

Application No: 15/4287M

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

Proposal: 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.

Applicant: The Foundation of Sir John Percyvale

Expiry Date: 24-Feb-2016

### **SUMMARY**

The application is to be considered alongside two applications for the development of King's School however, this application must be assessed on its individual merits.

The site is partially previously developed however the majority of the site is undeveloped. The whole site is within the Green Belt where there is a presumption against inappropriate development. It is established that the proposals do represent inappropriate development within the Green Belt, and only if very special circumstances exist to justify the departure from Green Belt policy should they be approved.

The applicant has put forward what it considers to be very special circumstances, however the onus is on the decision maker, the LPA to determine what weight is attached to these in the planning balance and whether these circumstances amount to very special circumstances to justify the development, and outweigh the automatic harm the development would cause by way of inappropriateness.

In this case points 1 and 2 of the applicant's case relate to the fact that the site is earmarked for housing in the CELPS. The degree of weight to be attached to an emerging plan which has not gone through the full EIP process depends on the level of how much the policy aligns with the NPPF.

The amount of weight to be given depends on the following as set out in paragraph 216 of the NPPF.

*-the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*  
*-the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*  
*-the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

In light of paragraph 216 it is acknowledged that the stage of preparation of the CELPS is advanced, initial EIP hearings have taken place, and changes have been made in line with the Inspectors recommendations. The hearings are due to resume later in the year, following which the Inspector will make final recommendations. The site selection process is also advanced.

The recommended changes have been made to the policies and these changes have been consulted on which ended in April 2016. The Fence Avenue site has objections as a site from the public and there objection to the release of Green Belt land.

As CS9 is not a development management or core policy but a site allocation, the principle of the development itself can only be assessed against the Framework. In the case of the Framework, Green Belt land should be retained for its own purposes.

The weight in this case to attach to CS9 would be significant, due to the level of preparation of the CELPS, however the weight to be attributed to this circumstance must be reduced as the scheme is not policy compliant, with no affordable housing or sufficient education contribution and as a result the community would be at a significant disadvantage due to the impact on existing infrastructure.

Whilst weight has been attached to points 1 and 2 of the applicant's case, it is not considered that the remaining points amount to very special circumstances enough to outweigh the significant harm to the Green Belt. Notwithstanding the potential allocation, this scheme is not policy compliant and does not alone justify the departure from Green Belt policy. The proposals for the site form part of wider proposals, however, this site must be assessed on its own merits. The proposals conflict with local and national long established Green Belt policy, and should be refused on the grounds of inappropriate development within the Green Belt and conflict with the purposes for including land within the Green Belt including urban sprawl and encroachment.

It has been demonstrated through the application that additional information can overcome certain issues along with suggested planning conditions and obligations. However significant issues remain outstanding at the time of writing this report. It is considered that the ecology issues may be able to be mitigated if the correct surveys are submitted with appropriate recommendations to the satisfaction of the Council's Ecologist in order for a recommendation to be made on this issue, the same is true of the tree issues.

With regard to the lack of affordable housing provision, this is balanced, however, the viability assessment which has been verified independently shows that the proposed development cannot bear the cost of providing affordable housing if the project is to be viable, although starter homes can be provided on site which makes some social contribution. The proposals will put pressure on the state school education infrastructure which serves the catchment area of the site. The proposed secondary places at King's School would be means tested and would provide 4 places in total, however no SEN provision would be made as a result of the application. It is considered therefore that the proposals are not socially sustainable, and are contrary to the aims of the development plan and the Framework.

The proposal is largely sustainable in terms of the environment, however the issue of ecology and trees must be resolved to the satisfaction of the Strategic Planning Board.

The proposal and the wider proposals are economically sustainable as detailed in this report.

Through the assessment as to whether the scheme represents sustainable development, it is considered that it does not achieve this in terms of three strands: social, environmental and economic sustainability. As the site is within the Green Belt under paragraph 14 there is not a presumption in favour of sustainable development where other policies in the framework state that development should be restricted which includes Green Belts. On balance therefore after careful consideration the application should be refused in principle.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Council's delivery of 5 year housing land supply.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes, and benefits for local businesses.
- The proposal will not have an adverse landscape impact.
- There is no negative highways impact.

The development would have a neutral impact upon the following subject to mitigation:

- Subject to appropriate levels of mitigation, there will be no adverse impact on heritage assets.
- There is not considered to be any significant drainage implications raised by this development.
- The impact upon trees is unknown at this stage therefore cannot be considered to be negative or positive at this stage.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land could be mitigated through the imposition of planning conditions.

The adverse impacts of the development would be:

- The proposal is inappropriate development in the Green Belt, harmful by definition and the very special circumstances put forward are not significant enough to outweigh the significant harm to the openness of the Green Belt and the purposes for including land within it.
- The impact upon protected species/ecology is considered to be unknown, therefore it cannot be assumed at this stage that mitigation would be possible at the site without additional information.
- No affordable housing provided by a Registered Social Landlord, however 5% start homes (80% market value) are proposed.
- No financial educational contribution to Children's Services, bursaries are proposed.
- No SEN contribution.

On the basis of the above, it is considered that the proposal does not represent sustainable development and represents inappropriate development within the Green Belt and it is not considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits.

## **SUMMARY RECOMMENDATION**

**Refusal**

## **PROPOSAL**

The application is an outline application for the partial demolition of part of the King's School site located off Fence Avenue on the edge of Macclesfield. The site is currently occupied by the girls' school, the boys' school is located at another site off Cumberland Street and Westminster Road within Macclesfield, and there is a sports ground owned and used by the school off Prestbury Road located between Macclesfield and Prestbury. The proposals include the demolition of most of the buildings on site apart from the main school building which faces Fence Avenue. The remainder of the site will make up dwellings and pockets of open space. The application is in outline form, and no detail is to be established at this stage, except for the access. The application proposes around 300 dwellings of varying sizes.

No affordable housing is proposed as part of the submission, however a discount market house-type is proposed which would be secured as part of a section 106 agreement if agreed. The far west part of the site is previously developed, the main building front onto Fence Avenue is locally listed and will be retained and converted into apartments. All other buildings will be demolished to make way for new development. Following consultation responses the scheme has now been amended to maintain the area of open green space to the east of the site which covers approximately 1.8ha. This does increase the density of the development on the site to approximately 26.7dwellings/ha.

The site has been considered by Cheshire East Council to be an EIA development, therefore an EIA has been submitted with the proposals.

## **SITE DESCRIPTION**

The Fence Avenue site includes a large parcel of land which does not form part of the current school land, to the north of the girls' school the land is grazing land which has a number of trees within it. The whole site covers a site of approximately 13Ha. To the east of the site is Fence Avenue, to the north west of the site is a small industrial estate, with Sandringham Road to the north. The site has Lime Grove to the south and the southern boundary is curtailed by the Macclesfield Canal. To the east is the canal and hills on the edge of the Peak District beyond. The site rises from west to east and has an undulating landscape with groups of trees on the site.

There are a number of playing pitches on the site which spread to the east, some of which are no longer used due to their condition. There is a gym and a number of other more modern buildings on the site.

The site is clearly split partially developed and partially undeveloped. The undeveloped portion of the site makes up the largest portion of the site.

## **RELEVANT HISTORY**

01/0378P, Single storey side extension, Approved, 11/04/01.

## **NATIONAL & LOCAL POLICY**

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plan (January 2004).

Macclesfield Borough Local Plan Policy:

The site is located completely within the Green Belt, the main school building is within the Conservation Area. The canal running to the south of the site is within a Canal Conservation Area. The site is within an area of Special County Value.

Therefore the relevant Local Plan policies are considered to be:

Built Environment Policies:

Policy BE1: Design Guidance  
Policy BE3: Conservation Areas  
Policy BE4: Design Criteria in Conservation Areas  
Policy BE6: Macclesfield Canal Conservation Area  
Policy BE20: Locally Important Buildings

Development Control Policies:

Policy DC1: New Build  
Policy DC3: Amenity  
Policy DC5: Natural Surveillance  
Policy DC6: Circulation and Access  
Policy DC8: Landscaping  
Policy DC9: Tree Protection  
Policy DC36: Road Layouts and Circulation  
Policy DC37: Landscaping  
Policy DC38: Space Light and Privacy  
Policy DC40: Children's Play Provision and Amenity Space  
Policy DC63: Contaminated Land  
Policy T1: Integrated transport policy  
Policy T2: Provision of public transport  
Policy T3: Improving conditions for pedestrians  
Policy T4: Provision for people with restricted mobility  
Policy T5: Development proposals making provision for cyclists  
Policy T6: Highway improvements and traffic management  
Policy NE2: Landscape character areas  
Policy NE14: Natural habitats  
Policy NE11: Protection and enhancement of nature conservation interests  
Policy NE17: Nature Conservation in Major Developments  
Policy NE18: Accessible areas of nature conservation from residential properties  
Policy H1: Phasing policy  
Policy H2: Environmental Quality in Housing Developments  
Policy H5: Windfall Housing

Policy H8: Provision of Affordable Housing  
Policy H9: Occupation of Affordable Housing  
Policy H13: Protecting Residential Areas  
Policy RT1: Recreational land and open space  
Policy RT2: Open spaces/amenity areas in residential areas  
Policy RT5: Standards for open space provision  
Policy GC1: Green Belt boundaries  
Policy IMP1: Development Sites  
Policy IMP2: Transport Measures

Cheshire East Local Plan Strategy – Proposed changes version public consultation ended 19<sup>th</sup> April 2016 where this site is proposed as an allocation for housing development.

The following are considered relevant material considerations as indications of the emerging strategy:

Site CS9 – Land East of Fence Avenue, Macclesfield

The supporting text for site CS9 is also a material consideration in this case, which states that CEC will support the relocation of King's School in order to make this site available for housing growth.

MP1 Presumption in favour of sustainable development  
PG1 Overall Development Strategy  
PG2 Settlement hierarchy  
PG6 Spatial Distribution of Development  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
IN1 Infrastructure  
IN2 Developer contributions  
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  
SE9 Energy Efficient Development  
SE12 Pollution, Land contamination and land instability  
SE13 Flood risk and water management  
CO1 Sustainable Travel and Transport  
CO4 Travel plans and transport assessments

The National Planning Policy Framework

The National Planning Policy Framework came into effect on 27 March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

Since the NPPF was published, 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.

Of particular relevance are paragraphs:

- 14. Presumption in favour of sustainable development.
- 49. Housing supply policies
- 50 and 54. Wide choice of quality homes
- 56-68. Requiring good design
- 72-74 Promoting healthy communities
- 80, 81 and 89 Protecting Green Belt Land
- 109. Conserving and enhancing the natural environment
- 186-187. Decision taking
- 196-197 Determining applications
- 203-206 Planning conditions and obligations
- 216 Implementation

### **Supplementary Planning Documents:**

Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.

- SPG on Section 106 Agreements (Macclesfield Borough Council)

### **Other Material Considerations**

- Cheshire East Strategic Market Housing Assessment (SHMA)
- Cheshire East Strategic Housing Land Availability Assessment (SHLAA)
- Conservation of Habitats & Species Regulations 2010
- Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
- North West Sustainability Checklist
- Ministerial Statement – Planning for Growth (March 2011)
- Macclesfield Town Report (Part of Local Plan evidence base) March 2016

### **CONSULTATIONS**

**Natural England** – (comments received 08/12/2015 and 08/04/2016)  
No comments to make on the application, refer to standing advice.

Public Rights of Way Team – Map officer (**comments received 15/12/2015**)

The property is adjacent to Public Footpath No.34 Macclesfield (canal tow path) as recorded on the Definitive Map held at this office (working copy extract enclosed). It appears unlikely, however, that the proposal would affect the public right of way, although the PROW Unit would expect the planning department to add an advice note to any planning consent to ensure that developers are aware of their obligations as follows:

- No building materials must be stored on the right of way

- Vehicle movements must be arranged so as not to interfere with the public's use of the way
- The safety of members of the public using the right of way must be ensured at all times
- No additional barriers (e.g. gates) are to be placed across the right of way
- There must be no diminution in the width of the right of way available for use by members of the public
- No damage or alteration must be caused to the surface of the right of way
- Wildlife mitigation fencing must not be placed across the right of way

#### Environmental Protection (**comments received 28/01/2016**)

The application is for outline permission of up to 300 residential units. There are no objections to the proposal on the ground of noise/vibration and dust subject to the following conditions being applied to any approval. In particular a noise impact assessment will be required to determine the mitigation appropriate to ensure noise levels (internal and external) are satisfactory for those properties in close proximity to the Fence Avenue Industrial Estate.

