

Northern Planning Committee

Agenda

Date:	Wednesday, 8th May, 2013
Time:	2.00 pm
Venue:	The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

Please note that members of the public are requested to check the Council's website the week the Planning/Board meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. Apologies for Absence

To receive any apologies for absence.

2. Declarations of Interest/Pre Determination

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have a pre-determination in respect of any item on the agenda.

3. Minutes of the Meeting (Pages 1 - 8)

To approve the Minutes of the meeting held on 17 April 2013 as a correct record.

4. Public Speaking

Please Contact: Sarah Baxter 01270 686462
E-Mail: sarah.baxter@cheshireeast.gov.uk with any apologies or request for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

A total period of 5 minutes is allocated for each of the planning applications for Ward Councillors who are not members of the Planning Committee.

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not members of the planning committee and are not the Ward Member
- The relevant Town/Parish Council
- Local Representative Groups/Civic Society
- Objectors
- Supporters
- Applicants

5. **13/1071M-Reorganisation of existing playing fields/ sports pitches including provision of floodlighting to Hockey pitch. Relocation and reorientation of sports Pavilion. Relocation of School parking and coach drop off, to include a new access and egress onto Westminster Road. Replacement of existing ground maintenance buildings and associated hardstanding, Kings School, Cumberland Street, Macclesfield for Jonathan Spencer-Pickup, King's School, Macclesfield** (Pages 9 - 22)

To consider the above application.

6. **13/0484M-Proposed erection of a new changing facility and all weather pitch with floodlights, relocate the existing bike sheds and reconfigure the existing fence and gates, All Hallows Catholic College, Brooklands Avenue, Macclesfield for All Hallows Catholic College** (Pages 23 - 34)

To consider the above application.

7. **Tree Preservation Order - 9 Jackson Lane, Kerridge, Bollington** (Pages 35 - 46)

To consider a report regarding the Tree Preservation Order at 9 Jackson Lane, Kerridge, Bollington which was made on 5th February 2013.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 17th April, 2013 at The Capesthorne Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

Councillor R West (Chairman)
Councillor W Livesley (Vice-Chairman)

Councillors C Andrew, L Brown, B Burkhill, K Edwards, A Harewood,
O Hunter, L Jeuda, J Macrae, D Neilson, P Raynes and D Stockton

OFFICERS IN ATTENDANCE

Ms S Dillon (Senior Lawyer), Mr P Hooley (Northern Area Manager), Mr N Jones (Principal Development Manager) and Miss B Wilders (Principal Planning Officer)

130 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Mrs H Gaddum and D Mahon.

131 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in respect of application 12/4814M, Councillor Mrs O Hunter declared that her husband was a business contact of the applicant's father.

In the interest of openness in respect of the same application, Councillor D Neilson declared that he had worked on a Ward matter with Mr P Yates who was speaking on the application.

132 MINUTES OF THE MEETING

RESOLVED

That the minutes of the meeting be approved as a correct record and signed by the Chairman.

133 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

134 **12/3786M-ERECTION OF A THREE-STOREY OFFICE BUILDING FOR B1 & D1 USES, AND 34 DWELLINGS (OUTLINE), MACCLESFIELD DISTRICT HOSPITAL, VICTORIA ROAD, MACCLESFIELD FOR KEYWORKER HOMES & EAST CHESHIRE NHS**

(During consideration of the application, Councillor B Livesley left the meeting and did not return. Councillor Miss C Andrew also left the meeting but returned during consideration of the application. As a result she did not take part in the debate or vote on the application).

Consideration was given to the above application.

(A statement was read out by the Northern Area Manager on behalf of the Ward Councillor, Councillor M Hardy who was unable to attend the meeting. He raised points which also related to the following application. Mr Chadwick, representing the NHS Trust and Mr S Binks. representing Keyworker Homes attended the meeting in order to answer any questions).

RESOLVED

That for the reasons set out in the report and in the update to Committee, the application be approved subject to the completion of a S106 Agreement comprising of the following Heads of Terms:-

- Provision of 5 units of affordable housing
- Commuted sum of £51,000 towards the off site provision of public open space (children's play) and £27,250 towards recreation/outdoor sport provision
- Traffic Regulation Order for the provision of yellow lines to restrict parking along West Park Drive with a £5000 contribution from the developer.

And subject to the following conditions:-

1. A01OP - Submission of reserved matters
2. A03OP - Time limit for submission of reserved matters
3. A06OP - Commencement of development
4. A09OP - Compliance with parameter plans
5. A01AP - Development in accord with approved plans
6. A22GR - Protection from noise during construction (hours of construction)
7. A02HA - Construction of access
8. A01HP - Provision of car parking
9. A04HP - Provision of cycle parking
10. A06LP - Limitation on use

- 11.A09LS - Landscaping submitted with application for reserved matters
- 12.A10LS - Additional landscaping details required
- 13.A16LS - Submission of landscape/woodland management plan
- 14.A12LS - Landscaping to include details of boundary treatment
- 15.A04LS - Landscaping (implementation)
- 16.A08MC - Lighting details to be approved
- 17.A19MC - Refuse storage facilities to be approved
- 18.A23MC - Details of ground levels to be submitted
- 19.A02TR - Tree protection
- 20.A03TR - Construction specification/method statement
- 21.A04TR - Tree pruning / felling specification
- 22.Pile driving restrictions
- 23.Phase II Contaminated Land
- 24.Phasing programme for implementation of landscape works
- 25.Breeding birds
- 26.10% Decentralised Energy Supply
- 27.Survey of existing culvert
- 28.Scheme to limit surface water run off
- 29.scheme to manage the risk of flooding from overland flow of surface water
- 30.Roofing materials for plots 1-16 to be agreed to reflect tiling material on the pavilion building to be demolished
- 31.No use of Nixon Street access for construction traffic
- 32.Submission and approval of car parking management scheme

135 **12/3779M-CHANGE OF USE OF INGERSLEY AND HENBURY BUILDINGS TO FORM 36 APARTMENTS TOGETHER WITH ASSOCIATED CAR PARKING AND DEVELOPMENT, MACCLESFIELD DISTRICT HOSPITAL, VICTORIA ROAD, MACCLESFIELD FOR KEYWORKER HOMES & EAST CHESHIRE NHS**

Consideration was given to the above application.

RESOLVED

That for the reasons set out in the report and in the update to Committee, the application be approved subject to the completion of a S106 Agreement comprising of the following Heads of Terms:-

- Commuted sum of £32,250 towards the off site provision of public open space (children's play) and £3,500 towards recreation/outdoor sport provision
- Traffic Regulation Order for the provision of yellow lines to restrict parking along West Park Drive with a £5000 contribution from the developer.

And subject to the following conditions:-

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A05EX - Details of materials to be submitted
4. A09EX - Rainwater goods
5. A20EX - Submission of details of windows
6. A22EX - Roofing material
7. A22GR - Protection from noise during construction (hours of construction)
8. A02TR - Tree protection
9. A04TR - Tree pruning / felling specification
10. A01LS - Landscaping - submission of details
11. A04LS - Landscaping (implementation)
12. A02HA - Construction of access
13. A01HP - Provision of car parking
14. A04HP - Provision of cycle parking
15. A08MC - Lighting details to be approved
16. A19MC - Refuse storage facilities to be approved
17. Pile Driving restrictions
18. Dust control measures
19. Phase II Contaminated Land Report
20. Survey of existing culvert

136 **12/3784M - CHANGE OF USE OF THE INGERSLEY AND HENBURY BUILDINGS TO FORM 36 APARTMENTS. WORKS TO CURTILAGE BUILDINGS WITHIN THE OVERALL GROUNDS OF THE GRADE II LISTED CLOCKTOWER BUILDING, INCLUDING ALTERATIONS ASSOCIATED WITH THE RESIDENTIAL CONVERSION OF THE INGERSLEY AND HENBURY BUILDINGS, TOGETHER WITH THE DEMOLITION OF THE EDUCATION AND TRAINING BUILDING AND THE PAVILLION BUILDING (LISTED BUILDING CONSENT), MACCLESFIELD DISTRICT HOSPITAL, VICTORIA ROAD, MACCLESFIELD FOR KEYWORKER HOMES & EAS**

Consideration was given to the above application.

RESOLVED

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

1. A07LB - Standard Time Limit
2. A01AP - Development in accord with approved plans
3. A05EX - Details of materials to be submitted
4. A09EX - Rainwater goods
5. A20EX - Submission of details of windows
6. A22EX - Roofing material

(The meeting adjourned for a short break).

137 **12/4814M-REGULARISATION OF STABLES AND YARD, TWO ADDITIONAL STABLES, HORSE WALKER, CHANGE OF USE OF STORE INTO STABLES, FLORENCE STABLES, WOODFORD LANE, NEWTON, MACCLESFIELD FOR MR P JACKSON**

Consideration was given to the above application.

