

APPLICATION NO: 19/1068M

**LOCATION: KINGS SCHOOL, CUMBERLAND STREET,
MACCLESFIELD, CHESHIRE, SK10 1DA**

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

CONSULTATIONS

The following consultation responses have been received since the preparation of the report:

Cheshire Archaeology Planning Advisory Service – No objection

REPRESENTATIONS

Since preparation of the report, a further representation has been received objecting to the proposals on the following grounds:

- Officers have failed in their duty to be open and transparent
- The Design and Conservation Officer's comments have been withheld from the public domain
- A further 21 day consultation should be carried out following publication of the Design and Conservation Officer's comments being published on the website
- The officer report does not adequately assess the impact on the setting of the listed building in relation to paras 193 and 196 of the National Planning Policy Framework (NPPF)
- Tests for enabling development not met – no conservation deficit assessment undertaken
- Officer report does not acknowledge that the council has a 7 year supply of housing land
- Viability in respect of land use / valuations
- Loss of open space

OFFICER ASSESSMENT

Archaeology

Following comments received by representation, the advice of the Cheshire Archaeology Planning Advisory Service (APAS) has been sought. APAS have confirmed that "it is unlikely that the proposed development will impact significant below ground remains, and that the construction of the school in the 1800's will have likely heavily truncated or removed any below ground remains

relating to anything earlier on the site”. As such, the proposal is compliant with Macclesfield Borough Local Plan Policies BE23, BE24 and SE 7 of the Cheshire East Local Plan.

Impacts on Setting of the Designated Heritage Assets

NPPF para 193 states that *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance”*.

As already explained at page 31 of the agenda reports pack, there is acknowledgment by officers (including the Council’s Design and Conservation Officer) that there will be harm to the designated heritage asset, primarily from the incursion of the later living block and loss of the cricket pavilion. However, it is confirmed that this harm is ‘less than substantial’. On the basis of this harm, the Council’s Design and Conservation Officer objects to the proposals. The various amendments to the scheme still do not resolve their concerns, save for most recent scheme, which now involves retention and relocation of the cricket pavilion within the site.

NPPF para 196 states that *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use”*.

The officer report at page 31 of the agenda reports pack clarifies that there will be substantial harm to the setting of the designated heritage asset, but that this harm is ‘less than substantial’. Accordingly, in their assessment, officers balance the less substantial harm against the wider benefits of the scheme, which are:

- Improvements that would be realised from the Sainsbury’s roundabout producing a better relationship between built form and the designated heritage asset and opening up views
- Opening up of the site in terms of cycle pedestrian movement through assisting in sustainability and accessibility
- Benefits derived from ensuring a sustainable future use is secured for such an important and prominent site within Macclesfield
- High quality design credentials of the scheme

The Council’s Design and Conservation Officer has confirmed that the revisions haven’t addressed the issues previously raised in relation to the Later Living Block and its scale and mass within the setting of the principal listed building on the site (the original school building/Head Master’s house). However, as reported on pages 34 and 36 of the Agenda Reports Pack:

“Whilst it is acknowledged that there would be an intrusion of the ‘later living’ block, this has been reduced in size and it is considered that this is balanced against the improvements that would be seen from the Sainsbury’s roundabout and the overall design credentials of the scheme. There are also benefits derived from ensuring a sustainable future use is secured for such an important and prominent site within Macclesfield from a heritage perspective. Thus, the proposals represent a high quality scheme, with many positive attributes. There would be harm derived from the later living block, by interrupting one of the viewpoints. However, it is considered that this harm would be outweighed by the wider benefits of the scheme and the fact that the magnitude (i.e. importance) of the said viewpoint is not considered significant.”.....“it may not be any taller than the Art block that it would replace, or the ridge line of the old school building, its footprint is larger than that of the building to be demolished and it will enclose much of the western side of the site as seen in the view from the site entrance off Cumberland Street. This has been improved by widening the gap between the northern end of the Later Living block and the school building and this would allow greater views of the heritage asset from the Sainsbury’s roundabout. It is considered that this aspect of openness will be restricted to a limited view and the benefits of the scheme as a whole are considered to outweigh this harm as discussed previously in this report.”

To summarise, the benefits referred to are the general benefits of the scheme which include; ensuring a sustainable future use is secured for such an important and prominent site within Macclesfield; the provision of a pedestrian / cycle link increasing connectivity through the site; the high quality design credentials; and the general environmental, economic and social benefits attributed to bringing forward housing on this now vacant site within a highly sustainable location close to the town centre. It is these benefits that outweigh the ‘less than substantial harm’ to the designated heritage asset.

On this basis, officers conclude that the impact on the designated heritage assets would be acceptable in this case in accordance with Policy SE 7 of the CELPS and saved policies BE17, BE18 and BE19 of the Macclesfield Borough Local Plan and advice in the NPPF.

Open Space

Turning to saved MBLP Policy RT1, this deals with areas of recreational land and open space and says that such areas will be protected from development. However, Policy SC 1 of the CELPS is more up to date and states that such areas will be protected ‘unless alternative provision, of equivalent or better quality, is to be made’. The loss of the existing cricket pitch as a sports facility would be replaced at the new school in Prestbury, permission for which has been approved under planning ref; 19/1270M. Sport England and the ANSA do not object to the loss of the cricket pitch on this basis subject to a condition that the replacement facility is to be provided and made available for use prior to its loss at this site. As such, a refusal on the basis of non-compliance with policy RT1 would not be sustainable.

Viability

An objector has stated that the previous viability assessments undertaken need to be redone as the applicant has now bought the site and benchmark land value is not an appropriate tool to use in viability. The applicant has submitted an update to the viability position with Viability Notes. As confirmed on page 25 of the agenda reports pack, the circumstances have not changed to an extent that would lead to different conclusions being drawn. The scheme remains unviable if it were to meet the full package of s106 obligations.

Other Matters

There have been requests for a further 21 days consultation process to be enacted following the publication of the Design and Conservation Officer's comments. The Design and Conservation Officer is a consultee on the application. The comments of consultees do not form part of the application submission and therefore are not the subject of public consultation. The Design and Conservation Officer's comments have been referenced and outlined in the officers report for this item and also when it was reported to Members of the Strategic Planning Board at the earlier meetings when it was resolved to defer the item for reasons explained in the agenda reports pack.

An objector has also commented that the proposal does not meet the tests for 'enabling development' and that no Conservation Deficit Assessment / Conservation Management Plan has been undertaken. The proposal has not been put forward as an 'enabling development' and is not therefore required to submit one.

RECOMMENDATION

Approve as per the recommendation on pages 52, 53 and 54 of the Agenda Reports Pack.