

Public Document Pack



Strategic Planning Board

Agenda

Date: Wednesday, 27th July, 2016
Time: 10.30 am
Venue: The Assembly Room - Town Hall, Macclesfield SK10 1EA

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.

4. **Public Speaking**

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

A total period of 5 minutes is allocated for each of the planning applications for 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. **Minutes of the Previous Meeting** (Pages 5 - 36)

To consider the above application.

6. **15/5222C-Demolition of all buildings & erection of 407 dwellings with associated parking, laying out of new grass pitches, two artificial grass pitches with associated floodlighting and fencing, new changing rooms and ancillary parking and new accesses onto Hassall Road and Dunnocksfold Road, Former Manchester Metropolitan University Alsager Campus, Hassall Road, Alsager, Cheshire for Barratt/David Wilson Homes** (Pages 37 - 68)

To consider the above application.

7. **WITHDRAWN BY OFFICERS-15/5676M-Outline planning application with all matters reserved except for access for the demolition of existing buildings and the erection of three units with mezzanine floors for Class A1 retail use (c12,000 square metres GIA) plus external sales area; one food retail unit (Class A1) including mezzanine (c1,200 square metres GIA); two units for Class A1/A3/A5 uses (c450 square metres GIA); and works to create new access from The Silk Road, pedestrian/cycle bridge, car parking, servicing facilities and associated works, Barracks Mill, Black Lane, Macclesfield for Cedar Invest Limited** (Pages 69 - 96)

To consider the above application.

8. **16/1353M-Delivery of watersports and outdoor activity centre on the North and South Lakes of the former Mere Farm Quarry, including new vehicular access, car parking and multi use building, Former Mere Farm Quarry, Chelford Road/Alderley Road, Nether Alderley for Cheshire Lakes CIC** (Pages 97 - 124)

To consider the above application.

9. **15/4286M-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, Kings School Pavilion, Alderley Road, Prestbury for The Foundation of Sir John Percyvale (Pages 125 - 190)**

To consider the above application.

10. **15/4287M-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, The Kings School, Fence Avenue, Macclesfield for The Foundation of Sir John Percyvale (Pages 191 - 252)**

To consider the above application.

11. **15/4285M-Demolition of existing buildings and structures, residential development up to 150 units, landscaping, supporting infrastructure and access, The Kings School, Westminster Road, Macclesfield for The Foundation of Sir Percyvale (Pages 253 - 300)**

To consider the above application.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 13th July, 2016 at The Capesthorne Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

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

Councillors E Brooks (Substitute), B Burkhill, L Durham, S Edgar (Substitute),
T Fox (Substitute), D Hough, J Jackson, J Rhodes (Substitute) and J Wray

OFFICERS IN ATTENDANCE

Mr D Evans (Principal Planning Officer), Mrs N Folan (Planning Solicitor), Mr K Foster (Principal Planning Officer), Mr S Hannaby (Director of Planning & Sustainable Development), Mr P Hurdus (Highways Development Manager) and Mr D Malcolm (Head of Planning (Regulation)).

18 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D Brown, H Gaddum, S McGrory, D Newton, and S Pochin.

19 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interests of openness in respect of application 16/0856N, Councillor J Hammond declared that he was a Director of ANSA Environmental Services Limited who had been a consultee, however he had not made any comments on the application nor taken part in any discussions.

In the interests of openness in respect of application 16/2314M, Councillor E Brooks and T Fox declared that they had attended a meeting in respect of the site but had not pre determined the application.

20 MINUTES OF THE PREVIOUS MEETING

RESOLVED

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

21 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

22 16/2314M-OUTLINE PLANNING PERMISSION IS SOUGHT FOR A NEW OFFICE DEVELOPMENT (USE CLASS B1) AND ASSOCIATED CAR PARKING, ACCESS IMPROVEMENTS FOR VEHICLES AND CREATION OF NEW PEDESTRIAN AND CYCLE ROUTES TO THE SITE AND ENHANCEMENT OF EXISTING AND PROVISION OF NEW LANDSCAPING, LAND EAST OF ROYAL LONDON HOUSE, ALDERLEY ROAD, WILMSLOW FOR PAG AND RLMIS

Consideration was given to the above application.

