

# Strategic Planning Board

## Agenda

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

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Please note that members of the public are requested to check the Council's website the week the Strategic 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.

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.

### **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 Previous Meeting** (Pages 1 - 4)

To approve the minutes as a correct record.

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**Please Contact:** Gaynor Hawthornthwaite on 01270 686467  
**E-Mail:** [gaynor.hawthornthwaite@cheshireeast.gov.uk](mailto:gaynor.hawthornthwaite@cheshireeast.gov.uk) with any apologies or request for further information  
[Speakingatplanning@cheshireeast.gov.uk](mailto:Speakingatplanning@cheshireeast.gov.uk) to arrange to speak at the meeting

#### 4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Strategic Planning Board
- The relevant Town/Parish Council

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 Strategic Planning Board and are not the Ward Member
- Objectors
- Supporters
- Applicants

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 5 - 42)**

To consider the above application.

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 43 - 92)**

To consider the above application.

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 93 - 142)**

To consider the above application.

8. **16/0341N - Land North of, Pym's 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 143 - 162)**

To consider the above application.

9. **Update on application 15/0184N Outline planning application for up to 275 dwellings open space and associated works, with all detailed matters reserved apart from access: Land off Sydney Road, Crewe** (Pages 163 - 168)

To consider the above report.

10. **Proposal Alterations to the Section 106 Agreement in respect of the education financial contribution and the management company for public open space at Basford West, Crewe (13/0336N)** (Pages 169 - 172)

To consider the above report.

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**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 20th April, 2016 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

**PRESENT**

Councillor H Davenport (Chairman)  
Councillor J Hammond (Vice-Chairman)

Councillors B Burkhill, T Dean, L Durham, D Hough, J Jackson,  
D Marren (Substitute), D Newton, S Pochin, M Sewart, J Wray and  
G M Walton

**OFFICERS IN ATTENDANCE**

Adrian Crowther (Major Applications Team Leader)  
Nicky Folan (Planning Solicitor)  
Neil Jones (Highways Development Manager)  
David Malcolm (Head of Planning (Regulation))  
Gaynor Hawthornthwaite (Democratic Services Officer)

133 **APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Rachel Bailey and S McGrory.

134 **DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interest of openness in respect of application 15/4416C Councillor J Hammond declared that he was a Director of ANSA Environmental Services Limited who were consultees, but had not made any comments nor been involved in any discussions relating to this application.

In the interest of openness In respect of application 15/5184N, Councillors J Hammond and H Davenport declared that they had received an email from Councillor Suzanne Brookfield from Crewe Town Council but had not made any comments or replied to the email.

135 **MINUTES OF THE PREVIOUS MEETING**

That the minutes of the meeting held on 23<sup>rd</sup> March 2016 be approved as a correct record and signed by the Chairman.

136 **PUBLIC SPEAKING**

That the public speaking procedure be noted.

137 **15/4416C - LAND TO THE SOUTH OF, HIND HEATH ROAD,  
SANDBACH: RESERVED MATTERS APPLICATION FOLLOWING**

### **APPROVAL OF OUTLINE APPLICATION (14/0977C) FOR THE ERECTION OF UP TO 120 DWELLINGS, PUBLIC OPEN SPACE, GREEN INFRASTRUCTURE AND ASSOCIATED WORKS FOR MR SIMON MILLER, MILLER HOMES**

The Board considered a report, a written and verbal update regarding the above application.

(Mr A Macinnes (on behalf of the Applicant) attended the meeting and spoke in respect of the application)

### **RESOLVED**

That authority be DELEGATED to the Head of Planning (Regulation) in consultation with the Chairman and Vice-Chairman of Strategic Planning Board to APPROVE subject to the outstanding reptile survey/mitigation and the following conditions:

1. Approved Plans
2. Details of existing and proposed ground levels in accordance with the approved plans
3. Phasing of the development to be submitted and agreed
4. Submission and approval of materials for the development
5. Details of the play equipment which from the NEAP to be submitted and approved
6. Details of scheme for the disposal of foul water and surface water
7. Submission of Landscape Details including surfacing materials
8. Implementation of the approved landscaping scheme
9. Submission of Boundary Treatment Details
10. Full details of existing and proposed levels, contours and cross sections plus full details for the height, type and design of any retaining structures.
11. A landscape scheme/masterplan for the entire site and this shall include; the provision of footpaths along both sides of the valley; a cycleway link to the existing cycleway that runs along the northern site boundary; a new safely railing along the canal bank; soft and hard landscape design.
12. Implementation of the approved landscaping scheme
13. A Landscape & Habitat Management Plan for the management in perpetuity of all areas that are not within domestic curtilages.
14. Electric vehicle charging points (?)
15. Cycle storage
16. Mitigation for badgers
17. Odour mitigation

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in his absence the Vice Chair) of Strategic Planning Board, to correct any technical

slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

138        **15/5184N - 138 SYDNEY ROAD, CREWE, CW1 5NF: OUTLINE PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 250 DWELLINGS, OPEN SPACE AND ASSOCIATED WORKS, ALL OTHER MATTERS RESERVED APART FROM ACCESS (RESUBMISSION OF 15/0184N) FOR MR C MULLER, MULLER PROPERTY GROUP**

(Mr S Bourne (on behalf of the Applicant) had registered to speak at the meeting in respect of the application, but was unable to attend)

The Board considered a report and written update regarding the above application.

The Major Applications Team Leader reported a correction to the report in the summaries on pages 24 and 50. The word “not” should be deleted on the last line of the final paragraph and should be amended to read “Despite the loss of open countryside, on the basis the Council cannot demonstrate a 5 year supply of housing, and the endorsement of the site to be taken forward as a Local Plan strategy site, it is considered that the proposal represents sustainable development and paragraph 14 is engaged.”

**RESOLVED**

That contrary to the Planning Officer’s recommendation for approval, the application be REFUSED for the following reason:

The determination of the application would be premature pending the outcome of the Green Gap policy review as part of the emerging Cheshire East Local Plan Strategy.

139        **URGENT ITEM - HYBRID PLANNING APPLICATION - LAND OFF ILFORD WAY, MOBBERLEY**

The Board noted the following urgent decision which had been taken by the Chairman and Vice-Chairman of the Strategic Planning Board in consultation with the Director of Planning and Sustainable Development in accordance with the provisions of the Council’s Constitution Part 4: Committee Rule 25: Appendix 4 (Urgent Decisions Taken Outside of Meetings).

**Strategic Planning Board: Hybrid planning application for mixed-use redevelopment seeking: A. Full planning permission for alterations to existing employment buildings, construction of new employment buildings and installation of new over ground services, piping and ducting. B. Full planning permission for demolition of remaining redundant employment buildings and removal of redundant over**

**ground services, piping and ducting. C. Outline planning permission for construction of dwellings, associated infrastructure, landscaping and other associated works (means of access) on land off Ilford Way, Mobberley**

The decision was to withdraw the following objections to the above appeal:

The Council acknowledge that housing applications should be considered in the context of the presumption in favour of sustainable development, the lack of a five year land supply of deliverable housing sites in Cheshire East, plus the planning benefits new housing would bring. However, this major housing development would have a significant adverse impact upon the character of the village of Mobberley contrary to policies BE1, H12 and DC1 within the Macclesfield Borough Local Plan 2004, and guidance within the National Planning Policy Framework, which state that permission should be refused for development that fails to take the opportunities available for improving the character and quality of an area and the way it functions. These adverse impacts would significantly and demonstrably outweigh the benefits of the proposal.

The meeting commenced at 10.30 am and concluded at 12.50 pm

Councillor H Davenport (Chairman)

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.

Applicant: The Foundation of Sir Percyvale in Maccl

Expiry Date: 24-Feb-2016

## SUMMARY

The site is previously developed and taken in combination with the two other King's School planning applications would be in principle an acceptable form of development on a brownfield site. The principle of residential development of previously developed land is supported at all levels of planning policy where the Government's aims are clear. PDL and brownfield sites should be used to boost housing supply where appropriate, the housing and planning bill consultation paper sets out the Government's intention '*Our ambition is for 90% of brownfield land suitable for housing to have planning permission by 2020.*' Clearly these proposals align with the intention of the Government to encourage the use of brownfield land to boost housing supply. Cheshire East cannot demonstrate a 5 year supply of housing, therefore the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole; or specific policies in the Framework indicate development should be restricted.

It has been demonstrated through the application that additional information can overcome certain issues along with suggested planning conditions and obligations. However three issues remain outstanding at the time of writing this report. It is considered that the ecology issues may be able to be mitigated if the correct surveys are submitted with appropriate recommendations to the satisfaction of the Council's Ecologist in order for a recommendation to be made on this issue. However, the issue of the lack of affordable housing and the lack of a satisfactory education contribution will not result in sustainable development as the proposed development will place a burden on the local community through not providing sufficient community benefit, which cannot be overcome without a policy compliant scheme.

The lack of affordable housing provision is a balanced issue, however the viability assessment which has been verified independently shows that the proposed development cannot bear the additional cost of providing affordable housing if the project is to be viable, although starter homes can be provided on site which makes some social contribution. The proposals will put pressure on the state school education infrastructure which serves the catchment area of the site. The proposed secondary places at King's School would be means tested and would provide 4 places

in total, however no SEN provision would be made as a result of the application. It is considered therefore that the proposals are not fully socially sustainable and should be refused on this basis.

The proposal is largely sustainable in terms of the environment, however the issue of ecology must be resolved to the satisfaction of the Strategic Planning Board.

The proposal and the wider proposals are economically sustainable as detailed in this report.

Through the assessment as to whether the scheme represents sustainable development, it is considered that it does not achieve this in terms of three strands: social, environmental and economic sustainability. Therefore the proposal as it stands does not align with the presumption in favour of sustainable development set out in the NPPF, and should be refused.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Council's delivery of 5 year housing land supply.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes, and benefits for local businesses.
- The proposal will not have an adverse landscape impact.
- There is no negative highways impact.

The development would have a neutral impact upon the following subject to mitigation:

- There is not considered to be any significant drainage implications raised by this development.
- The impact upon trees is considered to be neutral as this can be addressed through mitigation.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land could be mitigated through the imposition of planning conditions.
- The loss of playing pitches over the Fence Avenue and Westminster Road has been justified through evidence to the satisfaction of Sport England subject to conditions.

The adverse impacts of the development would be:

- The impact upon protected species/ecology is considered to be unknown, therefore it cannot be assumed at this stage that mitigation would be possible at the site without additional information.
- No affordable housing provided by a Registered Social Landlord, however 5% starter homes (80% market value) are proposed.
- No financial educational contribution to Children's Services, bursaries are proposed.
- No SEN contribution.

On the basis of the above, it is considered that the proposal does not represent sustainable development due to the outstanding issues above it is not considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits.

### **SUMMARY RECOMMENDATION**

**Refusal**

### **PROPOSAL**

The application is an outline application for the demolition of part of the King's School site located off Westminster Road in the centre of Macclesfield town. The site is currently occupied by the boys school, the girls school is located at another site off Fence Avenue within Macclesfield, and there is a sports ground owned and used by the school off Prestbury Road located between Macclesfield and Prestbury. The boys' school extends to buildings to the south which are the original school buildings, which is known for these purposes as the Cumberland Street site. This site does not form part of the application. However its consideration is required when establishing the context of the Westminster Road site.

The Cumberland Street site and the Westminster Road site are separated by Coare Street. Everything to the north of Coare Street is included in the site. The application proposes the demolition of all of the buildings located the site and the complete redevelopment with dwellings and associated open spaces and infrastructure. The application is in outline for where only access is to be established at this stage. The application proposes around 150 dwellings of varying sizes. No affordable housing is proposed as part of the submission, however a discount market house-type is proposed which would be secured as part of a section 106 agreement if agreed.

### **SITE DESCRIPTION**

The application site extends to approximately 5.77 hectares and is split level. The southern portion of the site includes school buildings, including the gym, classrooms other facilities and the 6<sup>th</sup> form centre. There is also a large car parking area, the site then drops down a level to the northern portion of the site which includes some additional car parking and coach drop off points along with a number of sports pitches, including astroturf pitches, when finally to the far north of the site is the open playing pitches for rugby, football and other outdoor sport activities. The site has a thick tree belt along the northern boundary with the River Bollin beyond. The western boundary of the site running along Westminster Road is formally tree lined and has railings to form the main boundary line. The east of the site has residential development with the Cumberland Street school site to the south.

### **RELEVANT HISTORY**

55551P, All weather sports surface with floodlights for training purposes. Refused, 1988

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. Approved, 2013

### **NATIONAL & LOCAL POLICY**

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plan (January 2004).

### **Macclesfield Borough Local Plan Policy:**

The site is located within the settlement boundary of Macclesfield, the far north of the site is Green Belt where no development is proposed.

Therefore the relevant Local Plan policies are considered to be: -

Policy BE1: Design Guidance

Policy DC1: New Build

Policy DC3: Amenity

Policy DC5: Natural Surveillance

Policy DC6: Circulation and Access

Policy DC8: Landscaping

Policy DC9: Tree Protection

Policy DC36: Road Layouts and Circulation

Policy DC37: Landscaping

Policy DC38: Space Light and Privacy

Policy DC40: Children's Play Provision and Amenity Space

Policy DC41: Infill Housing Development

Policy DC63: Contaminated Land

Policy T1: Integrated transport policy

Policy T2: Provision of public transport

Policy T3: Improving conditions for pedestrians

Policy T4: Provision for people with restricted mobility

Policy T5: Development proposals making provision for cyclists

Policy T6: Highway improvements and traffic management

Policy NE2: Landscape character areas

Policy NE14: Natural habitats

Policy NE11: Protection and enhancement of nature conservation interests

Policy NE17: Nature Conservation in Major Developments

Policy NE18: Accessible areas of nature conservation from residential properties

Policy H1: Phasing policy

Policy H2: Environmental Quality in Housing Developments

Policy H5: Windfall Housing

Policy H8: Provision of Affordable Housing

Policy H9: Occupation of Affordable Housing

Policy H13: Protecting Residential Areas

Policy RT1: Recreational land and open space

Policy RT2: Open spaces/amenity areas in residential areas

Policy RT5: Standards for open space provision

Policy GC1: Green Belt boundaries

Policy IMP1: Development Sites

Policy IMP2: Transport Measures

**Cheshire East Local Plan Strategy** – Proposed changes version public consultation ended 19<sup>th</sup> April 2016.

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy  
PG6 Spatial Distribution of Development  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
IN1 Infrastructure  
IN2 Developer contributions  
SC4 Residential Mix  
SC5 Affordable Homes  
SE1 Design  
SE2 Efficient use of land  
SE3 Biodiversity and geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE6 Green Infrastructure  
SE9 Energy Efficient Development  
SE12 Pollution, Land contamination and land instability  
SE13 Flood risk and water management  
CO1 Sustainable Travel and Transport  
CO4 Travel plans and transport assessments

### **The National Planning Policy Framework**

The National Planning Policy Framework came into effect on 27 March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

Since the NPPF was published, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.  
49. Housing supply policies  
50 and 54. Wide choice of quality homes  
56-68. Requiring good design  
72-74 Promoting healthy communities  
80, 81 and 89 Protecting Green Belt Land  
109. Conserving and enhancing the natural environment  
186-187. Decision taking  
196-197 Determining applications  
203-206 Planning conditions and obligations

### **Supplementary Planning Documents:**

Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.

- SPG on Section 106 Agreements (Macclesfield Borough Council)

## **Other Material Considerations**

- Cheshire East Strategic Market Housing Assessment (SHMA)
- Cheshire East Strategic Housing Land Availability Assessment (SHLAA)
- Conservation of Habitats & Species Regulations 2010
- Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
- North West Sustainability Checklist
- Ministerial Statement – Planning for Growth (March 2011)
- Macclesfield Town Report (Part of Local Plan evidence base) March 2016

## **CONSULTATIONS** (External to planning)

### **Housing** (received 30/03/2016)

The Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or larger than 0.4 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 150 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 45 dwellings to be provided as affordable dwellings. 29 units should be provided as Affordable rent and 16 units as Intermediate tenure. This development includes zero affordable dwellings and therefore I

### **OBJECT.**

The SHMA 2013 shows that yearly demand between 2013/14 and 2017/18 in Macclesfield is for 103 x 2 bed, 116 x 3 bed and 80 x 1 bed older persons dwellings. Information from Cheshire Homechoice shows that there are currently 1227 on the housing waiting list who have selected Macclesfield as their first choice. Those applicants require 518 x 1 bed, 479 x 2 bed, 199 x 3 bed and 31 x 4 bed dwellings. Therefore a mixture of units on this site, to include 1 bed and older persons accommodation, would be acceptable.

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings

The affordable housing should meet the HCA's housing quality indicator (HQI) standards.

Our preference is that the affordable housing is secured by way of a S106 agreement, which:

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- requires them to transfer any rented affordable units to a Registered Provider
- provide details of when the affordable housing is required

- includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- includes the requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site.

Details of Registered Providers of social housing can be obtained from the Development Officers in Strategic Housing

### **Education** (received 03/02/2016)

The development of 450 dwellings is expected to generate:

82 primary children (450 x 0.19 – 4 SEN)  
65 secondary children (450 x 0.15 – 3 SEN)  
7 SEN children (450 x 0.51 x 0.03%)

The development is forecast to create a shortfall predicted for secondary provision in the immediate locality and SEN provision.

To alleviate forecast pressures, the following contributions would be required:

4 x £17,959 x 0.91 = £65,370.76 (secondary)  
7 x £50,000 x 0.91 = £318,500 (SEN)

Total education contribution: £383,870.76

Without a secured contribution of £383,870.76, Children's Services raise an objection to this application. This objection is on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development. The objection would be withdrawn if the financial mitigation measure is agreed.

Conclusion: Objection, subject to secured developer contribution.

Grounds: Detrimental impact upon local secondary education provision and SEN provision  
Highways **(received 01/02/2016)**

### **Traffic Impact Assessment**

As this is an existing school there are a considerable number of traffic movements associated with it especially in the morning peak and these traffic movements needs to be considered against the likely traffic generation arising from the application.

Although not part of this application the applicant has provided an assessment of the traffic generation of the 50 units that is possible on the Cumberland Street site. The assessment of this actual application at 150 units has been made using the Trics database. A comparison of the peak hour traffic generations between the existing school traffic and the proposed residential development show that the flows are significantly lower for the residential scheme in the AM than the existing school operation and similar in the PM.

As there will be no external traffic impact on the road network due to the traffic flows not increasing, no wider junction testing is required. There is a requirement to assess the proposed site access junctions to ensure that no capacity problems will arise as a result of the development, the applicant has undertaken this assessment and the results show that no significant queuing will arise.

### Access and Accessibility

All three access points are indicated as being 5.5m carriageway and two 2.0m footways, this is an acceptable standard of access to serve the development proposed although a lower standard of access may be preferable depending on the development layout at reserved matters stage.

The site is located not far the town centre and the site does have good pedestrian links and there are bus and rail services within a reasonable walking distance of the site. Overall, the site is considered to have good accessibility to sustainable modes of transport.

### Summary and Conclusions

This is an application on the site of an existing school and there are a considerable number of traffic movements to and from the site that occurs on a daily basis. The proposal is for up to 150 dwellings although the applicants have tested 200 units to include the Cumberland Road site, the impact of the proposal produces less traffic generation than will occur as a result of the existing school and therefore there is no wider traffic impact on the road network other than the site access junctions

Although there is masterplan submitted this application is an outline application and the internal details would most likely change at reserved matters stage, as such no comments are made on the layout plan attached. There are three access points proposed, there are no objections to the access points proposed and the geometric standard of the accesses.

No highway objections are raised to the application.

**Environmental Protection** – (comments received 27/01/2016) No objections subject to conditions.

**Natural England** (received 16/12/2015 & 04/04/2016)

Natural England has no comments to make on this application.

**Environment Agency** (comments received 18/12/2015)

The Environment Agency has no objection in principle to the proposed development but wishes to make the following comments:

The River Bollin, which is designated "main river", flows adjacent to the northern boundary of the site. In accordance with the Water Resources Act 1991 and the Land Drainage Byelaws, our prior written consent will be required for any proposed works or structures in, under, over or within 8 metres of the top of the river bank.

Any proposed surface water outfall into the River Bollin will be subject to such consent. The outfall should be constructed wholly within the bank profile. The discharge exit velocity should not exceed 1.0 metre/second and be angled with the direction of flow in the river.

### **United Utilities** (comments received 23/12/2015 & 04/04/2016)

With reference to the above planning application, United Utilities wishes to draw attention to the following as a means to facilitate sustainable development within the region.

#### Drainage Comments

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

With suggested conditions.

#### Water Comments

A water supply can be made available to the proposed development. Water pressure in this area is regulated to around 2 bar. This should be taken into account when designing the internal plumbing. There is a 6" SI main within the plan shown on Westminster Road

A water main/trunk main crosses the site. As we need access for operating and maintaining it, we will not permit development in close proximity to the main. You will need an access strip of no less than 5 metres, measuring at least 2.5 metres either side of the centre line of the pipe.

The applicant must comply with our standard conditions, a copy of which is enclosed, for work carried out on, or when crossing aqueducts and easements. This should be taken into account in the final site layout, or a diversion will be necessary, which will be at the applicant's expense. The level of cover to the water mains and sewers must not be compromised either during or after construction.

The applicant must undertake a complete soil survey, as and when land proposals have progressed to a scheme design i.e. development, and results submitted along with an application for water. This will aid in our design of future pipework and materials to eliminate the risk of contamination to the local water supply.

The level of cover to the water mains and sewers must not be compromised either during or after construction.

**Sport England** (comments received 18/12/2015) Original holding objection based on loss of playing pitches.

(comments received 09/05/2016) –

### Assessment against Policy Exception E5 –Loss of Playing Field

The applicant has engaged an Agronomist to survey the site and provide a design that minimises the loss of playing field. The indicative pitch layout is for rugby union pitches and the Rugby Football Union (RFU) has been consulted. They are happy in principle with the layout but pointed out the Agronomy Report did not provide actual pitch specifications for the natural turf pitches. A condition will be required to ensure pitch specifications are submitted prior to commencement of the construction of the playing field. Only a basic layout and dimensions of the AGP's has been submitted, and whilst the overall dimensions has been approved by England Hockey the construction and drainage detail has not been provided. Plans showing the cross sections of the sub base, surface, materials, and drainage will be required along with scale drawings. Again this can be conditioned but will need to be a pre commencement condition (of the pitches not the entire development). Wording of the condition is set out in the section below.

### Sports Needs Assessment

The loss of 1.4ha has to be justified against national and Sport England policy. The applicant proposed significant indoor sports facilities the benefit of which could outweigh the loss of playing field. However, to demonstrate the mix of sports facilities proposed meets a strategic need and can provide sporting benefits to outweigh the loss of playing field a Sport Needs Assessment was required.

The applicant has provided a Sports Needs Assessment and this clearly demonstrates the Kings School facilities will provide a different offer to the existing commercial and Council run facilities in Macclesfield. The focus at Kings School will be to support Sports Club Development which in turn will help increase participation in those sports. It is clear that the indoor sports facilities will be made available to pitch sports users for strength and conditioning and specific skills sessions, although there may also be the opportunity to address some overcapacity issues experienced by local residents at other venues in Macclesfield.

However, at the present time it is not clear how the timetabling and availability of the sports facilities will work. For that reason Sport England will require a Sports Development Plan to be prepared and appended to a Community Use Agreement (CUA). This can be conditioned on a prior to first use basis allowing the School time to liaise with both Sport England, the sports clubs and NGB's. Both Sport England and the NGB's are very familiar with preparing Sports Development Plans and Community Use Agreements and will assist and advise the School at the relevant time if required. I have reviewed a draft CUA provided by the applicant. The format follows Sport England's model CUA so from that perspective is acceptable. However, as there is currently no Sports Development Plan or information on facility availability and pricing, these elements will need to be included at a later stage and formally discharged as part of the CUA condition.

The maintenance and management of sports facilities to support both curriculum and community use is obviously different to providing maintenance and management just for curriculum use. For that reason Sport England need to ensure the management

arrangements are consistent with the aims and objectives of the Sports Development Plan and Community Use Agreement, and that the maintenance regime is adequate to sustain the anticipated usage and to realise the sporting benefits in line with national and Sport England policy. Sport England will require a Management and Maintenance Plan which again can be conditioned on a prior to use first use basis. The management and maintenance of the pitch element should be informed by the recommendations set out in the Agronomy Report. The Sports Development Plan, Business Plan and CUA will help inform the indoor sports facility management and maintenance.

The design and layout of the indoor sports facilities and pavilion has been agreed with the NGB's and there is no need for a design condition for those.

### **Campaign to Protect Rural England** (comments received 20/01/2016)

The King's School, Macclesfield has made a major planning application with potential far-reaching impacts upon three sites - one within the urban part of Macclesfield and two in the surrounding Green Belt. The former involves a historic site near the town centre. Both of the latter involve the loss of productive agricultural land, mature trees and hedgerows.

The Campaign to Protect Rural England (CPRE) Cheshire Branch Macclesfield District wishes Cheshire East Council to be aware that it objects to the proposals for each site individually and it therefore it opposes the planning application in its entirety.

Further comments (separate document): Our reasons are as follows:

#### Over-arching comments

In summary, the proposal by King's School is to move away from the two sites on which it currently delivers education at Westminster Road/ Cumberland Street in Macclesfield and at Fence Avenue, Hurdsfield, selling both of these sites for housing and – with the proceeds – fund a move to an entirely new campus it wishes to build in the countryside to the north west of Macclesfield alongside its existing playing fields. This is spelt out within the documentation accompanying the planning application.

The school's reason for moving to a new site is its desire to consolidate its operations onto one site. The application is unconvincing that sufficient effort was put into finding a non-greenfield site or one already designated for development (no evidence is provided) and nowhere is justification provided for building on Green Belt. The only reason offered is that it suits the school's economic case. This does not constitute special or exceptional circumstances which need to be proved in order to build on Green Belt. There are any number of developers/would-be developers who 'want' to build on Green Belt and who would benefit economically from doing so, but that is not a satisfactory justification.

#### Westminster Road/ Cumberland Street Site, Macclesfield

It is our understanding that a large proportion of the play and open areas attached to the existing main school site were laid on the site of a waste tip – which would explain why the area is raised. If this is accurate, then it would be wholly inappropriate to place residential housing on this land. Putting that to one side, the open areas around the original historic listed building and other buildings on the main site, constitute an important green lung in an urban area and, because the original building is listed, its setting if of great importance.

CPRE is in favour of building on appropriate brownfield land in urban areas – and to a high density where suitable. We are members of the ‘Smart Growth Coalition’ which promotes such practices. But we contend that it would be entirely inappropriate to build on this site.

### Concluding Comments

This planning application presents a totally unsustainable proposition which has not been justified.

No special or exceptional circumstances have been put forward to make a case for building on either of the two Green Belt sites, both of which were given very high rankings in the recent Cheshire East Green Belt review. Part of the proposed housing site at Westminster Road/ Cumberland Street is thought to be on the site of a former waste tip – a totally unsuitable location for housing.

CPRE urges Cheshire East Council to refuse this application.

### VIEWS OF THE TOWN COUNCIL

#### **Macclesfield Town Council** - Resolved response - 12/01/2016

At the meeting of Macclesfield Town Council’s planning Committee on 7/1/16 the following was response was resolved in relation to Kings School Westminster Road Planning Application 15/4285M

Resolved:

- i. That any planning consent granted should be subject to a detailed Highways impact assessment and all recommendations and mitigations from such a report must be implemented.
- ii. That any planning consent granted should be subject to a detailed drainage and flooding assessment and any recommendations and mitigations from the appropriate agency must be implemented
- iii. That comments submitted at the public meeting of 6/1/16 be shared with the planning authority.(below)

Public meeting 01/01/2016

Comment 1 – The planning documentation and traffic information do not mention the experimental closure of Coare Street to through traffic. This closure, causing all the ‘rat runners’ to drive through Sainsbury’s roundabout and/or Hibel Road traffic on Westminster Road.

Comment 2 – In support. The proposed development is well situated in the town to access amenities such as shopping and the park adjacent to Sainsbury’s. It will also answer to council in addressing the under provision of housing within the borough.

Comment 3 – Why did Cheshire East not inform us of this meeting by letter? Why did it start at 7.00pm and not 6.00pm as the letter informed us? Why when Cheshire East said that the outside inspector would speak at a hearing last year did it not happen, although a firm date was given on their website. Why was the original Cheshire East plan so obviously unlikely as consequent flooding would occur in Macclesfield homes. Are they trying to intimidate citizens to obtain exactly what they want?

Comment 4-I support the application

1. The development will improve the appearance of the buildings on Westminster Road.

2. The town centre needs more housing and this will provide that.
3. The school is currently disjointed on this site and the building of an attractive development will vastly improve the area.

Much has been said about the children who attend the school. A large percentage are from Macclesfield.

Comment 5 – Primary concerns centre around the traffic. Volume at key times, as all local residents know exceeds the road capacity. These key times also include times where King's School is not adding to the cause. 150 houses will compound this.

Westminster Road is a long straight road that seems to attract 'Boy Racers'. The proposed exits have limited visibility, further compounded by a seeming lack of traffic calm methods.

### **OTHER REPRESENTATIONS**

#### **Macclesfield Civic Society** (comments received 22/01/2016) –

Recent applications 15/4285M; 4286M and 4287M by The Kings School regarding proposals for development in Macclesfield and Prestbury –representations on application 15/4285M for up to 150 dwellings at Westminster Road, Macclesfield.

The Kings School recently submitted three planning applications in support of its project for the creation of a new educational facility in the environs of Macclesfield. However, before setting out our views on planning merits it is necessary to raise a procedural issue with regard to the scope and nature of the applications, as a follow up to my earlier letter of 21 July 2015.

#### Environmental Impact Assessment issues

Taken together it is clear that the proposals currently envisaged, together with the issue of after-use for the existing school complex at Cumberland Street and the Science Block at Pownall Street, represent a single, interlinked urban development project of major significance for the town and the outlying area of Prestbury Parish.

In this context I note that the composite proposals would constitute (even though they may be submitted as separate applications) EIA development for the purposes of the 2011 Environmental Impact Assessment Regulations. Given the implications for substantial areas of the town and having regard to the stage at which the emerging Local Plan has reached it is evident that the whole project should be subject to evaluation rather than just the individual components. I have had a look at the EC EIA directive; the 2011 EIA Regulations which give the directive effect in the UK and the guidance in Circular 02/99. Clearly the envisaged scheme constitutes an "urban development project" and, as such, could fall within the remit of category 10(b) of Schedule 2 of the 2011 EIA Regulations as an "Infrastructure Development". In the regulations the sole criterion is whether the development would occupy, as an indicative threshold, a site greater than 0.5ha in extent – it clearly does either in whole or in its parts. This guidance is supplemented in Circular 02/99, as allowed for in the EC directive as giving a margin of appreciation to Member States, where the main test is that of "significance of impact". Indicative criteria are set out in paragraph A18-19 of Annex A to the Circular. The indicative criteria in the annex are not final as paragraph 33 of Circular 02/99 states that EIA may be needed if the proposal is a major development of more than local

importance or forms part of a larger “single development project” – further advice on the test of “significance” is given in paragraph 34 and 35.

The Society believes that EIA development is involved and the each and every component of the scheme should be subject to a comprehensive assessment from the standpoint of impact on the town and outlying areas in terms of strategic planning policies, landscape, traffic, ecological and cultural heritage impacts. This should (under the EIA Regulations) be included in a single accessible document and subject to the enhanced degree of publicity, as required.

It was therefore disappointing to see that an environmental statement was only sought in respect of two of the three current applications and the other elements of the project (the existing school sites at Cumberland Street and Pownall Street) excluded. It appears that this does not accord with either the letter or spirit of the EIA regulations which give effect to the EC Directive, intended to be “wide in scope and broad in purpose”. From what I can see it appears that the Westminster Road element of the scheme (application 15/4285M) has been excluded (wrongly in my view) on the basis of the indicative criteria in Circular 02/99. Yet the documents submitted in support of that scheme rely heavily upon the material in the environmental statement prepared for applications 15/4286 and 4287M – surely an indication that they are all part of the same project with effects that have to be evaluated comprehensively in accord with the Directive and the 2011 Regulations. It is suggested that this matter be reconsidered to avoid later reference to the Secretary of State.

### Planning Policy issues

This is an extensive project close to the town centre and bordering on long established residential areas served from Coare Street and Westminster Road. The project includes a substantial residential redevelopment of educational buildings and playing fields/pitches. Although within an urban area and considered suitable for residential use there would be a displacement of important open space and playing fields from an area accessible for much of the town to a more remote location to the north west, within Prestbury Parish. It is for the local planning authority to assess whether such a displacement accords with national and local policies for retention of open space and playing fields and no doubt the views of Sport England will be given due weight.

### Local impacts

The scale of new buildings is an important consideration given the relationship to existing dwellings in Westminster Road, Coare Street, New Hall Street, Northgate Avenue and Brynton Road having regard to relative ground levels and prospective distances between existing and proposed dwellings. It is accepted that such matters may not be resolved at the outline application stage, given that a subsequent developer may have other ideas regarding the way in which the site would be laid out. However, some parameters may legitimately be set at the outline application stage and the local planning authority should give careful consideration to this aspect.

### Traffic and access

The applicants argue that the project would not introduce significant additional volumes of traffic into this locality having regard to the current educational use. Presumably this argument

is based on the number of traffic movements to and from the school, at peak times (0730-0900 and 1500-1630) something that the Society struggles to accept. Similarly, the agreement between the applicants and Cheshire East to only examine traffic impacts at the points of access onto Westminster Road beggars belief. The project will have a wider network effect upon traffic patterns in Macclesfield Westminster Road/Bollinbrook Road/Prestbury Road and Coare Street/Cumberland Street. The nearby roundabout junction on Cumberland Street is prone to congestion at peak and other times when there is a conflict between volumes of through traffic and locally generated traffic. Instead of being concentrated at peak times as argued this conflict would be present 24/7. Yet the traffic assessment is conspicuously silent on this issue.

Similarly the change in patterns of private car and bus traffic would also impact beyond the immediate locality and there is little indication that a comprehensive network assessment has been undertaken. Given that the Cumberland Street/Hibel Road/Hurdsfield Road/Silk Road corridor is identified in the emerging Local Plan as a significant constraint on development possibilities the reluctance to assess network impacts is very worrying. Whilst the wish of the applicants to avoid having to contribute towards necessary highway improvements is understandable from a narrow financial aspect the wider impacts of new developments should not be the sole responsibility of the tax payer or local government to resolve.

### REPRESENTATIONS

232 Representations received from members of the public 08/12/2015 - 12/04/2016 raising the following issues

#### In Support

- Economic benefit to Macclesfield – footfall to town centre, local jobs, town centre redevelopment, investment from construction, may attract larger companies into Macclesfield, quoted 150 million over 2 years, ex-pupils of the school running local businesses
- Increase in housing in Macclesfield – particularly in attractive and convenient town centre location
- Increase in number of affordable/starter homes available in Macclesfield
- New and improved facilities available for community use, including local clubs/groups
- Proposal would allow the King's Schools to continue to develop and improve on the standard of education it provides
- The King's Schools adds prestige to Macclesfield/ they contribute positively to Macclesfield's reputation
- Reduce school traffic around the current Westminster Road site
- Improve facilities for pupils/future pupils, current situation is detrimental to an educational environment
- Secure the future of the King's School in Macclesfield / the King's Schools have a long history in Macclesfield / ensure the establishment can continue in Macclesfield
- The historic/listed buildings on the site would be retained
- The new school would be a more environmentally friendly/efficient than the current sites
- New town centre housing would increase retention of young people in Macclesfield / attract families and professionals to the area
- Provision of zero carbon/environmentally friendly houses in Macclesfield
- Potential for economic loss if the King's School relocate outside of Macclesfield

- In keeping designs which are suited to / sympathetic to the local area
- The King's school is a good school rated as 'excellent' by ofsted / various endorsements that King's is a top performing school
- Makes financial sense for the business to be located on one site and not two
- Makes logistical sense for the two schools to be on one site
- Overall benefits to the town (not further specified)
- New school site is needed / school needs to expand
- Opinion that the King's school is a considerate and charitable neighbour and would continue to be
- The development would contribute to the 'Make it Macclesfield' campaign for local regeneration
- Increase sporting and cultural opportunities
- No existing brownfield site suitable for new development
- Kings registered as a charity and is required to comply with the charity commissions public benefit requirements.

### In Objection

- Overshadowing / loss of light from new development
- Overlooking / loss of privacy from new development, particularly in gardens
- Loss of outlook
- The development does meet the 30% affordable housing quota, objection to the reasoning given that 'every pound spent on affordable housing is a pound less available to deliver the new school'
- Many brownfield sites in Macclesfield that could be used instead
- Concern of contaminated ground as site is based on a Victorian tip, concern these contaminates will be released into the air and the River Bollin catchment
- Loss of view towards the peak fringe area from various points of reference in and around the Westminster Road site
- Lack of buffer / green buffer / tree barrier between existing houses and new development. On previous plans there was an access road which residents expressed a preference for.
- Housing is very high density / concern too many houses for the site
- Access concerns about the new development, particular focus on entrance on Coare Street. Points raised about safety in an area with small children and elderly people.
- Concern that the very heavy traffic and recent proposals to close Coare Street have not been factored into the plans
- Objection to proposed pedestrian access at Northgate Avenue / New Hall Street
- Concern over differences in ground height at new development and existing houses, existing houses are much lower than the existing sports pitches and new development (Bryton Road, Bryton Close)
- Loss of local / town centre playing fields and sports pitches, including the recently installed all weather pitches.
- Proposed development will increase traffic at the location and the wider area
- Potential spread of Japanese Knotweed which is currently managed by the ground workers at the King's School.
- Potential for economic loss / loss of parent spending power in local area and town centre
- Will remove the association of the King's schools with Macclesfield and the reputational benefits it brings
- Will leave listed buildings which are difficult / costly to maintain
- Loss of trees / woodland

- Concern that existing stone wall may be lost (New Hall Street / Westminster Road)
- Lack of and loss of parking in the area, concern that cars will park in the area to reach the town centre
- Change in look and feel of the area, change in ambience. Concern materials used will not be in keeping.
- Potential increase in crime in the area
- Loss of green space, particularly in an urban / town centre environment
- Increase in noise while site is in construction
- Increase in noise from new development
- Drainage concerns due to increase hard standings, reports of increased garden flooding following installation of AstroTurf and concern of this worsening with new development.
- Potential increase in flooding
- Educational establishment is not available to all, lack of local children in attendance therefore does not benefit many in Macclesfield
- New school can not be reached by public transport whereas the old schools can
- Increase in air pollution from increased traffic
- Loss of local wildlife / habitat loss
- Use of playing fields for development is against various policies
- Concern that school may not be a viable business and may not be able to use the site long term.
- Concern that the new development will have a negative effect on values of existing houses
- Concern that many of the letters of support are from those with a vested interest in the King's School (teachers, governors, parents) and many do not live in Macclesfield
- Concern that as King's is a private business it will be profiting from building on the greenbelt
- Negative effect on quality of life for those located next to the development
- Lack of detail in plans about the houses that will be developed
- Concern that there is a lack of landscaping / planting in the plans. Opinions that increased planting would increase levels of privacy between new development and existing houses
- Query about why the school cannot develop on one of the existing sites at either Fence Ave or Westminster Road
- New facilities will be of minimal benefit as they only duplicate what is already available at the current site.

### **APPLICANT'S SUPPORTING INFORMATION**

- Planning Statement
- Air Quality information (Updated March 16)
- Ground desk study parts 1-9
- Framework Travel Plan
- Transport Assessment
- Townscape Assessment
- Flood Risk Assessment
- Geo Environmental Reports
- Arboricultural Statement
- Archaeology Statement
- Design and Access Statement
- Playing Field Assessment
- Statement of Community Involvement
- Economic Statement
- Existing Sports Provision

- Illustrative Masterplan
- Green Infrastructure
- Preliminary Ecological Survey
- Section 106 agreement – April 2016

### Planning statement conclusions

This Statement considered at the outset, whether the proposed development at Westminster Road contributes to the national requirement to deliver a wide range of quality homes. The conclusion is that it can, and further, that the illustrative layout shows in detail how this can be achieved. A high quality development is also sustainable development. It follows that the presumption in favour of sustainable development applies in this case.

The proposal accords with the objectives to ensure that new residential development provides for a satisfactory level of open space. The illustrative layout shows that the number of units proposed can be delivered in a scheme that achieves a high quality environment with open spaces, play areas and other amenity features.

There are no adverse impacts on the amenity of local residents raised by the proposal.

Therefore, there are no day to day development management policies that provide a basis on which to refuse planning permission.

The proposal is meritorious in its own right. Any concerns that the development causes harm beyond that conclusion are offset by a wider appreciation of the merits of the proposal by King's School as a whole. Put together, the merits of the proposal with the benefits that this proposal brings as part of the relocation of The School to Derby Fields provides a compelling case. Planning permission should be granted.

## **APPRAISAL**

### **Key Issues**

- Principle of development
- Loss of King's School at the Westminster Road site
- Loss of playing pitches
- Housing Land Supply
- Sustainability
- Affordable Housing and Viability
- Loss of pitches and relocation of facilities
- Landscape Impact
- Trees
- Access and Public Rights of Way
- Ecology
- Amenity
- Flood Risk
- Employment
- Economy of wider area
- Design
- Highways
- Section 106 agreement
- CIL
- Representations

- Conclusions
- Planning Balance
- Recommendation

### **Principle of development**

The site is located within the town centre of Macclesfield, it is bounded to the north by Green Belt land, however the site predominantly sits within the settlement boundary of the town. Within the settlement there is a presumption in favour of sustainable development providing no material considerations exist to outweigh the benefits of approving the proposals. The application proposes the complete redevelopment of the Westminster Road school site for residential development and is, therefore, due to its location acceptable in principle.

The site is previously developed land, it contains a number of buildings, all of which are in use by King's School. The redevelopment of previously developed land for residential development is an acceptable form of development, and is encouraged through local and national planning policy. The most recent planning reform consultation from DCLG sets out at paragraph 21.