It is considered this can be resolved at the detailed application stage once the site layout is finalised.

No objections on air quality grounds subject to conditions.

#### Strategic Infrastructure - Highways (**comments received 01/02/2016**)

##### Background

The site is currently the King's Girl School and the planning application is to redevelop the site for residential development of up to 300 dwellings. This is an outline and not a full detailed application, the access is to be determined at this stage and although an indicative masterplan layout has been presented no detailed internal highway comments on this layout will be made.

##### Site description and current application proposal

The site lies off Fence Avenue on the east side of Macclesfield in a predominately residential area and will have three access points, two from Fence Avenue and one from Lime Grove. The main school building off Fence Avenue will be retained and converted for residential apartment use as part of the application.

##### Traffic Impact Assessment

As this is an existing school there are a considerable number of traffic movements associated with it especially in the morning peak and these traffic movements needs to be considered against the likely traffic generation arising from the application.

The applicant has undertaken a survey of the existing traffic movements to and from the school and then provided an assessment of the traffic generation from the 300units using the Trics database. A comparison of the peak hour traffic generations show that the flows are very similar indeed with the existing school producing slightly more traffic.

As there will be no external traffic impact on the road network as traffic flows will remain the same, no junction testing is required. There is a requirement to assess the proposed site access junctions to ensure that no capacity problems will arise as a result of the development, the applicant has undertaken this assessment and the results show that no significant queuing will arise.

##### Access and Accessibility

The main access to the site uses the southern most access and this is to be upgraded to have a 5.5m carriageway and two 2.0m footways, this access will also have a ghost right turn lane. The northern access on Fence Avenue will be retained and have a 4.5m carriageway and have a more informal use. There is an access proposed from the end of Lime Grove that has been indicated as serving up to 20 dwellings, the standard of infrastructure of this access is not sufficient to serve 20 units and it needs to be indicated at this outline stage that a much reduced number of units served from this access will only be acceptable.

The site is located not far the town centre and adjacent to Victoria Park and the site does have good pedestrian links and there are bus and rail services within a reasonable walking distance of the site. Overall, the site is considered to have good accessibility to sustainable modes of transport.

### Summary and Conclusions

This is an application on the site of an existing school and there are a considerable number of traffic movements to and from the site that occurs on a daily basis. The proposal is for up to 300 dwelling to be constructed on the site, in regards to the traffic impact of the proposal the same level of generation will occur as the school and therefore there is no wider traffic impact on the road network other than the site access junctions

Although there is masterplan submitted this application is an outline application and the internal details would most likely change at reserved matters stage, as such no comments are made on the layout plan attached. There are three access points proposed, the main access is the southern most access on Fence Avenue with a right turn lane. There are no objections to the access proposals on Fence Avenue although the existing access off Lime Grove is not suitable to serve the level of development proposed in the application. This issue can be dealt with at the reserved matters stage.

Therefore, there no highways objections raised to the application subject to a condition being attached for the Ghost Right Turn Lane at the main site access.

### **Children's Services – education** (comments received 03/02/2016) [note this is for both Westminster Road and Fence Ave]

School organisation and Capital strategy have assessed the application and offers the following comments:

The development of 450 dwellings is expected to generate:

82 primary children (450 x 0.19 – 4 SEN)  
65 secondary children (450 x 0.15 – 3 SEN)  
7 SEN children (450 x 0.51 x 0.03%)

The development is forecast to create a shortfall predicted for secondary provision in the immediate locality and SEN provision.

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

4 x £17,959 x 0.91 = £65,370.76 (secondary)

$7 \times £50,000 \times 0.91 = £318,500$  (SEN)

Total education contribution: £383,870.76

Without a secured contribution of £383,870.76, Children's Services raise an objection to this application. This objection is on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development. The objection would be withdrawn if the financial mitigation measure is agreed.

Conclusion: Objection, subject to secured developer contribution.

Grounds: Detrimental impact upon local secondary education provision and SEN provision

## **Strategic Housing**

The Council's Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we 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 allocated 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.

This is a proposed development of 150 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 45 dwellings to be provided as affordable dwellings. 29 units should be provided as Affordable rent and 16 units as Intermediate tenure. This development includes zero affordable dwellings and therefore I **OBJECT**.

The SHMA 2013 shows that yearly demand between 2013/14 and 2017/18 in Macclesfield is for 103 x 2 bed, 116 x 3 bed and 80 x 1 bed older persons dwellings. Information from Cheshire Homechoice shows that there are currently 1227 on the housing waiting list who have selected Macclesfield as their first choice. Those applicants require 518 x 1 bed, 479 x 2 bed, 199 x 3 bed and 31 x 4 bed dwellings. Therefore a mixture of units on this site, to include 1 bed and older persons accommodation, would be acceptable.

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings

The affordable housing should meet the HCA's housing quality indicator (HQI) standards.

Our preference is that the affordable housing is secured by way of a S106 agreement, which:

- requires them to transfer any rented affordable units to a Registered Provider
- provide details of when the affordable housing is required

- includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- includes the requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site.

Details of Registered Providers of social housing can be obtained from the Development Officers in Strategic Housing.

### **United Utilities** – (comments received 24/12/2015)

#### Drainage Comments

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

The culverted watercourse that crosses the site is not a United Utilities Asset and contact should be made with the riparian owner who is responsible for the watercourse.

#### Drainage Conditions

United Utilities will have no objection to the proposed development provided that suggested conditions are attached to any approval in relation to foul water and surface water.

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 Part 6, we have been asked to provide written justification for any pre-commencement condition we may have recommended to you in respect of surface water disposal.

The purpose of the planning system is to help achieve sustainable development. This includes securing the most sustainable approach to surface water disposal in accordance with the surface water hierarchy.

It is important to explain that the volume arising from surface water flows can be many times greater than the foul flows from the same development. As a result they have the potential to use up a significant volume of capacity in our infrastructure. If we can avoid and manage surface water flows entering the public sewer, we are able to significantly manage the impact of development on wastewater infrastructure and, in accordance with Paragraph 103 of the NPPF, minimise the risk of flooding. Managing the impact of surface water on wastewater

infrastructure is also more sustainable as it reduces the pumping and treatment of unnecessary surface water and retains important capacity for foul flows.

As our powers under the Water Industry Act are limited, it is important to ensure explicit control over the approach to surface water disposal in any planning permission that you may grant.

Our reasoning for recommending this as a pre-commencement condition is further justifiable as drainage is an early activity in the construction process. It is in the interest of all stakeholders to ensure the approach is agreed before development commences.

#### Water Comments

A water supply can be made available to the proposed development.

The applicant must undertake a complete soil survey, as and when land proposals have progressed to a scheme design i.e. development, and results submitted along with an application for water. This will aid in our design of future pipework and materials to eliminate the risk of contamination to the local water supply.

**Sport England** (comments received 18/12/2015) Original holding objection based on loss of playing pitches.  
(comments received 09/05/2016)

#### Assessment against Policy Exception E5 –Loss of Playing Field

The applicant has engaged an Agronomist to survey the site and provide a design that minimises the loss of playing field. The indicative pitch layout is for rugby union pitches and the Rugby Football Union (RFU) has been consulted. They are happy in principle with the layout but pointed out the Agronomy Report did not provide actual pitch specifications for the natural turf pitches. A condition will be required to ensure pitch specifications are submitted prior to commencement of the construction of the playing field. Only a basic layout and dimensions of the AGP's has been submitted, and whilst the overall dimensions has been approved by England Hockey the construction and drainage detail has not been provided. Plans showing the cross sections of the sub base, surface, materials, and drainage will be required along with scale drawings. Again this can be conditioned but will need to be a pre commencement condition (of the pitches not the entire development). Wording of the condition is set out in the section below.

#### Sports Needs Assessment

The loss of 1.4ha has to be justified against national and Sport England policy. The applicant proposed significant indoor sports facilities the benefit of which could outweigh the loss of playing field. However, to demonstrate the mix of sports facilities proposed meets a strategic need and can provide sporting benefits to outweigh the loss of playing field a Sport Needs Assessment was required.

The applicant has provided a Sports Needs Assessment and this clearly demonstrates the Kings School facilities will provide a different offer to the existing commercial and Council run facilities in Macclesfield. The focus at Kings School will be to support Sports Club Development which in turn will help increase participation in those sports. It is clear that the indoor sports facilities will be made available to pitch sports users for strength and

conditioning and specific skills sessions, although there may also be the opportunity to address some overcapacity issues experienced by local residents at other venues in Macclesfield.

However, at the present time it is not clear how the timetabling and availability of the sports facilities will work. For that reason Sport England will require a Sports Development Plan to be prepared and appended to a Community Use Agreement (CUA). This can be conditioned on a prior to first use basis allowing the School time to liaise with both Sport England, the sports clubs and NGB's. Both Sport England and the NGB's are very familiar with preparing Sports Development Plans and Community Use Agreements and will assist and advise the School at the relevant time if required. I have reviewed a draft CUA provided by the applicant. The format follows Sport England's model CUA so from that perspective is acceptable. However, as there is currently no Sports Development Plan or information on facility availability and pricing, these elements will need to be included at a later stage and formally discharged as part of the CUA condition.

The maintenance and management of sports facilities to support both curriculum and community use is obviously different to providing maintenance and management just for curriculum use. For that reason Sport England need to ensure the management arrangements are consistent with the aims and objectives of the Sports Development Plan and Community Use Agreement, and that the maintenance regime is adequate to sustain the anticipated usage and to realise the sporting benefits in line with national and Sport England policy. Sport England will require a Management and Maintenance Plan which again can be conditioned on a prior to use first use basis. The management and maintenance of the pitch element should be informed by the recommendations set out in the Agronomy Report. The Sports Development Plan, Business Plan and CUA will help inform the indoor sports facility management and maintenance.

The design and layout of the indoor sports facilities and pavilion has been agreed with the NGB's and there is no need for a design condition for those.

The three applications are linked and therefore the response is for all 3 planning applications.

**Macclesfield Civic Society** (comments received\_ 22/01/2016)

Recent applications 15/4285M; 4286M and 4287M by The Kings School regarding proposals for development in Macclesfield and Prestbury – representations on application 15/4287M – for up to 300 residential units at Fence Avenue, Macclesfield.

As you will know The Kings School recently submitted three planning applications in support of its project for the creation of a new educational facility in the environs of Macclesfield. However, before setting out our views on planning merits it is necessary to raise a procedural issue with regard to the scope and nature of the applications, as a follow up to my earlier letter of 21 July 2015.

Environmental Impact Assessment issues

The documents submitted in support of that scheme rely heavily upon the material in the environmental statement prepared for applications 15/4286 and 4287M – surely an indication that they are all part of the same project with effects that have to be evaluated

comprehensively in accord with the Directive and the 2011 Regulations. I would suggest that this matter be reconsidered to avoid later reference to the Secretary of State.

### Planning Policy issues

This is an extensive project which would result in the urbanisation of a significant area of open and agricultural land to the east of Fence Avenue, extending up to the Macclesfield Canal. The project includes conversion of former education buildings and new dwellings on playing fields and agricultural land. The site is wholly within the Green Belt as defined in the previous and current Development Plans. Development of this type is not one of the categories of development normally considered appropriate within the Green Belt and inappropriate development is, by definition, harmful to the Green Belt and its objectives quite apart from any amenity impacts resulting from the project's siting, materials, design and landscape impact. Accordingly "very special circumstances" must be demonstrated to justify such proposals. These are stated to be the benefits to the applicants from concentrating activity at one site, in a new purpose built facility and funded by redevelopment or disposal of land and other assets elsewhere. It is for the local planning authority in the first instance to assess whether the very high threshold of justification has been met. The Society do not consider that the financial circumstances of an applicant should ever justify inappropriate development within the Green Belt – it is an argument that could be advanced by any developer.