(Councillor R Menlove, the Ward Councillor, Town Councillor Christopher Dodson, representing Wilmslow Town Council, Stuart Kinsey, representing Friends of Wilmslow and Gary Halman, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report the application be referred to the Secretary of State for approval subject to the following conditions:-

1. Development in accord with approved plans
2. Submission of reserved matters
3. Tree retention/retention/protection
4. Submission of construction and environmental management plan
5. Tree retention
6. Landscaping (implementation)
7. Access available for use before occupation
8. Limitation on use
9. Refuse storage facilities to be approved
10. Standard contaminated land
11. Importation of soil
12. Unexpected contamination
13. 12 months to submit reserved matters
14. Levels
15. Submission of materials
16. Travel Plan
17. Landscape & Habitat Management Plan
18. Updated ecological mitigation strategy
19. Drainage
20. Cycle Parking
21. Electrical Vehicle Charging Points
22. Separate drainage systems
23. Management beyond site edged red
24. Submission, approval and implementation of location, height, design, and luminance of any proposed lighting
25. The agreed landscape scheme should be implemented within the first planting season after commencement of development.
26. Implementation of Alderley Road widening prior to first occupation of the new building
27. Details and implementation of cycle way and footpath

- 28. Restriction of floorspace to 17,000 square metres
- 29. Updated badger survey as part of reserved matters application

It was also agreed that an informative be attached to the decision notice stating that the Board had approved the application on the basis that the facilities would be occupied by Royal London. In addition the informative was to include further investigation with Highways should be undertaken regarding the free flow left hand lane at the A34 roundabout.

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

(The meeting adjourned for a short break).

23 16/0856N-OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT FOR UP TO 104 DWELLINGS (USE CLASS C3) AND LAND FOR EXPANSION OF BRINE LEAS SCHOOL (USE CLASS D1) (RE-SUBMISSION OF 15/3868N), LAND TO THE WEST OF AUDLEM ROAD, NANTWICH FOR WAINHOMES (NORTH WEST) LTD

Consideration was given to the above report.

(Councillor P Groves, the Ward Councillor, Mr Staley, an objector , Mr P Cullen, representing Protect Stapeley and Mr Ben Pycroft, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reasons:-

In the opinion of the Local Planning Authority, the proposed development would be unable to provide a safe and suitable access to and from the A529. This would result in a 'severe' and unacceptable impact in terms of road safety and would significantly and demonstrably outweigh the benefits of the scheme, notwithstanding the shortfall in housing land supply. The development is therefore contrary to Policy BE.3 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and paragraph 32 of the National Planning Policy Framework, which states that decisions should take account of whether safe and suitable access to the site can be achieved for all people, respectively.

(This decision was contrary to the Officer's recommendation of approval).

Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any Section 106 Agreement:

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:

- The numbers, type, tenure and location on the site of the affordable housing provision
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

2. Provision of Public Open Space and a LEAP to be maintained by a private management company

3. SEN Contribution of £45,500

4. Secondary School Education Contribution of £261,483.04

5. The transfer of the land shown on the submitted plans for school use prior to the commencement of development

6. PROW contribution of £30,000

(Councillor B Burkhill requested that his decision to vote against the motion to refuse the application be recorded).

The meeting commenced at 10.30 am and concluded at 1.00 pm

Councillor H Davenport (Chairman)

Application No: 15/5222C

Location: Former Manchester Metropolitan University Alsager Campus, Hassall Road, Alsager, Cheshire, ST7 2HL

Proposal: Demolition of all buildings & erection of 407 dwellings with associated parking, laying out of new grass pitches, two artificial grass pitches with associated floodlighting and fencing, new changing rooms and ancillary parking and new accesses onto Hassall Road and Dunnocksfold Road

Applicant: Barratt/David Wilson Homes

Expiry Date: 19-Feb-2016

SUMMARY

The replacement sports facilities to be provided by the development do come at a significant cost. The applicant has submitted a viability report to show what the development can afford in terms of the necessary sports provision and planning obligations. Officers have had the viability report independently appraised by an external consultant. The conclusions from that appraisal are that the development, as proposed, cannot support any new affordable homes or further planning obligations than are already allowed for in the appraisal. The appraisal currently includes £4,822,082 for providing sports facilities on site, a contribution towards the cost of improvements to the local leisure centre as well as a Highway contribution and the provision of open space upgrades and play equipment. The site is a brownfield site and also has significant site specific abnormal costs of £10,083,000, of which £3,100,813 relates to demolition and site remediation and £4,955,500 for abnormal foundations and drainage.

The proposal is considered to be acceptable in principle; however, as noted above the development does require compromises to be made in certain policy areas.

The benefits in this case are:

- The proposal would provide almost £5m of brand new dedicated sports facilities, creating indoor and outdoor sports hubs at Alsager Leisure Centre and at the former MMU site respectively, with changing facilities, for local community use. The scheme has been formulated in consultation with local sports clubs, national sports governing bodies and Sport England, and therefore meets the needs of the local community.
- The proposal would help in the Councils delivery of 5 year housing land supply, which cannot currently be identified.
- The development would provide contributions towards enhancements to existing public open space facilities on Hassall Road for proposed and existing residents.
- The development would make effective use of a previously developed site.
- The development would improve the appearance of the site which has been vacant for many years, and has fallen into disrepair.

