

Strategic Planning Board

Updates

Date: Wednesday, 18th May, 2016
Time: 10.30 am
Venue: The Assembly Room - Town Hall, Macclesfield SK10 1EA

The information on the following pages was received following publication of the committee agenda.

5. **15/4285M - The Kings School, Westminster Road, Macclesfield: Demolition of existing buildings and structures, residential development up to 150 units, landscaping, supporting infrastructure and access for The Foundation of Sir Percyvale in Macclesfield (Pages 1 - 4)**
6. **15/4287M - The Kings School, Fence Avenue, Macclesfield, Cheshire SK10 1LT: 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 for The Foundation of Sir John Percyvale (Pages 5 - 8)**
7. **15/4286M - Kings School Pavilion, Alderley Road, Prestbury SK10 4RH: Construction of a new school comprising classrooms, libraries and supporting facilities together with additional playing fields and various associated outbuildings, infrastructure, car parking and access for The Foundation of Sir John Percyvale in Macclesfield (Pages 9 - 12)**

Please contact Gaynor Hawthornthwaite on 01270 686467
E-Mail: gaynor.hawthornthwaite@cheshireeast.gov.uk with any apologies, requests for further information or to arrange to speak at the meeting

8. **16/0341N - Land North of, Pyms Lane, Crewe: Demolition of all existing on-site buildings and structures, the construction of a five storey engineering technical centre comprising offices at the front of the building and warehousing at the rear, the construction of a two storey design centre comprising offices and a workshop together with associated works for Mr Andrew Robertson, Bentley Motor Company (Pages 13 - 14)**

APPLICATION NO: 15/4285M

LOCATION: The Kings School, Westminster Road, Macclesfield

PROPOSAL: Demolition of existing buildings and structures, residential development up to 150 units, landscaping, supporting infrastructure and access

APPLICANTS SUBMISSION

A letter (dated: 13/05/2016) in respect of applications **15/4285M**, **15/4286M** and **15/4287M** received prepared by DAC Beechcroft LLP raises the following issues:

- The school has requested that the applications are deferred to a future meeting
- The reports have failed to take into account material considerations in particular 'enabling development' the letter references case law *Northumberland CC v Secretary of State for the Environment 1989* and *Wansdyke DC v Secretary of State for the Environment 1992* where an enabling development argument was successful which was unrelated to heritage assets.
- No reference in the reports of para 140 of the Framework or balancing the benefits of the school relocation against the policy discounts that are proposed.
- Green Belt test – the reports do not explain the Green Belt test to committee or analyse the Green Belt correctly and amounts to misdirection of the committee. Reports should recite paragraph 88 of the NPPF.
- Not all material considerations have been taken into account.
- The applicant has offered to provide more information in regard to the 'do nothing' approach, should the school remain as is.

CONSULTATION

Ecologist comments

Bats

The submitted Preliminary Ecological Appraisal identifies three buildings that would be lost as a result of the proposed development that have potential to support roosting bats. The submitted report recommends that these buildings be subject to an internal inspection and bat activity survey to determine the presence/absence of roosting bats. The design and access report states that this survey will be available in August 2015 however a copy does not appear to have been submitted with this application.

In order to make a fully informed assessment of the potential impacts of the proposed development upon protected species I advise that a report of the results of the required bat surveys must be submitted to the Council prior to the determination of the application.

Hedgehog

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development so the species may occur on the site of the proposed development. If planning consent is granted I recommend that the following condition be attached.

Any future reserved matters application to be supported by proposals for the incorporation of gaps for hedgehogs to be incorporate into any garden or boundary fencing proposed. The gaps to be 10cm by 15cm and located at least every 5m.

Reason to safeguard priority species in accordance with the NPPF.

Woodland

A woodland is located towards the north of the application line boundary. Habitats of this type are a material consideration. It must be ensured that no development takes place within the woodland. To avoid any indirect impacts on the woodland (such as tipping of garden waste, inputs of garden chemicals etc.) it must also be ensured that an undeveloped buffer be provided between the residential properties and the edge of the woodland. I recommend that this be annotated on the submitted illustrative masterplan. To further mitigate any impacts on the woodland it must also be ensured that no residential properties back onto the woodland.