(Parish Councillor Foden, representing Prestbury Parish Council, Andy Ellis, representing the objectors, Fiona Daniels, a Supporter and Mr P Yates, representing the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be delegated to the Development Management and Building Control Manager in consultation with the Chairman to approve subject to the following conditions and subject to the receipt of a revised plan to ensure the horsewalker is shown within the site edged red:-

1. A01AP - Development in accord with approved plans
2. A20GR - Hours of deliveries
3. Personal Permission
4. No DIY livery to take place at the site

Note on condition (3) – personal permission. The condition was to be included on the decision notice unless the applicant could demonstrate to the LPA they had the 5 hectares of land adjacent to the stables available for use solely for the operation of Florence Stables. If this was demonstrated authority would be delegated to approve without condition 3.

(This was a change in the Officers original recommendation from one of approval to one of delegation to approve).

138 **13/1004M-EXTENSION TO TIME LIMIT FULL PLANNING
10/0223M, CHANGE OF USE FROM FARMHOUSE AND ADJACENT
BARNs TO OFFICE USE.ERECTION OF TWO STOREY BUILDING,
STANLEY HALL FARM, STANLEY HALL LANE, DISLEY FOR DISLEY
GOLF CLUB LIMITED**

Consideration was given to the above application.

RESOLVED

That for the reasons set out in the report and in the update to Committee, the application for an extension of time be approved subject to the following conditions:-

1. A03FP - Commencement of development (3 years)
2. A01AP_1 - Development in accord with approved plans
3. A02EX - Submission of samples of building materials
4. A01LS - Landscaping - submission of details
5. A04LS - Landscaping (implementation)
6. A06EX - Materials as application
7. A07EX - Sample panel of brickwork to be made available
8. A21EX - Roof lights set flush
9. A01HP - Provision of car parking
- 10.A04HP - Provision of cycle parking
- 11.A17MC - Decontamination of land
- 12.Render
- 13.Applicant to provide Archeologist with 7 day notice prior to commencement of development
- 14.Access should be provided for the Archeologist
- 15.Bat Boxes
- 16.B1 use only
- 17.Nesting Boxes
- 18.Phasing/ Implementation

The meeting commenced at 2.00 pm and concluded at 5.00 pm

Councillor R West (Chairman)

This page is intentionally left blank

Application No: 13/1071M

Location: KINGS SCHOOL, CUMBERLAND STREET, MACCLESFIELD, CHESHIRE, SK10 1DA

Proposal: Reorganisation of existing playing fields/ sports pitches including provision of floodlighting to Hockey pitch. Relocation and reorientation of sports Pavilion. Relocation of School parking and coach drop off, to include a new access and egress onto Westminster Road. Replacement of existing ground maintenance buildings and associated hardstanding.

Applicant: Jonathan Spencer-Pickup, King's School, Macclesfield

Expiry Date: 05-Jun-2013

Date Report Prepared: 23rd April 2013

SUMMARY RECOMMENDATION Approve subject to conditions and completion of s106 Agreement

MAIN ISSUES

- Impact upon the character and appearance of the area
- Impact on the Green Belt and Area of Special County Value
- Impact on residential amenity
- Impact upon highway safety, parking
- Impact upon existing open space
- Impact on trees and landscaping
- Impact on Protected Species
- Environmental Health (Land Contamination)

REASON FOR REPORT

The area of the site is 43,000m², hence is classified as a Major application to be determined by the Northern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

The application site relates to a private Secondary School located within the centre of Macclesfield. The school itself lies within a predominantly residential area as defined by the Local Plan, however the part of the site that this application relates to is designated as open space, which constitutes playing fields and pitches that lie to the rear of the existing school buildings. These recreational facilities and space are utilised by the school during normal school hours but are also used as public community facilities between 18.00-21.00 weekdays

and on weekends. There is currently a hockey pitch and cricket nets in the area directly behind the school buildings, which is floodlit and enclosed with wire fencing.

A relatively small portion of the site to the northwest lies within the North Cheshire Green Belt and an Area of Special County Value. The River Bollin lies to the North of the site boundaries, at the bottom of a steep hill and it is noted that the site in general has differing gradient levels.

Substantial mature trees line the site boundary to the West along Westminster Road, and whilst these are not currently protected they provide an important amenity value to the area. This site boundary also has an established stone wall along its length. It is also noted that on street parking currently exists along part of the adjoining Westminster Road, and that 3no bus stops are in close proximity to each other, one on the side of the school close to the existing access to the existing sports pitches, one on the other side opposite, and one opposite the main school entrance and buildings.

Residential properties lie directly to the East and West of the site boundaries.

DETAILS OF PROPOSAL

The proposals are for:

- Reorganisation of existing pitches including tarmac surfacing to form area for 4no tennis courts, 3no netball courts and 6no cricket nets, with low level lighting.
- Formation of 101.4 x 63m hockey pitch including 3m wide spectator's zone, with floodlighting in the form of 8 x 15m high columns to the perimeter on existing area of open space.
- Formation of 51m x 63m hockey practice and five-a-side football pitch on an existing area of open space.
- Formation of 99m x 63m rugby union pitch, incorporating cricket pitch and 400m running track on existing area of open space.
- Formation of shot putt, high jump, long and triple jump areas on an existing area of open space.
- Demolition of existing maintenance shed buildings and erection of 1no replacement shed, on a new area of hardstanding (to be demolished as last phase of the works so that it can be used for storage during the construction process).
- Relocation and reorientation of existing Pavilion building.
- Formation of 26 space car parking (including 2no disabled spaces) and 6 space coach parking area, incorporating new vehicular access/ egress onto Westminster Road, the removal of 2no trees (contrary to some of the submitted documentation which denotes only 1no tree to be removed) and the formation of a 3m wide pedestrian and maintenance vehicle path along the boundary with Westminster Road.

- Landscaping of the site including mitigation works, where appropriate.

RELEVANT HISTORY

97/1739P

PROPOSED FLOODLIGHTING TO EXISTING ALL-WEATHER PITCH
WITHDRAWN

20/11/97

APPEAL ALLOWED

19/02/98

POLICIES

Local Plan Policy

NE1 (Landscape Protection and Enhancement)
NE11 (Nature Conservation)
BE1 (Design principles for new developments)
DC1 (High quality design for new build)
DC3 (Protection of the amenities of nearby residential properties)
DC6 (Circulation and Access)
DC8 (Landscaping)
DC9 (Tree Protection)
DC13 (Noise generating developments)
H13 (Protecting residential areas)
RT1 (Protection of Open Space)
DC63 (Contaminated Land)
DC64 (Floodlighting)
GC1 (Green Belt New Build)

Regional Spatial Strategy

DP1 (Spatial Principles)
DP2 (Promote Sustainable Communities)
DP4 (Making the Best Use of Existing Resources & Infrastructure)
DP7 (Criteria to promote environmental quality)
L1 (Health, Sport, Recreation, Cultural & Educational Services Provision)

Other Material Considerations

National Planning Policy Framework

The National Planning Policy Framework reinforces the system of statutory development plans. When considering the weight to be attached to development plan policies, paragraphs 214 and 215 enable 'full weight' to be given to Development Plan policies adopted under the 2004 Act. The Macclesfield Local Plan policies, although saved in accordance with the 2004 Act are not adopted under it. Consequently, following the guidance in paragraph 215, "*due weight should be given to relevant policies in existing plans according to their degree of*

consistency with this framework (the closer the policies in the plan to the policies in the framework, the greater the weight that may be given)”.

The Local Plan policies outlined above are all considered to be consistent with the NPPF and should therefore be given full weight.

CONSULTATIONS (External to Planning)

Highways and Transportation Manager- No Objection subject to conditions

Sport England- No Objection subject to conditions

Manchester Airport Safeguarding- No Objection

United Utilities- No Objection

VIEWS OF THE TOWN COUNCIL

N/A.

OTHER REPRESENTATIONS

12no neighbours have objected to the development from the following surrounding residential areas:

Westminster Road
Westbrook Drive
Brynton Road
Northgate Avenue

The objections have been received regarding the following issues:

-Insufficient parking provision, loss of existing parking spaces, highway safety issues, potential increase in congestion- 8no objections.

-If approved, the land would change in use from a greenfield site to a brownfield site. There is concern that in the future this site could then be sold to a developer to then built houses or a new school on the site- 2no objections.

-Adverse impact on the amenities of neighbouring properties in terms of the proposed additional floodlighting, including the proposed increase in time that the floodlights will be on- 6no objections.

-Adverse impact on the amenities of neighbouring properties in terms of noise nuisance, particularly due to the proposed hockey pitches and noise of the puck hitting the backboards, also the proposed increase in time that the pitches are to be used would result in noise nuisance over a greater period of time- 7no objections.

-Loss of existing full size football pitches for the community- 1no objection.

-No proposed toilet facilities on site- 1no objection.

-Adverse impact on the visual amenities of the locality- 1no objection.

-Inadequate security proposed which could pose a risk to neighbouring properties- 1no objection.

The main issues raised by objectors will be considered in the main body of the report. However it is noted that toilet facilities are actually proposed in the proposed replacement pavilion building.