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

- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions.
- There is not considered to be any significant drainage implications raised by this development.
- The impact upon trees is considered to be neutral.
- The impact upon residential amenity, noise, air quality and contaminated land could be mitigated through the imposition of planning conditions.
- Highway impact would be broadly neutral due to the scale of the development and the existing lawful use of the site.

The adverse impacts of the development would be:

- There would be an adverse impact upon education infrastructure as necessary financial contributions cannot be made to accommodate pupils generated by the development.
- The 36 affordable dwellings required by this proposal (taking into account vacant building credit) will not be provided.

In order to be deliverable, the proposal relies on a reduction in its policy compliant affordable housing provision of 8.8%, which is a level reduction that has been applied to many schemes across the Borough when viability is an issue. It has been clearly demonstrated in this case that the viability of the scheme is such that the necessary affordable housing cannot be provided. Furthermore, whilst the debate about the level of education contributions is continuing, at the time of writing it does appear that the contributions requested by the education department are required. The inability of the development to provide this does weigh heavily against it. However, other than the significant contribution to housing land supply, the major benefit in this case is the provision of an outdoor sports hub for the local community. This cannot be underestimated and is a benefit that is unlikely to be provided on any other site in the Borough. The site will be a dedicated sports hub, with ongoing management and maintenance, which will be a unique benefit to the local community and the Borough as whole. For these reasons, it is considered that the provision of the sports facilities is of overriding public interest.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits.

SUMMARY RECOMMENDATION

Approve subject to conditions and a s106 agreement

PROPOSAL

The application seeks full planning permission for the demolition of all buildings & erection of 407 dwellings with associated parking, the laying out of new grass sports pitches, two artificial grass pitches with associated floodlighting and fencing, new changing rooms and ancillary parking and new accesses onto Hassall Road and Dunnocksfold Road.

SITE DESCRIPTION

The application site comprises buildings, car parking and sports pitches associated with the former use of the site by Manchester Metropolitan University (MMU). The site is located within the Settlement Zone for Alsager and is allocated for mixed use development in the Congleton Borough Local Plan. A blanket tree preservation order covers the site.

RELEVANT HISTORY

10/3831M - Demolition of Existing Buildings, Site Clearance & Redevelopment of The Application Site For a Mixed-Use Development To Include Housing, Employment (B1) Small Scale Neighbourhood Retail, Community Uses & Formal & Informal Open Space – Not determined

There have also been a number of applications relating to the previous educational and sports uses of the site. None are particularly relevant to the current proposal.

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14 Presumption in favour of sustainable development.

50 Wide choice of quality homes

56-68 Requiring good design

69-78 Promoting healthy communities

Congleton Borough Local Plan

DP3 (Mixed Use Sites)

DP3A (Alsager Campus)

DP7 (Development Requirements)

DP8 (Supplementary Planning Guidance)

DP9 (Requirement for Transport Assessment)

GR1 (New Development)

GR2 (Design)

GR3 (Residential Development)

GR4 (Landscaping)

GR5 (Landscaping)

GR6 (Amenity and Health)

GR7 (Amenity and Health)

GR8 (Amenity and Health - pollution impact)

GR9 (Accessibility, servicing and provision of parking)

GR10 (Accessibility for proposals with significant travel needs)

GR11 (Development involving new roads and other transportation projects)

GR14 (Cycling Measures)

GR15 (Pedestrian Measures)

GR17 (Car parking)

GR18 (Traffic Generation)

GR19 (Infrastructure provision)
GR20 (Utilities infrastructure provision)
GR21 (Flood Prevention)
GR 22 (Open Space Provision)
NR1 (Trees and Woodland)
NR2 (Statutory Sites)
NR3 (Habitats)
NR4 (Non-statutory sites)
NR5 (Creation of habitats)
H1 (Provision of new housing development)
H13 (Affordable Housing and Low Cost Housing)
RC1 (New Recreation and Community Facilities)
RC10 (Outdoor Formal Recreational and Amenity Open Space Facilities)

Cheshire East Local Plan Strategy – Proposed Changes Version (CELP)

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
EG1 Economic Prosperity
SC1 Leisure and Recreation
SC2 Outdoor sports facilities
SC3 Health and Well-being
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
CO2 Enabling business growth through transport infrastructure
CO4 Travel plans and transport assessments
Strategic Site CS13 – Former Manchester Metropolitan University Campus

Other Material Considerations

National Planning Policy Framework (The Framework)
National Planning Practice Guidance (NPPG)

Supplementary Planning Document 16: Manchester Metropolitan University, Alsager Campus Development Brief (2008)

Public Open Space Provision for New Residential Development (SPG)

Interim Planning Statement: Affordable Housing

Strategic Housing Market Assessment (SHMA)

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994

CONSULTATIONS (External to Planning)

United Utilities – No objections subject to conditions relating to foul and surface water drainage.

