainder of the site designated as a predominantly residential area, which the proposed residential use would conform to. CELPS Policy SC 2 advises that existing outdoor sports facilities should be protected unless they are shown to be surplus to requirements or improved alternative provision is provided. A large extent of the open space is to be retained

as amenity space and in any event, the losses incurred would be replaced in terms of quantum at the school's new site and are subject of approval under planning ref; 19/1270M.

Having regard to the above, the general principle of the development is found to be acceptable. As per para 11 of the Framework and CELPS Policy MP 1, there is a presumption in favour of sustainable development taking into account the three dimensions of sustainable development (economic, social and environmental) and compliance with the Development Plan.

SOCIAL SUSTAINABILITY

Affordable Housing

The Cheshire East Local Plan (CELP) and the Councils Interim Planning Statement: Affordable Housing (IPS) states in settlements with a population of 3,000 or more, the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or larger than 0.4 hectares in size. The desired target percentage for affordable housing for all such sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

Although this application has been amended following deferral by the Strategic Planning Board, this remains a proposed development of 115 dwellings. In order to meet the Council's Policy on Affordable Housing there is a requirement for 35 dwellings to be provided as affordable dwellings.

The CELP states in Policy SC 5 justification paragraph 12.44, 'The Housing Development Study shows that there is the objectively-assessed need for affordable housing for a minimum of 7,100 dwellings over the plan period, which equates to an average of 355 dwellings per year.' This is for the whole borough of Cheshire East.

The current number of those on the Cheshire Homechoice waiting list with Macclesfield as their first choice is 1488. This can be broken down to 827 x 1 bedroom, 413 x 2 bedroom, 173 x 3 bedroom, 45 x 4 bedroom and 30 x 5 bedroom dwellings.

The waiting list also shows a requirement for 142 x 1 bedroom, 9 x 2 bedroom and 2x 3 bedroom Older Person dwellings. These dwellings can be via flats, cottage style flats, bungalows and lifetime adaptable homes. 23 units should be provided as Affordable rent and 12 units as Intermediate tenure.

If there is an agreed onsite provision that is below 30% or a commuted sum is agreed, Housing will require an Overage/Claw back clause to be agreed. This is to cover any uplift in value on the development during its completion and any connected raise in commuted sum amounts or increased on site provision for Affordable Housing.

The applicant on both the original and amended documentation/plans shows only 5 Intermediate 2 and 3 bedroom house dwellings being provided. This is 30 dwellings under the

30% requirement (35). The Council's Strategic Housing Section originally objected to the application based on the shortfall of affordable units. However, this application is the subject of a viability appraisal which states that the proposed development cannot bear the full quantum of affordable housing as it would make the development unviable insofar as it would not yield a sufficient gross development value (GDV) which would be attractive enough for a developer to bring the site forward. The applicant has submitted a full viability appraisal, which if accepted, will determine the quantum of affordable housing that the site can bear.

Viability

The applicants state that the site is subject to abnormal costs and is therefore supported by a financial viability appraisal. The Council had this independently appraised. Following deferral of the application at the beginning of this year, the applicant has submitted an update to the viability position with a Viability Note.

The Council's independent advisor conducted their full review of the financial viability assessment submitted by the Applicant. This review concluded that whilst there is some disagreement with the benchmark land value (BLV) of £2.3 million for the site, this does not result in a material change in the financials and consequently, it is confirmed that the development cannot bear the cost associated within providing a fully policy compliant level of affordable housing provision nor can it pay all of the commuted sums required to mitigate some of the impacts, for example on children's play provision and recreation and outdoor sport. This is because the overall viability hinges on construction costs, which owing to the heritage sensitivities of the scheme including costs of converting some buildings, are higher than would otherwise be expected.

On this basis, it was confirmed that the proposal can only bear the cost of:

- 5 affordable units with an intermediate tenure
- Total financial contributions of £377,822

This was on the basis that the developer would achieve a gross development value (GDV) of 15.74%. Although the scheme has since been amended, the updated viability note shows that there would still be a viability deficit. The GDV has reduced by £320,750 primarily as a result of the loss of 1 x Type E unit and reduced floor space in the later living block and Unit F house types. However, there has been a corresponding reduction in construction costs of £310,839. Consequently, the changes to the scheme in viability terms are minor and do not materially affect the conclusions that were drawn when the original viability appraisal was independently assessed. As revised, the developer would be accepting a reduced GDV of 16.06%

National Planning Practice Guidance advises that a minimum GDV of between 15-20% is the industry accepted standard which reflects the minimum enhancement a developer would reasonably expect to achieve in order to bring a site forward for housing development. Thus, the 16.06% which would be achieved by the developer is in line with national guidance and is therefore accepted in this case.

Housing Mix

Local Plan Policy SC 4 identifies the need for housing developments to offer a mix of housing types, size and tenures to accommodate the specific requirements of the demographic. Reference is made to the need for development proposals to accommodate units specifically designed for the elderly and people who require specialist accommodation. A range of housing types are being proposed from modestly sized apartments to later living accommodation. A number of family houses are also proposed as well as accommodation specifically aimed at over 55's, so the proposals would provide for a diverse range of housing, and correspondingly, a diverse community. As such, the scheme is found to comply with Local Plan Policy SC 4.

Education

In the case of the current proposal for 96 dwellings (2 bed+), the Council's Children's Services have advised that a development of this size this would generate:

- 17 primary children (96 x 0.19)
- 14 secondary children (96 x 0.15)
- 1 SEN children (96 x 0.51 x 0.023%)

The development is expected to impact on both primary school and secondary places in the immediate locality. Any contributions which have been negotiated on other developments are factored into the forecasts undertaken by the Council's Children's Services both in terms of the increased pupil numbers and the increased capacity at schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that there remains a shortfall in school places at secondary level.

Children's Service's has confirmed that the proposal is not expected to impact primary education provision as there is sufficient capacity in the catchment area to absorb the primary school pupils likely to be generated by the proposed development.

Special education provision within Cheshire East Council currently has a shortage of places available with at present over 47% of pupils educated outside of the Borough. Whilst it is acknowledged that this is an existing issue, the 1 child with special educational needs (SEN) expected from this development will exacerbate the shortfall.

To alleviate forecast pressures, the following contributions would therefore be required:

- 14 x £17,959 x 0.91 = £228, 798 (secondary)
- 1 x £50,000 x 0.91 = £45,500 (SEN)
- Total education contribution: £274,298

Without a secured contribution of £274,298, Children's Services would raise an objection to this application. This position is on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development. Without the mitigation, 14 secondary children and 1 SEN child would not have a school place. The applicant has confirmed acceptance of the secondary and SEN requirement. This will be secured by way of a s106 legal agreement.

Healthcare

The NHS Eastern Cheshire Clinical Commissioning Group (CCG) has commented that *“there are six NHS GP practices within Macclesfield, all located within one building at the Waters Green Medical Centre. Based on the current local population, the Waters Green Medical Centre has sufficient capacity to manage currently registered patients. However, with the known planned housing developments, the local population is predicted to increase by approximately 17% over the next 10 years. In order to be able to continue to provide the current high level of primary care services to the local population the six GP practices will be required to review their current model of working. A model of ‘working at scale’ will be required, in which the six GP practices work much more closely together to remove duplication and inefficiencies from the primary care system. Even with modifications to the existing Waters Green Medical Centre, it is anticipated that the GP practices and NHS Community Services will need to expand out into an additional building within the next 10 years”*.

It is therefore necessary to mitigate the impacts of the proposed development through funding the local healthcare economy to support premises development of the Waters Green Medical Centre and development of additional primary care premises within Macclesfield in order to allow for the continued provision of the current level of primary care services to the local population of the Macclesfield area. Accordingly, the CCG has requested a financial contribution towards health infrastructure of £84,024. Subject to this, the scheme is found to be acceptable in terms of its impact on health infrastructure.

Public Open Space

Policies RT5 and DC40 of the MBLP set out the amenity open space requirements for housing development (per dwelling). The proposals would place a greater burden on open space and recreational facilities in the area and accordingly, the applicants would be expected to make a financial contribution towards the Borough Council’s sports, recreational and open space facilities in lieu of on-site provision. The Macclesfield S106 Supplementary Planning Guidance on S106 Agreements provides the formulae for calculating off site financial contributions.

The loss of the existing cricket pitch as a sports facility would be replaced at the new school in Prestbury, permission for which has been approved under planning ref; 19/1270M. Sport England and the ANSA do not object to the loss of the cricket pitch on this basis subject to a condition that the replacement facility is to be provided and made available for use prior to its loss at this site. This could be appended as a condition of approval.

There is a requirement for the provision of amenity greenspace at a rate of 20sqm per dwelling and this is being achieved through the retention and enhancement of the existing cricket pitch as open amenity space. There is also a requirement for 20sqm of children’s play per dwelling and this is not being provided on site. Therefore a commuted sum for offsite provision of children’s play is required at a rate of £1,500 per family dwelling and £750 per bed space in apartments. The com sum is required upon commencement of development and will be used to make additions, enhancements and improvements at West Park Play facilities within a period of 15 years from receipt.

There is a requirement to provide Recreation and Outdoor Sport (ROS) in line with Policy SC2 of the Local Plan and the playing Pitch Strategy. In this instance the developer has opted to make a contribution rather than on-site provision. This contribution will equate to £1,000 per family dwelling or £500 per 2+ bed apartment (excluding the affordable properties). This commuted sum would be used to make additions, enhancements and improvements at the pitches, courts and greens within the three town centre parks in Macclesfield; West, South and Victoria, within a period of 15 years from receipt.

With respect to indoor sports provision, CEC Leisure has confirmed that based on a development of 115 dwellings, this could equate to a population increase of 185 and 79 additional 'active' population. Based on an industry average of 25 users per piece of health and fitness equipment this equates to 3 stations (£6,500 per fitness station) which would require a financial contribution of £19, 500.

Subject to the above being secured by way of a legal agreement, the scheme is found to accord with MBLP Policies RT5 and DC40 and CELPS Policies SC 1 and SC2.

ENVIRONMENTAL SUSTAINABILITY

Design, Character and Appearance

Between them, the NPPF and Local Plan Policies SD1, SD2, SC4, SC5, SE1, SE4 and C01 from the CELPS and DC8, DC35, DC36 and DC37 of the MBLP seek that all development should be: locally distinctive; high quality; sustainable; well-designed and durable responding to the heights, scale, form and grouping, materials, massing, green infrastructure and relationship to existing built form in the immediate as well as wider areas. Good connections through infrastructure and access from the site into the wider area and landscaping/topographical themes through street hierarchy and landscaping is also expected from new development.

The proposals seek to retain and convert the headmaster's house and library, removing unsympathetic extensions and detracting buildings within its vicinity. They also seek to convert the lodge as a single dwelling whilst also retaining most of the existing boundary wall around the perimeter of the site.

In regard to the main school building, the façade of the front elevation is proposed to be retained with a new block of development to the rear also replacing the sports hall attached to the northern elevation of the building. The remaining curtilage buildings, including both the science block and the cricket pavilion are proposed to be demolished.

In terms of new development, a number of building groupings are proposed of different character reflecting their location and relationships comprising archetypes ranging from 1.5 to 3.5 storey arising from conversions and new build, with a variety of on plot and communal parking solutions.

The proposed new build is expressed by a contemporary character but with echoes of traditional vernacular drawn from the site, local surroundings and precedents much further afield. The Type P properties, which would be situated on the frontage to Coare Street and the Type F units, which would be located in the position of the Science Block have been

amended with the provision of a pitched roof with parapet detail to give the units a more traditional grounding in line with one of the reasons for deferring the application.

A large proportion of the cricket pitch is to be retained as an informally laid out central green, incorporating a stone lined ha-ha and swale on its eastern edge, further reinforced by hedging forming the rear boundary of the adjacent housing. In addition, designed courtyard/garden spaces are proposed north of the headmaster's house/original school and between the new block and retained elements of the main school building. The headmaster's garden would also be retained. Further public gardens/space would be created in the form of parterres to the front of the retained main school building and as a home zone street running through the centre of the new housing on the eastern portion of the site. All mature significant trees are to be retained but it is proposed to remove and replace the flowering Cherry trees to the front of the main school building.

There would be one main vehicular access point off Cumberland Street, retaining the memorial gates, with a second emergency access off Pownall Street. The basement car park serving what would be the block to the rear of the main school building would be served via an upgraded access off Coare Street. Pedestrian access would be via the main site entrance but also with an east west axis between Westminster Road and Pownall Street.

Longer views of the site are largely restricted by topography, street alignment and intervening townscape. However, the sylvan character of the site does terminate longer, northward views along Churchill Way and Westminster Road. Closer to the site views for those on foot are largely restricted by the substantial stone walls and adjacent buildings. However, the view does open up significantly on Cumberland Street on approach from the west and also standing at the main site entrance. The headmaster's house and gardens are attractive and sylvan on the corner of Westminster Road and Coare Street.

Area 1 - to the north of the old school and main school buildings - The present buildings detract from the heritage assets and the general quality of the townscape of Coare Street. It is considered that the new development will enhance this frontage of the site. In regard to the materiality of the 3 townhouses to the north of the original school building, grey brick was referenced as was stone. The new build to the north of the main school building would be largely hidden by the roof of the retained building. However, at either end, the upper storey would extend above the roofline of the existing, affecting its hipped roof silhouette. This would undermine the view of the main school building from the main entrance and the open space but not significantly.

Area 2 - site entrance and Percy Vale building, Pownall Street - The new houses would replace the Percy Vale building, which is a relatively unattractive building with inactive frontage onto the street, as are the temporary buildings at the site entrance. The key issues in this area relate to scale and appropriateness of proposals in the townscape, and linked to that, relationship to adjacent residential properties. The proposals have been amended in response to concerns about this relationship and have led to a better townscape approach to the Pownall Street entrance.

The street sections produced as part of the application illustrate that the new buildings would sit comfortably in the street, repair the townscape and create more active frontages onto

Pownall Street but for the main block the gardens/yards would be modest (but not uncharacteristic in an urban context such as this).

Area 3 site of Science block - This part of the scheme will replace one of the 2 curtilage listed buildings proposed to be demolished, albeit of a lesser quality than the adjacent main school building. The science block building reads as a respectful member of the group. It is important that any replacement building is of equal architectural merit. The design of these units is more akin to the design of the dwellings on Pownall Street, which have a modest, domestic character. Although it would be more hidden from the principal view than the Science block is now.

Area 4 – proposed later living block (western edge of site) - The footprint of the proposed new building, whilst being set slightly further away, will be larger than the size of the current arts block building it would replace, which occupies much of the western edge of the site. The size of this building has been reduced in size following concerns that its size and position could harm a key view and setting of the listed building. It will also be set further forward than the original building, tying in with the western building line of the listed building.

The later living building has two different faces: The eastern elevation that would overlook the open space and relate more directly to the historic buildings, echoing the steep gables of the original school building, but set within a contemporary design. The building would be 3 full storeys plus a storey within a mansard type roof and the apexes of projecting gables. The western side the building is a more overtly contemporary flat roof design with a recessed upper storey (again accommodating 4 floors). The southern end of the building is proposed as a flat roof, 3 storey element, including entrance/lobby and communal facilities on the upper floors, including a roof terrace.

From outside the site, the proposed later living building will be highly visible in views from the corner of Westminster Road and Cumberland Street and would become a strident feature in the townscape, closing off the partially open view into the site. On this basis, the Council's Design Officer has expressed concern regarding the impact that the Later Living element would have on key viewpoints and the associated impact on the setting of the heritage assets.

The Design Officer notes that the building has been reduced in length and there has been some consequent improvement. However, there is still concern that it will compete with the listed school building within its setting resulting in harm to the asset. This would be less than substantial but it would still be harm and there is not sufficient heritage public benefit alone to outweigh that. However, it must be borne in mind that the viewpoint from which this harm would be evident would be limited. The open aspect of the cricket pitch and its associated views of the listed building would still be mostly retained and it is only when viewing the site from the opposite side of Cumberland Street to the south on the Westminster Road access to Whalley Hayes Public Car Park where there would be an interruption of this view. It is not considered that this is a significant viewpoint and does not carry the main footfall past the site. The main footfall including vehicular traffic is that along Cumberland Street and to some extent, these views from a pedestrian point of view are already obscured in part by the existing boundary wall. Accordingly, whilst there would be harm it is considered that this would be balanced against the wider benefits of the scheme particularly the improvements that would be realised from the Sainsbury's roundabout.

There will be a degree of impact upon the setting of the Alms houses to the south, but this will be lessened by the mature trees along the southern boundary and by the height of the substantial stone wall to the school. Again this will be more evident during the late autumn and winter. Communal surface car parking is proposed to the rear of the building, which benefits the views from the entrance and the central open space, but because of site levels, will be quite visible from outside the site for part of its length.

Area 5 eastern edge of the site - This is a highly innovative part of the development, but also one that requires a sensitive approach given that views across the cricket pitch will terminate on these units. The proposal is to create a mix of contemporary dwellings set either side of a home zone street, providing a gradation in scale to the site edge from the edge of the central open space, whilst enabling views from the open space outward between buildings to outlying landscape and enabling taller units on the periphery to have views back across rooftops to the central space. This part of the scheme incorporates the site of the cricket pavilion.

The form of the dwellings is designed to echo the surrounding vernacular but in a contemporary manner, including steep roof pitches and active upper storeys reflective of Macclesfield's weaver's cottages. Smaller dwellings edging the open space seek to reflect the Alms houses to the south of the site.

To soften the impact and relationship the design has been refined to provide a more sinuous edge, defined by hedge and Ha-ha to soften the relationship to the open space, provide a distinct boundary between public and private and create a fragmented rather than regular built form. Whilst there will be a noticeable reduction in the extent of the open space on this side of the site, it is considered less sensitive in the context of the principal view from the memorial gates and the proposed layout maintains a visual link between the principal school buildings and the listed gatehouse. It would lead to loss of the cricket pavilion.

Lastly, there has always been some reservation about the housing on the immediate easterly edge of the former playing field and how those dwellings and their external spaces relate to the main space, their living environment and how the day to day needs of these occupants can be met without compromising the success of the main public space. This requires those needs to be thought through and creative design employed to successfully overcome those concerns: the need for 'designed in' storage, for creating privacy and to enable use of the outside space of the garden without it feeling like living under a microscope. Conditions relating to landscaping and boundary treatments could secure appropriate detail.

Scheme wide design considerations - Land use/mix - It is proposed that the site be used solely for residential development but a variety of different housing typologies are proposed, suiting different age groups and family circumstances. This has the potential to create a diverse community within the development and is a key attribute of the scheme.

The site is highly accessible to the town centre with easy access to a wide range of amenities and employment opportunities and public transport.

Architectural approach - In concept terms, it is appropriate to employ a contemporary design approach as long as it is well informed and reflects local character and vernacular. Significant effort has gone into assessing the local context, and whilst specific localised

design issues have already been highlighted, the general concept of a contemporary interpretation of vernacular is considered valid and an acceptable design response for this site. The comments of members have been taken into account by grounding some of the units with a more traditional form (i.e. pitched roofs rather than flat or mono pitch).

Pedestrian/cycle movement – Although there are presently gated accesses into the school, the site is not accessible for the public. The scheme would enable pedestrians to move through the site, better connecting it into the neighbourhood. It is important for the sustainability of the development that it does not become a gated community and that through access is encouraged and a key benefit of the scheme.

Access and parking – The concept relies on a specific, non-standard approach to streets with a one-way route around the site, to reduce the width of roads and ensure they retain a human scale. From an urban design perspective this is positive in terms of principle and will need to be secured by condition. In respect to parking provision, this is a town centre site and therefore less car usage and ownership should be encouraged.

Open space, landscape and public realm – in concept terms there is a character driven, sympathetic approach to open space and landscape design seeking to reflect the spirit and historic significance of the site. The openness and informality of the main open space is a strong reflection of its former use as a cricket pitch and maintains open views of the key heritage assets. This will act as a significant community focus for the scheme. The eastern edge treatment using a swale and stone ha-ha is also a positive and innovative way to define the edge between public and private, whilst meeting certain practical requirements such as sustainable drainage.