APPLICANT'S SUPPORTING INFORMATION

A Design and Access Statement, Transport Assessment, Tree Survey, Community Use Statement, Feasibility Report, Habitat Survey, Phasing/ Methodology Report, letter regarding proposed drainage, have been submitted in support of the application and are available to view on the planning file.

OFFICER APPRAISAL

Principle of Development

The principle of development in this location is considered acceptable, subject to the impact upon the character and appearance of the area, the Green Belt and Area of Special County Value, residential amenity, highway safety and parking, the existing open space, Protected Species, trees and landscaping, and opportunities to improve sporting facilities.

Paragraph 73 of the National Planning Policy Framework states that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

Paragraph 74 states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable

location; or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Design / Character and Appearance

Local Plan policies BE1, H13 and DC1 address matters of design and appearance. Policy BE1 states that the Council will promote high standards of design and new development should reflect local character, use appropriate materials and respect form, layout, siting, scale and design of surrounding buildings and their setting. Policy DC1 states that the overall scale, density, height, mass and materials of new development must normally be sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself. The National Planning Policy Framework also notes that "good design is a key aspect of sustainable development".

The existing pitches directly behind the school to be replaced would be improved both in terms of the upgrading of the facilities and their functionality, and also the character and appearance of this portion of the site.

Whilst it is noted that some open green space would be lost to the proposed hockey, rugby pitches and athletics track, subject to materials this is not considered to have a significant adverse impact on the character and appearance of the locality.

The proposed replacement buildings would be of a similar size, siting and design to the existing structures.

The proposed floodlighting would be similar in size and design to the existing floodlighting. The proposed pitches and tracks would not adversely impact on the character and appearance of the area. It is noted that this is a school site which already functions as an area for sport and recreation.

The siting of the proposed pitches, track and other engineering operations is considered acceptable in design/ character terms, utilising the site effectively without overdeveloping it.

Overall it is considered that, subject to conditions regarding elevational details to be submitted of the proposed fencing, gates and bollards and also proposed materials, the proposed development would have an acceptable impact on the character and appearance of the area.

Whilst the objection has been carefully considered, subject to conditions the proposed development is deemed to accord with local plan policies BE1, DC1, H13 and the National Planning Policy Framework.

Green Belt/ Area of Special County Value

The vast majority of the development lies outside of the Green Belt. The exception is a maintenance building and area of hardstanding that is proposed to replace an existing building and area of hardstanding.

Local Plan policy GC1 and paragraph 89 of the NPPF state that new buildings in the Green Belt are inappropriate by definition. However, there can be exceptions to this policy. Policy GC1 states that the construction of buildings to provide essential facilities for outdoor sport and recreation can be acceptable in the Green Belt, providing they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

Paragraph 89 of the National Planning Policy Framework replaces the word 'essential' with 'appropriate.'

Paragraph 89 also states that the replacement of buildings in the Green Belt can be acceptable, providing the replacement building does not have a greater impact on the openness of the Green Belt than the existing building.

In this case a maintenance building and associated hardstanding of the size proposed on the submitted site plan are considered to be appropriate for the existing and proposed facilities on

the site. The height, bulk and massing of the building would not have more of an impact on the character, appearance and openness of the Green Belt than the existing buildings and hardstanding to be demolished/removed. It is also not deemed to have more of an adverse impact on the character and appearance of this Area of Special County Value.

A condition can be attached to ensure that the materials of the proposed building are acceptable in this location.

It is noted that the main existing maintenance building is to be retained during the construction process, and demolished as the final phase of works. This is so that it can be used for storage facilities during the process of development, and is considered acceptable.

Amenity

The objections have been carefully considered. Environmental Health do not object to the development, subject to the imposition of certain conditions.

Local Plan policies H13, DC3 and DC13 seek to protect the amenity of residential occupiers. Policy DC3 states that development should not significantly injure the amenities of adjoining or nearby residential property due to matters such as loss of privacy, overbearing effect, loss of sunlight and daylight, traffic generation and car parking and noise. H13 simply seeks to protect the amenities of the occupiers of adjoining or nearby houses.

Regarding floodlighting, policy DC64 and Supplementary Planning Guidance 'Floodlighting for Sporting Activities' states that proposals for floodlighting for sports facilities can be acceptable, where there is no significant impact on the landscape character, both during the day and at night. Furthermore, there must be no significant adverse impact on the amenity of residents or highway safety.

Local Plan policy DC13 ensures ambient noise levels are not unacceptably increased.

Floodlights

It is noted that there are currently floodlights on the existing enclosed pitches directly behind the school buildings. These were approved under planning application 97/1739P. The Environmental Health Officer has stated that there have since been no objections to these floodlights from any nearby residents.

The objections have been carefully considered. Submitted details show that the proposed floodlights would be of a similar design and appearance to the existing floodlights.

The nearest property on Northgate Avenue would be some 38m away from the nearest floodlight column. The nearest property on Westminster Road would be some 33m away. Furthermore it is noted that substantial boundary treatment exists along the boundary to Westminster Road, which would help to screen the floodlights from properties on this road.

It is also noted that the existing floodlights are closer to properties on Westminster Road than any of the proposed floodlights to any of the proposed pitches, and of a similar height and design.

The submitted floodlight plan shows that the level of illumination to the nearest properties to the nearest proposed lighting column would be 2 lux maximum. The addition of cowling to the floodlighting would further mitigate the impact to all neighbouring properties; this can be conditioned. Furthermore a detailed lighting report can also be conditioned, to ensure that the direction and type of the lighting would not have a materially adverse impact on the amenities of neighbouring properties.

The sports facilities are proposed to be used by the School during the day (during term time) and the Community will have use after School hours, during weekends and Holidays. The Rugby Pitch would have Flood Lighting to the Southern side to allow Rugby Practice until 6pm, after this the lights would be turned off. The Flood Lighting to the Hockey Pitch and Tennis / Netball Courts would remain on until 9.30pm. This is an extension of 30 minutes to the current turn off at 9pm. As school practices and matches on the Astro finish at 5.15pm at the latest, this means that there are only three one hour sessions for the public use starting at 6pm and finishing at 9pm. Extending this until 9.30pm would mean that the School could get four one hour sessions for the public starting at 5.30pm and finishing at 9.30pm. This could increase community use by 33% and is something that is asked for by external hirers at present. There is currently no use of the Flood Lights on a Sunday but the School would like to amend this so that the lighting could be used until 7.30pm.

Overall, the principle of installing floodlighting onto the proposed main hockey pitch is accepted. Subject to the aforementioned conditions, the proposed usage of the floodlighting is deemed acceptable and can be conditioned so that they automatically switch off at the specified times.

Overall the floodlighting proposed is deemed to accord with policies BE3, DC64, H13 subject to conditions.

Noise

Bearing in mind the existing uses on the site attract a large number of people playing sport and spectating, a formal noise assessment was not required in this instance.

The objections have been considered, however the proposed hours of use as submitted with the Community Statement are considered to be acceptable in terms of the impact of noise levels on neighbouring properties.

With regard to the potential for adverse noise impact as a result of the hockey games and pucks/ balls hitting the backboards, these can be conditioned to ensure that the hockey goal back boards are padded to prevent the noise of hockey balls hitting the solid back boards, to the detriment of the local amenity.

Subject to this the proposals are deemed to accord with local plan policies DC3, DC13.

Highways

The Highways and Transportation Manager does not object to the application subject to conditions. They have no major concerns regarding the proposed alterations to the parking and access, and the increase in community use of the proposed facilities.

They have the following comments:

The proposed car park is a new car park and will be additional to the car parking currently in operation on the courtyard fronting the sixth form block.

There are will be two access points to the car park off Westminster Road, the car park is proposed to operate a one way system with 'in' traffic using the northern entry and the exit using the access closest to the school.

The new exit to the car park does provide adequate visibility splays of 2.4m x 43m in both directions subject to the removal of existing trees. As Westminster Road has considerable on-street parking, the applicant has offered to fund the extension of waiting restrictions in the vicinity of the exit to the car park. As the restrictions would improve visibility and safety of the access, the Highway Authority would support the introduction of the parking controls.

The application also proposes improvements to the maintenance sheds at the western end of the sports pitches this also involves improvements to the existing access to which there are no objections.

The introduction of the car park and coach parking will have no material effect on the operation of the highway network in particular on Westminster Road, there will be some on-street spaces lost should the Traffic Regulation Order be implemented, but this would produce a safer junction on Westminster Road.

There are no highway objections to the application, however a financial contribution of £4000 is requested to fund waiting restrictions on Westminster Road. This will require the completion of an s106 Legal Agreement.

The objections have been carefully considered. However it is noted that the proposed coaching arrangements would improve highway safety over the existing situation. It is noted that parking issues exist within the vicinity of the school and particularly on Westminster Road, however this is related to the use of the school itself. The proposed increase in community use would be predominantly at times when the school itself does not operate, such as in the evenings and on weekends.