The applicants rely heavily on the proposals in the submitted version of the emerging Cheshire East Borough Local Plan [CEBLP] which designated a strategic site on land east of Fence Avenue for "up to 250 homes". However, the proposed allocation should not be considered decisive in the context of the current proposals for the following reasons. Firstly, there are outstanding objections to the proposed allocation which yet to be tested at the public examination into the CEBLP. If permission is granted prior to that examination it would pre-empt the proper formulation of the Development Plan and undermine public confidence in the planning system. Secondly, the current proposal is for a greater quantity and extent of development than is proposed in the CEBLP (300 as opposed to 250 dwellings and land that the CEBLP proposes to remain open) ! Thirdly, the applicants argue that the whole site should be regarded as brownfield or previously developed land. This is clearly misleading as agricultural land and school playing fields have never been regarded as such. Any brownfield element should be strictly confined to the area occupied by permanent buildings and hard surfaces such as roads and car parks. Fourthly, the land east of Fence Avenue serves clear and important planning purposes, consistent with the National Planning Policy Framework [NPPF].

The extent of conflict with the Green Belt is such, in the Society's view, that if the local planning authority may be minded to grant permission then there should be prior reference to the Secretary of State for Communities and Local Government.

### Local impacts

The siting of the new buildings aims to minimise visual and landscape impacts but these will still occur and their effect upon the character of the locality must be assessed in the light of the objectives of the Green Belt in this area. The Society does not consider that the design quality of the scheme in terms of its character and layout reaches the "exceptional" threshold in terms of its effect upon the visual amenities of the Green Belt. Similarly, the disposition of roads and dwellings must take into consideration the amenities of persons living nearby along Fence Avenue, Buxton Road, Lime Grove, Barracks Lane, Higher Fence Road, Hurdsfield Road and Lansdowne Street.

Although supported by an environmental statement the Society is unsure as to whether a comprehensive assessment of surface water drainage has been undertaken. The provision of dwellings and other hard surfaces over an extensive area will increase run-off to nearby water courses which drain to the River Bollin and could impact upon the Barracks Lane area (adjacent to the Bollin and Tesco's) where flooding of properties occurred in the 1990s. No doubt the local planning authority will liaise closely with the Environment agency on this aspect of the proposal.

#### Traffic and access

The change in patterns of private car and bus traffic arising from the development would also impact beyond the immediate locality and there is little indication that a comprehensive network assessment has been undertaken. There appears to be a reluctance to undertake any assessment of impacts upon the road network of the town beyond the access points to the Fence Avenue site yet traffic from the development of up to 300 dwellings (450 in total if the Westminster Road development proceeds) would be significant given that the Cumberland Street/Hibel Road/Hurdsfield Road/Silk Road corridor is identified in the emerging Local Plan as a significant constraint on development possibilities. Whilst the wish of the applicants to avoid having to contribute towards necessary highway improvements is understandable from a narrow financial aspect the wider impacts of new developments should not be the sole responsibility of the tax payer or local government to resolve.

There are current issues with the Fence Avenue/Hurdsfield Road/Buxton Road junctions and it appears remiss for Cheshire East not to require an assessment of traffic impacts. No doubt the applicants rely upon the argument that 300 dwellings generates about the same traffic as a secondary school, a matter which is arguable at the very least – however, when all three projects are taken together there is a clear increase which would have network effects. Not to consider these as part of the assessment process appears to the Society to be somewhat odd as an approach.

#### **CPRE – (Comments received 20/01/2016)**

The King's School, Macclesfield has made a major planning application with potential far-reaching impacts upon three sites - one within the urban part of Macclesfield and two in the surrounding Green Belt. The former involves a historic site near the town centre. Both of the latter involve the loss of productive agricultural land, mature trees and hedgerows. The Campaign to Protect Rural England (CPRE) Cheshire Branch Macclesfield District wishes Cheshire East Council to be aware that it objects to the proposals for each site individually and it therefore it opposes the planning application in its entirety.

#### Over-arching comments

In summary, the proposal by King's School is to move away from the two sites on which it currently delivers education at Westminster Road/ Cumberland Street in Macclesfield and at Fence Avenue, Hurdsfield, selling both of these sites for housing and – with the proceeds – fund a move to an entirely new campus it wishes to build in the countryside to the north west of Macclesfield alongside its existing playing fields. This is spelt out within the documentation accompanying the planning application.

The school's reason for moving to a new site is its desire to consolidate its operations onto one site. The application is unconvincing that sufficient effort was put into finding a non-greenfield site or one already designated for development (no evidence is provided) and nowhere is justification provided for building on Green Belt. The only reason offered is that it suits the school's economic case. This does not constitute special or exceptional circumstances which need to be proved in order to build on Green Belt. There are any number of developers/would-be developers who 'want' to build on Green Belt and who would benefit economically from doing so, but that is not a satisfactory justification.

### Fence Avenue

In the first instance, it is important to point out that the proposals for the Fence Avenue site, which involve knocking down the existing school buildings and erecting up to 300 houses, appear to be misleading. The proposals here do not only involve the existing school site but also adjoining farm land. In fact, about 50% of the development site targeted here is farmland. This is not made apparent.

All the land involved in this site is not only within Green Belt but within the area designated in the Submitted Cheshire East Local Plan as being 'Peak Park Fringe'. In other words, it adjoins the Peak District National Park and its openness needs to be protected.

Although this site appears in the Submitted Version of the Local Plan as a potential strategic housing site (fig. 15.12, page 220), it was placed there prior to the comprehensive Green Belt review exercise being carried out. (Strategic sites have yet to be debated through the examination in public). In view of the high ranking it achieved in the Green Belt Review process, it should now be removed from the evolving Local Plan. CPRE will be making a case to the inspector for this to happen.

The national designation of Green Belt, of itself, ought to be sufficient reason for not developing/ over-developing this site, but it has been awarded the second highest rating by consultants Arup as part of the Green Belt review carried out on behalf of Cheshire East Council for the examination in Public into the Local Plan. The review concluded that this parcel of land (ref. MF 35) makes an overall 'significant' contribution to Green Belt purposes (Green Belt Assessment Update 2015, Final Consolidated Report, Appendix C, page C86). The relevant document is listed on the Local Plan examination in public website as PSE 034. See the extract replicated from the Green Belt Review that was carried out at the inspector's request on the following page.

### Concluding Comments

This planning application presents a totally unsustainable proposition which has not been justified. No special or exceptional circumstances have been put forward to make a case for building on either of the two Green Belt sites, both of which were given very high rankings in the recent Cheshire East Green Belt review. Part of the proposed housing site at Westminster Road/ Cumberland Street is thought to be on the site of a former waste tip – a totally unsuitable location for housing.

The figures on which the traffic data has been calculated for the Prestbury site are questionable and the mitigating measures proposed for potential traffic problems appear to be very modest and very localised.

This proposal would result in the loss of good quality farmland (3A in the case of the Prestbury site), trees and hedges and would require the re-routing of public footpaths. Open vistas would be affected at Fence Avenue and at Alderley Road and there is a strong likelihood that, if the new campus were built at Prestbury, the Green Belt between Prestbury and Macclesfield would be lost entirely – particularly if the pending application by Macclesfield Rugby Club came into play as well. CPRE urges Cheshire East Council to refuse this application.

## **VIEWS OF THE TOWN COUNCIL**

### **Macclesfield Town Council** – (comments received 13/01/2016)

At the meeting of Macclesfield Town Council's planning Committee on 7/1/16 the following was response was resolved in relation to Kings School Fence Avenue Planning Application 15/4287M

Resolved:

- i. That this committee objects to the planning application on the grounds of encroachment in to the greenbelt.
- ii. That comments submitted at the public meeting of 6/1/16 be shared with the planning authority.

## **OTHER REPRESENTATIONS**

### **CBRE on behalf of the Shell Trust** (comments received 08/02/2016)

The Shell Trust is the freeholder of the Fence Avenue Industrial Estate, which is located immediately north-west of the proposed development site, as illustrated on the Location Site Plan (Ref: (FA)SB002) submitted with the above mentioned application.

Fence Avenue Industrial Estate is a substantial site bound by Hurdsfield Road (B5470) to the north, open fields to the east and south, and Fence Avenue to the west. Notably, there is an adopted highway running through the industrial estate. The highway extends east from Fence Avenue, and then south passed a number of employment units, all the way to the southern site boundary.

The Fence Avenue Industrial Estate represents an allocated Employment Area within the adopted Development Plan for Macclesfield (further details below). The site is well occupied and comprises a total of 13 separate employment units of varying size, occupied by a variety of different businesses.

The units are predominantly in light industrial (Class B1c), general industrial (Class B2) or storage and distribution use (Class B8).

As the freeholder of this well established employment site, the Shell Trust is concerned that future occupants of the circa 300 no. proposed new residential dwellings at the King's School site, could use the industrial estate as a thoroughfare to/from Fence Avenue and/or Hurdsfield Road, to the north and west respectively. Our client is particularly concerned that a potential increase in foot traffic through the site could lead to security issues within the industrial estate, and could also lead to conflicts between pedestrians and vehicles associated with the operation of the employment site.

It should be noted the Shell Trust does not object to the proposed development of the site. Indeed we acknowledge the requirement for new housing in the Borough to contribute towards the Council's Local Plan development targets. However, we are keen to ensure the proposed development does not compromise the continued operation of our client's established employment site.

#### Vehicular Access

The planning application is submitted in outline but includes details of vehicular access. From our review of the submitted application, we note that three vehicular access points are proposed to the development site, including two from the west via Fence Avenue, and a third from the south from Lime Grove. The Shell Trust welcomes the fact that vehicular access to the application site is not proposed to be taken via the adopted highway within Fence Avenue Industrial Estate.

The industrial estate is a busy employment site and a direct vehicular access to the application site would be detrimental to existing businesses. Clearly the proposed development will generate significant levels of traffic, particularly at peak hours, and our client is concerned that this would conflict directly with vehicles (employees, deliveries etc.) accessing and egressing the industrial estate.

#### Pedestrian Connectivity

In terms of pedestrian connectivity, our client is particularly concerned that future residents of the proposed residential site could use the Fence Avenue Industrial Estate as a thoroughfare. Whilst there do not appear to be any direct pedestrian links proposed to the industrial estate from a review of the submitted planning application drawings, we would like to emphasise our strong preference that pedestrian links to the site through the industrial estate are not sought at detailed design stage.

#### Vehicle and Pedestrian Conflict

As mentioned above, our client's industrial estate represents a busy established employment site. By virtue of its employment use, the site is subject to regular traffic movements from a variety of different vehicles. The employment units generate regular vehicle movements to and from the site including from Heavy Goods Vehicle (HGV) and other long wheel-base vehicles. The site is also subject to deliveries from HGVs and it is clear that the site is busy in traffic terms.

Given the industrial nature of our client's site, the fact it is busy in traffic terms, and also the fact it is frequented by HGVs and other vehicles, we are very concerned that a direct pedestrian link to the proposed residential site would result in unacceptable levels of conflict between traffic and pedestrians. Given the nature of activities at the industrial estate, it is not appropriate or safe for

future residents of the proposed residential development to use the employment site as a thoroughfare.

#### Crime and Anti-Social Behaviour

Even without the prospect of a pedestrian link to the development site, we are concerned that the increased number of residents in the local area associated with a circa 300 no. dwelling

residential development could give rise to anti-social behaviour at our client's industrial estate. The site is occupied by a variety of businesses and has no permanent security presence. As such, we are concerned the increased numbers of residents in the local area could result in trespassing and anti-social behaviour at the site.

Crime prevention is a material consideration in planning terms and the NPPF dictates that planning policies "should aim to achieve places which promote [inter alia]: safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion" (paragraph 69).

We are concerned the potential for crime and anti-social behaviour would be greatly increased if a pedestrian link connecting the development site and industrial estate was proposed. In particular, increased levels of footfall through the estate in the evenings, when the business premises are closed, would not be desirable.

On this basis, we would strongly object to any future proposal to connect the proposed development site to the Fence Avenue Industrial Estate, either by way of vehicular or pedestrian access to the site.