The other localised spaces such as courtyards, the Headmasters garden and the home zone street should also provide opportunities to create distinct areas of space/public realm within the scheme.

Materiality - The scheme proposes a predominantly brick palette, which seems appropriate for the most part given the surrounding context and within the site itself. However, more stone could be used in selective locations/elements, without undermining the building hierarchy and heritage status of retained buildings and features. The materiality of the townhouse block to the north of the original school building and the later living block to the south indicate that grey brick is suggested. However, stone is referenced elsewhere.

The existing character along Coare Street, (save for the existing unsightly additions to the rear of the school block building), is characterised by traditional terraced brick properties. Having regard to this existing character and materiality, it is considered that an alternative material rather than the use of stone would be reasonable and acceptable in this part of the site. However, there are other key buildings, owing to their prominence (for example the Later Living Block) which must contain stone detailing in order to allow them to appear sympathetic to the site, key views and the designated heritage assets. Owing to the sensitivity of the site, prominence of the 'later living' block including the balance of the impact on views, this will need to be stone. Detailed materials can be agreed by way of condition.

On several of the building designs, soldier coursing and feature brick are proposed as detailing elements. Care is needed to prevent this becoming an inferior, generic detail and therefore further detail can be secured by condition.

Powder coated aluminium windows/fenestration are proposed on the new build, with timber on the conserved buildings. This would be appropriate to help reinforce the contrast between historic and new build. Detailing of the eaves and verges, parapets, rainwater goods, canopies and balconies needs to be executed well to emphasise design quality. Zinc cladding is proposed quite widely within the scheme but perhaps copper would be more appropriate given the historical copper industry in the town. Slate is proposed as the principal roofing material and that should help the roofscape harmonise with retained buildings and the surrounding townscape.

It is positive that traditional floorscape will be employed alongside contemporary materials to help characterise the site. The stone sett footpaths, laid as a Macclesfield cobble pattern around the western edge of the open space and along the east west axis will help pedestrians navigate through the site and create a physical link from the stone concentrated entrance toward the historic buildings on the northern side of the open space.

Whilst it is acknowledged that there would be an intrusion of the 'later living' block, this has been reduced in size and it is considered that this is balanced against the improvements that would be seen from the Sainsbury's roundabout and the overall design credentials of the scheme. There are also benefits derived from ensuring a sustainable future use is secured for such an important and prominent site within Macclesfield from a heritage perspective. Thus, the proposals represent a high quality scheme, with many positive attributes. There would be harm derived from the later living block, by interrupting one of the viewpoints. However, it is considered that this harm would be outweighed by the wider benefits of the scheme and the fact that the magnitude (i.e. importance) of the said viewpoint is not considered significant.

Having regard to the above, the design is found to be acceptable and in accordance with Policies SE 1 and SD 2 of the CELPS and the CEC Design Guide.

Heritage Assets

The alterations proposed for the change of use of the principal listed building on this site, (formerly in use as a library and Headmasters house) are:

Internally: The closing up of many current door openings to allow separation (for apartments), there will also be the introduction of new studwork (timber and plasterboard stud portions) to form new bathrooms kitchens etc. Additionally there will be new staircases to modify the current internal layout. The ventilation requirements do need further information, but could be conditioned. Given the previous work undertaken within the building, these proposed alterations can be accommodated within the fabric of the existing building without detracting from its historic significance and will help with the general internal condition of the building.

Externally: The South, West and East elevations: The lengthening of the current Gothic windows (lowering of the existing sills) with a new transom detail to accommodate the interface with the new internal floor line and the redesign of these windows (alteration to transoms) to accommodate for new opening when viewed from a distance will not appear to

alter the view of the current Library building, although there will be some change to the historic fabric. The Council's Design and Conservation Officer does not object to this.

North Elevation: The demolition of a non-original part of the building is proposed with the insertion of contemporary glazing into part of this elevation exposed by the demolition. This is acceptable to the listed building as it will reveal the original fabric of this elevation and therefore serves as benefit of the scheme. The proposed works while losing some of the original fabric of the building will allow this building to be brought into a new use as apartments without losing its essential architectural appearance and thus save this building for future generations to enjoy.

In regard to boundary walls, the proposals generally seek retention and repair. Some localised modification will occur but this will not lead to harm to the character of the walls in their entirety and planning conditions could be used to ensure this.

In addition to the conservation works to the principal buildings, the proposal also intends the demolition of the two pre-1948 buildings falling within the curtilage: the science block and the pavilion, which as the assessment identifies, are subject to the same protection and considerations as those for the principal listed buildings.

Both have significance in their own right. However, they also have an enhanced collective value as part of the Kings ensemble, with the cricket pitch as their foreground. The relationship between the pitch and the cricket pavilion is especially strong. As it stands, demolition would result in total loss of these two curtilage buildings and there would be harm as a consequence.

The submitted heritage statement sets out the assessment of significance undertaken for the various assets. Both the science block and the pavilion are assessed as having low significance. This is a fair reflection of the significance of the Science Block. It was initially considered that it did not adequately reflect the communal significance of the cricket pavilion, thought to be built to commemorate the fallen of WWI. This historic connection is something very important to the school, reflected both in the pavilion but also the memorial within the Main School building and the memorial gates (WWII).

Whilst the DMRB methodology rightly identifies greater significance attached to the principal listed buildings, the main school building, and the enclosing structures, it does not enable a more subtle distinction when assessing these lesser assets. The added communal value of the pavilion clearly sets it apart from the science block in terms of significance.

The present group of buildings forming the School as viewed from the south have a strong group value. However, from Coare Street and Pownall Street, the school has a lower group value arising from the modern elements that are of low architectural quality except the original school and headmaster's house at the corner of Coare Street and Westminster Road. The removal and replacement of more modern and unsympathetic extensions and buildings on the northern side of the main school buildings will enable betterment, whereas the proposed demolitions of the science block and pavilion will erode the present group value experienced from the main viewpoint. It is considered that, at best, the significance of heritage impact would result in slight/moderate harm based on the current proposals.

Impact upon the setting of the assets - The setting of heritage assets is defined in policy as the surroundings within which assets are experienced and often this is expressed in terms of views. The setting of the assets at Kings are interrelated and contribute to one another, including that of the Alms houses to the south of Cumberland Street. The principal view of the heritage assets is that from the site entrance toward the north. But the Kings setting is more than just this view; it is also about atmosphere within the site. The openness within the front part of the site contributes greatly to this, albeit it is not a formal or designed space. It epitomises King's. Views out from buildings across the space and from the cricket pitch toward the hills to the east of the town also contribute toward the setting of the assets, creating a visual connection to the wider landscape.

The area of concern in terms of setting is the proposed development in the western part of the site, forward of the headmaster's house and the original school building. As already discussed, the proposals for the later living block will be far more strident by virtue of the scale and mass of the building. Whilst it may not be any taller than the Art block that it would replace, or the ridge line of the old school building, its footprint is larger than that of the building to be demolished and it will enclose much of the western side of the site as seen in the view from the site entrance off Cumberland Street. This has been improved by widening the gap between the northern end of the Later Living block and the school building and this would allow greater views of the heritage asset from the Sainsbury's roundabout. It is considered that this aspect of openness will be restricted to a limited view and the benefits of the scheme as a whole are considered to outweigh this harm as discussed previously in this report.

Cricket Pavilion and Memorials

In respect to the loss of the cricket pavilion, many representations have expressed concern at its loss and state that it should either be retained, relocated on site or at the new school site. However, in response the school submitted their own representation on this matter in the form of a Memorial Statement.

The submission set out primarily how the school seeks to continue to honour those former staff and pupils that have lost their lives in conflict and also to clarify the form that the existing memorials take.

Firstly, the school's memorial plans take the form of:

- 900 seat assembly hall at the new school campus which will be the principal memorial facility
- Relocation of the physical memorials to new school site
- Replica of the war memorial gates to the Cumberland Street entrance to be erected at the new school site
- Lintel within the existing cricket pavilion reading 'In Memoriam, 1914-18' to be incorporated into a new cricket pavilion

The 900 seat assembly hall is now operational at the site of the new Kings School and the war memorial plaques listing the names of the fallen have already been relocated and displayed in the hall.

The remaining memorials take the form of:

- War memorial gates to the Cumberland Street entrance
- Memorial lintel in the cricket pavilion

The school states that the cricket pavilion does not play a role in commemoration or remembrance and proper homage to the fallen is performed by the main memorials and will be by those that take place at the new school. The cricket pavilion was originally constructed in 1934 as a library and pavilion partly using funds left over from donations following WW2. An alcove was left to indicate the source of part of the funds where an inscription was later placed reading 'In Memoriam, 1914-18'. The school states that the principal memorial takes the form of the plaques that were erected in the main school hall. However, as a new cricket pitch at the new school site will be required at some point, the existing lintel with the inscription 'In Memoriam, 1914-18' could be incorporated into the new pavilion with further references to its history included within.

Taking this into account, there is an opportunity to ensure that the loss of the cricket pavilion is replaced with a high quality memorial proposal to compensate for its loss. This would need to be of extremely high quality and should be designed to add to the quality of the place, whilst also ensuring continuation of the memorial connection with the school at its new site. This could take the form of an interpretation of the wider history of the school (e.g. history boards), of which part would be the remembrance of those ex pupils lost in conflict. This would add weight to the commemoration and help raise awareness within the community and future residents of this historic connection. Coupled with the applicants proposal for the memorial garden within the site, it is considered that the loss of the cricket pavilion would be acceptable in the context of the proposals for both this site and those at the site of the new school.

Archaeology

Although some objectors have requested a response from the Archaeological Officer, the application site is not within an area of identified archaeological potential. Accordingly, the site is highly unlikely to contain archaeological deposits and therefore the proposal is found to be acceptable in this regard and compliant with Macclesfield Borough Local Plan Policies BE23, BE24 and SE 7 of the Cheshire East Local Plan.

Trees

Policy SE5 of the CELPS states *“Development proposals which will result in the loss of, or threat to, the continued health and life expectancy of trees, hedgerows or woodlands (including veteran trees or ancient semi-natural woodland), that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, will not normally be permitted, except where there are clear overriding reasons for allowing the development and there are no suitable alternatives”*.

The site contains a number of mature trees located adjacent to Westminster Road and its junction with Coare Street, Cumberland Street and the eastern boundary of the site. Many of the trees contribute significantly to the character and visual amenity of the area and provide important mature tree canopy cover. A row of mature Cherry trees located towards the

northern boundary section provide a decorative feature separating the cricket pitch and the main school building.

Some of the trees within the site have been afforded protection by a recent Tree Preservation Order. They were not formally protected when Members first considered this application earlier this year. However, a number of trees were identified as being worthy of protection owing to their high amenity value.

The application is supported by a detailed Arboricultural Impact Assessment (AIA) and assessment remains valid for the amended scheme. A Tree Survey that forms part of the assessment identified 18 individual trees, 8 groups of trees and 5 hedgerows associated with the site. Three trees have been categorised as (A) high category specimens, 9 trees and 5 groups or part of groups have been identified as moderate (B) Category.

One individual moderate (B) category Oak tree, T14, (a memorial planting) at the front of the main school building, the linear group of Cherry trees and a number of low (C) category Cypress trees within the proposed memorial planting bed and some low category ornamental trees will require removal to accommodate the internal access, car parking and new landscaping arrangements.

The Council's Principal Forestry and Arboricultural Officer originally advised that the loss of the Oak and a group of low category Cherry trees would have a 'slight adverse' impact within the immediate area, given the trees can be viewed from the current access. In terms of the wider amenity such losses are not considered significant. In terms of mitigation for losses, there is scope within the development site for replacement planting which should be considered on a 3:1 basis. The application is supported by a draft landscaping plan which proposes planting of pleached Pin Oak and semi mature Cherry within the area of proposed parking. Such planting within areas of hard standing will require substantial tree pits to ensure successful establishment requiring a detailed design proposal as part of any detailed landscaping scheme.

The layout indicates parts of the development infrastructure will encroach into Root Protection Areas (RPA) of retained trees although existing hard surfacing has been utilised where possible for access roads and car parking. Encroachment is predominantly restricted to the realignment and widening of the main access road to the south of the site and north of the group of trees along Cumberland Street Road, the proposed parking area and the access road west of the mature Lime adjacent to the gatehouse, a section of footpath to provide access to the Lodge House, rear garden terracing adjacent to a mature Lime and a small section of driveway adjacent to a mature Lime to the east of the site. A Cellular Confinement System (CCS) has been proposed for these areas of permanent hard standing to avoid excavation and compaction within the RPA and given the site characteristics is considered to be within the design parameters of the relevant British Standard (ref: BS5837:2012). The scheme has been supported by an updated Tree Constraints Plan which seeks to show that the revised proposals along the eastern boundary of the site do not encroach into root protection zones. Confirmation has been sought from the Council's Principal Forestry and Arboricultural Officer that this is acceptable and will be reported to Members by update.

Design advice on social proximity and shading from trees is referred to in the accompanying AIA. Having regard to the western section of the site, the proposed housing is separated by

car parking and is between 13-15 metres from retained trees (G2). Whilst some shading is anticipated during the afternoon hours, the majority of the area affected will be within the area designated for car parking. The proposed end use of space within this area is therefore considered sustainable.

Shading from trees T15/T16 and Group G1 adjacent to the Gate House/Lodge and opposite the D2 Plot to the north and Group G6 to the east of the site are considered in the AIA. With regard to the existing Lodge, issues of shading from trees are long established and has not presented any issues. It is recognised that shading to the Plot to the north of the Lodge from trees may be an issue, but is partly offset by the orientation of the building and provision of open space to the west which supplements the impact on private amenity space.

The Council's Principal Forestry and Arboricultural Officer has previously expressed concern with regard to the relationship of the proposed units to the east of the site facing the mature group of trees (G6) to the rear of Pownall Street. Three Plots are located less than 9 metres from tree stems and 3.5 metres from the edge of crown spreads and could present unreasonable dominance and shading of gardens and rooms and will have an adverse effect on living conditions which will lead to future requests to carry out regular pruning/felling Whilst it is noted that the trees have been placed outside private ownership, the presentation of these plots to the group of trees is considered unsustainable in the long term. With the recent amendments, and minor realignment of the Type E plots, the relationship has been improved However, scope for improving separation distances further conflicts with other constraints on the site, namely ensuring that the cricket pitch maintains an open aspect and therefore in this case, it is considered that this need and the general benefits of the scheme outweigh this conflict.

Subject to final confirmation from the Council's Principal Forestry and Arboricultural Officer, the proposed amendments present no significant implications for existing trees. Accordingly, there are no objections from an arboricultural perspective and the proposals have been confirmed to be acceptable in terms of impacts on trees subject to the imposition of conditions to ensure appropriate tree protection for the retained trees, Construction Specification/Method Statement and Arboricultural Method Statement. Subject to this, the scheme is found to accord with CELPS Policy SE 5 and would not harm trees that are subject to Trees Preservation Order.

Landscaping

The application is supported by a Townscape and Visual Impact Assessment (TVIA). The Council's Senior Landscape Architect agrees with the following statement regarding visual effects:

"Views of the site are predominantly localised to the immediate setting. Longer distance views are generally prevented by the intervening built form of the town and interspersed areas of vegetation which characterises the wider landscape setting."

A series of visualisations was requested to assess the impact of the development on close range views.

The proposed development would enhance the streetscene of Coare Street and Pownall Street. However, the height and mass of the proposed extra care block on land that's elevated above the surrounding public realm would have a substantial visual effect on receptors on Westminster Road and Cumberland Street, particularly in the roundabout junction area and especially during the winter months when the surrounding trees are without foliage. The TVIA assesses the visual effect from the roundabout area (viewpoint 15) as a medium magnitude of change and a moderate and minor adverse effect on receptors. The Council's Senior Landscape Architect considered that this is underestimated. However, whilst it may be underestimated, the key consideration is whether the magnitude of change is harmful from a landscape perspective. It must be noted that this impact has been reduced further since the deferral of the application by a reduction in the scale of the Later Living Block.

The landscape chapter of the Design and Access Statement divides the site into character areas as follows:

Area 1: The northern area - The proposals around the school block, library and new buildings are mainly formal in character and include a courtyard, ornamental pool, box hedge parterres with replacement cherry trees on the school frontage, pleached trees etc. The headmaster's gardens at the north west corner would be retained and enhanced. The proposals are generally appropriate but it is recommended that the visitor car park in front of the school block be amended to widen the plant bed at the front of the car park to screen the cars. This detail could be secured by conditioning a detailed landscaping scheme.

Area 2: New housing development and entrance off Pownall Street - The landscape proposals for the site entrance and frontage for the new dwellings (as amended) on the science block site are acceptable. The new houses backing onto the Pownall Street properties would have very small gardens shaded by the mature boundary trees. However, having regard to the character of the area, the town centre nature of the site and the access that residents would have to a large area of open space within the site itself, the lack of any prescribed garden size in the current Development Plan, the garden areas are considered to be of an acceptable size.

The new houses backing onto the public open space would also have very small gardens which would be open to public view if the currently proposed low hedge boundaries were implemented. The lack of privacy for residents and open views of garden paraphernalia from the public space is not appropriate owing to visual sensitivities of the site. Accordingly, some clever design solutions are required to maintain views whilst screening Gardens. It is therefore recommended that 1.8m vertical bar railings plus 1.8m instant evergreen hedges on these boundaries to provide screening and security and prevent residents erecting non-matching fences in the long-term would be appropriate. This detail could be secured by way of a boundary treatment condition.

The Council's Senior Landscape Architect has confirmed that the central 'garden street' with rain gardens, box headed trees etc. could form an attractive communal area and this would be a key attribute.

Area 3: Later Living Area - Low hedges are proposed around the small ground floor patios facing the open space. A new hedgerow and 4 new trees are proposed to the rear of the building.

Area 4: Main Entrance and Central open space - The memorial gates and piers would be retained and a new stone wall built to enclose the gatehouse.

The ha-ha, swale and stone walls could be an attractive feature. This is subject to the walls being constructed using traditional stone with a substantial coping in keeping with the local historic walls rather than a gabion structure. This detail would be secured under the boundary treatment condition recommended above.

Hard landscape materials: The Council's Senior Landscape Architect recommends the use of Yorkstone paving for the footpaths in the prominent public areas with natural stone setts within the vehicular carriageway in front of the school block, at the entrances to the housing area etc. Again, this detail can be secured by condition.

Planting proposals: Lime trees rather than Sycamore and Pear should be planted around the site boundaries and Yew or Holly hedges should be specified rather than Privet and Osmanthus. This detail would be picked up by discharge of the landscaping condition which has been recommended by the Council's Senior Landscape Architect including further levels information and cross sections, roadway and paving materials, tree and hedgerow amendments and full planting details, new vehicular gates and piers on Pownall Street, any new pedestrian access gates, design and materials for the new stone walls within the open space and on the gate house boundary, full details for the ha-ha, swale and walls, and further SUDs details. A long-term landscape management plan is also recommended. Subject to this, the scheme is found to be acceptable in landscape terms.

Highways and Parking

Traffic Generation - Base traffic surveys were undertaken by the applicant in 2018 on the roads surrounding the site to form the basis of the capacity assessments that have been undertaken. In assessing the likely impact of this development the applicant has considered the lawful use of the site as a school and the level of traffic generation that it produced. This has then been compared with the traffic generation arising from the new residential proposals to give the development impact arising from this application.

The results indicate that there are very similar levels of traffic associated with the school use and the new residential development. The applicant has also indicated that there were numerous other trips to the school that are not accounted for on the road network that are dropping off on the surrounding roads to the school. The overall traffic impact of the new residential development would be lower than the school traffic on the local highway network.

