

Application No: 13/2839M

Location: THE KINGS SCHOOL, GIRLS DIVISION, FENCE AVENUE,  
MACCLESFIELD, CHESHIRE, SK10 1LT

Proposal: Extension of the school netball court, strengthen existing vehicular ramp access to the playing field and infilling of small area of field with top soil from the netball court extension, play area and external disabled access ramp (Retrospective)

Applicant: Mr J Spencer-Pickup, Kings School Macclesfield

Expiry Date: 15-Oct-2013

**Date Report Prepared: 9<sup>th</sup> January 2014**

**SUMMARY RECOMMENDATION Approve subject to conditions**

**MAIN ISSUES**

- Impact upon the character and appearance of the area
- Impact upon the Green Belt and Area of Special County Value
- Impact upon residential amenity
- Impact upon existing open space
- Impact upon trees and landscaping
- Impact upon protected species

**REASON FOR REPORT**

The application is a retrospective application for the extension of the school netball court, the addition of gravel to create an access to the playing field and turning area and infilling of a small area of field with top soil from the netball court extension, also a play area with equipment and external disabled access track. The application was called into committee by Councillor Neilson because of residents' concerns over the retrospective development within the Green Belt.

**DESCRIPTION OF SITE AND CONTEXT**

The application site relates to a private Secondary School located close to the centre of Macclesfield. The school itself lies within an area of Green Belt and Area of Special County Value with the front section of the school, adjacent to Fence Avenue, falling within the Buxton Road Conservation Area.

The site is also designated as open space, which includes the playing fields and pitches that lie to the rear of the existing school buildings. These recreational facilities and space are utilised by the school during normal school hours. The area where the netball court extension, playground and track are located was previously used as an area of grassed playing field. There were no pitches marked out in this area and hence the development does not include the loss of any pitches.

To the north the school's playing fields are surrounded by agricultural fields under the ownership of the school. Beyond the fields to the north there are some residential properties on Landsdowne Street located over 150m from the nearest works. To the west of the works the nearest residential properties are located on Fence Avenue positioned over 50m from the nearest works and screened by mature trees and shrubs.

## **DETAILS OF PROPOSAL**

The proposal seeks permission for a retrospective full planning application for the following works:

- Creation of a gravel track and vehicular turning area leading up the slope from the car park to the netball court.
- The extension of the netball court to create an additional area of approximately 39.5m by 36.5m, doubling the size of the netball courts with a total additional area of 1440m<sup>2</sup>. The extension is surrounded by a 2.75m high black chain fence to match the existing fence.
- The infilling of a small area of the agricultural field to the north of the site with top soil from the netball court extension. This has since been grassed over to blend in with the surrounding fields.
- The creation of a playground containing various play equipment, with an Astroturf base, surrounded by a timber picket fence.
- An external disabled access ramp positioned on the south elevation of the main block.

## **RELEVANT HISTORY**

None relevant

## **POLICIES**

### **Local Plan Policy**

NE1 (Landscape Protection and Enhancement)  
BE1 (Design Principles for New Developments)  
BE2 (Historic Fabric - seek to preserve or enhance)  
BE3 (Conservation Areas - preserve or enhance the character or appearance)  
DC1 (High Quality Design for New Build)  
DC3 (Protection of the Amenities of Nearby Residential Properties)  
DC8 (Landscaping)  
H13 (Protecting Residential Areas)  
RT1 (Protection of Open Space)  
GC1 (Green Belt New Build)

Between them these policies aim to protect the living conditions of adjoining residential properties from harmful loss of amenity such as loss of privacy, overshadowing, loss of light or overbearing impact. They aim to ensure that the design of any extension or new building is sympathetic to the existing building on the site, surrounding properties and the wider street scene by virtue of being appropriate in form and scale and utilising sympathetic building materials.

MBLP policy GC1 seeks to limit development within the Green Belt with an exception for essential facilities for outdoor sport and outdoor recreation, providing they preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Paragraph 89 of the National Planning Policy Framework replaces the word 'essential' with 'appropriate.'

