

NORTHERN PLANNING COMMITTEE – 20 OCTOBER 2010

UPDATE TO AGENDA

APPLICATION NO: 10/3085M

**LOCATION Former Henbury High School, Whirley Road,
Macclesfield**

UPDATE PREPARED 20 October 2010

This report is to provide a further update to Members with regard to further revised plans which have been received in relation to the pavilion application at the former Henbury High School site.

The changes which were received prior to the drafting of the previous update report (dated 18th October 2010) were a substantial improvement over the initial scheme. Following further discussion with the Leisure Services officer and the applicants the design of the building has been further enhanced. Particular points to note are as follows: -

- The community hall has been increased from 60m² to 84m². This will allow for a more flexible use of the space and an improved area for games to be played, aerobics etc. The room will be large enough for carpet bowls.
- Additional rooflights have been added to provide a bright, airy space within the building.
- The shutters are to be on the outside of the windows and not the inside as previously detailed.
- The distance between the benches in the changing rooms has been increased so as to ensure sufficient space for its users to change.

As a point of clarification, discussions have been taking place between the applicant and the Council with regard to the ownership and maintenance of the pump station, which has always been agreed to be part of the application. It has now been agreed that the applicant will provide and maintain the pump station initially and then transfer the pump station to the Council with the remainder of the land.

HEADS OF TERMS

The pavilion building is part of the requirement of the Section 106 Agreement attached to application 05/1184P. If the proposed revised plans are approved it may be necessary to make any consequential amendments to the Section 106 Agreement by way of a Deed of Variation and reflect the clarification of the pump station ownership and maintenance.

CONCLUSION

It is considered that the proposed scheme for the pavilion building and the associated landscaped areas is now acceptable. The exterior of the building is now far more welcoming as a community building and is less utilitarian in its design. The revised internal layout now provides a building which is practical and will serve the local communities needs.

The recommendation is now for one of approval, subject to conditions.

Conditions

- 1 Details of materials to be submitted
- 2 Development in accord with approved plans
- 3 Details of security measures to be provided – including shutters, grills, downpipes, lighting and controls, CCTV, alarm and payphone point
- 4 The material and colour of all rainwater goods shall be submitted.
- 5 Submission of details of windows and doors
- 6 Protection from noise during construction (hours of construction)
- 7 Details of all servicing/specifications for heating, lighting, showers and water
- 8 Details relating to incorporation of sustainability measures

NORTHERN PLANNING COMMITTEE – 20 OCTOBER 2010

UPDATE TO AGENDA

APPLICATION NO: 10/2821M

**LOCATION Former Henbury High School, Whirley Road,
Macclesfield**

UPDATE PREPARED 20 October 2010

This report is to provide an update to Members with regard to comment from consultees, which have been received in relation to the application to provide 31 dwellings at the former Henbury High School site as a revision to planning application 05/1184P.

The Housing Officer has commented in relation to the proposals. It is noted that the developer is proposing 2no. 2 bedroom and 13no. 3 bedroom properties. The preference would be for the 2 additional affordable units to be split as 1no. 2 bedroom and 1no. 3 bedroom property as evidence shows that there is a need for 2/3 bed affordable houses in Macclesfield.

It is understood that it would be preferential for the tenure type to be allocated for social rent, however, the tenure type has not been fully explored with the applicant. If Members were to consider the development be approvable, it is considered that the matter of tenure could be delegated to the Head of Planning and Policy.

The Leisure Services Officer has commented in relation to the proposal. It is considered that the additional dwellings on this site warrant the need for additional facilities / enhancements. The development is providing a substantial amount of POS and facilities but much of this was in mitigation for the loss of POS as the result of the redevelopment of the High School and the need to retain the facilities that were previously provided by the school, namely the pitches that were used by the community. This was also in accordance with the requirements of Sport England.

It is not thought appropriate to seek additional changes / facilities to be added to the open space proposals as already consented under application 05/1184P. However, it is thought appropriate to seek a commuted sum payment that would be used to enable the new community to adapt and enhance the new facilities already being provided to suit their specific needs, support their use of the site and help foster a community spirit and engagement with the site.