Accessibility - The site is located close to the town centre and has good pedestrian connectivity to the footpath network. There are controlled pedestrian crossing facilities on Cumberland Street and Churchill Way that provide linkages to the town centre. There are numerous bus services available within easy walking distance of the site and also the bus and rail stations in Macclesfield are within a reasonable walking distance. The site is considered to

have good accessibility given its proximity to the town centre and is therefore highly sustainable.

Internal Road layout - There are two main road access points to the site. These are the Cumberland Street access that will be a left in-left out access only and also an access onto Pownall Street that has now been redesigned with parking to both sides of the road. The Pownall Street access will be used as the access for refuse vehicles and deliveries. Tracking plans have been provided for these vehicles to confirm that they can safely use the access. The Coare Street access has also been slightly relocated to the west and this will provide access to an undercroft car park serving the 27 parking spaces for the School Block apartments. The site will be a private development internally with no adoption of the internal roads.

Parking - The original submitted scheme had 123 car parking spaces provided in total to serve the 115 units proposed. Following the receipt of amended plans, this was increased to 147 car parking spaces and then since deferral has been increased again to 156. For each element of the scheme, the updated parking would be as detailed below:

School Block	– 29 spaces
Library	- 14 spaces
Gate House	- 4 spaces
Later Living	- 28 spaces
Visitors	- 15 spaces
Dwellings	- 66 spaces

Local Highway Infrastructure - The Infrastructure Delivery Plan (IDP) has identified the Cumberland Street corridor in Macclesfield as a key route that requires improvement due to the high levels of congestion that regularly occurs on this route. The Highway Authority has prepared an indicative improvement scheme for this part of Cumberland Street and it is important that the development of the Kings School site does not prejudice the delivery of the future improvement scheme. Discussions with the applicant have taken place and as a result, the application site will provide a new 3 metre pedestrian/cycleway within their site on the boundary with Cumberland Street. This would allow the current footway to be removed from Cumberland Street in the future to allow the widening of Cumberland Street to provide additional road capacity. It is important that the new pedestrian/cycleway is adopted and under the control of the Highway Authority so as to not affect the delivery of the improvement scheme in the future. Subject to this, the proposal would not undermine the potential to deliver highway improvement works in the future. Furthermore, the provision of this pedestrian / cycle link would increase connectivity through the site and is a key benefit of the scheme.

To conclude highways matters, the lawful use of the site as a school, would have numerous trips to and from the site in the morning peak and evening peak due to after school activities taking place. The proposed residential development will produce the same or slightly less traffic compared with the school and therefore there is no net traffic impact arising from the development proposals.

There are two current access points to the site that are proposed to be retained from Pownall Street and Cumberland Street. However, given the high levels of flow on Cumberland Street

this access will be restricted to left in, left out movements only. A new car park access is located on Coare Street, this is only to serve the apartment car park and does provide access to the rest of the site.

Although, it is recognised that this is a sustainable location it is important that car parking levels are sufficient to avoid overspill and on-street parking. Parking provision has been increased on the site from those originally proposed and it is now considered that the parking levels can be supported based on the nature of the accommodation (i.e. later living units which will generate lower levels of car ownership and will be controlled by an age restriction).

It is important that the delivery of highway improvements on the Cumberland Street corridor can still be implemented should this development be approved. The provision of a new pedestrian/cycleway within the site is welcomed as it provides additional space for the highway improvements to be made to Cumberland Street and its omission would not enable the delivery of any additional affordable housing.

Therefore, the Head of Strategic Infrastructure (HSI - Highways) has confirmed that the application is acceptable subject to conditions and also the dedication of the pedestrian/cycleway to public highway. Accordingly, the application is found to be acceptable in this regard.

Residential Amenity

Saved policy DC38 of the Macclesfield Borough Local Plan (MBLP) states that new residential developments should generally achieve a distance of between 21 metres and 25 metres between principal windows and 14 metres between a principal window and a blank / flank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties, unless the design and layout of the scheme and its relationship to the site and its characteristics provide a commensurate degree of light and privacy between buildings.

However the CEC Design Guide states separation distances should be seen as a guide rather than a hard and fast rule. The Design Guide does acknowledge that the distance between rear facing habitable room windows should not drop below 21m. 18m front to front will also provide a good level of privacy, but if this applied too rigidly it will lead to uniformity and limit the potential to create strong streetscenes and variety, and so this distance could go down as low as 12m in some cases.

The nearest neighbouring properties to the site are those that bound it to the north and east, positioned on Coare Street, Pownall Street and Tunnicliffe Street. Coare Street is made up of a row of terraced properties (nos. 68-54 inclusive) which 'back-onto' part of the northern boundary and are separated by a large stone retaining wall owing to the difference in levels (the school side occupying higher ground). Many of these neighbouring dwellings benefit from rear outriggers the nearest of which would enjoy a separation of at least 16 metres with the proposed Type F units. The main rear wall of these neighbouring terraced dwellings where the principal windows reside would be between 20 and 24 metres. Given that the proposed Type F units would replace an existing school block and would achieve a greater separation whilst also achieving the cited distances, it is not considered that they would harm

neighbouring amenity in terms of direct overlooking, loss of light or visual intrusion. Also, the rear balconies previously proposed have been removed following deferral by members.

Owing to its close proximity, there is potential for the end of terrace unit at no. 68 Coare Street to be unduly affected by the development in lieu of the school block building both to its side and rear. The separation here between facing elevations would be c12 metres and from side to side between 3-5 metres. However, it is important to note that there is existing built form in the form of the existing school block and it is not considered that the proposals would exacerbate this / make it worse than it already is. Whilst a residential use may foster more overlooking, for example when outside of school times, the overall instances would be reduced and would also be replaced with a more complimentary use. Initially, the bin store for the proposed apartment block was proposed to be sited along the boundary with no. 68. Following concerns expressed by officers and the occupier, amended plans were received relocating this facility further along Coare Street to the west. The amended scheme proposes a better relationship and accordingly, it is found to be acceptable taking into account the current relationship between built form. Instances of direct overlooking, loss of light and visual intrusion would not be made significantly worse to justify a refusal of planning permission.

Moving to the east, the end side elevation of the Type F units would enjoy a distance of between 19 metres and 27 metres as measured between the end of the outrigger arrangements and the main rear wall of nos. 76-68 Pownall Street. This well exceeds the separation expected between a side elevation and a principal one. Further to the south along the eastern boundary, the scheme has been amended by omitting 2 units that were proposed to sit alongside no. 40 Pownall Street. This was owing to the presence of a principal bedroom window in this neighbouring side elevation. Instead, an opportunity has been made to strengthen the approach into the site taken from the vehicular access off Pownall Street as well as providing additional parking in place of these omitted units. The nearest proposed residential units (type E and E1) would be sited at least 30 metres away at the closest point. This also well exceeds expected interface distances and is therefore acceptable in amenity terms. The remainder of the Pownall Street units backing onto the eastern boundary would achieve a similar distance of 30 metres and consequently would not materially harm neighbouring amenity.

Finally in respect of the eastern boundary, the semi-detached dwellings at the end of Tunncliffe Street side onto the site. No. 15 Tunncliffe Street would be over 19 metres from the rear elevation of the nearest type E unit. This has been increased following the amendments to the scheme. Whilst no. 15 contains a number of side facing windows, these are secondary (i.e. not the only windows serving the rooms in which they serve) and the unit nearest unit would be offset slightly thus discouraging direct overlooking. The other nearest property on Tunncliffe Street would be c 20 metres. Taking this into account, the relationship with the properties on Tunncliffe Street is considered to be acceptable.

Within the site itself, there would be a shortfall in some places, but there would not be a significant failure to comply with the advised standards and furthermore, any reductions would be the interests of preserving the heritage assets on the site and achieving a high quality innovative design (for example the homes zone units). The internal floor layouts have been designed to minimise conflicts.

Elsewhere, the proposal would meet with the separation standards and the amenity afforded to future residents (in terms of light and outlook) of the proposed scheme would be acceptable having regard to the character of the area and subject to further considerations relating to noise.

Noise

The application is supported by acoustic report which details noise mitigation measures in order to ensure that occupants of the proposed dwellings are not adversely affected by current and future traffic noise on Cumberland Street / Hibel Road (A537) and the activities associated with the nearby Sainsbury's food store. This would comprise of the incorporation of noise mitigation within the façade elements of some of the proposed dwellings to ensure that an acceptable internal noise environment is achieved. Provided that the noise mitigation measures as detailed in the acoustic report are implemented, it is considered that there should be no adverse impacts on health and quality of life of the future residents resulting from road traffic noise in the area or the adjoining food store. Subject to conditions, it is considered that the proposal complies with Policy SE12 of the CELPS and DC14 of the MBLP relating to noise and soundproofing.

Air Quality

Policy SE 12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 124 of the NPPF and the Government's Air Quality Strategy. When assessing the impact of a development on Local Air Quality, regard is had to the Council's Air Quality Strategy, the Air Quality Action Plan, Local Monitoring Data and the EPUK Guidance "Land Use Planning & Development Control: Planning for Air Quality May 2015).

The proposed development is considered significant in that it has the potential to change traffic patterns and congestion in the area. The application is supported by an Air Quality Assessment which has been reviewed by the Council's Environmental Protection Unit (EPU). The EPU initially objected to the proposals as insufficient information had been submitted in the form of a complete air quality assessment. A detailed air quality assessment has since been submitted. The EPU initially raised concerns about the removal of monitoring tubes 'CE86' and 'CE266' from the verification process of the assessment. The applicant's consultant responded by stating that the traffic data for the stretch of road where these two tubes are located is incomplete and made the following statement:

"Including CE86 and CE266 in model verification with significant missing traffic data would influence the verification factor derived by illustrating an under-prediction of concentrations at the two diffusion tubes."

This EPU also queried the predicted result at receptor 'R13' given that it was roughly half the concentration of the diffusion tube located outside this property (CE266). It was decided that the queue length inputted into the model would be increased to account for the dynamics of the junction between Hibel Road and Jordangate, i.e. longer queues causing higher concentrations. These changes were all made to ensure the final results were as robust as possible with the data available to determine the potential impacts of the development on the

local air quality and to ensure no new receptors would be introduced into an area of poor air quality.

The assessments use ADMS Roads to model NO₂, PM₁₀ and PM_{2.5} impacts from additional traffic associated with this development and the cumulative impact of committed development within the area.

A number of modelled scenarios have been considered within the assessment. These were:

- Scenario 1 – Base year (2017);
- Scenario 2 – 2021 opening year without development
- Scenario 3 – 2021 opening year with development

The assessment and the addendum conclude that the impact of the future development on the chosen receptors will be **negligible** with regards to all the modelled pollutants at existing receptors. However, one of the new dwellings (PR1) is predicted to see a concentration of 42.4 µg/m³ for NO₂ which is above the annual average objective. Therefore, the EPU has recommended a condition be placed on this dwelling to ensure the future residents are not exposed to excessive concentrations of NO₂. This would be achieved by installing mechanical ventilation for the dwellings adjacent to Cumberland Street to ensure that air is drawn from the 'clean façade' (i.e. the one facing away from Cumberland Street).

Macclesfield has four Air Quality Management Areas, including one adjacent to the development and as such the cumulative impact of developments in the area is likely to make the situation worse, unless managed.

Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact. Further robust mitigation measures are required to reduce the impact on sensitive receptors in the area. Accordingly, it is considered appropriate that further mitigation should be sought in the form of direct measures to reduce the adverse air quality impact. This can be achieved by conditions relating to dust control and the provision of electric vehicle infrastructure in addition to the use of mechanical ventilation on specific plots which are accordingly recommended. Subject to these conditions, the proposal will comply with policy SE 12 of the CELPS.

Ecology

Macclesfield Borough Local Plan Policy NE11 and CELPS Policy SE 3 seek to protect nature conservation interests and indicate that where development would adversely affect such interests, permission should be refused. The application has been supported by an ecological assessment dealing with the following species:

Designated sites - Two statutory designated sites are located within 10km of the proposed development. The application site does not fall within Natural England's SSSI impact risk zones and Natural England have made no comments on this application. Considering the nature and location of the application site within a highly built up area and its distance from the designated sites, the proposed development is unlikely to have a significant effect on any

statutory or non-statutory designated sites. Therefore no further action in respect of designated sites is required under the Habitat Regulations or the Wildlife and Countryside Act.

Bats - Building B10 on site, which is the footbridge over Coare Street, was initially identified as being of 'moderate' bat roost potential, this was revised to 'low' potential during the course of the bat activity surveys of the buildings on site. No bat specific activity surveys have been undertaken of this structure. However, based on the characteristics of this structure the Council's Nature Conservation Officer (NCO) has advised that it is not reasonable likely to support roosting bats. No further surveys of this structure are therefore required.

Evidence of bat activity in the form of a minor roost of a relatively common bat species has been recorded within one of the buildings. The usage of the building by bats is likely to be limited to single-small numbers of animals using the buildings for relatively short periods of time during the year and there is no evidence to suggest a significant maternity roost is present. The loss of the roosts associated with the buildings on this site, in the absence of mitigation, is likely to have a low impact upon bats at the local level and a low impact upon the conservation status of the species as a whole.

The submitted report recommends the installation of bat boxes on the nearby trees as a means of compensating for the loss of the roost and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed.

It should be noted that since a European Protected Species (bats) has been recorded on site and is likely to be adversely affected by the proposed development, the local planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favourable conservation status of the species will be maintained.

The school will be vacating the site this summer, which will leave the site vacant in the absence of a suitable alternative use being found. The redevelopment of the site for residential purposes appears to be the most sustainable alternative use and owing to the heritage sensitivities of the site hosting a number of designated heritage assets and the highly prominent position of the site within the town, it is considered that there is overriding public interest in this case to bring the site forward for residential purposes.

There are no suitable alternatives to providing the development on the site and the Council's NCO has confirmed that if planning consent were to be granted, the proposed mitigation/compensation is acceptable and is likely to maintain the favourable conservation status of species. On this basis, it is considered that the proposal meets with the tests outlined in the Habitat Regulations.

Hedgerows - The submitted ecological assessment identifies two hedgerows on site that would qualify as a Priority habitat. Based upon the submitted layout plans one of these

hedgerows would be lost as a result of the proposed development. The NCO advises that provided appropriate species are used, the proposed landscaping scheme has the potential to provide sufficient replacement planting to compensate the hedgerows lost. The detailed landscaping scheme can be secured by condition.

Subject to conditions to safeguard nesting birds, the incorporation of features into the scheme for use by breeding birds including house sparrow and swifts, the proposal is considered to comply with policy NE11 of the MBLP and SE3 of the CELPS.

Flood Risk and Drainage

The site is located within Flood Zone 1 where flooding from rivers and the sea is very unlikely with less than a 0.1 per cent (1 in 1000) chance of flooding occurring each year. Subject to conditions including a surface water drainage strategy, the proposal would not give rise to flooding or drainage issues. Therefore the development is considered to comply with policy SE 12 of the CELPS.

Contaminated Land

The submitted Phase I contaminated land assessment has been assessed by the Council's Environmental Protection Unit (EPU), who have offered no objection. Any risk from further contamination not already identified can be picked up by further monitoring and secured by appropriate conditions. Consequently the proposal complies with policy DC63 of the MBLP and CELPS Policy SE 12.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Macclesfield (including the Town Centre) including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

S106 HEADS OF TERMS

A s106 agreement is currently being negotiated to secure the Affordable Housing, Education contribution, Public Open Space and Indoor Sports provision in lieu of on-site provision and an NHS contribution. The s106 agreement will also place an age restriction on the occupation of the later living flats (55 years plus or spouse thereof).

CIL Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The provision of the affordable housing (albeit reduced in quantum because of viability) will be necessary, fair and reasonable to assist in providing affordable housing in the area and to comply with Local and National Planning Policies.

The commuted sum in lieu of open space and indoor sport is necessary, fair and reasonable, as the proposed development will provide 115 dwellings, the occupiers of which will use local facilities, and there is a necessity to provide facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

The development would result in increased demand for secondary school places including a place for special education needs in the locality, where there is limited spare capacity. In order to increase capacity of the school(s) which would support the proposed development, a contribution towards school education is required. This is considered to be necessary and fair and reasonable in relation to the development.

The NHS contribution would support improvement works to the local GP practices and would be sufficient to mitigate the impact of the proposals on healthcare provision.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

On this basis the S106 contributions associated with the scheme are compliant with the CIL Regulations 2010.

CONCLUSIONS

Macclesfield is one of the principal towns and growth areas of the Borough where national and local plan policies support sustainable development. The proposal provides 115 dwellings of an acceptable scale relative to the principal town of Macclesfield and would deliver housing within a highly sustainable location adjoining the Town Centre Boundary. The site is largely brownfield in nature and therefore its redevelopment to provide homes in such a highly sustainable location aligns with the general principles of national and local policy. Whilst there would be a partial loss of open space comprising of the cricket pitch, this would be replaced with an equivalent or better provision at the new school site. The proposals would provide for a diverse range and mix of housing, and correspondingly, a diverse community.

In design terms, the proposal would provide a high quality innovative scheme with a contemporary approach whilst protecting listed buildings. Whilst it is acknowledged that there would be an intrusion of the later living block, it is considered that this is balanced against the improvements that would be seen from the Sainsbury's roundabout and the overall design credentials of the scheme. There are also benefits derived from ensuring a sustainable future use is secured for such an important and prominent site within Macclesfield from a heritage perspective. Thus, the proposals represent a high quality scheme, with many positive attributes.

There is an opportunity to ensure that the loss of the cricket pavilion is replaced with a high quality memorial proposal to compensate for its loss. Coupled with the applicants proposal for the memorial garden within the site, and the school's memorial proposals at the site of the

new school, it is considered that the loss of the cricket pavilion would be acceptable in the context of the proposals for this site.

In highways terms, the impact from a residential scheme would be no greater than that of the school use and therefore the local highway network would be able to accommodate the likely traffic movements generated by the proposal. Adequate parking would be provided having regard to the size, type and scale of units and the sites' highly sustainable location adjoining the town centre boundary.

The proposal would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants having regard to the character of the area and the design credentials of the scheme. The application would offset the impact on healthcare and education through the provision of financial contributions and would partially offset the impact on children's play provision at West Park, which would be redirected from an indoor sport contribution following a review at member's request. The development can only bear the cost of providing 5 affordable units and cannot any additional contributions / obligations. The applicants have demonstrated general compliance with national and local guidance in a range of areas including ecology, flood risk, noise and air quality.

The proposal is for sustainable development which would bring environmental, economic and social benefits. The proposal is therefore considered to be acceptable in the context of the relevant policies of the Cheshire East Local Plan Strategy and the saved policies of the Macclesfield Borough Local Plan and advice contained within the NPPF. The application is therefore recommended for approval subject to conditions and the necessary Section 106 obligation.