### **Other Material Considerations**

#### National Planning Policy Framework

Since the NPPF was published on 27<sup>th</sup> March, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight.

### **CONSULTATIONS (External to Planning)**

Conservation - No objections

Sport England - No objections

Canal and River Trust - No comments

### **VIEWS OF THE TOWN COUNCIL**

N/A

### **OTHER REPRESENTATIONS**

There have been 3no. letters of objection from neighbours residing on Fence Avenue.

The following issues were raised:

- The spoil that has been moved onto the adjoining field should not be allowed in an Area of Special County Value and Green Belt. – *dealt with in the appraisal section.*
- Concerns over the retrospective nature of the applications have been raised. – *retrospective applications must be assessed in the same manner as any application.*
- The netball courts are 'huge and resemble a car park'. – *dealt with in the appraisal section.*

- The courts almost reach the canal, which is in the conservation area. – *the extension to the court is over 150m from the canal and over 80m from the Buxton Rd Conservation Area.*
- ‘Large scale incursion and destruction of the landscape’. – *dealt with in the appraisal section.*
- The development has destroyed the undulating landscape in an Area of Special County Value, changing its inherent value. – *dealt with in the appraisal section.*
- The habitats of local species have been adversely affected. – *the extension, playground and track were formed on grassed areas with no known habitats destroyed.*

## **APPLICANT'S SUPPORTING INFORMATION**

A Design and Access Statement has been submitted in support of the application and is available to view on the planning file.

## **OFFICER APPRAISAL**

### **Principle of Development**

The principle of development in this location is considered acceptable, subject to the impact upon the character and appearance of the area, the Green Belt and Area of Special County Value, residential amenity, the existing open space, Protected Species, trees and landscaping, and opportunities to improve sporting facilities.

Paragraph 73 of the National Planning Policy Framework states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

Paragraph 74 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable

location; or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

### **Design / Character and Appearance**

Local Plan policies BE1, H13 and DC1 address matters of design and appearance. Policy BE1 states that the Council will promote high standards of design and new development should reflect local character, use appropriate materials and respect form, layout, siting, scale and design of surrounding buildings and their setting. Policy DC1 states that the overall scale, density, height, mass and materials of new development must normally be sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself. The National Planning Policy Framework also notes that “good design is a key aspect of sustainable development”.

Whilst it is noted that some open green space has been lost to the extended netball court, this is not considered to have a significantly adverse impact on the character and appearance of the locality. The tarmac surface is at a higher level and well screened from the closest

residents and so is not highly visible from outside the site. It also extended an existing court and so is not an alien feature in the landscape. The fencing may be visible but this is lightweight and again extends from an existing fence.

The playground is located directly adjacent to the school building and the netball court and so does not impact on the openness. The short, lightweight timber fence is an appropriate addition to the setting of the school grounds.

The track is small scale and well screened by the adjoining trees and the materials used have a small impact on the surrounding character, particularly in the future once grass and other plants start to grow through the stones.

The disabled ramp attached to the school building is not visible from outside the site and is considered to be an acceptable addition to the school.

The area of infill in the adjoining field has been grassed over and blends in with the surrounding field. It is now difficult to see where the additional material has been deposited.

The siting of the court, track and playground is considered acceptable in design/character terms, utilising the site effectively without overdeveloping it.

Overall it is considered that the development has an acceptable impact on the character and appearance of the area.

Whilst the objections have been carefully considered, the proposed development is deemed to accord with local plan policies BE1, DC1, H13 and the National Planning Policy Framework.

### **Green Belt / Area of Special County Value**

The site lies within the North Cheshire Green Belt and an Area of Special County Value within which the council seeks to conserve and enhance the quality of the landscape and to protect it from development that is likely to have an adverse effect on its character and appearance.