The additional dwellings would generate the requirement for a com sum of £27,000 for POS provision [play and amenity] and £3,500 for Recreation / Sport. However, given that a number of the dwellings will be affordable and that the sports facilities being provided are substantial, the sports commuted sum will be waived and the commuted sum required will be £27,000.

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

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

In this instance, there are requirements for commuted sum payments used to provide additional amenity, play and recreation facilities, for all ages and based on the needs of the new residents. This would include kitting out the community room with equipment to support the community use and could include by way of example carpet bowls and indoor sports kit, chairs, tables, mats, play group equipment, television / presentation equipment and for maintaining the building and associated areas. External additions could include additional seating, picnic facilities, natural amenity and play features, interpretation and specific pieces of play equipment as well as portable sports / recreation equipment for group / event use.

Therefore, in respect of points a-c, it is consider that the requirements stipulated are necessary, directly related to the development and are fair and reasonable in relation to the scale and kind of development proposed.

APPENDIX 1 – COMMITTEE REPORT FOR APPLICATION 05/1184P

DATE REPORT PREPARED

4 July 2005

POLICIES

The site is identified as an area of Existing Open Space in the Local Plan. The site is mainly surrounded by a Predominantly Residential Area, while land on the opposite side of Whirley Road is Green Belt. Some of the trees on the site are covered by a Tree Preservation Order. The Supplementary Planning Guidance “Restricting the Supply of New Housing” is of particular relevance to this application.

RELEVANT PREVIOUS APPLICATIONS

96/0909P – 2 storey sports hall, floodlit all weather pitch, car parking and residential development – refused July 1996. Appeal allowed November 1996.

97/0061P – sports hall, floodlit all weather pitch and car parking (outline) – approved January 1997.

98/1313P – sports hall, floodlit all weather pitch and car parking (reserved matters) – approved September 1998.

99/0681P – amended position for all weather pitch and relocation of practice pitches and alterations to courts and car parking – approved January 2000.

01/1953P – extension to hard surface play area for parking – refused September 2001.

03/0845P – temporary accommodation for classrooms, air inflated sports hall and perimeter fence – refused May 2003.

03/2420P – temporary classrooms, sports halls etc – approved September 2003.

04/2284P – alterations to access and extension of car parking facilities – approved November 2004.

CONSULTATIONS

Highways Authority – comments that the application has been supported by a Transport Assessment. This demonstrates that the proposed development will generate less traffic than the existing school during the morning peak period and additional traffic in the afternoon peak. This occurs because of the difference in times for peaks arising from the school and the proposed development. The junctions at Whirley Road and Broken Cross have been tested for predicted flows of traffic and these show that the development traffic can be accommodated on the local network with a minor impact on Broken Cross in the pm peak. However, this is not considered to be significant compared to existing flows, so large scale off site highway works could not be justified. A number of minor improvements have been discussed involving changes to the Whirley Road junction, the eastbound approach to Broken Cross and the upgrading of the bus stop on Whirley Road. To make these

improvements or others considered appropriate by the Highway Authority a financial contribution will be required to the Highway Authority.

The proposed access arrangements from the site onto Whirley Road are acceptable. The internal layout of the scheme is also acceptable in highways terms subject to conditions and some minor amendments. The Transport Assessment asserts that the site is highly accessible by foot, cycle and bus. It is accepted that provision of these modes of transport is at a reasonable level and there is little scope for improvements that are in keeping with the scale of the impact of the development. Objectors have stated that the Assessment does not consider the effect of Travel Plans of students who will transfer to the Learning Zone site once Henbury High School is closed and also express concern relating to the impact on the Broken Cross roundabout. The majority of students attending the school live to the south of the A537 Chelford Road. It can therefore be assumed that traffic through the junction associated with the students will actually be reduced. Although it is not entirely clear what the new catchment areas for the schools will be, it is unlikely that future students from the Henbury area will go to the new school off Park Lane. Subject to some minor revisions to the internal layout, and a legal agreement, the proposals are considered to be acceptable in highways terms.