RECOMMENDATION

APPROVE subject to conditions and a S106 Agreement making provision for:

- 1. Affordable Housing comprising of: 5 units with an intermediate tenure**
- 2. Public Open Space comprising of:**
 - Contribution of £19,500 towards additions, enhancements and improvements at West Park Play children's facilities
 - On site amenity space
 - Management of on site amenity space
- 3. Education Contribution** of £274,298 towards secondary and SEN (Special Educational Needs) school places
- 4. Healthcare contribution of £84,024** to support premises development of the Waters Green Medical Centre and development of additional primary care premises within Macclesfield.
- 5. Restriction of later living units to occupation by over 55s**

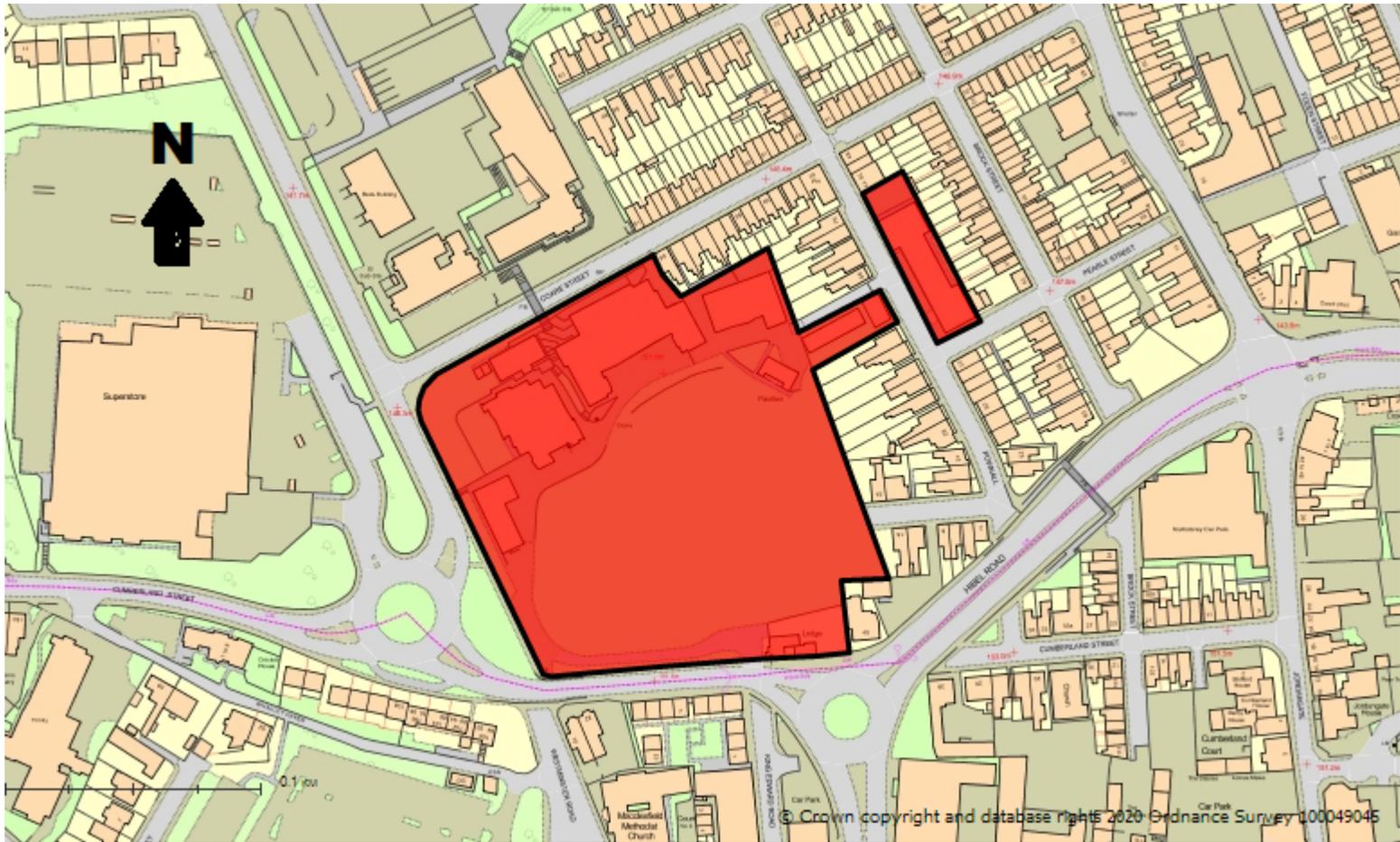
And the following conditions:

1. Commencement of development (3 years)
2. Development in accordance with approved and amended plans
3. Construction of access prior to first occupation
4. No development involving the loss of the existing cricket pitch shall

- be carried out until a timetable has been agreed for its replacement.
5. Landscaping scheme to be submitted and approved to include replacement planting
 6. Landscaping scheme to be implemented
 7. Arboricultural Method Statement to be submitted and approved
 8. Tree protection of retained trees to be submitted and approved
 9. Arboricultural Method Statement/Construction Specification for hard landscaping within root protection areas to be submitted and approved
 10. Details of ground levels to be submitted, approved and implemented
 11. Details of external facing materials to be submitted, approved and implemented and notwithstanding the submitted detail, to include the use of stone.
 12. Details of surfacing materials to be submitted and to be conservation style in accordance with design guide
 13. Details of boundary treatments to be submitted, approved and implemented including retention of boundary walls
 14. Development to be carried out in accordance with submitted noise survey with mitigation provided prior to first occupation
 15. Phase II contaminated land investigation to be submitted and approved
 16. Verification of remediated contaminated land to be submitted and approved
 17. Bin storage to be provided prior to first occupation
 18. Details of pile foundations to be submitted, approved and implemented
 19. Electric Vehicle Infrastructure to be provided prior to first occupation
 20. Scheme of dust control to be submitted, approved and implemented
 21. Foul and surface water drainage to be connected on separate systems
 22. Scheme of surface water drainage to be submitted, approved and implemented
 23. Submission, approval and implementation of a Construction Environmental Management Plan
 24. Removal of permitted development rights for Classes A-E (extensions and outbuildings etc)
 25. Removal of permitted development rights for gates, walls and fences
 26. Obscured glazing on specific plots and glazed screening to some balconies
 27. Accordance with Ecological Assessments
 28. Nesting bird mitigation measures to be submitted, approved and implemented
 29. Details of external lighting to be submitted, approved and implemented
 30. Scheme for ecological enhancement to be submitted, approved and implemented
 31. Retention of war memorial gates
 32. Scheme of memorial proposals to be submitted and approved including details of cricket pavilion war memorial lintel to be repurposed
 33. Details of cycle storage to be submitted and approved
 34. Scheme for car club to be submitted and approved
 35. Submission of a scheme and method statement for the retention of the façade of the main school block to be submitted and approved.

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning, in consultation with the Chairman (or in his absence the Vice Chair) of the Strategic Planning Board to correct any

technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.



Application No: 20/3107M

Location: Royal London Campus, East of Alderley Road, Wilmslow

Proposal: Full planning application for surface water drainage improvement works comprising alterations to existing culverts; the creation of new culverts; the excavation of material and formation of two flood storage basins; and temporary stockpiling of material

Applicant: C/o Agent, The Royal London Mutual Insurance Society Limited (RLMIS)

Expiry Date: 11-Dec-2020

SUMMARY

Policy LPS 54 of the CELPS allocates the entire site, referred to as 'Royal London, including land west of Alderley Road, Wilmslow' subject to this application, for a range of development including the provision of new housing, new employment development and the retention of existing campus.

The application proposals seek extensive surface water drainage improvement works to enable the independent delivery of residential planning permission (ref: 17/5838M), which was granted outline approval for the erection of up to 120 dwellings to the north of the site in line with the strategic allocation.

As these works relate to development sought on this strategic site, relating to allocated development, the principle of the works are deemed acceptable, subject to the impact of the development upon the relevant policies of the development plan.

In response to the specific considerations; The Environment Agency, the Council's Flood Risk Officer and United Utilities have raised no flood risk or drainage objections, subject to conditions. Neither have the Council's Nature Conservation, Landscape and Tree Officers or Natural England in consideration of environmental considerations. Furthermore, no notable concerns are raised in relation to highway safety, amenity or heritage, again, subject to conditions where necessary.

A further consideration is the potential impact of the development upon the other extant planning permissions that have been granted on the wider allocated site. The proposed development is not expected to result in any notable conflicts or impacts to these associated developments subject to a further, relatively minor application being submitted to ensure consistency with the linked residential scheme, along with conditions relating to the temporary stockpiles.

For the above reasons, the application is recommended for approval subject to conditions

RECOMMENDATION

APPROVE subject to conditions

DESCRIPTION OF SITE AND CONTEXT

The application site is located to the east of Alderley Road, Wilmslow and comprises of an 8.4 hectare section of the Royal London Campus.

This Campus, along with land to the west of Alderley Road forms part of a strategic site allocated for development within the Cheshire East Local Plan Strategy (LPS 54). This allocation is most notably for; the retention of the existing campus buildings themselves, new housing (around 175 dwellings) and new office development. Three extant outline planning permissions are in place for these developments.

Application 17/5838M granted outline permission for up to 120 dwellings to the north of the site. Application 19/3420M granted outline permission for office development towards to the centre/east of the site and application 17/5837M granted outline permission for up to 60 dwellings to land on the opposite side of Alderley Road.

The proposed works are primarily to the south of the approved residential site to the north and encompass the land which benefits from extant permission for office development and associated car parking.

To the south of the application site is the A34 and Whitehall Bridge Roundabout, to the west Alderley Road, to the north Royal London House and open land to the east bound by the railway line.

On the site at present are the buildings referred to as 'Alderley House' and 'Harefield House' associated hard standing, parking, roads and amenity grassland, woodlands, semi-improved grasslands, individual trees, two watercourses and two ponds.

DETAILS OF PROPOSAL

Full planning permission is sought for extensive surface water drainage improvement works including;

- The diversion and sealing up of damaged and redundant surface water culverts dating from the original construction of Royal London House and the replacement of these with new appropriately sized ones underground;
- The excavation of two flood storage basins; in the west and south of the Campus site; and
- The temporary stockpiling of the soils arising from the excavation of these basins for a maximum period of 3 years

The submission advises that the proposed works will enable the independent delivery of residential planning permission (ref: 17/5838M), which was granted outline approval for the erection of up to 120 dwellings to the north of the site.

More specifically, the existing ground levels of this residential site need to be raised to avoid flood risk. This raising of land levels was agreed as part of the permission. The approved

solution was for any displaced flood water to be transported under Alderley Road onto the approved residential site to the west (ref: 17/5837M). The applicant advises that this meant that the permissions are/were intrinsically linked, which could cause significant delay to the delivery of the housing. In addition, the applicant advises that these works would have caused considerable disruption to the highway during construction. Subsequently, separate drainage strategies have now been formulated for both sites to be delivered independently.

Due to the location and size of the proposed development, the application represents 'EIA development'. As such, the application is accompanied by an Environmental Statement, considering the environmental impacts of the proposals and proposes associated mitigation measures.

RELEVANT HISTORY

Application site – centre/south/east of site

20/1465S - EIA Scoping Opinion for proposed civil engineering works in relation to application 17/5838M - Outline permission for residential development, with all matters reserved except for means of access off Alderley Road, highway improvements to Alderley Road, together with associated infrastructure and open space – EIA Scoping Opinion – Approved 6th August 2020

Residential development to north of site

17/5838M - Outline permission for residential development, with all matters reserved except for means of access off Alderley Road, highway improvements to Alderley Road, together with associated infrastructure and open space – Approved 5th December 2018 - *Extant*

17/4832S - EIA Scoping Opinion for a residential development on land to the East of Alderley Road – EIA Scoping Opinion – Approval Required 11th December 2018

17/3903M - EIA screening opinion for new access road and temporary car park – EIA not required 17th August 2017

Office development to east of site

19/3420M - Outline planning application for up to 17,000sqm of new office development (Use Class B1) and up to 1,100 associated car parking spaces; access improvements for vehicles and creation of new pedestrian and cycle routes; and the enhancement of existing and provision of new landscaping (Renewal of 16/2314M) – Approved 19th February 2020 - *Extant*

19/1735S - EIA Scoping opinion for an office development – Finally disposed of 21st April 2020

17/4342M - Proposed landscape buffer – Approved 22nd March 2018

17/3725M – Non-material amendment relating to 16/2314M – Approved 9th August 2017

17/3747M (Reserved Matters) - This application seeks permission for the matters of appearance, landscaping, layout and scale. reserved in the outline application 16/2314M – Approved 22nd March 2018

16/2314M (Outline) - Outline planning permission is sought for a new office development (Use Class B1) and associated car parking, access improvements for vehicles and creation of new pedestrian and cycle routes to the site and enhancement of existing and provision of new landscaping – Approved 9th August 2016

Expired

Residential development to the west of Alderley Road

17/5837M - Outline permission for residential development, with all matters reserved expect for means of access off Alderley Road, together with associated infrastructure and open space) – Approved 1st October 2018 - *Extant*

17/4833S - EIA scoping opinion fro residential development of up to 70 units – EIA Scoping Opinion – Approval Required 11th December 2018

ADOPTED PLANNING POLICIES

The relevant aspects of the Cheshire East Council Development Plan subject to this application are; the Wilmslow Neighbourhood Plan; the Cheshire East Local Plan Strategy and the Macclesfield Borough Local Plan. The relevant policies within these include;

Wilmslow Neighbourhood Plan (October 2019) (WNP)

LPS1 – Sustainable Construction, LPS2 – Sustainable Spaces, NE1 – Countryside around the Town, NE2 – River Valley Landscapes, NE3 – Green Links, NE4 – Countryside Access, NE5 – Biodiversity Conservation, TH1 – Gateways into Wilmslow, TH3 – Heritage Assets, TA2 – Congestion and Traffic Flow, CR3 – Local Green Spaces

Cheshire East Local Plan Strategy 2017 (CELPS)

PG1 - Overall Development Strategy, Policy PG2 - Settlement Hierarchy, PG7 – Spatial Distribution of Development, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, IN1 – Infrastructure, IN2 Developer Contributions, EG3 – Existing and Allocated Employment Sites, SE1 - Design, SE2 - Efficient Use of Land, SE3 - Biodiversity and Geodiversity, SE4 - The Landscape, SE5 - Trees, Hedgerows and Woodland, SE6 – Green Infrastructure, SE7 – The Historic Environment, SE12 Pollution, Land Contamination and Land Instability, SE13 – Flood Risk and Water Management

LPS 54 – Royal London, including land west of Alderley Road, Wilmslow

Macclesfield Borough Local Plan (MBLP)

Saved policies include;

NE3 – Conservation and enhancement to rural landscape, NE9 – Protection of River Corridors, NE11 - Nature Conservation, NE12 – SSSI's, SBI's and Nature Reserves, NE13 – Sites of Biological Importance, NE14 – Nature Conservation Sites, NE15 – Creation or enhancement of habitats, NE17 – Major developments in the countryside, RT7 – Cycleways, Bridleways and Footpaths, WTC6 – Green Lane/Alderley Road Redevelopment Area, DC3 - Protection of the amenities of nearby residential properties, Policy DC6 - Circulation and Access, Policy - DC8 – Landscaping, Policy DC9 - Tree Protection, DC10 – Landscape and Tree Protection, DC13 and DC14 – Noise, DC17, DC19 and DC20 - Water Resources, Policy DC38 - Guidelines for space, light and privacy for housing development and Policy, DC63 – Contaminated land

Other Material planning policy considerations

The Royal London Development Framework 2017
National Planning Policy Framework (NPPF) 2019
National Planning Policy Guidance (NPPG)
EC Habitats Directive
Conservation of Habitats and Species Regulations 2017

CONSULTATIONS (External to Planning)

Head of Strategic Infrastructure (Highways Officer) – No objections

Environmental Protection (Cheshire East Council) - No objections, subject to conditions including; the implementation of temporary noise mitigation measures (4m tall acoustic screens adjacent to Royal London House and The Lodge), the submission of a Construction Management plan, the submission/approval of a contaminated land remediation strategy, prior submission/approval of a Verification Report prepared in accordance with the approved Remediation Strategy, submission/approval of soil testing and works to stop of land contamination is identified. Informatives are also proposed in relation to hours of construction and dust suppression.

Environment Agency – No objections, subject to a number of conditions including; Submission/approval of a landscape and ecological management plan and the submission/approval of a construction environmental management plan (CEMP)

Lead Local Flood Risk Authority (LLFA) – No objections subject to the following conditions; that the development be carried out in accordance with the submitted Flood Risk Assessment and the submission/approval of a detailed overall drainage strategy and associated management and maintenance plan. Informatives are also proposed.

United Utilities – *'No comment'*

Cadent Gas Ltd – Note the presence of Low or Medium pressure (below 2 bar) gas pipes and associated equipment either on or within the vicinity of the site and as such, recommend a number of informatives giving applicant instructions in the event of approval

Network Rail – No comments received at time of report

Natural England – No objections

Alderley Edge Parish Council – No objections, *‘...on the basis that this should improve the flood mitigation and controls further downstream and flood plains and provided no objection from lead flood authority’*

Wilmslow Town Council – No objections but note that *‘...these works need to dovetail with other flood relief works in the area and that officers need to ensure that Whitehall Brook can cope with the increased flows.’*

REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants, a site notice was erected and the proposals advertised in a local newspaper (the Wilmslow Express).

In response letters of representation have been received from 4 interested individuals/groups, including the Wilmslow Civic Trust. The main areas of concern/objection raised include;

- Flood Risk/Drainage – The application does not appear to provide mitigation for the north of the site, despite the intention to create stockpiles, due to raising of land compared to land around (Harefield Farm properties), concerns of knock-on impact on flooding
- Landscape – Question the need to store top-soil on site, knock-on impact upon approved development on site

OFFICER APPRAISAL

Principle of development

Policy LPS 54 identified the provision of the following requirements on the application site (and surrounding land). The application site only forms part of the allocated site;

- Retention of the Royal London Campus (unless buildings become surplus to the requirements of the occupiers)
- Around 175 dwellings (around 80 on land to east, 20 to north and 75 to land west of Alderley Road)
- Provision of 5ha of employment land for up to around 24,000 metres of B1 employment space and a hotel
- Incorporation of green infrastructure and provision of Public Open Space at southern end of land to west of Alderley Road
- Retention and extension of Wilmslow High playing fields
- Provision of at least 1ha of set aside land for use as school playing fields within land to east of existing campus
- Pedestrian and cycle links and associated infrastructure

Of the above, extant outline permission is in place for;

Residential development

- No more than 120 dwellings to north of site – including land set-aside for future playing fields (17/5838M)
- No more than 60 dwellings to west of Alderley Road – Including provision of public open space at southern end (17/5837M)

Office development

- 17,000sqm of new office development (Use Class B1) (19/3420M)

This application specifically seeks permission for flood risk and drainage works to enable the progression of 17/5838M to the north of the site.

As these works relate to development, which is sought and supported on this strategic site, the principle of the works are deemed acceptable, subject to the impact of the development upon the relevant policies of the development plan.

Flooding and Drainage

The application site contains land that falls within Flood Zone 1, 2 and 3 according to the flood risk mapping data provided by the Environment Agency. Flood Zone 1 means the land has a low probability of flooding. Flood Zone 2 means the land has a medium possibility of flooding and Flood Zone 3 means the land has a high probability of flooding.

The application is accompanied by a Flood Risk Assessment (FRA) and specific details of the proposed drainage and earthworks.

Policy SE13 of the CELPS refers to flood risk and water management. The policy ensures that developments integrate measures for sustainable water management to reduce flood risk.

The Environment Agency have noted that to the southern part of the site, their Flood Map for planning shows areas of Flood Zones 2 & 3 indicating a significant risk of flooding attributable to nearby Mobberley Brook (Whitehall Brook, as referred to in the planning submission documents). However, the EA advise that the Flood Zones as shown were calculated prior to the construction of the A34 Pendleton Way By-pass and the diversion of Mobberley Brook (Whitehall Brook) in a newly constructed channel to the south of the carriageway. As such, the EA advise that these present flood outlines are considered to be inaccurate. However, the EA advise that this assessed interpretation of over-estimated fluvial flood risk attributable to Mobberley Brook (near to the southern part of the site) appears to be addressed within the hydraulic modelling assessment submitted in support of the application which shows no fluvial flood risk in this area.

The EA have advised that they consider that the main flood risks affecting the site are not within their remit and so they would choose not to comment specifically on the Flood Risk Assessment or its recommendations, but instead would (respectfully) leave that task to the Lead Local Flood Authority (LLFA) in this instance.

The Council's LLFA have concluded that subject to a condition to ensure the development proceed in accordance with the submitted Flood Risk Assessment and a condition requiring the submission/approval of a detailed overall drainage strategy and associated management and maintenance plan in order to ensure that the principles of sustainable drainage are incorporated into this proposal and maintained thereafter and to ensure that the proposed development can be adequately drained and to ensure that there is no flood risk on or off site resulting from the proposed mitigation works, no objections are raised.