It is also noted that the school could increase the amount of community use of the site without the need for planning permission, which would have the same level of impact as the proposals under this application.

Subject to conditions and the completion of an s106 Agreement, the development is deemed to accord with local plan policy DC6 and the National Planning Policy Framework.

S106 Agreement- Heads of Terms

A financial contribution of £4000 to fund the implementation of waiting restrictions on Westminster Road, in order to improve highway safety.

Leisure Services/ Open Space

Sport England do not object to the proposed development. They state;

Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the specific circumstances applies.

The proposal will result in an increase in the quantity and quality of the sport facilities and ancillary facilities to support the sports. Although some of the sport facilities will be lost to the proposed car park and coach drop off points, these will be made available for community use and support the community use of the sport facilities. The coach provision will also allow teams to travel by coach to use sport facilities.

The new maintenance shed will be located in the northern corner of the playing field and will not impact on the ability to mark out pitches. The pavilion will be relocated between the hockey pitch and the tennis courts and a path will be provided along the western boundary to provide access to the maintenance buildings. The hockey practice area will provide an area for teams to warm up, receive coaching etc, whilst keeping the main hockey pitch free for competitive matches.

Therefore the development proposed is deemed to constitute an exception to the Sport England Playing Field Policy as;

- The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use.
- The proposed development affects only land incapable of forming, or forming part of, a playing pitch and does not result in the loss of or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facilities on the site.
- The proposed development is for an indoor or outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field or playing fields.

Furthermore it is noted that the hockey practice area and AGP will result in the loss of grass playing field. In order to ensure sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field, they need to be designed to a standard that is fit for purpose; this can be conditioned.

Subject to this the development would accord with local plan policy RT1 and the NPPF.

Future Use of Site

The concerns from neighbours regarding the possibility that the site could in the future be sold to developers for buildings houses or a school are noted. The proposed development if approved would not constitute a change of use from Greenfield to brownfield land. Furthermore, should a future application for redevelopment of the site be submitted, planning permission would be required and any adverse impacts would be carefully considered at that stage. The planning department can only assess the application that has currently been submitted.

Trees/ Landscaping

It is noted that 2no. non protected trees are to be removed, to enable the proposed new access points. In terms of the value of both trees identified for removal it has been accepted they are high value category A specimens but this categorisation relates mainly as their contribution within the linear group rather than as individual specimens.

The Tree Officer raises no objections to this, providing some mitigation is implemented to offset this loss.

There are no objections to the proposed works to the car park area, formation of footpaths and new maintenance building as subject to conditions these works would not impact on the root protection zones of nearby trees.

As part of pre-application discussions it was suggested that in order to mitigate any potential tree losses landscape details should reflect that the linear group extending parallel to Westminster Road had historically lost a number of specimens. These details were to be included as part of landscape proposals but the design and access statement section C1.4 (Landscape) refers to the tree survey/statement for details and locations. These have not been included but it is accepted that this could be addressed as part of conditions should be development proceed.

The Landscape Officer raises no objections, stating that they do not think that the proposals will result in a significantly adverse landscape or visual impact.

Subject to conditions therefore the development would accord with local plan policies DC8, DC9 and the NPPF.

Nature Conservation

A badger sett has been recorded within 30m of the proposed development site. The proposed works to the maintenance area do have the potential to disturb the sett.

In order to ensure the badger sett is safeguarded during the construction phase a badger mitigation method statement is required to be submitted.

The loss of trees on this site may have the potential to disturb foraging/commuting bats however, considering the location of the proposed development I advise that this impact is unlikely to be significant. Therefore a bat survey is not required in this instance and the EU

Habitat Regulations would not be breached. It is however recommend that replacement native tree planting is incorporated into a landscaping scheme for the site to compensate for this loss.

If planning consent is granted a condition would be required to protect breeding birds.

Subject to this the development is deemed to accord with local plan policy NE11.

Environmental Health- Land Contamination

No comments received to date. However due to the proposed infilling of certain parts of the site to ensure the site is level, a land contamination report shall be conditioned in accordance with local plan policy DC63.

United Utilities

United Utilities raise no objection to the development. The existing sewers would be utilised. A drainage plan and statement will be conditioned, to ensure appropriate drainage of the site.

Manchester Airport Safeguarding

Manchester Airport Safeguarding have no concerns and raise no objections.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The application is for a sustainable form of development that is in accordance with objectives of the Framework to promote improvements to education facilities and improvement to health and well being through improved sports facilities and use of open space.

The objections to the development have been considered. However, the development will not give rise to significant impacts in terms of additional noise, light pollution or traffic issues.

To conclude, the proposed development is deemed to be in accordance with all relevant policies in the development plan and there are not considered to be any other material considerations that would carry sufficient weight to refuse the application.

Overall, therefore a recommendation of approval is made, subject to conditions and the completion of the s106 Agreement.

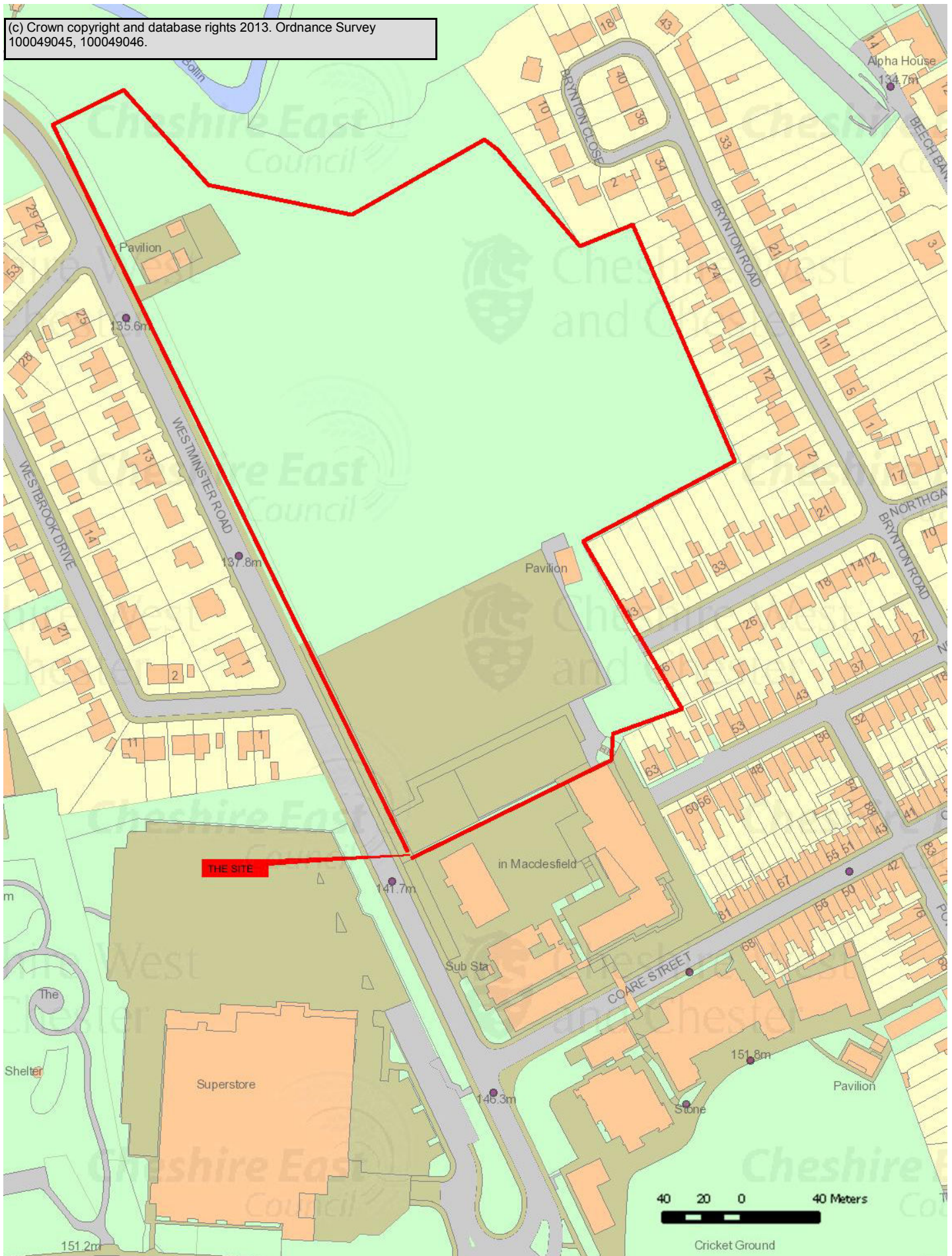
Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A02AP - Detail on plan overridden by condition
3. A05EX - Details of materials to be submitted

4. A03TR - Construction specification/method statement
5. A01LS - Landscaping - submission of details
6. A04LS - Landscaping (implementation)
7. Additional Plans/ Information
8. Hockey Backboards
9. Use of facilities
10. Floodlights
11. Birds
12. Pitch Details
13. Community Use
14. Trees
15. Hours of Construction
16. Pile Foundations
17. Land Contamination
18. Visibility Splays
19. Drainage
20. Construction method and Phasing Statement

(c) Crown copyright and database rights 2013. Ordnance Survey 100049045, 100049046.