*'We have already made clear our priority for ensuring as much as possible of brownfield land in driving up housing supply. The National Planning Policy Framework states that planning should encourage the effective use of land by reusing brownfield sites provided they are not of high environmental value, and that local councils can set locally appropriate targets for using brownfield land. In the Housing and Planning Bill, we have set out our intention to require local planning authorities to publish and maintain up-to-date registers of brownfield sites suitable for housing. It is our intention that brownfield registers will be a vehicle for granting permission in principle for new homes on suitable brownfield sites. Our ambition is for 90% of brownfield land suitable for housing to have planning permission by 2020.'*

It is clear therefore that the thrust of the national planning agenda is supportive of the use of brownfield sites, or previously developed land to be redeveloped to contribute to housing supply. The scheme accords with the aims of the development plan and national planning policy paragraph 17 to 'proactively drive and support sustainable economic development to deliver the homes *inter alia* that the country needs'.

-The north of the site is located within the Green Belt where there is a presumption against inappropriate development. However this will be retained as green space with tree planting along the southern edge of the river. Therefore the principle of development for this area of the site is acceptable within the Green Belt as it maintains openness and does not propose any development.

### **Loss of King's School at the Westminster Road site**

The loss of the Westminster Road King's School site is part of a wider proposal to relocate both girls and boys schools to one new site, which is to be located on the edge of Macclesfield within the Green Belt. The King's School is a private educational institution which is privately funded and sits outside of the education authority's remit. Therefore the decision to remove the school from this site and relocate elsewhere has been taken by the school and has been considered to be the most efficient option for the school moving forward. The loss of the educational facilities at the site will be compensated for on the new combined site,

therefore the equivalent number of pupils will be accommodated at the new school and private school places will not be lost as a result of the proposals when taken as a whole.

This application sits alongside two further applications, without those applications the proposal would not work effectively and the scheme would essentially be the loss of the boys school element of the King's School as a whole. Therefore it is not considered to be a viable option by the school to lose the Westminster Road site and retain the Fence Avenue site, however this does not preclude future alternative plans by the school.

### **The Loss of Playing Pitches**

The Westminster Road site currently contains sports pitches and facilities which are used by the school and can be used by the wider community. These however are not publicly accessible at all times and do not comprise public open space.

The current facilities include:

- two senior rugby pitches
- one cricket pitch
- one hockey pitch
- one 7s hockey pitch
- one MUGA
- cricket nets
- rugby training grids
- one long jump pit
- one discus area

The proposal for the new school includes a wide range of sports facilities, however as part of the plans for the new school, the amalgamation of the two sites onto one site will inevitably see the loss of some facilities as duplicates will not be required. This is not to say that a substantial quantum of sports facilities including play pitches will not be required in order for a school with the whole student population on one site to function effectively. Due to the size of the proposed school and the number of students it will accommodate, enough playing pitch and sport facility space is required.

Sport England, originally had a holding objection to the proposals, however following the submission to Sport England by the applicants of an agronomist report and a Sports Needs Assessment. The holding objection has been removed subject to suitably worded conditions. Therefore the proposals subject to conditions accord with paragraph 74 of the NPPF.

### **Housing Land Supply**

The Council's current position with regard to 5 year housing supply is shown below:

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy, alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016. The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply. From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgefield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

The PPG indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years). Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing. Therefore it is important that new housing is delivered to reduce this shortfall.

### **Sustainability**

Sustainability is the golden thread running through the National Planning Policy Framework, and proposals for sustainable development should be approved without delay. There are three strands to sustainability, social, economic and environmental.

### **SOCIAL SUSTAINABILITY**

#### **Affordable Housing and Viability**

A viability assessment was submitted as part of the application which has been independently assessed. The viability assessment stated that the three applications could not bear the costs of any financial or other contributions towards affordable housing or education. This proposal is an outline application for up to 150 dwellings. As part of this application a draft section 106 agreement (for the three applications as a whole) has been submitted which proposes an affordable housing package of 5% of the units to be starter homes, offered at 20% discount on open market value.

The policy compliant requirement on this site will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 150 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 45 dwellings to be provided as affordable dwellings. 29 units should be provided as Affordable rent and 16 units as Intermediate tenure. This development includes zero affordable dwellings and therefore Strategic Housing objects to the proposals.

The SHMA 2013 shows that yearly demand between 2013/14 and 2017/18 in Macclesfield is for 103 x 2 bed, 116 x 3 bed and 80 x 1 bed older persons dwellings. Information from Cheshire Homechoice shows that there are currently 1227 on the housing waiting list who have selected Macclesfield as their first choice. Those applicants require 518 x 1 bed, 479 x 2 bed, 199 x 3 bed and 31 x 4 bed dwellings. Therefore a mixture of units on this site, to include 1 bed and older persons accommodation, would be acceptable.

The viability argument for this site is not straightforward, as it is not a traditional housing scheme where a reasonable level of profit for the developer is required. In this case the applicant is the school, and the proposals are to fund the development of the new school and to put the profit generated from the sale of the land and the development of housing into the new school project – which is estimated to cost around £50m. The mechanism to ensure that a reasonable amount of profit from the site goes into funding the new school will be secured through a Section 106 agreement which will cover all three sites, which is yet to be agreed.

Based on this model, the applicant argues through their viability assessment that to provide a policy compliant scheme with regard to affordable housing is not possible as it will reduce the amount of money available to develop the school. The Council has had the viability independently assessed and it does demonstrate that there are insufficient funds from the housing developments to fund the new school.

An alternative of 5% of units to be sold at a 20% discount of market value is proposed. This proposal is not policy compliant and is therefore contrary to the Council's Interim Affordable Housing Statement. This proposed redevelopment of the site alongside the proposal at Fence Avenue totals circa 450 dwellings, which is a significant amount for Macclesfield. For two major sites within Macclesfield to have not one traditional affordable unit, making no significant contribution to social housing does not make a positive contribution to the social sustainability of the Macclesfield community. Therefore the proposal conflicts with the social strand of sustainability, contrary to the aims of the National and Local policy to deliver true sustainable development which weighs against the proposal in the overall planning balance.

### **Loss of Sports Pitches and relocation of facilities**

As explained earlier in this report, the proposals will see a loss in playing pitch provision which have now been justified to the satisfaction of Sport England. However, in addition to this, the relocation of the existing sports facilities to an out-of-town site will see the loss of the facilities which are currently utilised by the community for various activities and sports clubs is an important consideration, the current sites are both in sustainable locations with easy access for the residents of Macclesfield and the wider community with good public transport links to Macclesfield. Whereas the new facilities, although they will be new and of a high quality, will be located in a less sustainable location.

The applicants have demonstrated in their supporting statements that the facilities are used by a number of groups and organisations, and that the school are dedicated to allowing this to continue. It is considered that through effective communications, and a travel plan, that the location of the new sports facilities as part of the new school, which is adjacent to the existing

Derby Fields sports site and Macclesfield Rugby Club, this move would not be an unreasonable upheaval, and would not have a negative impact on the existing users of the facilities as they would still be available. The availability of the facilities for interested parties will be secured through the Section 106 agreement.

Comments in respect of general open space on this site itself remain outstanding however given the outline nature of the proposal a policy complaint position should be achievable.

### Education

A proposal of a total of 450 dwellings within Macclesfield will undoubtedly put additional pressure on local schools. Therefore the proposal in order to be acceptable to offset this harm requires an education contribution. This has been calculated as follows and runs alongside the application for the redevelopment of the Fence Avenue site which proposes a further 300 units. The mechanism for the section 106 agreement will still need to be refined but at present across the two housing sites the development of 450 dwellings is expected to generate:

82 primary children ( $450 \times 0.19 - 4$  SEN)

65 secondary children ( $450 \times 0.15 - 3$  SEN)

7 SEN children ( $450 \times 0.51 \times 0.03\%$ )

The development is forecast to create a shortfall predicted for secondary provision in the immediate locality and SEN provision.

To alleviate forecast pressures, the following contributions would be required:

$4 \times £17,959 \times 0.91 = £65,370.76$  (secondary)

$7 \times £50,000 \times 0.91 = £318,500$  (SEN)

Total education contribution: £383,870.76.

Without a secured contribution of £383,870.76 (pro-rata across the two sites), Children's Services raise an objection to the application on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development.

The applicant does not propose to pay Children's Services the sum required in order to offset the need for school places however as an alternative the Macclesfield Bursary Fund is proposed to the sum of £383,000 secured through the section 106 agreement, the definitions are set out below:

*Macclesfield Bursaries: means-tested bursaries awarded to pupils living within either the town of Macclesfield or otherwise within the Council's administrative area. The purpose of the award is to meet in full or in part the school fees of the recipient incurred in attending the School. The total value of the combined Macclesfield Bursaries offered in accordance with the provisions of Schedule [2] in any academic year shall not be required to exceed £170,000 (being the amount which it is estimated will be sufficient to fully fund two pupils through their complete secondary education at the School) and "Macclesfield Bursary" shall be construed accordingly.*

*Macclesfield Bursary Fund: A sum of £383,000 (three hundred and eighty three thousand pounds) paid by the School into an interest bearing account pursuant to Paragraph [9] of Schedule [2]*

This method of providing education to the equivalent value of what is required by the Council's Children's Services team has been tabled by the applicant's and will provide bursaries towards private education for up to 4 children to complete their secondary education at King's School. The bursaries will be means tested and will be offered in the first instance to children within the postcodes SK10 and SK11 which cover the Macclesfield area. Details of the bursaries will be reported back to the Council as set out in the proposed Section 106 agreement.

Providing education of any kind is beneficial, however, the proposal of providing 4 bursaries in lieu of a substantial contribution of £383,000 does not equate to the level of education provision Children's Services could secure through the contribution. Whilst the number of secondary school places is equivalent which is noted, the contribution to Children's Services would also provide for 7 SEN (Special Education Needs) places. It is noted therefore that whilst the number of Secondary School places would be equivalent, the proposals would not provide the 7 SEN places which are expected to be generated by the proposed development. Therefore to not contribute would directly impact on SEN provision in the Macclesfield area.

Therefore in terms of social sustainability, whilst a partial contribution is provided SEN would not be provided for, therefore the proposals would not fully be sustainable in terms of meeting the educational needs of the locality.

This application is part of the wider package of proposals to provide a new school, with state of the art facilities. The provision of a new school and a more efficiently run site is supported. The relocation of the school does release two large sites for residential development. It is acknowledged that schools are inefficient in their consumption of land compared to other land uses, however they are necessary in a thriving vibrant community. This new school will be a private establishment and will accommodate the same number of pupils as the existing two schools combined, at this point is not proposed to provide additional school places. Whilst private schools require significant financial contributions, they contribute significantly to the education system and play an important role in society. They provide a good standard of education for pupils and employment for staff. The role of schools is an important one, no matter what type, and this is reflected in paragraph 72 of the NPPF which states that:

*The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*

*-give great weight to the need to create, expand or alter schools; and  
-work with schools promoters to identify and resolve key planning issues before applications are submitted.*

This application forms part of the wider proposals to create the new King's School which accords with paragraph 72 of the NPPF which provides a private school to meet the needs of part of the local community, which according to the planning statement is required to secure the future of the school.

## **Social Sustainability Conclusion**

The proposals for the residential development will not make an affordable housing contribution it will however make a contribution in terms of starter homes and general market housing, both of which are in demand within Cheshire East where new dwellings are desperately needed, especially with a lack of 5 year supply of housing land and where housing developments must be approved without delay. The proposal does provide a Secondary education contribution by providing 4 bursaries at the King's School however does not provide a SEN contribution.

The open space on the site will be agreed through the reserved matters application which will ensure that adequate circulation space and connectivity to the surrounding area is sufficient for future residents through adopting established urban design principles. The management of open space will be agreed through the Section 106 agreement and is set out in the draft agreement. These contributions do provide community benefit, and it is unfortunate that the scheme is unable to provide a policy compliant affordable housing and a full educational contribution towards state school education, however this must be weighed against the benefits that much needed housing and a new school will provide for the community, and the facilities which will continue to serve other community clubs and organisations.

It is concluded that the residential development of a brownfield site will provide much needed housing, however whether the community will be able to bear the impact on the infrastructure is concerning when this site is considered in the round with the Fence Avenue proposals. However, all applications must be assessed on their individual merits, and in the case of this site for 150 dwellings, the proposals are still of a significant scale and will have an impact on education services and should provide an element of social housing and as a standalone application the proposals are not policy compliant.

The construction of the new dwellings will provide employment and a new school, which will provide employment through its construction and the provision of facilities for not only the pupils but for the staff and wider community. It has been demonstrated through a viability assessment, which has been independently verified, that it would not be viable to provide the necessary contributions in order to make the scheme policy compliant, as this development would only be achieved when combined with the two remaining schemes. The proposals are balanced in terms of social sustainability, the social contribution the scheme makes must be taken into account, however the lack of affordable housing and lack of a full education contribution are significant issues and without these benefits the proposals will have a detrimental impact on local infrastructure and the community will ultimately bear the cost of these shortcomings. As a result the development will be unsustainable and should be refused on this basis.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Landscape Impact**

The site is within a sensitive location on the edge of the Green Belt, therefore it is important that the proposals do not have a greater landscape or visual impact than the current situation.

The site is located in an urban area, it is 5Ha in area and is currently occupied by Kings School. It includes school buildings, playing fields and sports courts. There's a narrow band of woodland along the northern edge of the site which lies within the Bollin Valley and Parklands

Local Landscape Designation Area (ASCV). There's an avenue of mature sycamore trees along the Westminster Road boundary and stone walls along the Westminster Road and the Coare Street boundaries. The application is supported by a Landscape, Townscape and Visual Appraisal

### Landscape & Townscape effects

The Council's Landscape Officer has concluded that the development would have a minor beneficial effect on the landform as at the northern end of the site re-grading would be required to provide vehicular access from Coare Street and steps or ramps would be provided to allow pedestrian access to Newhall street and Northgate street.

The replacement of school buildings with housing would have a moderate beneficial effect and the change from open courts and pitches to housing development would have a neutral effect.

Retention of the avenue of trees along Westminster Road and new tree planting would have a minor beneficial effect.

### Visual Effects

The assessment identified that the site is not visible from the wider area as it is screened by surrounding buildings. Residents and users of the streets immediately surrounding the site form the main visual receptors.

The proposals would result in no significant adverse effects. The users of Macclesfield Riverside Park may glimpse the new houses during the winter months but this would have a negligible effect.

Around the northern part of the site the change from playing fields to new housing would have a neutral effect – 'not necessarily harmful, just different'.

At the southern end of the site the replacement of old school buildings with new housing would have slight beneficial effects on King's School, the users of the eastern entrance to West Park and the residents/users of Coare Street and Newhall Street. It would also have a neutral effect on users of Sainsbury's car park and of the southern end of Westminster Road.

### Landscape Conclusions

The Landscape Officer agrees with the appraisal apart from the change from open courts and playing pitches to housing development at the northern end of the site which would probably have minor adverse rather than neutral landscape and visual effects. However, these adverse effects would not be significant. The Landscape Officer raises no objections to the application subject to conditions. The Landscape Officer has also stressed the importance of retaining the avenue of trees along Westminster Road and their root protection areas retained as public open space and the stone walls along Westminster Road and Coare Street must also be retained. Further consideration should also be given to the northern edge of the site within the ASCV to provide an appropriate margin of open space between the development and the woodland which can be negotiated through the future reserved matters scheme.

Overall the proposals do not have a more detrimental impact on the landscape than the current situation, therefore the proposals accord with policies DC8 and NE2 of the MBLP.

## Trees

The application is supported by an Arboricultural Statement (Cheshire Woodlands Arboricultural Consultancy CW/7699-AS1 dated September 2015) which includes a Tree Survey Schedule (Ref CW/7699-SS1) and Tree Constraints Plan (CW/7699-P-TC-1).

Trees within and immediately adjacent to the site are currently not formally protected by a Tree Preservation Order. The site is not located within a Conservation Area where trees would be pre-emptively protected.

The Statement has identified 12 individual trees, and 12 groups within the application site which have been categorised in accordance with *BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations*.

The majority of trees within the site are located along the western boundary of the application site behind a stone wall as a prominent linear group adjacent to Westminster Road and to the north of the site forming a visually prominent linear woodland/group adjacent to the River Bollin connecting to Macclesfield Riverside Park Nature Reserve. Other trees identified include a mature High (A) category Lime located to the western boundary of the site adjacent to the rear of properties on Brynton Road and two mature moderate (B) category Sycamore located on the frontage of Coare Street which provide some contribution to the street scene and wider amenity of the area.

The statement identifies three mature trees within Group G1 and one mature tree within Group G2 located on the Westminster Road frontage will require removal due to safety considerations. These trees have evidence of internal decay and/or have been identified with the decay fungi. Their removal is considered reasonable and appropriate arboricultural management in the context of existing and future management of the site.

The outline development proposals will require the direct loss of two young moderate (B) category Rowan trees (T10 and T11) and a young Norway Maple (T12). These trees are located close to and associated with existing school buildings and are not significantly visible as public amenity features. In this regard their removal will not have any measurable impact.

A group of recently planted low category trees (G5) comprising of various species including Silver Birch, Alder, Beech, Apple, Hawthorn, Oak, and Holly, located to the north east boundary of the site adjacent to the end of Northgate Avenue have been identified for removal to accommodate a new pedestrian access and construction of a retaining structure. Whilst these trees provide some screening to the two end properties from adjacent outdoor school activities, their value and contribution to the wider amenity is considered to be negligible.

In addition to the loss of a poor quality tree within Group G2, two further high (A) quality trees within Group G2 will require removal to accommodate the proposed access into the site off Westminster Road (note the Arboricultural Statement at 7.6 refers to Group G1 not G2).

The issue of access provision off Westminster Road was considered and assessed as part of the pre-application process. The principle of maintaining the tree lined character of Westminster Road and the separation of development from this visually important feature was discussed in detail. In accordance with the pre-application discussions, an internal road

(running parallel with Westminster Road) provides for separation between existing trees and residential development and scope for compensatory planting and landscape enhancement.

In terms of the southern access off Westminster Road, tree losses will be restricted to those identified in the statement as being required for removal due to their condition (within G1).

With regard to the northern access two high (A) quality trees (within G2) will require removal. Subject to highway engineer's requirements for access design and forward visibility splays, anticipated tree losses ought be restricted to these two trees. In this regard the arboricultural officer is satisfied that the submitted design provides for the integration of additional large canopy trees both along the Westminster Road frontage and internally within the site which providing adequate compensation for these losses.

The illustrative Master Plan shows an access road between the woodland edge along the River Bollin corridor to the north of the site and residential development, which is to be welcomed. Within this area there is evidence of landfill which is identified within the statement and its removal/restoration of levels shall be included within a Arboricultural Method Statement as part of any future reserved matters application which should ensure that the design and final layout shall ensure any residential gardens do not back onto the woodland and that separation from residential development is maintained.

Any future reserved matters application is to be supported by and Arboricultural Implication Study in accordance with BS5837:2012 which shall include an Arboricultural Method Statement referred to above and proposals for a plan of woodland management to ensure the long term continuity of the woodland at the northern end of the site.

It is considered that the tree losses explained above are acceptable and are not significant to have a detrimental impact on the amenity of the area and the reserved matters application can secure adequate planting and management of woodland, the proposal is considered to be acceptable and be in accordance with the development plan.

### **Access**

The proposed development does not appear to affect a public right of way. The National Planning Policy Framework states that *"planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails"* (para 75). NPPF continues to state (para. 35) that *"Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to.....*

*-give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;*

*-create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians".*

Proposed developments should present an opportunity to deliver and improve walking, cycling and equestrian facilities for transport and leisure purposes, both within the proposed development site and in providing access to local facilities for education, employment, health

etc. These aims are stated within the policies and initiatives of the Council's statutory Local Transport Plan and Rights of Way Improvement Plan and also within the Local Plan Strategic Priority 2: *"Creating sustainable communities, where all members are able to contribute and where all the infrastructure required to support the community is provided. This will be delivered by:*

- 2. Ensuring that development provides the opportunity for healthier lifestyles through provision of high quality green infrastructure and cultural, recreational, leisure and sports opportunities*
- 4. Improving links between existing and new neighbourhoods by giving priority to walking, cycling and public transport and providing a genuine choice of transport modes and supporting community integration".*

In the case of this application, it is considered that adequate connections are able to be made in order to ensure that walking and cycling routes to and from and around the site are sufficient. This can be established through the reserved matters stage, through using urban design principles set out in the Council's design guide. The Rights of Way team have made recommendations for the reserved matters stage. The location of the site is sustainable with good existing connections to services and facilities within the town centre and public transport routes, therefore accords with the aims of the NPPF for development to be located within sustainable locations.

### **Ecology**

As part of any development proposals it is important that proposals do not endanger European protected species or species of conservation importance. The Council's ecologist has commented on the proposals.

#### 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 the report including 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, a condition is recommended in respect of hedgehogs.

#### 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. This can be mitigated through the layout at the reserved matters stage.

### Badgers

Badgers are active to the north of the red line of the application but no evidence of any setts was recorded. The submitted preliminary ecological appraisal recommends a detailed badger survey be undertaken. 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.

It is advised by the Ecologist that the outstanding information is submitted prior to the determination of the application, which was requested in January 2015.

### Japanese Knotweed

The applicant should be aware that Japanese Knotweed 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. Therefore if the applicant intends to move any soil or waste off site this must be removed under the terms of the Environmental Protection Act 1990.

Without the information requested, it is not possible for the Council's Ecologist make a recommendation in respect of ecology, at the time of writing the report this information is not available, however Members will be updated at the committee meeting in respect of ecology issues.

### **Amenity**

In order for the proposals to be acceptable, it is important that they do not have a detrimental impact on the amenities of existing residents and that the development is not located within an area which would harm the amenities of future residents. Environmental Health has commented on the application in respect of noise vibrations and dust, air quality and land contamination. Environmental Health has raised no objections in respect of noise, vibration and dust, subject to the submission of a construction phase environmental management plan.

With regard to air quality an Air Quality Impact Assessment produced by WYG dated September 2015 has been submitted in support of the planning application, however the scope and methodology were not agreed prior to submission with the Council.

The report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows. The proposed development is considered significant in that it is highly likely to change traffic patterns and increase congestion in the area.

There is also concern that the cumulative impacts of development in the area will lead to successive increases in pollution levels and thereby increased exposure. The assessment uses ADMS Roads to model NO<sub>2</sub> and PM<sub>10</sub> from additional road traffic associated with this development.

It is unclear within the report if sensitivity analysis has been undertaken whereby emission factors are kept at the base year for the future 'with and without' development scenarios. This provides a conservative assessment whilst there is uncertainty regarding the rate of reduction in emissions from road vehicles into the future.

The report concludes that there will be a negligible increase in pollutant concentrations at receptors modelled.

Taking into account the uncertainties associated with modelling, the impacts of the development could be significantly worse. Therefore Environmental Health has recommended conditions in line with the recommendations in the WYG report in order to help mitigate this. Therefore with these mitigation measures in place the proposed development would not cause harm through air pollution to future or existing residents in the locality.

Dust will be generated by the demolition and construction processes on the site, therefore the WYG report includes mitigation measures for this, and detailed information has been submitted with the application with regard to contaminated land which is to the satisfaction of the Environmental Health officer, as a result no objections are raised to the application with regard to the above matters, and the proposals will have no detrimental impact on residents as a result of pollution. Therefore the proposals accord with policies DC3 and DC63 of MBLP and the NPPF.

### **Flood Risk**

It is important that new developments are not at risk from flooding, or that the development itself would not exacerbate flooding in an area. This site is adjacent to the River Bollin which is located at a lower level than the majority of the site. A Flood Risk Assessment was submitted with the application, which concludes that the development will remain safe during its lifetime and will not increase flood risk elsewhere and is, therefore, considered to be acceptable in flood risk terms. Both the Environment Agency and United Utilities have commented on the application, and neither have raised objections to the proposals. United Utilities have recommended conditions in order to ensure that the proposed development does not create or exacerbate flooding through surface water run-off and to ensure that the drainage of the site is adequate. It is concluded therefore that the proposals accord with policy DC17 of the MBLP and the NPPF.

### **Design**

The proposed development is at outline stage, the hard and soft landscaping and materials will be agreed by condition to ensure that the proposal does not have a detrimental impact on the character of the area and can make a positive contribution to the site. The remainder of the site is at outline stage where no detail is agreed save for access. Therefore detailed design will be agreed at the reserved matters stage. At the reserved matters stage the proposed design and layout can ensure that separation distances are adequate to ensure no

detrimental impact on existing or future residents, by virtue of overlooking, loss of privacy or loss of light.

### **Highways**

A large amount of objections have been received by local residents in relation to increased traffic and highways issues. The application is in outline form with access and the principle of development to be agreed at this stage.

The site lies off Westminster Road in a predominately residential area of Macclesfield and will have two access points off Westminster Road and one access from Coare Street. The remainder of the school site that fronts onto Cumberland Street is separated by Coare Street and is not included in this application. The further development may come forward for in the future.

### Traffic Impact Assessment

As this is an existing school there are a considerable number of traffic movements associated with it especially in the morning peak and these traffic movements needs to be considered against the likely traffic generation arising from the application.

The assessment of this actual application at 150 units has been made using the Trics database. A comparison of the peak hour traffic generations between the existing school traffic and the proposed residential development show that the flows are significantly lower for the residential scheme in the AM than the existing school operation and similar in the PM.

As there will be no external traffic impact on the road network due to the traffic flows not increasing, no wider junction testing is required. There is a requirement to assess the proposed site access junctions to ensure that no capacity problems will arise as a result of the development, the applicant has undertaken this assessment and the results show that no significant queuing will arise. (Although not part of this application the applicant has provided an assessment of the traffic generation of the 50 units that is possible on the Cumberland Street site).

### Access and accessibility

All three access points are indicated as being 5.5m carriageway and two 2.0m footways, this is an acceptable standard of access to serve the development proposed although a lower standard of access may be preferable depending on the development layout at reserved matters stage.

The site is located not far the town centre and the site does have good pedestrian links and there are bus and rail services within a reasonable walking distance of the site. Overall, the site is considered to have good accessibility to sustainable modes of transport.

### Highways summary and conclusions

This is an application on the site of an existing school and there are a considerable number of traffic movements to and from the site that occurs on a daily basis. The proposal is for up to 150 dwellings (although the applicants have tested 200 units to include the Cumberland Road site) the impact of the proposal produces less traffic generation than will occur as a result of

the existing school and therefore there is no wider traffic impact on the road network other than the site access junctions.

Although there is masterplan submitted this application is an outline application and the internal details would most likely change at reserved matters stage, as such no comments are made on the layout plan attached. There are three access points proposed, there are no objections to the access points proposed and the geometric standard of the accesses.

A number of representations have been made with relation to highways issues and also concerning the proposed closure of streets surrounding the existing school site for the benefit of existing residents along the traditional terraced streets to the south of the site. However the proposed route has not been implemented by Cheshire East Highways and therefore the application must be assessed against the current situation. It is considered that the proposals will not have a detrimental impact on the highway network and that the proposed access points are suitable to serve the proposed development, the proposals therefore accord with the Development Plan and the NPPF.

### **Environmental sustainability conclusions**

It is considered that the proposed development is generally environmentally sustainable. However this is subject to the Ecological issues being resolved to the satisfaction of the Council. It is considered that the location is sustainable and any harmful effects of the development with regard to pollution can be adequately mitigated. The landscape impact of the proposed development is not harmful to the amenity of the area, and the loss of certain trees is acceptable. The highway impact is not considered to be significant. On balance, subject to a positive ecological recommendation it is considered that through appropriate and effective mitigation, levels of harm would be acceptable and would not warrant refusal of the application.

## **ECONOMIC SUSTAINABILITY**

### **Employment**

The proposed development for the redevelopment and relocation of the school will retain the majority of staff, as the number of pupils will be equivalent to the existing two schools combined. In relation to the Westminster Road site's development, the proposals will create employment in the short term through the demolition and construction process. It is considered therefore that in terms of employment numbers these will increase as a result of the proposals.

### **Economy of the wider area**

The addition of 150 units will undoubtedly boost the economy in the local area through the increased use of shops and services making them more sustainable, which is especially important in Macclesfield Town Centre to be sustainable into the future. Additional population can create more demand for local services, increasing the likelihood that they will be retained into the future and improvements and investment made.

### **Economic sustainability conclusions**

The proposals will result in additional employment in the sort term through the construction of the site along with an economic boost locally through the increase in population to this area of

the town. It is considered that the proposals will make efficient use of a brownfield site by providing market housing in a town centre location.

### **Section 106 agreement**

The terms of the Section 106 agreement are not formally agreed and if approved the leag agreement(s) would need to be refined however the applicant proposes the following:

- Education contribution of bursaries for Kings School to the value of £383,000 (for two sites)
- Open Space Provision
- Open Space and Landscape Management (to include Public Open Space)
- Provision of starter homes (5% at 20% discount)
- Trigger for the new school to be completed prior to the development of the Fence Avenue and Westminster Road sites.
- Phasing Plan
- Travel Plan
- Sports and Music Facilities Community Use Scheme
- 

### **CIL Regulations**

Community Infrastructure Levy (CIL) Regulations LEVY (CIL) REGULATIONS In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following: a) Necessary to make the development acceptable in planning terms; a) Directly related to the development; and b) Fair and reasonably related in scale and kind to the development. It is considered that the contributions required as part of the application are justified and only go part of the way to meeting the Council's requirement for policy compliance. All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development. The non-financial requirements ensure that the development will be delivered in full. On this basis the S106 the scheme is compliant with the CIL Regulations 2010.

### **Representations**

A large number of representations have been received in relation to the application, with many representations both in objection and in support of the proposals, many of the representations relate to the three schemes as a whole. However those relating to this scheme and its merits have been addressed in the main body of the report. Having taken into account all of the representations received including internal and external consultation responses, the material considerations raised have been addressed within the main body of the report. There are outstanding issues that have not been addressed to the satisfaction of the Council these include Ecological concerns. DCLG have contacted the Council regarding the applications and would like all three applications to be referred to the Secretary of State should they be recommended for approval by the Strategic Planning Board.

Questions have been raised in the representations whether this application is an EIA development. Generally a residential development of this size of up to 150 dwellings within a sustainable town location would not be an EIA development as it would not have a greater

than local impact on the environment. Therefore in this case the Council does not consider this to be an EIA development in terms of the 2011 EIA regulations.

Paragraph 14 of the NPPF states that should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

### **PLANNING BALANCE**

The principle of residential development of previously developed land is supported at all levels of planning policy where the Government's aims are clear. PDL and brownfield sites should be used to boost housing supply where appropriate, the housing and planning bill consultation paper sets out the Government's intention '*Our ambition is for 90% of brownfield land suitable for housing to have planning permission by 2020.*' Clearly these proposals align with the intention of the Government to encourage the use of brownfield land to boost housing supply. Cheshire East cannot demonstrate a 5 year supply of housing, therefore the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole; or specific policies in the Framework indicate development should be restricted.

It has been demonstrated through the application that additional information can overcome certain issues along with suggested planning conditions and obligations. However three issues remain outstanding at the time of writing this report. It is considered that the ecology issues may be able to be mitigated if the correct surveys are submitted with appropriate recommendations to the satisfaction of the Council's Ecologist in order for a recommendation to be made on this issue. However, the issue of the lack of affordable housing and the lack of a satisfactory education contribution will not result in sustainable development as the proposed development will place a burden on the local community through not providing sufficient community benefit, which cannot be overcome without a policy compliant scheme.

The lack of affordable housing provision is a balanced issue, however, the viability assessment which has been verified independently shows that the proposed development cannot bear the additional cost of providing affordable housing if the project is to be viable, although starter homes can be provided on site which makes some social contribution. The proposals will put pressure on the state school education infrastructure which serves the catchment area of the site. The proposed secondary places at King's School would be means tested and would provide 4 places in total, however no SEN provision would be made as a result of the application. It is considered therefore that the proposals are not fully socially sustainable and should be refused on this basis.

The proposal is largely sustainable in terms of the environment, however the issue of ecology must be resolved to the satisfaction of the Strategic Planning Board.

The proposal and the wider proposals are economically sustainable as detailed in this report.

Through the assessment as to whether the scheme represents sustainable development, it is considered that it does not achieve this in terms of three strands: social, environmental and economic sustainability. Therefore the proposal as it stands does not align with the

presumption in favour of sustainable development set out in the NPPF, and should be refused.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Council's delivery of 5 year housing land supply.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes, and benefits for local businesses.
- The proposal will not have an adverse landscape impact.
- There is no negative highways impact.

The development would have a neutral impact upon the following subject to mitigation:

- There is not considered to be any significant drainage implications raised by this development.
- The impact upon trees is considered to be neutral as this can be addressed through mitigation.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land could be mitigated through the imposition of planning conditions.
- The loss of playing pitches over the Fence Avenue and Westminster Road has been justified through evidence to the satisfaction of Sport England subject to conditions.

The adverse impacts of the development would be:

- The impact upon protected species/ecology is considered to be unknown, therefore it cannot be assumed at this stage that mitigation would be possible at the site without additional information.
- No affordable housing provided by a Registered Social Landlord, however 5% starter homes (80% market value) are proposed.
- No financial educational contribution to Children's Services, bursaries are proposed.
- No SEN contribution.

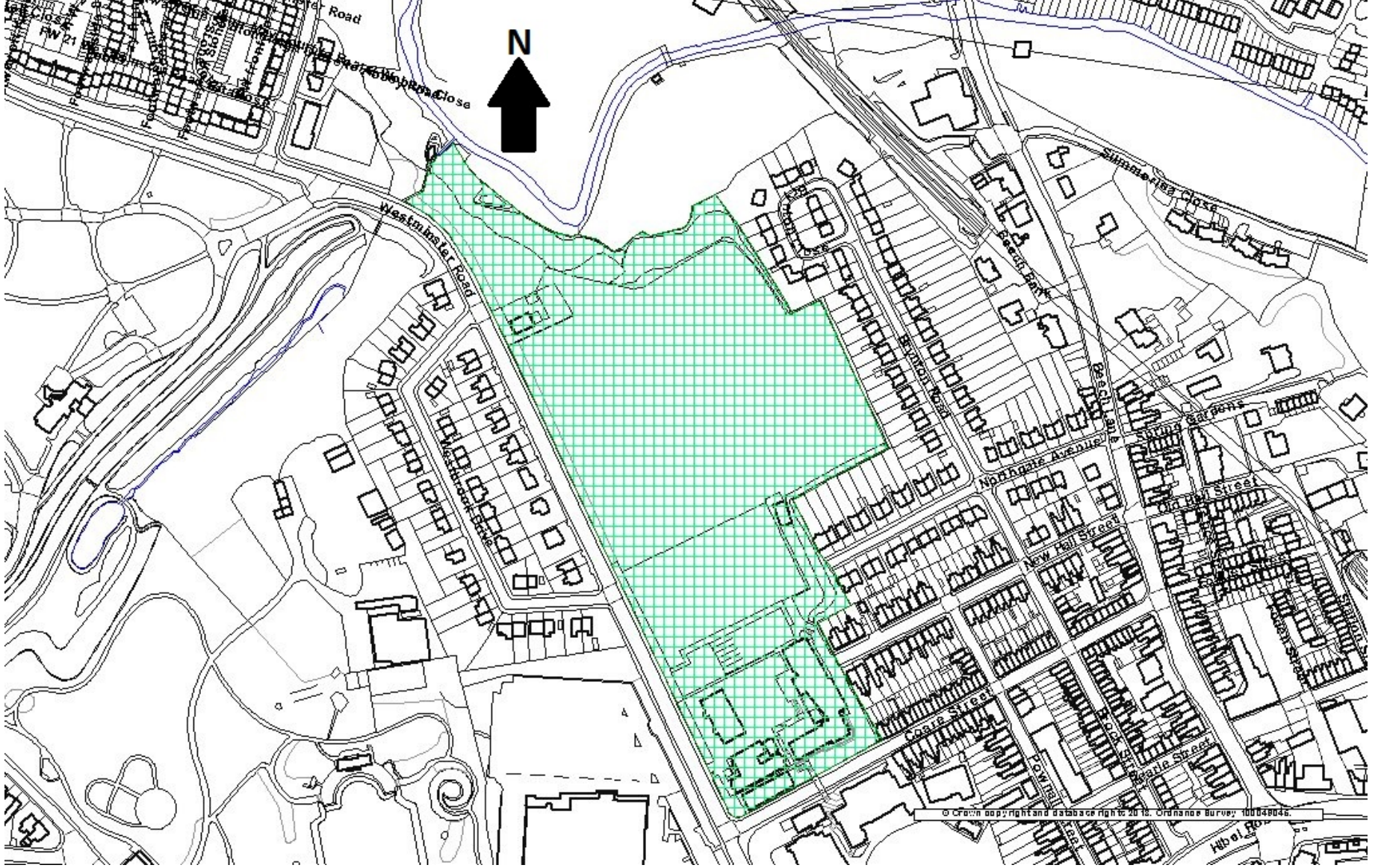
On the basis of the above, it is considered that the proposal does not represent sustainable development due to the outstanding issues above it is not considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits.

## **RECOMMENDATION**

### **Refuse**

1. The application requires the provision of affordable housing in order to represent sustainable development and to comply with the Council's Interim Planning Statement: Affordable Housing (IPS), no affordable housing is proposed to be delivered as part of the proposals contrary to saved policy H8 of the Macclesfield Borough Local Plan and paragraph 50 of the NPPF.
2. The application does not make provision for a necessary educational contribution to mitigate the harm to education services as a result of this development. The proposal will therefore put pressure on social infrastructure services locally contrary to saved policy H5 of the Macclesfield Borough Local Plan and paragraph 162 of the NPPF.

3. Insufficient information has been provided in order to make a fully informed assessment of the potential impacts of the proposed development upon protected species in the absence of required bat surveys. Therefore the proposals are contrary to saved policy NE11 of the Macclesfield Borough Local Plan and paragraph 118 of the NPPF.



Application No: 15/4287M

Location: THE KINGS SCHOOL, FENCE AVENUE, MACCLESFIELD, CHESHIRE, SK10 1LT

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.

Applicant: The Foundation of Sir John Percyvale

Expiry Date: 24-Feb-2016

### SUMMARY

The application is to be considered alongside two applications for the development of King's School however, this application must be assessed on its individual merits.

The site is partially previously developed however the majority of the site is undeveloped. The whole site is within the Green Belt where there is a presumption against inappropriate development. It is established that the proposals do represent inappropriate development within the Green Belt, and only if very special circumstances exist to justify the departure from Green Belt policy should they be approved.

The applicant has put forward what it considers to be very special circumstances, however the onus is on the decision maker, the LPA to determine what weight is attached to these in the planning balance and whether these circumstances amount to very special circumstances to justify the development, and outweigh the automatic harm the development would cause by way of inappropriateness.

In this case points 1 and 2 of the applicant's case relate to the fact that the site is earmarked for housing in the CELPS. The degree of weight to be attached to an emerging plan which has not gone through the full EIP process depends on the level of how much the policy aligns with the NPPF.

The amount of weight to be given depends on the following as set out in paragraph 216 of the NPPF.

*-the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*  
*-the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*  
*-the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

In light of paragraph 216 it is acknowledged that the stage of preparation of the CELPS is advanced, initial EIP hearings have taken place, and changes have been made in line with the Inspectors recommendations. The hearings are due to resume later in the year, following which the Inspector will make final recommendations. The site selection process is also advanced.

The recommended changes have been made to the policies and these changes have been consulted on which ended in April 2016. The Fence Avenue site has objections as a site from the public and there objection to the release of Green Belt land.

As CS9 is not a development management or core policy but a site allocation, the principle of the development itself can only be assessed against the Framework. In the case of the Framework, Green Belt land should be retained for its own purposes.

The weight in this case to attach to CS9 would be significant, due to the level of preparation of the CELPS, however the weight to be attributed to this circumstance must be reduced as the scheme is not policy compliant, with no affordable housing or sufficient education contribution and as a result the community would be at a significant disadvantage due to the impact on existing infrastructure.

Whilst weight has been attached to points 1 and 2 of the applicant's case, it is not considered that the remaining points amount to very special circumstances enough to outweigh the significant harm to the Green Belt. Notwithstanding the potential allocation, this scheme is not policy compliant and does not alone justify the departure from Green Belt policy. The proposals for the site form part of wider proposals, however, this site must be assessed on its own merits. The proposals conflict with local and national long established Green Belt policy, and should be refused on the grounds of inappropriate development within the Green Belt and conflict with the purposes for including land within the Green Belt including urban sprawl and encroachment.

It has been demonstrated through the application that additional information can overcome certain issues along with suggested planning conditions and obligations. However significant issues remain outstanding at the time of writing this report. It is considered that the ecology issues may be able to be mitigated if the correct surveys are submitted with appropriate recommendations to the satisfaction of the Council's Ecologist in order for a recommendation to be made on this issue, the same is true of the tree issues.

With regard to the lack of affordable housing provision, this is balanced, however, the viability assessment which has been verified independently shows that the proposed development cannot bear the cost of providing affordable housing if the project is to be viable, although starter homes can be provided on site which makes some social contribution. The proposals will put pressure on the state school education infrastructure which serves the catchment area of the site. The proposed secondary places at King's School would be means tested and would provide 4 places in total, however no SEN provision would be made as a result of the application. It is considered therefore that the proposals are not socially sustainable, and are contrary to the aims of the development plan and the Framework.

The proposal is largely sustainable in terms of the environment, however the issue of ecology and trees must be resolved to the satisfaction of the Strategic Planning Board.

The proposal and the wider proposals are economically sustainable as detailed in this report.

Through the assessment as to whether the scheme represents sustainable development, it is considered that it does not achieve this in terms of three strands: social, environmental and economic sustainability. As the site is within the Green Belt under paragraph 14 there is not a presumption in favour of sustainable development where other policies in the framework state that development should be restricted which includes Green Belts. On balance therefore after careful consideration the application should be refused in principle.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Council's delivery of 5 year housing land supply.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes, and benefits for local businesses.
- The proposal will not have an adverse landscape impact.
- There is no negative highways impact.

The development would have a neutral impact upon the following subject to mitigation:

- Subject to appropriate levels of mitigation, there will be no adverse impact on heritage assets.
- There is not considered to be any significant drainage implications raised by this development.
- The impact upon trees is unknown at this stage therefore cannot be considered to be negative or positive at this stage.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land could be mitigated through the imposition of planning conditions.