Cheshire County Council Public Rights of Way Unit indicates that the development would be unlikely to affect an adjacent Public Right of Way, but the developer should seek to ensure that it is not impeded.

Cheshire Fire Service does not raise an objection assuming the development meets statutory requirements relating to access for fire brigade purposes and water supplies.

Cheshire Constabulary – comments awaited.

Cheshire County Council Environmental Planning – comments awaited.

Community Leisure – A recent audit confirmed a deficiency of open space and sports pitches in the town. This is especially true of football pitches in west Macclesfield. Existing facilities make an existing contribution to community provision and the site is key in helping to reduce the shortfall in provision in the town. The memorandum identifies the benefits that each of the proposed individual recreational facilities would bring. The open space is enhanced in terms of surveillance and its quality improved with additional landscaping. The retention and enhancement of the open space is strongly supported and has the potential to become a valuable, major community facility.

Housing Needs Strategy Manager – no objection.

Head of Environment and Health – no objection subject to condition relating to decontamination of land if required.

United Utilities note that a public sewer crosses the site and the development should not interfere with this infrastructure. Standard comments are made

relating to meeting legislation relating to foul drainage, water and electricity supply.

Environment Agency – no objection subject to conditions.

Sport England normally oppose development which leads to the loss of playing fields. However, it is noted that a package of measures is proposed including transfer of the open space to the Borough with a commuted maintenance sum, upgraded football pitches, the provision of a replacement synthetic pitch at Fallibroome School, a multi-use games area, a pavilion in accordance with Sport England standards and a play area. In light of these investments in sports provision, no objection is raised.

PUBLICITY

Neighbour notification, site notice and newspaper advertisement with last date for comments on 21 June 2005. A further last date for comments on revised plans received is on 14 July 2005.

REPRESENTATIONS

Eleven letters have been received from local residents. These object to the proposal, although in one case it is only to specific aspects rather than the principle of the development. The proposals will be contrary to the Council's Restrictive Housing Policy and other National, Structure and Local Plan policies. It would set a precedent for other exceptions. Alternative funding should be found and not from this development which breaches planning policies and harms the local area. The need for the Learning Zone is questioned given falling school numbers and the financial premise is questioned. It is stated that the developers would make a profit at the expense of the local community. Requests to the County Council for disclosure of financial information have been rejected which transgresses the Supplementary Planning Guidance. Objection is raised to the loss of open space, especially where not on the footprint of existing buildings. It is greater than estimated in the application since the sports hall and temporary classrooms only have consent until 2007.

Houses would be too close to neighbours, causing loss of privacy. Development would be cramped and it is questioned why the area of open space adjacent to existing residential properties has been chosen. The access road to the open space and removal of trees would increase disturbance and affect privacy of the adjacent neighbour.

Traffic problems on Whirley Road at its narrow junction with Chelford Road and the Broken Cross roundabout would be exacerbated. It is disputed that traffic would not increase since few children are currently dropped off and the traffic assessment does not attempt to take need of children to be conveyed to the Learning Zone. Additional pollution would ensue.

The public open space raises concerns relating to safety, security and vandalism. The pavilion and wooded areas would act as a focus for crime. The responsibility for ensuring security is questioned since police response is poor. It should be gated at night and motorbike access prevented. No meaningful security or lighting is proposed. Fencing around the site should be maintained and access to Camborne Avenue not opened up. The multi-use games area and play area are too close to the boundary leading to privacy loss. There would be a loss of recreational facilities with one less football pitch. It is questioned whether the community has been genuinely consulted over the use of the land. It should cater for the old and disabled, not just the young. More consultation with the community should take place before it is provided.

The application does not enhance local facilities such as doctors, shops, primary school and buses. Infrastructure, notably drainage and sewerage is inadequate. It may be liable to flooding due to a high water table, which may also require pile driving, leading to disturbance. The sewer easement across the site is questioned and it may be used as a means of gaining access to Scholars Close. The public footpath adjacent to the site should be upgraded, lit and made safer. The plans do not accurately show neighbours' houses and property value would be adversely affected.