## Summary

As stated above, the Shell Trust does not object to the proposed development of the site for residential use. Indeed we acknowledge the requirement for new housing in the Borough to contribute towards the Council's Local Plan development targets. However we are keen to ensure that new development does not compromise the continued operation of our client's established allocated employment site.

I trust the above comments will be duly considered in your determination of the application, and would be grateful for your confirmation that our representations have been received. I would also be grateful for feedback on this submission, in particular to understand the proposed way forward.

**LEFA** – (Comments received 08/02/2016)

## Summary of comments.

Throughout the documentation, King's and their agents present an overly positive projection of their sites with the underlying argument that there is no alternative option for the school and that full development of sites is essential to yield the finance required. However this financial driver does not provide very special circumstances needed to justify use of greenbelt. In launching revisions to planning guidance in March 2014 the Planning Minister made clear *that authorities do not have to allocate sites on the basis of providing the maximum possible return for landowners and developers.*

Whilst Savills assert "*The School is not a conventional developer. It's (sic) business model cannot deliver normal public goods and benefits that arise from developing sites for housing.*" it is clear that the overall package of sites will be handed over to a conventional developer to deliver the turnkey solution that King's desire and such a developer will have the usual expectations of profit margin. There is recent local precedent establishing primacy of preservation of greenbelt over financial considerations.

The applicant has not brought forward proposals regarding their Cumberland Street site. Such proposals should be considered alongside those presented in this package

Their site description is flawed and they chose to ignore recent assessments of the greenbelt status of the site and its function in preserving the setting of a major conservation area and the historic setting of the town.

The sustainability analysis grossly overestimates the area of the site that meets reasonable walking distance criteria because of the extremely limited options for site access. The accessible area closely corresponds with the area occupied by the school buildings and surrounding areas of hard standing with the grassed playing areas lying outside. Development of these areas is feasible without any change to greenbelt status.

For the reasons above the proposals for development of 300 dwellings on the Fence Avenue site and associated changes to greenbelt boundaries must be rejected.

417 Comments from the public between 08/12/2015 - 19/04/2016 raised the following issues

#### In Support

- Economic benefit to Macclesfield – footfall to town centre, local jobs, town centre redevelopment, investment from construction, may attract larger companies into Macclesfield, quoted £150 million economic benefit to Macclesfield and surrounding area over 10 year period)
- Increase in housing in Macclesfield – particularly in attractive and convenient town centre location
- Increase in number of affordable/starter homes available in Macclesfield
- New and improved facilities available for community use, including local clubs/groups
- Proposal would allow the King's Schools to continue to develop and improve on the standard of education it provides
- The King's Schools adds prestige to Macclesfield/ they contribute positively to Macclesfield's reputation
- Reduce school traffic around the current Fence Avenue site
- Improve facilities for pupils/future pupils, current situation is detrimental to an educational environment
- Secure the future of the King's School in Macclesfield / the King's Schools have a long history in Macclesfield / ensure the establishment can continue in Macclesfield
- The historic buildings on the site would be retained
- The new school would be a more environmentally friendly/efficient than the current sites
- New town centre housing would increase retention of young people in Macclesfield / attract families and professionals to the area
- Provision of zero carbon/environmentally friendly houses in Macclesfield
- Potential for economic loss if the King's School relocate outside of Macclesfield
- In keeping designs which are suited to / sympathetic to the local area
- The King's school is a good school rated as 'excellent' by ofsted / various endorsements that King's is a top performing school
- Makes financial and logistical sense for the business to be located on one site and not two
- Overall benefits to the town (not further specified)
- New school site is needed / school needs to expand
- Opinion that the King's school is a considerate and charitable neighbour and would continue to be / Kings registered as a charity and is required to comply with the charity commissions

public benefit requirements

- The development would contribute to the 'Make it Macclesfield' campaign for local regeneration
- Increase sporting opportunities
- No existing brownfield site suitable for new development
- Would improve the surrounding location, opinion that it is currently run down.
- Allocated land to housing in the local plan

### In Objection

- Removal of rare piece of greenbelt / green lung with the town boundary
- Loss of greenbelt - various further reasoning (loss of animal grazing land, undeveloped farm land, rare piece of greenbelt within the town boundary, green lung for the town, opinion that no 'very special circumstances' are provided).
- The development of this site conflicts with four of the five main purposes of Green Belt (paragraph 80 of the NPPF) 1) It increases urban sprawl 2) It encroaches into the countryside, which is protected because of its high landscape value 3) It has an adverse impact on the Conservation Areas which surround the site and which form part of the setting and special character of Macclesfield 4) The development of green field sites undermines the process of the regeneration of brownfield sites, of which there are many within the town. Recent Government planning policy proposals and statements reinforce this.
- Concern that as King's is a private business it will be profiting from building on the greenbelt contrary to NPPF / need for finance is not a justified reason for using the greenbelt
- Site is part of the Macclesfield Canal Conservation area between bridges 34 and 35 (only section which has an open setting), Peak Fringe area, Area of Special County Value, links to Bollin Valley
- Local plan concerns – contrary to 2004 local plan, new local plan not finalised, the site next to the canal is designated as 'protected open space' in the draft local plan, plans ignore directive 'to focus development on the school curtilage, including playing field
- Concern the site has been misrepresented, the site is split into two distinct sites, the school and the pasture land. The sites are distinct, have varying uses and topography. The flat school area is screened from the canal by trees but the pasture land is visible from various points, this view would be lost. Opinions that the development would be supported if it only occupied the school site and not the farmland, a large portion of the development will be on pasture land (Green Belt) which is not currently occupied by Kings School.
- Object to 'Consideration 3: Fence Avenue makes a limited contribution to the purposes of the Green Belt. Specifically, it is surrounded by development. The site is already developed and as such is not wholly open' but the CEC/ARUP report identifies the area as making a significant contribution which still has a significant degree of openness.
- Concern what policy will be used as local plan isn't finished, suggestion that Alderley Park model was a fair compromise
- Concern over setting a precedent to build on greenbelt
- Development is too close to the canal
- Impact on the Buxton Road and Fence Ave conservation area
- Canal is a tourist attraction / visited by people from all over UK so should be preserved
- Disruption to Macclesfield's strong rural connection
- Overlooking / loss of privacy from new development
- Concern of the height of proposed development / new houses
- Loss of outlook
- The development does meet the 30% affordable housing quota, objection to the reasoning

given that 'every pound spent on affordable housing is a pound less available to deliver the new school'. Further objection that the new school will incorporate many expensive facilities (indoor cricket nets/swimming pool etc)

-Many brownfield sites in Macclesfield that could be used instead / no justification why brownfield sites aren't used / Query about why the school cannot develop on one of the existing sites at either Fence Ave or Westminster Road

-Loss of view from the canal over open country site and Holy Trinity Church

-Housing is very high density / concern too many houses for the site

-Access concerns about the new development – concern that only one entrance to site / concern over turning Lime Grove into a through road, permanently or just during construction

-Proposed development will increase traffic at the location and the wider area. Particular concern over the junctions between Fence Avenue and Buxton Road/Hursfield Road

-Concern over pedestrian safety due to increased traffic

-Potential for economic loss / loss of parent spending power in local area and town centre

-Will remove the association of the King's schools with Macclesfield and the reputational benefits it brings

-Change in look and feel of the area, detract from areas character.

-Increase in noise/ dirt / traffic / light disturbance while site is in construction

-Increase in noise / light from new development

-Potential increase in flooding / concern over effect new drainage will have on watercourses

-Educational establishment is not available to all, lack of local children in attendance therefore does not benefit many in Macclesfield

-New school can not be reached by public transport whereas the old schools can

-Increase in air pollution from increased traffic

-Loss of local wildlife / wildlife corridor/ habitat loss

-Loss of trees / woodland / ancient woodland / hedgerows

-Concern that the new development will have a negative effect on values of existing houses

-Concern that many of the letters of support are from those with a vested interest in the King's School (teachers, governors, parents) and many do not live in Macclesfield

-Landscaping is insufficient

-New facilities will be of minimal benefit as they only duplicate what is already available at the current site

-Concern whether local schools have capacity to accommodate new development

-Contribute to lack of parking / more residents parking in these areas to reach town centre and train centre

-Loss of /low amounts of playing fields in the area

-Development will cause a historic family farm to close causing loss of livelihood

-School is already rated as excellent so current situation is not proving to be detrimental / school will continue to be excellent wherever it is based

-Proposed cycle-track (over canal to Barracks lane) would be unsafe as it would go against traffic on Barracks lane (one way)

-Above development ceiling of 250 units

-Not enough jobs in Macclesfield so many will commute and add to road/rail pressures and commuter traffic

-Disagreement with the landscaping plans

## **APPLICANT'S SUPPORTING INFORMATION**

- Planning Statement

- Environmental Statement
  - Site selection and alternatives
  - Socio economic effects
  - Transport and highways
  - Landscape and visual
  - Heritage
  - Ecology
  - Flood risk, hydrology and drainage
  - Ground conditions and hydrogeology
  - Air quality
  - Noise
  - Summary of mitigation and residual effects
- Air Quality information
- Framework Travel Plan
- Transport Assessment
- Townscape Assessment
- Flood Risk Assessment
- Geo Environmental Reports
- Heritage Statement
- Arboricultural Statement
- Archaeology Statement
- Design and Access Statement
- Playing Field Assessment
- Statement of Community Involvement
- Economic Statement
- Existing Sports Provision
- Illustrative Masterplan (Amended Feb 2016)
- Green Infrastructure
- Preliminary Ecological Survey
- Section 106 agreement – April 2016
- 

Planning statement conclusions

The Statement concludes that the proposal accords with the requirement to demonstrate exceptional circumstances when developing land allocated in the Green Belt. The report also concludes that the proposal accords with The Framework to meet high quality housing need, and that therefore the proper context for considering the proposal is against the presumption in favour of sustainable development.

In this case, there are a number of considerations that when taken together outweigh the harm to the Green Belt, which we say is already mitigated. As such, very special circumstances exist in this case that allow the grant of planning permission for inappropriate development in the green belt.

With regards to each consideration, we conclude:

1. **Consideration 1:** The pressing need to provide land for housing is an exceptional circumstance of significant weight. Land has to be removed from the Green Belt to meet that need.

2. **Consideration 2:** The proposal accords with the criteria for developing land at Fence Avenue. The development can proceed as proposed without causing harm to other interests, namely the Conservation Area and the defined area of Landscape Area.

3. **Consideration 3:** Fence Avenue makes a limited contribution to the purposes of the Green Belt. Specifically, it is surrounded by development. The site is already developed and as such is not wholly open.

4. **Consideration 4:** The boundaries of the site would be permanent and could endure for a significant period beyond the life of the replacement local plan.

The question is; do the considerations when taken together outweigh the harm to the Green Belt? The harm is that there will be encroachment into the countryside. Although substantial weight has to be given to that harm, our overall conclusions are:

1. The substantial weight is mitigated by the character of the site as it exists today. It is already in part developed, and does not confirm to the description of Green Belt land in the Framework.

2. The considerations bring significant benefits in terms of meeting housing need and ensuring new development has regard to its surroundings.

We conclude that the harm to the Green Belt is outweighed by the considerations. As such, we conclude that very special circumstances exist.

The report considers whether the development is sustainable, and concludes that it is. As such, the overall conclusion is that the presumption applies in this case. The proposal meets the test to ensure that the character and appearance of conservation areas in either preserved or enhanced by development within them, or which will affect their setting. The proposal will at least preserve the character and appearance. Our opinion is that both the character and appearance is enhanced.

There are no adverse impacts on the amenity of local residents raised by the proposal. Therefore, there are no day-to-day development management policies that provide a basis on which to refuse planning permission.

In short, the proposal for residential development is appropriate. The plans showing what can be achieved on site demonstrate that a scheme can meet the requirement for a high quality development in accordance with sustainability aspirations that new development must endure.

The proposal is meritorious in its own rights. Any concerns that the development causes harm beyond that conclusion are offset by a wider appreciation of the merits of the proposal by King's School as a whole. Put together, the merits of the proposal with the benefits that this proposal brings as part of the relocation of the School to Derby Fields provides a compelling case. Planning permission should be granted.