The adverse impacts of the development would be:

- The proposal is inappropriate development in the Green Belt, harmful by definition and the very special circumstances put forward are not significant enough to outweigh the significant harm to the openness of the Green Belt and the purposes for including land within it.
- The impact upon protected species/ecology is considered to be unknown, therefore it cannot be assumed at this stage that mitigation would be possible at the site without additional information.
- No affordable housing provided by a Registered Social Landlord, however 5% start homes (80% market value) are proposed.
- No financial educational contribution to Children's Services, bursaries are proposed.
- No SEN contribution.

On the basis of the above, it is considered that the proposal does not represent sustainable development and represents inappropriate development within the Green Belt and it is not considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits.

## **SUMMARY RECOMMENDATION**

**Refusal**

## **PROPOSAL**

The application is an outline application for the partial demolition of part of the King's School site located off Fence Avenue on the edge of Macclesfield. The site is currently occupied by the girls' school, the boys' school is located at another site off Cumberland Street and Westminster Road within Macclesfield, and there is a sports ground owned and used by the school off Prestbury Road located between Macclesfield and Prestbury. The proposals include the demolition of most of the buildings on site apart from the main school building which faces Fence Avenue. The remainder of the site will make up dwellings and pockets of open space. The application is in outline form, and no detail is to be established at this stage, except for the access. The application proposes around 300 dwellings of varying sizes.

No affordable housing is proposed as part of the submission, however a discount market house-type is proposed which would be secured as part of a section 106 agreement if agreed. The far west part of the site is previously developed, the main building front onto Fence Avenue is locally listed and will be retained and converted into apartments. All other buildings will be demolished to make way for new development. Following consultation responses the scheme has now been amended to maintain the area of open green space to the east of the site which covers approximately 1.8ha. This does increase the density of the development on the site to approximately 26.7 dwellings/ha.

The site has been considered by Cheshire East Council to be an EIA development, therefore an EIA has been submitted with the proposals.

## **SITE DESCRIPTION**

The Fence Avenue site includes a large parcel of land which does not form part of the current school land, to the north of the girls' school the land is grazing land which has a number of trees within it. The whole site covers a site of approximately 13Ha. To the east of the site is Fence Avenue, to the north west of the site is a small industrial estate, with Sandringham Road to the north. The site has Lime Grove to the south and the southern boundary is curtailed by the Macclesfield Canal. To the east is the canal and hills on the edge of the Peak District beyond. The site rises from west to east and has an undulating landscape with groups of trees on the site.

There are a number of playing pitches on the site which spread to the east, some of which are no longer used due to their condition. There is a gym and a number of other more modern buildings on the site.

The site is clearly split partially developed and partially undeveloped. The undeveloped portion of the site makes up the largest portion of the site.

## **RELEVANT HISTORY**

01/0378P, Single storey side extension, Approved, 11/04/01.

## **NATIONAL & LOCAL POLICY**

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plan (January 2004).

Macclesfield Borough Local Plan Policy:

The site is located completely within the Green Belt, the main school building is within the Conservation Area. The canal running to the south of the site is within a Canal Conservation Area. The site is within an area of Special County Value.

Therefore the relevant Local Plan policies are considered to be:

Built Environment Policies:

Policy BE1: Design Guidance  
Policy BE3: Conservation Areas  
Policy BE4: Design Criteria in Conservation Areas  
Policy BE6: Macclesfield Canal Conservation Area  
Policy BE20: Locally Important Buildings

Development Control Policies:

Policy DC1: New Build  
Policy DC3: Amenity  
Policy DC5: Natural Surveillance  
Policy DC6: Circulation and Access  
Policy DC8: Landscaping  
Policy DC9: Tree Protection  
Policy DC36: Road Layouts and Circulation  
Policy DC37: Landscaping  
Policy DC38: Space Light and Privacy  
Policy DC40: Children's Play Provision and Amenity Space  
Policy DC63: Contaminated Land  
Policy T1: Integrated transport policy  
Policy T2: Provision of public transport  
Policy T3: Improving conditions for pedestrians  
Policy T4: Provision for people with restricted mobility  
Policy T5: Development proposals making provision for cyclists  
Policy T6: Highway improvements and traffic management  
Policy NE2: Landscape character areas  
Policy NE14: Natural habitats  
Policy NE11: Protection and enhancement of nature conservation interests  
Policy NE17: Nature Conservation in Major Developments  
Policy NE18: Accessible areas of nature conservation from residential properties  
Policy H1: Phasing policy  
Policy H2: Environmental Quality in Housing Developments  
Policy H5: Windfall Housing

Policy H8: Provision of Affordable Housing  
Policy H9: Occupation of Affordable Housing  
Policy H13: Protecting Residential Areas  
Policy RT1: Recreational land and open space  
Policy RT2: Open spaces/amenity areas in residential areas  
Policy RT5: Standards for open space provision  
Policy GC1: Green Belt boundaries  
Policy IMP1: Development Sites  
Policy IMP2: Transport Measures

Cheshire East Local Plan Strategy – Proposed changes version public consultation ended 19<sup>th</sup> April 2016 where this site is proposed as an allocation for housing development.

The following are considered relevant material considerations as indications of the emerging strategy:

Site CS9 – Land East of Fence Avenue, Macclesfield

The supporting text for site CS9 is also a material consideration in this case, which states that CEC will support the relocation of King's School in order to make this site available for housing growth.

MP1 Presumption in favour of sustainable development  
PG1 Overall Development Strategy  
PG2 Settlement hierarchy  
PG6 Spatial Distribution of Development  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
IN1 Infrastructure  
IN2 Developer contributions  
SC4 Residential Mix  
SC5 Affordable Homes  
SE1 Design  
SE2 Efficient use of land  
SE3 Biodiversity and geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE6 Green Infrastructure  
SE9 Energy Efficient Development  
SE12 Pollution, Land contamination and land instability  
SE13 Flood risk and water management  
CO1 Sustainable Travel and Transport  
CO4 Travel plans and transport assessments

The National Planning Policy Framework

The National Planning Policy Framework came into effect on 27 March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

Since the NPPF was published, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

49. Housing supply policies

50 and 54. Wide choice of quality homes

56-68. Requiring good design

72-74 Promoting healthy communities

80, 81 and 89 Protecting Green Belt Land

109. Conserving and enhancing the natural environment

186-187. Decision taking

196-197 Determining applications

203-206 Planning conditions and obligations

216 Implementation

### **Supplementary Planning Documents:**

Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.

- SPG on Section 106 Agreements (Macclesfield Borough Council)

### **Other Material Considerations**

- Cheshire East Strategic Market Housing Assessment (SHMA)
- Cheshire East Strategic Housing Land Availability Assessment (SHLAA)
- Conservation of Habitats & Species Regulations 2010
- Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
- North West Sustainability Checklist
- Ministerial Statement – Planning for Growth (March 2011)
- Macclesfield Town Report (Part of Local Plan evidence base) March 2016

### **CONSULTATIONS**

**Natural England** – (comments received 08/12/2015 and 08/04/2016)  
No comments to make on the application, refer to standing advice.

Public Rights of Way Team – Map officer (**comments received 15/12/2015**)

The property is adjacent to Public Footpath No.34 Macclesfield (canal tow path) as recorded on the Definitive Map held at this office (working copy extract enclosed). It appears unlikely, however, that the proposal would affect the public right of way, although the PROW Unit would expect the planning department to add an advice note to any planning consent to ensure that developers are aware of their obligations as follows:

- No building materials must be stored on the right of way

- Vehicle movements must be arranged so as not to interfere with the public's use of the way
- The safety of members of the public using the right of way must be ensured at all times
- No additional barriers (e.g. gates) are to be placed across the right of way
- There must be no diminution in the width of the right of way available for use by members of the public
- No damage or alteration must be caused to the surface of the right of way
- Wildlife mitigation fencing must not be placed across the right of way

### Environmental Protection (**comments received 28/01/2016**)

The application is for outline permission of up to 300 residential units. There are no objections to the proposal on the ground of noise/vibration and dust subject to the following conditions being applied to any approval. In particular a noise impact assessment will be required to determine the mitigation appropriate to ensure noise levels (internal and external) are satisfactory for those properties in close proximity to the Fence Avenue Industrial Estate.

It is considered this can be resolved at the detailed application stage once the site layout is finalised.

No objections on air quality grounds subject to conditions.

### Strategic Infrastructure - Highways (**comments received 01/02/2016**)

#### Background

The site is currently the King's Girl School and the planning application is to redevelop the site for residential development of up to 300 dwellings. This is an outline and not a full detailed application, the access is to be determined at this stage and although an indicative masterplan layout has been presented no detailed internal highway comments on this layout will be made.

#### Site description and current application proposal

The site lies off Fence Avenue on the east side of Macclesfield in a predominately residential area and will have three access points, two from Fence Avenue and one from Lime Grove. The main school building off Fence Avenue will be retained and converted for residential apartment use as part of the application.

#### Traffic Impact Assessment

As this is an existing school there are a considerable number of traffic movements associated with it especially in the morning peak and these traffic movements needs to be considered against the likely traffic generation arising from the application.

The applicant has undertaken a survey of the existing traffic movements to and from the school and then provided an assessment of the traffic generation from the 300units using the Trics database. A comparison of the peak hour traffic generations show that the flows are very similar indeed with the existing school producing slightly more traffic.

As there will be no external traffic impact on the road network as traffic flows will remain the same, no junction testing is required. There is a requirement to assess the proposed site access junctions to ensure that no capacity problems will arise as a result of the development, the applicant has undertaken this assessment and the results show that no significant queuing will arise.

#### Access and Accessibility

The main access to the site uses the southern most access and this is to be upgraded to have a 5.5m carriageway and two 2.0m footways, this access will also have a ghost right turn lane. The northern access on Fence Avenue will be retained and have a 4.5m carriageway and have a more informal use. There is an access proposed from the end of Lime Grove that has been indicated as serving up to 20 dwellings, the standard of infrastructure of this access is not sufficient to serve 20 units and it needs to be indicated at this outline stage that a much reduced number of units served from this access will only be acceptable.

The site is located not far the town centre and adjacent to Victoria Park and the site does have good pedestrian links and there are bus and rail services within a reasonable walking distance of the site. Overall, the site is considered to have good accessibility to sustainable modes of transport.

### Summary and Conclusions

This is an application on the site of an existing school and there are a considerable number of traffic movements to and from the site that occurs on a daily basis. The proposal is for up to 300 dwelling to be constructed on the site, in regards to the traffic impact of the proposal the same level of generation will occur as the school and therefore there is no wider traffic impact on the road network other than the site access junctions

Although there is masterplan submitted this application is an outline application and the internal details would most likely change at reserved matters stage, as such no comments are made on the layout plan attached. There are three access points proposed, the main access is the southern most access on Fence Avenue with a right turn lane. There are no objections to the access proposals on Fence Avenue although the existing access off Lime Grove is not suitable to serve the level of development proposed in the application. This issue can be dealt with at the reserved matters stage.

Therefore, there no highways objections raised to the application subject to a condition being attached for the Ghost Right Turn Lane at the main site access.

### **Children's Services – education** (comments received 03/02/2016) [note this is for both Westminster Road and Fence Ave]

School organisation and Capital strategy have assessed the application and offers the following comments:

The development of 450 dwellings is expected to generate:

82 primary children (450 x 0.19 – 4 SEN)  
65 secondary children (450 x 0.15 – 3 SEN)  
7 SEN children (450 x 0.51 x 0.03%)

The development is forecast to create a shortfall predicted for secondary provision in the immediate locality and SEN provision.

To alleviate forecast pressures, the following contributions would be required:

4 x £17,959 x 0.91 = £65,370.76 (secondary)

$7 \times £50,000 \times 0.91 = £318,500$  (SEN)

Total education contribution: £383,870.76

Without a secured contribution of £383,870.76, Children's Services raise an objection to this application. This objection is on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development. The objection would be withdrawn if the financial mitigation measure is agreed.

Conclusion: Objection, subject to secured developer contribution.

Grounds: Detrimental impact upon local secondary education provision and SEN provision

### Strategic Housing

The Council's Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or larger than 0.4 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 150 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 45 dwellings to be provided as affordable dwellings. 29 units should be provided as Affordable rent and 16 units as Intermediate tenure. This development includes zero affordable dwellings and therefore I **OBJECT**.

The SHMA 2013 shows that yearly demand between 2013/14 and 2017/18 in Macclesfield is for 103 x 2 bed, 116 x 3 bed and 80 x 1 bed older persons dwellings. Information from Cheshire Homechoice shows that there are currently 1227 on the housing waiting list who have selected Macclesfield as their first choice. Those applicants require 518 x 1 bed, 479 x 2 bed, 199 x 3 bed and 31 x 4 bed dwellings. Therefore a mixture of units on this site, to include 1 bed and older persons accommodation, would be acceptable.

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings

The affordable housing should meet the HCA's housing quality indicator (HQI) standards.

Our preference is that the affordable housing is secured by way of a S106 agreement, which:

- requires them to transfer any rented affordable units to a Registered Provider
- provide details of when the affordable housing is required

- includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- includes the requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site.

Details of Registered Providers of social housing can be obtained from the Development Officers in Strategic Housing.

### **United Utilities – (comments received 24/12/2015)**

#### Drainage Comments

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

The culverted watercourse that crosses the site is not a United Utilities Asset and contact should be made with the riparian owner who is responsible for the watercourse.

#### Drainage Conditions

United Utilities will have no objection to the proposed development provided that suggested conditions are attached to any approval in relation to foul water and surface water.

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 Part 6, we have been asked to provide written justification for any pre-commencement condition we may have recommended to you in respect of surface water disposal.

The purpose of the planning system is to help achieve sustainable development. This includes securing the most sustainable approach to surface water disposal in accordance with the surface water hierarchy.

It is important to explain that the volume arising from surface water flows can be many times greater than the foul flows from the same development. As a result they have the potential to use up a significant volume of capacity in our infrastructure. If we can avoid and manage surface water flows entering the public sewer, we are able to significantly manage the impact of development on wastewater infrastructure and, in accordance with Paragraph 103 of the NPPF, minimise the risk of flooding. Managing the impact of surface water on wastewater

infrastructure is also more sustainable as it reduces the pumping and treatment of unnecessary surface water and retains important capacity for foul flows.

As our powers under the Water Industry Act are limited, it is important to ensure explicit control over the approach to surface water disposal in any planning permission that you may grant.

Our reasoning for recommending this as a pre-commencement condition is further justifiable as drainage is an early activity in the construction process. It is in the interest of all stakeholders to ensure the approach is agreed before development commences.

### Water Comments

A water supply can be made available to the proposed development.

The applicant must undertake a complete soil survey, as and when land proposals have progressed to a scheme design i.e. development, and results submitted along with an application for water. This will aid in our design of future pipework and materials to eliminate the risk of contamination to the local water supply.

**Sport England** (comments received 18/12/2015) Original holding objection based on loss of playing pitches.  
(comments received 09/05/2016)

### Assessment against Policy Exception E5 –Loss of Playing Field

The applicant has engaged an Agronomist to survey the site and provide a design that minimises the loss of playing field. The indicative pitch layout is for rugby union pitches and the Rugby Football Union (RFU) has been consulted. They are happy in principle with the layout but pointed out the Agronomy Report did not provide actual pitch specifications for the natural turf pitches. A condition will be required to ensure pitch specifications are submitted prior to commencement of the construction of the playing field. Only a basic layout and dimensions of the AGP's has been submitted, and whilst the overall dimensions has been approved by England Hockey the construction and drainage detail has not been provided. Plans showing the cross sections of the sub base, surface, materials, and drainage will be required along with scale drawings. Again this can be conditioned but will need to be a pre commencement condition (of the pitches not the entire development). Wording of the condition is set out in the section below.

### Sports Needs Assessment

The loss of 1.4ha has to be justified against national and Sport England policy. The applicant proposed significant indoor sports facilities the benefit of which could outweigh the loss of playing field. However, to demonstrate the mix of sports facilities proposed meets a strategic need and can provide sporting benefits to outweigh the loss of playing field a Sport Needs Assessment was required.

The applicant has provided a Sports Needs Assessment and this clearly demonstrates the Kings School facilities will provide a different offer to the existing commercial and Council run facilities in Macclesfield. The focus at Kings School will be to support Sports Club Development which in turn will help increase participation in those sports. It is clear that the indoor sports facilities will be made available to pitch sports users for strength and

conditioning and specific skills sessions, although there may also be the opportunity to address some overcapacity issues experienced by local residents at other venues in Macclesfield.

However, at the present time it is not clear how the timetabling and availability of the sports facilities will work. For that reason Sport England will require a Sports Development Plan to be prepared and appended to a Community Use Agreement (CUA). This can be conditioned on a prior to first use basis allowing the School time to liaise with both Sport England, the sports clubs and NGB's. Both Sport England and the NGB's are very familiar with preparing Sports Development Plans and Community Use Agreements and will assist and advise the School at the relevant time if required. I have reviewed a draft CUA provided by the applicant. The format follows Sport England's model CUA so from that perspective is acceptable. However, as there is currently no Sports Development Plan or information on facility availability and pricing, these elements will need to be included at a later stage and formally discharged as part of the CUA condition.

The maintenance and management of sports facilities to support both curriculum and community use is obviously different to providing maintenance and management just for curriculum use. For that reason Sport England need to ensure the management arrangements are consistent with the aims and objectives of the Sports Development Plan and Community Use Agreement, and that the maintenance regime is adequate to sustain the anticipated usage and to realise the sporting benefits in line with national and Sport England policy. Sport England will require a Management and Maintenance Plan which again can be conditioned on a prior to use first use basis. The management and maintenance of the pitch element should be informed by the recommendations set out in the Agronomy Report. The Sports Development Plan, Business Plan and CUA will help inform the indoor sports facility management and maintenance.

The design and layout of the indoor sports facilities and pavilion has been agreed with the NGB's and there is no need for a design condition for those.

The three applications are linked and therefore the response is for all 3 planning applications.

### **Macclesfield Civic Society** (comments received- 22/01/2016)

Recent applications 15/4285M; 4286M and 4287M by The Kings School regarding proposals for development in Macclesfield and Prestbury – representations on application 15/4287M – for up to 300 residential units at Fence Avenue, Macclesfield.

As you will know The Kings School recently submitted three planning applications in support of its project for the creation of a new educational facility in the environs of Macclesfield. However, before setting out our views on planning merits it is necessary to raise a procedural issue with regard to the scope and nature of the applications, as a follow up to my earlier letter of 21 July 2015.

### Environmental Impact Assessment issues

The documents submitted in support of that scheme rely heavily upon the material in the environmental statement prepared for applications 15/4286 and 4287M – surely an indication that they are all part of the same project with effects that have to be evaluated

comprehensively in accord with the Directive and the 2011 Regulations. I would suggest that this matter be reconsidered to avoid later reference to the Secretary of State.

### Planning Policy issues

This is an extensive project which would result in the urbanisation of a significant area of open and agricultural land to the east of Fence Avenue, extending up to the Macclesfield Canal. The project includes conversion of former education buildings and new dwellings on playing fields and agricultural land. The site is wholly within the Green Belt as defined in the previous and current Development Plans. Development of this type is not one of the categories of development normally considered appropriate within the Green Belt and inappropriate development is, by definition, harmful to the Green Belt and its objectives quite apart from any amenity impacts resulting from the project's siting, materials, design and landscape impact. Accordingly "very special circumstances" must be demonstrated to justify such proposals. These are stated to be the benefits to the applicants from concentrating activity at one site, in a new purpose built facility and funded by redevelopment or disposal of land and other assets elsewhere. It is for the local planning authority in the first instance to assess whether the very high threshold of justification has been met. The Society do not consider that the financial circumstances of an applicant should ever justify inappropriate development within the Green Belt – it is an argument that could be advanced by any developer.

The applicants rely heavily on the proposals in the submitted version of the emerging Cheshire East Borough Local Plan [CEBLP] which designated a strategic site on land east of Fence Avenue for "up to 250 homes". However, the proposed allocation should not be considered decisive in the context of the current proposals for the following reasons. Firstly, there are outstanding objections to the proposed allocation which yet to be tested at the public examination into the CEBLP. If permission is granted prior to that examination it would pre-empt the proper formulation of the Development Plan and undermine public confidence in the planning system. Secondly, the current proposal is for a greater quantity and extent of development than is proposed in the CEBLP (300 as opposed to 250 dwellings and land that the CEBLP proposes to remain open) ! Thirdly, the applicants argue that the whole site should be regarded as brownfield or previously developed land. This is clearly misleading as agricultural land and school playing fields have never been regarded as such. Any brownfield element should be strictly confined to the area occupied by permanent buildings and hard surfaces such as roads and car parks. Fourthly, the land east of Fence Avenue serves clear and important planning purposes, consistent with the National Planning Policy Framework [NPPF].

The extent of conflict with the Green Belt is such, in the Society's view, that if the local planning authority may be minded to grant permission then there should be prior reference to the Secretary of State for Communities and Local Government.

### Local impacts

The siting of the new buildings aims to minimise visual and landscape impacts but these will still occur and their effect upon the character of the locality must be assessed in the light of the objectives of the Green Belt in this area. The Society does not consider that the design quality of the scheme in terms of its character and layout reaches the "exceptional" threshold in terms of its effect upon the visual amenities of the Green Belt. Similarly, the disposition of roads and dwellings must take into consideration the amenities of persons living nearby along Fence Avenue, Buxton Road, Lime Grove, Barracks Lane, Higher Fence Road, Hurdsfield Road and Lansdowne Street.

Although supported by an environmental statement the Society is unsure as to whether a comprehensive assessment of surface water drainage has been undertaken. The provision of dwellings and other hard surfaces over an extensive area will increase run-off to nearby water courses which drain to the River Bollin and could impact upon the Barracks Lane area (adjacent to the Bollin and Tesco's) where flooding of properties occurred in the 1990s. No doubt the local planning authority will liaise closely with the Environment agency on this aspect of the proposal.

### Traffic and access

The change in patterns of private car and bus traffic arising from the development would also impact beyond the immediate locality and there is little indication that a comprehensive network assessment has been undertaken. There appears to be a reluctance to undertake any assessment of impacts upon the road network of the town beyond the access points to the Fence Avenue site yet traffic from the development of up to 300 dwellings (450 in total if the Westminster Road development proceeds) would be significant given that the Cumberland Street/Hibel Road/Hurdsfield Road/Silk Road corridor is identified in the emerging Local Plan as a significant constraint on development possibilities. Whilst the wish of the applicants to avoid having to contribute towards necessary highway improvements is understandable from a narrow financial aspect the wider impacts of new developments should not be the sole responsibility of the tax payer or local government to resolve.

There are current issues with the Fence Avenue/Hurdsfield Road/Buxton Road junctions and it appears remiss for Cheshire East not to require an assessment of traffic impacts. No doubt the applicants rely upon the argument that 300 dwellings generates about the same traffic as a secondary school, a matter which is arguable at the very least – however, when all three projects are taken together there is a clear increase which would have network effects. Not to consider these as part of the assessment process appears to the Society to be somewhat odd as an approach.

### **CPRE – (Comments received 20/01/2016)**

The King's School, Macclesfield has made a major planning application with potential far-reaching impacts upon three sites - one within the urban part of Macclesfield and two in the surrounding Green Belt. The former involves a historic site near the town centre. Both of the latter involve the loss of productive agricultural land, mature trees and hedgerows.

The Campaign to Protect Rural England (CPRE) Cheshire Branch Macclesfield District wishes Cheshire East Council to be aware that it objects to the proposals for each site individually and it therefore it opposes the planning application in its entirety.

### Over-arching comments

In summary, the proposal by King's School is to move away from the two sites on which it currently delivers education at Westminster Road/ Cumberland Street in Macclesfield and at Fence Avenue, Hurdsfield, selling both of these sites for housing and – with the proceeds – fund a move to an entirely new campus it wishes to build in the countryside to the north west of Macclesfield alongside its existing playing fields. This is spelt out within the documentation accompanying the planning application.

The school's reason for moving to a new site is its desire to consolidate its operations onto one site. The application is unconvincing that sufficient effort was put into finding a non-greenfield site or one already designated for development (no evidence is provided) and nowhere is justification provided for building on Green Belt. The only reason offered is that it suits the school's economic case. This does not constitute special or exceptional circumstances which need to be proved in order to build on Green Belt. There are any number of developers/would-be developers who 'want' to build on Green Belt and who would benefit economically from doing so, but that is not a satisfactory justification.

### Fence Avenue

In the first instance, it is important to point out that the proposals for the Fence Avenue site, which involve knocking down the existing school buildings and erecting up to 300 houses, appear to be misleading. The proposals here do not only involve the existing school site but also adjoining farm land. In fact, about 50% of the development site targeted here is farmland. This is not made apparent.

All the land involved in this site is not only within Green Belt but within the area designated in the Submitted Cheshire East Local Plan as being 'Peak Park Fringe'. In other words, it adjoins the Peak District National Park and its openness needs to be protected.

Although this site appears in the Submitted Version of the Local Plan as a potential strategic housing site (fig. 15.12, page 220), it was placed there prior to the comprehensive Green Belt review exercise being carried out. (Strategic sites have yet to be debated through the examination in public). In view of the high ranking it achieved in the Green Belt Review process, it should now be removed from the evolving Local Plan. CPRE will be making a case to the inspector for this to happen.

The national designation of Green Belt, of itself, ought to be sufficient reason for not developing/ over-developing this site, but it has been awarded the second highest rating by consultants Arup as part of the Green Belt review carried out on behalf of Cheshire East Council for the examination in Public into the Local Plan. The review concluded that this parcel of land (ref. MF 35) makes an overall 'significant' contribution to Green Belt purposes (Green Belt Assessment Update 2015, Final Consolidated Report, Appendix C, page C86). The relevant document is listed on the Local Plan examination in public website as PSE 034. See the extract replicated from the Green Belt Review that was carried out at the inspector's request on the following page.

### Concluding Comments

This planning application presents a totally unsustainable proposition which has not been justified. No special or exceptional circumstances have been put forward to make a case for building on either of the two Green Belt sites, both of which were given very high rankings in the recent Cheshire East Green Belt review. Part of the proposed housing site at Westminster Road/ Cumberland Street is thought to be on the site of a former waste tip – a totally unsuitable location for housing.

The figures on which the traffic data has been calculated for the Prestbury site are questionable and the mitigating measures proposed for potential traffic problems appear to be very modest and very localised.

This proposal would result in the loss of good quality farmland (3A in the case of the Prestbury site), trees and hedges and would require the re-routing of public footpaths. Open vistas would be affected at Fence Avenue and at Alderley Road and there is a strong likelihood that, if the new campus were built at Prestbury, the Green Belt between Prestbury and Macclesfield would be lost entirely – particularly if the pending application by Macclesfield Rugby Club came into play as well. CPRE urges Cheshire East Council to refuse this application.

### **VIEWS OF THE TOWN COUNCIL**

#### **Macclesfield Town Council** – (comments received 13/01/2016)

At the meeting of Macclesfield Town Council's planning Committee on 7/1/16 the following was response was resolved in relation to Kings School Fence Avenue Planning Application 15/4287M

Resolved:

- i. That this committee objects to the planning application on the grounds of encroachment in to the greenbelt.
- ii. That comments submitted at the public meeting of 6/1/16 be shared with the planning authority.

### **OTHER REPRESENTATIONS**

#### **CBRE on behalf of the Shell Trust** (comments received 08/02/2016)

The Shell Trust is the freeholder of the Fence Avenue Industrial Estate, which is located immediately north-west of the proposed development site, as illustrated on the Location Site Plan (Ref: (FA)SB002) submitted with the above mentioned application.

Fence Avenue Industrial Estate is a substantial site bound by Hurdsfield Road (B5470) to the north, open fields to the east and south, and Fence Avenue to the west. Notably, there is an adopted highway running through the industrial estate. The highway extends east from Fence Avenue, and then south passed a number of employment units, all the way to the southern site boundary.

The Fence Avenue Industrial Estate represents an allocated Employment Area within the adopted Development Plan for Macclesfield (further details below). The site is well occupied and comprises a total of 13 separate employment units of varying size, occupied by a variety of different businesses.

The units are predominantly in light industrial (Class B1c), general industrial (Class B2) or storage and distribution use (Class B8).

As the freeholder of this well established employment site, the Shell Trust is concerned that future occupants of the circa 300 no. proposed new residential dwellings at the King's School site, could use the industrial estate as a thoroughfare to/from Fence Avenue and/or Hurdsfield Road, to the north and west respectively. Our client is particularly concerned that a potential increase in foot traffic through the site could lead to security issues within the industrial estate, and could also lead to conflicts between pedestrians and vehicles associated with the operation of the employment site.

It should be noted the Shell Trust does not object to the proposed development of the site. Indeed we acknowledge the requirement for new housing in the Borough to contribute towards the Council's Local Plan development targets. However, we are keen to ensure the proposed development does not compromise the continued operation of our client's established employment site.

### Vehicular Access

The planning application is submitted in outline but includes details of vehicular access. From our review of the submitted application, we note that three vehicular access points are proposed to the development site, including two from the west via Fence Avenue, and a third from the south from Lime Grove. The Shell Trust welcomes the fact that vehicular access to the application site is not proposed to be taken via the adopted highway within Fence Avenue Industrial Estate.

The industrial estate is a busy employment site and a direct vehicular access to the application site would be detrimental to existing businesses. Clearly the proposed development will generate significant levels of traffic, particularly at peak hours, and our client is concerned that this would conflict directly with vehicles (employees, deliveries etc.) accessing and egressing the industrial estate.

### Pedestrian Connectivity

In terms of pedestrian connectivity, our client is particularly concerned that future residents of the proposed residential site could use the Fence Avenue Industrial Estate as a thoroughfare. Whilst there do not appear to be any direct pedestrian links proposed to the industrial estate from a review of the submitted planning application drawings, we would like to emphasise our strong preference that pedestrian links to the site through the industrial estate are not sought at detailed design stage.

### Vehicle and Pedestrian Conflict

As mentioned above, our client's industrial estate represents a busy established employment site. By virtue of its employment use, the site is subject to regular traffic movements from a variety of different vehicles. The employment units generate regular vehicle movements to and from the site including from Heavy Goods Vehicle (HGV) and other long wheel-base vehicles. The site is also subject to deliveries from HGVs and it is clear that the site is busy in traffic terms.

Given the industrial nature of our client's site, the fact it is busy in traffic terms, and also the fact it is frequented by HGVs and other vehicles, we are very concerned that a direct pedestrian link to the proposed residential site would result in unacceptable levels of conflict between traffic and pedestrians. Given the nature of activities at the industrial estate, it is not appropriate or safe for

future residents of the proposed residential development to use the employment site as a thoroughfare.

### Crime and Anti-Social Behaviour

Even without the prospect of a pedestrian link to the development site, we are concerned that the increased number of residents in the local area associated with a circa 300 no. dwelling

residential development could give rise to anti-social behaviour at our client's industrial estate. The site is occupied by a variety of businesses and has no permanent security presence. As such, we are concerned the increased numbers of residents in the local area could result in trespassing and anti-social behaviour at the site.

Crime prevention is a material consideration in planning terms and the NPPF dictates that planning policies "should aim to achieve places which promote [inter alia]: safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion" (paragraph 69).

We are concerned the potential for crime and anti-social behaviour would be greatly increased if a pedestrian link connecting the development site and industrial estate was proposed. In particular, increased levels of footfall through the estate in the evenings, when the business premises are closed, would not be desirable.

On this basis, we would strongly object to any future proposal to connect the proposed development site to the Fence Avenue Industrial Estate, either by way of vehicular or pedestrian access to the site.

### Summary

As stated above, the Shell Trust does not object to the proposed development of the site for residential use. Indeed we acknowledge the requirement for new housing in the Borough to contribute towards the Council's Local Plan development targets. However we are keen to ensure that new development does not compromise the continued operation of our client's established allocated employment site.

I trust the above comments will be duly considered in your determination of the application, and would be grateful for your confirmation that our representations have been received. I would also be grateful for feedback on this submission, in particular to understand the proposed way forward.

**LEFA** – (Comments received 08/02/2016)

### Summary of comments.

Throughout the documentation, King's and their agents present an overly positive projection of their sites with the underlying argument that there is no alternative option for the school and that full development of sites is essential to yield the finance required. However this financial driver does not provide very special circumstances needed to justify use of greenbelt. In launching revisions to planning guidance in March 2014 the Planning Minister made clear *that authorities do not have to allocate sites on the basis of providing the maximum possible return for landowners and developers.*

Whilst Savills assert "*The School is not a conventional developer. It's (sic) business model cannot deliver normal public goods and benefits that arise from developing sites for housing.*" it is clear that the overall package of sites will be handed over to a conventional developer to deliver the turnkey solution that King's desire and such a developer will have the usual expectations of profit margin. There is recent local precedent establishing primacy of preservation of greenbelt over financial considerations.

The applicant has not brought forward proposals regarding their Cumberland Street site. Such proposals should be considered alongside those presented in this package

Their site description is flawed and they chose to ignore recent assessments of the greenbelt status of the site and its function in preserving the setting of a major conservation area and the historic setting of the town.

The sustainability analysis grossly overestimates the area of the site that meets reasonable walking distance criteria because of the extremely limited options for site access. The accessible area closely corresponds with the area occupied by the school buildings and surrounding areas of hard standing with the grassed playing areas lying outside. Development of these areas is feasible without any change to greenbelt status.

For the reasons above the proposals for development of 300 dwellings on the Fence Avenue site and associated changes to greenbelt boundaries must be rejected.

417 Comments from the public between 08/12/2015 - 19/04/2016 raised the following issues

### In Support

- Economic benefit to Macclesfield – football to town centre, local jobs, town centre redevelopment, investment from construction, may attract larger companies into Macclesfield, quoted £150 million economic benefit to Macclesfield and surrounding area over 10 year period)
- Increase in housing in Macclesfield – particularly in attractive and convenient town centre location
- Increase in number of affordable/starter homes available in Macclesfield
- New and improved facilities available for community use, including local clubs/groups
- Proposal would allow the King's Schools to continue to develop and improve on the standard of education it provides
- The King's Schools adds prestige to Macclesfield/ they contribute positively to Macclesfield's reputation
- Reduce school traffic around the current Fence Avenue site
- Improve facilities for pupils/future pupils, current situation is detrimental to an educational environment
- Secure the future of the King's School in Macclesfield / the King's Schools have a long history in Macclesfield / ensure the establishment can continue in Macclesfield
- The historic buildings on the site would be retained
- The new school would be a more environmentally friendly/efficient than the current sites
- New town centre housing would increase retention of young people in Macclesfield / attract families and professionals to the area
- Provision of zero carbon/environmentally friendly houses in Macclesfield
- Potential for economic loss if the King's School relocate outside of Macclesfield
- In keeping designs which are suited to / sympathetic to the local area
- The King's school is a good school rated as 'excellent' by ofsted / various endorsements that King's is a top performing school
- Makes financial and logistical sense for the business to be located on one site and not two
- Overall benefits to the town (not further specified)
- New school site is needed / school needs to expand
- Opinion that the King's school is a considerate and charitable neighbour and would continue to be / Kings registered as a charity and is required to comply with the charity commissions

public benefit requirements

- The development would contribute to the 'Make it Macclesfield' campaign for local regeneration
- Increase sporting opportunities
- No existing brownfield site suitable for new development
- Would improve the surrounding location, opinion that it is currently run down.
- Allocated land to housing in the local plan

### In Objection

- Removal of rare piece of greenbelt / green lung with the town boundary
- Loss of greenbelt - various further reasoning (loss of animal grazing land, undeveloped farm land, rare piece of greenbelt within the town boundary, green lung for the town, opinion that no 'very special circumstances' are provided).
- The development of this site conflicts with four of the five main purposes of Green Belt (paragraph 80 of the NPPF) 1) It increases urban sprawl 2) It encroaches into the countryside, which is protected because of its high landscape value 3) It has an adverse impact on the Conservation Areas which surround the site and which form part of the setting and special character of Macclesfield 4) The development of green field sites undermines the process of the regeneration of brownfield sites, of which there are many within the town. Recent Government planning policy proposals and statements reinforce this.
- Concern that as King's is a private business it will be profiting from building on the greenbelt contrary to NPPF / need for finance is not a justified reason for using the greenbelt
- Site is part of the Macclesfield Canal Conservation area between bridges 34 and 35 (only section which has an open setting), Peak Fringe area, Area of Special County Value, links to Bollin Valley
- Local plan concerns – contrary to 2004 local plan, new local plan not finalised, the site next to the canal is designated as 'protected open space' in the draft local plan, plans ignore directive 'to focus development on the school curtilage, including playing field
- Concern the site has been misrepresented, the site is split into two distinct sites, the school and the pasture land. The sites are distinct, have varying uses and topography. The flat school area is screened from the canal by trees but the pasture land is visible from various points, this view would be lost. Opinions that the development would be supported if it only occupied the school site and not the farmland, a large portion of the development will be on pasture land (Green Belt) which is not currently occupied by Kings School.
- Object to 'Consideration 3: Fence Avenue makes a limited contribution to the purposes of the Green Belt. Specifically, it is surrounded by development. The site is already developed and as such is not wholly open' but the CEC/ARUP report identifies the area as making a significant contribution which still has a significant degree of openness.
- Concern what policy will be used as local plan isn't finished, suggestion that Alderley Park model was a fair compromise
- Concern over setting a precedent to build on greenbelt
- Development is too close to the canal
- Impact on the Buxton Road and Fence Ave conservation area
- Canal is a tourist attraction / visited by people from all over UK so should be preserved
- Disruption to Macclesfield's strong rural connection
- Overlooking / loss of privacy from new development
- Concern of the height of proposed development / new houses
- Loss of outlook
- The development does meet the 30% affordable housing quota, objection to the reasoning

given that 'every pound spent on affordable housing is a pound less available to deliver the new school'. Further objection that the new school will incorporate many expensive facilities (indoor cricket nets/swimming pool etc)

- Many brownfield sites in Macclesfield that could be used instead / no justification why brownfield sites aren't used / Query about why the school cannot develop on one of the existing sites at either Fence Ave or Westminster Road

- Loss of view from the canal over open country site and Holy Trinity Church

- Housing is very high density / concern too many houses for the site

- Access concerns about the new development – concern that only one entrance to site / concern over turning Lime Grove into a through road, permanently or just during construction

- Proposed development will increase traffic at the location and the wider area. Particular concern over the junctions between Fence Avenue and Buxton Road/Hursfield Road

- Concern over pedestrian safety due to increased traffic

- Potential for economic loss / loss of parent spending power in local area and town centre

- Will remove the association of the King's schools with Macclesfield and the reputational benefits it brings

- Change in look and feel of the area, detract from areas character.

- Increase in noise/ dirt / traffic / light disturbance while site is in construction

- Increase in noise / light from new development

- Potential increase in flooding / concern over effect new drainage will have on watercourses

- Educational establishment is not available to all, lack of local children in attendance therefore does not benefit many in Macclesfield

- New school can not be reached by public transport whereas the old schools can

- Increase in air pollution from increased traffic

- Loss of local wildlife / wildlife corridor/ habitat loss

- Loss of trees / woodland / ancient woodland / hedgerows

- Concern that the new development will have a negative effect on values of existing houses

- Concern that many of the letters of support are from those with a vested interest in the King's School (teachers, governors, parents) and many do not live in Macclesfield

- Landscaping is insufficient

- New facilities will be of minimal benefit as they only duplicate what is already available at the current site

- Concern whether local schools have capacity to accommodate new development

- Contribute to lack of parking / more residents parking in these areas to reach town centre and train centre

- Loss of /low amounts of playing fields in the area

- Development will cause a historic family farm to close causing loss of livelihood

- School is already rated as excellent so current situation is not proving to be detrimental / school will continue to be excellent wherever it is based

- Proposed cycle-track (over canal to Barracks lane) would be unsafe as it would go against traffic on Barracks lane (one way)

- Above development ceiling of 250 units

- Not enough jobs in Macclesfield so many will commute and add to road/rail pressures and commuter traffic

- Disagreement with the landscaping plans

### **APPLICANT'S SUPPORTING INFORMATION**

- Planning Statement

- Environmental Statement
  - Site selection and alternatives
  - Socio economic effects
  - Transport and highways
  - Landscape and visual
  - Heritage
  - Ecology
  - Flood risk, hydrology and drainage
  - Ground conditions and hydrogeology
  - Air quality
  - Noise
  - Summary of mitigation and residual effects
- Air Quality information
- Framework Travel Plan
- Transport Assessment
- Townscape Assessment
- Flood Risk Assessment
- Geo Environmental Reports
- Heritage Statement
- Arboricultural Statement
- Archaeology Statement
- Design and Access Statement
- Playing Field Assessment
- Statement of Community Involvement
- Economic Statement
- Existing Sports Provision
- Illustrative Masterplan (Amended Feb 2016)
- Green Infrastructure
- Preliminary Ecological Survey
- Section 106 agreement – April 2016
- 

### Planning statement conclusions

The Statement concludes that the proposal accords with the requirement to demonstrate exceptional circumstances when developing land allocated in the Green Belt. The report also concludes that the proposal accords with The Framework to meet high quality housing need, and that therefore the proper context for considering the proposal is against the presumption in favour of sustainable development.

In this case, there are a number of considerations that when taken together outweigh the harm to the Green Belt, which we say is already mitigated. As such, very special circumstances exist in this case that allow the grant of planning permission for inappropriate development in the green belt.

With regards to each consideration, we conclude:

1. **Consideration 1:** The pressing need to provide land for housing is an exceptional circumstance of significant weight. Land has to be removed from the Green Belt to meet that need.

2. **Consideration 2:** The proposal accords with the criteria for developing land at Fence Avenue. The development can proceed as proposed without causing harm to other interests, namely the Conservation Area and the defined area of Landscape Area.

3. **Consideration 3:** Fence Avenue makes a limited contribution to the purposes of the Green Belt. Specifically, it is surrounded by development. The site is already developed and as such is not wholly open.

4. **Consideration 4:** The boundaries of the site would be permanent and could endure for a significant period beyond the life of the replacement local plan.

The question is; do the considerations when taken together outweigh the harm to the Green Belt? The harm is that there will be encroachment into the countryside. Although substantial weight has to be given to that harm, our overall conclusions are:

1. The substantial weight is mitigated by the character of the site as it exists today. It is already in part developed, and does not confirm to the description of Green Belt land in the Framework.