United Utilities have reviewed the proposals from a drainage perspective and wish to make 'no comment'.

Subject to the above, it is considered that the proposal would adhere with Policy SE13 of the CELPS.

Landscape

Policy SE4 of the CELPS refers to the Landscape. Policy SE4 states that all development should conserve the landscape character and quality and should where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness of both rural and urban landscapes.

This application is for engineering works to create a flood alleviation scheme. The work includes the creation of two flood storage basins - 'FSA1' on the western side of the site and 'FSA2' to the south of the site where there's currently a large earth mound that will need to be removed. Some of the excavated soils from these two areas will be used to form two large, three metre high earth mounds on the eastern part of the site. This material would be retained in situ for up to 3 years and would then predominantly be used to form a development platform for residential development in the northern area of the Royal London site.

Chapter 8 of the Environmental Statement (ES) is the Landscape and Visual Impact assessment for the proposed development (the LVIA). A Strategic Landscape Masterplan has also been submitted with the application.

In accordance with the LVIA 'Guidelines' the landscape and visual effects are considered separately within the submitted document and are summarised below;

Landscape Effects

The assessment considered the published national, regional and local landscape character assessments and also identified five site specific character areas. Of these, the following landscape character area areas were considered to have the potential to experience effects from the proposed development:

- Regional - Lower Farms and Woods Landscape Character Type and Chonar Landscape Character Area
- Site specific – Fulshaw Park Townscape (TCA1), Royal London Campus (TCA2) and Pasture & Woods (LCA5)

In accordance with the methodology set out in appendix 8.1, the value and susceptibility of each character area was considered to determine sensitivity.

The likely magnitude of change to each character area was then determined. By then combining the sensitivity and magnitude of change, the level of significance was then determined.

To note, Moderate and Major effects are considered significant.

The assessment was carried out for the character of each area and also the site specific features within each area for both the construction phase and the operational phase of the development.

Landscape impact conclusions

The assessment concludes that the only significant effect identified would be a moderate adverse effect during the construction phase of the development for the Key Landscape Features (of LCT5) due to the removal of 130 trees and the earthworks required to implement the flood alleviation scheme.

Whilst classed as a significant effect in line with the methodology utilised for this chapter, this effect is temporary in nature and therefore was not considered to be overall significant. No other significant effects (i.e. moderate or major) have been identified either during the construction or operational phase.

Chapter 14 of the Environmental Statement considers the potential cumulative effects arising from this development and four other developments in the immediate area. Cumulative landscape and visual effects were considered as part of this process. This chapter concludes *'Cumulative sites which have the potential to interact with the proposed development and generate cumulative effects have been identified through CEC's planning portal. Therefore a cumulative assessment has been undertaken, the results of which have identified that there are no significant cumulative adverse effects during the construction or completion phase.'*

The Council's Landscape Officer has advised that she agrees with the findings of the LVIA. The proposed development would result in the removal of 130 trees. The Strategic Landscape Masterplan proposes new native planting to mitigate for these losses. The proposals comprise 0.33Ha of wet woodland, 0.13Ha of mixed scrub and 20 individual trees. The Council's Landscape Officer considered that the mitigation is considered acceptable subject to landscape conditions requiring a detailed landscape scheme to be submitted for approval and appropriate long-term management.

Earthworks & levels

Most of the excavated earth from the creation of the flood basins will be stockpiled on site. Indeed, two stockpiles would be created to the north-east of the application site, referred to as 'Stockpile 1' and 'Stockpile 2'. Stockpile 1 would comprise of 26,000m³ of excavated material and would have a height of 3 metres. Stockpile 2 would lie adjacent and would comprise of 14,000m³ of material. This too would be 3 metres in height.

The applicant has advised that these stockpiles would be in place for a maximum of 3 years. Prior to the expiry of the 3 years, it is intended that this earth shall largely be re-used on the residential site to the north of the campus (ref: 17/5838M). The applicant, in later correspondence received by the LPA, has advised that a contingency amount (c. 17%) is built into the proposals to ensure sufficient earth will be available for the residential development. The applicant further advises that if the contingency is not required and there is excess material retained as a result, it will first be considered whether it can be re-used elsewhere on site to facilitate other future developments on site and otherwise the material will be removed to meet the 3 year temporary requirement.

In response, in order to assist in the mitigation of this element of the application proposals, a number of conditions are proposed. These include; Prior submission/approval of details of existing and proposed levels and contours in the soil stockpile areas; that the stockpiled soils must be retained in situ for a maximum of three years from completion of the development; that any surplus soil material that is not required to raise levels in the northern residential area must be removed from site by the end of the three year period unless the LPA consents to its use elsewhere within the Campus. Such consent will require full details to be submitted and approved prior to relocation of - proposed locations, use/purpose, existing and proposed levels and contours and, where relevant, hard and soft landscape details and; Once stockpiles are removed the land must be restored to previously existing levels, graded to smooth running contours and seeded with an agreed grass seed mix; Submission/approval of a soil resource and materials management plan and only soils identified through the materials management plan as being suitable for re-use as engineered fill should be used in connection with the residential development.

Subject to these conditions, the application is deemed to adhere with Policies SE4 of the CELPS with regards to landscape considerations.

Trees

The application is supported by an Arboricultural Impact Assessment (AIA) that identifies those trees proposed for retention and those identified for removal to accommodate the proposed engineering/improvement works. The removals are in addition to those identified in the previously approved outline approval for office development (19/3420M).

Selected individual trees, groups and areas of trees within the site are afforded protection by the Macclesfield Borough Council (Wilmslow – Harefield/Fulshaw Hall) Tree Preservation Order 1975.

Over time, many protected trees are no longer present on the site as they have been authorised for removal or have died. The Order also includes five 'Area' designations which only protect those trees that were present when the Order was made in 1975. Consequently trees planted or have grown since the Order was made are not protected by the Order. As a consequence of the above, the Order is currently under consideration for review.

Tree removals have been categorised for quality and arboricultural, landscape and cultural value in accordance with BS5837:2012 (Table 1 Tree Quality Assessment).

Para 3.8 and 3.9 of the AIA includes a summary and detailed breakdown of proposed removals in key work areas; flood storage basins (FSA1 and FSA2), construction access and new culvert and pumping main (Tables 4-7).

The summary identifies a total of 130 trees proposed for removal (Table 4), of which 21 have been categorised as Moderate (B) category. A total of 92 low (C) category trees have been identified for removal and a further 17 trees are deemed unsuitable for retention due to their poor condition. There are no High (A) category trees identified for removal to accommodate the proposed development.

As stated above, there are 21 trees shown for removal which have been assessed as moderate (B) category specimens. Two trees a Sycamore and a Beech (Trees 223 and 225) are protected by the TPO (Area A5) and require removal to accommodate the new culvert and pumping main. The remaining B category trees (19 No.) are not protected by the TPO and require removal for the Flood Storage Basin.

Of the 92 Low (C) category trees proposed for removal, a total of 20 trees are protected by the TPO; these are 8 trees (within TPO Area A4), 11 trees (within TPO Area A5) and 1 tree within Group G15 of the TPO.

All High (A) and Moderate (B) category trees should be regarded as principle landscape assets which means there will be a presumption for their retention unless there are exceptional circumstances where there are clear overriding reasons for allowing the development and there are no suitable alternatives. Where adverse impacts are unavoidable, such impacts must satisfactorily demonstrate significant environmental gain by appropriate mitigation, compensation or offsetting (Policy SE5 of CELPS).

Paras 3.10-3.19 of the AIA sets out the principles applied for mitigation and to meet the requirements for flood alleviation and avoid impact on trees. With regard to Flood Basin (FSA2), this seeks to avoid trees of higher value to the north of the stream, removing those younger lower category trees to the south and on the existing mound.

The Council's Tree Officer advises that the loss of these trees (98 trees of which 82 are low category specimens) will have a slight adverse impact within the immediate area, but largely neutral impact from a wider landscape perspective. The construction access has been configured to allow the retention of a High (A) category Over Mature Horse Chestnut (T271).

One protected Silver Birch (part of G15 of the TPO) will require removal to accommodate Flood Storage Basin (FSA1). The tree is a low (C) category specimen and a remnant of that group. The design of the basin has been modelled to allow the retention of other trees within the immediate vicinity. The Council's Tree Officer accepts that the loss of this tree and the mitigation avoidance minimises tree losses and present no significant adverse impact on the wider amenity of the area.

Twelve trees will require removal for the proposed culvert and Pumping Main of which 5 are protected by the TPO. Two trees (previously referred to above) are Moderate (B) category specimens, with a further three unprotected trees categorised as moderate and the remaining seven trees deemed to be low category.

Mitigation and avoidance measures have been considered with regard to the route of the culvert with two main options considered, with an alignment west closer to Alderley Road, (rather than east further into the woodland), the favoured option as it results in fewer tree removals and more scope for planting to create a woodland edge as part of the Alderley Road widening scheme. The Council's Tree Officer advises that the proposed removals will present a *slight adverse* impact within the immediate area, however replacement planting and an improved woodland edge will provide a net long term benefit for improved habitat creation and visual amenity of the woodland.

Access facilitation pruning which will involve crown lifting and pruning back of branches along the culvert route is proposed to allow sufficient working space. The Council's Tree Officer agrees that this matter can be dealt with satisfactorily by condition requiring the submission of an Arboricultural Method Statement (AMS).

The Construction of the culvert will require the encroachment into the Root Protection Area (RPA) of 8 retained trees. The Assessment proposes that trenching works will be carried out using an air spade to minimise damage and disturbance to roots. The Council's Tree Officer advises that this proposal is considered to be broadly acceptable and details of the methodology can be addressed by an agreed method statement.

Some precautionary excavation within the RPA of a further three trees will also be required to facilitate the construction of the slope for FSA2, however, the Tree Officer agrees that the extent of root activity is unlikely to be significant in these locations.

In summary, a total of 130 trees are proposed to be removed, of which 114 are associated with the construction of FSA2. The majority of trees to be removed have been identified as low (C) category specimens, with only a small number identified as moderate (B) Category. No High (A) trees are proposed to be removed.

The application is supported by a Strategic Landscape Masterplan which proposes the planting of new trees across the site and an area of wet woodland around the proposed flood basin (FSA2).

The Council's Tree Officer is satisfied that the mitigation measures outlined in the Assessment and outline planting proposals provide sufficient compensation for the loss of trees and therefore accords with the requirements of Policy SE5 of the CELPS, subject to conditions.

Nature Conservation

Policy SE3 of the CELPS refers to Biodiversity and Geodiversity - to protect and enhance these considerations.

The application is supported by ecology surveys.

Bats

The Council's Nature Conservation Officer advises that roosting bats are not reasonably likely to be directly affected by the removal of trees at this site.

The submission identifies a minor adverse impact upon foraging bats as a result of the loss of foraging habitat. However, this is unlikely to be significant and compensatory habitat is proposed as part of the scheme.

The Council's Nature Conservation Officer advises that the Biodiversity Metric calculation concludes that the proposed development will deliver a minor net gain for biodiversity. As such, it can be concluded that sufficient compensatory habitat will be provided in the long term to compensate the impacts of the development upon bats.

To avoid any adverse impacts on bats resulting from any lighting associated with the development as a form of mitigation, the Council's Nature Conservation Officer recommends that if planning permission is granted, a condition should be attached requiring any additional lighting to be agreed with the LPA.

Reptiles and Great Crested Newts

No evidence of reptile species was recorded during surveys undertaken in 2018 and no evidence of great crested was recorded during the latest surveys. The Council's Nature Conservation Officer therefore advises that these species are not reasonably likely to be present or affected by the proposed development.

Water vole and Otter

No evidence of these species was recorded during the submitted update survey. Only a single visit was undertaken for water voles, however as no evidence of this species was recorded during surveys undertaken previously, the Council's Nature Conservation Officer advises that these species are not reasonably likely to be present or affected by the proposed development.

Common Toad

The proposed development is likely to have a localised adverse impact upon this priority species as a result of the loss of terrestrial habitat. Again, the Biodiversity Metric results indicate that sufficient compensatory habitat has been proposed as part of the development.

Other protected species

'Other protected species' are known to be active throughout this site. A potential minor sett was recorded on site during the latest surveys. This sett would be lost as a result of the proposed development. Outline mitigation measures including the closure of the sett under the terms of a Natural England license have been submitted.

The Council's Nature Conservation Officer advises that in the event that planning consent is granted, this approach is acceptable. As the status of 'Other protected species' can change within a short timescale, it is recommended that if planning consent is granted a condition should be attached which requires an updated 'Other protected species' survey to be submitted prior to commencement of development.

Priority Woodland

An area of woodland present on site appears on the national inventory of Priority Woodland habitat. Habitats of this type are a material consideration for planning. The submitted information states that 0.56ha of woodland would be lost.

In accordance with the mitigation hierarchy, the Council's Nature Conservation Officer advises that the scheme should be re-designed to allow the retention of this woodland to avoid the loss of biodiversity associated with its loss. If however the loss of the woodland is considered to be unavoidable, then a suitable level of compensation will be required. In order to compensate for this impact, the application proposes the enhancement of the remaining woodland and additional woodland planting.

It has been advised that the levels of the site and the required route for the floodwater largely 'sets' the broad location for the drainage infrastructure. However, a number of iterations of the scheme were modelled and discussed with the applicant's team to find the optimum solution. These options were also discussed/re-iterated to the Council's Tree Officer who agreed that in terms of loss of woodland, this was the least impactful. This explanation is accepted and it is therefore deemed that the loss of the woodland is indeed unavoidable.

The Council's Nature Conservation Officer advises that as determined by the biodiversity metric, the level of compensation proposed is adequate to address the loss of the existing woodland.

Semi-improved neutral grassland

An area of grassland would be lost to the proposed development. This is identified on the submitted Phase One habitat plan as Semi-improved Grassland.

The Council's Nature Conservation Officer advises that this habitat supports sufficient indicator species to meet the criteria for selection as a Local Wildlife Site. Habitats of this type reserve protection through Policy SE3 of the CELPS.

The Council's Nature Conservation Officer advises that in the event that planning consent is granted, sufficient compensatory habitat has been provided to address its loss.

Biodiversity Metric and Biodiversity Net gain

Policy SE3 of the CELPS requires all developments to positively contribute to the conservation of biodiversity. This application will result in the loss of habitat, but compensation measures are proposed.

A Biodiversity Metric calculation has been undertaken to determine the residual losses and gains of biodiversity. Whilst, there is slight disagreement between the Council's Nature Conservation Officer and the applicant's ecological consultant on the inputs into the metric, they are in agreement that the proposed development would deliver a minor net gain for biodiversity.

However, in order to increase the biodiversity benefits resulting from the scheme, the Council's Nature Conservation Officer advises that existing culverted water courses should be opened up.

This was put to the applicant, who responded to advise that; *'With the introduction of Flood Storage Area 1 (FSA1), the proposed mitigation works have an overall reduction in length of culverted watercourse when comparing the proposed culvert length vs existing culverted length. Further de-culverting was also considered for the section of piped watercourse running parallel to Alderley Road between FSA1 and the outfall at Whitehall Brook, whilst early flood modelling indicated this was potentially feasible, the increased swathe of affected land and re-profiling works required for an open watercourse (when also considering the future widening works for Alderley Road) would have an increased impact on the existing ecology and woodland compared to the proposed piped section. The detailed flood modelling and proposed civils works design were therefore developed with the piped section of watercourse.'*

An ecological Construction and Environmental Management Plan (CEMP) which includes details of how retained habitats would be safeguarded during the construction phase, including proposals to mitigate the impacts of the installation of the proposed outfall would also be required. This may be dealt with by means of a planning condition.

Breeding Birds

A number of bird species were recorded as being likely to breeding on site. A small number of species which are considered to be a priority for nature conservation were present on site but where not confirmed to be breeding. The submission identifies a minor adverse impact upon nesting birds as a result of the loss of habitat associated with the proposed development. The submitted scheme includes proposals for the creation of compensatory habitat. As with bats, the Council's Nature Conservation Officer advises that the results of the Biodiversity metric confirm that sufficient compensatory habitat is being provided.

If planning consent is granted, a condition to protect nesting birds is recommended.

Habitat Management

If planning consent is granted, the Council's Nature Conservation Officer advises that a condition would be required to secure the submission of a detailed habitat creation method statement and a habitat management plan for a period of 30 years.

Environment Agency (EA)

The EA have commented on biodiversity. They comment that the proposed riparian works planned as part of this development could have an unacceptable effect on the ecological value of the Mobberley Brook (Whitehall Brook) waterbody and key ecological network at this site.

While the ecological enhancements, in the form of new wetlands, species rich grasslands, and woodland that have been proposed, the EA advise that a management plan also needs to be in place. This will ensure the landscape provides a maximum benefit to people and

the environment.

In light of the above, the EA advise that the proposed development will only be acceptable if a planning condition requiring a landscape management scheme is included to ensure the compensatory habitat proposed as part of the development are delivered correctly and a Construction Environmental Management Plan to minimise risks to the Environment. Indeed, without these mitigating conditions, the EA have advised that they would object to the development because it cannot be guaranteed that the development will not result in significant harm to Mobberley Brook (Whitehall Brook).

Natural England

Environmental Impact Assessment (EIA) regulation 19(3) requires Natural England to be consulted on all EIA development. Natural England have responded and have raised no objections.

Ecology Conclusions

Subject to the above suggested conditions, it is considered that the proposal adheres with Policy SE3 of the CELPS and the relevant ecology policies of the MBLP.

Highways

Policy DC6 of the MBLP refers to highways matters. Relevant to the application proposals, it states that development should be served by access with adequate visibility splays and provision should be made of manoeuvring of vehicles and sufficient parking should be provided.

The only highways considerations for such a development are the potential impacts of construction / construction traffic on the highway network.

The proposal shows that all construction vehicles will use the southern access from Alderley Road and then use the internal roads to access the works. It has been indicated that there would be 66 two-way HGV trips to the site per day, spread across the period 9am to 4pm, with 20 staff trips to the site. The works are intended to be completed in 130 days.

The routes to and from the site are all 'A' roads and the Council's Head of Strategic Infrastructure has advised that they are capable of accommodating the level of HGV traffic proposed, as the works are only temporary in nature.

As such, no highway objections are raised in relation to this application and the proposals are considered to adhere with Policy DC6 of the MBLP.

Amenity

Policy DC3 of the MBLP states that development should not significantly injure the amenities of adjoining or nearby residential properties or sensitive uses due to (amongst other considerations); loss of privacy, sunlight and daylight, an overbearing impact and

environmental considerations. Policy SE1 of the CELPS states that development should ensure an appropriate level of privacy for new and existing residential properties.

Clearly, the nature of the development proposed would not create any privacy concerns. It is noted that land levels are proposed to be increased to the north of the site and as such, loss of light and an overbearing effect are considerations of this proposal.

All of the proposed works would be either contained within the developed areas of the Royal London site or within fields between this site and the railway to the east. No elements of the works proposed would abut neighbouring residential plots. Although a minor raise in land levels is proposed, given their location within the site and minor scale, it is not deemed that they will lead to any concerns with regards to loss of light or an overbearing impact.

Control of pollution

Noise and vibration

In support of the application, the applicant has submitted an Environmental Statement (ES), in which Chapter 13 covers Noise and Vibration.

The impact of the noise from the proposal has been assessed in accordance with: BS5228-1:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites – Part 1: Noise which is an agreed methodology for the assessment of the noise source.

The report recommends noise mitigation measures designed to achieve BS8233: 2014 and WHO guidelines; to ensure that occupants of nearby properties are not adversely affected by noise.

In accordance with the Environmental Statement, the following conditions are deemed necessary by the Council's Environmental Protection Officer in the event of approval in order to mitigate noise impacts; Provision of temporary localised acoustic screens of 4 metres in height adjacent to the works associated with the culvert at Royal London House and The Lodge and the submission/approval of a detailed Construction Management Plan encompassing the best practice measures listed in section 13.60 of Chapter 13.