APPLICANTS SUBMISSION

1. A substantial number of documents have been submitted in support of the application which are available for inspection. In some cases they are common documents which have been previously referred to in connection with application 05/1183P for Macclesfield College, notably the Statement of Community Involvement. The documents specifically relating to this application are as follows:-

- Planning Statement
- Enabling Development Statement
- Transport Assessment
- Tree Survey
- Ecological Survey

2. Planning Statement

The proposed development seeks to maximise the site's development potential whilst minimising the part of the site to be developed. It is broadly centred on the previously developed part of the site and a small part of the existing school playing field. The capital raised from the development will help fund development of the Learning Zone. It would also fund new and enhanced recreational facilities including two unlit multi-use games areas, improved drainage to pitches, and informal recreation open space, a pavilion with changing facilities, a dedicated car park and relocation of the synthetic turf pitch to Fallibroome High School. In terms of housing land supply the proposed housing is to be regarded as "enabling development" within the context of Macclesfield's Housing Restraint Policy. Emerging Structure Plan policy identifies a total requirement of 3,100 dwellings to be provided within

the Borough from 2002 to 2016, with figures being provided for different phases in this period. The proposal will not affect the over supply situation. The 123 units will be brought forward at a rate of 50 per annum commencing in 2008 and if required could extend into phase 3 as identified by the Structure Plan. It would therefore accord with the Borough Council's Supplementary Planning Guidance and Structure Plan Policy HOU1. Detailed analysis of Local Plan policies is provided. It is acknowledged that the proposal would not accord with policy RT1 which seeks to protect open space. Although it would extend beyond the footprint of the school, it would not set a precedent since there are very special circumstances in this case. The proposals have been the subject of discussions with Sport England and they generate significant recreational benefits for the local community.

3. The residential layout seeks to provide variety and interest with a high density part of the development where the existing school stands, creating a strong focal point. The development here would be well screened and would have less impact than the school buildings. The height and density would be stepped down onto the Whirley Road frontage of the open space and the north western part of the site close to Scholars Close. A strong building line would be created along Whirley Road and becomes more permeable towards the open space to allow glimpses of the open space. The entrance road forms a strong visual access through the development and within the open space a footpath link is established to connect the main recreational facilities proposed. The density of 41 dwellings per ha. is in accordance with PPG3. The scale of the development with only a limited number of 3 storey dwellings reflects the surrounding residential area, and ensures a variety of roof lines with interesting vertical articulation. A carefully selected range of materials will be used to create a street scene that looks like it has evolved over time. A comprehensive landscaping package is proposed and the open space has been designed to be permeable, safe and respect the amenity of residential neighbours. It accords with the design policy set out in the development plan and will enhance the site and its surroundings.

Enabling Development Statement

4. This document specifically seeks to demonstrate that the proposal qualifies as "enabling development" to meet the exception criteria of the Council's Supplementary Planning Guidance on Housing Restraint and overcome conflict with Local Plan Policy RT1. Including contingencies, the Learning Zone proposals will cost approximately £39M. Funding for the Learning Zone is available from a variety of sources including the County Council, Macclesfield College, Henbury High School, the Learning Skills Council and the North West Development Agency. This funding amounts to £27.645M, resulting in a shortfall of £11.04M. The land value secured from the sale of Henbury High School needs to match the shortfall in funding. A simple and transparent land valuation mechanism is used to ensure that the minimum area of residential development is utilised. The net land value is estimated at £11.726M and represents a surplus of £222,000. All other alternative sources of funding have been investigated and without this capital, the Learning Zone project will not be able to proceed. This would deprive south Macclesfield

from easy access to secondary education and prevent the County Council from delivering the national education agenda in the town. The state of the college's buildings is such that it would lose out to other colleges and it would face financial difficulties.

Transport Assessment

5. This recognises that Whirley Road is used as a "rat run" and that it is congested at peak times. The school would generate higher levels of traffic flows during peak hours, particularly the morning. The development would therefore result in an overall highway benefit. A package of highway improvement measures are being discussed with the County Council and the developers will provide £100,000 to secure these. These may include improvements to the Whirley Road/Chelford Road junction and the Broken Cross roundabout. The site is highly accessible by non-car modes, the site layout accords with local authority standards. The site access will operate with substantial reserve capacity and relieve the local highway network operating within its capacity.