2. The considerations bring significant benefits in terms of meeting housing need and ensuring new development has regard to its surroundings.

We conclude that the harm to the Green Belt is outweighed by the considerations. As such, we conclude that very special circumstances exist.

The report considers whether the development is sustainable, and concludes that it is. As such, the overall conclusion is that the presumption applies in this case. The proposal meets the test to ensure that the character and appearance of conservation areas in either preserved or enhanced by development within them, or which will affect their setting. The proposal will at least preserve the character and appearance. Our opinion is that both the character and appearance is enhanced.

There are no adverse impacts on the amenity of local residents raised by the proposal. Therefore, there are no day-to-day development management policies that provide a basis on which to refuse planning permission.

In short, the proposal for residential development is appropriate. The plans showing what can be achieved on site demonstrate that a scheme can meet the requirement for a high quality development in accordance with sustainability aspirations that new development must endure.

The proposal is meritorious in its own rights. Any concerns that the development causes harm beyond that conclusion are offset by a wider appreciation of the merits of the proposal by King's School as a whole. Put together, the merits of the proposal with the benefits that this proposal brings as part of the relocation of the School to Derby Fields provides a compelling case. Planning permission should be granted.

## **APPRAISAL**

### **Key Issues**

- Principle of development
- The Green Belt
- Status in Emerging Local Plan

- Loss of King's School at the Fence Avenue site
- Loss of playing pitches
- Housing Land Supply
- Sustainability
- Affordable Housing and Viability
- Loss of pitches and relocation of facilities
- Landscape Impact
- Trees
- Access and Public Rights of Way
- Ecology
- Amenity
- Flood Risk
- Employment
- Economy of wider area
- Conservation and Design
- Highways
- Section 106 agreement
- CIL
- Representations
- Conclusions
- Planning Balance
- Recommendation

### **Principle of development**

The site is located to the east of Macclesfield town centre, located to the east of Fence Avenue, the site is well connected and is within walking distance of many amenities and services of Macclesfield. The site is located within the Green Belt where the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open indeed the essential characteristics of Green Belts are their openness and their permanence. The whole site is washed over by Green Belt including the buildings. However the applicant in their planning statement, states that only part of the site is within the Green Belt.

Within the Green Belt only certain types of development are not inappropriate, these are set out at paragraph 89 of the NPPF, and include:

- *buildings for agriculture and forestry;*
- *provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
- *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- *limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary*

*buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

In terms of this application, there are buildings located to the west of the site, therefore the redevelopment of this part of the site providing there is no greater impact on openness than the existing situation can be acceptable in principle, the same is true of the reuse of the main school building fronting Fence Avenue.

However, the remainder and vast majority of the site is previously undeveloped Green Belt land, where new buildings, which are not excluded in the list above, are inappropriate development and harmful by definition. Unless very special circumstances exist to clearly outweigh the harm by other considerations. The NPPF at paragraph 88 urges Local Planning Authorities to ensure that substantial weight is given to any harm to the Green Belt.

The proposed development is therefore harmful by definition and very special circumstances must exist to justify the departure from established Green Belt policy. The application documents state that the site is not open in character, however this is not the case. The site is open in character and serves an important purpose and it is clear when visiting the site the purpose this area of Green Belt land has by preventing sprawl to the east, as the western part of the site as well as being partially developed itself is surrounded by development on three sides. It acts as a clear buffer between the town and the hills to the east beyond the site. However, as the applicants have stated in their supporting information, the site is curtailed also by the canal, which provides a defensible boundary beyond the extremities of this site.

#### Very special circumstances

A case for very special circumstances has been put forward, however in the supporting information this has been referred to as exceptional circumstances. These are listed below:

- 1. The decision by Cheshire East to review the boundary of the Green Belt, which itself is an exceptional circumstance.*
- 2. The decision to review the Green Belt boundary specifically at Fence Avenue.*
- 3. The limited contribution the site at Fence Avenue makes to the five purposes of the Green Belt which establish the mitigating circumstances that reduce harm.*
- 4. The existing permanent boundaries surrounding Fence Avenue, will act as an enduring alternative Green Belt boundary.*

Points 1 and 2 – the site has been designated as a site for future housing development within the Cheshire East Local Plan Strategy – Proposed changes version (CELPS), as a strategic site. It is site CS9. The illustrative masterplan submitted with this application has been amended to exclude the area of green space to the east, which will be retained as such and will remain undeveloped, this correlates with the proposed plan at CS9 contained within the CELPS. Policy PG3 Green Belt states that CS9 Fence Avenue will be removed from the Green Belt as part of the spatial strategy and to allow for the sustainable growth of Macclesfield which is one of only two Principal Towns in the settlement hierarchy, the other being Crewe. CS9 states that the Fence Avenue development should achieve the following:

- 1. The delivery of around 250 new homes, including the sensitive conversion of the main school building to apartments; development will focus on the School curtilage (which includes the sports fields);*
- 2. Incorporation of Green Infrastructure throughout the site, to include an appropriate level of open space provision; an area adjacent to the canal shall be retained as open space encompassing land either side of the Smyth's Bridge; this will retain some of the naturalised setting, including the belt of tree planting to the west of the Bridge (in order to minimise impact on the Conservation Area and Landscape Designation Area);*
- 3. Improvement of existing and provision of new pedestrian and cycle links to existing residential areas, shops, schools and health facilities; in particular, improvements to the canal towpath; and*
- 4. On site provision, or where appropriate, relevant contributions towards highways and transport, education, health, open space and community facilities; and.*
- 5. Attention to the quality of landscaping and the design of the new built development, including a sensitive approach to density, massing and height.*

Within the supporting text of CS9 the following is stated at paragraph 15.159: *The site is one of two sites currently occupied by The King's School who are seeking to consolidate existing operations into one site. The Council intends to identify a new site for The King's School through its Site Allocations Development Plan Document. This has the benefits of releasing central, sustainably-located sites for development and will enable improved school and sporting facilities to be developed.*

The designation of Fence Avenue as a future housing site in the CELPS has been made through a thoughtful site selection process, where the designation has been assessed by the Council, a number of evidence base documents have been produced which do not preclude this site from coming forward as a housing site and a release of Green Belt land in this location and statutory consultations have taken place. In light of the evidence gathered by the Council, the Fence Avenue site is a logical expansion of the town in order to accommodate the much needed growth and particularly housing growth. As a Principal Town, Macclesfield must accommodate future growth over the Local Plan period in order to ensure a sustainable future for the town.

Due to the housing requirement in Cheshire East, it is inevitable that large pockets of land, including Green Belt land will be lost in order to accommodate the growth, and to deliver the requirement of 36,000 homes, and Green Belt land cannot be protected indefinitely, especially on the edge of key settlements, where growth is required.

It must be noted however, that this process should follow the plan-led system, where an Inspector appointed by the Planning Inspectorate will make the final decision on which sites will be brought forward for development at the strategic level and until the CELPS has been through the full EIP process and has been adopted, it cannot be afforded full weight.

However, this is not to say that this matter cannot be afforded weight, there are limited options around the edge of Macclesfield for growth, and the level of growth that must be accommodated increases the likelihood that this far through the CELPS development process, this site will be released from the Green Belt. Especially as the evidence gathered to date has not prevented the site from being progressed in the plan-making process.

A recent Secretary of State decision from 31<sup>st</sup> March 2016 – Land at ‘Perrybrook’ to the north of Brockworth and south of the A417, Brockworth Gloucestershire – dealt with this issue. The site is located within the Green Belt and the development was for around 1500 dwellings and various other uses. The site has been allocated in the emerging Joint Core Strategy, (not yet adopted). The conclusion of the Inspector and the Secretary of State in this case was that *‘the proposal could be described as plan-led development rather than one which would undermine the plan-making process. Since the proposal is in keeping with the emerging JCS, he agrees that the proposal should not be regarded as premature within the terms of Framework paragraph 216’*

The same is true in the case of Fence Avenue, the proposal would not be at odds with the plan-led process, as it would result in the same area of land as identified in the plan being released from the Green Belt for housing purposes. The SoS agreed with the inspector that *‘as the consistent conclusion of extensive study over the past decade has been that the area represents a logical and acceptable option for the extension of the built up area, the planning policy context should be accorded significant weight’*.

This case does have similarities with the Fence Avenue site, however there are very distinct differences, in that the appeal proposal was fully policy compliant and would provide around 600 affordable units. The aim for the Fence Avenue site in the CELPS is also to provide a fully policy compliant site, to provide affordable housing along with other benefits. However, the proposals here do not do this. So whilst this does follow the plan-led system as far as the allocation, the actual delivery of the site differs to that of the aims of the CELPS, so it is not fully compliant, and therefore the weight that can be afforded whilst it is significant it is reduced by the fact that it is not a policy compliant proposal.

It is therefore fair to attach reduced weight to this circumstance, as the direction of travel of the CELPS indicates that this site will be released from the Green Belt and will be developed for housing, however the proposal is not policy compliant, as is required from this key allocation for Macclesfield.

Point 3 – This point refers to the contribution the site makes to purposes for including land within the Green Belt. Five purposes for including land within the Green Belt are set out in paragraph 80 of the NPPF and are set out below:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The planning statement considers the 5 purposes of the Green Belt and concludes the following:

- a. The proposal will not prevent urban sprawl of the built-up area of Macclesfield into the countryside.

- b. The proposal will not result in Macclesfield merging with any other neighbouring town.
- c. The proposal will result in encroachment into the countryside as it includes the development of new buildings on at least partly undeveloped land. However, the site does not presently conform to the description of the Green Belt and although the proposal will lead to encroachment, it will not lead to a substantial loss of open land.
- d. The setting and historic role of Macclesfield are not matters which need to be preserved by the Green Belt.
- e. The redevelopment of the existing developed areas of this site assists in the urban regeneration of this area.

Point a- This is agreed, that the proposal will not prevent urban sprawl, as it will through built development, create a significant extension to the town into an area of undeveloped Green Belt land.

Point b – This is agreed, the proposal will not cause a merge with any other town, and the defensible boundaries of the canal to the east and the hills beyond will contain the development.

Point c – This is agreed, encroachment will occur, however this point states that it will not lead to a loss of open land, this is not agreed, the site is open in character and it is very clear the physical role it plays in preventing encroachment and it would see the loss of open land.

Point d – The proposal would not adversely affect the setting of the historic town as whole, however, regard does need to be given to the heritage assets immediately affected by the proposals, such as the canal conservation area, and the conservation area.

Point e – The redevelopment of the school buildings will assist in urban regeneration, however the vast majority of the site is undeveloped and this will not play a role in assisting urban regeneration.

Point 3 states that the site makes a limited contribution to the purposes for including land within the Green Belt. It is considered that this is not the case, the site makes an important contribution to the Green Belt and its function is clear when viewing the site, it is not considered that this is a very special circumstance and therefore is afforded very limited weight in the planning balance.

Point 4 states that the new boundaries of the site would provide a sufficient Green Belt function, which relates to the canal and the defensible boundaries around the site. This is true, as the site is surrounded by development on three sides. The canal would provide a buffer which would be difficult to breach, however this is not considered to amount to a very special circumstance to outweigh the significant harm to the Green Belt therefore is attached limited weight in the planning balance.

No further very special circumstances (or exceptional circumstances) have been put forward by the applicants. It is considered that the points 1 and 2 do carry significant weight on their own, however the scheme proposed with no affordable housing provision and no education contribution reduces the weight to be attached to this circumstance, therefore it is considered that the very special circumstances put forward do not outweigh the significant harm to the openness and permanence of the Green Belt..

### **Loss of King's School at the Fence Avenue site**

The loss of the Fence Avenue King's School site is part of a wider proposals to relocate both girls and boys schools to one new site, which is to be located on the edge of Macclesfield within the Green Belt. The King's School is a private educational institution which is privately funded and sits outside of the education authority's remit. Therefore the decision to remove the school from this site and relocate elsewhere has been taken by the school and has been considered to be the most efficient option for the school moving forward. The loss of the educational facilities at the site will be compensated for on the new combined site, therefore the equivalent number of pupils will be accommodated at the new school and private school places will not be lost as a result of the proposals when taken as a whole. This application sits alongside two further applications, without those applications the proposal would not work effectively and the scheme would essentially be the loss of the girls school element of the King's School as a whole. Therefore it is not considered to be a viable option by the school to lose the Fence Avenue site and retain the Cumberland Street and Westminster Road sites, however this does not preclude future alternative plans by the school.

The applicant has stated in their supporting information that it would not be possible to locate both boys' and girls' schools on the Fence Avenue site as it is not large enough. However, as the aim is to become a more efficient school, the question arises as to whether the 13ha of the Fence Avenue site could comfortably accommodate the school, without the need to release a Green Belt site. The vast majority of the site is undeveloped, and could certainly accommodate more growth as the site as a whole can accommodate 300 dwellings. It is acknowledged however that this approach would not generate the income required to build a new school in its entirety from the development of the Westminster Road site alone.

The CELPS states in the supporting text of CS9 that CEC will help the school to find an alternative site as part of the Site Allocations DPD, however this process has not commenced by CEC and is part of the plan-led approach.

### **The loss of playing pitches**

The Fence Avenue site currently contains sports pitches and facilities which are used by the school and can be used by the wider community. These however are not publically accessible at all times and do not comprise public open space.

The current facilities include:

- 2 no hockey redgra pitches
- 2 no football pitches
- Rugby pitch
- Cricket

The proposal for the new school includes a wide range of sports facilities, however as part of the plans for the new school, the amalgamation of the two sites onto one site will inevitably see the loss of some facilities as duplicates will not be required. This is not to say that a substantial quantum of sports facilities including play pitches will not be required in order for a school with the whole student population on one site to function effectively. Due to the size of the proposed school and the number of students it will accommodate, enough playing pitch and sport facility space is required.

Sport England, originally had a holding objection to the proposals, however following the submission to Sport England by the applicants of an agronomist report and a Sports Needs

Assessment. The holding objection has been removed subject to suitably worded conditions. Therefore the proposals subject to conditions accord with paragraph 74 of the NPPF.

### **Housing Land Supply**

The Council's current position with regard to 5 year housing supply is shown below:

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy, alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016. The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply. From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgfield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

The PPG indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years). Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing. Therefore it is important that new housing is delivered to reduce this shortfall.

The delivery of this housing, includes the allocation of sites, of which Fence Avenue is one in the emerging CELPS. Therefore this site is intended to contribute to the shortfall, which must be addressed through the CELPS.

### **Sustainability**

Sustainability is the golden thread running through the National Planning Policy Framework, and proposals for sustainable development should be approved without delay. There are three strands to sustainability, social, economic and environmental.

### **SOCIAL SUSTAINABILITY**

#### **Affordable Housing and Viability**

Part (e) of CS9 states that The Local Plan Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC5 (Affordable Homes).

A viability assessment was submitted as part of the application which has been independently assessed. The viability assessment stated that the three applications could not bear the costs of any financial or other contributions towards affordable housing or education. This proposal is an outline application for up to 300 dwellings. As part of this application a draft section 106 agreement (for the three applications as a whole) has been submitted which proposes an affordable housing package of 5% of the units to be starter homes, offered at 20% discount on open market value.

The policy compliant requirement on this site is as follows: The Council's Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or larger than 0.4 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 300 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 90 dwellings to be provided as affordable dwellings. 58 units should be provided as Affordable rent and 32 units as Intermediate tenure. This development includes zero affordable dwellings and therefore Strategic Housing objects to the proposals.

The SHMA 2013 shows that yearly demand between 2013/14 and 2017/18 in Macclesfield is for 103 x 2 bed, 116 x 3 bed and 80 x 1 bed older persons dwellings. Information from Cheshire Homechoice shows that there are currently 1227 on the housing waiting list who have selected Macclesfield as their first choice. Those applicants require 518 x 1 bed, 479 x 2 bed, 199 x 3 bed and 31 x 4 bed dwellings. Therefore a mixture of units on this site, to include 1 bed and older persons accommodation, would be acceptable.

The viability argument for this site is not straightforward, as it is not a traditional housing scheme where a reasonable level of profit for the developer is required. In this case the applicant is the school, and the proposals are to fund the development of the new school, the aim of the proposals is to put the profit generated from the housing schemes into the new school project. However, as the school currently owns both the Westminster Road and Fence Avenue sites the purchase of the land for the housing developments is not required, therefore the level of profit is higher, this again will fund the new school, which is estimated to cost around 50 million pounds. The mechanism to ensure that a reasonable amount of profit from

the site goes into funding the new school will be secured through a Section 106 agreement which will cover all three sites, which is yet to be agreed.

Based on this model, the applicant argues – through their viability assessment which has been independently tested – that to provide a policy compliant scheme with regard to affordable housing is not possible, due to the reasons mentioned above and the alternative of 5% of units to be sold at a 20% discount of market value is proposed. This proposal is not policy compliant and is therefore contrary to the Council's Interim Affordable Housing Statement. This proposed redevelopment of the site alongside the proposal at Westminster Road totals circa 450 dwellings, which is a significant amount for Macclesfield. For two major sites within Macclesfield to have not one traditional affordable unit, making no significant contribution to social housing does not make a positive contribution to the social sustainability of the Macclesfield community. Therefore the proposal conflicts with the social strand of sustainability, contrary to the aims of the National and Local policy to deliver true sustainable development which weighs significantly against the proposal in the overall planning balance.

### **Loss of Sports Pitches and relocation of facilities**

As explained earlier in this report, the proposals will see a loss in playing pitch provision which have now been justified to the satisfaction of Sport England. However, in addition to this, the relocation of the existing sports facilities to an out-of-town site will see the loss of the facilities which are currently utilised by the community for various activities and sports clubs is an important consideration, the current sites are both in sustainable locations with easy access for the residents of Macclesfield and the wider community with good public transport links to Macclesfield. Whereas the new facilities, although they will be new and of a high quality, will be located in a less sustainable location.

The applicants have demonstrated in their supporting statements that the facilities are used by a number of groups and organisations, and that the school are dedicated to allowing this to continue. It is considered that through effective communications, and a travel plan, that the location of the new sports facilities as part of the new school, which is adjacent to the existing Derby Fields sports site and Macclesfield Rugby Club, this move would not be an unreasonable upheaval, and would not have a negative impact on the existing users of the facilities as they would still be available. The availability of the facilities for interested parties will be secured through the Section 106 agreement.

### **Education**

A proposal of a total of 450 dwellings within Macclesfield will undoubtedly put additional pressure on local schools. Therefore the proposal in order to be acceptable to offset this harm requires an education contribution. This has been calculated as follows and runs alongside the application for the redevelopment of the Westminster Road site which proposes a further 150 units. The section 106 agreement would have to be refined to ensure appropriate levels of mitigation were achieved either individually or across the sites.

The development of 450 dwellings is expected to generate:

82 primary children ( $450 \times 0.19 = 85.5$  SEN)

65 secondary children ( $450 \times 0.15 = 67.5$  SEN)

7 SEN children ( $450 \times 0.015 = 6.75$  SEN)

The development is forecast to create a shortfall predicted for secondary provision in the immediate locality and SEN provision.

To alleviate forecast pressures, the following contributions would be required:

$4 \times £17,959 \times 0.91 = £65,370.76$  (secondary)

$7 \times £50,000 \times 0.91 = £318,500$  (SEN)

Total education contribution: £383,870.76.

Without a secured contribution of £383,870.76, Children's Services raise an objection to the application on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development.

The applicant does not propose to pay Children's Services the sum required in order to offset the need for school places however as an alternative the Macclesfield Bursary Fund is proposed to the sum of £383,000 secured through the section 106 agreement, the definitions are set out below:

***Macclesfield Bursaries:*** means-tested bursaries awarded to pupils living within either the town of Macclesfield or otherwise within the Council's administrative area. The purpose of the award is to meet in full or in part the school fees of the recipient incurred in attending the School. The total value of the combined Macclesfield Bursaries offered in accordance with the provisions of Schedule [2] in any academic year shall not be required to exceed £170,000 (being the amount which it is estimated will be sufficient to fully fund two pupils through their complete secondary education at the School) and "Macclesfield Bursary" shall be construed accordingly.

***Macclesfield Bursary Fund:*** A sum of £383,000 (three hundred and eighty three thousand pounds) paid by the School into an interest bearing account pursuant to Paragraph [9] of Schedule [2]

This method of providing education to the equivalent value of what is required by the Council's Children's Services team has been tabled and will provide bursaries towards private education for up to 4 children to complete their secondary education at King's School. The bursaries will be means tested and will be offered in the first instance to children within the postcodes SK10 and SK11 which cover the Macclesfield area. Details of the bursaries will be reported back to the Council as set out in the proposed Section 106 agreement.

Providing education of any kind is beneficial, however, the proposal of providing 4 bursaries in lieu of a substantial contribution of £383,000 does not equate to the level of education provision Children's Services could secure through the contribution. Whilst the number of secondary school places is equivalent which is noted, the contribution to Children's Services would also provide for 7 SEN (Special Education Needs) places. It is noted therefore that whilst the number of Secondary School places would be equivalent, the proposals would not provide the 7 SEN places which are expected to be generated by the proposed development. Therefore to not contribute would directly impact on SEN provision in the Macclesfield area.

Therefore in terms of social sustainability, whilst a partial contribution is provided SEN would not be provided for, therefore the proposals would not be sustainable in terms of meeting the educational needs of the locality.

This application is part of the wider package of proposals to provide a new school, with state of the art facilities. The provision of a new school and a more efficiently run site is supported. The relocation of the school does release two large sites for residential development. It is acknowledged that schools are inefficient in their consumption of land compared to other land uses, however they are necessary in a thriving vibrant community. This new school will be a private establishment and will accommodate the same number of pupils as the existing two schools combined, at this point is not proposed to provide additional school places. Whilst private schools require significant financial contributions, they contribute significantly to the education system and play an important role in society. They provide a good standard of education for pupils and employment for staff. The role of schools is an important one, no matter what type, and this is reflected in paragraph 72 of the NPPF which states that:

*The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*

*-give great weight to the need to create, expand or alter schools; and  
-work with schools promoters to identify and resolve key planning issues before applications are submitted.*

This application forms part of the wider proposals to create the new King's School which accords with paragraph 72 of the NPPF which provides a private school to meet the needs of part of the local community, which according to the planning statement is required to secure the future of the school.

### **Social Sustainability Conclusion**

The proposals for the residential development will not make an affordable housing contribution it will however make a contribution in terms of starter homes and general market housing, both of which are in demand within Cheshire East where new dwellings are desperately needed, especially with a lack of 5 year supply of housing land and where housing developments must be approved without delay unless policies in the Framework state otherwise which does include Green Belt policy. The proposal does provide a Secondary education contribution by providing 4 bursaries at the King's School however does not provide a SEN contribution. The open space on the site will be agreed through the reserved matters application which will ensure that adequate circulation space and connectivity to the surrounding area is sufficient for future residents through adopting established urban design principles, however the large area of open space to the east of the site will be retained as shown on the illustrative masterplan. The management of open space will be agreed through the Section 106 agreement and is set out in the draft agreement. These contributions do provide community benefit, however the scheme is unable to provide a policy compliant affordable housing and a full educational contribution towards state school education, however this must be weighed against the benefits that much needed housing and a new school will provide for the community, and the facilities which will continue to serve other community clubs and organisations.

It is concluded that this residential development will provide much needed housing, however whether the community will be able to bear the impact on the infrastructure is concerning when this site is considered in the round with the Westminster Road proposals. However, all

applications must be assessed on their individual merits. The proposals are however of a significant scale and will have an impact on education services and should provide a contribution towards social housing and as a standalone application the proposals are not policy compliant.

The construction of the new dwellings will provide employment and a new school, which will provide employment through its construction and the provision of facilities for not only the pupils but for the staff and wider community. It has been demonstrated through a viability assessment, which has been independently verified, that it would not be viable to provide the necessary contributions in order to make the scheme policy compliant, as this development would only be achieved when combined with the two remaining schemes. The proposals are balanced in terms of social sustainability, the social contribution the scheme makes must be taken into account, however the lack of affordable housing and lack of a full education contribution are significant issues and without these benefits the proposals will have a detrimental impact on local infrastructure and the community will ultimately bear the cost of these shortcomings. As a result the development will be unsustainable and should be refused on this basis.

### **ENVIRONMENTAL SUSTAINABILITY**

#### **Landscape Impact**

In the Submission Version of the Local Plan Strategy and most recent proposed changes version, the application site is largely allocated for housing development with an area on the eastern side, adjacent to the Canal, designated as Protected Open Space.

This application and the Kings School Pavilion application (15/4286M) are linked and are classed as EIA development. Volume Two of the Environmental Statement includes a Landscape, Townscape and Visual Appraisal carried out by Savills (UK) Ltd. in accordance with the Guidelines for Landscape and Visual Impact Assessment 3<sup>rd</sup> edition. The landscape and visual aspects are considered separately. This Appraisal was carried out by Savills on the assumption that there would not be housing development in the Protected Open Space Area.

#### Landscape effects

A character assessment was prepared for the site itself and for the surrounding area from where it might be visible. The study area was divided into 14 character areas. An assessment of the overall sensitivity of features and characteristics of the study area was made, which combined judgements on their value and ability to accept change.

The assessment concludes that the proposals would have no significant adverse effects on the character of the site or its wider study area. The proposals would not result in a noticeable change in the character of the wider area, being partially screened by intervening vegetation in the Higher Fence area and by built form along Buxton Road. The site itself currently has an urban fringe character being enclosed by industrial and residential development and partially consisting of built form and sports pitches.

The only significant landscape effects would be on the setting of the grade II listed Church of the Holy Trinity close to the site's northern boundary from which the development would be partially visible, especially during the winter. New tree planting along the site's northern

boundary would help screen the housing and reduce the impact on the setting from moderate adverse to minor adverse.

There would be an erosion of the semi-rural character of the northern bank of the canal with glimpsed views towards the new houses but sufficient land would be left to allow substantial new tree planting and retention of open meadow grassland. The effect on the listed canal bridge (no 36) would be neutral.

The effects on the Peak Fringe ASCV would be minor adverse. There would be a loss of a small area of pasture on the site itself. The pasture fields do not have a strong rural character due to proximity to the urban edge of Macclesfield including the industrial estate and exposed rear gardens. The effect on the school buildings area would be beneficial as the townscape and built form would become more integrated and legible. The proposed development would mitigate the effects on the wider area with significant new tree planting both within the development and on the boundaries providing some screening.

### Visual effects

The assessment identified that the site is not widely visible from the west, north or south being visually enclosed by residential properties and the Fence Avenue industrial estate. Residents and users of these areas will however form the main visual receptor groups.

The residents of Lansdowne street and Holy Trinity Church would both potentially experience moderate adverse effects during the winter reducing to slight adverse during the summer.

The impact on users of the canal and towpath will depend on the quality of the detailed application for the site. Given the proximity of this part of the site to the visual receptors, any changes will be immediately apparent and whilst changes could be moderate adverse, with sensitively located, high quality buildings and strategic tree planting, changes to the view could be neutral with a new urban canal-side development forming an attractive edge.

The Landscape Officer broadly agrees with the Savills LVIA.

When the application was first submitted housing development was proposed within the Protected Open Space area which was of great concern as this would have adverse landscape and visual impacts on the Canal Conservation Area. However, the proposals have now been amended to omit development from this area. The illustrative masterplan and all parameter plans have been revised accordingly. The Landscape Officer therefore raises no objections to the application and suggest the landscape conditions to mitigate against landscape harm.

### **Trees**

The application is supported by an Arboricultural Statement, and a number of trees are present on the site. However, the Arboricultural Officer has not commented on the application at this point, therefore an update on this matter will be provided to Members of Strategic Planning Board on the update list prior to committee. Therefore the impact on trees has not been fully assessed at the time of writing this report.

### **Access**

The site is adjacent to Public Footpath No.34 Macclesfield (canal tow path) as recorded on the Definitive Map held at this office (working copy extract enclosed). It appears unlikely, however, that the proposal would affect the public right of way, although the PROW Unit would expect the planning department to add an advice note to any planning consent to ensure that developers are aware of their obligations.

The National Planning Policy Framework states that *“planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails”* (para 75). NPPF continues to state (para. 35) that *“Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to.....*

*-give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;*

*-create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians”.*

Proposed developments should present an opportunity to deliver and improve walking, cycling and equestrian facilities for transport and leisure purposes, both within the proposed development site and in providing access to local facilities for education, employment, health etc. These aims are stated within the policies and initiatives of the Council's statutory Local Transport Plan and Rights of Way Improvement Plan and also within the Local Plan Strategic Priority 2: *“Creating sustainable communities, where all members are able to contribute and where all the infrastructure required to support the community is provided. This will be delivered by:*

- 2. Ensuring that development provides the opportunity for healthier lifestyles through provision of high quality green infrastructure and cultural, recreational, leisure and sports opportunities*
- 4. Improving links between existing and new neighbourhoods by giving priority to walking, cycling and public transport and providing a genuine choice of transport modes and supporting community integration”.*

In the case of this application, it is considered that adequate connections are able to be made in order to ensure that walking and cycling routes to and from and around the site are sufficient potentially linking to the canal. This can be established through the reserved matters stage, through using urban design principles set out in the Council's design guide. The Rights of Way team have made recommendations for the reserved matters stage. The location of the site is sustainable with good existing connections to services and facilities within the town centre and public transport routes, therefore accords with the aims of the NPPF for development to be located within sustainable locations.

## **Ecology**

As part of any development proposals it is important that proposals do not endanger European protected species or species of conservation importance. The Council's ecologist has commented on the proposals.

### 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. There was communication between the ecologist and applicant's consultant at the pre-application stage and the Council's ecologist advised 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. A follow up survey in the found these setts to be inactive, but recommended a vegetation clearance team accompanied an ecologist to clear vegetation around the location of the previously recorded main sett to enable a fuller survey to be completed.

It was recommended at the time when the application was submitted which was the winter season and the reduced vegetation on site will be less of a constraint on re-finding the previously recorded main sett, a further badger survey should be undertaken and submitted to the LPA prior to the determination of the application. This report has now been submitted to the LPA and an update on this matter will be provided to the Members of SPB by the way of an update.

### 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.

### 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

It is advised by the Council's ecologist 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.

It is advised by the ecologist therefore that the submitted illustrative master plan should be amended to remove any development from the areas of priority woodland habitat. This matter can be addressed through the reserved matters application.

### 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. It is advised 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 a condition is recommended to manage this issue.

### **Amenity**

In order for the proposals to be acceptable, it is important that they do not have a detrimental impact on the amenities of existing residents and that the development is not located within an area which would harm the amenities of future residents. Environmental Health has commented on the application in respect of noise vibrations and dust, air quality and land contamination. There are no objections to the proposal on the ground of noise / vibration and dust subject to the following conditions being applied to any approval. In particular a noise impact assessment will be required to determine the mitigation appropriate to ensure noise levels (internal and external) are satisfactory for those properties in close proximity to the Fence Avenue Industrial Estate.

An Air Quality Assessment produced by WYG dated 23rd November 2016 reference A083128 has been submitted in support of the planning application. There is one Air Quality Management Area (AQMA) located approximately 700m from the proposed development which was declared as a result of breaches of the European Standard for nitrogen dioxide (NO<sub>2</sub>). There are a number of other areas within the town where monitoring has shown exposure to levels of NO<sub>2</sub> close to or above the objective. The Council is due to submit a Detailed Assessment to Defra shortly to consider if an AQMA should be declared in respect of these zones. There is also concern that the cumulative impacts of development in Macclesfield will lead to successive increases in pollution levels and thereby increased exposure.

The report considers whether the development will result in increased exposure to airborne pollutants. Cumulative impacts of developments have not been assessed.

The report states that traffic generation calculations show that the proposed development is almost neutral in terms of flows on Fence Avenue with the existing use. It does state that within the AQMA, traffic flows are predicted to decrease by approximately 32%.

The report concludes that it was not necessary to undertake a detailed air quality impact assessment to assess the effect and significance on local air quality at any existing receptors as traffic flows fell under the criteria provided within guidance provided by EPUK in 2015.

By virtue of the proposed development location, it is the professional opinion of the Council's Environmental Health department that there will continue to be an impact on air quality within the AQMA. It is their view that any impact within an AQMA is significant as it is directly converse to local air quality objectives and the Air Quality Action Plan. The NPPF requires that development be in accordance with the Council's Air Quality Action Plan.

Poor air quality is detrimental to the health and wellbeing of the public, and also has a negative impact on the quality of life for sensitive individuals. It is considered appropriate therefore that mitigation should be sought in the form of direct measures to reduce the traffic associated with the development and safeguard future air quality within the Air Quality Management Area and within Macclesfield.

Dust will be generated by the demolition and construction processes on the site, therefore the WYG report includes mitigation measures for this. No objections are raised to the application with regard to the above matters, and the proposals will have no detrimental impact on residents as a result of pollution providing effective mitigation is in place which will be secured by condition. Therefore the proposals accord with policies DC3 and DC63 of MBLP and the NPPF.

### **Flood Risk**

It is important that new developments are not at risk from flooding, or that the development itself would not exacerbate flooding in an area. The site is a greenfield site, and therefore in order to ensure that flooding is not caused by the development run-off rates must not exceed the current greenfield levels. Therefore it is important that adequate mitigation through effective drainage solutions is carried out on site. A Flood Risk Assessment was submitted with the application, which concludes that the development will remain safe during its lifetime and will not increase flood risk elsewhere and is, therefore, considered to be acceptable in flood risk terms. United Utilities have commented on the application, and have not raised objections to the proposals. Unites Utilities have recommended conditions in order to ensure that the proposed development does not create or exacerbate flooding through surface water run-off and to ensure that the drainage of the site is adequate. It is concluded therefore that the proposals accord with policy DC17 of the MBLP and the NPPF.

### **Conservation and Design**

The proposed development is at outline stage, the hard and soft landscaping and materials will be agreed by condition to ensure that the proposal does not have a detrimental impact on the character of the area and can make a positive contribution to the site. The remainder of the site is at outline stage where no detail is agreed save for access. Therefore detailed design will be agreed at the reserved matters stage. At the reserved matters stage the

proposed design and layout can ensure that separation distances are adequate to ensure no detrimental impact on existing or future residents, by virtue of overlooking, loss of privacy or loss of light.

Following comments from the Council's Conservation and Design and Landscape Officers amendments were sought to bring the proposals in line with the outline plan of CS9 of the CELPS. This area of open space has been identified as being important both to preserving the setting of the Grade II Listed Holy Trinity Church and also the Character and Appearance and setting of the Macclesfield Canal Conservation Area at this point. If the area were not retained as open space there would be harm to the setting of the Holy Trinity Church and to the Conservation Area. The protected open space will go some way to reducing harm to both the church, but it has been discussed by officers and Historic England that this will achieve little in conserving the setting of the conservation area if development were to butt up against the canal along the site's southern edge. In addition to this building D is indicatively located close to the Canal the buildings close to the SUD and to the listed bridge (4 units) will interrupt the tranquil rural aspect character of this part of the CA. Therefore these issues must be address in the detailed layout as part of the reserved matters application.

It is concluded that the amendments to maintain the area of open space to the east has dramatically improved the proposals in terms of heritage and design, and other design issues can be address through the reserved matters which will determine the detailed layout, scale, appearance and landscaping of the site.

### **Highways**

A large amount of objections have been received by local residents in relation to increased traffic and highways issues. The application is in outline form with access and the principle of development to be agreed at this stage.

The site lies off Fence Avenue on the east side of Macclesfield in a predominately residential area and will have three access points, two from Fence Avenue and one from Lime Grove. The main school building off Fence Avenue will be retained and converted for residential apartment use as part of the application.

### Traffic Impact Assessment

As this is an existing school there are a considerable number of traffic movements associated with it especially in the morning peak and these traffic movements needs to be considered against the likely traffic generation arising from the application.

The applicant has undertaken a survey of the existing traffic movements to and from the school and then provided an assessment of the traffic generation from the 300units using the Trics database. A comparison of the peak hour traffic generations show that the flows are very similar indeed with the existing school producing slightly more traffic.

As there will be no external traffic impact on the road network as traffic flows will remain the same, no junction testing is required. There is a requirement to assess the proposed site access junctions to ensure that no capacity problems will arise as a result of the development, the applicant has undertaken this assessment and the results show that no significant queuing will arise.

### Access and Accessibility

The main access to the site uses the southern most access and this is to be upgraded to have a 5.5m carriageway and two 2.0m footways, this access will also have a ghost right turn lane. The northern access on Fence Avenue will be retained and have a 4.5m carriageway and have a more informal use. There is an access proposed from the end of Lime Grove that has been indicated as serving up to 20 dwellings, the standard of infrastructure of this access is not sufficient to serve 20 units and it needs to be indicated at this outline stage that a much reduced number of units served from this access will only be acceptable.

The site is located not far the town centre and adjacent to Victoria Park and the site does have good pedestrian links and there are bus and rail services within a reasonable walking distance of the site. Overall, the site is considered to have good accessibility to sustainable modes of transport.

### Highways summary and conclusions

This is an application on the site of an existing school and there are a considerable number of traffic movements to and from the site that occurs on a daily basis. The proposal is for up to 300 dwelling to be constructed on the site, in regards to the traffic impact of the proposal the same level of generation will occur as the school and therefore there is no wider traffic impact on the road network other than the site access junctions

Although there is masterplan submitted this application is an outline application and the internal details would most likely change at reserved matters stage, as such no comments are made on the layout plan attached. There are three access points proposed, the main access is the southern most access on Fence Avenue with a right turn lane. There are no objections to the access proposals on Fence Avenue although the existing access off Lime Grove is not suitable to serve the level of development proposed in the application. This issue can be dealt with at the reserved matters stage.

Therefore, there no highways objections raised to the application subject to a condition being attached for the Ghost Right Turn Lane at the main site access. The proposals therefore subject to mitigation accord with the Development Plan and the NPPF.

## **EIA**

The development is an EIA development and as such the various components have been submitted as part of the Environmental Statement (ES). Whilst the development for 300 units is significant for the area, it is not considered that the proposals will have a detrimental environmental impact on the local or wider area. Any effects from the development can be mitigated through the use of conditions and the ongoing management of the site, and can be reduced through adopting urban design principles at the reserved matters stage. The development will be completed in phases to allow the proposals to gradually develop over time.

As part of the EIA process, the applicant must demonstrate that there are no alternative more suitable sites for this housing development. From the information provided with the application, the applicant has stated that there are no alternatives, as this site is available for housing and it is the will of the Council through the CELPS for the site to be developed for this purpose. This exercise however has not assessed alternative sites against this site. It must be

acknowledged that this site is only available for housing development should the school be successfully relocated, without the relocation it would not be a viable option.

### **Environmental sustainability conclusions**

It is considered that the proposed development is generally environmentally sustainable. However this is subject to the Arboricultural Officers comments which may raise objections or conversely may raise no objections but may require mitigation. Generally however, layouts can be designed in such a way as to not harm trees and small groups of tree and suitable mitigation can ensure the health of the trees. In addition to the ecological issues in relation to badgers must be resolved fully prior to a decision being made to satisfaction of the Council. It is considered that the location is sustainable and any harmful effects of the development with regard to pollution can be adequately mitigated. The landscape impact of the proposed development is adverse, however there are degrees of adversity and this is not considered to be significant enough of an impact on the landscape to warrant refusal, and with suitable mitigation is considered to be acceptable.

On balance, subject to a positive arboricultural and ecological recommendations. It is considered that through appropriate and effective mitigation the proposals are acceptable in environmental sustainability terms.

## **ECONOMIC SUSTAINABILITY**

### **Employment**

The proposed development for the redevelopment and relocation of the school will retain the majority of staff, as the number of pupils will be equivalent to the existing two schools combined. In relation to the Fence Avenue site's development, the proposals will create employment in the short term through the demolition and construction process. It is considered therefore that in terms of employment numbers these will increase as a result of the proposals.

### **Economy of the wider area**

The addition of 300 units will undoubtedly boost the economy in the local area through the increased use of shops and services making them more sustainable, which is especially important in Macclesfield Town Centre to be sustainable into the future. Additional population can create more demand for local services, increasing the likelihood that they will be retained into the future and improvements and investment made.

### **Economic sustainability conclusions**

The proposals will result in additional employment in the sort term through the construction of the site along with an economic boost locally through the increase in population to this area of the town. It is considered that the proposals will make efficient use of the land by providing market housing in a town centre location and are therefore economically sustainable.

### **Section 106 agreement**

The terms of the Section 106 agreement are not formally agreed however the applicant proposes the following:

- Education contribution of bursaries for Kings School to the value of 383,000 (to be split across the two residential sites)
- Open Space Provision
- Open Space and Landscape Management (to include Public Open Space)
- Provision of starter homes
- Trigger for the new school to be completed prior to the development of the Fence Avenue and Westminster Road sites.
- Phasing Plan
- Travel Plan
- Sports and Music Facilities Community Use Scheme

### **CIL Regulations**

Community Infrastructure Levy (CIL) Regulations LEVY (CIL) REGULATIONS In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following: a) Necessary to make the development acceptable in planning terms; a) Directly related to the development; and b) Fair and reasonably related in scale and kind to the development. It is considered that the contributions required as part of the application are justified and only go part of the way to meeting the Council's requirement for policy compliance. All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development. The non-financial requirements ensure that the development will be delivered in full. On this basis the S106 the scheme is compliant with the CIL Regulations 2010.

### **Representations**

A large number of representations have been received in relation to the application, with many representations both in objection and in support of the proposals, many of the representations relate to the three schemes as a whole. However those relating to this scheme and its merits have been addressed in the main body of the report. Having taken into account all of the representations received including internal and external consultation responses, the material considerations raised have been addressed within the main body of the report. There are outstanding issues that have not yet been resolved to the satisfaction of internal and external consultees, namely the ecological and arboricultural concerns and the concerns of Sport England due to the loss of the playing pitches. DCLG have contacted the Council regarding the applications and would like all three applications to be referred to the Secretary of State should they be recommended for approval by the Strategic Planning Board.

Paragraph 14 of the NPPF states that should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted.

### **PLANNING BALANCE**

The site is partially previously developed however the majority of the site is undeveloped. The whole site is within the Green Belt where there is a presumption against inappropriate development. It is established that the proposals do represent inappropriate development

within the Green Belt, and only if very special circumstances exist to justify the departure from Green Belt policy should they be approved.