In order to assist in the control over the hours of work, the Council's Environmental Protection Officer recommends an informative. This is not recommended as a condition as such matters are controlled under different legislation.

Air quality

In support of the application, the applicant has submitted a qualitative screening assessment. The report states that a detailed assessment into the impacts of NO₂ and PM₁₀ during the operational phase is not required in accordance with EPUK and IAQM criteria based on the predicted development flows, and concludes, therefore, that the development impacts on local air quality will be not significant. The report also concludes that the potential dust impacts during construction will also be not significant subject to appropriate dust mitigation measures.

As such, the Council's Environmental Protection Officer raises no air quality objections.

To assist in the mitigation against the impacts of dust, details should be included in the required Construction Management Plan, highlighted above as a condition requirement in relation to noise.

Contaminated Land

The application area includes two known landfill sites licensed for inert wastes. The planning file for one of the sites (5/41807P) shows photographs of demolition waste during the landfilling operations. As such, the material present may not be inert as indicated by the landfill licence. However, it should be noted that a condition on the approval for landfilling was as follows '*No coarse material, rubbish or debris shall be within 3ft of the proposed final surface level.*'

The Council's Contaminated Land Officer has considered a number of reports submitted with the application and older reports submitted with other nearby applications. The reports identified contamination within the landfill areas comprising hydrocarbon and PAHs within relic/reworked material, asbestos within demolition material and decaying organic matter. Such material is unsuitable to be retained on site and would need to be removed. Furthermore, elevated concentrations of hazardous gas were recorded which would pose a risk to construction workers.

Mitigation measures would also be required during site works to prevent the flow of contaminated surface water into the watercourse. It is assumed that the appropriate waste management approvals will be sought from the Environment Agency regarding the reuse of landfill material and the stockpiling of materials on site for 3 years.

As such, in the event of approval, a number of conditions are recommended in order to assist in mitigation; the submission/approval of a contaminated land remediation strategy, prior submission/approval of a Verification Report prepared in accordance with the approved Remediation Strategy, submission/approval of soil testing and works to stop of land contamination is identified.

Subject to these conditions the proposal will comply with Policy SE1 of the CELPS and policies DC3 and DC63 of the MBLP.

Heritage

There are two Grade II listed buildings to the north of the application site, Fulshaw Hall and the adjacent, detached Staff Restaurant. As such, the impact upon the setting of these heritage assets is a consideration. Policy SE7 of the CELPS states that '*All new development should seek to avoid harm to heritage assets and make a positive contribution to the character of Cheshire East's historic and built environment, including the setting of assets and where appropriate, the wider historic environment.*'

The Council's Heritage Officer has reviewed the proposed works in this context, including the earthworks, and does not consider the proposals to harm the setting of these assets

Other matters

Relationship between application proposals and development proposed on rest of Royal London Campus

There are currently extant outline planning permissions in place on the wider Royal London site for; up to 120 dwellings to the north of the site (17/5838M), Office development towards the centre and east of the site (19/3420M) and residential development to the west of Alderley Road for up to 60 dwellings (17/5837M). The impact of the application proposals upon these permissions and the future delivery of these permissions is a material planning consideration. These matters are considered, in turn, below.

Impact upon residential scheme to north of site for 120 dwellings (17/5838M)

This application is the driver for the current proposals. As advised, the reason the works sought by this application are required because the site on which this residential development has been permitted, currently floods. Research undertaken by flood risk/drainage engineers have identified that this is largely as a result of the insufficient capacity of a culvert in the northern part of the site that conveys water from an open channel coming from the north-east of the site, towards the south-west, beneath the residential site, and into the ornamental pond close to Royal London House.

As part of approval 17/5838M a number of conditions were imposed which have relevance to this current application. These include;

- Condition 3 (approved plans)
- Condition 4 (any Reserved Matters application be accompanied by a detailed design and associated management and maintenance plan of the flood compensation and surface water drainage areas)
- Condition 28 (retained woodland)

The approved plans condition included a parameters plan (ref: AHR-00-ZZ-DR-A-90-PL502 Rev 2). This is important to note as it included a note to state that much of the site, where residential dwellings are to be sited, should have a '*minimum plot development level of 72.02 AOD*'. It is understood that the reason for including this very specific figure was because the land needed to be raised to this level to assist in preventing it from flooding.

Within the submitted information, it has been advised that the stockpiled soils, created from the creation of the flood basins will only be in situ for a 'maximum of 3 years', before being re-used in creating the necessary build up of levels for the residential development to the north of the site. It is further advised within correspondence to the Council that this will avoid the need for the importation of material onto the site in the future and minimising the traffic movements required to remove material from the site. The applicant has subsequently advised that a contingency amount (c. 17%) is built into the stockpile to ensure that there is sufficient earth to be used. It has been advised that if the contingency is not required and there is excess material retained as a result, it will first be considered whether it can be reused elsewhere on site to facilitate other future developments (such as around the existing buildings mentioned above), and otherwise, the will be material removed to meet the 3 year

temporary requirement. Conditions are proposed to mitigate and control this as explained within the Landscape section of this report.

As such, Condition 2 would not be directly impacted by the application proposals, but the application proposals would provide the earth to build up the land height to the required, approved levels.

Condition 4 required the future reserved matters application to be accompanied by a detailed design and associated management and maintenance plan of the flood compensation and surface water drainage areas. This needs to be in accordance with the flood documentation submitted with the application (17/5838M). This is likely to conflict with the current proposals.

The applicant has advised that their drainage consultants understand that the principles for surface water drainage and proposed sustainable drainage methods as set out in the approved Flood Risk Assessment & Surface Water Drainage Statement (SK/AR/3704-001/NOVEMBER 2017) submitted with the residential scheme remain unchanged and therefore the document will not need amending. However, the drainage area as shown on the parameters plan will need amending.

Condition 28 (retained trees/woodland) also referred to the approved parameters plan. This is because this approved plan also shows trees to be retained which fall within the application site of the current application. This will need updating in the event that the current application is approved.

The applicant has advised that it is their intention to submit a Non-Material Minor Amendment (NMA) application to 17/5838M, if the current application is approved, to make these above changes to the residential scheme so the permissions align.

However, overall, there should be no notable detrimental impact of the application proposals upon the residential scheme to the north (17/5838M).

Impact upon Office development to centre and east of site (19/3420M)

The greatest potential impact of the proposals appears to relate to the impact upon the approved and extant office development (ref: 19/3420M). This is because most of the excavated earth from the creation of the flood basins will be stockpiled on this site for a maximum of 3 years.

Condition 1 of 19/3420M states that any reserved matters application needs to be submitted within 3 years of the date of the decision - 19th February 2023. There is then no subsequent timeframe as to when the Reserved Matters need to be implemented by. As such, there should be ample time for the stockpiles to be used within their '3 years maximum' window, without impacting the delivery of this office development.

In consideration of what other conditions on 19/3420M which maybe impacted by the application proposals, consideration needs to be given to; Condition 2 (approved plans condition) and 29 (development in accordance with Flood Risk Assessment).

The approved Parameters Plan (within condition 2) only shows existing trees to be removed (rather than those to be retained), so it does not need to be amended if other trees are approved to be removed under a separate permission.

With regards to drainage condition 29, it has been clarified that this will not need to be amended because the drainage strategy for the office permission is independent of and can be delivered without affect to/from the proposed mitigation works.

Subject to the proposed conditions regarding the stockpiles earlier in this assessment, there should be no detrimental impact of the application proposals upon the office scheme on the application site (19/3420M).

Impact upon residential scheme to west of Alderley Road for 60 dwellings (17/5837M)

A non-material amendment permission (ref: 20/1435M) was recently granted on this site which amended conditions on this permission, removing reference to the previously submitted FRA and Surface Water Drainage Strategy and allow for a more readily deliverable solution to be submitted and implemented within the 'red edge' of the land to the west of Alderley Road and Alderley Road itself. As such, the application proposals should have no direct impact of this permission.

Response to outstanding objections

In response to the drainage concerns raised by residents;

The applicant has confirmed that the application proposals seek to alleviate flooding and drainage issues on the entire Royal London Campus.

The application follows 2 years of investigation and mitigation consideration by professional drainage engineers.

A notable neighbouring concern raised relates to the potential impact of off-site flooding as a result of the proposed works, more specifically to the north of the site around Harefield Farm and its associated, closer residential barn conversions. The mitigation measures put in place on the application site are designed to alleviate the existing difficulties on the site and the modelling indicates that depth of flooding at Harefield Farm will be reduced.

To be satisfied that the development should not make off-site flooding worse as a result of the proposed development, the LLFA recommended a condition requiring the submission/approval of a detailed overall drainage strategy and associated management and maintenance plan.

Conclusions

Policy LPS 54 of the CELPS allocates the entire site, referred to as '*Royal London, including land west of Alderley Road, Wilmslow*' subject to this application, for a range of development including the provision of new housing, new employment development and the retention of existing campus.

The application proposals seek extensive surface water drainage improvement works to enable the independent delivery of residential planning permission (ref: 17/5838M), which was granted outline approval for the erection of up to 120 dwellings to the north of the site in line with the strategic allocation.

As these works relate to development sought on this strategic site, relating to allocated development, the principle of the works are deemed acceptable, subject to the impact of the development upon the relevant policies of the development plan.

In response to the specific considerations; The Environment Agency, the Council's Flood Risk Officer and United Utilities have raised no flood risk or drainage objections, subject to conditions. Neither have the Council's Nature Conservation, Landscape and Tree Officers or Natural England in consideration of environmental considerations. Furthermore, no notable concerns are raised in relation to highway safety, amenity or heritage, again, subject to conditions where necessary.

A further consideration is the potential impact of the development upon the other extant planning permissions that have been granted on the wider allocated site. The proposed development is not expected to result in any notable conflicts or impacts to these associated developments subject to a further, relatively minor application being submitted to ensure consistency with the linked residential scheme, along with conditions relating to the temporary stockpiles.

For the above reasons, the application is recommended for approval subject to conditions

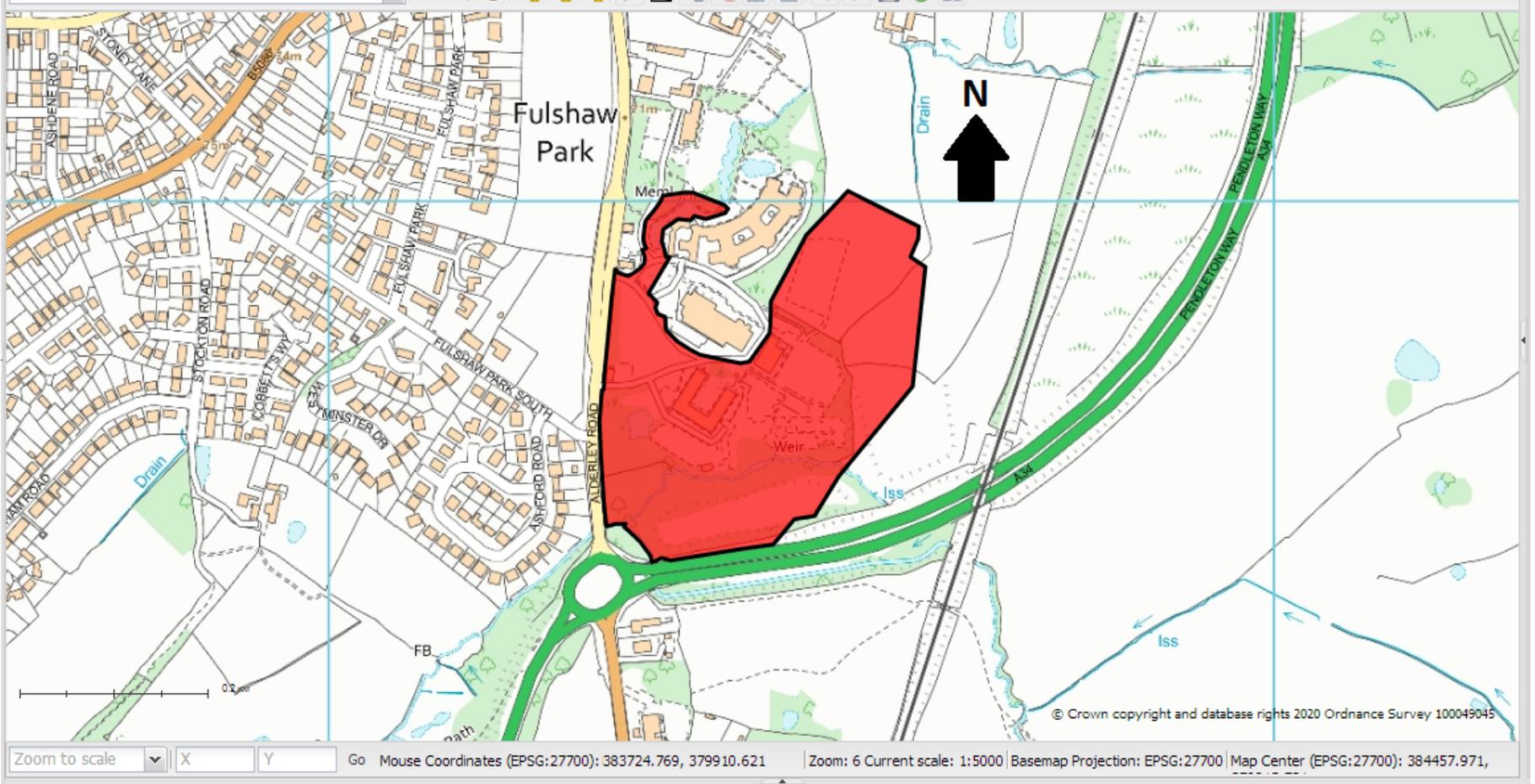
RECOMMENDATIONS

APPROVE subject to the following conditions;

- 1. Time (3 years)**
- 2. Plans**
- 3. Materials as per application**
- 4. Implementation of FRA**
- 5. Submission/approval of a detailed overall drainage strategy and associated management and maintenance plan**
- 6. Submission/approval of a landscape scheme**
- 7. Landscape - implementation**
- 8. Submission/approval of Landscape & Habitat Creation and Management Plan for a minimum period of 30 years**
- 9. Prior submission/approval of details of existing levels and contours in the soil stockpile areas**
- 10. Stockpiled soils must be retained in situ for a maximum of three years from completion of the development**
- 11. Any surplus soil material that is not required to raise levels in the northern residential area must be removed from site by the end of the three year period unless the LPA consents to its use elsewhere within the Campus. Such consent will require full details to be submitted and approved prior to relocation of - proposed locations, use/purpose, existing and proposed levels and contours and, where relevant, hard and soft landscape details**

- 12. Once stockpiles are removed the land must be restored to previously existing levels, graded to smooth running contours and seeded with an agreed grass seed mix**
- 13. Submission/approval of a Soil Resource and Materials Management Plan**
- 14. Only soils identified through the Materials Management Plan as being suitable for re-use as engineered fill should be used in connection with the residential development and elsewhere on site as approved**
- 15. Submission/approval of a scheme for the protection of the retained trees, to include a tree protection plan (TPP) and an arboricultural method statement (AMS)**
- 16. Submission/approval of an updated 'other protected species' survey and mitigation strategy**
- 17. Submission/approval of external lighting scheme**
- 18. Safeguarding of nesting birds**
- 19. Submission/approval of CEMP to include; 1. Measures to safeguard retained habitats including measures to mitigate the impacts of the proposed outfall 2. Noise mitigation 3. dust suppression/mitigation**
- 20. Implementation of temporary noise mitigation measures (4m tall acoustic screens adjacent to Royal London House and The Lodge)**
- 21. Submission/approval of a contaminated land remediation strategy**
- 22. Submission/approval of a Verification Report prepared in accordance with the approved Remediation Strategy**
- 23. Submission/approval of soil testing**
- 24. Works to stop of land contamination is identified**

In order to give proper effect to the Strategic Planning Board's intent and without changing the substance of its decision, authority is delegated to the Head of Planning in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.



Application No: 20/3833M

Location: WOODEND NURSERY, STOCKS LANE, OVER PEOVER

Proposal: Erection of glasshouse with associated lagoon, water tank and hard standing (Phase 2)

Applicant: Mr C Rudd, F Rudd And Sons Nursery

Expiry Date: 11-Dec-2020

SUMMARY

The principle of the development to erect a commercial horticultural glasshouse in the Green Belt is deemed acceptable. Furthermore, the development would assist in supporting the rural economy. However, the associated infrastructure including the lagoon, heat tank and hard standing would not. They would represent inappropriate development in the Green Belt. Additional Green Belt harm would also be created with regards to openness and encroachment.

However, as this additional development is specifically required in association with the horticultural business to operate efficiently and sustainably, and because the impact of these additional structures upon openness and encroachment would not be significant in the context of the development proposed, it is deemed that the harm created would be clearly outweighed by the benefits and Very Special Circumstances therefore apply which mean that the development is deemed acceptable in principle.

The design of the development is appropriate to the purpose it would serve and would be similar to the existing development on-site already.

Although the development would result in the loss of hedgerow and would involve some earthworks, it is deemed that through a combination of conditions and mitigation, this impact is deemed acceptable.

No concerns are noted with regards to amenity, highway safety, trees, flood risk or drainage, Manchester Airport or Public Rights of Way, subject to conditions where appropriate. Although no ecology concerns are noted subject to conditions either, this is subject to the receipt of a countersigned Impact Assessment and Conservation Payment Certificate (IACPC), prior to the determination of the application as evidence that the development has been accepted onto the licencing scheme with regards to Great Crested Newts.

As such, it is recommended that the application be delegated back to the back to the Acting Head of Planning, in consultation with the Chair (or in their absence the Vice Chair) of Strategic Planning

Board to APPROVE the development, subject to conditions, and the receipt of the outstanding IACPC.

RECOMMENDATION

Delegate back to the Head of Planning, in consultation with the Chair (or in their absence the Vice Chair) of Strategic Planning Board to APPROVE the development, subject to conditions below and the receipt of the outstanding IACPC

DESCRIPTION OF SITE AND CONTEXT

The application site relates to a parcel of land to the rear of, and associated with, a commercial glasshouse located along Stocks Lane, Over Peover.

The land at present comprises of part hardstanding, part ploughed field. A large adjacent glasshouse is used for the growing of tomatoes, which is part of the wider 'F Rudd and Sons Nursery'.