6. It was determined at an early stage that approximately 3 hectares of residential development would be required and a spreadsheet has been provided to identify the gross land value taking account of costs such as provision of recreational facilities and highway works. George Wimpey was chosen following a selection process, which set out criteria including understanding of the Council's SPG and the need to balance net land value against the Learning Zone funding shortfall. If the sale of the land results in overage (ie a proportion of any profits received over and above the base price) this will be directly invested into the Learning Zone scheme, incorporating features that cannot initially be afforded. The report also includes a detailed breakdown of the funding sources, why there are no alternative sources nor alternative education options in Macclesfield. Taking these factors into account, it is concluded that if the Borough Council accept that the Learning Zone would provide significant community benefit for the Borough, then there is justification for granting planning permission for the residential development.

KEY ISSUES

- 1 The Henbury High School site covers approximately 7 hectares of land. As Members will have observed from their site visit, the existing school buildings are largely situated on the part of the site which is closest to Whirley Road. The proposed residential development would be largely on the area currently occupied by buildings, but would also extend to include areas occupied by temporary structures and part of the open space to the rear of properties on Scholars Close and Whirley Road. The remainder of the playing fields, and most of the area occupied by the floodlit all weather pitch, would be converted to public open space with a range of new recreational facilities as described in the applicants

submission. The residential and recreational components of the scheme would be served off two separate accesses from Whirley Road. The residential development can be divided into three areas with distinct characters. The central part of the development fronting onto Whirley Road would be predominantly terraced housing and contains some 3 storey dwellings within the centre of the site. Lower density houses would be provided on the land to the north west, to the rear of residential properties on Whirley Road and Scholars Close. At the eastern end of the residential development, adjacent to the proposed car park and pavilion serving the recreational facilities, there would be three 2½ storey apartment blocks which would be predominantly affordable units.

2 Policies

There are a broad range of National, Regional, Structure Plan and Local Plan policies which are of relevance to this scheme. In terms of the principle of the development the most critical are Local Plan Policy RT1, which seeks to protect existing open space, as well as Structure Plan Policy HOU1, which together with Local Plan Policy H1 seeks to restrict the supply of housing in the Borough.

3 Recreation Policy

Local Plan Policy RT1 states that areas of recreational land and open space as shown on the Proposals Map shall be protected from development. Redevelopment of a building footprint which does not harm the integrity of the open space would normally be permitted. It is acknowledged by the applicants that where the proposals encroach beyond the existing footprint that they are in breach of this policy. It is necessary for the Council to decide whether the benefits associated with the implementation of the Learning Zone and the upgrading of recreational facilities constitutes sufficient justification to make an exception to this policy.

- 4 National Guidance in PPG17 emphasises the importance of protecting open space, sports and recreational facilities in local plans. However, it also recognises that the development of such land may provide an opportunity for local authorities to remedy deficiencies, “wherever possible, the aim should be to achieve qualitative improvements to open space, sports and recreational facilities”, and these should be secured through conditions and planning obligations. The existing recreational facilities are primarily used in connection with the school. The proposed facilities would be owned and managed by the Borough Council and provide for a mixture of formal and informal recreational uses to maximise use by different members of the local community. They help to remedy deficiencies as identified by the Council’s Audit as referred to by Community Leisure. Apart from the sports and play facilities, the pavilion would also contain rooms available for community use and the car parking could be used by people visiting the nearby Methodist Church. The removal of fencing on the public footpath adjacent to the

north western boundary of the site would mean that this would be much less enclosed. It would also help integrate the informal open space proposed with an existing area of open space to the rear of houses on the Greenside Estate. Taking these factors into account it is agreed with Sport England that the measures would represent an increase in opportunity for sport and recreation and an exceptional case for the limited loss of playing field land has been made. Their support is critical since they could otherwise use their 'call in' powers, significantly delaying and possibly affecting the outcome of any decision on the application. The new/enhanced facilities would be secured by means of a Section 106 Agreement, details of which are referred to at the end of this report.