The applicant has put forward what it considers to be very special circumstances, however the onus is on the decision maker, the LPA to determine what weight is attached to these in the planning balance and whether these circumstances amount to very special circumstances to justify the development, and outweigh the automatic harm the development would cause by way of inappropriateness.

In this case points 1 and 2 of the applicant's case relate to the fact that the site is earmarked for housing in the CELPS. The degree of weight to be attached to an emerging plan which has not gone through the full EIP process depends on the level of how much the policy aligns with the NPPF.

The amount of weight to be given depends on the following as set out in paragraph 216 of the NPPF.

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

In light of paragraph 216 it is acknowledged that the stage of preparation of the CELPS is advanced, initial EIP hearings have taken place, and changes have been made in line with the Inspectors recommendations. The hearings are due to resume later in the year, following which the Inspector will make final recommendations. The site selection process is also advanced.

The recommended changes have been made to the policies and these changes have been consulted on which ended in April 2016. The Fence Avenue site has objections to the release of Green Belt land.

As CS9 is not a development management or core policy but a site allocation, the principle of the development itself can only be assessed against the Framework. In the case of the Framework, Green Belt land should be retained for its own purposes.

The weight in this case to attach to CS9 would be significant, due to the level of preparation of the CELPS, however the weight to be attributed to this circumstance must be reduced as the scheme is not policy compliant, with no affordable housing or sufficient education contribution and as a result the community would be at a significant disadvantage due to the impact on existing infrastructure.

Whilst weight has been attached to points 1 and 2 of the applicant's case, it is not considered that the remaining points amount to very special circumstances enough to outweigh the significant harm to the Green Belt. Notwithstanding the potential allocation, this scheme is not policy compliant and does not alone justify the departure from Green Belt policy. The proposals for the site form part of wider proposals, however, this site must be assessed on its

own merits. The proposals conflict with local and national long established Green Belt policy, and should be refused on the grounds of inappropriate development within the Green Belt and conflict with the purposes for including land within the Green Belt including urban sprawl and encroachment.

It has been demonstrated through the application that additional information can overcome certain issues along with suggested planning conditions and obligations. However significant issues remain outstanding at the time of writing this report. It is considered that the ecology issues may be able to be mitigated if the correct surveys are submitted with appropriate recommendations to the satisfaction of the Council's Ecologist in order for a recommendation to be made on this issue, the same is true of the tree issues.

With regard to the lack of affordable housing provision, this is balanced, however, the viability assessment which has been verified independently shows that the proposed development cannot bear the cost of providing affordable housing if the project is to be viable, although starter homes can be provided on site which makes some social contribution. The proposals will put pressure on the state school education infrastructure which serves the catchment area of the site. The proposed secondary places at King's School would be means tested and would provide 4 places in total, however no SEN provision would be made as a result of the application. It is considered therefore that the proposals are not socially sustainable, and are contrary to the aims of the development plan and the Framework.

The proposal is largely sustainable in terms of the environment, however the issue of ecology and trees must be resolved to the satisfaction of the Strategic Planning Board.

The proposal and the wider proposals are economically sustainable as detailed in this report.

Through the assessment as to whether the scheme represents sustainable development, it is considered that it does not achieve this in terms of three strands: social, environmental and economic sustainability. As the site is within the Green Belt under paragraph 14 there is not a presumption in favour of sustainable development where other policies in the framework state that development should be restricted which includes Green Belts. On balance therefore after careful consideration the application should be refused in principle.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Council's delivery of 5 year housing land supply.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes, and benefits for local businesses.
- The proposal will not have an adverse landscape impact. There is no negative highways impact.

The development would have a neutral impact upon the following subject to mitigation:

- Subject to appropriate levels of mitigation, there will be no adverse impact on heritage assets.
- There is not considered to be any significant drainage implications raised by this development.
- The impact upon trees is unknown at this stage therefore cannot be considered to be negative or positive at this stage.

- The impact upon the residential amenity/noise/air quality/landscape and contaminated land could be mitigated through the imposition of planning conditions.

The adverse impacts of the development would be:

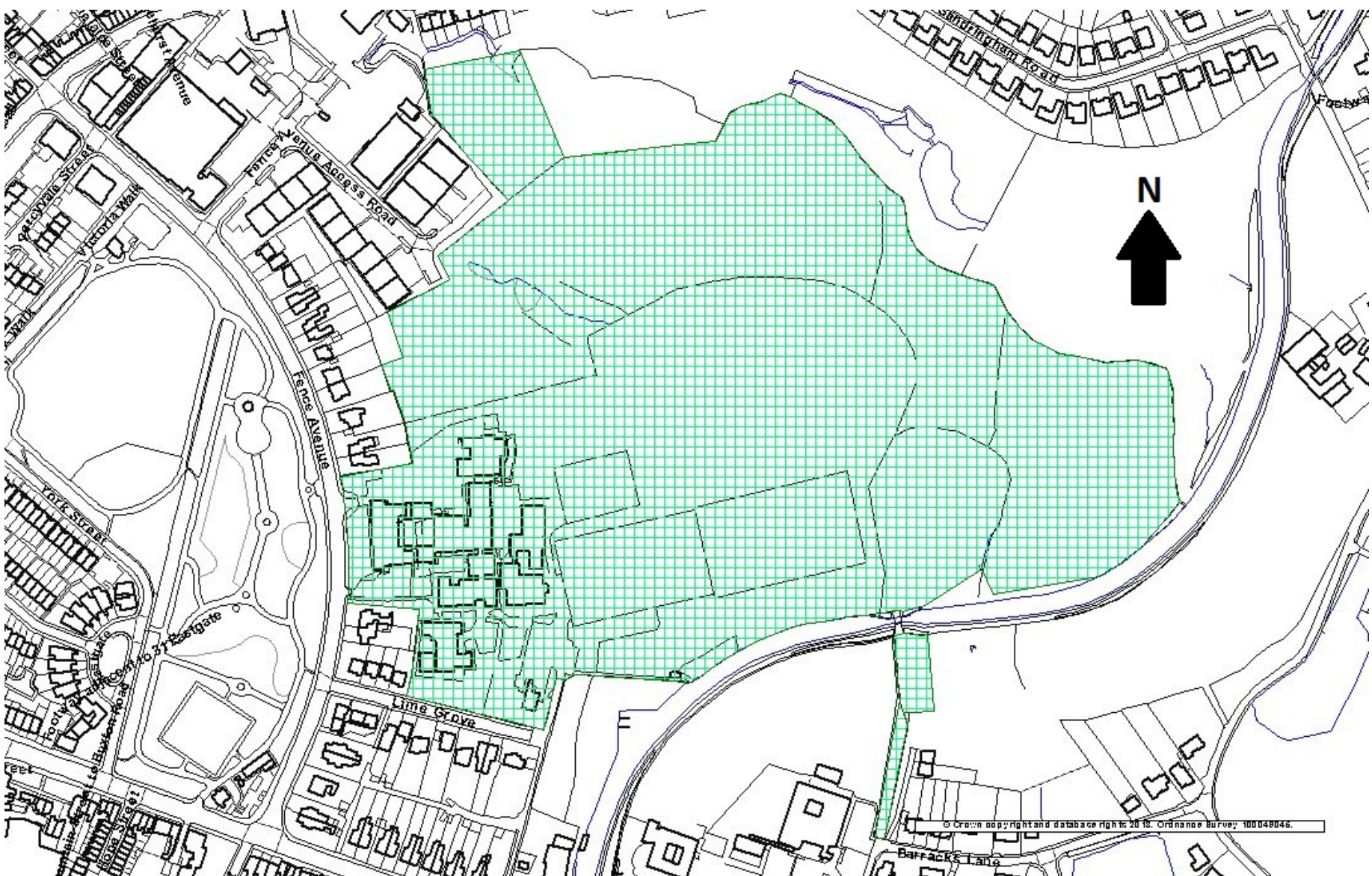
- The proposal is inappropriate development in the Green Belt, harmful by definition and the very special circumstances put forward are not significant enough to outweigh the significant harm to the openness of the Green Belt and the purposes for including land within it.
- The impact upon protected species/ecology is considered to be unknown, therefore it cannot be assumed at this stage that mitigation would be possible at the site without additional information.
- No affordable housing provided by a Registered Social Landlord, however 5% start homes (80% market value) are proposed.
- No financial educational contribution to Children's Services, bursaries are proposed.
- No SEN contribution.

On the basis of the above, it is considered that the proposal does not represent sustainable development and represents inappropriate development within the Green Belt and it is not considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits.

### **RECOMMENDATION**

#### **Refuse**

1. The proposal for residential development is inappropriate development in the Green Belt by definition and the very special circumstances put forward do not amount to the very special circumstances required to outweigh the significant harm to the openness and permanence of the Green Belt, the scheme conflicts with the purposes for including land within the Green Belt. The application is therefore contrary to saved policy GC1 of the Macclesfield Borough Local Plan and paragraphs 80 and 89 of the NPPF.
2. The application requires the provision of affordable housing in order to represent sustainable development and to comply with the Council's Interim Planning Statement: Affordable Housing (IPS), no affordable housing is proposed to be delivered as part of the proposals contrary to saved policy H8 of the Macclesfield Borough Local Plan and paragraph 50 of the NPPF.
3. The application does not make provision for a necessary educational contribution to mitigate the harm to education services as a result of this development. The proposal will therefore put pressure on social infrastructure services locally contrary to saved policy H5 of the Macclesfield Borough Local Plan and paragraph 162 of the NPPF.



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Application No: 15/4286M

Location: Kings School Pavilion, ALDERLEY ROAD, PRESTBURY, SK10 4RH

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.

Applicant: The Foundation of Sir John Percyvale in

Expiry Date: 16-Mar-2016

## SUMMARY

The application is to be considered alongside two applications for the development of King's School however, this application must be assessed on its individual merits.

The site is a greenfield Green Belt site where there is a presumption against inappropriate development. It is established that the proposals do represent inappropriate development within the Green Belt, and only if very special circumstances exist to outweigh the harm to the Green Belt policy should they be approved.

The applicant has put forward what it considers to be very special circumstances, however the onus is on the decision maker, the LPA, to determine what weight is attached to these in the planning balance and whether these circumstances amount to very special circumstances to justify the development, and outweigh the automatic harm the development would cause by way of inappropriateness.

In this case considerations 1, 2 and 3 of the applicant's case do attract some weight, which include the need to relocate, the need to combine the schools and the fact that there are no alternative sites. Consideration 4 also attracts weight in the balancing exercise, as the site will indeed release two potential housing sites, however, both sites are with the Council for consideration and neither provide affordable housing or an education contribution to the satisfaction of the education authority. Therefore the weight that can be attached to the release of these housing sites is significantly reduced due to the merits of the schemes put forward.

Nonetheless considerations 1-4 do attract weight, however, it is the amount of weight that these issues attract which determine whether combined they amount to the very special circumstances required to justify the inappropriate development proposed. Whilst some weight can be attached to the co-location and re-location of the school, can a development of this scale exceeding 20ha be justified in the Green Belt where the openness and permanence will be lost forever. The main case put forward by the school is that of a business case, that the school must do this in order to progress into the future and to continue to provide a high level of private education. However, the school has a large estate of two very adequate sites, which have been sustained for centuries.

Whilst it is considered that the argument put forward for the school to remain in Macclesfield is strong and the co-location and re-location is desired for the school. The national requirement to protect the Green Belt for its own sake is also strong and forms part of long established planning policy. Therefore after careful consideration, it is not considered that very special circumstances exist to justify the significant departure of local and national planning policy and the impact this proposal will have on the openness and permanence of the Green Belt. Therefore the proposals are recommended for refusal on Green Belt grounds and are contrary to the development plan and the Framework.

However, consideration 4 which would allow the release of one strategic housing site in Macclesfield (Fence Avenue) and one large brownfield site in Macclesfield (Westminster Road) would follow the plan-led process by bringing forward an allocated site in the emerging CELPS and developing a large sustainably located brownfield site. Whilst this cannot be afforded significant weight at this time, should fully policy compliant housing schemes be proposed on these sites which provide full community benefit and provide much needed market and affordable housing, this as a very special circumstance could be afforded much greater weight in the planning balance.

With regard to sustainability, the location of the proposed school is considered to be unsustainable for walking and cycling, however it is acknowledged that the proposals can include mitigation which could improve this. There is an outstanding highways objection to the proposals on highway safety and traffic impact grounds. There are a number of ecological issues to be resolved along with the impact on the grade II listed building adjacent to the site.

Through the assessment as to whether the scheme represents sustainable development, it is considered that it does not achieve this in terms of all three strands: social, environmental and economic sustainability. As the site is within the Green Belt under paragraph 14 there is not a presumption in favour of sustainable development where other policies in the framework state that development should be restricted which includes Green Belts at footnote 9. On balance therefore after careful consideration the application should be refused in principle.

The benefits in this case are:

- The proposals would provide a state of the art co-located school.
- The relocation of the school would make two potential housing sites available and would help in the Council's delivery of 5 year housing land supply.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes in respect of the housing sites, and benefits for local businesses.
- The proposal will not have an adverse landscape impact.

The development would have a neutral impact upon the following subject to mitigation:

- There is not considered to be any significant drainage implications raised by this development.
- The impact upon trees neutral with adequate mitigation.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land could be mitigated through the imposition of planning conditions.

- The impact on the heritage asset is currently unknown therefore cannot be attributed weight for or against the development.

The adverse impacts of the development would be:

- The proposal is inappropriate development in the Green Belt, harmful by definition and no very special circumstances significant enough to outweigh the significant harm to the openness of the Green Belt and the purposes for including land within it.
- The impact upon protected species/ecology is considered to be unknown, therefore it cannot be assumed at this stage that mitigation would be possible at the site without additional information.
- No affordable housing provided by a Registered Social Landlord, however 5% start homes (80% market value) are proposed.
- No financial educational contribution to Children's Services, bursaries are proposed.
- No SEN contribution.
- The highways impacts of the proposed development are not acceptable.

On the basis of the above, it is considered that the proposal does not represent sustainable development and represents inappropriate development within the Green Belt and it is not considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits.

### **SUMMARY RECOMMENDATION**

#### **Refusal**

### **PROPOSAL**

The application is a full application for the relocation of King's School from its current two separate girls and boys campuses in Macclesfield town to one site to provide for both girls and boys. The proposals include the 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. The King's School are proposed to vacate both Fence Avenue and Westminster Road sites which will be then redeveloped for housing. The income from the residential development of the sites will provide financial support to the development of the new school. The proposals are to relocate adjacent to the existing Derby Fields King's School site off Alderley Road in Prestbury, which is within close proximity to the Macclesfield Rugby Club.

The facilities from both campuses will be incorporated into one school, within this rural location. The site will have two main buildings, the main school building to the north of the site and the sports block to the east of the site, there will be a number of playing pitches and areas of hardstanding for car parking, areas of planting along with retained and managed planting, along with two vehicular access points, one to the east of the residential development and one to the west both off Alderley Road.

The application is an EIA development due to its scale and therefore is accompanied by an Environmental Statement and alternative sites proposals.

The site has been considered by Cheshire East Council to be an EIA development, therefore an EIA has been submitted with the proposals.

## **SITE DESCRIPTION**

The Alderley Road site covers an area of 21ha and is located adjacent to the existing Derby Fields pavilion site to the east. To the south of the site is Alderley Road and where there are a number of residential properties along the southern boundary of the site including Fleets Farm and Falibroome Farm. To the east of the site is the Derby Fields site and beyond this is Summerhill Road which is a small cul-de-sac of large detached dwellings. To the north of the site is the land forming part of Prestbury Golf Club. There is a public footpath which currently crosses and then runs along the northern boundary of the site, which is proposed to be diverted. There are two woodland areas on the site. Along the western boundary of the site is Big Wood and to the east of the site is Dumbur Wood, a small watercourse runs along the length of Dumbur Wood. The site is currently used for grazing land and has a series of trees and hedgerows around and within it. The topography of the site is undulating, and is visible from Alderley Road.

The site is completely undeveloped and is within the Green Belt.

## **RELEVANT HISTORY**

None for this site.

## **NATIONAL & LOCAL POLICY**

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plan (January 2004).

### **Macclesfield Borough Local Plan Policy:**

The site is located within the Green Belt

Therefore the relevant Local Plan policies are considered to be: -

- Policy BE1: Design Guidance
- Policy DC1: New Build
- Policy DC3: Amenity
- Policy DC5: Natural Surveillance
- Policy DC6: Circulation and Access
- Policy DC8: Landscaping
- Policy DC9: Tree Protection
- Policy DC36: Road Layouts and Circulation
- Policy DC37: Landscaping
- Policy DC38: Space Light and Privacy
- Policy DC63: Contaminated Land
- Policy T1: Integrated transport policy
- Policy T2: Provision of public transport
- Policy T3: Improving conditions for pedestrians
- Policy T4: Provision for people with restricted mobility

Policy T5: Development proposals making provision for cyclists  
Policy T6: Highway improvements and traffic management  
Policy NE2: Landscape character areas  
Policy NE14: Natural habitats  
Policy NE11: Protection and enhancement of nature conservation interests  
Policy NE17: Nature Conservation in Major Developments  
Policy GC1: Green Belt boundaries  
Policy IMP1: Development Sites  
Policy IMP2: Transport Measures

Cheshire East Local Plan Strategy – Proposed changes version public consultation ended 19<sup>th</sup> April 2016 where this site is proposed as an allocation for housing development.

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 Presumption in favour of sustainable development  
PG1 Overall Development Strategy  
PG2 Settlement hierarchy  
PG6 Spatial Distribution of Development  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
IN1 Infrastructure  
IN2 Developer contributions  
SE1 Design  
SE2 Efficient use of land  
SE3 Biodiversity and geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE6 Green Infrastructure  
SE9 Energy Efficient Development  
SE12 Pollution, Land contamination and land instability  
SE13 Flood risk and water management  
CO1 Sustainable Travel and Transport  
CO4 Travel plans and transport assessments

### **The National Planning Policy Framework**

The National Planning Policy Framework came into effect on 27 March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

Since the NPPF was published, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.  
56-68. Requiring good design  
72-74 Promoting healthy communities  
80, 81 and 89 Protecting Green Belt Land  
109. Conserving and enhancing the natural environment  
186-187. Decision taking  
196-197 Determining applications  
203-206 Planning conditions and obligations  
216 Implementation

### **Supplementary Planning Documents:**

Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.

- SPG on Section 106 Agreements (Macclesfield Borough Council)

### **Other Material Considerations**

- Conservation of Habitats & Species Regulations 2010
- Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
- North West Sustainability Checklist
- Ministerial Statement – Planning for Growth (March 2011)
- Macclesfield Town Report (Part of Local Plan evidence base) March 2016
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## **CONSULTATIONS**

### **Public Rights of Way** (comments received 15/12/2015)

The development, if granted consent, would affect Public Footpath No. 24 and No.25 Prestbury, as recorded on the Definitive Map and Statement, the legal record of Public Rights of Way.

Please note the Definitive Map and Statement is a minimum record of Public Rights of Way and does not preclude the possibility that Public Rights of Way exist which have not been recorded, and of which we are not aware. There is also a possibility that higher rights than those recorded may exist over routes shown as Public Footpaths and Bridleways.

The developers have made contact with the Public Rights of Way team and have submitted an application for the diversion of Public Footpath No.24 Prestbury under section 257 of the Town and Country Planning Act 1990. Footpath no.25 Prestbury crosses the site but will not require a diversion.

The Public Rights of Way team are satisfied with the proposed diversion of footpath no.24 and would be content to progress the developers application, subject to planning approval, on the basis that it is required to enable the development to go ahead. However before we can proceed with the application the developer will be required to submit the written consent of the landowner(s), which they have yet to do.

Although the Public Rights of Way team are satisfied with the alignment of the proposed diversion, there is currently no proposal to enclose the footpath. We would wish to raise the point with the developer that they may wish to consider safety and security, as the footpath crosses the school grounds and will be required to be open and available to members of the public at all times. With this in mind they may want to anticipate any future problems that may arise as a result and consider any measures that may be appropriate to help ensure the safety of pupils and members of the public; and also allowing the site to be secured.

### National Planning Policy Framework and Defra Guidance

The National Planning Policy Framework states that “*planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails*” (para 75).

The proposed development would have a direct and significant effect on the Public Right of Way, which constitutes “*a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered*” (Defra Rights of Way Circular (1/09), Guidance for Local Authorities, Version 2, October 2009, para 7.2).

### **Environmental Health**

The proposed development of a new school and sports facilities has been considered by this service. There are concerns about the potential for noise and lighting associated with the development to create an adverse impact off site for existing residential receptors.

Construction impacts (noise, vibration and dust) will generally be mitigated by distance from nearby sensitive receptors, however there remains potential for a protracted construction programme to cause off site issues. In particular, dust, noise from HGV's arriving and leaving the site and noise from construction plant and machinery.

Operational impacts could arise from fixed plant and equipment (air conditioning condensers, ventilation systems etc), sporting activities (including into the evening period) and traffic generated off site as a result of the development. In addition, lighting associated with the sports pitches has the potential to cause an adverse impact on quality of life to neighbouring properties.

Construction noise has not been assessed as part of the application however a condition is suggested below to adequately control these impacts.

Operational noise has been assessed as part of the Environmental Statement (report Ref: ADT 2190/ENIA 14th September 2015 by Pick Everard). In terms of fixed plant and equipment noise limits are proposed to ensure there is no noticeable impact off site. In terms of sporting activities the report concludes there is unlikely to be an adverse off site impact. Road traffic noise increases off site (resulting from the development) are considered to be of no significant impact in all but one area, and overall of no noticeable effect.

In general the above conclusions are supported however it is considered necessary to apply conditions with respect to the noise and lighting to ensure that any offsite impact is controlled.

### Air Quality

An Air Quality Impact Assessment produced by WYG dated 14th September 2015 has been submitted in support of the planning application. It should be noted that this was not scoped and the methodology not agreed with this office.

The report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows.

The proposed development is considered significant in that it is highly likely to change traffic patterns and increase congestion in the area.

There is also concern that the cumulative impacts of development in the area will lead to successive increases in pollution levels and thereby increased exposure.

The assessment uses ADMS Roads to model NO<sub>2</sub> and PM<sub>10</sub> impacts from additional road traffic associated with this development.

There are a number of shortcomings with the report, which include:

- As part of air quality modelling, a number of parameters are required to be input. One of these inputs relates to the monin-obukov length which allows a measure of the stability of the atmosphere. The model has used a length of 30m which in modelling terminology is classed as a mixed urban/industrial area. Local knowledge suggests that the proposed site does not fall within this category. Using this length provides a greater dispersion of pollutants and suggests unstable air, thus not providing true representations of pollutant concentrations and can underestimate the impact.
- Model verification has not been undertaken as the report states there are no suitable sites. The report states that in the absence of model verification, road contributions of pollution have been multiplied by a factor of 3, which the report states has been a typical factor generated during verification in similar situations. This is not a robust or accepted approach, and places a level of uncertainty in the results presented. Verification could have been undertaken using data from diffusion tube CE12.
- It is unclear if sensitivity analysis has been undertaken whereby emission factors are kept at the base year for the future 'with and without' development scenarios. This provides a conservative assessment whilst there is uncertainty regarding the rate of reduction in emissions from road vehicles into the future.

As the report stands, it concludes that there will be a negligible increase in pollutant concentrations at receptors modelled.

Taking into consideration the uncertainties associated with modelling and the above raised matters, it is the professional opinion of this office that the impacts of the development will be worse than predicted.

Poor air quality is detrimental to the health and wellbeing of the public, and also has a negative impact on the quality of life for sensitive individuals. The report recommends the following mitigation measures be implemented to aid in the reduction of vehicle emissions:

- Minimise reliance upon the motor vehicle use through a Framework Travel Plan
- Promote alternative transport options
- Provide additional school buses serving Macclesfield and local train stations
- Inclusion of pedestrian walkways (new footpaths and road crossings) into surrounding environments.

The mitigation measures described form the basis of a low emission strategy for the development.

In addition, modern ultra low emission vehicle technology (such as electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such, it is considered appropriate to create infrastructure to allow charging of electric vehicles in new, modern, sustainable developments.

A development of this scale and duration would be expected to have an adequate dust control plan implemented to protect sensitive receptors from impacts during this stage of the proposal.

It is therefore recommended that conditions are attached to any planning permission.

### Dust Control

There is potential for dust generated during the development to have an impact in the area. The air quality assessment highlights appropriate mitigation measures to reduce the impact of construction activities.

### Contaminated Land

The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land:

- The application area has a history of agricultural use and therefore the land may be contaminated.
- The application is for a new school which is a sensitive end use and could be affected by any contamination present or brought onto the site.
- The report, RSK September 2015, submitted in support of the application recommends site investigation works be undertaken. The report also contains a review of an initial phase of site investigation (Pick Everard April 2015). It is recommended that this information be submitted.

As such, and in accordance with the NPPF, this section recommends conditions should planning permission be granted.

**Highways** – see main body of report.

**Environment Agency** – (comments received 01/12/2015 and 15/04/2015)

No objections to the proposals subject to recommendations to developers.

## Natural England – (comments received 15/12/2016)

Statutory nature conservation sites – no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

### Soil and Agricultural Land Quality

Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society, for example as a growing medium for food, timber and other crops, as a store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is therefore important that the soil resources are protected and used sustainably.

The applicant should consider the following issues as part of the planning application:

1. The degree to which soils are going to be disturbed/harmed as part of this development and whether 'best and most versatile' agricultural land is involved.

This may require a detailed survey if one is not already available. For further information on the availability of existing agricultural land classification (ALC) information see [www.magic.gov.uk](http://www.magic.gov.uk). Natural England Technical Information Note 049 - *Agricultural Land Classification: protecting the best and most versatile agricultural land* also contains useful background information.

2. If required, an agricultural land classification and soil survey of the land should be undertaken. This should normally be at a detailed level, e.g. one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres.

3. Government policy is set out in Paragraph 112 of the National Planning Policy Framework which states that:

*'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.'*

4. The applicant should provide details on how any adverse impacts on soils can be minimised. Further guidance is contained in the *Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites*.

### Ancient Woodland

Natural England advises that the proposals as presented have the potential to adversely affect woodland classified on the ancient Woodland Inventory. Natural England refers you to our Standing Advice on ancient woodland <https://www.gov.uk/ancient-woodland-and-veteran-trees-protection-surveys-licences>

### Protected species

We have not assessed this application and associated documents for impacts on protected species.

## **United Utilities – (comments received 16/12/2015)**

### Drainage Comments

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

The culverted watercourse that crosses the site is not a United Utilities Asset and contact should be made with the riparian owner who is responsible for the watercourse.

### Drainage Conditions

United Utilities will have no objection to the proposed development provided that suggested conditions are attached to any approval in relation to foul water and surface water.

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 Part 6, we have been asked to provide written justification for any pre-commencement condition we may have recommended to you in respect of surface water disposal.

The purpose of the planning system is to help achieve sustainable development. This includes securing the most sustainable approach to surface water disposal in accordance with the surface water hierarchy.

It is important to explain that the volume arising from surface water flows can be many times greater than the foul flows from the same development. As a result they have the potential to use up a significant volume of capacity in our infrastructure. If we can avoid and manage surface water flows entering the public sewer, we are able to significantly manage the impact of development on wastewater infrastructure and, in accordance with Paragraph 103 of the NPPF, minimise the risk of flooding. Managing the impact of surface water on wastewater infrastructure is also more sustainable as it reduces the pumping and treatment of unnecessary surface water and retains important capacity for foul flows.

As our powers under the Water Industry Act are limited, it is important to ensure explicit control over the approach to surface water disposal in any planning permission that you may grant.

Our reasoning for recommending this as a pre-commencement condition is further justifiable as drainage is an early activity in the construction process. It is in the interest of all stakeholders to ensure the approach is agreed before development commences.

### Water Comments

A water supply can be made available to the proposed development.

The applicant must undertake a complete soil survey, as and when land proposals have progressed to a scheme design i.e. development, and results submitted along with an application for water. This will aid in our design of future pipework and materials to eliminate the risk of contamination to the local water supply.

United Utilities retained a small parcel of land next to the foot of Dumber Wood, close to the proposed footpath, and a right of way leads up to this area. At no time should the right of way be compromised or anything to occur that would affect United Utilities right to 24hr access.

**Sport England** (comments received 18/12/2015) Original holding objection based on loss of playing pitches. (comments received 09/05/2016) –

### Assessment against Policy Exception E5 –Loss of Playing Field

The applicant has engaged an Agronomist to survey the site and provide a design that minimises the loss of playing field. The indicative pitch layout is for rugby union pitches and the Rugby Football Union (RFU) has been consulted. They are happy in principle with the layout but pointed out the Agronomy Report did not provide actual pitch specifications for the natural turf pitches. A condition will be required to ensure pitch specifications are submitted prior to commencement of the construction of the playing field. Only a basic layout and dimensions of the AGP's has been submitted, and whilst the overall dimensions has been approved by England Hockey the construction and drainage detail has not been provided. Plans showing the cross sections of the sub base, surface, materials, and drainage will be required along with scale drawings. Again this can be conditioned but will need to be a pre commencement condition (of the pitches not the entire development). Wording of the condition is set out in the section below.

### Sports Needs Assessment

The loss of 1.4ha has to be justified against national and Sport England policy. The applicant proposed significant indoor sports facilities the benefit of which could outweigh the loss of playing field. However, to demonstrate the mix of sports facilities proposed meets a strategic need and can provide sporting benefits to outweigh the loss of playing field a Sport Needs Assessment was required.

The applicant has provided a Sports Needs Assessment and this clearly demonstrates the Kings School facilities will provide a different offer to the existing commercial and Council run facilities in Macclesfield. The focus at Kings School will be to support Sports Club Development which in turn will help increase participation in those sports. It is clear that the indoor sports facilities will be made available to pitch sports users for strength and conditioning and specific skills sessions, although there may also be the opportunity to address some overcapacity issues experienced by local residents at other venues in Macclesfield.

However, at the present time it is not clear how the timetabling and availability of the sports facilities will work. For that reason Sport England will require a Sports Development Plan to be prepared and appended to a Community Use Agreement (CUA). This can be conditioned on a prior to first use basis allowing the School time to liaise with both Sport England, the sports clubs and NGB's. Both Sport England and the NGB's are very familiar with preparing Sports Development Plans and Community Use Agreements and will assist and advise the School at the relevant time if required. I have reviewed a draft CUA provided by the applicant. The format follows Sport England's model CUA so from that perspective is acceptable. However, as there is currently no Sports Development Plan or information on facility availability and pricing, these elements will need to be included at a later stage and formally discharged as part of the CUA condition.

The maintenance and management of sports facilities to support both curriculum and community use is obviously different to providing maintenance and management just for curriculum use. For that reason Sport England need to ensure the management arrangements are consistent with the aims and objectives of the Sports Development Plan and Community Use Agreement, and that the maintenance regime is adequate to sustain the anticipated usage and to realise the sporting benefits in line with national and Sport England policy. Sport England will require a Management and Maintenance Plan which again can be conditioned on a prior to use first use basis. The management and maintenance of the pitch element should be informed by the recommendations set out in the Agronomy Report. The Sports Development Plan, Business Plan and CUA will help inform the indoor sports facility management and maintenance.

The design and layout of the indoor sports facilities and pavilion has been agreed with the NGB's and there is no need for a design condition for those.

The three applications are linked and therefore the response is for all 3 planning applications.

**Macclesfield Civic Society** (comments received 22/01/2016)

Recent applications 15/4285M; 4286M and 4287M by The Kings School regarding proposals for development in Macclesfield and Prestbury – representations on application 15/4286M.

As you will know The Kings School recently submitted three planning applications in support of its project for the creation of a new educational facility in the environs of Macclesfield. However, before setting out our views on planning merits it is necessary to raise a procedural issue with regard to the scope and nature of the applications, as a follow up to my earlier letter of 21 July 2015.

Environmental Impact Assessment issues

The documents submitted in support of that scheme rely heavily upon the material in the environmental statement prepared for applications 15/4286 and 4287M – surely an indication that they are all part of the same project with effects that have to be evaluated comprehensively in accord with the Directive and the 2011 Regulations. I would suggest that this matter be reconsidered to avoid later reference to the Secretary of State.

Planning Policy issues

This is an extensive project which would result in the urbanisation of a significant area of open and agricultural land on the fringe of Prestbury and the Upton Priory area of Macclesfield. The

project includes large scale buildings and transformation of open land into formal playing fields, access roads and parking facilities and would introduce significant additional traffic flow onto a rural road network.

The site is wholly within the Green Belt as defined in both previous and emerging Development Plans. School buildings of this scale are not one of the categories of development normally considered appropriate within the Green Belt and inappropriate development is, by definition, harmful to the Green Belt and its objectives quite apart from any amenity impacts resulting from the project's siting, materials and design. Accordingly "very special circumstances" must be demonstrated to justify such proposals. These are stated to be the benefits to the applicants from concentrating activity at one site, in a new purpose built facility and funded by redevelopment or disposal of land and other assets elsewhere. It is for the local planning authority in the first instance to assess whether the very high threshold of justification has been met.

### Local impacts

The siting of the new school buildings aims to minimise visual and landscape impacts but these will still occur and their effect upon the character of the locality assessed. The Society does not consider that the design quality of the scheme in terms of mass, scale and elevational treatment reaches the "exceptional" threshold in terms of its effect upon the visual amenities of the Green Belt. Similarly, the disposition of roads and pitches must take into consideration the amenities of persons living nearby along Alderley Road; Macclesfield Road and Summerhill Road.

### Traffic and access

The project would introduce significant additional volumes of traffic into this locality and have a wider network effect upon traffic patterns in Macclesfield as well as along Alderley Road/Priory Lane and in Prestbury village centre. The nearby staggered cross roads junction does not currently operate satisfactorily and this is recognised in the traffic assessment. The Society is not convinced that the limited improvements through signalisation, as proposed, would be sufficient to assuage serious concerns about traffic impacts. Similarly the change in patterns of private car and bus traffic would also impact beyond the immediate locality and there is little indication that a comprehensive network assessment has been undertaken. There appears to be a reluctance to undertake any assessment of impacts upon the road network of the town beyond the access points to the Westminster Road and Fence Avenue sites yet traffic from the development of up to 450 dwellings would be significant given that the Cumberland Street/Hibel Road/Hurdsfield Road/Silk Road corridor is identified in the emerging Local Plan as a significant constraint on development possibilities. Whilst the wish of the applicants to avoid having to contribute towards necessary highway improvements is understandable from a narrow financial aspect the wider impacts of new developments should not be the sole responsibility of the tax payer or local government to resolve.

### **CPRE** – (Comments received 20/01/2016)

The proposal for this site is to build a substantial new school campus "in a parkland setting" on a particularly fragile area of Green Belt between Prestbury and Macclesfield on over 50 acres of land currently used for dairy farming and growing potatoes. In addition to the main school buildings there would be a sports centre containing a six-lane swimming pool, dance studio, six badminton courts and a gym. The average height of the buildings would be 40 ft.

There would also be internal roads, car parks, five rugby pitches, two hockey pitches, six netball/tennis courts and five outdoor cricket net lanes. Footpaths would require re-routing.

Despite the scale of these proposals, this development is not shown in the Submitted Local Plan and it is unclear how it would be dealt with in the Local Plan if planning permission is granted. However, we strongly advise against it being approved for the following reasons:

This site alone would contravene all five of the Green Belt purposes. It was given the highest categorisation of making a 'major contribution' to Green Belt by Arup, as part of its Green Belt assessment for the Local Plan process (ref. ANX 12). And the existing King's School playing fields (parcel PR 15), which this site would adjoin and sit to the west of, were also given the rating of 'major contribution'. The playing fields were dealt with as part of the main Green Belt Assessment Update in the Final Consolidated Report, Appendix C, on page C111 (ref. PSE 034 on the examination website). The site of the proposed new campus was dealt with as part a separate exercise that examined 12 more parcels (ref. PSE 034A on the examination website). (See extracts replicated on next page).

It is also worth noting that, immediately to the north of the proposed development site, sits Prestbury Golf Club, half of which was given the ranking of making a 'major contribution' to Green Belt (parcel PR 17) and half of which was rated as making a 'significant contribution' (PR 16). On the opposite side of the B5087, Alderley Road, from the proposed new school campus sits Macclesfield Rugby Club, again on Green Belt, (parcels MF 11 and MF 12). Both of these parcels which include and adjoin the Rugby Club were given the rating of making a 'significant contribution' to Green Belt. (N.B. The Rugby Club has submitted a pre-planning application to Cheshire East Council to build circa. 70 dwellings on their site. If this were also to happen in due course, Prestbury and Macclesfield would become one at this point).

The proposed development site is adjacent to a substandard staggered road junction known as Four Lane Ends which struggles to cope with existing school traffic generated by the two large schools immediately to the south of it, ie. Fallibroome High School (1,500 pupils) and Upton Priory (460 pupils). There is also a day nursery on the junction itself and another school is close by – St. Albans – with 310 pupils. Alderley Road is a winding rural road.

King's School itself says it would not be aiming to grow in size from its present 1,250 pupils but there is nothing to say it would not. The traffic calculations have been based on it not growing the pupil numbers, on there being 210 members of staff and on the assumption a significant percentage of new traffic movements would be outside of peak travel times due to pre-school and post-school activities. It is questionable as to how realistic this is and the resulting small difference predicted to the travel times seem very unrealistic. Proposals for highway improvements around the staggered junction appear to be very modest. There are none for beyond the immediate site area. There are no off-site measures proposed to enable safe cycling to school and the main feature of the travel plan is an offer to provide two extra mini buses to encourage more pupils to travel to school by sustainable means.

### Concluding Comments

This planning application presents a totally unsustainable proposition which has not been justified.

No special or exceptional circumstances have been put forward to make a case for building on either of the two Green Belt sites, both of which were given very high rankings in the recent Cheshire East Green Belt review. Part of the proposed housing site at Westminster

Road/ Cumberland Street is thought to be on the site of a former waste tip – a totally unsuitable location for housing.

The figures on which the traffic data has been calculated for the Prestbury site are questionable and the mitigating measures proposed for potential traffic problems appear to be very modest and very localised.

This proposal would result in the loss of good quality farmland (3A in the case of the Prestbury site), trees and hedges and would require the re-routing of public footpaths. Open vistas would be affected at Fence Avenue and at Alderley Road and there is a strong likelihood that, if the new campus were built at Prestbury, the Green Belt between Prestbury and Macclesfield would be lost entirely – particularly if the pending application by Macclesfield Rugby Club came into play as well.

CPRE urges Cheshire East Council to refuse this application.

### **Prestbury Amenity Society** – (comments received 14/01/2016)

#### Impact on the Green Belt

This application is clearly in contravention of the Macclesfield Borough Local Plan Ref. GC1; development of new buildings within the Green Belt will not be given except in very special circumstances e.g. for agriculture or forestry.

We consider this planning application to be an inappropriate development in the Green Belt; by definition, where the development is harmful to the Green Belt it should not be approved except in very special circumstances, clearly, substantial weight must be given to any harm to the Green Belt. In this instance the degree of harm posed by the new school building and associated infrastructure will be exceedingly severe. This development will encroach upon and urbanise a large area of open countryside and thereby joining Macclesfield with Prestbury. The Green Belt around Prestbury is in place to protect this historic Cheshire rural village which we consider to be very important.

This application is not a very special circumstance nor does it demonstrate a need; the existing school on the main site could be extended and possibly funded by the sale of their Fence Avenue site whilst still retaining their existing sports ground facilities within the Green Belt, which is a little more acceptable.

#### Agricultural Land

Ref. GC13 states .... development of the best and most versatile agricultural land (grades 1, 2 & 3) will not be permitted unless opportunities have been assessed for accommodating the development on previously developed sites. Again, the proposal contravenes this condition.

#### Impact on Prestbury Golf Club

This sports club and facility is a premier amenity within our village and we are aware of the detailed objection they have submitted; whilst not wishing to repeat their detailed submission we wish to align the Amenity Society's support on all points expressed there in.

#### Traffic Congestion

This development, if approved, will seriously overload the roads around Prestbury. The village High Street has a 20 mph speed limit; it is very narrow such that the added traffic will obviously cause serious congestion at peak periods. Also, the proposal to run a bus service from Prestbury train station is quite impractical, there are no parking areas for buses and the location is again on a narrow road at a right angle road junction.

The crossroad junction at Macclesfield Road / Priory Lane is extremely busy because of the traffic flow to and from Fallibroome Academy plus the children's nursery on this corner; to add the traffic as would be generated by King's School being in such close proximity would be a gross overload and create a serious accident hazard.

### Visual Amenity

GC3: the visual amenity should not be injured by proposals for development:-

We assess that this development would considerably injure the visual amenity towards Big Wood and beyond plus seriously damage the visual amenity currently enjoyed by Prestbury Golf Club. The 3 storey buildings are obtrusive and more akin to the design for warehouses as you would expect on an industrial site.

Within this context we also consider that the loss of trees and hedgerows to be of serious concern; they also help to drain the land and protect against flooding.

### Impact on Prestbury Village

Prestbury is a historic village with medieval origins and located in a conservation area. This proposed development is totally out of character with the area which will be damaged forever if approved. Prestbury Amenity Society most strongly objects to this application because of the aforesaid reasons and urge that it should not be approved.

## **VIEWS OF THE TOWN AND PARISH COUNCILS**

### **Macclesfield Town Council** – (comments received 20/01/2016)

At the meeting of Macclesfield Town Council's planning Committee on 7/1/16 the following was response was resolved in relation to Kings School Alderley Road Planning Application 15/4286M

### **Resolved**

- i. That any planning consent granted should be subject to a detailed Highways impact assessment and all recommendations and mitigations from such a report must be implemented.
- ii. That any planning consent granted should be subject to an environmental assessment and any recommendations and mitigations from the appropriate agency must be implemented
- iii. That comments submitted at the public meeting of 6/1/16 be shared with the planning authority.

### **Prestbury Parish Council** – (comments received 18/01/2016)

Prestbury Parish Council considered the full planning application by King's School (ref. 15/4286M) at its January meeting and voted by a majority to object to it.