Natural England – No objection

Sport England - Holding objection further information is required to assess the application.

Newcastle-under-Lyme Borough Council – No objection

Environment Agency – No objections

Public Rights of Way – No objections, improvements for pedestrians should be provided

Strategic Housing – Object on grounds of lack of affordable housing. If viability assessment is independently verified and it be proven that there is no ability for the site to deliver affordable housing then objection is withdrawn.

Strategic Infrastructure Manager – No objections subject to a condition requiring a footway along the northern boundary of the site on Dunnocksfold Road that links to Hassall Road, and a contribution of £70,000 towards a formal pedestrian crossing on Hassall Road.

Environmental Protection – No objections subject to conditions relating to contaminated land, noise mitigation, environmental management plan, hours of use of sports pitches, lighting details, a low emission strategy, travel plan, dust control, and electric vehicle infrastructure.

Flood Risk Manager – No objections subject to conditions relating to drainage

ANSA – Comments not received at time of report preparation

Corporate Commissioning Manager (Leisure) – Supports the application subject to acceptable replacement sports provision (indoor and outdoor) and adequate management and maintenance arrangements.

Education – No objections subject to financial contributions towards primary and secondary provision.

VIEWS OF THE PARISH / TOWN COUNCIL

Alsager Town Council - Welcomes the development on the former site of Manchester Metropolitan University now a brown field site and a major development site in Alsager. They have the following comments, concerns and requests for provision.

- Additional dwellings above local plan allocation adds to the cumulative effect of over capacity on the existing highway network.
- Requests the provision of an element of affordable housing on this site.
- Should be broader sports provision to include rugby pitch and athletes track.
- Design and use of floodlighting should seek to minimise nuisance to local residents.
- Proposed changing accommodation and associated parking provision is inadequate.
- Request provision of additional footpath to Dunnocksfold Road to the frontage of both the sports pitches and new residential properties.
- Supports the protection of the existing sports provision off Dunnocksfold Road as given “protected status” in the local plan and requests mitigation measures in the loss of amenity value to existing residents on Sunnyside.
- Concerns are raised regarding the capacity of local schools.
- Request additional contributions for the improvement of existing footpaths in Alsager including the provision and upgrading of cycle ways on the network.
- Scheme should be in compliance with adopted design and parking standards.
- Request a construction management plan for the development due to its size and duration of construction (8years) in the interest of public safety and minimization of nuisance to the local community.
- Impact of the phased development on the existing sewerage network.
- Request a wildlife management plan during the development of the site.
- Request postal facilities on the site and all dwellings to be provided with charging points for electric vehicles

OTHER REPRESENTATIONS

27 letters of representation were received during the original consultation period objecting to the proposal on the following grounds:

- Impact on schools, medical services, etc.
- Increased traffic – local roads cannot cope
- Trees along Hassall Road should remain
- Asbestos must be removed safely
- Only brownfield footprint of site should be developed
- Loss of Gymnasium, Sports Hall, Dance Studio and pool
- Field off Dunnocksfold Road(Daisybank) is protected in Cheshire East Local Plan
- No safety audit carried out for the Dunnocksfold site, or others
- Traffic survey was not done for any of the Hassall road sites.
- No bungalows / provision for elderly/disabled
- Impact on Alsager as a service centre from all the new housing – increased numbers not supported by services
- Access too close to another junction on Hassall Road
- Air pollution
- Fails to provide a mixed use
- More houses proposed than are allocated in local plan.
- Sports provision is the minimum required

- Service road to Daisybank sports pitches should not be used as a thoroughfare
- Retention strip to rear of property on Sunnyside
- Loss of sunlight / overshadowing / loss of outlook
- Loss of privacy
- Not very much informal play space
- Roads cannot cope with more than 150 dwellings on MMU site (as stated by Congleton Local Plan Inspector)
- Impact on wildlife
- What measures will be put in place to prevent balls damaging adjacent properties?
- Car parking appears to be inadequate
- Existing boundary to Dunnocksfold Road is a pleasant natural boundary.
- Dunnocksfold Road access is dangerous
- Not clear whether access road to manor farm will be blocked up.
- Landscape impact
- Sustainable travel needs to be enhanced
- More community consultation should be carried out.
- No clear programme for the delivery of the Sports Hub within the overall phasing plan
- Changing facilities are inadequate for the number of pitches and teams using them at peak times
- No provision within the club house design for secure kit storage which is badly needed
- Strongly object to the SNA's assertion that Alsager only needs one hockey pitch

Following the receipt of revised plans, further consultation has been undertaken. 17 letters have been received raising the following additional points:

- Ideal site for a technical college
- Light spillage onto neighbouring properties
- S106 obligations only providing sports facilities
- Hedgerows should be retained
- No affordable housing being provided
- There should be no parking on access road to Manor Farm & Cottages
- Too many houses being built in Alsager
- Residents of Sunnyside enjoy prescriptive right of way to and from Sunnyside onto Manor Farm (the road)
- Is Sunnyside acceptable as an access road (refuse vehicles etc.) due to Manor Farm (the road) being blocked up?
- Visual impact of acoustic fence
- Inadequate fencing close to hockey pitch and youth pitch
- Number of car journeys suggested by applicant is disputed

Two letters makes general observations in favour of the proposal, querying:

- Impact on house values
- Deed states land is for educational purposes only
- Consultation with local community should have been better

One letter supports the proposal noting that the sport facilities will be great for the town.

APPRAISAL

The key issues to be considered in the determination of the application will be:

- Whether the development of the sports pitches is acceptable
- The impact upon the character and appearance of the area
- The impact on residential amenity
- The impact upon highway safety
- The impact upon nature conservation interests

Housing Land Supply

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), 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, and the public consultation expired on 15 April 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 14,617, 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.

National Planning Policy Guidance (NPPG) 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.

Further to this, the NPPF clearly states at paragraph 49 that:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- *specific policies in the Framework indicate development should be restricted.”*

Therefore, the key question is whether there are any significant adverse impacts arising from the proposal that would weigh against the presumption in favour of sustainable development, or whether specific policies in the Framework indicate the development should be restricted.

Principle of development

Policy DP3A of the Congleton Borough Local Plan First Review 2005 allocates the entire site for a mixed use development. The policy lists a number of criteria including limiting new built development to the footprint of the existing built development; the retention of the existing indoor and outdoor sports facilities and allowing for the residential use of the site (not exceeding 150 dwellings in the plan period).

A supplementary planning document (SPD) also applies to the site, *Supplementary Planning Document 16: Manchester Metropolitan University, Alsager Campus Development Brief* (October 2008). The SPD provides for 150 dwellings to be provided on the site up to 2011 (the plan period). Beyond 2011 there is scope for additional housing development up to a total of 300 dwellings for the site for the period 2009-2014. The residential development should consist of a range of housing types including an element of affordable housing. Other potential uses highlighted in the SPD for the mixed use of the site include employment, small scale retail and leisure, medical uses, extra care housing and formal and informal public open space.

The site is also allocated as Strategic Site CS13: Former Manchester Metropolitan University Campus, Alsager, within the Cheshire East Local Plan Strategy – Proposed Changes. This policy states the development of the Former Manchester Metropolitan University Campus over the Local Plan Strategy period will be achieved through:

1. The delivery 400 new homes (at approximately 30 dwellings per hectare);
2. Creation of a wider sports and leisure hub, linked to the adjacent Cheshire East Council leisure centre facilities;
3. Development of this site could also include:
 - i. An extra care development providing housing for the older population;
 - ii. Appropriate retail provision to meet local needs;
 - iii. Community facility / place of worship;
 - iv. Public house / take away / restaurant;
 - v. Commercial sport and health related facilities, potentially including small scale sports science and sports therapy related development;

4. The incorporation of Green Infrastructure and creation of strong boundaries around the site; and
5. Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities.

The policy includes the following site specific principles of development:

- a. Contributions to improvements to the town centre street scene.
- b. Retention of existing hedges and trees, particularly those shielding the sports pitches at the junction of Hassall Road and Dunnocksfold Road.
- c. Contributions towards or delivery of improvements to B5077 Crewe Road / Hassall Road junctions, and B5078 Sandbach Road North Junction Improvements, Hassall Road / Church Road / Dunnocksfoield Road Junctions Improvements.
- d. Contributions to education and health infrastructure.
- e. Recording of the surviving WWII buildings on site and the archaeological investigation of the former site of Daisybank Farm.
- f. Affordable housing in line with the policy requirements
- g. The retention and/or replacement of the indoor and outdoor sports facilities should be in accordance with the findings of an adopted, up to date and robust needs assessment.
- h. No adverse impact on the Midland Meres and Mosses Phase 2 Ramsar and Oakhanger Moss SSSI.
- i. A proposal needs to be put forward and agreed with Sport England that replaces the playing fields to an equivalent or better quantity and quality in a suitable location.
- j. A minimum of a Phase 1 Preliminary Risk Assessment for contaminated land should be carried out.
- k. The protected trees shall be retained and incorporated into any development.

Paragraph 111 of the Framework states that planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed. Each of the policy documents referred to above reflects this approach and confirms the acceptability of the redevelopment of the application site.