5 Restrictive Housing Policy

As Members will be aware, Structure Plan Policies HOU1 and Local Plan Policy H1 seek to prevent the oversupply of housing within the Borough. In such circumstances it is necessary to consider whether the proposals comply with any of the exceptions identified in the Supplementary Planning Guidance, restricting the supply of new housing, which seeks to help with the interpretation of policy H1. Thirty-one of the units (25%) would be affordable, and as such would meet one of the exceptions set out in paragraph 3.1 of the document. The applicants seek to justify the remaining 92 units by virtue of the "enabling development" category. It is important to note that this is a category that will need to be considered on its merits. The Council has only once previously accepted this as the sole reason for approving housing schemes as an exception and that was for a much smaller development.

- 6 Paragraph 3.2 of the SPG states that, "*enabling development is defined as: development which may be contrary to planning policies, but may be granted approval if it can be rigorously demonstrated that the public benefits of the scheme outweigh public harm. The demonstration should include a transparent and thorough disclosure of all financial aspects of the scheme*". The Enabling Development Statement provides a thorough examination of the funding sources and it explains the amount of finance available from the County Council, Central Government, the school and College's own reserves and other sources, as well as the reasons why more revenue cannot be obtained from these sources. It also explains that unlike the College, borrowing by the school would be extremely difficult. No foundation school has borrowed money since 1999 and the Secretary of State's approval would be necessary and this is unlikely to be received.
- 7 Since discussions started with the Borough Council relating to the Learning Zone, it has been emphasised that if the Enabling Development category is to be used as a reason to make an exception to the Restrictive Housing Policy, the money raised must be commensurate with the funding shortfall. This requires an analysis of the money raised from the sale of land, subtracting any costs such as

provision of new recreational facilities, payments for highway improvements and administrative costs. The data has been assessed by the Interim Property Services Manager, who concludes that the proposed development would provide sufficient capital to fund the shortfall between the cost of the Learning Zone and the available funding with a very small surplus to act as a contingency. The selling prices appear reasonable and an open book approach is offered. Taken together with the benefits to educational and recreational facilities in the town, officers are satisfied that the proposals comply with the requirements of the SPG.

- 8 Further justification for an exception is provided by the fact that the houses would not be developed until 2008, following the opening of the new school on the Park Lane site in September 2007. The Draft Structure Plan Alteration, Cheshire 2016, proposes that within the period 2006 to 2011 that within Macclesfield Borough 1,000 dwellings may be permitted which equates to 200 per annum. Whilst the Borough Council will need to continue to exercise considerable restraint in granting permission during this period, this is somewhat more flexible than the current situation whereby the housing allowance under the existing Structure Plan was reached in 2003. The guidance of the County Council is awaited with respect to whether the houses should be phased to ensure a balanced supply of houses over the Structure Plan period in order to comply with policy HOU1.

9 Other Housing Policies

Local Plan Policy H2 sets out various criteria which need to be satisfied by residential developments. These are largely considered under the subject headings provided for later in this report. Policy H3 indicates that the density for housing schemes should be between 30 and 50 dwellings per hectare and not compromise the quality of the environment. This reflects national guidance in PPG3. The density of 41 dwellings per hectare is marginally higher than parts of the nearby Greenside Estate and contains a mixture of different densities and styles of dwelling. Those areas closest to existing houses have a lower density helping to integrate the proposals into their surroundings. As originally submitted, there was concern that some of the rear gardens would have been both restricted in size and unduly overshadowed by buildings. Some repositioning of buildings has occurred with the submission of revised plans. The gardens on the central part of the site are still compact in nature, but officers are now satisfied that the garden areas now comply with policy DC39. This private amenity space would also be augmented by the provision of the landscaped open space on the northern part of the site.

- 10 Policy H5 in the Local Plan indicates that windfall housing sites will be assessed against various criteria. As indicated by the Highway Authority, it is considered that the site has reasonable access to other modes of transport than the car. There are also local services at Broken Cross. It would be the responsibility of the developer to ensure that

necessary infrastructure such as sewerage and water supplies are provided. The Environment Agency has not raised any objection relating to flood risk.