## **APPRAISAL**

### Key Issues

- Principle of development
- The Green Belt
- Status in Emerging Local Plan

- Loss of King's School at the Fence Avenue site
- Loss of playing pitches
- Housing Land Supply
- Sustainability
- Affordable Housing and Viability
- Loss of pitches and relocation of facilities
- Landscape Impact
- Trees
- Access and Public Rights of Way
- Ecology
- Amenity
- Flood Risk
- Employment
- Economy of wider area
- Conservation and Design
- Highways
- Section 106 agreement
- CIL
- Representations
- Conclusions
- Planning Balance
- Recommendation

### **Principle of development**

The site is located to the east of Macclesfield town centre, located to the east of Fence Avenue, the site is well connected and is within walking distance of many amenities and services of Macclesfield. The site is located within the Green Belt where the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open indeed the essential characteristics of Green Belts are their openness and their permanence. The whole site is washed over by Green Belt including the buildings. However the applicant in their planning statement, states that only part of the site is within the Green Belt.

Within the Green Belt only certain types of development are not inappropriate, these are set out at paragraph 89 of the NPPF, and include:

- *buildings for agriculture and forestry;*
- *provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
- *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- *limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary*

*buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

In terms of this application, there are buildings located to the west of the site, therefore the redevelopment of this part of the site providing there is no greater impact on openness than the existing situation can be acceptable in principle, the same is true of the reuse of the main school building fronting Fence Avenue.

However, the remainder and vast majority of the site is previously undeveloped Green Belt land, where new buildings, which are not excluded in the list above, are inappropriate development and harmful by definition. Unless very special circumstances exist to clearly outweigh the harm by other considerations. The NPPF at paragraph 88 urges Local Planning Authorities to ensure that substantial weight is given to any harm to the Green Belt.

The proposed development is therefore harmful by definition and very special circumstances must exist to justify the departure from established Green Belt policy. The application documents state that the site is not open in character, however this is not the case. The site is open in character and serves an important purpose and it is clear when visiting the site the purpose this area of Green Belt land has by preventing sprawl to the east, as the western part of the site as well as being partially developed itself is surrounded by development on three sides. It acts as a clear buffer between the town and the hills to the east beyond the site. However, as the applicants have stated in their supporting information, the site is curtailed also by the canal, which provides a defensible boundary beyond the extremities of this site.

#### Very special circumstances

A case for very special circumstances has been put forward, however in the supporting information this has been referred to as exceptional circumstances. These are listed below:

- 1. The decision by Cheshire East to review the boundary of the Green Belt, which itself is an exceptional circumstance.*
- 2. The decision to review the Green Belt boundary specifically at Fence Avenue.*
- 3. The limited contribution the site at Fence Avenue makes to the five purposes of the Green Belt which establish the mitigating circumstances that reduce harm.*
- 4. The existing permanent boundaries surrounding Fence Avenue, will act as an enduring alternative Green Belt boundary.*

Points 1 and 2 – the site has been designated as a site for future housing development within the Cheshire East Local Plan Strategy – Proposed changes version (CELPS), as a strategic site. It is site CS9. The illustrative masterplan submitted with this application has been amended to exclude the area of green space to the east, which will be retained as such and will remain undeveloped, this correlates with the proposed plan at CS9 contained within the CELPS. Policy PG3 Green Belt states that CS9 Fence Avenue will be removed from the Green Belt as part of the spatial strategy and to allow for the sustainable growth of Macclesfield which is one of only two Principal Towns in the settlement hierarchy, the other being Crewe. CS9 states that the Fence Avenue development should achieve the following:

- 1. The delivery of around 250 new homes, including the sensitive conversion of the main school building to apartments; development will focus on the School curtilage (which includes the sports fields);*
- 2. Incorporation of Green Infrastructure throughout the site, to include an appropriate level of open space provision; an area adjacent to the canal shall be retained as open space encompassing land either side of the Smyth's Bridge; this will retain some of the naturalised setting, including the belt of tree planting to the west of the Bridge (in order to minimise impact on the Conservation Area and Landscape Designation Area);*
- 3. Improvement of existing and provision of new pedestrian and cycle links to existing residential areas, shops, schools and health facilities; in particular, improvements to the canal towpath; and*
- 4. On site provision, or where appropriate, relevant contributions towards highways and transport, education, health, open space and community facilities; and.*
- 5. Attention to the quality of landscaping and the design of the new built development, including a sensitive approach to density, massing and height.*

Within the supporting text of CS9 the following is stated at paragraph 15.159: *The site is one of two sites currently occupied by The King's School who are seeking to consolidate existing operations into one site. The Council intends to identify a new site for The King's School through its Site Allocations Development Plan Document. This has the benefits of releasing central, sustainably-located sites for development and will enable improved school and sporting facilities to be developed.*

The designation of Fence Avenue as a future housing site in the CELPS has been made through a thoughtful site selection process, where the designation has been assessed by the Council, a number of evidence base documents have been produced which do not preclude this site from coming forward as a housing site and a release of Green Belt land in this location and statutory consultations have taken place. In light of the evidence gathered by the Council, the Fence Avenue site is a logical expansion of the town in order to accommodate the much needed growth and particularly housing growth. As a Principal Town, Macclesfield must accommodate future growth over the Local Plan period in order to ensure a sustainable future for the town.

Due to the housing requirement in Cheshire East, it is inevitable that large pockets of land, including Green Belt land will be lost in order to accommodate the growth, and to deliver the requirement of 36,000 homes, and Green Belt land cannot be protected indefinitely, especially on the edge of key settlements, where growth is required.

It must be noted however, that this process should follow the plan-led system, where an Inspector appointed by the Planning Inspectorate will make the final decision on which sites will be brought forward for development at the strategic level and until the CELPS has been through the full EIP process and has been adopted, it cannot be afforded full weight.

However, this is not to say that this matter cannot be afforded weight, there are limited options around the edge of Macclesfield for growth, and the level of growth that must be accommodated increases the likelihood that this far through the CELPS development process, this site will be released from the Green Belt. Especially as the evidence gathered to date has not prevented the site from being progressed in the plan-making process.

A recent Secretary of State decision from 31<sup>st</sup> March 2016 – Land at ‘Perrybrook’ to the north of Brockworth and south of the A417, Brockworth Gloucestershire – dealt with this issue. The site is located within the Green Belt and the development was for around 1500 dwellings and various other uses. The site has been allocated in the emerging Joint Core Strategy, (not yet adopted). The conclusion of the Inspector and the Secretary of State in this case was that *‘the proposal could be described as plan-led development rather than one which would undermine the plan-making process. Since the proposal is in keeping with the emerging JCS, he agrees that the proposal should not be regarded as premature within the terms of Framework paragraph 216’*

The same is true in the case of Fence Avenue, the proposal would not be at odds with the plan-led process, as it would result in the same area of land as identified in the plan being released from the Green Belt for housing purposes. The SoS agreed with the inspector that *‘as the consistent conclusion of extensive study over the past decade has been that the area represents a logical and acceptable option for the extension of the built up area, the planning policy context should be accorded significant weight’*.

This case does have similarities with the Fence Avenue site, however there are very distinct differences, in that the appeal proposal was fully policy compliant and would provide around 600 affordable units. The aim for the Fence Avenue site in the CELPS is also to provide a fully policy compliant site, to provide affordable housing along with other benefits. However, the proposals here do not do this. So whilst this does follow the plan-led system as far as the allocation, the actual delivery of the site differs to that of the aims of the CELPS, so it is not fully compliant, and therefore the weight that can be afforded whilst it is significant it is reduced by the fact that it is not a policy compliant proposal.

It is therefore fair to attach reduced weight to this circumstance, as the direction of travel of the CELPS indicates that this site will be released from the Green Belt and will be developed for housing, however the proposal is not policy compliant, as is required from this key allocation for Macclesfield.

Point 3 – This point refers to the contribution the site makes to purposes for including land within the Green Belt. Five purposes for including land within the Green Belt are set out in paragraph 80 of the NPPF and are set out below:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The planning statement considers the 5 purposes of the Green Belt and concludes the following:

- a. The proposal will not prevent urban sprawl of the built-up area of Macclesfield into the countryside.

- b. The proposal will not result in Macclesfield merging with any other neighbouring town.
- c. The proposal will result in encroachment into the countryside as it includes the development of new buildings on at least partly undeveloped land. However, the site does not presently conform to the description of the Green Belt and although the proposal will lead to encroachment, it will not lead to a substantial loss of open land.
- d. The setting and historic role of Macclesfield are not matters which need to be preserved by the Green Belt.
- e. The redevelopment of the existing developed areas of this site assists in the urban regeneration of this area.

Point a- This is agreed, that the proposal will not prevent urban sprawl, as it will through built development, create a significant extension to the town into an area of undeveloped Green Belt land.

Point b – This is agreed, the proposal will not cause a merge with any other town, and the defensible boundaries of the canal to the east and the hills beyond will contain the development.

Point c – This is agreed, encroachment will occur, however this point states that it will not lead to a loss of open land, this is not agreed, the site is open in character and it is very clear the physical role it plays in preventing encroachment and it would see the loss of open land.

Point d – The proposal would not adversely affect the setting of the historic town as whole, however, regard does need to be given to the heritage assets immediately affected by the proposals, such as the canal conservation area, and the conservation area.

Point e – The redevelopment of the school buildings will assist in urban regeneration, however the vast majority of the site is undeveloped and this will not play a role in assisting urban regeneration.

Point 3 states that the site makes a limited contribution to the purposes for including land within the Green Belt. It is considered that this is not the case, the site makes an important contribution to the Green Belt and its function is clear when viewing the site, it is not considered that this is a very special circumstance and therefore is afforded very limited weight in the planning balance.

Point 4 states that the new boundaries of the site would provide a sufficient Green Belt function, which relates to the canal and the defensible boundaries around the site. This is true, as the site is surrounded by development on three sides. The canal would provide a buffer which would be difficult to breach, however this is not considered to amount to a very special circumstance to outweigh the significant harm to the Green Belt therefore is attached limited weight in the planning balance.

No further very special circumstances (or exceptional circumstances) have been put forward by the applicants. It is considered that the points 1 and 2 do carry significant weight on their own, however the scheme proposed with no affordable housing provision and no education contribution reduces the weight to be attached to this circumstance, therefore it is considered that the very special circumstances put forward do not outweigh the significant harm to the openness and permanence of the Green Belt..

### **Loss of King's School at the Fence Avenue site**

The loss of the Fence Avenue King's School site is part of a wider proposals to relocate both girls and boys schools to one new site, which is to be located on the edge of Macclesfield within the Green Belt. The King's School is a private educational institution which is privately funded and sits outside of the education authority's remit. Therefore the decision to remove the school from this site and relocate elsewhere has been taken by the school and has been considered to be the most efficient option for the school moving forward. The loss of the educational facilities at the site will be compensated for on the new combined site, therefore the equivalent number of pupils will be accommodated at the new school and private school places will not be lost as a result of the proposals when taken as a whole. This application sits alongside two further applications, without those applications the proposal would not work effectively and the scheme would essentially be the loss of the girls school element of the King's School as a whole. Therefore it is not considered to be a viable option by the school to lose the Fence Avenue site and retain the Cumberland Street and Westminster Road sites, however this does not preclude future alternative plans by the school.

The applicant has stated in their supporting information that it would not be possible to locate both boys' and girls' schools on the Fence Avenue site as it is not large enough. However, as the aim is to become a more efficient school, the question arises as to whether the 13ha of the Fence Avenue site could comfortably accommodate the school, without the need to release a Green Belt site. The vast majority of the site is undeveloped, and could certainly accommodate more growth as the site as a whole can accommodate 300 dwellings. It is acknowledged however that this approach would not generate the income required to build a new school in its entirety from the development of the Westminster Road site alone.

The CELPS states in the supporting text of CS9 that CEC will help the school to find an alternative site as part of the Site Allocations DPD, however this process has not commenced by CEC and is part of the plan-led approach.

### **The loss of playing pitches**

The Fence Avenue site currently contains sports pitches and facilities which are used by the school and can be used by the wider community. These however are not publically accessible at all times and do not comprise public open space.