The new school campus that is proposed would be entirely within Prestbury Parish and entirely on Green Belt land that adjoins an Area of Special County Value. The reasons for our objection are as follows:

- It is not apparent that sufficient effort was put into finding alternative (more sustainable) sites that satisfied the school's desire to have one campus
- The application is in contravention of the five Green Belt purposes. The school has explained its business case to us but the majority of Councillors were not convinced that this constituted special or exceptional circumstances
- Not only is this site Green Belt, but – according to the Green Belt Review carried out by Arup consultants for Cheshire East Council as part of the Local Plan process – it makes a 'major contribution' to Green Belt purposes (ref document PSE034A, Green Belt Assessment Update Further Annex Parcels, on the examination website)
- The land is all good quality farm land, i.e. 'best and most versatile'
- The development would result in the loss of mature trees and hedgerows
- A significant proportion of the land would become hard surfacing either for buildings or internal roads, parking, assembly areas, hard surface playing areas or paved footpaths and this would be immediately above the Bollin Valley flood plain.
- Whilst the King's School has proposed improvements to the Four Lane Ends junction, these appear insufficient in view of the present traffic issues around the Four Lane Ends junction. Several Councillors (and many members of the public) have expressed concern that these and traffic issues elsewhere would be exacerbated, despite the traffic assessment and the travel plan. Particular concern was expressed about the junction of New Road and Butley Lanes where it is proposed there would be a pick-up and drop-off point for a mini bus. (That said, the school has recognised it has more work to do on its travel plan and has offered to work with us if the plan is approved).
- The application is in contravention of the following Macclesfield Local Plan policies: GC1, GC3, GTC4 and GC13 and PRE 07, 08, 09 and 10.

Kindly note our objection and bring it to the attention of the Strategic Planning Board.

### **Over Alderley Parish Council** – (comments received 20/03/2016)

OAPC have concerns that the relocation of Kings School to the proposed site will cause a significant increase in the volume of vehicles using the B5087 Alderley Road passing through Over Alderley.

The Travel Plan identifies that there are currently no coach routes which travel through Over Alderley, however, revised coach routes, designed to access the proposed site, identify two coach routes travelling along the B5087 to the school. The stretch of the B5087 which passes through Over Alderley has several narrow sections with bends for which regular use by coaches would be considered unsuitable.

Concern is raised regarding the amount of proposed onsite parking provision which does not appear to sufficiently correlate to the number of vehicles expected to drop off and collect pupils and to accommodate staff. It is noted that the B5087 is not currently designated as a highway with parking restrictions, therefore, could become abused by vehicles associated with the site that are unable to park onsite creating additional traffic disruption and hazard.

Whilst the Parish Council acknowledge the wish of the school to reduce the number of car journeys associated with the site, it is considered inappropriate to jeopardize highway safety on the assumption of realizing an uncertain aspiration. The Transport Assessment identifies that the potential traffic impact upon Alderley Road, due to the proposed development, will be an increase of 143.22%. This is not considered to be acceptable especially as no measures have been suggested to mitigate the impact of the traffic upon the Parish of Over Alderley. This stretch of highway has been the subject to many accidents and near miss incidents, which, should the proposed increases in traffic be permitted without the implementation of appropriate amelioration measures is likely to lead to an increase in the frequency and severity of future accidents.

Over Alderley Parish Council has already raised concerns regarding highway safety of the B5087 through the Parish with both Cheshire East Council and the Police. A highway review of this route has been prepared, however, confirmation is sought that the impact of the proposed development, including potential changes to traffic patterns, will be taken into consideration when drawing conclusions regarding appropriate measures to be implemented to improve highway safety to all user groups including pedestrians, cyclists and horse riders.

## **OTHER REPRESENTATIONS**

**Prestbury Golf Club** (comments received 08/02/2016)

### Conclusions

Having considered the applicant's revised plans and additional supporting information I remain of the firm view that the planning application should be REFUSED on the following grounds:

- 1) The site lies in an area of open countryside within the designated Green Belt where there is a general presumption against new development, as set out in the adopted Macclesfield Local Plan and the National Planning Policy Framework (NPPF). The development would constitute inappropriate development within the Green Belt which is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. Such very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The development would cause serious harm to the openness and purposes of including land within the Green Belt. No very special circumstances have been demonstrated that clearly outweigh the harm to the Green Belt. The proposed development would therefore be contrary to the adopted Macclesfield Local Plan and the NPPF.
- 2) The proposed development would constitute a major visual and noise intrusion into the open countryside which will have a seriously detrimental impact on the amenity of countryside users, including Prestbury Golf Club.
- 3) The proposed development, including the consequent realignment of public footpaths, would pose a serious health and safety risk to school children and the general public due to the likely prospect of golf balls landing within the school grounds.

4) The proposed development would harm the setting of Fallibroome Farm (Grade II listed) without adequate countervailing benefits, contrary to paragraph 133 of the NPPF.

5) The proposed development would have an unacceptable impact on local highway and road safety conditions due to the high levels of peak am and pm traffic it will generate in the vicinity of the site.

430 Comments from the public between 08/12/2015 - 22/04/2016 and a petition raised the following issues

### In Support

- The school is involved in voluntary initiatives, music and theatre productions
- Sports and recreation facilities will be available for booking by the community out of school hours.
- sporting and education “corridor” by proximity of facilities generates potential for future synergies and share use of facilities (Fallibroome, Macc Rugby Club, Prestbury Golf Club, Derby Fields)
- “Beautiful” building proposed
- although comments that most pupils come from outside the town, a survey last year reportedly indicates that 90% of pupils are from SK10 or SK11 postcodes
- Consolidation on one site secures the future of the school (and associated benefits to local economy)
- Provides good choice for school for Cheshire East residents
- The School has examined the possibility of consolidating on its existing sites, but neither is able to deliver the calibre of School that the new site will deliver
- Consideration of site close to other education and leisure facilities and similar scales of development
- Keeping the School in the Macclesfield area is vitally important to the town as a whole
- Comparison to Astra Zeneca( and other offices, houses, factories) that it is a positive thing that someone had the foresight to develop an industrial park in what was once the countryside.
- Investment during construction phase.
- Employment generation
- Attracting staff and families who contribute to the local economy, spend in local shops
- estimated £150million economic benefit to Macclesfield and the region over 10 years
- Annual turnover of Kings in the Town is £8 million: 250 people directly employed at the School and a further 450 indirectly.
- Concern that the town may lose the school if the proposals do not go ahead, with associated loss of business and historic connections, that there are no realistic alternative sites nearby and that the school needs to expand.
- 5% of the site as built footprint, predominantly open
- Along with Fallibroome, creation of “buffer zone” of educational/sporting land use between Prestbury and Macclesfield, preventing further development to merge the settlements.
- questions over whether the rugby club, leisure centre and fallibroome were built on greenbelt land, and if so, Kings proposal are not setting a precedent.
- Respected school – beneficial to the area,
- Well respected outside of Macclesfield

- The school has been part of Macclesfield for over 500 years, historic significance to the town
- School has demonstrated good stewardship of existing land and facilities
- Enables school to remain competitive in independent school market
- Release of land for housing closer to town centre
- Proximity of housing sites to railway and bus stations and town centre access on foot
- Opportunity for construction of Starter Homes and affordable housing
- Acknowledging increased traffic at peak times, however, school bus and other initiatives to be developed by the school, reduction of school traffic at existing town centre sites

### In Objection

- The benefits do not constitute special circumstances to justify loss of green belt based on NPPF criteria (i.e. not for agriculture or forestry, limited infilling etc)
- Green Belt Assessment Report 2013 considers PRE07 parcel of land at east of the site as a 'major contribution' to the Green Belt. Appendix A to the report also highlights the need to prevent urban sprawl to the west, states importance of the land in preventing ribbon development extending further out from Prestbury along Macclesfield Road.... ( Frost Planning on behalf of Prestbury Golf Club .)
- Assessment by ARUP states the site makes a significant contribution to the Green Belt – application fails to acknowledge this.
- Application states "the site is already developed and not wholly open", Council assessment states "there is still a significant degree of openness"
- Application states "Its setting and historic role are not matters that need to be preserved by the Green Belt" However the omission of consideration of preservation of historic setting was one reason the Planning Inspector required reassessment of greenbelt. The Arup statement says "the parcel makes a SIGNIFICANT contribution to protecting historic assets".
- Falls foul of the 'permanence' aspect to not building on the Green Belt.
- Proposes a significant encroachment into the countryside (as paragraph 80 of the national planning guidance emphasises local planning authorities should guard against) by proposing a large building (unrivalled in size for an educational establishment in the area) on the outskirts of Macclesfield.
- Results in the 'urban sprawl' effect by allowing further housing building to displace the school's usual locations and thus increasing the size of Macclesfield town.
- Fails to identify beneficial factors in favour of development that outweigh the harm caused to the Green Belt.
- Does not fall within paragraph 89 of the guidance (i.e. facilities for recreation may be circumstances where buildings are not to be regarded as "inappropriate"). The primary purpose of the development is the construction of a huge building in order to provide housing within Macclesfield. This is effectively building on the green belt by displacement. Sports facilities already exist at the location.
- to support commercial growth of Kings school in detriment of community
- Loss of over 70 acres prime agricultural land, appropriation of land saved for decades for benefit of community
- Questioning why housing can't be built on brownfield sites
- Noise concerns- there is already noise from sports at Derby fields site without "ill effect" on the golf club and residents
- Impact on adjacent registered ancient woodland. Concern for development changing the water table with potential flooding of the woods and damaging balance of ecosystem.
- Loss of fields, wildlife, open countryside.
- Loss of agricultural land and associated loss of resources to grow food

- Visual and noise impact in the open countryside
  - Realignment of public footpaths – safety concerns for school children and general public.
  - Impact on land of special county value
  - Adjacent to land marked as being of special county value.
  - In relevant planning policy terms it is noted that “In areas of special County value the Borough Council will seek to conserve and enhance the quality of the landscape and to protect it from development which is likely to have an adverse effect on its character and appearance.”
  - It is inconceivable that the planned development will not detrimentally impact upon the quality of the landscape, its character and appearance (see representations on the environment at section 3 below). At present the views from the area of special county value are of countryside and agricultural land. These will now be replaced, in several areas, by a view of a modern school, outbuildings and floodlights.
  - Impact of noise, light, presence of more people and traffic on two non-statutory designated areas of special conservation importance – Sandy Lane.
- 
- 40ft height of one building,
  - visually dominating impact of tall buildings
  - lower exit/entrance – why not one big entrance and exit so sports field end can be behind raised banks from the levelling process/screened by trees to reduce visual impact and noise from school games and matches.
  - inappropriate scale of development for the area
  - perceived poor design quality of the building
  - site has two distinct parts, the flat playing fields and the contoured agricultural land. Even though both owned by Kings their distinct differences mean it should not be considered as one uniform site. (I am not sure whether this refers to the Derby fields site or Fence Avenue).
  - Fallibroome believed to have had height restrictions when built
  - the 5% built footprint proposal is misleading – buildings closer to 8% and where car parks, pitches, courts included covers 31.9% (see Fleets Farm response)
  - Questions whether development will produce increase in long term employment
  - A belief that the financial benefit in buying low priced farm land and selling existing sites is behind the proposal
  - The school is essentially a business, and in its relocation loses its association of heritage with Macclesfield.
  - Potentially 64 full time job losses as result of the proposal (?)
  - Working dairy farm at Fallibroome farm, loss of livelihoods – “forced to finish” (?)
  - Location away from town centre makes access to the school even more difficult to pupils from less-well off backgrounds.
  - Negative effect on nearby house prices, one respondent reports a buyer pulling out on hearing about proposal
  - Floodlighting disturbance of wildlife and neighbours
  - Currently Prestbury has no streetlighting other than on the main street, this proposal will have 24 hour lighting
  - Lighting in an elevation position
  - Impact of lighting changing the rural nature of the area
  - Merging Prestbury and Macclesfield
  - Concern of loss of character of areas surrounding Over Alderley, Prestbury and Fallibroome
  - Suburban sprawl concerns
  - Concern for increased traffic congestion

- Concern for safety of pedestrians and cyclists, students, residents and commuter safety
- Concern that the “four ways” junction is already dangerous
- Already “gridlock” experienced at peak times of the day on Priory Lane
- A number of respondents who use the four lane ends junction currently have expressed concern about the impact of traffic on this junction if the proposal goes ahead.
- Already fallibroome – 1300 pupils, St Albans (400), Upton Priory (400 pupils, the proposal would add 1500 pupils to the area, total of 3600 pupils daily.
- Already an issue some weekends with parking of around 50 cars for rugby matches, making it difficult for residents already
- Prestbury Day Nursery traffic in addition to schools, on the “four ways” junction, plus safety of nursery children
- Several respondents have a number of traffic accidents on nearby roads.
- Concern that Alderley Road is frequented by bikers in the evenings, already unsafe
- Concern of change of character of Alderley Road from “winding country road to a built up urban highway”
- Concern that traffic previously using silk road A523 or Manchester Road A538 will redirect through Prestbury village causing congestion
- Ripple effect of traffic for surrounding areas
- Insufficient space at junctions to create adequate improvements to cater for the increase in traffic
- Traffic lights needed
- Unrealistic for students to arrive at school by cycle or bus
- Concern that the traffic survey took place during school summer holidays when traffic flow is significantly reduced
- “impacts on accidents and safety moderate significant”
- following highway improvements - low beneficial impact on driver delay along Alderley Road ... moderately significant effect”
- Concern that Environmental statement designed to mislead, implying net effect on traffic is minimal or neutral by offsetting any reduction of traffic to Fence Avenue & Westminster Road against the additional traffic at the Four Ways intersection.
- Application uses generalised assumptions about walking/cycling modes of transport without taking into account specifics of the site.
- a regular review of effectiveness of the travel plan will need to be conditioned, and proposals for improving it as necessary, to mitigate issues if travel plan proves inadequate where demands and numbers of pupils etc changes.
- More suitable for this size school development closer to central location to offer the right access, transportation and construction.
- Planning statement fails to adequately consider alternative sites. (p.33, 40,41)
- Suggestions for cycling from prestbury or macc stations unrealistic
- Loss of vibrancy from town centre, concern that this could lead to further closures with detriment to town centre.
- The King’s School proposals identify that there will be an overall reduction in the total area of playing field. For the East of Macclesfield this represents a major loss with no plans for any replacement of mitigation. The increased housing proposed in Fence Road and Westminster Avenue cause a further deterioration in the playing field area per capita.
- The latest Urban Potential Study undertaken by CEC indicates that Macclesfield ranks as having significant brown field potential. As a consequence of this the parallel Greenbelt assessment states: Macclesfield has 4.0% brownfield urban capacity for potential development, therefore the parcel makes a significant degree of contribution to the purpose..

Thus King's assessment is counter to that of the Council.

- Tytherington – due to mix of high-end residential property office and other uses. Good access via Silk Road (A523) and close to established bus routes.
- Alderley park considered as an option
- Sites to the south of Macclesfield
- Barracks mill site
- Concern for loss of peaceful and green surroundings
- Impact on visual amenity
- Increased noise pollution (both during construction phase and when in use as a school).
- Increased light pollution
- Concern that air quality report in support of the application is unclear as some of the Cheshire East air quality recorders are not functioning (AQMA report Nov 14).
- Question over whether Kings with 1300 pupils needs a site as proposed, 3 times the size of Fallibroomes for 1500 pupils
- Too many schools in the area
- Listed buildings
- Harm to the setting of listed Fallibroome Farm, Trugs Barn and Prestbury Golf Club
- School" leaving its heritage" - consideration of local people in the relocation.
- No strategic need in Council's evidence base for Local plan suggesting a need to relocate Kings school and to release green belt land in order to facilitate this. Approval would question the soundness of the emerging Local Plan
- Air pollution, smells.
- Floodrisk – elsewhere there is need for modification of existing floodrisk assessments due to changes to climate and weather extremes, concern that the downstream effects need to be more stringently modelled to ensure safety with increase in surface run-off.
- Concern about CIL levy to pay for transport and environmental works
- Development serves only a small number of local residents
- The educational benefits to Macclesfield people are exaggerated, as approx. 97% of Macclesfield children are educated in State Schools.

### Issues to be resolved (where no objection in principle)

- Staggered junction – priory lane/Prestbury/Macclesfield (Four Lane Ends) unsuitable, requires remodelling for increased traffic with Fallibroome school already close by.
- Cycle ways needed from both schools to Prestbury and Macclesfield
- Speed cameras/engineered chicanes to slow traffic required for Macclesfield Road and Prestbury Road in particular
- Increased heavy traffic during 5 year construction period – will need set route to avoid Prestbury village.
- Proper site carpark required to avoid contractors vehicle parked on road verges.
- Wheel wash to avoid mud spreading from site onto local roads
- 7am-6pm Monday to Friday limitations to work on site.
- Impact to views, and of noise to houses at the end of Summerhill Road. Potential for relocation of sports hall away from residential area.

### **APPLICANT'S SUPPORTING INFORMATION**

- Planning Statement-
- Environmental Statement

- Scoping
- Archaeology
- Site selection and alternatives
- Socio economic effects
- Transport and highways
- Landscape and visual
- Heritage
- Ecology
- Flood risk, hydrology and drainage
- Ground conditions and hydrogeology
- Air quality
- Noise
- Summary of mitigation and residual effects
- Air Quality information
- Visual Impact Assessment
- Noise Impact Assessment
- Primary Ecological Appraisal
- Ground level bat survey
- Viability Assessment
- Economic Report
- Statement of Community Involvement
- Sustainable design assessment
- Framework Travel Plan
- Transport Assessment
- Flood Risk Assessment
- Geo Environmental Reports
- Heritage Impact Assessment (29/03/16)
- Arboricultural Statement
- Tree Survey
- Archaeology Statement
- Design and Access Statement
- Playing Field Assessment
- Statement of Community Involvement
- Economic Statement
- Existing Sports Provision
- Illustrative Masterplan (Amended Feb 2016)
- Green Infrastructure
- Preliminary Ecological Survey
- Section 106 agreement – April 2016

### **Planning statement conclusions**

This Statement sets out the arguments to assess whether the proposal should be granted planning permission. The starting point is the Green Belt. Part A examines the question of

development in the Green Belt. Part B addresses the site specific issues that arise from developing Derby Fields.

The conclusions reached are:

**1.** There is harm to the Green Belt by reason of encroachment on the open countryside.

**2.** That harm is mitigated by:

a. The landscape setting repeating the form of landscape already present in the surrounding countryside at this part of the Green Belt. The established landscape setting is created by the existence of:

i. The playing fields, car parking and sports pavilion building at Derby Fields.

ii. The designed and laid out area of recreational grounds with associated infrastructure and buildings at Prestbury Golf Club, Macclesfield Rugby Union Football Club, The Fallibroome Academy and Macclesfield Leisure Centre.

b. The landscape proposals to reduce or remove views of the buildings from public vantage points.

c. The location of the building to reduce visual impact.

**3.** That harm is outweighed by this consideration of very special circumstances, namely:

**Consideration 1:** The need of The School to consolidate onto one site.

**Consideration 2:** The need for The School to remain in Macclesfield.

**Consideration 3:** That there are no alternate sites that meet the needs of The School outside of the Green Belt.

**Consideration 4:** Benefits arising to Macclesfield from developing The School's existing sites.

**Consideration 5:** The harm to Macclesfield of The School locating in the countryside beyond the Green Belt.

**Consideration 6:** That there is no harm to four of the five purposes of including land within the Green Belt, and the harm to the fifth is mitigated by the landscape changes providing a landscape that reflects the dominant characteristics of this part of the Green Belt; and the identified visual impact brought about by careful design and landscaping.

**7.2** Given that the harm is outweighed, very special circumstances exist.

**7.3** It therefore follows that planning permission should be granted for the development proposed.

## APPRAISAL

### Key Issues

- Principle of development
- The Green Belt
- Loss of King's School at the Fence Avenue site
- Loss of playing pitches
- Sustainability
- Affordable Housing and Viability
- Loss of pitches and relocation of facilities
- Landscape Impact
- Trees
- Access and Public Rights of Way
- Best and most versatile agricultural land

- Ecology
- Amenity
- Flood Risk
- Employment
- Economy of wider area
- Conservation and Design
- Highways
- Section 106 agreement
- CIL
- Representations
- Conclusions
- Planning Balance
- Recommendation

### Principle of development

The site is located within an isolated rural location, the site lies approximately 713m to the northwest of the northernmost point of Macclesfield and approximately 450m to the nearest point to the south of Prestbury. The site is located within the Green Belt where the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open indeed the essential characteristics of Green Belts are their openness and their permanence. The whole site is washed over by Green Belt and is has not been developed. The site is currently used for the grazing of cows by the nearby farm. The site has an open character.

Within the Green Belt only certain types of development are not inappropriate, these are set out at paragraph 89 of the NPPF, and include:

- *buildings for agriculture and forestry;*
- *provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
- *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- *limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

In terms of this application, there are no buildings on site at the present time, the application proposes a series of sports pitches along with play areas for the school, along with the school buildings themselves, one of which is the sports hall. It is considered that the proposed playing pitches are appropriate facilities for outdoor sport and recreation, the facilities building for the maintenance of these pitches is considered to be an appropriate supporting facility for the outdoor sport and recreational use, along with the specific car parking area which serves the outdoor sporting facilities. The proposed pavilion, could be an acceptable form of

development, providing the size of the building is appropriate to serve the sporting facilities. Therefore these elements of the proposals are not inappropriate by definition, however careful justification for them would need to be given if they were in isolation, due to the adjacent sporting facilities within very close proximity to the site. Therefore an assessment would need to take place on the individual merits of the outdoor sporting facilities given their location.

However, the remainder of the proposals relate directly to the development of the new school, which comprises two main buildings, the main school building, and the indoor sports building. There is no question that the proposed facilities would be state of the art, given the vision for the project. However, the development of new schools is not considered to be an acceptable form of development within the Green Belt therefore are inappropriate development and harmful by definition. Unless very special circumstances exist to clearly outweigh the harm by other considerations. The NPPF at paragraph 88 urges Local Planning Authorities to ensure that substantial weight is given to any harm to the Green Belt.

The proposed development is therefore harmful by definition and very special circumstances must exist to justify the departure from established Green Belt policy. A case made up of a series of considerations has been put forward. The applicant stresses in the planning statement that these considerations amount to the very special circumstances required to overcome the automatic harm by inappropriateness and to the purposes for including land within the Green Belt.

The following considerations have been put forward:

***Consideration 1: The need of The School to consolidate onto one site***

***Consideration 2: The need for The School to remain in Macclesfield***

***Consideration 3: That there are no alternate sites that meet the needs of The School outside of the Green Belt***

***Consideration 4: Benefits arising to Macclesfield from developing The School's existing sites***

***Consideration 5: The harm to Macclesfield of The School locating in the countryside beyond the Green Belt***

***6. Consideration 6: That there is no harm to four of the five purposes of the Green Belt, and harm to the fifth purpose is outweighed by other considerations.***

Consideration 1 – the case has been put forward for the school to consolidate onto one site. This has been demonstrated in the planning statement to improve efficiency, co-educate pupils and students and accommodate ages from 3-18 on one site. Clearly the benefits of this are that it would save money for the school by only having to run one site. The site would be new, therefore the maintenance would be low, the buildings themselves would be more efficient, and the environment for the children and young adults would be positive clean and spacious, which would foster a positive learning environment.

However, having visited both existing sites, the current situation benefits from a historic town setting, a sustainable location where pupils can walk to school and into the town. The existing school buildings some of which have been in situ for many years are of a high architectural value and are listed. This brings benefits as the school is well established in these locations and are statement buildings within the town.

The efficiency of consolidating onto one site is beneficial especially in financial terms. However the existing facilities at both schools attract the families of pupils and students from far and wide, and the historic significance of the existing sites and their links with the town will undoubtedly play a part in the popularity of the school.

Therefore it is considered that whilst the consolidation may be beneficial to the school it is not essential in planning terms for the school to relocate onto a Green Belt site.

Consideration 2 – The need for the school to remain in Macclesfield. It is acknowledged that the school is an important institution in the town and has historic links in the town. However as part of the planning considerations, the scenario of the closure or complete relocation of the school must be considered. If this were to occur, would the Macclesfield community suffer as a consequence? It is clear that private schools play an important role in the education system, however should the school be relocated, the provision of state education would remain the same, however existing pupils and students would either relocate to an alternative state school in Macclesfield or the surrounding area or travel to an alternative private or public school, which may put pressure on these alternative institutions. This would have an economic impact on the local area, as the pupils and students who relocated altogether would no longer use the facilities in Macclesfield.

In addition to this the school employs a large number of people, who are likely to live in relatively close proximity to the school, these people may currently walk to their place of work and may only live in the area because of their work. Therefore the consequence of the loss of the school as a professional employer to the area would have a significant impact on the local community and the vibrancy of the area. In addition to this, local clubs and organisations use the facilities provided by the school at both sites, therefore these facilities would no longer be available, and these clubs and organisations could be at risk should they not be able to find alternative accommodation.

It is therefore considered that the need for the school to stay in the Macclesfield area is an important one, and the benefits this brings are important to the local community as a whole, not just to the immediate pupil and student population.

Consideration 3 – There are no alternative sites that meet the needs outside of the Green Belt. As part of the submission for the application an alternative sites document was produced which formed part of the environmental statement documents, this exercise must be completed to ensure a robust environmental impact assessment has been carried out. The applicant was requested to complete further work on this aspect following discussions as part of the application process which were submitted in March 2016 and a full reconsultation on the additional information has taken place.

The alternative sites work concludes that no sites that are not within the Green Belt are suitable in size of type to accommodate the school site which according to the school requires in excess of 20ha in order to meet the requirements of the school.

The alternative sites have been assessed as follows:

1. Alternative Sites in the Urban Area of Macclesfield
2. Alternative Sites in Other Settlements
3. Alternative Sites Beyond the Green Belt

#### 4. Alternative Sites in the Green Belt

The alternative sites document sets out the process of elimination carried out by the school. It is clear from the information provided that a great deal of thought was given to the relocation of the whole school onto the Fence Avenue site, however the information details why this would not be financially viable or sustainable if the school were to continue the same number of students. In addition to this it is agreed that alternative sites in the urban area of Macclesfield or within other towns could not accommodate the school and keep it in the local area. Alternative sites beyond the Green Belt again are demonstrated to not be a viable option if the school is to remain in Macclesfield. Finally a detailed alternative sites within the Green Belt around Macclesfield has taken place. The Derby Fields site was assessed with 17 other Green Belt sites and scored the highest.

From the evidence provided in the alternative sites document, it is considered that a robust exercise and process of elimination has taken place to the satisfaction of the Council for the purposes of assessing this application on its merits.

Consideration 4 – The benefits to Macclesfield by the development of the school's existing sites. It is clear that the delivery of 450 dwellings will provide benefits to the Macclesfield community, in addition to this the local shops and services will benefit by the increase in population and investment in the local area, as 450 dwellings will create significant boosts to footfall in the town over an above what the existing school does. Especially as this benefit will be all year round whereas during school holidays the use of shops by pupils, students and employees would be significantly lower, especially if they do not reside in the town.

However, the proposals to develop the existing sites are not entirely positive, and both proposals have been individually assessed on their merits and at the time of writing this report are not acceptable in planning terms as neither provides the community benefit required to make the sites socially sustainable. Therefore the weight that can be attached to this point is reduced as the schemes are not policy compliant, apart from the economic benefit. Therefore this circumstance cannot be considered to be a very special circumstance that carries significant weight to outweigh the harm of the proposed development. Notwithstanding this, the development must be assessed on its individual merits also.

Consideration 5 – The harm to Macclesfield locating beyond the Green Belt. This point closely relates to consideration 2 where the benefits of the school remaining in Macclesfield have been demonstrated.

Consideration 6 – There is no harm to 4 of the 5 purposes for including land within the Green Belt. This point refers to the contribution the site makes to purposes for including land within the Green Belt. Five purposes for including land within the Green Belt are set out in paragraph 80 of the NPPF and are shown below:

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

The planning statement considers that the proposed development will not conflict with any of the purposes for including land within the Green Belt except for encroachment.

Having assessed the site it is not considered that the proposal will contribute to unrestricted sprawl of large built up areas. Whilst the site is approximately 700m to the north of Macclesfield, it does not cause Macclesfield to sprawl further, instead this is a more isolated site which is located in an area which is open and rural in character, it is therefore agreed that it will not see unrestricted sprawl.

With regard to neighbouring towns merging into one another, the site sits within the context of both Macclesfield and Prestbury. The site stretches to the north to the Prestbury Golf club and Summerhill Road both of which are part of Prestbury. Whilst this site itself does not join Macclesfield and Prestbury it certainly erodes the gap between the two. It is considered that the site is in a sensitive location in relation to this function.

The planning statement concurs that the site would cause encroachment into the countryside, the site covers an area in excess of 20ha, which will go from open pasture land with rural characteristics to a formal school scenario with very formal outdoor areas such as the play areas and large areas of car parking, formal landscaping and two very large buildings. Whilst the site will be contained within the perimeters, this is not to say that would always be the case. The Derby Fields site forms part of the school, and this could come under pressure for development in the future, so it cannot be guaranteed that boundaries to curtail development will remain indefinitely. The site will cause a significant encroachment into the countryside and conflicts with this purpose for including land within the Green Belt.

It is not considered that this site will harm the historic setting of towns as it is in an isolated location. The planning statement has assessed this in relation to the other school sites. However, this proposal when assessed in isolation will not conflict with this purpose.

The proposals will in the round assist in urban regeneration by releasing two sites. However this proposal alone will not do this as this is a green field pasture site.

Whilst it is acknowledged that the applicant does not consider the proposal to conflict with all of the purposes for including land within the Green Belt, this is not the test to determine whether development is acceptable in the Green Belt or not. A proposal can conflict with any number of the purposes to be contrary to paragraph 80 of the Framework. Therefore consideration 6 is not considered to be a very special circumstance, as the proposal clearly conflicts with the purposes for including land within the Green Belt.

The planning statement gives examples of other school developments which have been approved or allowed on appeal in other instances. Some relate to Green Belt scenarios others do not. When comparing the examples given, a number did not relate to Green Belt sites, therefore it is not fair to compare these as equivalent scenarios. The vast majority of the examples included extensions to schools, or the redevelopment of existing school sites. One example of a new site for an educational facility was given which related to a large facility for Cambridge University, whilst this is an example of a new facility in connection with an educational facility, it was considered that this would have significant benefits for the University and for the city of Cambridge, and this was assessed on its individual merits. It is considered that whilst the examples put forward do show that educational facilities can expand or be redeveloped in the Green Belt, this does not set a precedent for new schools within the Green Belt, and each case should be assessed on its individual merits.

No further very special circumstances (or considerations) have been put forward by the applicants. It is considered that the points 1, 2 and 3 do carry some weight in the planning balance and similarly point 4 allowing the release of two large housing sites is a material consideration, however the schemes put forward are not policy compliant and would not deliver the minimum community benefits required to make them acceptable and achieve sustainable development therefore the weight to be attributed to this circumstance is significantly reduced. Therefore it is considered that circumstances 1-4 combined, do not amount to the very special circumstances required to outweigh the significant harm to the openness and permanence of the Green Belt in this case and therefore the application should be refused on Green Belt grounds.

### **The Loss of Playing Pitches**

The Fence Avenue and Westminster Road sites currently contain a large number of sports pitches which are used by the school and can be used by the wider community. These however are not publically accessible at all times and do not comprise public open space.

The proposal for the new school includes a wide range of sports facilities, however as part of the plans for the new school, the amalgamation of the two sites onto one site will inevitably see the loss of some facilities as duplicates will not be required. This is not to say that a substantial quantum of sports facilities including play pitches will not be required in order for a school with the whole student population on one site to function effectively. Due to the size of the proposed school and the number of students it will accommodate, enough playing pitch and sport facility space is required.

Sport England, originally had a holding objection to the proposals, however following the submission to Sport England by the applicants of an agronomist report and a Sports Needs Assessment. The holding objection has been removed subject to suitably worded conditions. Therefore the proposals subject to conditions accord with paragraph 74 of the NPPF.

### **Sustainability**

Sustainability is the golden thread running through the National Planning Policy Framework, and proposals for sustainable development should be approved without delay. There are three strands to sustainability, social, economic and environmental.

### **SOCIAL SUSTAINABILITY**

#### **Loss of Sports Pitches and relocation of facilities**

As explained earlier in this report, the proposals will see a loss in playing pitch provision which have now been justified to the satisfaction of Sport England. However, in addition to this, the relocation of the existing sports facilities to an out-of-town site will see the loss of the facilities which are currently utilised by the community for various activities and sports clubs is an important consideration, the current sites are both in sustainable locations with easy access for the residents of Macclesfield and the wider community with good public transport links to Macclesfield. Whereas the new facilities, although they will be new and of a high quality, will be located in a less sustainable location.

The applicants have demonstrated in their supporting statements that the facilities are used by a number of groups and organisations, and that the school are dedicated to allowing this to continue. It is considered that through effective communications, and a travel plan, that the

location of the new sports facilities as part of the new school, which is adjacent to the existing Derby Fields sports site and Macclesfield Rugby Club, this move would not be an unreasonable upheaval, and would not have a negative impact on the existing users of the facilities as they would still be available. The availability of the facilities for interested parties will be secured through the Section 106 agreement.

## **Education**

This application proposes to provide a new school, with state of the art facilities. The provision of a new school and a more efficiently run site is supported. The relocation of the school does release two large sites for residential development. It is acknowledged that schools are inefficient in their consumption of land compared to other land uses, however they are necessary in a thriving vibrant community. This new school will be a private establishment and will accommodate the same number of pupils as the existing two schools combined, at this point is not proposed to provide additional school places. Whilst private schools require significant financial contributions, they contribute significantly to the education system and play an important role in society. They provide a good standard of education for pupils and employment for staff. The role of schools is an important one, no matter what type, and this is reflected in paragraph 72 of the NPPF which states that:

*The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*

*-give great weight to the need to create, expand or alter schools; and  
-work with schools promoters to identify and resolve key planning issues before applications are submitted.*

The proposals therefore are supported by paragraph 72 by relocating, improving and securing the future of King's School.

## Social Sustainability Conclusion

The relocation of the school will release two large potential housing sites for development, however, at the time of writing this report, these schemes are not acceptable at the current time. However the release of land could make a contribution in terms of starter homes and general market housing, both of which are in demand within Cheshire East where new dwellings are desperately needed, especially with a lack of 5 year supply of housing land and where housing developments must be approved without delay unless policies in the Framework state otherwise which does include Green Belt policy. The proposal does provide a Secondary education contribution by providing 4 bursaries at the King's School however does not provide a SEN contribution. The proposals would provide community and educational benefit by allowing existing sports clubs and other organisations to use the new facilities that the school will provide which will continue.

The contributions set out in the draft Section 106 agreement do provide community benefit, and it is unfortunate that the overall is unable to provide a policy compliant affordable housing and a full educational contribution towards state school education, however this must be weighed against the benefits that much needed housing and a new school will provide for the community, and the facilities which will continue to serve other community clubs and organisations.

It is concluded that this residential development will provide much needed housing, however whether the community will be able to bear the impact on the infrastructure is concerning when this site is considered in the round with the Fence Avenue and Westminster Road proposals. However, all applications must be assessed on their individual merits, the proposal for the new school alone not have a detrimental impact on existing infrastructure unlike the housing schemes, as the school would provide its own infrastructure. The three schemes in the round however are of a significant scale and will have an impact on education services and should provide an element of social housing and as a standalone application the proposals are not policy compliant.

The construction of the new school and the dwellings at the two other sites will provide employment and a new school, which will provide employment through its construction and the provision of facilities for not only the pupils but for the staff and wider community. It has been demonstrated through a viability assessment, which has been independently verified, that it would not be viable to provide the necessary contributions in order to make the scheme policy compliant, as this development would only be achieved when combined with the two remaining schemes. The whole package of proposals including the housing sites are balanced in terms of social sustainability, the social contribution the new school alone will make is considered to be socially sustainable which concurs with the conclusions of the applicants ES on socio-economic residual effects of the school at an operational level shown below:

#### *Housing and Population*

*The provision of housing in an area of need is predicted to be a **Moderate Beneficial** impact and this remains the same as the residual impact. This applies at local and district level.*

#### *Health and Healthcare*

*The effects on health and local healthcare provision overall are predicted to be a **Minor Beneficial** impact at local level, and this remains the same as the residual impact. The residual impact at district level will remain as **Neutral**.*

#### *Education*

*The residual effects in relation to education at local and district level are predicted to be **Minor Beneficial**, due to the existing capacity to accommodate the children occupying the sites in local primary and secondary schools, and the proposed improvements to The King's School.*

#### *Economy and Employment*

*The effects on the economy and employment on Cheshire East and the Macclesfield wards are considered to be **Moderate Beneficial** at operational stages.*

## **ENVIRONMENTAL SUSTAINABILITY**

### **Accessibility**

When assessing sustainability, the accessibility of a site is of great importance, as this has a knock on effect with the use of vehicles, carbon reduction and energy efficiency. As well as promoting healthy lifestyles by encouraging exercise. These are particularly important factors when assessing the suitability of a location for a new school, it is important that pupils and students can walk or cycle to school, this has a positive impact on children and their

wellbeing, as well as reducing the need for the private car and other polluting modes of transport. This proposal seeks to build a new school in an isolated rural location, where there are poor public transport and footpath connections. There is not a continuous footpath to the site from Macclesfield, and the site is on a point at Alderley Road which is national speed limit. The site lies approximately 1.5km walking distance from the nearest shop in Macclesfield located on Kennedy Avenue.

As part of the proposals the EIA includes a highways and traffic assessment which assesses the impact and outlines improvements which would be made as part of the accessibility proposals to make this site more sustainable as a school site.

These measures will undoubtedly improve the accessibility to the site, however it remains that the existing sites are in more accessible locations for pupils and students of the school and staff, both sites are in the town centre where good pedestrian, cycle and public transport links exist in addition to the close proximity of shops and services for staff and pupils and students.

### **Highways**

A large amount of objections have been received by local residents in relation to increased traffic and highways issues. The introduction of a new school must be safe and acceptable in highways terms, schools generate large levels of traffic especially at peak times, and it is very important that there are no adverse highways impacts as a result of the proposed development. CEC Highways have commented on the application.

#### Traffic Impact Assessment

In order to assess the traffic impact of the school, the applicant has undertaken a number of surveys on the local road network to ascertain the existing traffic flows on links and junctions that are likely to be impacted by the proposal. The redirected school traffic to the site has been added to the base flows and assessed, a further test has been undertaken with a travel plan in place. The impact in both the AM and PM peak have been considered and expressed in terms of percentage impact on the local road links and it is clear that the greatest impact is on Alderley Road and also that Prestbury Road will see a sizeable increase in flows. A number of capacity assessments have also been undertaken on junctions that will experience increase in flows, both the site access junctions work well within capacity in 2020 and the other junctions at Broken Cross/Chelford Rd and Cumberland St/Westminster Road at capacity limits in 2020 but can accommodate the school traffic.

The main capacity concern is the staggered junction at Alderley Road/Macclesfield Road/Prestbury Rd/ Priory Lane this will operate well over capacity in 2020 with the school development in place, this continues to be the case with Travel Plan trip reductions.

A traffic signal improvement scheme has been proposed to replace the staggered junction, in capacity terms it does provide an improvement over the base situation but with the school in place the queues even with the signals are considered excessive. In addition, there are no pedestrian stages included in scheme and given that a school is proposed this would be a requirement for any improvement. Clearly the implication of a push button demand pedestrian stage would be to increase cycle time and therefore increase the level of queuing at the junction.

#### Highways summary and conclusions

One of the key highway issues on this application is the proposed location of the site that is in a semi rural location. The walking and cycling infrastructure links to the site are poor and this affects the accessibility of the site to sustainable modes and therefore increases the likelihood of car trips to school.

The impact of the new school has been assessed on the road network and the relocation of the school to the proposed site will see significant flow increases on Alderley Road and Prestbury Road. The main traffic impact of the proposed new school is at the existing staggered junction Priory Lane/Macclesfield Road where there are long queues and congestion forecast in 2020. An improvement scheme at this junction has been submitted to signalise each of the arms of the junction, this improvement does improve capacity when compared to the existing layout with the school traffic added to the flows but will still have extensive queues on some arms. One of the major omissions from the improvement scheme is the lack of push button pedestrian facilities as this junction has to be crossed to provide pedestrian access to the school.

It is clear that there is no identified improvement scheme that can resolve the capacity problems at the junction and also provide safe access for pedestrians/cyclists.

In summary, the accessibility of the site for sustainable modes of transport is of concern and the development would have a unacceptable impact on the local highway network and CEC highways recommend refusal. The proposals do not accord with the Development Plan and the NPPF and do not represent sustainable development in terms of accessibility.

### **Access**

The main access to the site can be accessed by foot although the standard of footway is poor and there is no segregated road cycle provision to the site. The site lies some distance away from the central area of Macclesfield and Prestbury and children would have a substantial walk to school from these areas. The site could be accessed on foot from residential areas situated locally but in general the pedestrian accessibility is poor. In regard to cycling, the site can be accessed on carriageway although the use Prestbury Road that is unlit and has a poor alignment as a safe cycle route to school for children is a concern. There are dedicated school buses that will access the site and pick up pupils at various locations and there are a number of local bus services that could be used as transport modes to the school.

Overall, the pedestrian and cycle infrastructure is poor at the proposed site location and this adds additional pressure to make car journey's to and from school.

### **Public Rights of Way**

The development, if granted consent, would affect Public Footpath No. 24 and No.25 Prestbury, as recorded on the Definitive Map and Statement, the legal record of Public Rights of Way.

The developers have made contact with the Public Rights of Way team and have submitted an application for the diversion of Public Footpath No.24 Prestbury under section 257 of the Town and Country Planning Act 1990. Footpath no.25 Prestbury crosses the site but will not require a diversion. The Public Rights of Way team are satisfied with the proposed diversion of footpath no.24 and would be content to progress the developers application, subject to planning approval. Although the Public Rights of Way team are satisfied with the alignment of the proposed diversion, there is currently no proposal to enclose the footpath. The PROW

team have raised the point that the developer that they may wish to consider safety and security, as the footpath crosses the school grounds and will be required to be open and available to members of the public at all times. With this in mind they may want to anticipate any future problems that may arise as a result and consider any measures that may be appropriate to help ensure the safety of pupils and members of the public; and also allowing the site to be secured.