Local Plan policy GC1 and paragraph 89 of the NPPF state that new buildings in the Green Belt are inappropriate by definition. However, there can be exceptions to this policy. Policy GC1 states that the construction of buildings to provide essential facilities for outdoor sport and recreation can be acceptable in the Green Belt, providing they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

Paragraph 89 of the National Planning Policy Framework replaces the word 'essential' with 'appropriate.'

The works undertaken are not actually "new buildings", therefore the key issues are whether the openness of the Green Belt is preserved and whether there is any conflict with the purposes of including land within the Green Belt.

In this case the netball extension, playground and associated hardstanding are considered to be appropriate for the existing and proposed facilities on the site. It is also not deemed to

have an adverse impact on the character and appearance of this Area of Special County Value.

A condition can be attached to ensure that the materials of the proposed building are acceptable in this location.

Although the site lies within the Green Belt and an Area of Special County Value and is designated as a playing field in the Local Plan, it is considered that the extension to the netball court, playground, infilled area of field and area of hardstanding do not harm the objectives of relevant Green Belt policies; nor is the openness of the Green Belt detrimentally affected. The proposal is not considered to be inappropriate development in the Green Belt and the impact on the character and appearance of the area is considered to be acceptable.

### **Amenity**

Local Plan policies H13, DC3 and DC13 seek to protect the amenity of residential occupiers. Policy DC3 states that development should not significantly injure the amenities of adjoining or nearby residential property due to matters such as loss of privacy, overbearing effect, loss of sunlight and daylight, traffic generation and car parking and noise. H13 simply seeks to protect the amenities of the occupiers of adjoining or nearby houses.

The development is a sufficient distance away from neighbouring residential properties and so would not harm the residential amenity of these residents. There are also no extra floodlights surrounding the new court.

### **Leisure Services / Open Space**

Sport England do not object to the proposed development. They state:

‘Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the specific circumstances applies.

The extension to the netball court is immediately to the west of the existing netball court. Although there is room for a mini pitch to be marked out in this area there is no evidence of a pitch having been marked out historically or currently. It is considered this element of the proposal meets exception 5 of the above policy and the third criterion of paragraph 74 of NPPF:

*‘The proposed development is for an indoor or outdoor sports facility, provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the playing field’.*

The vehicular ramp access is to the south of the netball court and is not on the functional part of the playing field. It is considered this element of the proposal meets exception 3 of the above policy:

*‘The proposed development affects only land incapable of forming part of a playing pitch and does not result in any of the following:*

- loss of any part of a pitch;*
- inability to use any pitch (including retaining adequate safety margins);*
- reduced sporting capacity of the playing field to accommodate pitches or capability to rotate or reposition pitches to maintain quality;*
- reduction in the size of any pitch; or*
- loss of other sporting or ancillary facilities on the site.’*

The area that has been infilled using topsoil from the netball court extension is in the western area of the playing field. This area appears to be an informal grassed area and not used for pitch sports historically or currently. It is considered this element of the proposal meets exception 3 of the above policy.’

Subject to this the development would accord with local plan policy RT1 and the NPPF.

### **Nature Conservation**

There are no known protected species that have been affected by the development.

### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The application is for a sustainable form of development that is in accordance with objectives of the Framework to promote improvements to education facilities and improvement to health and well-being through improved sports facilities and use of open space.

The proposal is an appropriate form of development in the Green Belt when considered against the tests set out in paragraph 89 of the National Planning Policy Framework.

The objections to the development have been considered. However, the development does not give rise to significant impacts in terms of harm to the conservation area, Green Belt and Area of Special County Value.

To conclude, the proposed development is deemed to be in accordance with all relevant policies in the development plan and there are not considered to be any other material considerations that would carry sufficient weight to refuse the application.

Overall, therefore, a recommendation of approval is made, subject conditions.

In the event of any changes being needed to the wording of the Committee’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 Northern Area Manager has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee’s decision.

Should this application be the subject of an appeal, authority shall be delegated to the Northern Area Manager in consultation with the Chairman of the Northern Planning

Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

Application for Full Planning

RECOMMENDATION:

1. A01AP - Development in accord with approved plans

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