Each of the policy documents refers to a mix of uses, and all refer to residential uses and the provision of sports facilities. The Congleton Local Plan (policy DP3A) does not specify an appropriate mix of uses on the site; it simply lists those uses that would be considered appropriate. In this policy, the residential element should not exceed 150 dwellings during the plan period. The plan period ran until June 2011, we are now well past this date and therefore the policy is not considered to be up to date.

The SPD for site also does not specify an acceptable mix of uses, but does acknowledge that the site clearly has capacity for additional housing development whilst still providing a mixed use development. This Development Brief, therefore, provides for 150 dwellings to be provided on the site up to 2011. Beyond 2011 there is scope for additional housing development up to a total of 300 dwellings for the site for the period 2009-2014. We are now well past the dates referred to in the SPD, and this policy is also out of date as a housing land supply policy.

In terms of the site's allocation in the emerging local plan, and the site specific principles of development for the site, it is considered that this can be given only limited weight having

regard to the stage of the local plan process. A number of letters of representation have referred to the southern end of the site being allocated as protected open space in the emerging local plan. This is acknowledged, and the majority of the southern end of the site is retained for the sports facilities, and as such would be protected open space. The southern end of the separate parcel of land (known as Daisybank) is not retained as open space. As an existing playing field, the loss of this area must be assessed against paragraph 74 of the Framework. This is considered further below.

Overall, as the development is comprising a mix of dwellings and sports facilities, there is not considered to be any significant conflict with any up to date policies in the local plan or the SPD relating to the principle of the development.

SOCIAL SUSTAINABILITY

Affordable Housing

The site falls within the Alsager sub area within the Strategic Housing Market Assessment Update 2013, which identified a need for 54 affordable homes per annum over the period 2013/14 – 2017/18. Broken down this requirement equates to 38x 2bd, 15x 3bd, 2x 4/5bd general needs units and 5x 1bd older persons accommodation.

In addition, information from Cheshire Homechoice, identified 169 live applicants who have selected one of the Alsager lettings areas as their first choice. The breakdown of the size of housing needed for these applicants are 56 x 1 bed, 63 x 2 bed, 38 x 3 bed and 10 x 4 bed.

The Interim Planning Statement on Affordable Housing (IPS) and Policy SC5 in the Local Plan Strategy Proposed Changes Version outline that in this location the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all sites of 15 dwellings or more or than 0.4 hectare in size.

The IPS also states the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment.

However, the NPPG also provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.

In this case, the floorspace of the existing buildings is 30,147sqm and the proposed floorspace is 42,651sqm, an increase of 12,503sqm or 29.3% of the total proposed floorspace. To put that as numbers of dwellings - 29.3% of 407 dwellings is 119 dwellings. Therefore, the affordable housing contribution can therefore only be sought from 119 dwellings. 30% of 119 is 36 dwellings, which would be the requirement for this site. This equates to 8.8% of the total number of dwellings.

This application is for full planning permission for a development including 407 dwellings. There is therefore an affordable requirement, albeit much lower than the normal 30%, at 8.8%. However, in this case no affordable housing is provided as part of the proposal for viability reasons, which is explained further below.

Sports Provision

Prior to its closure, the former MMU site offered the following sports facilities:

- 6 senior grass football pitches (one floodlit for training purposes)
- 2 senior grass rugby pitches
- 1 full-size floodlit sand based Artificial Grass Pitch (AGP)
- Cricket square
- 8 tarmacadam tennis courts (5 netball courts)
- 4-court sports hall, plus 2 x performance studios, 18 station fitness suite, gym and ancillary provision
- Swimming pool

Paragraph 74 of the Framework sets out the policy approach for building on existing open space and sports pitches / facilities. It states:

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

In terms of identifying needs, paragraph 73 states:

Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.

The land is not a protected area of open space within the Congleton Borough Local Plan; therefore there are no local plan policies relevant to the loss of open space in addition to the paragraphs from the Framework above. Policy RC1 provides general requirements for new recreation and community facilities, and policy RC10 provides general requirements for outdoor playing facilities.

A Sports Needs Assessment (SNA) has been submitted by the applicants which outlines the current demand and summarises the adequacy of supply to meet demand, providing an overview of the facilities required. The assessment was completed in consultation with Council officers (leisure and planning), Sport England, National Governing Bodies of Sport (NGBs) and local sports clubs.

Indoor Sports Provision

The indoor facilities at MMU are now closed. The swimming pool closed in 2010 and the sports hall in 2012. Both facilities were provided as a facility for MMU students. MMU sports provision, as well as the students, has now moved from Alsager to Crewe as part of their rationalisation programme. In 2010 a new 8-court sports hall, 50 station fitness suite and three quarter size 3G artificial grass pitch (AGP) was developed at the Crewe campus, alongside new exercise and sports science provision. The Council has of course also developed a new 8-lane swimming pool, with 17m training pool in Crewe, at the Lifestyle Centre. All these developments will have significant and positive community sporting impact and help to offset the losses at Alsager.