Application No: 13/0484M

Location: All Hallows Catholic College, Brooklands Avenue, Macclesfield, Cheshire, SK11 8LB

Proposal: Proposed erection of a new changing facility and all weather pitch with floodlights, relocate the existing bike sheds and reconfigure the existing fence and gates

Applicant: All Hallows Catholic College

Expiry Date: 01-Apr-2013

Date Report Prepared: 24.04.2013

SUMMARY RECOMMENDATION

**APPROVE, SUBJECT TO
CONDITIONS**

MAIN ISSUES

- Design/impact on the character and appearance of the area
- Impact on provision of school sports fields/facilities/open space
- Impact on residential amenity
- Highways safety
- Impact on landscape, forestry, nature conservation

REASON FOR REPORT

The application has been called to committee by Cllr Andrew for the following reasons: The proposed pitch is directly behind houses on Oxford Road, particularly number 130. Representations have been made raising concerns about the proximity of the pitch, unneighbourliness, impact on levels of amenity currently enjoyed by residents due to noise and flood-lighting (noting the hours of use are 10.00pm weekdays and 7.00pm weekends). A site inspection is also requested.

DESCRIPTION OF SITE AND CONTEXT

The site to which the application relates is All Hallows Catholic College, Brooklands Avenue, Macclesfield. The School's main access is off Brooklands Avenue. The main School car park and entrance/reception area is located just off the western end of Brooklands Avenue. There is a secondary access to the east of the site off Oxford Road, where there is also additional staff parking. The School buildings are located to the south of the site (near to Brooklands Avenue). The playing fields (inc. redgra area and tennis courts) are sited to the north of the site and are bounded by residential properties on Oxford Road and Holly Road to the east

and Westbury Drive to the west. There are commercial properties to the north accessed off Chester Road.

The playing field boundaries are planted and primarily screened from neighbouring properties. The playing fields are set at a lower level than the School buildings and surrounding properties. There is an embankment mainly along the eastern boundary (and part of the northern boundary in the eastern corner) rising up to Holly Road and the rear gardens of properties on Oxford Road. The playing fields are enclosed with mesh fencing, approx. 3m high. An area of the embankment in the north-eastern corner of the site (leading up to Holly Road) is currently enclosed and used to house some of the School's livestock (eg. goats and llamas).

The site is designated as Existing Open Space within the Local Plan.

It is noted that revised plans have been received and additional information submitted that have sought to address the issues raised and requests for additional information.

DETAILS OF PROPOSAL

The proposed seeks full planning permission to install an all weather artificial sports pitch with floodlights, erect a new changing facility, relocate the existing bike sheds and reconfigure fences and gates. In more detail this consists of:

1. installing an all weather 3G sports pitch (artificial turf, coloured green) positioned in the north-eastern area of the site (sited over approx. two thirds of the existing redgra area and partially over the existing grassed playing fields);
2. install 8 No. 15m high flood-lights (galvanised steel, brushed silver colour), sited along the northern and southern sides of the all weather pitch (4 No. either side);
3. install "ball stop" fencing to the perimeter of the pitch (open mesh fencing, coloured green, generally 3m high and rising to 4.5m high behind the goal mouth areas; synthetic rubber inserts are to be installed to all fencing mesh panels and post fixings to reduce noise/rattle/vibration from ball impacts;
4. erect a new changing pavilion sited close to the sports hall, which will have an office/reception area, from which the School's perimeter fencing will be maintained and surveillance of the car park area and all weather pitch will be provided;
5. access from the pavilion to the pitch will be via the existing steps/ramps; handrail fencing will be provided along the pathway 1.2m high and low level bollard lighting will be installed to illuminate the path;
6. the existing cycle sheds are to be re-sited to the rear of the proposed changing facility.

Use of the facilities

The proposed is to enhance existing provision and seek to increase community use and school participation, in order to encourage and inspire more people of all ages to participate in sport. The pitch will mainly be for football but can be used for other sports.

The revised proposed hours of use are:

Monday to Friday – 09.00 to 21.30

Saturday – 09.00 to 16.00

Sunday & Bank Holidays – 09.00 to 16.00

Alterations to & retention of sporting facilities on the existing playing fields

- The 400m track is reduced to 200m (the track doesn't meet current standards)
- Tennis courts will be retained/realigned
- A Cricket Wicket is provided
- Grass Football pitches are provided

RELEVANT HISTORY

There have been applications on the site over the years but none directly relevant to the proposed.

POLICIES

North West of England Plan Regional Spatial Strategy to 2021

DP1 (Spatial principles applicable to development management)

DP2 (Promote sustainable communities)

DP4 (making the best use of existing resources/infrastructure)

DP7 (Criteria to promote environmental quality)

L1 (Health, sport, recreation, cultural and education services provision)

Macclesfield Borough Local Plan – saved policies

BE1 (Design principles for new developments)

DC1 (High quality design for new build)

DC3 (Protection of the amenities of nearby residential properties)

DC6 (Circulation and Access)

DC8 & DC37 (Landscaping)

DC9 (Tree Protection)

NE11 (Nature Conservation)

DC13 (Noise generating developments)

DC64 (Floodlighting)

H13 (Protecting residential areas)

RT1 (Protection of Open Space)

National Planning Policy Guidance

National Planning Policy Framework

CONSULTATIONS

Highways:

No objections, subject to a condition preventing use of the facility by community groups at times when school staff are likely to be parked in the car park.

Environmental Health:

Comments initially received from the Environmental Protection Service raised a number of issues/posed a number of questions requiring clarification:

- Future use of the tennis courts
- Extent of evening and weekend use by school and community groups
- Insufficient information regarding existing and future use by school and community partners
- Would prefer to see no light spillage over neighbouring residential area
- Could a revised lighting scheme be implemented? Or, could the pitch be re-sited (to prevent light spillage on to any residential areas?)
- A management/supervision agreement is required
- Will any of the other facilities be used when the pitch is being used?
- A Sports Development Plan is required
- Clarification required re distances from pitches to residential properties
- Support the inclusion of an acoustic barrier and the use of rubber inserts on fences
- Recommend no public address system.

Additional information has been submitted which addresses the issues raised/questions posed by Environmental Protection:

- Issues of use (users and facilities), a sports development plan and management arrangements have been partially addressed in a submitted Sports Strategy. Appropriate details will be finalised in the Community Use Agreement and Maintenance & Management Plan and appropriate conditions can be attached to any approval to address such matters
- The pitch has been moved 2m further from the eastern boundary (and the properties on Holly Road and Oxford Road). Some distances are noted on the revised plans, though this matter will be addressed below when discussing impact on residential amenity
- Cowls are to be attached to the 2 No. floodlights closest to the residential properties on Holly Road and Oxford Road. A revised light spillage assessment has been undertaken/submitted (taking account of the repositioning of the pitch and the cowls to be installed) which shows that there will be no light spillage to the residential properties
- An acoustic barrier is to be installed at the eastern end of the proposed pitch which extends beyond the width of the pitch and in front of the western elevation of the building noted as 132 Oxford Road on the plans (i.e. the annex to number 130)
- Rubber inserts on the fences can be conditioned
- A condition preventing any public address system can be attached

- The proposed hours of use have been reduced and these can be conditioned. The revised hours of use are those set out in the Details of Proposal section of this report above.

Hence, with the revisions made and the additional information submitted the Environmental Protection Service raise no objections to the proposal subject to conditions re hours of use and no public address system.

Leisure Services:

No objections, subject to conditions re Community Use Agreement, confirmation that the new and existing facilities meet Sport England's standards

Sport England

Sport England initially objected to the proposal, as the proposed involves losing part of a playing field, and there was insufficient information within the application to assess whether it met one of the exceptions to Sport England's loss of playing fields policy or para 74 of the NPPF.

The concerns initially identified by Sport England, and the recommendations made to address these, were as follows:

- Loss of one grass football pitch
- Recommend a full sized football pitch 100m x 64m, with run off 3m, which accords with current FA guidance
- Pile length of the artificial grass is unknown
- The artificial pitch is located within close proximity of trees and the canopies of the trees would overhang the pitch. Issues related to this are: 1) potential root damage to the artificial grass, 2) safety hazard of leaf dropping and 3) maintenance problems from leaf dropping
- Although light levels are low it is advised that a light spillage plan at 1.5m from ground level be provided
- The cricket wicket should not be located within a pitch because this area will experience significant wear and erosion during the football season leading to an unplayable wicket during the summer
- Details of proposed community use with links to how the proposed artificial pitch and the remaining pitches would be used are required
- A Sports Development Plan (SDP) is required setting out how the AGP and remaining pitch sports will be utilised by the school and community users
- Existing community use agreement and how this will be adapted to reflect the objectives of the SDP
- A Maintenance and Management Plan is required, which will need to reflect the particular maintenance and management requirements of the Artificial Grass Pitch and changing rooms
- A Landscape Plan is required

- Applicant needs to liaise with the regional Facilities and Funding Manager at the England & Wales Cricket Board to discuss the impact on the cricket pitch and any possible resolution

As noted above, revised plans and additional information required by Sport England has been submitted. Sport England has withdrawn its objection - subject to conditions – as it is considered that the proposal meets the policy exceptions, i.e., the proposed development is for an outdoor sports facility which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss of the playing field.