Badgers

The latest report has identified an active sett to the north of the redline of the application. Based on the results of the previous survey it is possible that setts in this area are used by badgers only periodically. The submitted report advises that as the sett falls within 30m of the proposed development a Natural England license may be required to allow the development to proceed lawfully.

I advise that the precise impacts on the sett would depend upon whether the sett was active during the construction phase and also on exactly what proposals came forward at the reserved matters stage. The illustrative master plan shows an area of open space to the north of the development. This this could be implemented without the need for any levels chances the impacts on badgers may be low.

I therefore recommend that if outline consent is granted a condition should be attached requiring any future reserved matters application to be supported by an updated badger survey. The submitted survey to include an impact assessment and also mitigation and compensation proposals to address any adverse impacts identified.

Japanese Knotweed

The applicant should be aware that Japanese Knotweed (*Fallopia japonica*) is present on the proposed development site. Under the terms of the Wildlife and Countryside act 1981 it is an offence to cause Japanese Knotweed to grow in the wild. Japanese knotweed may be spread simply by means of disturbance of its rhizome system, which extends for several meters around the visible parts of the plant and new growth can arise from even the smallest fragment of rhizome left in the soil as well as from cutting taken from the plant.

Disturbance of soil on the site may result in increased growth of Japanese Knotweed on the site. If the applicant intends to move any soil or waste off site, under the terms of the Environmental Protection Act 1990 any part of the plant or any material

contaminated with Japanese Knotweed must be disposed of at a landfill site licensed to accept it and the operator should be made aware of the nature of the waste.

OFFICER COMMENT

In response to the applicant's letter, it is considered that the proposals for enabling development and the viability of the scheme have been considered. The balancing exercise has been carried out and is demonstrated in the reports. The requirement for very special circumstances in paragraph 88 has been made clear in the Green Belt reports.

With regard to the 'do nothing' approach, and the impact this would have on the school, the Council has not been provided with the full information to assess this aspect of the proposals to date, the applicant has stated that the timescale to provide this information would be around 2 months. Should the committee consider that this issue is fundamental in the determination of the applications and that decisions could not be reached without it, then the committee may wish to defer the applications for a considerable time until additional information has been received.

As a result of the updated comments from the Council's ecologist the **reason for refusal 3 has been resolved subject to appropriate conditions.**

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APPLICATION NO: 15/4287M

LOCATION: The Kings School, Fence Avenue, Macclesfield

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

APPLICANTS SUBMISSION

A letter (dated: 13/05/2016) in respect of applications **15/4285M**, **15/4286M** and **15/4287M** received prepared by DAC Beechcroft LLP raises the following issues:

- The school has requested that the applications are deferred to a future meeting
- The reports have failed to take into account material considerations in particular 'enabling development' the letter references case law *Northumberland CC v Secretary of State for the Environment 1989* and *Wansdyke DC v Secretary of State for the Environment 1992* where an enabling development argument was successful which was unrelated to heritage assets.
- No reference in the reports of para 140 of the Framework or balancing the benefits of the school relocation against the policy discounts that are proposed.
- Green Belt test – the reports do not explain the Green Belt test to committee or analyse the Green Belt correctly and amounts to misdirection of the committee. Reports should recite paragraph 88 of the NPPF.
- Not all material considerations have been taken into account.
- The applicant has offered to provide more information in regard to the 'do nothing' approach, should the school remain as is.

CONSULTATIONS

Ecologist comments

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. I did however, discuss this issue with the applicants consultant at the pre-application stage and I advise 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 around the site. A follow up survey however found these setts to be inactive. The latest survey has again recorded a number of disused setts but also identified three badger holes that were active at the time of the survey. The latest survey was however was constrained due to the surveyor not having permission to survey the land to the north outside the redline of the

application. The author of the report however suspects the presence of a main badger sett to the north of the proposed development site.

The active setts were located on the boundary of the application site and so could possibly be retained as part of the development. However, the illustrative layout plan shows houses in this locality and so even if the setts were retained a Natural England license is likely to be required to allow the development to proceed lawfully. The development of the site is likely to result in the localised loss of badger foraging habitat.