The submitted Sports Needs Assessment (SNA) notes that when utilising the Sport England Sports Facility Calculator (SFC) there is evidence of need for 2.39 lanes of a pool in Alsager, rising to 2.88 when the implication of various population growth scenarios are built in. The Alsager Leisure Centre site is currently a 5-lane pool, which would therefore meet swimming pool needs. In terms of the standard in the CEC Local Infrastructure Plan of providing 13sqm of water per thousand population, this would equate to a need for 191.49sqm for the future population of Alsager. The Alsager Leisure Centre (ALC) pool provides significantly more water space than this.

In terms of the MMU sports hall, there is also over provision of sports halls in the Alsager and wider catchment area. The Sport England Sports Facility Calculator for the current Alsager population suggests the need for 3.28 courts, rising to 3.95 when the implication of population growth is built in. The Alsager Leisure Centre site is currently a 6 court sports hall which would therefore meet sports hall needs. There is therefore no need for two large sports halls, 10-courts in total (6 at ALC and 4 at MMU), in such close proximity to meet current and future sports hall needs in Alsager.

There is however scope to increase general health and fitness provision for the town based on the supply and demand analysis in the SNA, particularly owing to the loss of the health suite at MMU and the flexible studio spaces. It would appear sensible for this to form part of any redevelopment of ALC, to develop an indoor hub and help lift the quality of ALC. The replacement of a facility at this site would address the shortfall left by the loss of MMU (20 fitness stations) and studio space and would also increase the quality and attractiveness at ALC and limit the reliance on commercial centres to fulfil a community function.

Overall, Alsager does not need the duplication of indoor provision at both ALC and MMU, therefore the indoor provision at MMU is surplus to requirements in line with paragraph 74 of the Framework and does not need to be protected or re-provided, other than the fitness suite and studio space.

A financial contribution has therefore been agreed for the additional health and fitness stations and studio space to be provided at ALC. These works have been costed by the applicant and by the Council. Sport England are also currently independently costing these works, and the final figure will be secured within the s106 agreement. The final cost will be reported as an update and will be an accurate reflection of the amount required to cover the necessary works.

Outdoor Sports Provision

MMU Football, rugby and hockey teams have historically been based at the MMU site in Alsager. Reflecting the move of the university to Crewe, these teams have all relocated from this site, and the playing fields in Alsager are no longer required for university sport. University teams have been relocated as follows:

- Hockey – now play at the Crewe Vagrants Hockey Club. University teams play at the site outside of peak hockey times and there is no impact on the overall capacity of the facility.
- Rugby – the rugby teams have also relocated to the Crewe Vagrants site linking with Crewe and Nantwich RUFC. There are no residual rugby requirements in Alsager for the university.
- Football – the MMU football teams have moved to Sandbach United FC and have developed a partnership with the club. The university teams use facilities outside of peak time hours and therefore do not impact upon the ability of community teams to use facilities during peak hours although they do add weekly wear and tear. The university are also using in the Cumberland Arena in Crewe.

All university teams have therefore been successfully relocated through a combination of upgrades and new facility provision and there are no further requirements for university related teams to access outdoor sports facilities in Alsager. The remaining demand for sports facilities in Alsager is therefore from the community.

COMMUNITY FOOTBALL

The Council's own data collated as part of the preparation for its Playing Pitch Strategy (PPS) indicates that:

- There are a total of 30 teams based in the town
- There are six adult teams. Five of these currently require pitches in Alsager – this equates to 2.5 match equivalents per week. The remaining team (Scholar Green FC) travel outside to Clough Hall in Stoke.
- There are 10 youth teams (aged U13 – U16) based in Alsager and demand therefore equates to 5 match equivalents per week. Of these, 6 (3 match equivalents) currently travel outside of the town to play. Most of these teams are based at AFC Alsager and they travel outside the town due to a perceived lack of appropriate facilities within Alsager.
- There are 6 teams playing 9v9 football, all within the South Cheshire Youth League – three of these currently travel outside of the town to play. Demand therefore equates to a total of 3 match equivalents (1.5 of which are currently accommodated within the town)
- There are 5 teams playing 7v7 (2.5 match equivalents) and 3 playing 5v5 football (1.5 match equivalents). All of these teams play in the Crewe Alex Soccer Centre League which is a central venue league. These teams therefore travel outside of the town to play.

There are 18 football pitches in total in Alsager. Three of these pitches are currently situated at the MMU site and there is scope to mark out more pitches. Nine of the pitches are located at school sites and all but two are available to the community. With the exception of pitches at Alsager Academy (two), all others are at primary schools and are therefore 7v7 or 5v5 pitches.

