

Strategic Planning Board

Date of Meeting: 14 July 2021

Report Title: Update following the resolution to approve planning application 19/1068M and listed building consent 19/1069M – 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.

Senior Officer: David Malcolm, Head of Planning

1. Report Summary

- 1.1. This report seeks approval to continue with the SPB resolutions to approve both the planning application and associated listed building consent for the redevelopment of the site of the former Kings School, Cumberland Street, Macclesfield. This follows the receipt of an additional consultation response from the Twentieth Century Society objecting to the proposals.
- 1.2. The objection has been considered, but its content would not be sufficient to sustain a refusal of planning permission or listed building consent.

2. Recommendations

- 2.1. That the Strategic Planning Board note the receipt and content of the comments made by the Twentieth Century Society, but proceed with the Committee resolutions made at the meeting of the Strategic Planning Board (SPB) on 21 April 2021.

3. Reasons for Recommendations

- 3.1. The proposal is for sustainable development which would bring environmental, economic and social benefits and is therefore considered to be acceptable in the context of the relevant Development Plan Policies and advice contained within the NPPF. 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 heritage assets.

4. Other Options Considered

4.1. The Council is obliged to consult with the National Amenity Societies where an application proposes the demolition in whole or in part of any listed building. The Council has considered the heritage significance of the buildings which are to be demolished but has concluded that the harm arising from their loss and / or alteration is 'less than substantial' and is outweighed by the public benefits of the scheme. On this basis, a refusal of planning permission and / or listed building consent would not be sustainable.

5. Background

5.1. Planning application 19/1068M and the associated listed building consent 19/1069M were referred to the Strategic Planning Board on 21 April 2021. The minutes from the meeting are as follows:

19/1068M – RESOLVED

That for the reasons set out in the report and in the written update to the Board the application be approved subject to the completion of a S106 agreement securing the following:-

1. Affordable Housing comprising of 12 units with an intermediate tenure

2. Public Open Space comprising of:

- Contribution of £19,500 towards additions, enhancements and improvements at West Park Play children's facilities

- On site amenity space

- Management of on site amenity space

- Unadopted areas of the internal road and footpaths are transferred to a management company for future management and maintenance

- Access by members of the public to be maintained in perpetuity

3. Education Contribution of £257,955 towards secondary and SEN (Special Educational Needs) school places

4. Healthcare contribution of £91,332 to support premises development of the Waters Green Medical Centre and development of additional primary care premises within Macclesfield.

5. Restriction of later living units to occupation by over 55s

And subject to the following conditions:-

1. Commencement of development (3 years)

2. Development in accordance with approved and amended plans

3. *Construction of access prior to first occupation*
4. *No development involving the loss of the existing cricket pitch shall be carried out until a timetable has been agreed for its replacement.*
5. *Landscaping scheme to be submitted and approved to include replacement planting*
6. *Landscaping scheme to be implemented*
7. *Arboricultural Method Statement to be submitted and approved*
8. *Tree protection of retained trees to be submitted and approved*
9. *Arboricultural Method Statement/Construction Specification for hard landscaping within root protection areas to be submitted and approved*
10. *Details of ground levels to be submitted, approved and implemented*
11. *Details / samples of external facing materials to be submitted, approved and implemented and notwithstanding the submitted detail, to include the use of stone.*
12. *Details / samples of surfacing materials to be submitted and to be conservation style in accordance with design guide*
13. *Details of boundary treatments to be submitted, approved and implemented including retention of boundary walls to include low level boundary treatment to the rear of the D type properties*
14. *Development to be carried out in accordance with submitted noise survey with mitigation provided prior to first occupation*
15. *Phase II contaminated land investigation to be submitted and approved*
16. *Verification of remediated contaminated land to be submitted and approved*
17. *Bin storage to be provided prior to first occupation*
18. *Details of pile foundations to be submitted, approved and implemented*
19. *Electric Vehicle Infrastructure to be provided prior to first occupation*
20. *Scheme of dust control to be submitted, approved and implemented*
21. *Foul and surface water drainage to be connected on separate systems*
22. *Scheme of surface water drainage to be submitted, approved and implemented*
23. *Submission, approval and implementation of a Construction Environmental Management Plan*
24. *Removal of permitted development rights for Classes A-E (extensions and outbuildings etc)*
25. *Removal of permitted development rights for gates, walls and fences*
26. *Obscured glazing on specific plots and glazed screening to some balconies*
27. *Accordance with Ecological Assessments*
28. *Nesting bird mitigation measures to be submitted, approved and implemented*
29. *Details of external lighting to be submitted, approved and implemented*
30. *Scheme for ecological enhancement to be submitted, approved and implemented*
31. *Retention of war memorial gates including a scheme for their protection during construction*
32. *Scheme of memorial proposals to be submitted and approved including details of cricket pavilion war memorial lintel to be repurposed and names of the fallen to be included within the stone haha*
33. *Details of cycle storage to be submitted and approved*
34. *Scheme for car club to be submitted and approved*
35. *Submission of a scheme and method statement for the retention of the façade of the main school block to be submitted and approved*