The current facilities include:

- 2 no hockey redgra pitches
- 2 no football pitches
- Rugby pitch
- Cricket

The proposal for the new school includes a wide range of sports facilities, however as part of the plans for the new school, the amalgamation of the two sites onto one site will inevitably see the loss of some facilities as duplicates will not be required. This is not to say that a substantial quantum of sports facilities including play pitches will not be required in order for a school with the whole student population on one site to function effectively. Due to the size of the proposed school and the number of students it will accommodate, enough playing pitch and sport facility space is required.

Sport England, originally had a holding objection to the proposals, however following the submission to Sport England by the applicants of an agronomist report and a Sports Needs

Assessment. The holding objection has been removed subject to suitably worded conditions. Therefore the proposals subject to conditions accord with paragraph 74 of the NPPF.

## **Housing Land Supply**

The Council's current position with regard to 5 year housing supply is shown below:

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy, alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016. The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply. From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgfield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

The PPG indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years). Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing. Therefore it is important that new housing is delivered to reduce this shortfall.

The delivery of this housing, includes the allocation of sites, of which Fence Avenue is one in the emerging CELPS. Therefore this site is intended to contribute to the shortfall, which must be addressed through the CELPS.

## **Sustainability**

Sustainability is the golden thread running through the National Planning Policy Framework, and proposals for sustainable development should be approved without delay. There are three strands to sustainability, social, economic and environmental.

## **SOCIAL SUSTAINABILITY**

### **Affordable Housing and Viability**

Part (e) of CS9 states that The Local Plan Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes).

A viability assessment was submitted as part of the application which has been independently assessed. The viability assessment stated that the three applications could not bear the costs of any financial or other contributions towards affordable housing or education. This proposal is an outline application for up to 300 dwellings. As part of this application a draft section 106 agreement (for the three applications as a whole) has been submitted which proposes an affordable housing package of 5% of the units to be starter homes, offered at 20% discount on open market value.

The policy compliant requirement on this site is as follows: The Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we 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 allocated 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.

This is a proposed development of 300 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 90 dwellings to be provided as affordable dwellings. 58 units should be provided as Affordable rent and 32 units as Intermediate tenure. This development includes zero affordable dwellings and therefore Strategic Housing objects to the proposals.

The SHMA 2013 shows that yearly demand between 2013/14 and 2017/18 in Macclesfield is for 103 x 2 bed, 116 x 3 bed and 80 x 1 bed older persons dwellings. Information from Cheshire Homechoice shows that there are currently 1227 on the housing waiting list who have selected Macclesfield as their first choice. Those applicants require 518 x 1 bed, 479 x 2 bed, 199 x 3 bed and 31 x 4 bed dwellings. Therefore a mixture of units on this site, to include 1 bed and older persons accommodation, would be acceptable.

The viability argument for this site is not straightforward, as it is not a traditional housing scheme where a reasonable level of profit for the developer is required. In this case the applicant is the school, and the proposals are to fund the development of the new school, the aim of the proposals is to put the profit generated from the housing schemes into the new school project. However, as the school currently owns both the Westminster Road and Fence Avenue sites the purchase of the land for the housing developments is not required, therefore the level of profit is higher, this again will fund the new school, which is estimated to cost around 50 million pounds. The mechanism to ensure that a reasonable amount of profit from

the site goes into funding the new school will be secured through a Section 106 agreement which will cover all three sites, which is yet to be agreed.

Based on this model, the applicant argues – through their viability assessment which has been independently tested – that to provide a policy compliant scheme with regard to affordable housing is not possible, due to the reasons mentioned above and the alternative of 5% of units to be sold at a 20% discount of market value is proposed. This proposal is not policy compliant and is therefore contrary to the Council's Interim Affordable Housing Statement. This proposed redevelopment of the site alongside the proposal at Westminster Road totals circa 450 dwellings, which is a significant amount for Macclesfield. For two major sites within Macclesfield to have not one traditional affordable unit, making no significant contribution to social housing does not make a positive contribution to the social sustainability of the Macclesfield community. Therefore the proposal conflicts with the social strand of sustainability, contrary to the aims of the National and Local policy to deliver true sustainable development which weighs significantly against the proposal in the overall planning balance.

### **Loss of Sports Pitches and relocation of facilities**

As explained earlier in this report, the proposals will see a loss in playing pitch provision which have now been justified to the satisfaction of Sport England. However, in addition to this, the relocation of the existing sports facilities to an out-of-town site will see the loss of the facilities which are currently utilised by the community for various activities and sports clubs is an important consideration, the current sites are both in sustainable locations with easy access for the residents of Macclesfield and the wider community with good public transport links to Macclesfield. Whereas the new facilities, although they will be new and of a high quality, will be located in a less sustainable location.

The applicants have demonstrated in their supporting statements that the facilities are used by a number of groups and organisations, and that the school are dedicated to allowing this to continue. It is considered that through effective communications, and a travel plan, that the location of the new sports facilities as part of the new school, which is adjacent to the existing Derby Fields sports site and Macclesfield Rugby Club, this move would not be an unreasonable upheaval, and would not have a negative impact on the existing users of the facilities as they would still be available. The availability of the facilities for interested parties will be secured through the Section 106 agreement.

### **Education**

A proposal of a total of 450 dwellings within Macclesfield will undoubtedly put additional pressure on local schools. Therefore the proposal in order to be acceptable to offset this harm requires an education contribution. This has been calculated as follows and runs alongside the application for the redevelopment of the Westminster Road site which proposes a further 150 units. The section 106 agreement would have to be refined to ensure appropriate levels of mitigation were achieved either individually or across the sites.

The development of 450 dwellings is expected to generate:

82 primary children (450 x 0.19 – 4 SEN)

65 secondary children (450 x 0.15 – 3 SEN)

7 SEN children (450 x 0.51 x 0.03%)

The development is forecast to create a shortfall predicted for secondary provision in the immediate locality and SEN provision.

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

4 x £17,959 x 0.91 = £65,370.76 (secondary)

7 x £50,000 x 0.91 = £318,500 (SEN)

Total education contribution: £383,870.76.

Without a secured contribution of £383,870.76, Children's Services raise an objection to the application on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development.

The applicant does not propose to pay Children's Services the sum required in order to offset the need for school places however as an alternative the Macclesfield Bursary Fund is proposed to the sum of £383,000 secured through the section 106 agreement, the definitions are set out below:

***Macclesfield Bursaries:*** means-tested bursaries awarded to pupils living within either the town of Macclesfield or otherwise within the Council's administrative area. The purpose of the award is to meet in full or in part the school fees of the recipient incurred in attending the School. The total value of the combined Macclesfield Bursaries offered in accordance with the provisions of Schedule [2] in any academic year shall not be required to exceed £170,000 (being the amount which it is estimated will be sufficient to fully fund two pupils through their complete secondary education at the School) and "Macclesfield Bursary" shall be construed accordingly.

***Macclesfield Bursary Fund:*** A sum of £383,000 (three hundred and eighty three thousand pounds) paid by the School into an interest bearing account pursuant to Paragraph [9] of Schedule [2]

This method of providing education to the equivalent value of what is required by the Council's Children's Services team has been tabled and will provide bursaries towards private education for up to 4 children to complete their secondary education at King's School. The bursaries will be means tested and will be offered in the first instance to children within the postcodes SK10 and SK11 which cover the Macclesfield area. Details of the bursaries will be reported back to the Council as set out in the proposed Section 106 agreement.

Providing education of any kind is beneficial, however, the proposal of providing 4 bursaries in lieu of a substantial contribution of £383,000 does not equate to the level of education provision Children's Services could secure through the contribution. Whilst the number of secondary school places is equivalent which is noted, the contribution to Children's Services would also provide for 7 SEN (Special Education Needs) places. It is noted therefore that whilst the number of Secondary School places would be equivalent, the proposals would not provide the 7 SEN places which are expected to be generated by the proposed development. Therefore to not contribute would directly impact on SEN provision in the Macclesfield area.

Therefore in terms of social sustainability, whilst a partial contribution is provided SEN would not be provided for, therefore the proposals would not be sustainable in terms of meeting the educational needs of the locality.

This application is part of the wider package of proposals to provide a new school, with state of the art facilities. The provision of a new school and a more efficiently run site is supported. The relocation of the school does release two large sites for residential development. It is acknowledged that schools are inefficient in their consumption of land compared to other land uses, however they are necessary in a thriving vibrant community. This new school will be a private establishment and will accommodate the same number of pupils as the existing two schools combined, at this point is not proposed to provide additional school places. Whilst private schools require significant financial contributions, they contribute significantly to the education system and play an important role in society. They provide a good standard of education for pupils and employment for staff. The role of schools is an important one, no matter what type, and this is reflected in paragraph 72 of the NPPF which states that:

*The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*

- give great weight to the need to create, expand or alter schools; and*
- work with schools promoters to identify and resolve key planning issues before applications are submitted.*

This application forms part of the wider proposals to create the new King's School which accords with paragraph 72 of the NPPF which provides a private school to meet the needs of part of the local community, which according to the planning statement is required to secure the future of the school.

### **Social Sustainability Conclusion**

The proposals for the residential development will not make an affordable housing contribution it will however make a contribution in terms of starter homes and general market housing, both of which are in demand within Cheshire East where new dwellings are desperately needed, especially with a lack of 5 year supply of housing land and where housing developments must be approved without delay unless policies in the Framework state otherwise which does include Green Belt policy. The proposal does provide a Secondary education contribution by providing 4 bursaries at the King's School however does not provide a SEN contribution. The open space on the site will be agreed through the reserved matters application which will ensure that adequate circulation space and connectivity to the surrounding area is sufficient for future residents through adopting established urban design principles, however the large area of open space to the east of the site will be retained as shown on the illustrative masterplan. The management of open space will be agreed through the Section 106 agreement and is set out in the draft agreement. These contributions do provide community benefit, however the scheme is unable to provide a policy compliant affordable housing and a full educational contribution towards state school education, however this must be weighed against the benefits that much needed housing and a new school will provide for the community, and the facilities which will continue to serve other community clubs and organisations.

It is concluded that this residential development will provide much needed housing, however whether the community will be able to bear the impact on the infrastructure is concerning when this site is considered in the round with the Westminster Road proposals. However, all

applications must be assessed on their individual merits. The proposals are however of a significant scale and will have an impact on education services and should provide a contribution towards social housing and as a standalone application the proposals are not policy compliant.

The construction of the new dwellings will provide employment and a new school, which will provide employment through its construction and the provision of facilities for not only the pupils but for the staff and wider community. It has been demonstrated through a viability assessment, which has been independently verified, that it would not be viable to provide the necessary contributions in order to make the scheme policy compliant, as this development would only be achieved when combined with the two remaining schemes. The proposals are balanced in terms of social sustainability, the social contribution the scheme makes must be taken into account, however the lack of affordable housing and lack of a full education contribution are significant issues and without these benefits the proposals will have a detrimental impact on local infrastructure and the community will ultimately bear the cost of these shortcomings. As a result the development will be unsustainable and should be refused on this basis.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Landscape Impact**

In the Submission Version of the Local Plan Strategy and most recent proposed changes version, the application site is largely allocated for housing development with an area on the eastern side, adjacent to the Canal, designated as Protected Open Space.

This application and the Kings School Pavilion application (15/4286M) are linked and are classed as EIA development. Volume Two of the Environmental Statement includes a Landscape, Townscape and Visual Appraisal carried out by Savills (UK) Ltd. in accordance with the Guidelines for Landscape and Visual Impact Assessment 3<sup>rd</sup> edition. The landscape and visual aspects are considered separately. This Appraisal was carried out by Savills on the assumption that there would not be housing development in the Protected Open Space Area.

#### Landscape effects

A character assessment was prepared for the site itself and for the surrounding area from where it might be visible. The study area was divided into 14 character areas. An assessment of the overall sensitivity of features and characteristics of the study area was made, which combined judgements on their value and ability to accept change.

The assessment concludes that the proposals would have no significant adverse effects on the character of the site or its wider study area. The proposals would not result in a noticeable change in the character of the wider area, being partially screened by intervening vegetation in the Higher Fence area and by built form along Buxton Road. The site itself currently has an urban fringe character being enclosed by industrial and residential development and partially consisting of built form and sports pitches.