- 11 Subject to a Section 106 Agreement the Housing Section of the Council does not raise an objection to the application. The affordable housing is largely concentrated within the apartment blocks at the east end of the site. It could have been more evenly distributed across the site, but it is not considered that this is a ground for objection. The provision of 25% affordable units is in compliance with Local Plan Policies H8 & H9. If a higher proportion had been provided, this would have resulted in an even greater loss of open space.

12 Site Planning Factors

Neighbouring dwellings adjoining the residential part of the development exist on Whirley Road and Scholars Close. The distance to properties on Whirley Road is comfortably beyond the distance standards set out in Local Plan Policy DC38, including one property (No 43) which is not accurately plotted on the proposed plan. The distance between the main 2 storey part of the proposed houses and houses on Scholars Close also meets the standards. There would be a slight shortfall with respect to some of the conservatories, but since these are single storey and would be screened by boundary fencing it is not considered that there would be any loss of privacy and an objection is not raised. Within the development itself, there are a number of places where the distance across streets is below the front to front distances as recommended in the policy. However, since the properties would be new, there would not be a loss of residential amenity. The shortfall in distance applies to the central part of the scheme where a tightly configured street pattern is part of the essential character proposed. On the basis that it helps to create an interesting street scene an objection is not raised.

- 13 It is not considered that the proposal would cause increased noise disturbance to neighbours. Conditions will be required during construction, but the proposed uses of the site, notably the sports facilities, need to be balanced against the existing school use. The noise generated is unlikely to be greater than existing school use, albeit that the times of activity may vary. The existing floodlit all weather pitch is 40 metres from the nearest residential property on Meg Lane. Revised plans have moved the multi-use games area further from this property and the distance to this would be 37 metres and to the play area would be 25 metres. These facilities would not be floodlit so are likely only to be used during daylight hours, whereas the existing floodlit pitch can operate until 9pm in the evening under the terms of the condition imposed when it was constructed. The relocation of the all weather pitch to Fallibroome High School would also remove a source of light pollution from this residential area.

- 14 Residents have raised concerns relating to potential crime and antisocial behaviour associated with the proposed open space. The comments of Cheshire Constabulary are awaited, but it is not considered that this is a reason to refuse the application. It is not possible to eradicate the possibility of crime, but the proposed design makes reasonable efforts to address this issue. The proposed dwellings and apartments have been designed in order to maximise surveillance of the open space. Lighting would be provided to the footpath/cycle route through the site and to the car park. Detailed discussions have taken place to ensure that the design of the pavilion is secure, yet aesthetically pleasing.

15 Design

The only existing road frontage is along Whirley Road. The established character is of linear development and this would be reinforced by the proposed scheme. The access road then leads into an area of relatively tightly packed terraced houses with a mixture of 2 and 3 storey development. The 3 storey houses would be largely located on corners acting as focal points. The design of this part of the development is considered to be well conceived, containing a mix of house types which relate successfully to one another to create an interesting street pattern. There are a few 3 storey dwellings in this part of the town, but the proposed site is large enough to be able to accommodate them in a manner whereby there is a gradation in building heights to the periphery of the site. This part of the site has a relatively dense form and as a result there is only limited scope for soft landscaping. The choice of materials will therefore be important.

- 16 The north western part of the site would be occupied by larger detached dwellings. The design and layout of this part of the site displays somewhat less originality, but it nonetheless reflects the established character of the area to a reasonable degree. The individual house type are of acceptable design. The layout ensures that houses face onto the open space. This is considered to be a positive feature both in terms of site security and creating an attractive setting. This would include the apartment blocks at the eastern end of the site which are 2½ storey buildings, each containing 10 flats. Although larger than most of the domestic properties in this part of the town, the design is considered to be acceptable and they would not be unduly dominant from existing vantage points, only being clearly visible from within the new estate and the open space. The design of the pavilion, which consists of two octagonal blocks, seeks to balance aesthetic and security considerations.