36. *Submission of a scheme and method statement for relocation of cricket pavilion to be submitted and approved (including retention of memorial lintel)*
37. *Pedestrian and cycle route to be implemented in accordance with the approved plans and secured under a s278 highways agreement*

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

19/10/69M - RESOLVED

That for the reasons set out in the report the application be approved subject to the following conditions:-

1. *Commencement of development (3 years)*
2. *Development in accordance with approved and amended plans*
3. *No development involving the loss of the existing cricket pitch shall be carried out until a timetable has been agreed for its replacement*
4. *Details of ground levels to be submitted, approved and implemented*
5. *Details of external facing materials and internal materials to be submitted, approved and implemented and notwithstanding the submitted detail, to include the use of stone.*
6. *Details of surfacing materials to be submitted and to be conservation style in accordance with design guide*
7. *Details of boundary treatments to be submitted, approved and implemented including retention of boundary walls*
8. *Retention of war memorial gates to include a scheme for their protection during construction*
9. *Scheme of memorial proposals to be submitted and approved*
10. *Submission of a scheme and method statement for the retention of the façade of the main school block to be submitted and approved*
11. *Submission of a scheme and method statement for de-construction and relocation of cricket pavilion to be submitted and approved (including retention of memorial lintel)*
12. *The material and colour of any rainwater goods to be installed on the principal listed buildings shall be cast metal and painted black, unless otherwise agreed*
13. *Prior to the installation of any fenestration as part of the works to the principal listed buildings, drawings indicating details of all windows and external doors, including cross sections of glazing bars shall be submitted and approved*
14. *All windows and doors in the external elevations of principal listed buildings shall be fabricated in timber*
15. *Details of any repairs to the boundary walls shall be submitted to and approved*
16. *Details showing the location, size, design and materials of the proposed boundary treatments shall be submitted to and approved*

17. *No new plumbing, pipes, soil stacks, flues, vents, ductwork grilles, security alarms, lighting, satellite dishes, cameras or other fixtures shall be attached to the external faces of the principal listed buildings*
18. *Submission of a Method Statement for the removal of fabric including documentation and recording of it*

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

5.2. Since the SPB resolutions, it has come to light that the National Amenity Societies (which undertake listed building casework on a national basis) were not consulted on the applications. Local planning authorities are obliged to consult the following amenity societies on all applications involving the partial or total demolition of a listed building:

- The Ancient Monuments Society – concerned with historic buildings of all ages and types
- The Council for British Archaeology – concerned with all historic buildings, but with a particular interest in the archaeology of subterranean and standing structures
- The Society for the Protection of Ancient Buildings – concerned mainly with structures dating from before 1700, but also with philosophical and technical aspects of conservation
- The Georgian Group – concerned with architecture and architecture-related arts from 1700 to 1840
- The Victorian Society – concerned with Victorian and Edwardian architecture and architecture-related arts between 1840 and 1914
- The Twentieth Century Society – concerned with architecture from 1914 onwards

5.3. Following the SPB meeting, all six amenity societies were consulted. However, the consultation only solicited a response from the Twentieth Century Society.