The status of badgers on this site appears to change frequently and so the precise impacts of the development would depend upon both the status of badgers at the time when the development was undertaken and the design of the development that comes forward at the reserved matters stage. **I therefore recommend that if outline consent is granted a condition should be attached requiring any future reserved matters application to be supported by an updated badger survey.** The submitted survey to include an impact assessment and also mitigation and compensation proposals to address any adverse impacts identified.

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. However if any works to the roof or loft area of this building are proposed then further bat surveys will be required.

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

I advise 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.

I advise that the submitted illustrative master plan should be amended to remove any development from the areas of priority woodland habitat.

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. I recommend 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 I recommend that the following condition be attached.

Any future reserved matters application to be supported by proposals for the incorporation of gaps for hedgehogs to be incorporated into any garden or boundary fencing proposed. The gaps to be 10cm by 15cm and located at least every 5m.

Reason to safeguard protected species in accordance with the NPPF.

Conditions

If outline planning consent is granted, once the recommended amendments have been made to the submitted master plan, the following conditions should be attached:

- Trees identified by the preliminary ecological appraisals as having the potential to support roosting bats are to be retained.
- Updated badger survey and mitigation strategy to be submitted with each reserved matters application.
- Condition to safeguard hedgehogs.
- Proposals for the erection of protective fencing around the retained woodland habitats to be supported with any future reserved matters application.

OFFICER COMMENT

In response to the applicant's letter, it is considered that the proposals for enabling development and the viability of the scheme have been considered. The balancing exercise has been carried out and is demonstrated in the reports. The requirement for very special circumstances in paragraph 88 has been made clear in the Green Belt reports.

With regard to the 'do nothing' approach, and the impact this would have on the school, the Council has not been provided with the full information to assess this aspect of the proposals to date, the applicant has stated that the timescale to provide this information would be around 2 months. Should the committee consider that this issue is fundamental in the determination of the applications and that decisions could

not be reached without it, then the committee may wish to defer the applications for a considerable time until additional information has been received.

The updated ecology comments are largely covered in the existing report but provide further updated information. Recommendation remains as in the main report.

APPLICATION NO: 15/4286M

LOCATION: Kings School Pavilion, Alderley Road, Prestbury

PROPOSAL: Construction of a new school comprising classrooms, libraries and supporting facilities together with additional playing fields and various associated outbuildings, infrastructure, car parking and access

APPLICANTS SUBMISSION

A letter (dated: 13/05/2016) in respect of applications **15/4285M**, **15/4286M** and **15/4287M** received prepared by DAC Beechcroft LLP raises the following issues:

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- The applicant has offered to provide more information in regard to the 'do nothing' approach, should the school remain as is.

CONSULTATIONS

Ecologist

Additional Sustainable Drainage Scheme (SUDS) information was received following consultation:

If a SUDS scheme could be developed that replicates the existing run-off from the site then that would be acceptable. If consent is granted please attach a condition be attached requiring the SUDS for the scheme to mimic the existing hydrological regime and for the design of the SUDS to be submitted to and agreed with the LPA. My other consultation comments on badgers, bats, barn owl etc. still stand.

Highways

In response to the highway comments made on this application, the applicant has provided a number of additional submissions on the operation of the proposed new signal junction at Priory Lane/ Macclesfield Road/Alderley Road.

In regard to the operational capacity of the junction, the proposed signal scheme will not operate within capacity on implementation of the signals and there will be queues on all arms of the junction, it is agreed that the introduction of a signal scheme will

reduce traffic queues on the Priory Lane and Macclesfield Road approach to the junction.

Overall, it is considered that there is no public benefit arising from the introduction of the development, this scheme would add significant delay to the highway network that is not currently present. There are peak hour problems on the minor arms that this scheme would benefit although there are no congestion issues at the junction outside peak hours, the introduction of signals will add delay at the junction throughout the course of the day.