17 Trees, Landscaping and Ecology

The Tree Preservation Order on the site was created in 1951 and since that time many of the protected trees have been removed. Two mature trees on the Whirley Road frontage are to be removed, but these exhibit signs of decline and have various physiological flaws. Their removal is

accepted and new planting is shown on this frontage cover although care will be needed to ensure that the species chosen do not grow to a size where there is conflict with the proposed new houses on the frontage. There may be conflict between conservatory and tree on Plot 104, but it is suggested a condition is attached to delete this feature. The proposed secondary access to the recreational facilities would be between two protected trees on the frontage. There is some concern that excavation works associated with the access may threaten their long term preservation, but it is not considered possible to sustain an objection. This is on the basis that the County Council approved a new access point for the school in this location in 2004.

18 A group of trees in the southern corner of the site would be retained in a small area of open space on the part of the site closest to the road junction with Chelford Road. There are limited open areas within the residential development itself, but this is in a relatively prominent position and would help soften the impact of the development in the existing townscape. It is questioned whether all the planting shown in the residential areas would be retained in the long term given the relatively small size of some of the gardens. However, much of this would be in or around the private parking courts, which would be largely screened from public view by the proposed houses. The car park at the head of one of the cul-de-sacs adjacent to the apartments would be somewhat more prominent. As originally designed, it was considered that the balance between soft and hard landscaping in this area was not adequate. The plans are being revised and the layout and amount of planting increased in this area. Some trees would be removed from the open space, notably to accommodate the proposed car park and pavilion. However, losses are significantly outweighed by new planting in this area. Although detailed landscaping plans have been submitted, it is considered that this is a matter which would be best dealt with by condition. This would allow more time for detailed examination of the proposals and permit greater opportunity for residents' comments to be taken on board, particularly on the proposed open space. The ecological report submitted with the application indicates that the site offers little potential for legally protected fauna; nor has any evidence been found of such species. No objection is raised to the application on ecological grounds, subject to a condition to protect breeding birds.

18 Highway and Transport Implications

The starting point for considering the Transport Assessment is a comparison with existing traffic flows. The Highway Authority has concluded that there would be improvements in the morning and only a marginal increase in the afternoon/evening. An objection is therefore not raised in terms of the impact on the highway network. Whilst there may be some shortcomings in the existing design of some of the nearby road junctions (notably Whirley Road and Chelford Road) the applicants are proposing to make a financial contribution to improve facilities which would adequately compensate for the possible increase in traffic in the

pm peak. The detailed highway and parking layout in the residential development is considered to be broadly acceptable. The Highway Authority has requested some minor amendments, but these can be accommodated without any significant change to the overall scheme. The proposals would also enhance the local network of cycle routes and footpaths providing greater links with the Greenside Estate to the north.

19 Conclusions

Of the six Learning Zone applications which have been submitted, this proposal has the most significant policy implications. It is considered that a transparent and thorough disclosure of the financial aspects of the scheme has been submitted. On the basis of available information it is considered that a sound case has been made to justify approval of the scheme under the “enabling development” category identified in the Council’s Supplementary Planning Guidance relating to the restrictive housing policy. The scheme would also result in an enhancement of sports and recreation facilities within the western part of Macclesfield. This helps to justify the loss of an area of open space and has been critical in securing the support of Sport England. Whilst the application is a departure from the Development Plan, it is not considered to be significant enough to refer to the Government Office for the North West. The proposal is considered to be sympathetically designed and acceptable having regard to other development plan policies. It is accordingly recommended for approval.

OTHER RELEVANT INFORMATION

The application was the subject of a Committee Site Visit on 13 June 2005.

SUBJECT TO

A Section 106 Agreement relating to the following matters:-

- Timing of the removal of the existing synthetic pitch and construction of recreational facilities.
- All revenue raised by the sale of the site shall be spent on development connected with the Learning Zone.
- 25% of the housing shall be affordable in accordance with the Council’s policies and guidelines.
- Specified highway works shall be carried out.
- A financial contribution shall be made for off-site highway works to be determined by the Highway Authority.
- The recreational facilities/open space shall be provided to a specified standard.
- The open space shall be transferred to the Borough Council for recreational purposes and maintained to a suitable standard prior to transfer.
- A commuted sum shall be paid to the Council for ongoing repair and maintenance of the recreational facilities.