5.4. The Twentieth Century Society has objected to both applications owing to the loss of Science Block and the Arts Block. In their representation, the society states that their reasons for objecting are that:

“The Society believes the curtilage listed science block should also be retained, as should the art block (‘Kent block’) which we consider to be a non-designated heritage asset. We believe the applicant has overlooked the significance of these 20th-century buildings. In the Society's opinion, the

former science and art blocks could be converted for reuse as part of the proposed development. This would not only have heritage benefits but would also prevent the production of environmentally harmful carbon emissions through the buildings' demolition”.

5.5. Members will note that when the applications were reported to SPB, the committee report included a detailed assessment of the impacts and significance of those elements to be lost as a result of the proposals. This followed advice from Historic England and the Council's Design and Conservation Officer.

5.6. The Heritage Statement which accompanied the applications set out the assessment of significance undertaken for the various assets using the methodology for such contained within the Design Manual for Roads and Bridges (DMRB). Both the Science Block and the pavilion are assessed as having low significance. The Council's Design and Conservation Officer considers that this is a fair reflection of the significance of the Science Block and on this basis, does not object to its loss. Earlier concerns regarding the collective value and significance of the Science Block and Cricket Pavilion have been addressed through the subsequent proposals to retain and relocate the cricket pavilion within the site.

5.7. The Arts Block possesses even less merit and therefore significance and similarly the Council's Design and Conservation Officer does not object to its loss.

5.8. The Council's Design and Conservation Officer and officers conclude that the harm to the heritage assets referenced will be 'less than substantial'.

5.9. 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”.

5.10. The proposal is for sustainable development which would bring environmental, economic and social benefits and is therefore considered to be acceptable in the context of the relevant Development Plan Policies and advice contained within the NPPF. 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 heritage assets.

5.11. Taking the above into account, the objection received from the Twentieth Century Society would not sustain a refusal of planning permission or listed building consent and accordingly, Members are recommended to proceed with the resolutions that they have already made at the SPB meeting of the 21 April 2021.

6. Implications of the Recommendations

6.1. Legal Implications

6.1.1. Local Planning Authorities are obliged to consult with the National Amenity Societies where proposals involve the demolition in whole or in part of any listed building. The Council has fulfilled this obligation.

6.1.2. The receipt of the objection from the Twentieth Century Society is a material consideration and it is necessary for the Local Planning Authority to consider this representation prior to the decisions being issued.

6.2. Finance Implications

6.2.1. If the SPB do not accept the recommendation then the application could be the subject of an appeal. This would have financial implications in defending the appeal.

6.3. Policy Implications

6.3.1. The policy implications are considered within the original SPB Report and this update report.

6.4. Equality Implications

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

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

6.5. Human Resources Implications (HR)

6.5.1. There are no HR implications.

6.6. Risk Management Implications

6.6.1. The decision to proceed with the resolutions, like all decisions of a public authority, are open to challenge by Judicial Review. The risk of any legal challenge has been minimised by undertaking appropriate consultation and taking into account by both officers and members the representations that have been received.

6.7. Rural Communities Implications

6.7.1. There are no direct implications for rural communities.

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

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

6.9. Public Health Implications

6.9.1. There are no direct public health implications.

6.10. Climate Change Implications

6.10.1. The proposal to provide a pedestrian / cycle link increasing connectivity through the site will improve the sustainability credentials of the development. The redevelopment of this previously developed site is encouraged and is considered to represent sustainable development.

7. Ward Members Affected

7.1. Cllr L Roberts – Macclesfield Tytherington Ward

8. Consultation & Engagement

8.1. Consultation has been carried out in accordance with the statutory duty.

8.2. There is no requirement to formally consult on the receipt of the objection from the Twentieth Century Society.

9. Access to Information

9.1. The Council's website includes the original reports to SPB which can be found using the links below:

<http://moderngov.cheshireeast.gov.uk/ecminutes/documents/s84512/Report%2019%201068M.pdf>

<http://moderngov.cheshireeast.gov.uk/ecminutes/documents/b19511/Planning%20Update%2021st-Apr-2021%2010.00%20Strategic%20Planning%20Board.pdf?T=9>

<http://moderngov.cheshireeast.gov.uk/ecminutes/documents/s84519/Report%2019%201069M1.pdf>

10. Contact Information

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

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