The only significant landscape effects would be on the setting of the grade II listed Church of the Holy Trinity close to the site's northern boundary from which the development would be partially visible, especially during the winter. New tree planting along the site's northern

boundary would help screen the housing and reduce the impact on the setting from moderate adverse to minor adverse.

There would be an erosion of the semi-rural character of the northern bank of the canal with glimpsed views towards the new houses but sufficient land would be left to allow substantial new tree planting and retention of open meadow grassland. The effect on the listed canal bridge (no 36) would be neutral.

The effects on the Peak Fringe ASCV would be minor adverse. There would be a loss of a small area of pasture on the site itself. The pasture fields do not have a strong rural character due to proximity to the urban edge of Macclesfield including the industrial estate and exposed rear gardens. The effect on the school buildings area would be beneficial as the townscape and built form would become more integrated and legible. The proposed development would mitigate the effects on the wider area with significant new tree planting both within the development and on the boundaries providing some screening.

### Visual effects

The assessment identified that the site is not widely visible from the west, north or south being visually enclosed by residential properties and the Fence Avenue industrial estate. Residents and users of these areas will however form the main visual receptor groups.

The residents of Lansdowne street and Holy Trinity Church would both potentially experience moderate adverse effects during the winter reducing to slight adverse during the summer.

The impact on users of the canal and towpath will depend on the quality of the detailed application for the site. Given the proximity of this part of the site to the visual receptors, any changes will be immediately apparent and whilst changes could be moderate adverse, with sensitively located, high quality buildings and strategic tree planting, changes to the view could be neutral with a new urban canal-side development forming an attractive edge.

The Landscape Officer broadly agrees with the Savills LVIA.

When the application was first submitted housing development was proposed within the Protected Open Space area which was of great concern as this would have adverse landscape and visual impacts on the Canal Conservation Area. However, the proposals have now been amended to omit development from this area. The illustrative masterplan and all parameter plans have been revised accordingly. The Landscape Officer therefore raises no objections to the application and suggest the landscape conditions to mitigate against landscape harm.

### **Trees**

The application is supported by an Arboricultural Statement, and a number of trees are present on the site. However, the Arboricultural Officer has not commented on the application at this point, therefore an update on this matter will be provided to Members of Strategic Planning Board on the update list prior to committee. Therefore the impact on trees has not been fully assessed at the time of writing this report.

### **Access**

The site is adjacent to Public Footpath No.34 Macclesfield (canal tow path) as recorded on the Definitive Map held at this office (working copy extract enclosed). It appears unlikely, however, that the proposal would affect the public right of way, although the PROW Unit would expect the planning department to add an advice note to any planning consent to ensure that developers are aware of their obligations.

The National Planning Policy Framework states that *“planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails”* (para 75). NPPF continues to state (para. 35) that *“Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to.....*

*-give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;*

*-create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians”.*

Proposed developments should present an opportunity to deliver and improve walking, cycling and equestrian facilities for transport and leisure purposes, both within the proposed development site and in providing access to local facilities for education, employment, health etc. These aims are stated within the policies and initiatives of the Council’s statutory Local Transport Plan and Rights of Way Improvement Plan and also within the Local Plan Strategic Priority 2: *“Creating sustainable communities, where all members are able to contribute and where all the infrastructure required to support the community is provided. This will be delivered by:*

- 2. Ensuring that development provides the opportunity for healthier lifestyles through provision of high quality green infrastructure and cultural, recreational, leisure and sports opportunities*
- 4. Improving links between existing and new neighbourhoods by giving priority to walking, cycling and public transport and providing a genuine choice of transport modes and supporting community integration”.*

In the case of this application, it is considered that adequate connections are able to be made in order to ensure that walking and cycling routes to and from and around the site are sufficient potentially linking to the canal. This can be established through the reserved matters stage, through using urban design principles set out in the Council’s design guide. The Rights of Way team have made recommendations for the reserved matters stage. The location of the site is sustainable with good existing connections to services and facilities within the town centre and public transport routes, therefore accords with the aims of the NPPF for development to be located within sustainable locations.

## **Ecology**

As part of any development proposals it is important that proposals do not endanger European protected species of species of conservation importance. The Council’s ecologist has commented on the proposals.

### Great Crested Newts

Due to the refusal of an adjacent landowner to allow the applicant's consultant onto adjacent land to survey an offsite pond only a very limited great crested newt assessment has been completed. There was communication between the ecologist and applicant's consultant at the pre-application stage and the Council's ecologist advised that based on the available information great crested newts are not reasonable likely to be present or affected by the proposed development.

### Badgers

The initial badger survey of the application site recorded badger setts, including a main sett, at a number of locations. A follow up survey in the found these setts to be inactive, but recommended a vegetation clearance team accompanied an ecologist to clear vegetation around the location of the previously recorded main sett to enable a fuller survey to be completed.

It was recommended at the time when the application was submitted which was the winter season and the reduced vegetation on site will be less of a constraint on re-finding the previously recorded main sett, a further badger survey should be undertaken and submitted to the LPA prior to the determination of the application. This report has now been submitted to the LPA and an update on this matter will be provided to the Members of SPB by the way of an update.

### Bats – Buildings

The preliminary ecological appraisal identified three buildings B1, B3 and B6 have potential to support roosting bats. A further bat survey has been undertaken but this has surveyed buildings B1, B2 and B6.

Building 3 has therefore not been surveyed for bats. Based on the photographs of building B3 it does not look particularly suitable for bats and the follow up survey assesses it as having negligible potential. No further surveys of building 3 are therefore required.

Despite building 1 (the main school building) being highlighted as having significant potential to support roosting bats this building has not been subject to a detailed bat survey. The ecological report states that this building will be retained as part of the proposed development. This appears to be the case from the submitted master plan.

### Bats – Trees

An Oak (Target Note 7 on the submitted habitat plan) and trees around the existing sports pitch were identified by the initial ecological report as having potential to support roosting bats. Based on the illustrative master plan it appears that these trees could be retained a part of the development of the site. This matter could be dealt with by condition if outline consent is granted.

### Water Vole

It is advised by the Council's ecologist that this protected species is unlikely to be present or affected by the proposed development.

### Woodland Habitats

There are two blocks of woodland present on site that appear on the UK inventory of priority habitats. These habitats are a material consideration during the determination of this application and as such should be considered to be of value in a county context. The southern woodland block seems to be retained on the illustrative master plan. The illustrative master plan however shows a play area located in the northern block of priority woodland.

It is advised by the ecologist therefore that the submitted illustrative master plan should be amended to remove any development from the areas of priority woodland habitat. This matter can be addressed through the reserved matters application.

### Stream

There is a small stream and a short section of unculverted water course present on site. These features should be retained as part of the proposed development. It is advised that the illustrative master plan be amended to show the retention of these features.

### Hedgehog

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. The habitats on site may be suitable and so the species may occur on the site of the proposed development. If planning consent is granted a condition is recommended to manage this issue.

### **Amenity**

In order for the proposals to be acceptable, it is important that they do not have a detrimental impact on the amenities of existing residents and that the development is not located within an area which would harm the amenities of future residents. Environmental Health has commented on the application in respect of noise vibrations and dust, air quality and land contamination. There are no objections to the proposal on the ground of noise / vibration and dust subject to the following conditions being applied to any approval. In particular a noise impact assessment will be required to determine the mitigation appropriate to ensure noise levels (internal and external) are satisfactory for those properties in close proximity to the Fence Avenue Industrial Estate.

An Air Quality Assessment produced by WYG dated 23rd November 2016 reference A083128 has been submitted in support of the planning application. There is one Air Quality Management Area (AQMA) located approximately 700m from the proposed development which was declared as a result of breaches of the European Standard for nitrogen dioxide (NO<sub>2</sub>). There are a number of other areas within the town where monitoring has shown exposure to levels of NO<sub>2</sub> close to or above the objective. The Council is due to submit a Detailed Assessment to Defra shortly to consider if an AQMA should be declared in respect of these zones. There is also concern that the cumulative impacts of development in Macclesfield will lead to successive increases in pollution levels and thereby increased exposure.

The report considers whether the development will result in increased exposure to airborne pollutants. Cumulative impacts of developments have not been assessed.

The report states that traffic generation calculations show that the proposed development is almost neutral in terms of flows on Fence Avenue with the existing use. It does state that within the AQMA, traffic flows are predicted to decrease by approximately 32%.

The report concludes that it was not necessary to undertake a detailed air quality impact assessment to assess the effect and significance on local air quality at any existing receptors as traffic flows fell under the criteria provided within guidance provided by EPUK in 2015.

By virtue of the proposed development location, it is the professional opinion of the Council's Environmental Health department that there will continue to be an impact on air quality within the AQMA. It is their view that any impact within an AQMA is significant as it is directly converse to local air quality objectives and the Air Quality Action Plan. The NPPF requires that development be in accordance with the Council's Air Quality Action Plan.

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 considered appropriate therefore that mitigation should be sought in the form of direct measures to reduce the traffic associated with the development and safeguard future air quality within the Air Quality Management Area and within Macclesfield.

Dust will be generated by the demolition and construction processes on the site, therefore the WYG report includes mitigation measures for this. No objections are raised to the application with regard to the above matters, and the proposals will have no detrimental impact on residents as a result of pollution providing effective mitigation is in place which will be secured by condition. Therefore the proposals accord with policies DC3 and DC63 of MBLP and the NPPF.

### **Flood Risk**

It is important that new developments are not at risk from flooding, or that the development itself would not exacerbate flooding in an area. The site is a greenfield site, and therefore in order to ensure that flooding is not caused by the development run-off rates must not exceed the current greenfield levels. Therefore it is important that adequate mitigation through effective drainage solutions is carried out on site. A Flood Risk Assessment was submitted with the application, which concludes that the development will remain safe during its lifetime and will not increase flood risk elsewhere and is, therefore, considered to be acceptable in flood risk terms. United Utilities have commented on the application, and have not raised objections to the proposals. Unites Utilities have recommended conditions in order to ensure that the proposed development does not create or exacerbate flooding through surface water run-off and to ensure that the drainage of the site is adequate. It is concluded therefore that the proposals accord with policy DC17 of the MBLP and the NPPF.

### **Conservation and Design**

The proposed development is at outline stage, the hard and soft landscaping and materials will be agreed by condition to ensure that the proposal does not have a detrimental impact on the character of the area and can make a positive contribution to the site. The remainder of the site is at outline stage where no detail is agreed save for access. Therefore detailed design will be agreed at the reserved matters stage. At the reserved matters stage the

proposed design and layout can ensure that separation distances are adequate to ensure no detrimental impact on existing or future residents, by virtue of overlooking, loss of privacy or loss of light.

Following comments from the Council's Conservation and Design and Landscape Officers amendments were sought to bring the proposals in line with the outline plan of CS9 of the CELPS. This area of open space has been identified as being important both to preserving the setting of the Grade II Listed Holy Trinity Church and also the Character and Appearance and setting of the Macclesfield Canal Conservation Area at this point. If the area were not retained as open space there would be harm to the setting of the Holy Trinity Church and to the Conservation Area. The protected open space will go some way to reducing harm to both the church, but it has been discussed by officers and Historic England that this will achieve little in conserving the setting of the conservation area if development were to butt up against the canal along the site's southern edge. In addition to this building D is indicatively located close to the Canal the buildings close to the SUD and to the listed bridge (4 units) will interrupt the tranquil rural aspect character of this part of the CA. Therefore these issues must be address in the detailed layout as part of the reserved matters application.

It is concluded that the amendments to maintain the area of open space to the east has dramatically improved the proposals in terms of heritage and design, and other design issues can be address through the reserved matters which will determine the detailed layout, scale, appearance and landscaping of the site.

## **Highways**

A large amount of objections have been received by local residents in relation to increased traffic and highways issues. The application is in outline form with access and the principle of development to be agreed at this stage.

The site lies off Fence Avenue on the east side of Macclesfield in a predominately residential area and will have three access points, two from Fence Avenue and one from Lime Grove. The main school building off Fence Avenue will be retained and converted for residential apartment use as part of the application.

### Traffic Impact Assessment

As this is an existing school there are a considerable number of traffic movements associated with it especially in the morning peak and these traffic movements needs to be considered against the likely traffic generation arising from the application.