The National Planning Policy Framework states that *“planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails”* (para 75).

The proposed development would have a direct and significant effect on the Public Right of Way, which constitutes *“a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered”* (Defra Rights of Way Circular (1/09), Guidance for Local Authorities, Version 2, October 2009, para 7.2). The PROW team raise no objections subject to conditions and informatives.

It is considered therefore that the proposal is not contrary to paragraph 75 of the NPPF.

### **Conservation and Design**

The design of the new school is contemporary and will be constructed to a high standard of energy efficiency, which will ensure that the buildings are sustainable into the future. The proposed design sits to the rear of the site which will allow it to be integrated into the landscape effectively. The use of materials however is particularly important with a building of this scale. The sports hall and pavilion buildings are also contemporary and functional in nature with some design details which break up the elevations effectively. It is not considered that the design of the buildings is unacceptable in this area where it is isolated and there are only dwellings nearby to take design inspiration from. The development of a new school of this scale is a good opportunity to design something different that will respect its surroundings. It is considered that with good materials and effective hard and soft landscaping, the proposed school can create a positive learning environment for pupils and staff, it is therefore considered that the proposals accord with the design objectives of the development plan and of the Framework.

The proposed layout of the site is considered to be acceptable subject to conditions in relation to landscaping.

With regard to conservation, Falibroome Farm is a Grade II listed building, the conservation officer has requested additional information in relation to this in order to effectively assess the impact of the access on this building. The information has been provided, however an updated consultation response has not yet been provided. Therefore an update on this will be provided to Members of SPB at the committee meeting.

### **Landscape Impact**

The Landscape Officer has assessed the application, and has assessed the findings of the LVIA and the landscape documents within the EIA. The Landscape Officer broadly agrees with the landscape and visual appraisal.

The impact on landscape character and resources at the national scale would be slight adverse and at the regional scale would be moderately adverse. On the local scale, the physical changes to the site are highlighted in the LVIA and described in more detail below. In addition to these physical changes, the site and the locality, which currently has a quiet rural character, would change to a busier, more urban fringe character with far higher levels of activity, traffic and noise.

With regard to visual impacts, the development would not be prominent in the wider landscape due screening by the topography, vegetation and buildings in the area.

The properties that front on to Alderley Road are located between 230 to 270 metres from the proposed school and over 200 metres from the pavilion. Any initial views would be screened or filtered in the medium to longer term by the proposed tree belts around the southern site boundaries.

Two properties on Summerhill Road would have views of the sports hall. The bungalow at Number 14 is located approximately 110 metres north west of the proposed building and would have oblique views above an existing beech hedge. The large white house at number 9 is located 145 metres east on higher ground. A tall evergreen hedge would probably screen views from the ground floor rooms but the sports building would be visible from first floor windows. A narrow tree belt (about 6 metres in width) is proposed along the eastern site boundary which would filter views in the medium to longer term.

There would be long-term adverse visual impacts on walkers using the public footpaths across the site. Three computer generated visuals were submitted with the application to illustrate the development from viewpoints on the public footpaths within or close to the site boundaries (viewpoints 2B, 4A & 4B). These show the development approximately 15 years after completion with the new trees having reached semi-maturity. These are shown at Figure 12. Additional visuals from these three viewpoints were requested without the new trees to illustrate the visual impacts of the development at completion.

The potential visual impact on road users approaching the site along Alderley Road from the west was initially of concern because this road and the surrounding landscape has an attractive rural character and appearance and there are views across the site. During the course of the application additional photomontages from viewpoint 8 at Whirley Grove of existing and proposed views were therefore requested.

Detailed levels and contours information and further cross sections were also requested during the course of the application to establish the visual impact of the engineering works on views from the road. This information was submitted very recently for information purposes only and does not form part of the application. It shows that the development would require extensive cut and fill operations in order to form a series of plateaux for sports pitches and courts, car parks, building footprints and playgrounds. Retaining walls up to 4 metres in height (plus safety fencing) would also be required to form the junior rugby pitches, the tennis/netball courts and part of the hockey pitch area. The proposed landform would therefore have an unnatural engineered appearance.

The changes in the landform in the western part of the site would, in the short term, be visible from Alderley Road but the retaining walls would be some distance from the road and would probably not be visible. The upper parts of the new pavilion and the school building would be

noticeable and rugby posts (and potentially ball-stop fencing) would also be visible during the rugby season. However in the medium to long term, once the new boundary hedgerows and proposed tree belts around the southern and western boundaries had matured, views from Alderley Road of the playing fields and the new buildings would be screened or filtered.

The character of Alderley Road would change in the vicinity of the new site accesses, particularly the western access where the road would be widened to accommodate a new turning lane, hedgerows would be removed and earth works would be required to form visibility splays. If the application is approved, I recommend that further details for both new site accesses should be submitted for approval. These accesses should be as low-key as possible in keeping with the rural approach to the town. High security fencing and gates and prominent school signage would not be appropriate. The Landscape Officer has raised concerns however does not object to the application subject to the significant levels of mitigation required and recommends approval subject to a series of conditions.

### **Trees**

There are a number of designations on the site in relation to trees and the woodland on the site, therefore the Arboricultural Officer has made representations on the application and raised no objections to the proposals subject to mitigation to include replacement planting which has not be proposed in the current plans. The relevant designations on the site area as follows:

- Tree Preservation Order - MBC (Prestbury - Former Lane Ends/Backlane Farms, Alderley Road/Priory Lane) TPO 1978
- Ancient Woodland – Big Wood
- Ancient Replanted Woodland – Priority Habitat Inventory (Lowland mixed deciduous woodland) JNCC 2011 Included on FC National Inventory of Woodland
- Other Woodland – Dumber Wood
- Priority Habitat Inventory (Lowland mixed deciduous woodland) JNCC 2011 Included on FC National Inventory of Woodland

The impact of the proposed junction improvements (Paragraph 7.2 of the Arboricultural Statement) will result in the direct loss of a group of two High (A) category mature Lime trees (G52 of the AS) and a group of semi mature Lime and Beech trees (G53 of AS) on Macclesfield Road which are scheduled within group G15 of the TPO. Whilst the loss of the semi mature group of Lime and Beech (G53) was accepted in principle as part of pre – application discussions on the basis of poor quality, the loss of the two protected mature Limes located on the highway verge will have a significant impact upon the sylvan character of Macclesfield Road. The Statement suggests that one tree exhibits signs of internal decay, and the other shows signs of reduced vitality, however the statement has not indicated that this would sufficient justification for removal based on their condition. The submitted EIA (Vol 1) Chapter 6 does not indicate any provision for substantial mitigation for the loss of these trees within the immediate vicinity of their removal referring only to parkland style planting throughout the site to maintain the sense of openness. There may be opportunities for replacement planting within the applicant's ownership (site edged blue) adjacent to the existing football pitches, but this does not appear to have been considered as part of the submissions. Should permission be granted the Council would need to be satisfied that any replacement planting by condition in mitigation in this area is achievable in the long term given the current use of the land.

## Alderley Road Access

The eastern access (adjacent to Willow Trees) will require the removal of a section of Hawthorn hedge, and an offsite early mature Sycamore (T87), Holly (T104). A group of three young Sycamore (G3) located opposite will require removal to accommodate requirements for forward visibility. None of the trees are formally protected by a TPO; Sycamore (T87) is a prominent specimen, but is partially compromised by the presence of existing overhead powerlines. Sufficient available space for the loss of these trees appears to be available to adequately compensate for the loss of these trees and included as part of a detailed LMP.

The western access will result in the removal of a section of hedgerow (H32) and a group of young Oak and Crab apple (G50) within the highway verge. A semi mature (T70) to the west of the access will also require removal to accommodate proposed visibility splays. The trees are not protected by the TPO and the Ash has extensive internal decay. Sufficient available space for the loss of these trees appears to be available to adequately compensate for the loss of these trees and included as part of a detailed LMP.

## Internal Layout

The design of the internal layout will not result in the loss of any protected trees. It is noted that over the years a number of protected individual trees and groups are no longer present on the site for various reasons ( TPO trees T7,T8,T9,T10,G16,G17,G18,G20,G21,and G22). None of these trees appear to have been replaced (apart from possibly T10 where a replacement Lime is situated close by).

Eight individual trees and part of one Group (G55) will require removal for arboricultural reasons, by virtue of their poor condition or limited life expectancy. The Statement further identifies a number of trees not protected by the TPO which will require removal to accommodate the development (Grounds Maintenance Building and internal access arrangement) within the High (A) and Moderate (B) category, namely three groups within the high category, and 10 individual trees and selective removal of trees within 11 groups within the moderate category. A further 2 individual trees and part or all of four groups within the low (C) category will also require removal. The loss of some of these trees will have a moderate to high when viewed by users using the public right of way (PROW) Prestbury FP24 and FP25, although it is recognised that such losses will not be significant in terms of the impact upon the wider amenity. I can advise that there appears to be sufficient available space within the site to adequately offset the loss of these trees.

It is advised that there is sufficient scope for compensatory hedgerow planting to be provided as part of the development which can be dealt with by condition.

## Big Wood

Big Wood (identified as W2 in the AS), is a mixed broadleaved woodland located off site to the northwest of the application site and outside the control of the applicant. This is a replanted Ancient Woodland which is protected under paragraph 118 of the NPPF and a priority habitat on the UK priority habitats inventory (Lowland Mixed Deciduous Woodland). A minimum 15 metre buffer has been established between the edge of the woodland and propose changes in land form within the site and proposed facilities which is sufficient.

## Dumber Wood

Dumber Wood (W1 of the AS) is a non ancient woodland located in a shallow clough comprising of mixed broadleaves (mainly Sycamore, Oak and Birch) and non native conifers (Douglas Fir). The woodland is a priority habitat on the UK priority habitats inventory (Lowland mixed deciduous woodland) and included on FC National Inventory of Woodland. A proposed footbridge linking the wood from east to west will require the removal of an Oak tree and further woodland management is proposed which will include the removal of non-native species, suppressed and poor quality specimens and replanting of native planting to improve structural diversity.

A group of young Alder (G36) and a group of young naturally colonised Sycamore (G35) to the southern end of the wood are proposed to be removed to accommodate the internal access arrangement to the west of the proposed car park. The loss of these trees represents a low to slightly moderate impact upon the amenity within the immediate locale and in this regard I am satisfied that there is sufficient scope within the site to adequately offset the loss.

The AS proposes that the woodland be subject to a management plan which can be dealt with by condition.

### Hedgerows

The AS identifies a section of hedgerow (H25) will be required for removal for construction of the proposed access and car parking and two removal of two sections of hedgerow (H32 and H42) to be removed to accommodate the access points off Alderley Road. As hedgerows are a priority habitat they are a material consideration, however the loss of hedgerows is considered to be relatively minor and I can advise that there is sufficient scope within the site to offset their loss by replacement planting as part of the overall landscaping of the site.

### **Best and Most Versatile Agricultural Land**

The NPPF places great importance on best and most versatile agricultural land, it stresses how soil is a finite resource and the importance of agricultural land for food production. As part of the consultation process Natural England has commented on the proposals along with a number of representations received from the public in relation to BMV land. Having used the Magic GIS facility, it is clear that the proposed development is not within an agricultural designation according to the Government's database, and therefore the proposals do not fall into the BMV category and the proposals are not contrary to paragraph 112 of the Framework as land is not of the best agricultural quality.

### **Ecology**

As part of any development proposals it is important that proposals do not endanger European protected species of species of conservation importance. The Council's ecologist has commented on the proposals.

### Ancient Woodland

Big wood located immediately adjacent to the application site is a replanted ancient woodland. Ancient Woodlands receive specific protection under paragraph 118 of the NPPF. Paragraph 7.512 of the ES states that Big Wood would not be impacted by the proposals but no consideration seems to have been given to effects of light pollution of hydrological changes on the ancient woodland.

The Council's ecologist has advised that lighting should also be avoided adjacent to the ancient woodland. In addition to this confirmation be sought from the applicant as to whether any lighting of the junior rugby, hockey pitches or tennis courts is proposed.

The drainage scheme for the scheme also has the potential to have an adverse impact upon the hydrology of the adjacent ancient woodland. There are two areas of marshy grassland adjacent to ancient woodland and paragraph 7.4.21 of the ES states that these appear to drain into the woodland. These areas of marshy grassland would be lost to the proposed development. I note that a SUDS is proposed for the development but no details of this have been finalised. It is recommended by the Council's ecologist that an indicative SUDS scheme is produced and an assessment undertaken of the potential hydrological impacts of the scheme on the ancient woodland be completed.

In order to assess the impact on the woodland a levels plan was required by the Ecologist to demonstrate that the proposed development can be achieved without any levels works being undertaken in this part of the site adjacent to the ancient woodland.

### Great Crested Newts

No evidence of this protected species was recorded during the surveys undertaken to inform the ES. It is advised by the Council's ecologist that this species is unlikely to be present or affected by the proposed development.

### Common toad

This priority species was recorded at two ponds during the great crested newt survey. It is advised by the Council's ecologist that the proposed development will result in the loss of some low quality habitat for this species. The new planting proposed as part of the development may once mature compensate for these losses.

### Locally designated sites

There appears to be some contradiction between the ES and the Preliminary Ecological Appraisal in respect of the location of non-statutory designated sites within 2km of the application site. Both reports fail to acknowledge the occurrence of locally designated sites with 550m of the application site. Despite the inaccuracy of the ES in this respect, it is advised that no impacts are anticipated in respect of non-statutory designated sites.

### Badgers

The badger survey report prepared to inform the ES states that a badger sett was recorded on site but that it was inactive at the time of the most recent survey. Paragraph 7.5.16 of the ES also states that the sett is inactive. Table 7.6 of the ES however refers to two setts on site, one of which with two active entrances. This may be an error. Additional information in respect of Badger was requested which has been submitted.

### Hedgerows

Hedgerows are a priority habitat and hence a material consideration. Based upon the submitted plans there are likely to be some losses of hedgerow to facilitate the site entrance. It is advised by the ecologist that there is sufficient scope for compensatory hedgerow planting to be provided as part of the development.

### Bats and trees

Three trees have been identified as having bat roost potential. The ES states that the trees will not be affected by the proposed development. Unfortunately it is not clear if Figure 1 of the bat survey report that has three highlighted target notes is meant to show the location of these trees, as the text of the report refers to the trees being shown on a figure 2 which is not included with the report. Therefore clarification in respect of this issue was requested by the Council's ecologist.

### Barn owls

A barn owl survey of the trees on site was requested at the EIA scoping stage but this does not seem to have been completed. This survey is therefore outstanding and should be submitted prior to the determination of the application.

Additional information in relation to ecology has been received on 29/03/16. No revised comments received at the time of writing this report. Members will be updated on ecology prior to the SPB meeting.

Due to the outstanding issues the ecological implications of the development cannot be fully assessed, therefore the impact on protected species is unknown at this stage.

### **Amenity**

In order for the proposals to be acceptable, it is important that they do not have a detrimental impact on the amenities of existing residents and that the development is not located within an area which would harm the amenities of future residents. Environmental Health has commented on the application in respect of noise vibrations and dust, air quality and land contamination. There are no objections to the proposal on the ground of noise / vibration and dust subject to the following conditions being applied to any approval.

Environmental Health has raised concerns about the potential for noise and lighting associated with the development to create an adverse impact off site for existing residential receptors, therefore conditions are requested in respect of noise and lighting issues. With appropriate mitigation, it is considered that the proposed development will not have a detrimental impact on neighbour amenity, harmful enough to warrant refusal of the application.

With regard to Air Quality Environmental Health has commented that the report produced in respect of the proposals had some significant shortcomings which may have underestimated the impact on air quality. Therefore taking into consideration the uncertainties associated with modelling and the above raised matters, it is the opinion of Environmental Health Officers that the impacts of the development will be worse than predicted. Therefore a number of mitigation measures are required in order for the development to be acceptable in planning terms. Which have been recommended by Environmental Health. With these mitigation measures in place, there will be an impact on air quality, however it will not be significant enough to harm the amenity of neighbouring residents or adversely affect their quality of life.

With regard to land contamination, detailed reports were submitted as part of the planning application process, Environmental Health has raised no objections to the proposals subject to conditions.

No objections are raised to the application with regard to the above matters, and the proposals will have no detrimental impact on residents as a result of pollution providing effective mitigation is in place which will be secured by a series of conditions. Therefore the proposals accord with policies DC3 and DC63 of MBLP and the NPPF.

### **Flood Risk**

It is important that new developments are not at risk from flooding, or that the development itself would not exacerbate flooding in an area. The site is a greenfield site, and therefore in order to ensure that flooding is not caused by the development run-off rates must not exceed the current greenfield levels. Therefore it is important that adequate mitigation through effective drainage solutions is carried out on site. A Flood Risk Assessment was submitted with the application, which concludes the following:

*The site is located within Flood Zone 1 according to the latest EA flood zone maps, indicating that the site is not at risk from fluvial or tidal sources. Suitable mitigation can be incorporated to ensure that flood risk to the proposed development remains low and meets the requirements of NPPF.*

*Data obtained from the Strategic Flood Risk Assessment (SFRA) also places the site at low risk of flooding from other sources. In accordance with NPPF and local policy, this FRA has considered the impact on the surface water regime in the area should development occur.*

*Development of the site should be possible with careful consideration of the surface water and foul drainage, as well as other possible flooding issues. The proposals should balance the flood storage volumes and should not impede overland flows. Infiltration, if suitable, will be the preferred method of discharge of surface water, with all flows in excess of the infiltration rate being attenuated on site. The exact method and volume of attenuation will be subject to further investigation. The Design and Access Statement by Pick Everard describes the proposed foul and surface water drainage solutions to address these requirements.*

*Based on the information available the flood risk to the proposed development is low and development should not be precluded on flood risk grounds.*

It is considered therefore that the development will remain safe during its lifetime and will not increase flood risk elsewhere and is, therefore, considered to be acceptable in flood risk terms. The Environment Agency and United Utilities have commented on the application, and have not raised objections to the proposals. United Utilities have recommended conditions in order to ensure that the proposed development does not create or exacerbate flooding through surface water run-off and to ensure that the drainage of the site is adequate. It is concluded therefore that the proposals accord with policy DC17 of the MBLP and the NPPF.

### **EIA**

The development is an EIA development and as such the various components have been submitted as part of the Environmental Statement (ES). Whilst the development does is significant for the area, it is not considered that the proposals will have a detrimental environmental impact of a wider than local level. Any effects from the development can be mitigated through the use of conditions and the ongoing management of the site.

As part of the EIA process, the applicant must demonstrate that there are no alternative more suitable sites for this development. This exercise has been carried out and is detailed in the principle of development section of this report.

### **Environmental sustainability conclusions**

It is considered that the proposed development is generally environmentally sustainable. However this is subject to the Ecologist's further comments which may raise objections or conversely may raise no objections but may require mitigation and these must be resolved to the satisfaction of the Council. It is considered that the location is not particularly sustainable in terms of accessibility however this could be improved in terms of providing pedestrian links, but does not resolve the issue of the unsustainable location. Any harmful effects of the development with regard to pollution can be adequately mitigated. The landscape impact of the proposed development is adverse, however there are degrees of adversity and this is not considered to be significant enough of an impact on the landscape to warrant refusal, and with suitable mitigation is considered to be acceptable. There is an outstanding highways objection on both sustainability and traffic impact grounds, therefore on balance the proposals are not environmentally sustainable with these outstanding issues.

## **ECONOMIC SUSTAINABILITY**

### **Employment**

The proposed development for the redevelopment and relocation of the school will retain the majority of staff, as the number of pupils will be equivalent to the existing two schools combined. In relation to the redevelopment of the school the proposals will create employment in the short term through the demolition and construction process. It is considered therefore that in terms of employment numbers these will increase as a result of the proposals.

### **Economy of the wider area**

The existing shops which benefit from the school would not suffer as a consequence of the proposals as the school relocation will depend on the other two applications and vice versa. The addition of 450 dwellings into the area where the schools are currently located is likely to boost the local economy with the increase in population in the area, which will provide all year round custom, where the school only has this effect during term time. The increased use of shops and services makes them more sustainable, which is especially important in Macclesfield Town Centre to be sustainable into the future. Additional population can create more demand for local services, increasing the likelihood that they will be retained into the future and improvements and investment made.

### **Economic sustainability conclusions**

The proposals will result in additional employment in the sort term through the construction of the site along with an economic boost locally through the increase in population to this area of the town. It is considered that the proposals will make efficient use of the land by providing market housing in a town centre location and are therefore economically sustainable.

### **Section 106 agreement**

The terms of the Section 106 agreement are not formally agreed however the applicant proposes to include a overarching agreement. The details of this are still to be agreed and refined as to the most appropriate mechanism. However, in common with the other residential schemes the potential requirements include:

- Education contribution of bursaries for Kings School to the value of 383,000
- Open Space Provision
- Open Space and Landscape Management (to include Public Open Space)
- Provision of starter homes
- Trigger for the new school to be completed prior to the development of the Fence Avenue and Westminster Road sites.
- Phasing Plan
- Travel Plan
- Sports and Music Facilities Community Use Scheme

### **CIL Regulations**

Community Infrastructure Levy (CIL) Regulations LEVY (CIL) REGULATIONS In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following: a) Necessary to make the development acceptable in planning terms; a) Directly related to the development; and b) Fair and reasonably related in scale and kind to the development. It is considered that the contributions required as part of the application are justified and only go part of the way to meeting the Council's requirement for policy compliance. All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development. The non-financial requirements ensure that the development will be delivered in full. On this basis the S106 the scheme is compliant with the CIL Regulations 2010.

### **Representations**

A large number of representations have been received in relation to the application, with many representations both in objection and in support of the proposals, many of the representations relate to the three schemes as a whole. However those relating to this scheme and its merits have been addressed in the main body of the report. Having taken into account all of the representations received including internal and external consultation responses, the material considerations raised have been addressed within the main body of the report. There are outstanding issues that have not yet been resolved to the satisfaction of internal and external consultees, namely the ecological, highways issues and the concerns of Sport England due to the loss of the playing pitches. DCLG have contacted the Council regarding the applications and would like all three applications to be referred to the Secretary of State should they be recommended for approval by the Strategic Planning Board.

Paragraph 14 of the NPPF states that should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted.

## PLANNING BALANCE

The site is a greenfield Green Belt site where there is a presumption against inappropriate development. It is established that the proposals do represent inappropriate development within the Green Belt, and only if very special circumstances exist to outweigh the harm to the Green Belt policy should they be approved.

The applicant has put forward what it considers to be very special circumstances, however the onus is on the decision maker, the LPA, to determine what weight is attached to these in the planning balance and whether these circumstances amount to very special circumstances to justify the development, and outweigh the automatic harm the development would cause by way of inappropriateness.

In this case considerations 1, 2 and 3 of the applicant's case do attract some weight, which include the need to relocate, the need to combine the schools and the fact that there are no alternative sites. Consideration 4 also attracts weight in the balancing exercise, as the site will indeed release two potential housing sites, however, both sites are with the Council for consideration and neither provide affordable housing or an education contribution to the satisfaction of the education authority. Therefore the weight that can be attached to the release of these housing sites is reduced due to the merits of the schemes put forward.

Nonetheless considerations 1-4 do attract weight, however, it is the amount of weight that these issues attract which determine whether combined they amount to the very special circumstances required to justify the inappropriate development proposed. Whilst some weight can be attached to the co-location and re-location of the school, can a development of this scale exceeding 20ha be justified in the Green Belt where the openness and permanence will be lost forever. The main case put forward by the school is that of a business case, that the school must do this in order to progress into the future and to continue to provide a high level of private education. However, the school has a large estate of two very adequate sites, which have been sustained for a considerable time.

Whilst it is considered that the argument put forward for the school to remain in Macclesfield is strong and the co-location and re-location is desired for the school. The national requirement to protect the Green Belt for its own sake is also strong and forms part of long established planning policy. Therefore after careful consideration, it is not considered that sufficient very special circumstances exist to justify the significant departure of local and national planning policy and the impact this proposal will have on the openness and permanence of the Green Belt. Therefore the proposals are recommended for refusal on Green Belt grounds and are contrary to the development plan and the Framework.

However, consideration 4 which would allow the release of one strategic housing site in Macclesfield (Fence Avenue) and one large brownfield site in Macclesfield (Westminster Road) would follow the plan-led process by bringing forward an allocated site in the emerging CELPS and developing a large sustainably located brownfield site. Whilst this cannot be afforded significant weight at this time, should fully policy compliant housing schemes be proposed on these sites which provide full community benefit and provide much needed market and affordable housing, this as a very special circumstance could be afforded much greater weight in the planning balance.

With regard to sustainability, the location of the proposed school is considered to be unsustainable for walking and cycling, however it is acknowledged that the proposals can

include mitigation will could improve this. There is an outstanding highways objection to the proposals on highway safety and traffic impact grounds. There are a number of ecological issues to be resolved along with the impact on the grade II listed building adjacent to the site.

Through the assessment as to whether the scheme represents sustainable development, it is considered that it does not achieve this in terms of all three strands: social, environmental and economic sustainability. As the site is within the Green Belt under paragraph 14 there is not a presumption in favour of sustainable development where other policies in the framework state that development should be restricted which includes Green Belts at footnote 9. On balance therefore after careful consideration the application should be refused in principle.

The benefits in this case are:

- The proposals would provide a state of the art co-located school.
- The relocation of the school would make two potential housing sites available and would help in the Council's delivery of 5 year housing land supply.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes in respect of the housing sites, and benefits for local businesses.
- The proposal will not have an adverse landscape impact.

The development would have a neutral impact upon the following subject to mitigation:

- There is not considered to be any significant drainage implications raised by this development.
- The impact upon trees neutral with adequate mitigation.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land could be mitigated through the imposition of planning conditions.
- The impact on the heritage asset is currently unknown therefore cannot be attributed weight for or against the development.

The adverse impacts of the development would be:

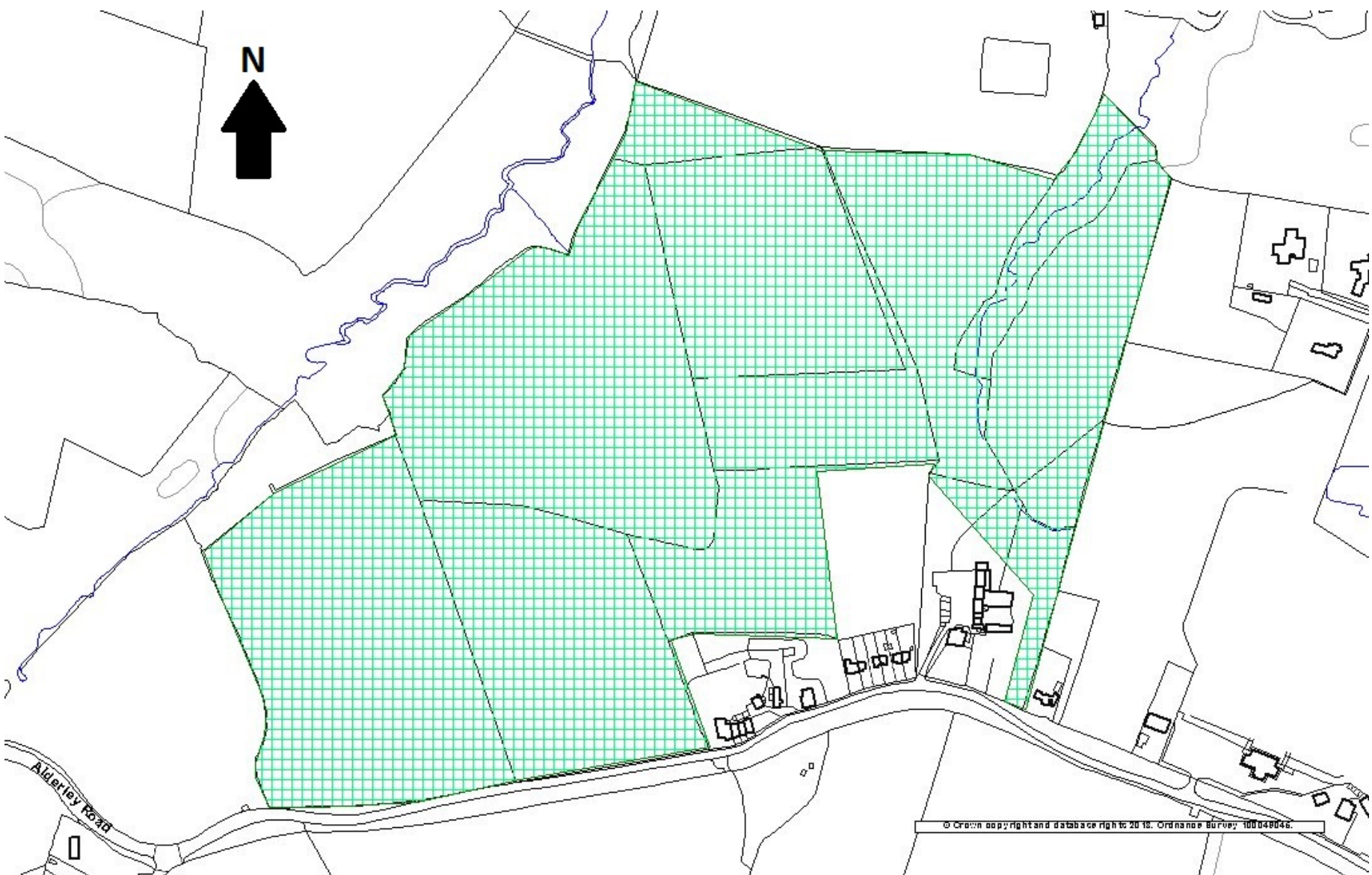
- The proposal is inappropriate development in the Green Belt, harmful by definition and no very special circumstances significant enough to outweigh the significant harm to the openness of the Green Belt and the purposes for including land within it.
- The impact upon protected species/ecology is considered to be unknown, therefore it cannot be assumed at this stage that mitigation would be possible at the site without additional information.
- The highways impacts of the proposed development are not acceptable.

Therefore, as detailed whilst there is potential for the school to be justified, on the basis of the above, it is considered that the proposal does not represent sustainable development and represents inappropriate development within the Green Belt without the required very special circumstances to outweigh the harm to the Green Belt, and it is not considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits.

### **RECOMMENDATION**

**Refuse**

1. The proposal for residential development is inappropriate development in the Green Belt by definition and the very special circumstances put forward do not amount to the very special circumstances required to outweigh the significant harm to the openness and permanence of the Green Belt, the scheme conflicts with the purposes for including land within the Green Belt. The application is therefore contrary to saved policy GC1 of the Macclesfield Borough Local Plan and paragraphs 80 and 89 of the NPPF.
2. The accessibility of the site for sustainable modes of transport is not sufficient to serve the development and the development would have a unacceptable impact on the local highway network therefore the proposals do not accord with the saved policy T6 of the Macclesfield Borough Local Plan and the NPPF and do not represent sustainable development in terms of accessibility.
3. Insufficient information has been provided in order to make a fully informed assessment of the potential impacts of the proposed development upon protected species in the absence of required bat surveys. Therefore the proposals are contrary to saved policy NE11 of the Macclesfield Borough Local Plan and paragraph 118 of the NPPF.



Application No: 16/0341N

Location: Land North Of, PYMS LANE, CREWE

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

Applicant: Mr Andrew Robertson, Bentley Motor Company

Expiry Date: 22-Apr-2016

**SUMMARY:**

This proposal would bring economic benefits through the delivery of new jobs and investment in an area with a longstanding association with the manufacture of motor vehicles. Bentley Motors are a major employer located within one of the principal growth areas of the Borough where national, local and merging plan policies supports strongly supports such development.

The proposal is compatible with the surrounding development and the design, scale and form of the building would not appear incongruous within its context subject to the use of high quality materials and off site planting works. The main Engineering Technical Centre Building (ETC) would be the largest in terms of its height and scale in the vicinity of the area. However, this has to be balanced against the significant economic benefits of the proposals and the aspirations of the Council to realise the growth potential of Crewe as the '*Crewe High Growth City/M6 Corridor*'.

The proposals will have a moderate effect on the landscape, which in time, will be mitigated by additional planting to the north of the site and in the fullness of time by potential development to the north of the site identified for development under Policy CS3 of the emerging Cheshire East Local Plan Strategy Submission Version.

The impact of the proposal on trees and hedges would not be significant and environmental considerations relating to flooding, drainage, land contamination (subject to further investigations) and ecology would be acceptable.

The impact on neighbouring residential amenity would be acceptable owing to the low impact nature of the use (predominately offices and research and development), the generous separation with neighbouring properties and having regard to the context of the area as a centre for automotive manufacturing.

Satisfactory access and parking provision can be provided and the development would not result in 'severe harm' on the local highway network. The Head of Strategic Infrastructure (HSI) is satisfied that any additional vehicular movements and parking generated by the proposals could be accommodated by the existing highway network and the existing and proposed parking provision at the site. It is also important to note that recent improvements to the pedestrian facilities around the site (recent installation of zebra crossings) would support the safe movement of pedestrians across Pym's Lane.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits that would outweigh any conflict with the local plan in respect of its waste allocation. The proposal is therefore considered to comply with the relevant policies of the adopted Borough of Crewe and Nantwich Local Plan and advice contained within the NPPF and emerging local policy. The application is therefore recommended for approval.

**RECOMMENDATION: APPROVE with Conditions**

## **PROPOSAL:**

This application seeks full planning permission for the 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 at Bentley Motors on land to the north of Pym's Lane, Crewe.

## **SITE DESCRIPTION:**

This application relates to the site of Bentley Motors, a large industrial site for the manufacturing of motor vehicles located within the settlement boundary for Crewe. This application relates specifically to land on the north side of Pym's Lane directly opposite the main entrance to the plant.

The application site measures some 4.5 hectares in size and comprises of the Council Waste Transfer Depot comprising primarily hard surfaced land and several industrial/storage units together with external areas of storage and parking with the remaining parts of the site comprising surface car parking.

The site is bound to the north by the 'Meadow Brook Cemetery', to the east by a 4 storey office building which is presently being constructed for use by Bentley beyond which there are residential properties fronting Pym's Lane. To the south of Pym's Lane is the main production plant. Directly to the west of the site, are other industrial and commercial units and associated parking further along. There are other areas which are within the applicant's ownership for car parking, a showroom and ancillary development.

The site falls entirely within the settlement boundary of Crewe as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011 and occupies part of a larger site waste allocation where it is detailed as a 'preferred site' for a waste management facility, as designated in the Cheshire Waste Replacement Local Plan Waste (ref. WM16).

Land to the north of the site is identified as Strategic Site CS3 under the merging Cheshire East Local Plan Strategy Submission Version Strategic Site which seeks to promote the development of a new sustainable neighbourhood at Leighton West and promotes the creation of an automotive research, development and supply hub, in partnership with Bentley Motors, in order to provide new employment opportunities and expand the automotive related investment in Crewe and the wider area.

## **RELEVANT HISTORY:**

There is an extensive planning history for the Bentley Motors site. However, the only applications of relevance to this proposal are as follows:

12/4373N - New build showroom with associated car parking approved on 6<sup>th</sup> February 2013

12/3418N – Full planning permission approved to develop site to provide a permanent car park with a total of 478 parking spaces on 30<sup>th</sup> November 2012

12/4319N – Resolved to grant full planning permission (subject to S106 Obligation) for the erection of a two storey temporary office accommodation with links to an existing building to accommodate existing staff relocated on site on 1<sup>st</sup> May 2013

12/4426N - Proposed development of the site to provide a permanent car park with a total of 1817 car parking spaces plus lorry parking for up to 14 HGV's – Approved 03-Jun-2013

13/5114N - Variation of condition 2 (approved plans) on application 12/4426N (proposed development of the site to provide a permanent car park with a total of 1817 car parking spaces plus lorry parking for up to 14 HGV's) – Approved 18-Feb-2014

14/2944N - Construction of a new Painted Body Store Warehouse and ancillary accommodation totalling approximately 5060sqm gross internal floor area. The relocation of fuel tanks and a fuel filling location. The proposed building comprises a large warehouse with one and a half portal frame structure, a single storey office annex to the North elevation with rest and WC facilities, an enclosed link to the existing adjacent warehouse to the east and an enclosed bridge link above the private road to the adjacent property to the North. A 10m overhanging canopy will be provided for the full width of the building to the west elevation and a 2m deep canopy to the north side of the east link – Approved 29-Aug-2014

14/5262N - Proposed pre-fabricated building, complete with services to be installed as office and restrooms for lorry park on site at Bentley Motors – Approved 09-Feb-2015

15/3665N - Construction of a 4 storey office building on the site of an existing carpark – Approved 28-Oct-2015

15/3869N - It is proposed to convert the existing field into a private car park for Bentley Motors. The site is an existing green area which will be converted to hard standing material to suit the needs of a car park. The car park will be enclosed with fences. North east and south of the proposed car park, a 14m width band will be dedicated for planting – Approved 18-Mar-2016

15/4141N - Alterations to E1 Car Park, realignment of internal road, construction of a vehicle test building, relocation of Gate 3 Security Lodge and amendments to gate arrangement, installation of 5 No. entry gate positions and relocation of cycle and motor cycle shelters – Approved 18-Nov-2015

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs 7, 9, 14, 17, 18, 19, 21, 28, 56, 65, 109, 111 and 118.

### **Development Plan:**

The Development Plan for this area is the adopted Crewe & Nantwich Local Plan, which allocates the site within the Crewe Settlement Boundary.

The relevant Saved Policies are:-

**Crewe Local Plan Policy**

BE.13 (Buildings of Local Interest)  
BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Accessing and Parking)  
E.4 (Development on Existing Employment Areas)  
TRAN.3 Pedestrians  
TRAN.8 Existing Car Parks  
TRAN.9 Car Parking Standards

**Cheshire East Local Plan Strategy Submission Version**

Policy MP 1 Presumption in Favour of Sustainable Development  
Policy PG 1 Overall Development Strategy  
Policy PG 2 Settlement Hierarchy  
Policy PG 6 Spatial Distribution of Development  
Policy SD 1 Sustainable Development in Cheshire East  
Policy SD 2 Sustainable Development Principles  
Policy CS3 Leighton West  
Policy IN 1 Infrastructure  
Policy IN 2 Developer Contributions  
Policy EG 1 Economic Prosperity  
Policy EG 3 Existing and Allocated Employment Sites  
Policy SE 1 Design  
Policy SE 2 Efficient Use of Land  
Policy SE 3 Biodiversity and Geodiversity  
Policy SE 4 The Landscape  
Policy SE 5 Trees, Hedgerows and Woodland  
Policy SE 6 Green Infrastructure  
Policy SE 7 The Historic Environment  
Policy SE 8 Renewable and Low Carbon Energy  
Policy SE 9 Energy Efficient Development  
Policy SE 13 Flood Risk and Water Management  
Policy CO 1 Sustainable Travel and Transport  
Policy CO 2 Enabling Business Growth Through Transport Infrastructure  
Policy CO 4 Travel Plans and Transport Assessments

The relevant saved Local Plan policies are consistent with the NPPF and should be given full weight.

**Other Material Considerations:**

- All Change for Crewe: High Growth City
- The Cheshire East Economic Development Strategy (June 2011);
- The Local Plan Strategy Employment Background Paper (March 2014);

- The Planning Practice Guidance (March 2014)
- EC Habitats Directive and the Conservation (Natural Habitats etc.) Regulations 2010.

### **CONSULTATIONS:**

**Highways:** No objection subject to conditions.

**Environmental Protection:** No objection, subject to conditions / informatives requiring submission of a Construction Environmental Management Plan, a restriction on hours of construction, submission of details of external lighting, submission of details of noise mitigation for fixed plant etc, submission of an updated travel plan and a further contaminated land survey.

**Environment Agency:** No objection subject to conditions for remediation of unsuspected contamination and surface water drainage.

**Flood Risk Officer:** No objection subject to submission of a surface water drainage scheme.

**Natural England:** No objection – the proposal is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment.

**Public Rights of Way Unit (PROW):** No objection. The proposals do not affect a public right of way.

**United Utilities:** No objection subject to drainage conditions. It is also noted that there is a public sewer that crosses the site. A modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary.

### **CREWE TOWN COUNCIL:**

No comments received.

### **REPRESENTATIONS:**

None received.

### **OFFICER APPRAISAL:**

### **ECONOMIC SUSTAINABILITY**

#### **Principle of Development**

In terms of the local plan policy, the site is within the settlement boundary of Crewe where development is acceptable provided that it is compatible with surrounding uses and accords with other relevant local plan policies.

The area and part of the site has a longstanding association with the manufacturing and the production of motor cars and as such, it is considered that the compatibility of the site and the area for such use is well established. However, the site directly abuts the edge of the residential development along Pym's Lane and consequently the impact on these neighbours will be explored further in this report.

With respect to the principle of the development more generally, it is important to recognise that Bentley Motors is a major employer in the area. Bentley are seeking to improve and reconfigure their facilities in order to work more effectively and efficiently within the main administration, office and production areas of the plant to allow the company to realise their expansion plans and produce additional products. This proposal is a major component of the long term vision to invest in the production and manufacture of additional lines of vehicle. Thus, there are significant benefits arising from the scheme that would support job creation and the economic growth in the locality and the Borough.

The development of science, enterprise, manufacturing and advanced engineering is a key component of the economic vision for Cheshire East within the Cheshire East Local Plan Strategy Submission Version (CELPS). The economy of Cheshire East is one of the most successful in the North of England and consequently a principal aim of the CELPS is to "*ensure the right foundations are in place to sustain this success over the next twenty years*", including capturing the success and strengths of the *Crewe High Growth City/M6 Corridor*. Indeed, the Council's economic growth strategy seeks to secure "*a growth proposition for the south of the Borough centred around Crewe as a principal town but linking to a wider set of growth 'nodes' using the M6 Corridor as a key attractor and asset to support our ambition*". It is considered that such benefits are in line with the local plan.

The NPPF requires Local Planning Authorities to adopt a positive and constructive approach towards planning applications for economic development. Planning applications that encourage sustainable economic development should be treated favourably and this view is further reinforced in Policy EG1 of the Council's emerging Local Plan Strategy Submission Version. The proposal is therefore acceptable in principle subject to compliance with other relevant planning considerations.