PROPOSAL

Full planning permission is sought for the erection of;

- A new glasshouse, measuring 145 metres in width, 192 metres in length and 8.01 metres in height, with associated service yard to north for delivery's and parking. The glasshouse would be used for the growing of tomatoes
- A new heat storage tank (next to existing tanks on eastern side of site). Tank would measure; 12.73 metres in diameter and would be 11.4 metres tall
- A new lagoon, measuring 24 metres in width, 100 metres in length and 5 metres deep with a 1.5 metre-tall earth bund in the north-east corner. This would hold 13,000m³ of water

RELEVANT HISTORY:

17/5461M - Retrospective application for surface car parking for up to 300 cars within existing yard area and on extended hard standing 60m x 80m and 3 light columns for temporary period only – Refused 28th February 2019 – **Currently under appeal**

16/1297M - Sub Station Utilities Cabinet – Approved 10th May 2016

14/4037D - Discharge of conditions 7, 10 & 13 of 13/3314M - Glasshouse for tomato production with associated hard standing, freshwater tank, heat storage tank, package treatment plant and landscaping Resubmission of 12/3873M – Approved 12th September 2014

14/3768D - Discharge of condition 4 relating to 13/3314M - Glasshouse for tomato production with associated hard standing, freshwater tank, heat storage tank, package treatment plant and landscaping Resubmission of 13/3314M – Approved 1st October 2014

13/3314M - Glasshouse for tomato production with associated hard standing, fresh water tank, heat storage tank, package treatment plant and landscaping Resubmission of 12/3873M – Approved 16th October 2013

12/3873M - Erection of Glasshouse For Tomato Production With Associated Hard Standing, Fresh Water Tank, Heat Storage Tank, Package Treatment Plant And Landscaping – Refused 5th April 2013

ADOPTED PLANNING POLICY:

The Cheshire East Development Plan policies relevant to this application, currently comprises of; the Cheshire East Local Plan Strategy (CELPS) and the Macclesfield Borough Local Plan. More specifically;

Cheshire East Local Plan Strategy 2017 (CELPS)

MP1 - Presumption in Favour of Sustainable Development, PG1 – Overall Development Strategy, PG2 – Settlement Hierarchy, PG3 - Green Belt, PG6 – Open Countryside, PG7 – Spatial Distribution of Development, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, IN1 – Infrastructure, EG1 – Economic Prosperity, EG2 – Rural Economy, SE1 – Design, SE2 - Efficient use of land, SE3 – Biodiversity and Geodiversity, SE4 – The Landscape, SE5 - Trees, Hedgerows and Woodland, SE12 – Pollution, Land Contamination and Land instability, SE13 – Flood Risk and Water Management, CO1 Sustainable Travel and Transport and CO4 Travel Plans and Transport Assessments

Saved policies of the Macclesfield Borough Local Plan (MBLP)

GC1 – Green Belt (New Buildings), RT8 – Access to the Countryside, DC3 – Amenity, DC6 - Circulation and Access, DC8 – Landscaping, DC9 - Tree Protection, DC10 – Landscaping and Tree Protection, DC13 & DC14 – Noise, DC15 & DC16 – Provision of facilities, DC17, DC19 & DC20 – Water resources and NE11 – Nature Conservation

Other Material Considerations

Draft Over Peover Neighbourhood Plan (Regulation 19 stage)*

LCD1 – Local Character and Design, LCD2 – New development, ENV1 – Biodiversity, ENV2 – Trees, Hedgerows and Watercourses, ENV3 – Access to the countryside, INF1 – Infrastructure, INF3 – Surface Water Management, INF4 – Traffic Improvements, INF5 – Sustainable Transport and ECON1 – Rural Economy

**Planning applications are decided in accordance with the development plan, unless material considerations indicate otherwise. It is for the decision maker in each case to determine what is a material consideration and what weight to give to it.*

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a post-examination draft neighbourhood development plan, so far as material to the application.

National Planning Policy Framework (2019 update) (NPPF)

The relevant chapters of the NPPF to the application proposals include;

Achieving sustainable development (pages 5-8), Decision making (pages 13-14), Building a strong, competitive economy (pages 23-25), promoting sustainable transport (pages 30-33), achieving well designed places (pages 38-40), protecting Green Belt land (pages 40-44) and Conserving and enhancing the natural environment (pages 49-54)

National Planning Policy Guidance

CONSULTATIONS (External to Planning)

Environment Agency – ‘No comment’

Local Lead Flood Risk Authority (LLFA) Officer - No objections, subject to a condition requiring the submission/approval of a detailed drainage strategy/design, limiting surface water run-off. Informatives are also proposed.

United Utilities - No objections, subject to the following conditions; submission/approval of a surface water drainage scheme, foul and surface water should be drained on separate systems and the submission/approval of a sustainable drainage management and maintenance plan. An informative is also recommended regarding UU assets and easements on/close to the site

Environmental Protection – No objections, subject to an informative with regards to contaminated land

Head of Strategic Infrastructure (Highways) - No objections, subject to the glasshouse being used for tomato production

Public Rights of Way (PROW) Officer - No objections, subject to a number of informatives with regards to the applicants/developer's obligations in relation to a PROW that passes immediately adjacent to the application site as well as advice re: construction phase

Manchester Airport – No objections, subject to a condition requiring the submission/approval of details of the lagoon design and a condition requiring the prior submission/approval of a landscaping plan

Peover Superior Parish Council – No comments received at time of report

OTHER REPRESENTATIONS:

Neighbouring units were notified, a site notice was erected and the proposals were advertised in a local newspaper. At the time of consideration, no consultation responses had been received.

OFFICER APPRAISAL

Principle / Green Belt

The site lies within the Green Belt. As such, it is subject to development plan policies PG3 (Green Belt) of the CELPS and GC1 (Green Belt – New Development) of the MBLP. The Green Belt paragraphs within the NPPF are also a material planning consideration.

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering planning applications LPA's should ensure that substantial weight is given to the Green Belt. 'Very Special Circumstances' will not exit unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

An LPA should regard the construction of new building as inappropriate in the Green Belt. However, there are a number of exceptions listed in policy. Relevant to the application proposals is the exception '*buildings for agriculture*' listed within Policy PG3 of the CELPS and reflected in the NPPF.

Section 336 of the Town and Country Planning Act 1990 defines 'agriculture' to include '*...horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly*'

The application submission seeks the erection of a large glasshouse in association with the existing 'Woodend Nursery' enterprise. The glasshouse would be constructed adjacent to (700mm away but connected with a rubber seal) an existing, large glasshouse, granted planning permission in 2013, which at the time of the Officer site visit, was full of maturing tomato plants. The applicant has since confirmed that this 700mm gap is necessary for 2 reasons; 1) the new build is slightly higher and 2) to allow for expansion and contraction of the steel framework.

The submission states that a variety of different tomato types are grown. The plants are bought at seedling stage in January and are grown, pollinated and the fruit harvested for storage and packaging. The submission details that the new glasshouse would be used for the same purpose as the existing, adjacent structure, for growing tomatoes. The size of the glasshouse is to maximise production capacity and reduce waste. A larger structure is more efficient to organise and manage the rows of vines and provides greater returns and better control over heating / air circulation / ventilation and cropping. The trend in glasshouse production is evidently for larger, higher structures to make them more efficient.

The proposed glasshouse is accepted as being required 'for agriculture' and would therefore represent appropriate development in the Green Belt.

In consideration of the other elements of the proposals, permission is also sought for a lagoon. The submission states that this lagoon is required in order to irrigate the tomatoes. It states that the growing season is from January to mid-November and the water is required throughout this period. It states that any surplus would be discharged at a controlled rate into the small water course at the northern boundary of the site. The applicant has confirmed that it is now possible to filter and reuse

roof runoff and for this reason a lagoon is proposed to store roof run off for use in the production process to reduce reliance on ground water.

It is advised within later documentation received by the Council that the proposed heat storage tank is required to store hot water produced from the CO2 production process during the day for heating the glass house at night. This is the same system required for phase 1. An additional tank is required for the Phase 2 glass house as the existing tank has insufficient capacity being designed for phase 1 only.

A small service yard area is sought at the northern end of the site. It is advised that this is for 'general maintenance of the glasshouse, deliveries/parking. The applicant was asked to expand upon this and advised it is needed;

- ..to deliver materials (hydroponic fibre and plants) to the phase 2 glasshouse principally at the start of the growing season in December/ January when the glass house is made ready for the young plants and at the end of the growing season in November when the spent plants and growing medium are removed and the glass house cleaned in readiness for next year's crop.
- It saves having to transport all this material/ equipment through the glass house itself whilst the phase 1 glass house is also being set up/ emptied and cleaned.
- The workspace has roller shutter doors next to a personnel door in the side elevations on either end to facilitate the delivery / removal of materials to vehicles.
- A similar work space was provided to the rear of the Phase 1 building.
- Parking would only be required for service vehicles.
- Some hard standing is required on the outside of the glass house for general maintenance of the glass houses. The glass has to be cleaned and debris removed from the gullies using a cherry picker and this requires vehicle access around the base of the glasshouse. Much leaf debris collects on the roof from the adjoining woodland.
- All main deliveries are taken via the main service yard at the front and it is anticipated that all parking in association with the glass houses will continue to use the front car park next to the road where the main services (i.e. boiler plant) are located.

Some crops may be delivered to the packing station on the other side of Stocks Lane via the workspace doors at the back of the phase 2 glass house. This will be on small vehicles as for phase 1

None of these associated structures and development are strictly required for the purposes of agriculture. They clearly compliment the agricultural use, but as such, can only be deemed to represent inappropriate development in the Green Belt.

Other Green Belt harm

The fundamental aim of Green Belt Policy is to prevent urban sprawl by keeping land permanently open. The NPPF advises at Paragraph 133 that their openness and their permanence are essential characteristics of Green Belts.

Openness is the absence of built form and has both a visual and spatial impact.

The lagoon's visual impact upon openness would be limited as it would be underground, although it would have a minor spatial impact. The heat storage tank would have a greater impact upon openness but given its position adjacent to an existing tank of a similar scale and because it would be neatly adjacent to the glasshouses, the level of impact is reduced. The proposed hardstanding would have both a visual and spatial impact upon openness. But the impact would be relatively minor given its scale in context to the rest of the development. All of the development would result in harm by reason of encroachment.

Rural Economy

Policy EG2 of the CELPS refers to the rural economy, more specifically commercial proposals outside of Principal Towns, Key Service Centres and Local Service Centres, which the application proposals do, they fall within what is defined by PG2 of the CELPS as 'Other settlements and Rural Areas'.

Policy EG2 states that in such locations, development which; provides opportunities for local rural employment that supports the vitality of rural settlements, encourages the retention and expansion of existing businesses, encourages the creation and expansion of sustainable farming and food production businesses (amongst others), will be supported, where the development; meets sustainable development objectives of the plan, supports the rural economy and could not be reasonably be expected to located within a designated centre by reason of their products sold, would not undermine strategic employment allocations, is supported by adequate infrastructure, is consistent in scale with its location and surrounding buildings, would not harm residential amenity, is well sited and designed and does not conflict with other policies of the development plan.

It is advised within the submission that the development would result in the employment of an additional 8 employees, so would provide a benefit to the local economy in this regard. The applicant advises that specialist labour is required for the setting up of the glass house, planting of the crop, training of the vines, weekly removal of leaves, selective removal of trusses, constant adjustment of the trained vines, picking the crop, removing spent plants and deep cleaning of the glass house in preparation for the next year's crop. There is also constant maintenance of pipework/ hoses etc and repairs to broken glass, Specialist staffs are required to monitor conditions (CO₂, water, nutrients, temperature) and check for disease.

The proposals would not be expected to be provided in an urban centre by reason of the products sold, it would not undermine strategic employment allocations, is supported by existing infrastructure and matters of design and amenity are deemed acceptable as expanded upon below.

As such, the application proposals are deemed to adhere with Policy EG2 of the CELPS.

Draft Policy ECON1 of the Over Peover Neighbourhood Plan also supports the expansion of existing businesses and the rural economy and agriculture where they positively contribute to the environment and do not cause unacceptable visual or landscape harm. These matters are also expanded upon below.

Landscape

Policy SD2 of the CELPS states that development will be expected to respect and, where possible, enhance the landscape character of the area. Policy SE4 of the CELPS specifically relates to

landscape considerations. It states that all development should conserve the landscape character and quality and where possible, enhance and effectively manage the historic, natural and man-made features that contribute to local distinctiveness.

The application site is not subject to any landscape designation but does fall within the Green Belt.

The site has already been levelled in preparation for erection of the proposed glasshouse. The application also includes excavation to create a lagoon 100m long x 24m wide x 5m deep, the erection of a tank, and the laying of a small area of hardstanding to the northern end of the glasshouse.

As part of the works, approximately 140m of hedgerow will be removed to facilitate the proposed development. To compensate for this loss, the applicant advises that approximately 200m of hedgerow will be planted along Red Brook at the northern site boundary, a gain of approximately 60m of hedgerow on site.

Approximately 2500 tonnes of soil is currently stored in two stockpiles on the land and further excavation will be required to construct the lagoon. The applicant has advised that surplus topsoil will be re-used on adjoining fields to infill hollows and to level and infill ground around the glass houses on the other side of the road. The applicant further advises that arrangements have been made for the sub-soil scrapped off the site to be taken off-site.

In its wider context, it is not considered that these developments would create notable landscape harm, subject to a condition requiring the submission/approval of a detailed landscape scheme that would include; details of existing and proposed site-levels, including details of proposed waterbodies; details of reservation and re-use of site soils; details of hard-landscaping, including permeable vehicular and pedestrian hard-surfacing which incorporates re-used materials and planting plans with written specifications (including both retained and proposed plants, cultivation and other operations associated with tree, shrub, hedge or grass establishment) and schedules of plants (noting species, plant sizes, the proposed numbers and densities). This should be supported by a condition to ensure its implementation.

Subject to these conditions, it is considered that the proposal would adhere with policies SD2 and SE4 of the CELPS.

Trees

Policy SE5 of the CELPS states that development which will result in the loss of, or threat to, the continued health and life expectancy of trees, hedgerows or woodlands, that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, will not normally be permitted.

The application site or land immediately adjacent includes any trees subject to a Tree Preservation Order (TPO).

The Council's Tree Officer has advised that the application does not present any significant arboricultural impacts but will require the removal an existing hedgerow which crosses the site. The hedge has been surveyed by ecological consultants and considered in the Preliminary Ecology Appraisal and found to be species poor. The Design and Access Statement states that the hedge is

not included on local tithe maps dating back to 1841, so does not qualify for historical reasons under the Hedgerow Regulations 1997.

The proposal suggests that the intention is that the hedgerow of 140 metres identified for removal will be replaced and set back to the southern edge of the brook on the northern edge of the field (development boundary). Details of this will be sought by condition in the event of approval.

Ecology

Policy SE3 of the CELPS states that developments that are likely to have a significant adverse impact on a site with legally protected species or priority habitats (to name a few), will not be permitted except where the reason for or benefits of the proposed development outweigh the impact of the development. Saved Policy NE11 of the MBLP is consistent in so far as it states that development which would not adversely affect nature conservation interests will not normally be permitted. Draft Policy ENV1 of the draft Over Peover Neighbourhood Plan (OVNP) is broadly similar.

The application is supported by an ecological appraisal. The acceptability of the various elements of the development in ecology terms is considered below;

Great Crested Newts

This protected species is known to breed at a number of ponds within 250m of the proposed development. The Council's Nature Conservation Officer advises that the proposed development is likely to have a Medium magnitude adverse impact upon this species as a result of the loss of terrestrial habitat and the risk of animals being killed during the construction phase.

*EC Habitats Directive
Conservation of Habitats and Species Regulations 2010
ODPM Circular 06/2005*

The UK implemented the EC Directive in the Conservation (natural habitats etc) regulations which contain two layers of protection:

- A licensing system administered by Natural England which repeats the above tests
- A requirement on local planning authorities ("lpas") to have regard to the directive's requirements.
- The Habitat Regulations 2010 require local authorities to have regard to three tests when considering applications that affect a European Protected Species. In broad terms the tests are that:
- The proposed development is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment
- There is no satisfactory alternative
- There is no detriment to the maintenance of the species population at favourable conservation status in its natural range

Current case law instructs that if it is considered clear or very likely that the requirements of the directive cannot be met because there is a satisfactory alternative, or because there are no

conceivable “other imperative reasons of overriding public interest”, then planning permission should be refused. Conversely, if it seems that the requirements are likely to be met, then there would be no impediment to planning permission be granted. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Overriding Public Interest

The provision of mitigation would assist with the continued presence of Great Crested Newts.

Alternatives

There is an alternative scenario that needs to be assessed, this are:

- No Development On The Site

Without any development, specialist mitigation for Great Crested Newts would not be provided which would be of benefit to the species.

In order to address the impacts of the proposed development and maintain the favourable conservation status of Great Crested Newts the applicant has indicated an intention to enter the proposed development into Natural England’s District Licencing Scheme.

The Council’s Nature Conservation Officer advises that this approach is acceptable to maintain the favourable conservation status of Great Crested Newts. However, the Council’s Nature Conservation Officer advises that a countersigned *Impact Assessment and Conservation Payment Certificate* (IACPC) from Natural England must be submitted prior to the determination of the application as evidence that the development has been accepted onto the licencing scheme. At the time of the drafting of this report, this certificate had not been received. A further update will be provided to committee on this matter should it be received between now and the committee itself.

Hedgerows

Hedgerows are a priority habitat and hence a material consideration. The proposed development will result in the loss of a length of hedgerow with a corresponding loss of biodiversity. The Council’s Nature Conservation Officer has advised that if the loss of this hedgerow is considered to be unavoidable, then acceptable proposals for the planting of a length of compensatory hedgerow have been submitted. As previously advised, this matter may be dealt with by means of a condition in the event planning permission is granted.

Stream and ditch

A stream is present on the sites northern boundary. To avoid any impacts on the stream the submitted ecological assessment recommends that a 10 metre undeveloped buffer is provided between the green house and stream.

The applicant has advised that the required buffer can be delivered apart from one section where hardstanding is proposed within 7m of the watercourse. The Council’s Nature Conservation Officer

has advised that this matter may be dealt with by means of a condition in the event that planning consent is granted.

A ditch is also present on site which has some nature conservation value due to the presence of a number of plant species. This ditch would be lost as a result of the proposed development. The Council's Nature Conservation Officer notes that a water storage lagoon is proposed. A specification has been submitted for the design of the lagoon to maximise its ecological value. The applicant has also proposed the restoration of an offsite pond in their ownership.

The Council's Nature Conservation Officer advises that the level of compensation proposed is sufficient to compensate for the loss of the ditch.

Lighting

Whilst the application site offers limited opportunities for roosting bats, the Council's Nature Conservation Officer advises that bats are likely to commute and forage around the site to some extent particularly along the stream corridor. To avoid any adverse impacts on bats resulting from any lighting associated with the development, the Council's Nature Conservation Officer recommends that if planning permission is granted a condition should be attached requiring any additional lighting to be agreed with the LPA.

Nesting Birds

If planning consent is granted, a condition to protect nesting birds is proposed.

Other Protected Species

No evidence of other protected species were recorded during the submitted surveys. The ecological assessment does not advise that other protected species are present in the broader locality. As the status of other protected species on site can change in a short timescale, the Council's Nature Conservation Officer recommends that a condition be attached in the event that planning consent requiring the submission of an updated survey in the event that the works have not commenced by the 22nd July 2021.

Subject to the above-mentioned suggested conditions, the application proposals are deemed to adhere with the requirements of Policy SE3 of the CELPS, Policy NE11 of the MBLP and draft policy ENV1 of the draft OPNP.

Design

Policy SE1 (Design) of the CELPS advises that proposals should achieve a high standard of design and; wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings. Policy SD2 of the CELPS states that development should contribute positively to an area's character and identity, creating or re-enforcing local distinctiveness in terms of; height, scale, form, grouping, choice of materials, design features, massing and impact upon the streetscene. These policies are supplemented by the Cheshire East Design Guide SPD.

The proposed glasshouse would measure 145 metres in width, 192 metres in length and 8.01 metres in height. It would be positioned 700mm from the rear of the existing glasshouse and would

have same width as it but be 44 metres longer than the existing structure. The existing glasshouse is 7.05 metres in height, so the new glasshouse would be 0.96 metres taller. It is advised in the submission that this additional height is as a result of 'advances in glasshouse construction'. It would be of glass and steel construction.

Although taller than the existing structure, the difference is not significant. The design of the development is considered to be appropriate for the purpose it would serve as would the lagoon and heat tank.

The lagoon will be like a large pond and will have excavated material to form the edges. It will be lined as a pond. It has been advised that it is not known at this stage whether it will be covered or not as this will depend on algae growth. But if it were to be covered this would be with matting floating on the surface similar to an outdoor swimming pool. Otherwise it will appear as an area of open water surrounding by an earth bank which is to be sown with wildflowers / natural grasses. In the event of approval and in the event that a cover is required, the detail of this could be secured by condition.

The heat storage tank will be constructed from the same materials used in Phase 1. Light grey insulated steel with a box profile.

The proposals are therefore deemed acceptable in consideration of the design policies of the development plan.

Amenity

Policy DC3 of the MBLP states that development should not significantly injure the amenities of amenities of adjoining or nearby residential property or sensitive uses due to (amongst other considerations); loss of privacy, sunlight and daylight, an overbearing impact and environmental considerations. Policy SE1 of the CELPS states that development should ensure an appropriate level of privacy for new and existing residential properties.