The applicant has undertaken a survey of the existing traffic movements to and from the school and then provided an assessment of the traffic generation from the 300units using the Trics database. A comparison of the peak hour traffic generations show that the flows are very similar indeed with the existing school producing slightly more traffic.

As there will be no external traffic impact on the road network as traffic flows will remain the same, no junction testing is required. There is a requirement to assess the proposed site access junctions to ensure that no capacity problems will arise as a result of the development, the applicant has undertaken this assessment and the results show that no significant queuing will arise.

### Access and Accessibility

The main access to the site uses the southern most access and this is to be upgraded to have a 5.5m carriageway and two 2.0m footways, this access will also have a ghost right turn lane. The northern access on Fence Avenue will be retained and have a 4.5m carriageway and have a more informal use. There is an access proposed from the end of Lime Grove that has been indicated as serving up to 20 dwellings, the standard of infrastructure of this access is not sufficient to serve 20 units and it needs to be indicated at this outline stage that a much reduced number of units served from this access will only be acceptable.

The site is located not far the town centre and adjacent to Victoria Park and the site does have good pedestrian links and there are bus and rail services within a reasonable walking distance of the site. Overall, the site is considered to have good accessibility to sustainable modes of transport.

### Highways summary and conclusions

This is an application on the site of an existing school and there are a considerable number of traffic movements to and from the site that occurs on a daily basis. The proposal is for up to 300 dwelling to be constructed on the site, in regards to the traffic impact of the proposal the same level of generation will occur as the school and therefore there is no wider traffic impact on the road network other than the site access junctions

Although there is masterplan submitted this application is an outline application and the internal details would most likely change at reserved matters stage, as such no comments are made on the layout plan attached. There are three access points proposed, the main access is the southern most access on Fence Avenue with a right turn lane. There are no objections to the access proposals on Fence Avenue although the existing access off Lime Grove is not suitable to serve the level of development proposed in the application. This issue can be dealt with at the reserved matters stage.

Therefore, there no highways objections raised to the application subject to a condition being attached for the Ghost Right Turn Lane at the main site access. The proposals therefore subject to mitigation accord with the Development Plan and the NPPF.

## **EIA**

The development is an EIA development and as such the various components have been submitted as part of the Environmental Statement (ES). Whilst the development for 300 units is significant for the area, it is not considered that the proposals will have a detrimental environmental impact on the local or wider area. Any effects from the development can be mitigated through the use of conditions and the ongoing management of the site, and can be reduced through adopting urban design principles at the reserved matters stage. The development will be completed in phases to allow the proposals to gradually develop over time.

As part of the EIA process, the applicant must demonstrate that there are no alternative more suitable sites for this housing development. From the information provided with the application, the applicant has stated that there are no alternatives, as this site is available for housing and it is the will of the Council through the CELPS for the site to be developed for this purpose. This exercise however has not assessed alternative sites against this site. It must be

acknowledged that this site is only available for housing development should the school be successfully relocated, without the relocation it would not be a viable option.

### **Environmental sustainability conclusions**

It is considered that the proposed development is generally environmentally sustainable. However this is subject to the Arboricultural Officers comments which may raise objections or conversely may raise no objections but may require mitigation. Generally however, layouts can be designed in such a way as to not harm trees and small groups of tree and suitable mitigation can ensure the health of the trees. In addition to the ecological issues in relation to badgers must be resolved fully prior to a decision being made to satisfaction of the Council. It is considered that the location is sustainable and any harmful effects of the development with regard to pollution can be adequately mitigated. The landscape impact of the proposed development is adverse, however there are degrees of adversity and this is not considered to be significant enough of an impact on the landscape to warrant refusal, and with suitable mitigation is considered to be acceptable.

On balance, subject to a positive arboricultural and ecological recommendations. It is considered that through appropriate and effective mitigation the proposals are acceptable in environmental sustainability terms.

### **ECONOMIC SUSTAINABILITY**

#### **Employment**

The proposed development for the redevelopment and relocation of the school will retain the majority of staff, as the number of pupils will be equivalent to the existing two schools combined. In relation to the Fence Avenue site's development, the proposals will create employment in the short term through the demolition and construction process. It is considered therefore that in terms of employment numbers these will increase as a result of the proposals.

#### **Economy of the wider area**

The addition of 300 units will undoubtedly boost the economy in the local area through the increased use of shops and services making them more sustainable, which is especially important in Macclesfield Town Centre to be sustainable into the future. Additional population can create more demand for local services, increasing the likelihood that they will be retained into the future and improvements and investment made.

### **Economic sustainability conclusions**

The proposals will result in additional employment in the sort term through the construction of the site along with an economic boost locally through the increase in population to this area of the town. It is considered that the proposals will make efficient use of the land by providing market housing in a town centre location and are therefore economically sustainable.

#### **Section 106 agreement**

The terms of the Section 106 agreement are not formally agreed however the applicant proposes the following:

- Education contribution of bursaries for Kings School to the value of 383,000 (to be split across the two residential sites)
- Open Space Provision
- Open Space and Landscape Management (to include Public Open Space)
- Provision of starter homes
- Trigger for the new school to be completed prior to the development of the Fence Avenue and Westminster Road sites.
- Phasing Plan
- Travel Plan
- Sports and Music Facilities Community Use Scheme

### **CIL Regulations**

Community Infrastructure Levy (CIL) Regulations LEVY (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; a) Directly related to the development; and b) Fair and reasonably related in scale and kind to the development. It is considered that the contributions required as part of the application are justified and only go part of the way to meeting the Council's requirement for policy compliance. All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development. The non-financial requirements ensure that the development will be delivered in full. On this basis the S106 the scheme is compliant with the CIL Regulations 2010.

### **Representations**

A large number of representations have been received in relation to the application, with many representations both in objection and in support of the proposals, many of the representations relate to the three schemes as a whole. However those relating to this scheme and its merits have been addressed in the main body of the report. Having taken into account all of the representations received including internal and external consultation responses, the material considerations raised have been addressed within the main body of the report. There are outstanding issues that have not yet been resolved to the satisfaction of internal and external consultees, namely the ecological and arboricultural concerns and the concerns of Sport England due to the loss of the playing pitches. DCLG have contacted the Council regarding the applications and would like all three applications to be referred to the Secretary of State should they be recommended for approval by the Strategic Planning Board.

Paragraph 14 of the NPPF states that should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted.

### **PLANNING BALANCE**

The site is partially previously developed however the majority of the site is undeveloped. The whole site is within the Green Belt where there is a presumption against inappropriate development. It is established that the proposals do represent inappropriate development

within the Green Belt, and only if very special circumstances exist to justify the departure from Green Belt policy should they be approved.

The applicant has put forward what it considers to be very special circumstances, however the onus is on the decision maker, the LPA to determine what weight is attached to these in the planning balance and whether these circumstances amount to very special circumstances to justify the development, and outweigh the automatic harm the development would cause by way of inappropriateness.

In this case points 1 and 2 of the applicant's case relate to the fact that the site is earmarked for housing in the CELPS. The degree of weight to be attached to an emerging plan which has not gone through the full EIP process depends on the level of how much the policy aligns with the NPPF.

The amount of weight to be given depends on the following as set out in paragraph 216 of the NPPF.

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

In light of paragraph 216 it is acknowledged that the stage of preparation of the CELPS is advanced, initial EIP hearings have taken place, and changes have been made in line with the Inspectors recommendations. The hearings are due to resume later in the year, following which the Inspector will make final recommendations. The site selection process is also advanced.

The recommended changes have been made to the policies and these changes have been consulted on which ended in April 2016. The Fence Avenue site has objections to the release of Green Belt land.

As CS9 is not a development management or core policy but a site allocation, the principle of the development itself can only be assessed against the Framework. In the case of the Framework, Green Belt land should be retained for its own purposes.

The weight in this case to attach to CS9 would be significant, due to the level of preparation of the CELPS, however the weight to be attributed to this circumstance must be reduced as the scheme is not policy compliant, with no affordable housing or sufficient education contribution and as a result the community would be at a significant disadvantage due to the impact on existing infrastructure.

Whilst weight has been attached to points 1 and 2 of the applicant's case, it is not considered that the remaining points amount to very special circumstances enough to outweigh the significant harm to the Green Belt. Notwithstanding the potential allocation, this scheme is not policy compliant and does not alone justify the departure from Green Belt policy. The proposals for the site form part of wider proposals, however, this site must be assessed on its

own merits. The proposals conflict with local and national long established Green Belt policy, and should be refused on the grounds of inappropriate development within the Green Belt and conflict with the purposes for including land within the Green Belt including urban sprawl and encroachment.

It has been demonstrated through the application that additional information can overcome certain issues along with suggested planning conditions and obligations. However significant issues remain outstanding at the time of writing this report. It is considered that the ecology issues may be able to be mitigated if the correct surveys are submitted with appropriate recommendations to the satisfaction of the Council's Ecologist in order for a recommendation to be made on this issue, the same is true of the tree issues.

With regard to the lack of affordable housing provision, this is balanced, however, the viability assessment which has been verified independently shows that the proposed development cannot bear the cost of providing affordable housing if the project is to be viable, although starter homes can be provided on site which makes some social contribution. The proposals will put pressure on the state school education infrastructure which serves the catchment area of the site. The proposed secondary places at King's School would be means tested and would provide 4 places in total, however no SEN provision would be made as a result of the application. It is considered therefore that the proposals are not socially sustainable, and are contrary to the aims of the development plan and the Framework.

The proposal is largely sustainable in terms of the environment, however the issue of ecology and trees must be resolved to the satisfaction of the Strategic Planning Board.

The proposal and the wider proposals are economically sustainable as detailed in this report.

Through the assessment as to whether the scheme represents sustainable development, it is considered that it does not achieve this in terms of three strands: social, environmental and economic sustainability. As the site is within the Green Belt under paragraph 14 there is not a presumption in favour of sustainable development where other policies in the framework state that development should be restricted which includes Green Belts. On balance therefore after careful consideration the application should be refused in principle.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Council's delivery of 5 year housing land supply.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes, and benefits for local businesses.
- The proposal will not have an adverse landscape impact. There is no negative highways impact.

The development would have a neutral impact upon the following subject to mitigation:

- Subject to appropriate levels of mitigation, there will be no adverse impact on heritage assets.
- There is not considered to be any significant drainage implications raised by this development.
- The impact upon trees is unknown at this stage therefore cannot be considered to be negative or positive at this stage.

- The impact upon the residential amenity/noise/air quality/landscape and contaminated land could be mitigated through the imposition of planning conditions.

The adverse impacts of the development would be:

- The proposal is inappropriate development in the Green Belt, harmful by definition and the very special circumstances put forward are not significant enough to outweigh the significant harm to the openness of the Green Belt and the purposes for including land within it.
- The impact upon protected species/ecology is considered to be unknown, therefore it cannot be assumed at this stage that mitigation would be possible at the site without additional information.
- No affordable housing provided by a Registered Social Landlord, however 5% start homes (80% market value) are proposed.
- No financial educational contribution to Children's Services, bursaries are proposed.
- No SEN contribution.

On the basis of the above, it is considered that the proposal does not represent sustainable development and represents inappropriate development within the Green Belt and it is not considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits.

## **RECOMMENDATION**

### **Refuse**

1. The proposal for residential development is inappropriate development in the Green Belt by definition and the very special circumstances put forward do not amount to the very special circumstances required to outweigh the significant harm to the openness and permanence of the Green Belt, the scheme conflicts with the purposes for including land within the Green Belt. The application is therefore contrary to saved policy GC1 of the Macclesfield Borough Local Plan and paragraphs 80 and 89 of the NPPF.
2. The application requires the provision of affordable housing in order to represent sustainable development and to comply with the Council's Interim Planning Statement: Affordable Housing (IPS), no affordable housing is proposed to be delivered as part of the proposals contrary to saved policy H8 of the Macclesfield Borough Local Plan and paragraph 50 of the NPPF.
3. The application does not make provision for a necessary educational contribution to mitigate the harm to education services as a result of this development. The proposal will therefore put pressure on social infrastructure services locally contrary to saved policy H5 of the Macclesfield Borough Local Plan and paragraph 162 of the NPPF.