Sport England recommend conditions requiring a 'Community Use Agreement' (to include a Sports Development Plan as an Appendix) and a 'Maintenance and Management Plan'.

Heritage & Design – Landscape

The Landscape Officer has not expressed an objection to the proposed, being of the opinion that there would not be a detrimental impact on the landscape. It is noted that he considers there would be a visual impact from a number of properties on Holly Road and Oxford Road.

Heritage & Design – Forestry

Formal consultation comments are awaited as additional information has been requested from the applicant re impact of the proposal on trees. However, the Arboricultural Officer has indicated verbally that an objection is unlikely.

Heritage & Design – Nature Conservation

No objections. Although there is a known badger set within the vicinity of the site, the Nature Conservation Officer considers this to be of a sufficient distance from the proposed development not to cause any concern.

REPRESENTATIONS

Representations have been received from the occupants of 9 No. neighbouring properties, inc. the occupants of the building shown on plan as being number 132 Oxford Rd. It is noted that this building is an ancillary building - a 'granny annex' - to number 130 Oxford Rd). A petition signed by 3 No. residents residing on Brooklands Avenue has also been received. The range of issues/objections are summarised as follows:

- Detrimental impact on residential amenity/quality of life – noise disturbance (eg. people shouting on the pitches, balls hitting the fence), light disturbance from floodlights and invasion of privacy from eg. intensified use of overspill car park
- Highways safety – impact on traffic flow (particularly on Brooklands Avenue) and insufficient parking
- Impact on badger set within the vicinity of the site
- Current application for a dwelling in the garden of number 3 Holly Road (12/4450M) should be a material consideration. Proposed would have implications for others that may wish to develop in a similar manner in the future. Also, approved outline application (11/2006M) for a dwelling in the rear garden of 128.

- Inaccuracies in information submitted, eg. distance of proposed from neighbouring properties/gardens, 'cricket nets' illustrated on plan are now pig pens, redgra area is currently used (contrary to the information submitted)
- Proposed is 14.5m from 'granny annex' (noted as 132 Oxford Road on the location plans) and 12.5m from the associated garden area
- Proposed has a football bias and could limit the playing of other sports on the school's outdoor sports pitches
- Impact on range of sports pitches on site
- Impact on trees/and impact of the trees on the proposed pitch
- Devalue neighbouring properties
- The need for such a pitch has not been demonstrated

A number of the objectors accept the desire by the school to improve sporting facilities and, bearing in mind the issues raised, the following suggestions/requests have been proposed:

- Re-site the proposed all weather pitch (4 No. alternatives have been offered)
- Restrict the hours of use and limit use to certain periods of the year
- Install acoustic fencing the full length of the pitch
- Install additional fencing to reduce impact of overspill parking area

APPLICANT'S SUPPORTING INFORMATION

The following additional information has been submitted:

Design & Access Statement

Planning Statement

Noise Assessment

Guidance Note For The Reduction of Obtrusive Light

Manufacturers Details of Lights

Details of the documents can be read on file.

Additional information has been submitted during the course of the application in response to questions and concerns raised by, in particular, Sport England and CE Environmental Protection Service. Revised plans have also been submitted.

OFFICER APPRAISAL

Principle of Development

The principle of the proposed is acceptable, subject to according with relevant Development Plan policies and guidance in the NPPF.

Policy

The relevant policies are listed above and are related to the issues identified. The key issues relate to impact on residential amenity and the College's sports fields/open space. Therefore,

the key policy considerations are Local Plan policies DC3 (amenity), DC13 (noise generating developments) and RT1 (open space) and paras. 17 and 73 of the NPPF.

DC3 states that *“development...should not significantly injure the amenities of adjoining or nearby residential property...due to...: loss of privacy, overbearing effect, loss of sunlight and daylight, noise, vibration, smells, fumes, smoke, soot, ash, dust or grit, environmental pollution, hazardous substances & industrial processes, traffic generation, access and car parking.”*

DC13 states the following: *“Noise generating developments which cumulatively would increase the ambient noise level to an unacceptable level, will not normally be permitted.”*

RT1 states that *“Areas of recreational land and open space...will be protected from development. Redevelopment of a building footprint which does not harm the integrity of the open space will normally be permitted. Open space uses will be enhanced as appropriate. Additional or replacement educational buildings may be permitted provided that the integrity of the open space is not harmed.”*

Para 17 of the NPPF outlines its core principles, within which it is stated that the planning system should *“always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.”*

Section 8 of the NPPF deals with “promoting healthy communities”. Within this section Para 74 states that *“Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless: an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or the development is for alternative sports and recreation provision, the needs for which clearly outweigh the loss.”*

Design/impact on the character and appearance of the area

Details of the proposed are noted above. Given the nature of the site and its location it is considered that the proposals will have an acceptable impact on the character and appearance of the area. The proposed pitch and floodlights are sited on the College's current sports fields and the proposed changing rooms are sited adjacent to existing College buildings. There is no conflict with development plan policy.

Impact on provision of School sports field/facilities & open space

Sport England is satisfied with the impact of the proposed Artificial Grass Pitch on the overall sports facilities/provision on site, considering that the proposed meets their policy tests and complies with para. 74. of the NPPF. The Leisure Services Officer does not object to the proposed use of the open space. Hence, it is considered that the proposed complies with objectives for use of open space and Local Plan policy RT1 and para. 74 of the NPPF.

Impact on residential amenity

One of the key issues in the appraisal/determination of the application is the impact of the proposed on the amenities of neighbouring residential properties, stemming mainly from the intensified use of the site, noise disturbance and light disturbance.

Various figures have been provided within the information provided and representations submitted regarding the relationship of the proposed with neighbouring properties and their gardens. Following submission of revised plans (which moved the pitch 2m further away from the eastern boundary and the properties on Holly Road and Oxford Road) the following distances are noted: 1) the nearest residential properties on Westbury Drive are approx. 75M from the playing fields; 2) the nearest residential property on Holly Road to the proposed pitch is number 14, the front elevation of which is approx. 40m from the eastern edge of the pitch; 3) the nearest property on Oxford Road to the pitch is number 128, the nearest part of the rear elevations being approx. 50m from the pitch; 4) it is noted that a building that is illustrated as number 132 Oxford Road on plans is an ancillary building (granny annex) to number 130; the nearest elevation of the annex. to the pitch (the western elevation) has a habitable room window at first-floor level, which is approx. 21m from the south-eastern corner of the proposed pitch. The rear gardens of the properties on Oxford Road face towards the proposed pitch and the rear gardens of properties on Holly Road are to the rear of the properties facing away from the proposed pitch.

The acoustic report broadly concluded that *“without any mitigation measures in place, with the exception of the ball impacts affecting 132 Oxford Road, noise levels would approximately comply with the maximum allowable limits...at the rear façade of 132 Oxford Road and 14 Holly Road.”*

It is noted that mitigation measures are to be included, i.e. 1) rubber inserts on the fences and 2) an acoustic barrier (2m high fence) is to be installed at the eastern end of the pitch.

The proposed hours of use have been reduced, as noted above.

The Strategic Highways Officer is satisfied that, with an appropriate condition, the level of parking within the site will be sufficient to accommodate the proposed uses.

Following the amendment to the position of the proposed pitch, the proposal to attach cowls to the 2 No. flood-lights closest to the properties on Oxford and Holly Roads and the request by Sport England to undertake a light spillage assessment at 1.5m above ground level, light spillage has been reassessed. The revised light spillage plan shows that there is very little spillage at any of the neighbouring properties/gardens.

The Environmental Protection Service is satisfied that, with appropriate conditions, the levels of noise and lighting generated by the proposed are acceptable in terms of potential impact on the amenities of neighbouring properties.

As noted above, the indicative layout of approved outline application 11/2006M shows the property sited adjacent to number 14 Holly Road. The location of the proposed dwelling to the rear of number 3 Holly Road (12/4450M) is a similar distance from the proposed pitch. However, given that neither of these dwellings are constructed, and indeed, one is an outline permission and one hasn't been determined yet, little weight can be afforded them.

Bearing the above points in mind it is considered that the proposed, subject to conditions, has an acceptable degree of impact on the amenities of neighbouring residential properties. As such, it is considered that the proposed complies with Local Plan policies DC3 and DC13 and the core principle of the NPPF outlined in para. 17.