The closest neighbouring dwellings to the application proposals would be over 150 metres away and as such, no concerns are raised in relation to; privacy, light or an overbearing impact. The Council's Environmental Protection Team have also confirmed that no environmental amenity concerns are noted, subject to a contaminated land informative.

The proposal would therefore adhere with the amenity policies of the development plan.

Highways

The crux of Saved Policy DC6 of the MBLP is that development should provide safe and convenient access provision for vehicles, pedestrians, special needs groups, and service/emergency vehicles and to provide safe and convenient facilities for the servicing of businesses.

The site has an existing access from Stocks Lane and this would be used to as access this proposal. The Council's Highways Officer has advised that as long as the glasshouse is used for tomato production, which the applicant has subsequently confirmed, there are no highway objections raised to the application.

As such, the proposal is deemed to adhere with Policy DC6 of the MBLP.

Flood Risk and Drainage

Policy SE13 of the CELPS relates to flood risk and water management. It states that all development must integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation in line with national guidance.

According to the Environment Agency flood risk maps, the whole of the application site falls within a Flood Zone 1 (FZ1). FZ1 is the lowest of the flood risk categories and means that the land has less than a 1 in 1,000 annual probability of river flooding. It relates to all areas outside of Flood Zones 2 and 3, Flood Zones of a higher probability of flooding.

The Environment Agency have reviewed the proposals and advised they have no comments to make as the development falls outside the scope of their remit.

The Council's Lead Local Flood Authority (LLFA) Officer has reviewed the proposals and advised that they have no objections, subject to a condition requiring the submission/approval of a detailed drainage strategy/design, limiting surface water run-off. Informatives are also proposed.

In consideration of drainage, United Utilities have advised that they have no objections, subject to the following conditions; submission/approval of a surface water drainage scheme, foul and surface water should be drained on separate systems and the submission/approval of a sustainable drainage management and maintenance plan. An informative is also recommended regarding UU assets and easements on/close to the site.

Public Rights of Way (PROW)

The application proposals would lie adjacent to public footpath No.27 Peover Superior. The proposed development has been reviewed by the Council's Public Rights of Way Officer who advises that the scheme is unlikely to impact the PROW. However, in the event of approval, informatives are proposed firstly to remind the developer/applicant of their responsibilities and secondly, to advise that if, during the construction period of the development the PROW would be impacted with additional traffic or any activity that will potentially endanger the public; the applicant must apply for a temporary closure order for the period of disruption and provide an alternative route. The applicant should give at least 6 weeks notice of any request for a temporary closure.

Manchester Airport

The Safeguarding Authority for Manchester Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria.

They have concluded that they have no objections subject to a condition requiring the submission/approval of details of the lagoon design and a condition requiring the prior submission/approval of a landscaping plan. The reasons for the proposed conditions are flight safety. More specifically to avoid birdstrike risk for aircraft using Manchester Airport.

Very Special Circumstances

Paragraph 143 of the NPPF states that *'Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'*

Although the glasshouse is deemed to represent appropriate development in the Green Belt, the associated infrastructure proposed, notably; the lagoon, heat tank and hardstanding would be inappropriate. Additional harm would also be created with regards to openness and encroachment.

As this additional development is specifically required in association with the horticultural business to operate efficiently and sustainably, and because the impact of these additional structures upon openness and encroachment would not be significant in the context of the development proposed, it is deemed that the harm created would be clearly outweighed by the benefits.

As such, it is deemed that Very Special Circumstances apply in this instance.

CONCLUSIONS

The principle of the development to erect a commercial horticultural glasshouse in the Green Belt is deemed acceptable. Furthermore, the development would assist in supporting the rural economy. However, the associated infrastructure including the lagoon, heat tank and hard standing would not. They would represent inappropriate development in the Green Belt. Additional Green Belt harm would also be created with regards to openness and encroachment.

However, as this additional development is specifically required in association with the horticultural business to operate efficiently and sustainably, and because the impact of these additional structures upon openness and encroachment would not be significant in the context of the development proposed, it is deemed that the harm created would be clearly outweighed by the benefits and Very Special Circumstances therefore apply which mean that the development is deemed acceptable in principle.

The design of the development is appropriate to the purpose it would serve and would be similar to the existing development on-site already.

Although the development would result in the loss of hedgerow and would involve some earthworks, it is deemed that through a combination of conditions and mitigation, this impact is deemed acceptable.

No concerns are noted with regards to amenity, highway safety, trees, flood risk or drainage, Manchester Airport or Public Rights of Way, subject to conditions where appropriate. Although no ecology concerns are noted subject to conditions either, this is subject to the receipt of a countersigned Impact Assessment and Conservation Payment Certificate (IACPC), prior to the determination of the application as evidence that the development has been accepted onto the licencing scheme with regards to Great Crested Newts.

As such, it is recommended that the application be delegated back to the back to the Acting Head of Planning, in consultation with the Chair (or in their absence the Vice Chair) of Strategic Planning Board to APPROVE the development, subject to conditions, and the receipt of the outstanding IACPC.

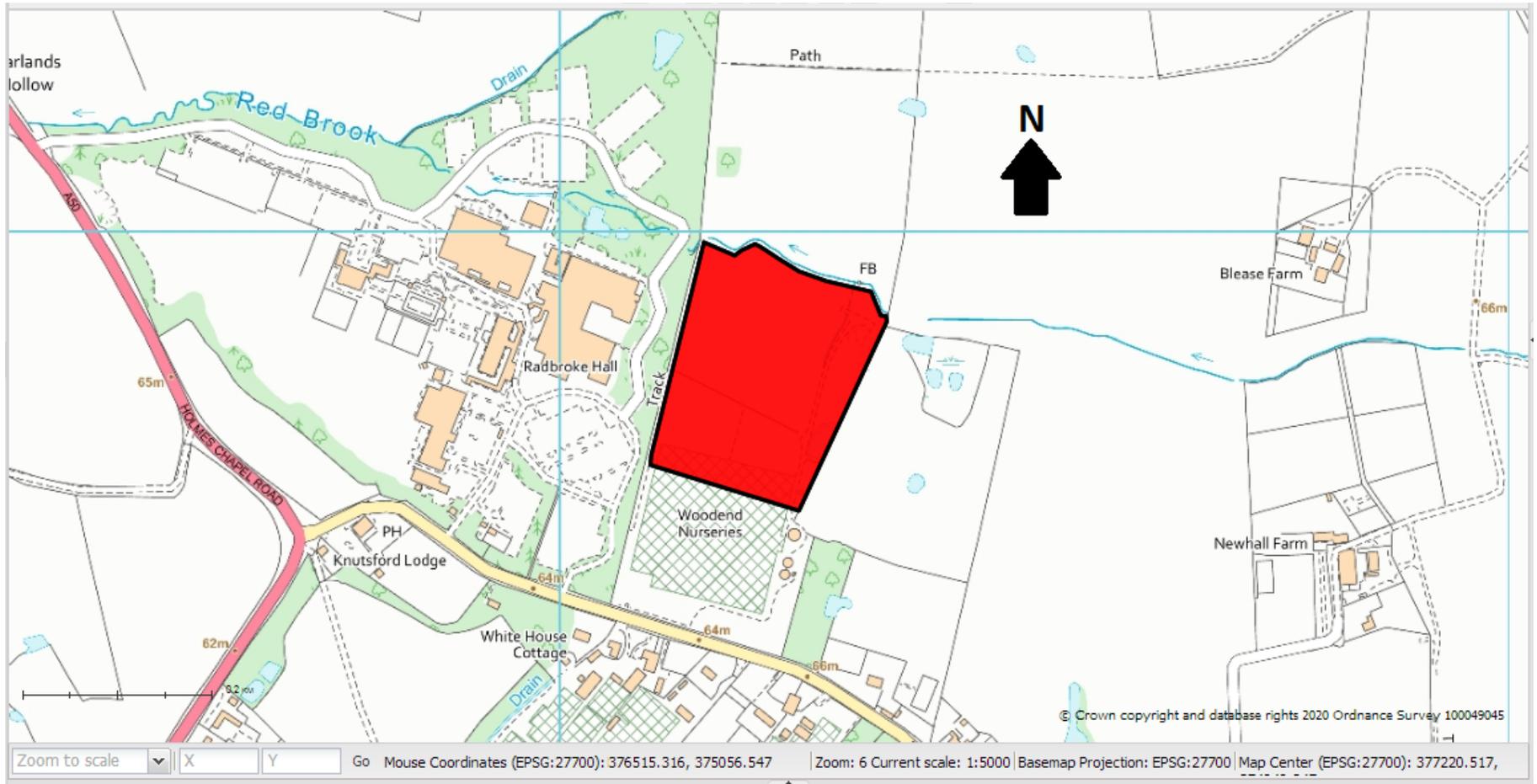
RECOMMENDATIONS

Delegate back to the Acting Head of Planning, in consultation with the Chair (or in their absence the Vice Chair) of Strategic Planning Board to APPROVE the development, subject to conditions below and the receipt of the outstanding Impact Assessment and Conservation Payment Certificate (IACPC)

Conditions;

1. Time (3 years)
2. Plans
3. Materials as per application
4. Submission/approval of a detailed landscape scheme (to include; levels details, soil management details, hard surfacing details, planting and replacement hedgerow planting details)
5. Landscape – Implementation
6. Submission/approval of proposals for the safeguarding of an undeveloped buffer adjacent to the northern water course during the construction process
7. Implementation of pond enhancements in accordance with Ecology Statement from UES dated Nov 15 2020
8. Submission/approval of lagoon design detail to include specifications detailed within Ecology Statement from UES dated Nov 15 2020 (including details of any possible cover)
9. Submission/approval of external lighting scheme
10. Nesting birds
11. Submission/approval of 'other protected species' survey
12. Submission/approval of a detailed drainage strategy/design, limiting surface water run-off
13. Foul and surface water should be drained on separate systems
14. Submission/approval of a sustainable drainage management and maintenance plan

In order to give proper effect to the Strategic Planning Board's intent and without changing the substance of its decision, authority is delegated to the Head of Planning in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.





Working for a brighter future together

Strategic Planning Board

Date of Meeting: 9 December 2020

Report Title: Update following the resolution to approve application 20/0901C: Part full/part outline application proposing: 1: Full planning application for an employment Development (Use Class B2 & B8 with ancillary Use Class B1 floorspace), and security gatehouse and Weighbridge, the provision of associated Infrastructure, including a substation, plant, pumping Station, service yards, car and hgv parking, cycle and Waste storage, landscaping, ecological enhancement Area, drainage attenuation, access from ERF way and Re-alignment of the River Croco tributary. 2: Outline Planning application for an employment development (Use Class B2 & B8 with ancillary Use Class B1 Floorspace) with all detailed matters except for Access reserved for future determination, phase 4b and 1b Magnitude - off ERF Way, Middlewich for Magnitude Land LLP & Swizzels Matlow Ltd

Senior Officer: David Malcolm: Head of Planning

1. Report Summary

- 1.1. This report seeks approval to amend the SPB resolution for this application with paraticualr reference to the terms of the s106 legal agreement. This follows discussions with the applicant to include a review mechanism for later phases of the development to take account of other applications and contributions across the Mid-Point 18 allocation and to provide the necessary corrected update to the Minutes.
- 1.2. The report recommends that the wording be amended to include reference to a review mechanism as set out in the report.

2. Recommendation

- 2.1. That the Strategic Planning Board amend the Committee resolution for this application as follows;

That the application be approved subject to the completion of a S106 Agreement securing the following:-

Highways - Contribute to the Middlewich Eastern Bypass or A54 Corridor/Leadsmithy Street corridor improvements based on a payment of £30 per sq m GIA to be paid in four instalments prior to occupation of:-

- Plot 4B phase 1;
- Plot 4B phase 2
- Plot 4B phase 3; and
- Plot 1B

Subject to a review mechanism to be agreed with Cheshire East Council for Plot 4B phase 2, Plot 4B phase 3 and Plot 1B

And Ecology – Biodiversity offset payment as follows:-

Prior to the commencement of development a scheme for offsetting biodiversity impacts on the site shall be submitted to and approved by the local planning authority. The proposed offsetting scheme shall include:

- Details of the offset requirements of the development in accordance with the current Defra biodiversity metric, which has been calculated to comprise 8.5 units conservation credits of grassland;
- The identification of a receptor site or sites which generate a minimum 8.5 units available conservation credits;
- The provision of evidence of arrangements that secures the delivery of the offsetting scheme;
- A management and monitoring plan (which shall include for the provision and maintenance of such offsetting measures for a period of not less than 25 years from commencement of development)

And subject to the following conditions:-

FULL APPLICATION:

1. 3 Year start date
2. Approved plans/documents
3. Materials
4. Landscaping
5. Landscape maintenance
6. Arboricultural Impact Assessment
7. Tree Retention/Protection
8. Levels
9. Electric vehicle infrastructure
10. Ultra Low Emission Boiler(s)
11. Importation of soils
12. Contaminated land assessment (Phase II)
13. Contaminated land verification report
14. Measures to deal with unexpected contamination

15. Foul and surface water on separate systems
16. Surface water drainage
17. Tree felling under supervision (Bats)
18. Lighting (Amenity & Bats)
19. Updated Otter survey
20. Bird nesting season
21. Ecological mitigation measures
22. 25 Year habitat management plan and buffer zone to water course
23. PROW Management scheme
24. Renewable energy in accordance with Policy SE9

OUTLINE APPLICATION:

1. Outline timescales
2. Approved plans/documents
3. Materials
4. Landscaping
5. Landscape maintenance
6. Arboricultural Impact Assessment
7. Tree Retention/Protection
8. Levels
9. Electric vehicle infrastructure
10. Ultra-Low Emission Boiler(s)
11. Importation of soils
12. Contaminated land assessment (Phase II)
13. Contaminated land verification report
14. Measures to deal with unexpected contamination
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17. Tree felling under supervision (Bats)
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19. Updated Otter survey
20. Bird nesting season
21. Ecological mitigation measures
22. 25 Year habitat management plan and buffer zone to water course
23. PROW Management scheme
24. Renewable energy in accordance with Policy SE9

3. Reasons for Recommendations

- 3.1. To provide clarity in the resolution and Minutes to reflect the reference to a review mechanism in the officers report.

4. Other Options Considered

4.1. The resolution could remain as published, but the applicant has indicated an unwillingness to sign the Section 106 Agreement without the review mechanism.

5. Background

5.1. Planning application 20/0901C was referred to Strategic Planning Board on 24th June, 2020. The minutes from the meeting are as follows:

RESOLVED

That the application be delegated to the Head of Planning in consultation with the Chairman and Vice Chairman of the Strategic Planning Board to approve subject to resolving the objections from the Environment Agency; receipt of comments from the Lead Local Flood Authority (LLFA); clarification of the electrical charging provision requirements and meeting policy SE9 on renewable energy provision and subject to the completion of a S106 Agreement securing the following:-

Highways - Contribute to the Middlewich Eastern Bypass or A54 Corridor/Leadsmithy Street corridor improvements based on a payment of £30 per sq m GIA to be paid in four instalments prior to occupation of:-

- Plot 4B phase 1;*
- Plot 4B phase 2*
- Plot 4B phase 3; and*
- Plot 1B*

And Ecology – Biodiversity offset payment as follows:-

Prior to the commencement of development a scheme for offsetting biodiversity impacts on the site shall be submitted to and approved by the local planning authority. The proposed offsetting scheme shall include:

- Details of the offset requirements of the development in accordance with the current Defra biodiversity metric, which has been calculated to comprise 8.5 units conservation credits of grassland;*
- The identification of a receptor site or sites which generate a minimum 8.5 units available conservation credits;*
- The provision of evidence of arrangements that secures the delivery of the offsetting scheme;*
- A management and monitoring plan (which shall include for the provision and maintenance of such offsetting measures for a period of not less than 25 years from commencement of development)*

And subject to the following conditions:- Since the SPB resolution, the applicant has raised viability issues associated with the S106 Heads of Terms. There have also been further discussions between the applicant and the Highways Department regarding the upgrading of the footway along Booth Lane to Mill Lane (as requested by SPB in 2018).

And subject to the following conditions:-

FULL APPLICATION:

1. 3 Year start date
2. Approved plans/documents
3. Materials
4. Landscaping
5. Landscape maintenance
6. Arboricultural Impact Assessment
7. Tree Retention/Protection
8. Levels
9. Electric vehicle infrastructure
10. Ultra Low Emission Boiler(s)
11. Importation of soils
12. Contaminated land assessment (Phase II)
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20. Bird nesting season
21. Ecological mitigation measures
22. 25 Year habitat management plan
23. PROW Management scheme

OUTLINE APPLICATION:

1. Outline timescales
2. Approved plans/documents
3. Materials
4. Landscaping
5. Landscape maintenance
6. Arboricultural Impact Assessment
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22. 25 Year habitat management plan
23. PROW Management scheme

5.2 The matters regarding the Environment Agency and Lead Local Flood Authority, together with the requirements of SE9 were subsequently addressed in an Officer Delegated Report signed by the Chair and Vice Chair of the Committee.

5.3 In securing the necessary contributions to the Middlewich Eastern Bypass (MEB) the previous report noted under the s106 section that:

“In line with other recent approvals on Midpoint 18, and in line with policy LPS 44 the development shall:

“2. Provision of and where appropriate, contributions to the completion of the Middlewich Eastern Bypass.”

Highways have calculated a figure of £30 Sq.m is applicable. This equates to £1,276,980 Phase 1 and £125,430 Phase 2 based upon the floor area, and as such the development should contribute this figure by way of a Section 106 Agreement.

The applicant is agreeable in principle to a contribution of £30 per sqm as part of the planning application subject to working with Cheshire East Council to undertake a review of the contribution for each phase of the development prior to the occupation of the first phase of the development.”

However, the reference to the review mechanism was not included in the adopted Minutes of the meeting which needs to be formally updated. It should be noted that this review mechanism will enable consideration of any additional floorspace / additional costs to be factored in to contributions when the future phases come forward. This is considered a fair and reasonable approach and therefore in compliance with the CIL Regulations and supported by Officers.

6. Implications of the Recommendations

6.1. Legal Implications

6.1.1. The minuted resolution needs to include reference to the review mechanism.

6.2. Finance Implications

6.2.1. If the amended wording is not approved the applicant has indicated they are not prepared to sign the Section 106 Agreement, and the Council would not receive a significant contribution to the Middlewich Eastern Bypass.

6.3. Policy Implications

6.3.1. The policy implications are considered within the original SPB Report but it does accord with Cheshire East Local Plan Strategic Policy LPS 44.

6.4. Equality Implications

6.4.1. Under the Council's public sector equality duty, the authority needs to consider the effect of its policies on members of society with protected characteristics.

6.4.2. This has not identified any actual or potential negative impact on people with protected characteristics.

6.5. Human Resources Implications

6.5.1. The change to Minutes will not require additional staff resources to implement.

6.6. Risk Management Implications

6.6.1. As 6.2.1 above.

6.7. Rural Communities Implications

6.7.1. There are no direct implications for rural communities.

6.8. Implications for Children & Young People/Cared for Children

6.8.1. There are no direct implications for children and young people.

6.9. Public Health Implications

6.9.1. There are no direct public health implications.

6.10. Climate Change Implications

6.10.1. There are no additional issues other than those set out in the original report to Committee.

7. Ward Members Affected

7.1 Middlewich and surrounding wards.

8. Consultation & Engagement

8.1. There is no requirement to formally consult on the change to the SPB resolution.

9. Access to Information

9.1. The Council's website includes the original report to SPB which can be found using the link below;

<http://moderngov.cheshireeast.gov.uk/ecminutes/ieListDocuments.aspx?CId=279&MId=8017&Ver=4>

10. Contact Information

10.1. Any questions relating to this report should be directed to the following officer:

Name: Adrian Crowther

Job Title: Major Applications Team Leader

Email: Adrian.crowther@Cheshireeast.gov.uk

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