Current policy requires Authorities to decide whether the development will have a severe impact and this is difficult given there is no reference point for what is deemed severe. In regard to this application, the extent of the queues and delays forecast with the development in place are significant and on balance does represent a reason for refusal.

REPRESENTATIONS

Additional representations from Prestbury Golf Club

In the absence of a fully detailed landscape mitigation scheme I remain extremely concerned about the visual impact on the golf club. Furthermore, I do not think the application can be properly considered by the Council in the absence of such information. The scheme should provide:

- Minimum 20m depth screen planting along the boundary to the practice area
- Bunding, with landscaping atop, inside the existing tree-line boundary to the practice area to compensate for the higher floor level and height of the school buildings
- More detailed sections through the boundary with the practice area – including a section through the part of the school building which is located closest to the boundary, with dimensions labelled.
- Details of species/depth/density/height of landscaping as planted, including use of evergreens to provide all-year round screening
- Photomontages to show the likely impact of screen planting after 1/10/15 year intervals

OFFICER COMMENT

In response to the applicant's letter, it is considered that the proposals for enabling development and the viability of the scheme have been considered. The balancing exercise has been carried out and is demonstrated in the reports. The requirement for very special circumstances in paragraph 88 has been made clear in the Green Belt reports.

With regard to the 'do nothing' approach, and the impact this would have on the school, the Council has not been provided with the full information to assess this aspect of the proposals to date, the applicant has stated that the timescale to provide this information would be around 2 months. Should the committee consider that this issue is fundamental in the determination of the applications and that decisions could not be reached without it, then the committee may wish to defer the applications for a considerable time until additional information has been received.

The comments on behalf of the Golf Club are noted. The particular issue is not considered to raise a concern on the application. Landscaping in general would be subject to condition if any approval was granted.

The outstanding comments in respect of ecology matters remain and therefore in the absence of their resolution must remain as a reason for refusal at this time.

Highways continue to maintain an objection on the scheme due to concerns over the potential for capacity at the signalled junction and the queue length that would be created causing significant delay at peak times.

The reasons for refusal are therefore maintained as in the main report.

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APPLICATION No: 16/0341N

PROPOSAL: Demolition of all existing on-site buildings and structures, the construction of a five storey engineering technical centre comprising offices at the front of the building and warehousing at the rear, the construction of a two storey design centre comprising offices and a workshop together with associated works.

LOCATION: Land North Of, PYMS LANE, CREWE

REPRESENTATIONS

Crewe Town Council has commented on the application and has offered no objection:

“The Town Council welcomes and supports the development for the benefits which it will bring to Crewe. On behalf of local residents, it is requested that through planning conditions or other appropriate means, the dignity of the adjoining cemetery be respected during the construction period.”

Officer Appraisal:

Following publication of the agenda, the applicant has queried the requirement to provide additional boundary treatment over and above that proposed on the ‘Off Site Planning and Mitigation Drawing’. On page 152 of the agenda reports pack, Council’s Principal Landscape Officer has requested some additional planting to the north of the site on land at the Meadow Brook Cemetery. This additional planting is being secured by condition 17 and is necessary to help soften the visual impacts of the proposal. It is confirmed that Cheshire East Council own this adjoining land and therefore such additional planting mitigation can be reasonably secured.

As per page 153 of the agenda reports pack, the Council’s Tree Officer has requested an impact assessment of the proposed development on below ground constraints. In response, the applicant’s Arboriculturist has undertaken a review of the below ground constraints and has prepared an updated drawing.

In order to construct a retaining wall, the excavation will need to be undertaken by hand to avoid damaging roots and a root barrier may be required to the rear of the wall. The Tree officer has confirmed that the impact may be slightly greater as the root protection area is asymmetric due to the position of the road. However, the Tree Officer has confirmed that this can be overcome by a suitable method statement for the construction of the wall at this point. This could be a concrete lintel or bridge over roots over 25mm diameter or they could be pruned as indicated if less. This detail would be provided under a ‘Tree Construction Specification/Method Statement’ for the wall, which would be secured under condition no. 22 on page 160 of the agenda reports pack. Subject to this, the impact of the scheme on trees is acceptable.

RECOMMENDATION

No change to recommendation.