Highways safety

Bearing in mind the comments of the Strategic Highways Manager, it is considered that, with a condition restricting the hours of use outside School hours, there would be no highways safety issues arising from the application as sufficient parking exists to accommodate the wider community use after 5pm. The parking provision to be used all exists within the College grounds at present. Complies with policy DC6.

Landscape, forestry, nature conservation implications

Landscape

As noted above, the Landscape Officer considers that the proposed would not have a detrimental impact on the landscape.

Forestry

As noted above, at this stage, from the information submitted and the Arboricultural Officer's site visit, it is not envisaged that any objection would be raised on the grounds of impact on trees. However, further information has been requested to evidence the impact. It is likely that some mitigation will be required to replace trees possibly lost near the north-eastern corner of the proposed pitch. Conditions could be attached to any approval requiring such details as well as details of the root protection barrier system required to prevent the trees impacting on the pitch once installed.

Nature conservation

As noted above, the Nature Conservation Officer is of the opinion that the proposed would not have any detrimental impact on any ecological aspects.

No conflict with development plan policies.

CONCLUSIONS AND REASON(S) FOR THE DECISION

To summarise and conclude, the issues raised in objection have been fully considered. It is considered that the designs of the proposals are acceptable and in keeping with the context of the site/area. The proposed development will provide improved sports facilities and increased sporting opportunities for the School and also members of the wider community; therefore the proposed all weather pitch will make a positive contribution to the School's sports facilities. The revised plans and proposed conditions are considered to ensure that the impact of the proposed on residential amenity is of a limited and acceptable degree. The proposed development is considered to be acceptable in respect of impact on the landscape, ecological aspects and trees on site. The proposed development will not create any highways safety/parking issues.

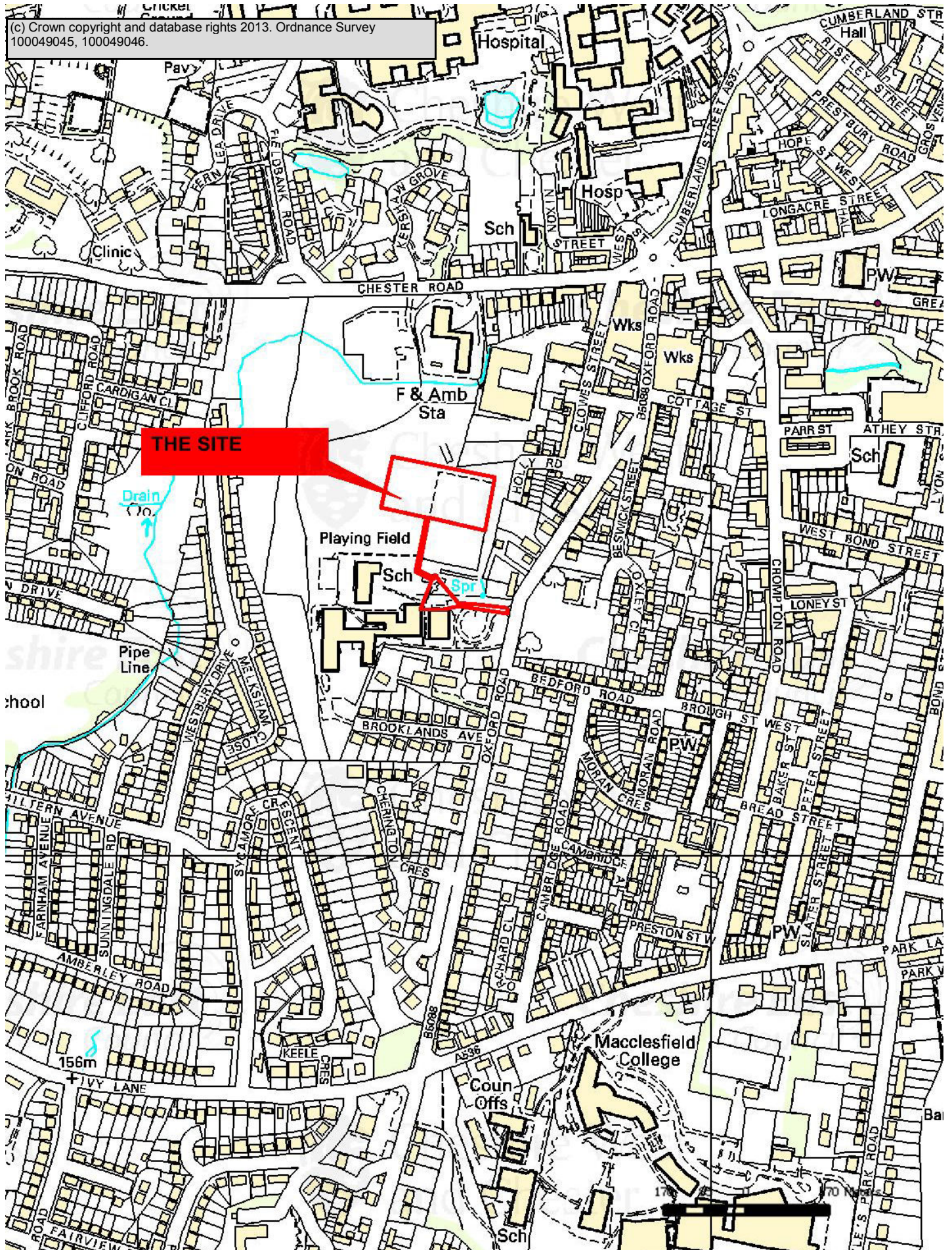
The proposed development accords with all relevant Development Plan policies and it is recommended the application be approved, subject to outstanding consultations and conditions.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved revised plans
3. A06EX - Materials as application
4. Submission of Community Use Agreement (To Inc. Sports Development Plan)
5. Submission of Maintenance & Management Plan
6. Restriction on hours of use
7. No public address system to be used
8. Use not to coincide with peak periods of staff parking
9. Submission of details of acoustic barrier
10. Cowls to be attached to specific floodlights
11. Rubber inserts to be used on pitch perimeter fence
12. Submission of root protection barrier details

(c) Crown copyright and database rights 2013. Ordnance Survey 100049045, 100049046.



Northern Area Planning Committee 8th May 2013**COMMITTEE REPORT****PURPOSE OF THE REPORT:**

To inform the committee about the background and issues surrounding the making of a Tree Preservation Order on 5th February 2013 at 9 Jackson Lane, Kerridge, Bollington and to consider the objections and representations made to the TPO and to determine whether to confirm or not to confirm the Order or to confirm the Order subject to modifications

SUMMARY RECOMMENDATION:

The Development Management and Building Control Manager recommend's that the Northern Area Planning Committee confirm the Tree Preservation Order at 9 Jackson Lane, Kerridge, Bollington, without modification.

WARD AFFECTED

Bollington

POLICIES

Saved Former Macclesfield Borough Council Policy DC9

FINANCIAL IMPLICATIONS

None

LEGAL IMPLICATIONS

The validity of a TPO may be challenged in the High Court on the grounds that the TPO is not within the powers of the Act or that the requirements of the Act or Regulations have not been complied with in respect of the TPO. When a TPO is in place, the Council's consent is necessary for felling and other works, unless the works fall within certain exemptions e.g. to remove a risk of serious harm. It is an offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy any tree to which the Order relates except with the written consent of the authority.

RISK MANAGEMENT

The loss of a tree or trees could have a significant impact upon the amenity and landscape character of the area. The confirmation of this Tree Preservation Order will ensure that the Council maintains adequate control over trees of amenity value.

CIRCUMSTANCES

A Notification of Intent (Application No 12/4442T) dated 12th November 2012 was received on the 15th November 2012 for the felling and removal of a single mature Lime tree located within the rear garden of number 9 Jackson Lane Kerridge. The notification was originally made invalid; a plan indicating the trees position had not been included. The requested detail was provided on the 18th December 2012 with the notification registered the same day.

The reasons expressed within the notification for the removal of the Lime tree related to concerns over its proximity to the applicants, and neighbouring dwellings, and should the tree fall it will cause damage to the properties.

A detailed inspection of the subject Lime tree was undertaken on the 11th January 2013, along with an assessment in accordance with the Council's adopted amenity evaluation checklist, and it was considered that the tree contributes significantly to the amenity of the immediate setting and the sylvan character of the surrounding area. A recommendation was made to the Development Management and Building Control Manager that it would be expedient to make a Tree Preservation Order to protect the Lime. Under powers delegated to the Development Management and Building Control Manager a Tree Preservation Order was made on 5th February 2013.

CONSULTATIONS

On making the TPO a planning authority must publish and serve copies on owners and occupiers of land directly affected by it. There is a minimum 28 day period to object or make representations in respect of the Order. If no objections are made the planning authority may confirm the Order itself if they are satisfied that it is expedient in the interests of amenity to do so. Where objections or representations have been made, then the planning authority must take them into consideration before deciding whether to confirm the Order.

The Order was served on the owner/occupiers of the land on 5th February 2013. Copies of the Order were also sent to adjoining landowners (7 and 11 Jacksons Lane Kerridge) who are immediately affected by the Order.