### **Loss of 'Preferred Waste Management Facility**

Part of the application site falls within the boundary of a 'preferred site' for a waste management facility, as designated in the Cheshire Replacement Waste Local Plan. As such, the site has been considered suitable in principle for the development of a range of waste management facilities with the purpose of forming part of an integrated network of sites capable of making adequate provision for waste arising within Cheshire. Thus, the loss of this allocation for potential future waste management uses needs to be considered.

Consequently, the proposal constitutes a "departure" from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined "in accordance with the plan unless material considerations indicate otherwise". The issue in question is whether the development represents a sustainable form of development and whether there are other material considerations associated with this proposal, which are a sufficient to outweigh the conflict with the development plan.

Whilst the site subject of this application is within a waste allocation, the site is not actually safeguarded for waste use. This proposal would see the total loss of this allocation. However, it must be borne in mind that the Council has sought to make additional provision by granting approval for the construction and operation of a waste transfer station and refuse derived fuel processing facility and associated development at the site of Ideal Standard, Cledford Lane, Middlewich (planning ref; 15/2355W).

Whilst part of the site (referred to as site 'WM16') is currently in waste management use, it has been purchased by Bentley Motors and alternate provision made in readiness for it being vacated. Thus, the loss of the site as a 'preferred waste site' would not impact significantly on the borough's strategic provision of waste sites. Additionally, owing to the recent sale of the land to Bentley with the option to lease to the Council, it is unlikely that the site would continue to be capable of being delivered for waste should the landowner decide it is required for their own expansion.

It is also important to acknowledge that the proposals will assist in the economic growth of Bentley Motors, where there are clear benefits arising from the scheme that would support job creation and the economic growth of the locality and the Borough. It is considered that such benefits would outweigh the loss of the site for waste uses and would accord with the overarching aims of the NPPF in terms of supporting sustainable economic development. The loss of the site as a 'preferred waste site' is therefore considered to be acceptable and would not undermine local and national policy.

Taking into account the significant employment benefits and investment to the area that this scheme would bring, the scheme is found to be economically sustainable and thus material considerations outweigh the conflict with the development plan.

## **ENVIRONMENTAL AND SOCIAL SUSTAINABILITY**

### **Design**

The NPPF and local plan policies BE.2 and SE.1 emphasise the importance of securing high quality design appropriate to its context. NPPF paragraph 61 states that:

*“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”*

The development is a proposed complex of new high quality offices, warehousing and workshop buildings, and associated car parking. These would be formed within 3 distinct elements, an Engineering Technical Centre (ETC), Design Centre and workshops attached to the rear of the ETC. Vehicle and pedestrian access will be from Pym's Lane, with one existing and one additional access proposed.

The proposed development would have a floorspace of some 38,592 square metres spread across three buildings with the largest (the engineering technical centre) having 5 floors. The

buildings would be of modular prefab construction with the engineering technical centre measuring 25 metres in height with a frontage to Pym's Lane of 140 metres. The building would be positioned to the west of the recently constructed four storey modular business building providing office accommodation beyond which there is the residential development on the north side of Pym's Lane.

The bulk and massing of the ETC building would be successfully broken up by splitting it into 3 elements with 2 intervening vertical glazed features serving as the main entrances to the building thus promoting legibility.

To the west of the ETC building would be the lower two-storey height design centre which coupled with the existing office building to the east, would ease the disparity in heights along the Pym's Lane frontage. The design centre would be predominantly glazed, of modular construction and constructed using high quality cladding systems as facing materials.

The ETC and design centre frontage buildings would be set back 30 metres from the beginning of the footway to allow for appropriate hard and soft landscaping to be accommodated to the front of the building and provide scope to provide a decent public realm.

To the rear of the site, the workshop building would adjoin to the rear of the ETC building but would be lower in terms of its height. It would be of simple construction with function over form, but would be screened somewhat from view by the frontage buildings. This lower subordinate element would assist in easing the transition with the main ETC building from wider views to the north of the site.

In terms of the wider visual impact on the area, the impact of the scale and height of the main ETC building would be moderate within the local context. The effects would be reduced by the hierarchy of buildings stepping up to the central ETC building, which would become a landmark building. Further, with mitigation planting, which is proposed outside of the site to the north, the visual impacts would be reduced over time. This will be explored further in this report.

It is important to note that the area is characterised predominantly by commercial and industrial premises and as such, the proposed buildings would not appear incongruous within this context. Whilst the main ETC building would be the largest structure in the vicinity of the site, the Council has set out its vision for the area by allocating land to the north of the site as a strategic site under Policy CS3 of the emerging Cheshire East Local Plan Strategy Submission Version.

Policy CS3, seeks to promote the development of a new sustainable neighbourhood at Leighton West and promotes the creation of an automotive research, development and supply hub, in partnership with Bentley Motors, in order to provide new employment opportunities and expand the automotive related investment in Crewe and the wider area. Whilst this is an emerging policy, and thus less weight can be attached to it, it is evident that the aspirations are to encourage economic development within the area, specifically on the land to north where views of the proposal are most sensitive. Accordingly, if the emerging local plan aspirations are realised, this would provide further screening of the proposed development subject of this application.

Subject to further considerations relating to landscape and the use of high quality materials, the proposal complies with policies BE.2 and SE1 (Design).

### **Landscape**

The application is supported by a Landscape and Visual Impact Appraisal (LVIA). The LVIA indicates that it has been undertaken using the 'Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA 3)'. As part of the LVIA the baseline landscape character is identified at both the national and regional level. The application site lies within the National NCA 61 Shropshire, Cheshire and Staffordshire Plain. At the regional level the application site is located in the area identified in the Cheshire Landscape Character Assessment (2009) as Landscape Character Type 7: East Lowland plain, Wimboldsley Character Area (ELP5). The appraisal also includes comments on the townscape of the site and surrounding area.

The landscape appraisal identifies that the characteristics and landscape/townscape character of the site has been assessed as being of low value, and that the overall landscape/townscape character within the ZPV ( Zone of Primary Visibility) as being of medium value. The appraisal identifies that the overall landscape/townscape sensitivity to the proposed development at site level is low and that the overall on the wider area is moderate. The visual appraisal (Table 8) identifies 10 viewpoints and indicates that there will be moderate/major visual effects for 6 viewpoints, moderate effects for 4 viewpoints and minor to minor-moderate and negligible effect for 3 viewpoints, and that this will reduce to moderate for 5 viewpoints, moderate–minor for 1 viewpoint, minor-moderate for 4 viewpoints, minor for 1 viewpoint and negligible for 1 viewpoint.

The Council's Principal Landscape Officer has confirmed that he broadly agrees with the landscape and visual appraisal. He considers that the visual effects and effect at year 15 (after mitigation planting to the north of the site), will be greater for Viewpoint 3 Cemetery users and consequently feels that the boundary planting as identified on the 'Off Site Planting and Mitigation Drawing (Drawing No: L-9211)' should be increased, ideally within the cemetery as well as within the application site boundary. This could be secured under a further planting and mitigation scheme.

The proposals owing to their size, scale and location on the edge of Crewe, will have a moderate effect on the landscape, which in time, will be mitigated by additional planting to the north of the site and in the fullness of time by potential development to the north of the site identified for development under Policy CS3 of the emerging Cheshire East Local Plan Strategy Submission Version.

### **Trees**

The application site is set back behind a wide highway verge with grass strips, a footway and a line of trees along this part of Pym's Lane (forming part of a boulevard approach). On the Pym's Lane frontage of the site, there is a narrow planting bed with trees and there is a hedge and trees to the west and to the north..

The application is supported by a Tree Survey (Middlemarch Environmental Report No. RT-MME-120726 dated September 2015) and Tree Removal and protection Plan (AHR dated

September 2015). The report broadly complies with the requirements of BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations 2012

The report has identified 61 individual trees, four groups and six hedgerows within the application site. Eleven have been categorised as High Quality (A Category) trees, 17 Moderate Quality (B category) trees, the remainder are classified as low (C category) or are unsuitable for retention.

Those trees comprising of various Common Lime, Hybrid Poplar, Alder, Norway Maple and Horse Chestnut located on the wide grass verge fronting Pym's Lane and along the southern boundary of the site (G2) are considered a prominent feature contributing to the visual amenity of the area and road frontage character.

The submitted Tree Removal Drawing identifies three low (C) category trees (a Lime and two Hybrid Poplar) that require removal due to the proximity of the proposed new building and potentially a young/ semi mature high (A) category Oak tree (T56) located to the east of the existing site access.

The assessment does not provide an impact assessment of the proposed development on below ground constraints (root protection areas) and therefore it is not possible to determine the impact of proposal on trees proposed for retention. BS5837:2012 para 5.3.1 states that the default position should be that structures should be located outside the RPA of trees shown for retention unless there is an overriding justification for doing so and that it can be demonstrated that the trees can remain viable. Further evidence should therefore be submitted by the Consulting Arboriculturist on this matter.

The proposed direct tree losses as shown are not considered significant to the wider amenity of the area and can be adequately mitigated by replacement planting. There are significant opportunities for additional large canopy tree planting along the wide grass verge along the Pym's Lane to address the visual impact of the development, improve the street scape and to contribute to Climate change adaptation.

Subject to clarification on the impact upon Root Protection Areas of retained trees, should planning consent be granted, tree and landscape conditions are recommended.

### **Land Contamination**

The application site area has a history of previous development such as a council depot, electrical substation, car parking and a former pit; therefore the land contamination cannot be ruled out. Part of a known landfill site that has the potential to create gas is located partially on site, and extends off site to the north. A number of reports relating to land contamination have been submitted in support of the application.

The Phase I Preliminary Risk Assessment identified potential contaminant linkages which required further investigation. This report recommended site investigation and subsequent gas monitoring, between 6 and 12 rounds of monitoring over a period of 3 to 12 months.

Phase II site investigation works were undertaken. The site nomenclature between the reports has changed i.e. Area A is Area 1 etc. in the Phase II reporting. Some gas monitoring has

been undertaken, but the full programme has yet to be completed. Therefore, an updated gas risk assessment is required for the site.

No site investigation information has been submitted for Area A/Area 1 despite this being requested. Although an amount of site investigation information is held under the previous application for the office building to the east (15/3665N), this should be re-submitted for this application for completeness, as part of this area is within the planning boundary.

Concentrations of PCBs (Polychlorinated biphenyls – used in manufacture of plastic and coatings etc) were identified within the chemical analysis but do not appear to have been risk assessed. This should be undertaken. Further site investigation is recommended in an area of fuel storage/infrastructure in Area B/2. The underground storage tanks require decommissioning and removal in line with current guidance and legislation. Cheshire East Council's petroleum officer should be contacted with respect to the requirements for the surrender of the petroleum license. Further investigation should also take place upon demolition of the properties currently on this area of the site, as recommended in the report.

The further investigations required should also include the area of electricity substations on the centre of Area B/2 and the area of pesticide storage on the east of Area B/2 – as yet these identified potential sources of contamination remain un-investigated. A former pit is present on the north west of Area C/3 which also does not appear to have been investigated. Further information relating to this area of potential infilling should be provided.

Although a Remedial Strategy has been submitted, this may require updating on the basis of the further gas monitoring currently being undertaken and on the basis of the further investigation proposed, as detailed within the recommendations of the report and above. It is also noted that a water pipes risk assessment is still outstanding for the site. As such, and in accordance with the NPPF, the Council's Environmental Protection Unit recommends that the require updated reports and investigations can be secured by condition, should planning permission be granted. Subject to this, the considerations in respect of land contamination are acceptable.

### **Parking, Highway Safety and Traffic Generation**

Vehicle and pedestrian access will be from Pym's Lane, with one existing and one additional access proposed. The site is located within a highly sustainable area with footway access available to the wider Crewe area, local bus stops, and from the Sunnybank Rd car park to the site.

Policy BE.3 deals with access and parking and states that development will only be permitted where proposals provide:

- safe pedestrian access
- the provision of any off street parking
- manoeuvring and operational space should be designed to minimise visual impact
- safe vehicular access and egress arrangements

### ***Sustainable Access***

The section of Pyms Lane adjacent to the development site forms part of the Nantwich to Crewe 'Greenway', a wide and well-lit foot/cycleway set back from the road, providing a footway link to the wider Crewe area.

Employees arriving to the new site will most likely use the car park adjacent to Sunnybank Road. Pedestrian access between the Sunnybank Road car park and the development site is northwards via footways along Sunnybank Road and then eastwards along the Greenway section of Pyms Lane. There are a total of 3 zebra crossings on Sunnybank Road and Pyms Lane that have recently been installed to assist with pedestrian movements from the north side to the south side of Sunnybank Road.

There are bus stops located on Sunnybank Rd, Pyms Lane, and Minshull New Road with footway access available to each of them. Consequently, there is appropriate provision for safe pedestrian access.

### *Vehicular Access*

The submitted Transport Assessment incorporates a review of accident data in the area for the period from May 2010 – Mar 2015. This showed 12 recorded injury accidents occurring in the vicinity of the site with 3 being classified as serious and the remainder as slight. 2 accidents occurred in 2010; 1 in 2011; 2 in 2012; 2 in 2013; 2 in 2014 and 3 in 2015, spread between Pyms Lane and its junctions with Minshull New Road and Middlewich Road. None of the accidents were as a result of the road layout and there were no clusters of accidents.

The proposed access points have been tracked for use by 12m rigid and 16.5m articulated vehicles. The swept paths demonstrate that both types of vehicle are able to make all the entry and exit movements required without encroaching onto the opposing traffic lanes. The Head of Strategic Infrastructure (HSI) has confirmed that the proposed site access visibility is safe for the intended use and therefore acceptable.

### *Impact on Local Highway Network*

The majority of staff to be accommodated within the new development will be relocated from elsewhere on the Pyms Lane site and the redistribution of these staff numbers won't result in significant additional vehicle trips on the local road network. Approximately 280 additional staff will be relocated from Middlewich.

The assessment has assumed that all the 280 staff will arrive to the site by car and that all of them will arrive/leave in the morning and evening peak hours. The recently constructed office building adjacent to the site (15/3665N) has been included as a committed development and it has also been assumed that all staff associated with it will arrive to the site by car and that all of them will arrive/leave in the morning and evening peak hours. It is unlikely that all employees will arrive by car or within the peak hour and the capacity assessments are therefore considered robust.

Capacity assessments of the Middlewich Rd/Pyms Lane signalised and the Minshull New Rd/Pyms Ln/Badger Ave roundabout junctions have been carried out using standard software, for a 2015 base year, 2018 opening year and 2023 design year. Sensitivity tests of the Minshull New Rd/A532 West St priority junction and A530 Nantwich Rd/A532 Coppenhall Lane/Marshfield Bank roundabout have also taken place. The vehicle trips have been distributed onto the network using location of usual residence and place of work by method of

travel to work, 2011 census data. The assessments have shown that the traffic impact will not be 'severe'.

The assessment has shown that additional vehicle trips will travel to the Sunnybank Road car park via the Sunnybank Road railway bridge. The bridge is narrow and is barely wide enough for two-way traffic and is also used by pedestrians. There is no footway and the HSI considers that it is not pedestrian friendly. Cheshire East Council has plans to improve this route for both car users and for pedestrians. It includes a 'shuttle running' arrangement and the inclusion of a footway. The HSI has advised that the applicant will need to enter into a s184 agreement for these improvements.

### *Car Parking*

Adequate car parking is provided for within the existing car park on Sunnybank Road. Cycle parking is also provided at the same car-park. Some staff and visitor car parking will also be provided within the site.

Taking the above into account, the scheme is found to be acceptable in terms of its impacts on the local highway network and the existing parking and pedestrian facilities would be sufficient to accommodate the proposed development. The proposal therefore accords with Policy BE.3.

## **Ecology**

### *Hedgerows*

There will be a loss of hedgerows associated with the proposed development. However, there appears to be adequate scope within the proposed layout for adequate new hedgerows and native planting to be provided to compensate for this loss. The Councils Nature Conservation officer (NCO) has advised that if planning consent is granted, a landscaping condition should be attached to ensure that appropriate species and planting specifications are utilised to ensure the nature conservation value of the new hedgerows is maximised.

### *Pond*

Ponds are a local priority habitats and hence a material consideration. An artificial pond is present on the site that would be lost as a result of the proposed development. Whilst the current pond is likely to have limited nature conservation value, it is recommended that in order to secure an enhancement for biodiversity as required by the NPPF, the existing pond should be replaced by a new purpose designed wildlife pond. This could be secured by condition.

### *Nesting birds*

The habitats on site are likely to support nesting birds including house sparrow, which are a priority species and hence a material consideration. If planning consent is granted it is recommended that conditions are attached to safeguard breeding birds during construction and features are incorporated into the scheme that accommodate bird nesting.

## **Impact on Non-Designated Heritage Asset**

Situated on the opposite side of Pym's Lane to the south, are 2 art deco period buildings which form part of the frontage to the Bentley Production Plant. The main building is locally listed and therefore a non-designated heritage asset.

Whilst the proposed five-storey engineering technical centre building will be higher than the existing development found elsewhere on Pym's Lane, the Council's Conservation Officer has confirmed that its impact upon the setting of both the existing locally listed building and the adjacent building in a similar style on the south of Pym's Lane will be minimised by the presence of the intervening road and the pavements, grass verges, hedging and line of trees on either side of the road. The proposed style of the new building whilst modern will compliment the historic locally listed building/its adjacent building to a degree by virtue of its similar use of horizontal lines and a large similar company logo/emblem. It will important however that the existing landscaping/trees both to the front of the development site and to either side of the road is maintained.

### **Flooding and Drainage**

The site is within Flood Risk Zone 1 and is not therefore at risk from flooding. However, owing to the size of the proposals, a Flood Risk Assessment (FRA) as been undertaken. The Environment Agency and the Council's Flood Risk Team have assessed the FRA and are satisfied that subject to the recommendations within the FRA, the proposal would not give rise to flooding or drainage issues.

### **Residential Amenity**

Policy BE1 states that proposals for new development will be permitted provided that the following criteria are met:

- they are compatible with surrounding land uses;
- they do not prejudice the amenity of future occupiers or the occupiers of adjacent property by reason of overshadowing, overlooking, visual intrusion, noise and disturbance, odour or in any other way;
- they do not generate such levels of traffic that the development would prejudice the safe movement of traffic on surrounding roads, or have an adverse impact on neighbouring uses; and
- they do not lead to an increase in air, noise or water pollution insofar as this might have an adverse effect on the other use of land.

The impact of the development upon nearby residential properties is a material consideration in regard to noise, disturbance and the physical massing of buildings.

The nearest neighbouring dwelling (no. 23 Pym's Lane) would achieve a distance of 106 metres with the east facing elevation of the proposed engine technical centre (ETC) building. It is important to note that Bentley have recently constructed a four storey office building directly to the east of the site on land in-between the proposed ETC building and no. 23 Pym's Lane. The ETC building would be approximately 10 metres taller, but owing to its separation and given that it would follow the same building line as the adjoining office building, it is not considered that the proposed building would materially harm neighbouring amenity by reason of loss of light / overshadowing nor would it give rise to direct overlooking.

In terms of the use, the B1a (offices) and B1b (research and development) uses, which by their nature are less intensive and less noisy than general B2 industrial uses would be unlikely

to cause harm to neighbouring residential amenity. Whilst there would be a workshop building to the rear of the ETC building, this would be self contained and would achieve a separation of at least 160 metres with the nearest residential property.

At this time, the exact details of the fixed plant and equipment are not known. As such the applicant has submitted an acoustic assessment of the existing noise levels, and calculated a suitable “rating level” which can be used as design criteria, and conditioned accordingly. The rating level is based on the methodology in BS 4142: 2014 (Methods for rating and assessing industrial and commercial sound). However, it is important recognise that the area is characterised by commercial, industrial and manufacturing uses (specifically automotive) and therefore the proposals are compatible in this respect.

Accordingly, the Council’s Environmental Protection Unit (EPU) has assessed to application together with the submitted noise assessment and are satisfied that subject to conditions requiring detail of the fixed plant and equipment being submitted and does not exceed the Rating Noise Level of 42 dBL<sub>AEQ</sub> 1m from the façade of the nearest noise sensitive dwelling, then the scheme would not prejudice the amenity of future occupiers or the occupiers of adjacent property by reason of noise or odours.

In terms of traffic generation, the likely increased in vehicle movements will not be significant relevant to the current uses in the vicinity of the site and consequently, in respect of residential amenity, this will not cause material harm to the residential amenity afforded to the nearest occupiers.

Accordingly, it is considered that the proposal would not materially harm neighbouring amenity by reason of loss of light, direct overlooking, visual intrusion or noise and therefore complies with local plan policy BE.1.

In the round, subject to further submission relating to trees, landscaping and land contamination, the scheme is found to be environmentally and socially sustainable.

### **PLANNING BALANCE & CONCLUSIONS**

This proposal would bring economic benefits through the delivery of new jobs and investment in an area with a longstanding association with the manufacture of motor vehicles. Bentley Motors are a major employer located within one of the principal growth areas of the Borough where national, local and merging plan policies supports strongly supports such development.

The proposal is compatible with the surrounding development and the design, scale and form of the building would not appear incongruous within its context subject to the use of high quality materials and off site planting works. The main Engineering Technical Centre Building (ETC) would be the largest in terms of its height and scale in the vicinity of the area. However, this has to be balanced against the significant economic benefits of the proposals and the aspirations of the Council to realise the growth potential of Crewe as the ‘*Crewe High Growth City/M6 Corridor*’.

The proposals will have a moderate effect on the landscape, which in time, will be mitigated by additional planting to the north of the site and in the fullness of time by potential

development to the north of the site identified for development under Policy CS3 of the emerging Cheshire East Local Plan Strategy Submission Version.

The impact of the proposal on trees and hedges would not be significant and environmental considerations relating to flooding, drainage, land contamination (subject to further investigations) and ecology would be acceptable.

The impact on neighbouring residential amenity would be acceptable owing to the low impact nature of the use (predominately offices and research and development), the generous separation with the nearest neighbouring properties and having regard to the context of the area as a centre for automotive manufacturing.

Satisfactory access and parking provision can be provided and the development would not result in 'severe harm' on the local highway network. The Head of Strategic Infrastructure (HSI) is satisfied that any additional vehicular movements and parking generated by the proposals could be accommodated by the existing highway network and the existing and proposed parking provision at the site. It is also important to note that recent improvements to the pedestrian facilities around the site (recent installation of zebra crossings) would support the safe movement of pedestrians across Pym's Lane.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits.

Whilst the proposal constitutes a "departure" from the waste development plan where there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined "in accordance with the plan unless material considerations indicate otherwise". There would be significant benefits to the economy which are considered to outweigh this conflict and as such the scheme is found to be sustainable. These material considerations are sufficient to outweigh the conflict with the development plan.

The proposal is therefore considered to comply with the relevant policies of the adopted Borough of Crewe and Nantwich Local Plan and advice contained within the NPPF and emerging local policy. The application is therefore recommended for approval.

## **RECOMMENDATION:**

**Approve subject to the following conditions:**

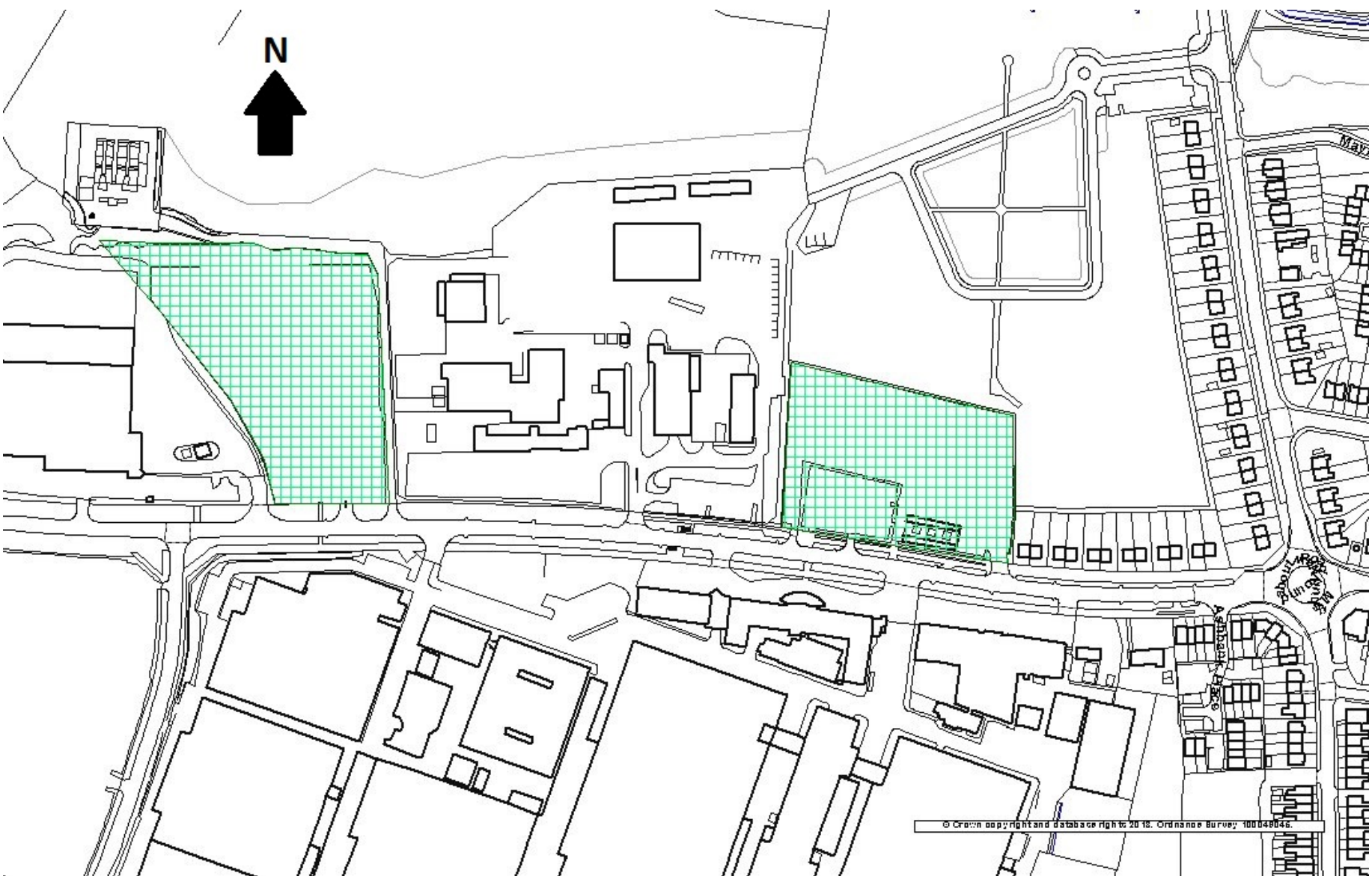
- 1. Standard time limit (3 years)**
- 2. Accordance with approved plans**
- 3. Materials to be submitted and approved**
- 4. Development to be carried out in accordance with submitted noise impact assessment**
- 5. Further details of any fixed plant / noise generative equipment to be submitted and approved and the noise level from the equipment shall not exceed the Rating Noise Level of 42 dBL<sub>AEQ</sub> 1m from the façade of the nearest noise sensitive dwelling**
- 6. Submission of an Environmental Management Plan**

7. Additional Phase II Land contamination investigations and assessments to be submitted and approved
8. Accesses constructed in accordance with submitted details prior to first use
9. Development to be carried out in accordance with submitted noise impact assessment
10. Development to be carried out in accordance with submitted ecological survey
11. Survey for nesting birds if works carried out during nesting season
12. Scheme to incorporate features suitable for breeding birds
13. Development to be carried out in accordance with submitted Flood Risk Assessment
14. Submission of a sustainable drainage management and maintenance plan scheme
15. Details of foul water drainage to be submitted
16. Surface water drainage strategy to be submitted
17. Updated off site landscaping scheme and planting plan to be submitted and approved
18. Landscape scheme to be submitted
19. Landscape implementation
20. Submission of updated arboricultural report showing RPAs for retained trees to be submitted to and approved
21. Tree retention in accordance with submitted details
22. Tree protection scheme to be submitted and approved
23. Hours of construction restricted
24. Piling method statement
25. Travel plan to be submitted
26. Details of external lighting to be submitted and approved
27. Details of cycle parking to be submitted and approved
28. Scheme for public realm works along Pym's Lane to be submitted and approved

Informative to include s184 agreement to include 'shuttle running' arrangement and the inclusion of a footway for Sunnybank Road car park via the Sunnybank Road railway bridge.

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in his absence the Vice Chair) of the Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.



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## CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD REPORT

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<b>Date:</b>	18 <sup>th</sup> May 2016
<b>Report of:</b>	David Malcolm – Head of Planning (Regulation)
<b>Title:</b>	Update on application 15/0184N Outline planning application for up to 275 dwellings open space and associated works, with all detailed matters reserved apart from access.
<b>Site:</b>	Land off Sydney Road, Crewe

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**1.0 Purpose of Report**

- 1.1 Planning application 15/0184N was presented to the Strategic Planning Board 26 January 2016. At the time Members were minded to refuse the application as an appeal had already been lodged against non-determination. This report is to consider an update to the reasons for refusal on that decision in advance of the upcoming appeal.
- 1.2 The minutes from the meeting are as follows (NB the initial ecology reason was deleted when the minutes were approved) :

*That for the reasons set out in the report the Board be MINDED TO REFUSE the application for the following reasons:*

1. *The proposed residential development is unsustainable because it is located within the Open Countryside, contrary to Policies NE.2 (Open Countryside) and RES.5 (Housing in Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan, Policy PG 5 of the Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework and create harm to interests of acknowledged importance. As such the application is also contrary to the emerging Development Strategy. Consequently, there are no material circumstances to indicate that permission should be granted contrary to the development plan.*

2. *In the opinion of the Local Planning Authority, the proposed development would cause a significant erosion of the Green Gap between the built up areas of Crewe and Haslington and would adversely affect the visual character of the landscape which would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policy NE4 (Green Gaps) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.*

*RESOLVE to enter into a Section 106 to secure the following:*

- *Affordable housing:*
  - *30% of the total dwellings to be provided as affordable housing*
  - *65% of the affordable dwellings to be provided as either social rent or affordable rent*
  - *35% of the affordable dwellings to be provided as intermediate tenure*
  - *Affordable housing to be provided on site*
  - *Affordable rented or Social rented dwellings to be transferred to a Registered Provider*
  - *The affordable dwellings to be provided as a range of property types to be agreed with Housing*
  - *Affordable housing to be pepper-potted in small groups, with clusters of no more than 10 dwellings.*
  - *The affordable housing to be provided no later than occupation of 50% of the open market dwellings, or if the development is phased and there is a high degree of pepper-potting the affordable housing to be provided no later than occupation of 80% of the open market dwellings.*
  - *Affordable dwellings transferred to an RP to be built in accordance with the HCA Design and Quality Standards or the latest standards applied by the HCA.*
- *Equipped children's play area.*
- *Private residents management company to maintain all on-site open space, including footpaths and habitat creation area in perpetuity*
- *Education Contribution:*
  - 52 x £11,919 x 0.91 = £564,007.08 (primary)*
  - 4 x £50,000 x 0.91 = £182,000 (SEN)*
  - Total education contribution (£746,007.08)*
- *Highways Contribution of £ 1.6m towards the costs of improvements at Sydney Road Bridge and / or Crewe Green Roundabout.*
- *Rights of Way contribution of £TBC*

(NB An ecology reason was deleted when the minutes were approved)

- 1.3 As indicated above the application is subject to appeal scheduled for Inquiry in July 2016. It is now necessary to consider whether the Council contests the reasons for refusal referred to above in the light of the changing circumstances and policy position.

## **2.0 Decision Required**

- 2.1 To remove the reasons for refusal as listed and agree to not contest the reasons at the forthcoming appeal.

### **3.0 Background**

- 3.1 The application site comprises of a rectangular shaped parcel of land situated to the north-east of Sydney Road and to the south-east of the Crewe-Manchester railway line. The site is approximately 9.78ha (24.2 acres) in area.
- 3.2 The site is currently set to pasture. The site is relatively flat with a slight fall towards the northern boundary. Hedges form defensible boundaries on all sides. The site adjoins the settlement boundary of Crewe and is bound by approved Phase 1 residential development to the west. Maw Green Road lies to the north and land to the south has been allocated for residential development in the emerging local plan (Site CS5), beyond which lies residential development. The site is bound to the east by open countryside.
- 3.3 The site is bound by hedgerows on all sides. The trees and hedgerows that form the main arboricultural features are situated predominantly within the existing hedge lines and are typical of this type of agricultural landscape. Most of the significant trees have been incorporated into the design and layout of the site and the hedgerows will be retained and reinforced with additional planting along the eastern boundary of the site.

### **4 Proposed Development**

- 4.1 The planning application the subject of the appeal seeks outline planning permission for up to 275 dwellings, public open space and associated works. The scheme constitutes phase 2 of development at this location. The Phase 1 application for up to 240 dwellings and a new access was resolved to be granted in December 2013.
- 4.2 This phase 2 application will utilise the approved access point from Sydney Road. However the junction will need to be amended.

### **5 Officer Comment**

- 5.1 Members will be aware that the site the subject of this application is now proposed as part of an allocation for 525 dwellings within the Cheshire East Local Plan Strategy (CELPS) Proposed Changes (Consultation Draft): March 2016 as site CS5 Sydney Road, Crewe. This document has been subject of public consultation from 4 March to 19 April 2016. As part of the site selection process, all sites that were considered for inclusion in the Local Plan Strategy Proposed Changes (Consultation Draft) were subject to a Site Selection Methodology (SSM). This site was subject to the SSM and as part of that process a large number of factors were considered which included the impact of the site on the Green Gap. The conclusion, in relation to the impact of the development of this site on the Green Gap is contained within paragraph 7.146 of the Crewe Town Report and is as follows:

*'Development of this site will erode the physical gap between the two settlements however at this point the Green Gap between Haslington and Crewe is not at its narrowest and it is considered that, with appropriate landscaping mitigation the visual impact of development on this additional area of land could be reduced.'*

- 5.2 The site now forms part of the Council's adopted strategic position which was supported by Full Council in February 2016. This is a significant and material difference to the position when the application was determined. As a consequence the reasons for refusal on the appeal scheme must be reviewed.

- 5.3 Members will also recall that a resubmitted application for some 250 dwellings on the same site was refused by Strategic Planning Board on 20 April 2016. The reason given at the time was:

*The determination of the application would be premature pending the outcome of the Green Gap policy review as part of the emerging Cheshire East Local Plan Strategy.*

Notwithstanding this later decision from Members, the appeal scheme was refused on different reasons and it is those reasons which must now be considered in the current policy context.

- 5.4 Strategic Site CS5 has now been expanded under the Cheshire East Local Plan Strategy Proposed Changes (Consultation Draft): March 2016 so that the additional area of land the subject of the application is now a proposed housing site. It is no longer contrary to Policy PG5 of the CELPS and as result the main thrust and reason for refusing the application must fall away.
- 5.5 That would leave the appeal to be defended on the grounds of being contrary to Policies NE2 and RES5 and Green Gap policy NE4 of the Borough of Crewe and Nantwich Replacement Local Plan. Given that the Council cannot currently demonstrate a five year supply of housing land these policies are considered to be 'out of date'.
- 5.6 As addressed within the recent Court of Appeal judgement, while out of date the policies are not irrelevant and it remains a matter for the decision taker what weight to give them. However, in this case the loss of this particular part of the open countryside and the development being contrary to Policies NE.2 and RES.5 alone does not weigh against the benefits of this development such as the provision of new housing and affordable housing. In addition, the promotion of the enlarged CS5 site through the Council's emerging CELPS would also weigh against supporting a reason for refusal – particularly given the assessments referred to above. In effect the Council would have great difficulty in defending the appeal.

## **6 Conclusion**

- 6.1 On the basis of the above, and given the context of the Council's adopted position in respect of the emerging Cheshire East Local Plan Strategy, it is considered that then two reasons for refusal be removed and the Council offer no evidence at this Public Inquiry.

## **7 Recommendation**

- 7.1 To remove the reasons for refusal as listed and agree to not contest the reasons at the forthcoming appeal.

## **8 Financial Implications**

- 8.1 There is always a risk that if reasons for refusal cannot be sustained that the Council leaves itself exposed to a risk of costs at appeal.

## **9 Legal Implications**

- 9.1 The Borough Solicitor has been consulted on the proposals and supports the recommendation

## **10 Risk Assessment**

- 10.1 There are no risks associated with this decision.

## **11 Reasons for Recommendation**

- 11.1 The Council is unable to defend the reasons for refusal attached to this decision.

### ***For further information:***

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### ***Background Documents:***

- *Application 15/0184N*

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## CHESHIRE EAST COUNCIL

**STRATEGIC PLANNING BOARD**

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**Date of meeting:** 18th May 2016

**Report of:** David Malcolm – Head of Planning (Regulation)

**Title:** Proposal Alterations to the Section 106 Agreement in respect of the education financial contribution and the management company for public open space at Basford West, Crewe. (13/0336N)

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**1.0 Purpose of Report**

- 1.1 To consider proposed amendments to the resolution passed by Strategic Planning Board in respect of planning approval 13/0336N. This relates to development of land at Basford West for up to 370 residential units, Offices (B1), a local centre, public house, hotel, car showroom and associated works including construction of new spine road with accesses from Crewe Road and A500.
- 1.2 The report has been presented to Strategic Planning Board because the original application was approved by the Board in August 2013.

**2.0 Decision Required**

- 2.1 That the Board resolve to amend the Section 106 Agreement;
- Removing and replacing Schedule 1 clause 1.8 with an updated clause for the Education contribution of £722,363 being required to be made in three equal, staged payments following first occupation of the development.
  - Removing Schedule 1 part 4 and replacing with updated clauses about how the Management Company would be set up and maintained.

**3.0 Background**

- 3.1 The principle of the development has already been established by the previous resolution. Consequently, this report does not provide an opportunity to revisit that issue. This item relates solely to the proposed amendment to the requirements of the Section 106 Agreement.

- 3.2 The application site extends to approximately 32.5 hectares of former agricultural land known as Basford West, located to the south and east of Crewe Road, and on the edge of the Crewe urban area.
- 3.3 The A500 is located along the southern boundary of the site and beyond the settlements of Shavington, Basford and Weston. The eastern site boundary extends up to the new spine road (Jack Mills Way) which has recently been constructed to serve Basford West from the A500. Land beyond the Jack Mills Way, and extending up to the West Coast Main Line, has planning approval (ref: 14/0378N) for employment development.
- 3.4 The site is bounded to the west by open countryside which will accommodate recreational open space. Further to the west of the site is an ecological mitigation area (associated with the development of the wider Basford West site) and residential development which fronts onto Crewe Road beyond.
- 3.5 The main part of the site has been cleared of hedgerows and trees. Road and drainage infrastructure serving the residential element of the scheme has been constructed by Goodman's, the developer of the wider site subject to 13/0336N.
- 3.6 Members may recall that in September 2015 Strategic Planning Board resolved to approve Reserved Matters (application No: (15/2943N) pursuant to outline planning permission 13/0336N for the residential element of the development.
- 3.7 The outline planning permission (13/0336N) was subject to completion of Section 106 Agreement making a number of provisions. These included a financial contribution of £722,363 to meet the need for increased school places arising from a development of 370 dwellings and for the establishment of a management company to maintain the public open space on site.
- 3.8 As a result of the need to resolve legal and landownership issues within the wider site which is subject to outline approval 13/0339N, the developer has requested that the S106 agreement be amended to allow the education contribution of £722,363 to be made in staged payments during the course of the residential development. The Council's Education Officer has advised that to accord with Council's programme in meeting future demand for school places for both primary and secondary pupils, the following amended payment schedule is necessary;
- Within 1 Year of first occupation - £240,787
  - By Year 4 following first occupation - £240,787
  - By Year 7 following first occupation - £240,787

- 3.9 The developer has confirmed its agreement to this payment schedule and for the Section 106 Agreement to be varied on this basis.
- 3.10 The Section 106, Schedule 1, part 4 requires buyers of dwellings to become members of the management company. This is not ideal, as developers usual approach is that they establish an embedded management company i.e.: the managing agent is responsible rather than residents as the Section 106 requires.
- 3.11 An embedded management company (managing agent) reduces risks in relation to the open space, in such that there is a company established to look after the open space, rather than the developer having to hand over to residents. Importantly it also reduces the risk of the site running into disrepair as the residents could lose interest, which in turn could impact on the liquidity of the management company in the long term.
- 3.12 In effect via an embedded Management Company the residents are obliged to pay the Management Charge, but the responsibility lies with the Managing Agent.
- 3.13 The developer is therefore seeking to amend the Section 106 Agreement in this regard, removing Schedule 1 Part 4, and replacing with an updated section about how the Management Company would be set up and maintained. This approach is similar to that recently agreed on other residential sites.

#### **4 Conclusion**

- 4.1 The Council's Education Officer has considered the request for staging the Education contribution and has raised no objection subject to the payment schedule being secured by S106 Agreement as set out.
- 4.2 The provision of an embedded management company is considered to be an entirely satisfactory means of securing the long term management and maintenance of on-site, open space.
- 4.3 On the basis of the above, the proposed amendments to the wording of the resolution are considered to be acceptable.

#### **5 Recommendation**

- 5.1 That the Board resolve to amend the Section 106 Agreement by;
- Removing and replacing Schedule 1 clause 1.8 with an updated clause requiring the education contribution ( £722,363) to be made in three equal, staged payments following first occupation of the development
  - Removing Schedule 1, Part 4 and replacing with updated

clauses about how the Management Company would be set up and maintained.

**6 Financial Implications**

- 6.1 There are no financial implications.

**7 Legal Implications**

- 7.1 The Borough Solicitor has been consulted on the proposals and raised no objections.

**8 Risk Assessment**

- 8.1 There are no risks associated with this decision.

**9 Reasons for Recommendation**

- 9.1 To ensure that a financial contribution to meet demand for school places arising from the development is satisfactory and reasonably secured with regard to the future delivery of dwellings within the site.
- 9.2 To ensure that the open space on site is adequately provided and maintained in perpetuity and to enable the development works to be completed in a timely fashion to assist in delivering the 5 year housing land supply for the Borough.

**For further information:**

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**Background Documents:**

*- Applications 13/0339N & 15/2943N*