OBJECTIONS/REPRESENTATIONS

Two objections have been received to the serving of the Order:-

An e-mail submitted by a Ms Andrew on behalf of the applicant and owner of the Lime (Ms Burgess) was received on the 18th February 2013; objections to the Order were made on the following grounds

- Under the cover of Cheshire East Councils notification acknowledgement letter dated 20th December 2012 it stated that if the applicant had not been advised by the 27th January 2013 that a Tree Preservation Order had not been made, that the tree could be removed in accordance with the

notification. No Tree Preservation Order was issued before this date; therefore Ms Andrew should be entitled to fell the tree if she wishes. On the 5th February 2013 nine days after the deadline set by Cheshire East Council Ms Burgess received notice that a Tree Preservation Order had been served. Ms Burgess does not feel that the Order should stand as it was not issued within the timeframe set by Cheshire East Council and arrangements had already been made for the tree to be felled. Ms Burgess could have arranged to have the tree felled before the Order was received in which case the Tree Preservation Order would have been irrelevant.

The 28 day objection period was extended in order to allow the owner of number 11 Jackson Lane Kerridge, Mrs Lewis to comment; her objections to the Tree Preservation Order was received by e-mail on the 6th March 2013

- We do not want to get rid of this fine specimen but should it fall on our house in high winds it would do a great deal of damage. It is 7 metres taller than the distance from the rear of the properties. We think it must be possible to 'lop' carefully so that it will continue to grow but at least be safe for our properties.

No letters of support of the Order have been received

APPRAISAL AND CONSIDERATION OF OBJECTIONS AND REPRESENTATIONS

A Tree Preservation Order may be made at any time, before or after the date on which the six week notice period comes to an end. In this case the Order was made after the six week period had expired with the Lime remaining un-protected for the intervening nine day period, and could have been felled. There is no provision for the six week notification period to be extended; in this case it was merely the practicalities of compiling the documents and the legal formalities which delayed the process.

The reasons expressed within the original notification for the removal of the Lime tree related to concerns over its proximity to the applicants, and neighbouring dwellings, and should the tree fall it will cause damage to the properties.

The Lime tree is of good form, condition and vigour with no obvious signs of serious structural weakness or decay, and is considered to be in scale and appropriate for its location and setting. A visual inspection and the use of a sounding hammer on the main stem and supporting buttress roots (to test for areas of decay) did not reveal any signs of imminent failure. No evidence was submitted as part of the notification to support the view that the Lime tree was dangerous. Officers would be comfortable to accept a new notification of intent to reduce the height of the Lime tree providing the proposed pruning/reduction accords with the requirements of current best practice BS3998:2010 Tree Work – Recommendations. The serving of a Tree Preservation Order does not prevent works taking place on a tree.

CONCLUSION

Under the Town and Country Planning Act 1990, a local planning authority may make a TPO if it appears to them to be expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area (Section 198 (1)).

Following consideration of the representations and a further inspection of the site and taking into account the circumstances which generated the formal protection, it is considered it was expedient for Cheshire East Council to make the Tree Preservation Order.

RECOMMENDATION

That the Cheshire East Borough Council (Bollington – 9 Jackson Lane, Kerridge) Tree Preservation Order 2013 is confirmed without modification

Town and Country Planning Act 1990
CHESHIRE EAST BOROUGH COUNCIL
(BOLLINGTON – 9 JACKSON LANE, KERRIDGE)
TREE PRESERVATION ORDER 2013

The Cheshire East Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

Citation

1. This Order may be cited as **Cheshire East Borough Council (Bollington – 9 Jackson Lane Kerridge) Tree Preservation Order 2013**.

Interpretation

2.— (1) In this Order “the authority” means the **Cheshire East Borough Council**.
(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

Effect

3.— (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

- (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this day of

The Common Seal of **Cheshire East Borough Council**

was affixed to this Order in the presence of—

.....

[Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf

CONFIRMATION OF ORDER

This Order was confirmed by **Cheshire East Borough Council** without modification on the
day of

OR

This Order was confirmed by the **Cheshire East Borough Council** subject to the
modifications indicated by on the day of

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf]

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by **Cheshire East Borough Council** on the
day of

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf

[VARIATION OF ORDER

This Order was varied by the **Cheshire East Borough Council** on the day of
by a variation order under reference number a copy of
which is attached

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf]

REVOCATION OF ORDER

This Order was revoked by the **Cheshire East Borough Council** on the day of

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf

SCHEDULE 1

SPECIFICATION OF TREES

Trees specified individually

(encircled in black on the map)

Reference on map	Description	Situation
T1	Lime	Standing within the rear garden of number 9 Jackson Lane Kerridge 14 metres from the rear elevation

Trees specified by reference to an area

(within a dotted black line on the map)

Reference on map	Description	Situation
	None	

Groups of trees

(within a broken black line on the map)

Reference on map	Description	Situation
------------------	-------------	-----------

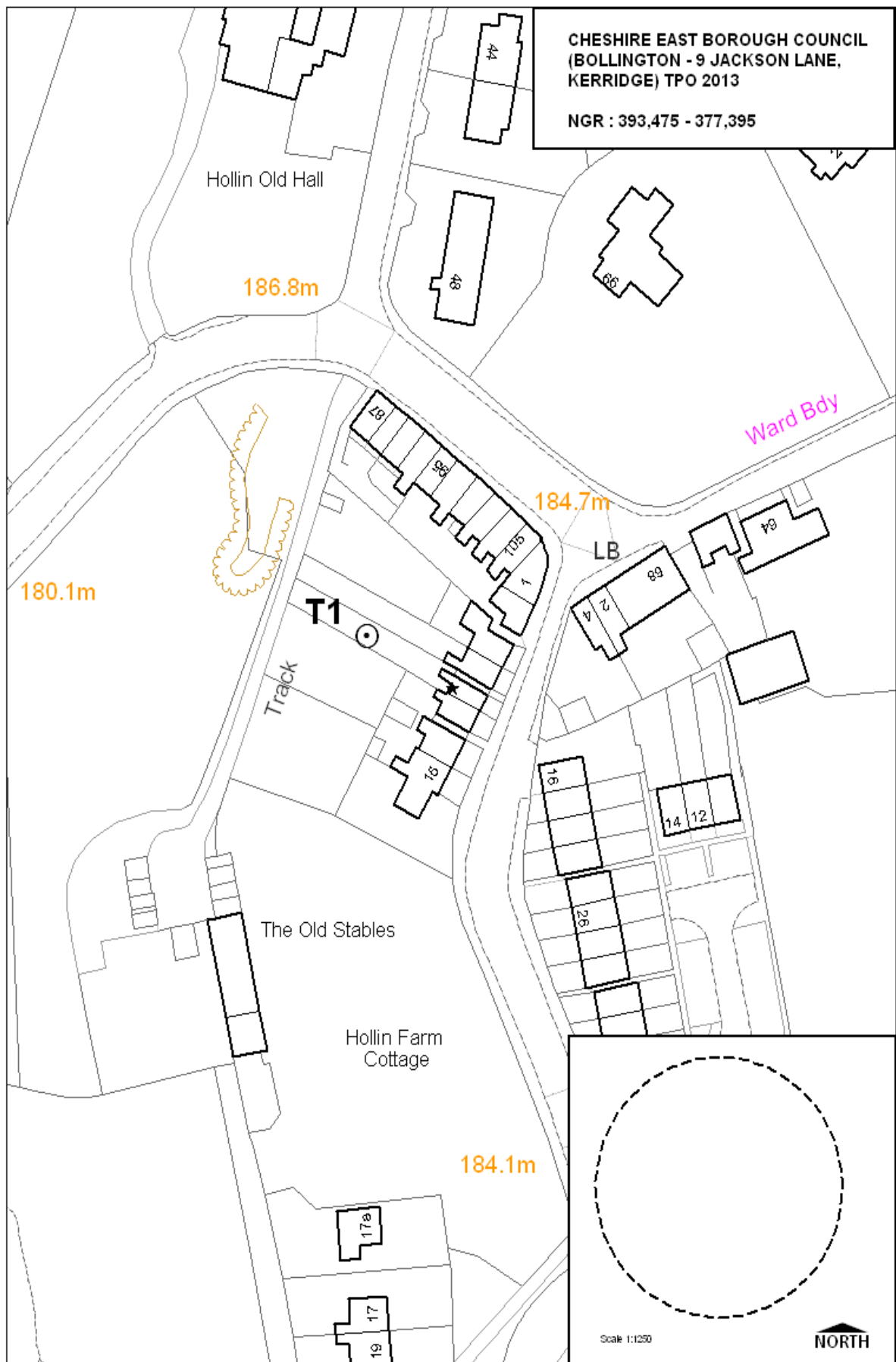
	None	
--	------	--

Woodlands

(within a continuous black line on the map)

Reference on map	Description	Situation
------------------	-------------	-----------

	None	
--	------	--



This page is intentionally left blank