The Sports Needs Assessment identifies that to meet current and future demand for competitive fixtures only, the following pitches are required at the MMU site as a minimum:

- **1 senior football pitch**
Meet demand for 1 current match equivalent (Sat PM / Sun AM) and meet additional demand generated from population growth 1 match equivalent
- **2 youth football pitches**
Linking with 3G Artificial Grass Pitch, which will also function as youth pitch
Meet current demand for 3.5 match equivalents per week (all at peak time, but matches played consecutively).
Linking with 3G, meet demand for additional 1.5 match equivalent arising from population growth
Capacity for additional 1 match equivalents from further club development (2 teams)
- **Two 9 v 9 pitches**
Meet existing demand for 3 match equivalents per week
Meet future demand for additional 1 match equivalent per week (2 teams)
- **3G AGP**
Meet current / future demand for 1.5 match equivalents (junior)
Offer Spare capacity for at least 0.5 match equivalents at peak time (Sun AM)
Offer spare capacity for adult football (Sat PM)
Offer spare capacity for junior / 9v9 girls football – Sun PM
Capacity to accommodate club growth
Additional capacity not required to meet current or projected future demand, but to future proof the site in case of further club growth.
The site should be future proofed by ensuring that there is scope for the development of an additional 3G AGP in future years (by ensuring that one of the pitches provided has sufficient space at the perimeter to be replaced by an AGP, linking with FA policy to increase the proportion of junior / youth play that takes place on AGPs.

All the above pitches are provided as part of the proposals.

COMMUNITY CRICKET

Alsager Cricket Club is the only cricket club in the local area. They have their own cricket ground and have historically used overspill facilities at Alsager School and the MMU campus as well as their own site.

The SNA concludes that the projected population increase alone would create additional teams which would create the need for additional strips. No further teams can play on a Saturday within the current pitch infrastructure at Alsager CC. However until the point that additional teams are created, it is likely that any additional pitch required would be used irregularly as an overspill facility only. No facilities are therefore required as part of the current proposal.

COMMUNITY HOCKEY

Triton Hockey Club are one of the leading hockey clubs in Cheshire the Club currently runs 6 senior teams playing on a Saturday afternoon, 4 men's teams and 2 Ladies' teams. The Club has an under 13s Beavers mixed and an under 15s Badgers boys' team plus a girls' junior team. Senior training takes place at Alsager Leisure Centre. Previously senior training was

at the former MMU campus but was switched to Alsager Leisure Centre as access could not be guaranteed for the whole season by the MMU.

There are currently two sand based pitches in Alsager. One at ALC and one at MMU, although access to the current MMU pitch is restricted and there is very little if any use, as a consequence all hockey use is now focussed at the ALC pitch. Both pitches have been identified as not 'fit for purpose' for hockey. A key part of any SNA is meeting the needs of sport, through consultation with clubs and NGBs, in the case of hockey this has been with Triton Hockey and England Hockey respectively.

Based on the SNA it is largely accepted that hockey does not require two-sand based pitches going forward but one high quality, full-size, floodlit sand dressed pitch focussing on hockey use with access to changing and ancillary provision on the same site to encourage development and growth. This pitch is the preferred surface for competitive hockey and is also suitable for football training (England Hockey are happy to see this to help sustainability) so also delivers some flexibility. Neither the existing MMU site nor the ALC site in Alsager currently has the future potential to deliver this for hockey.

The needs assessment, supply and demand analysis and consultation with clubs demonstrates that there is also a strong requirement for 3G training facilities for football, as well as space to accommodate match play and that training needs place significant demand and wear and tear on the grass pitches. Based on the Playing Pitch Strategy analysis and the need to accommodate training and match play and in-line with FA policy, in addition there is a need for a full-size floodlit long pile (55-60mm) 3G surface for football. This is less flexible and is not suitable for hockey, the FA do not permit other uses than football on sanctioned match pitches.

The two AGPs match the current provision in Alsager however where there are currently two sand based pitches the future need is for one new 3G pitch and one 'fit for purpose' sand dressed pitch for hockey.

Through analysis and consultation with the Council, the Leisure Trust, clubs and NGBs there would appear to be general agreement in terms of the above scale of provision and the desire, particularly from the sports clubs is to have both new AGP pitches located on the MMU site to form a multi-sport hub and support club development and sustainability.

In this context the future of the school pitch will have to be considered moving forward but it is likely that this will be focussed on purely school / curriculum use. The Sports Needs Assessment states that the school want to have a 40mm pile 3G pitch for curriculum use, and that it is not the intention to open it up for community use. Indeed the surface is not supported either by England Hockey or the Football Association. Therefore it will have no real value in meeting the needs for these sports in the community and therefore the pitch has little or no impact in terms of supply and demand.

COMMUNITY RUGBY

Prior to vacating the Alsager site in 2010, the rugby pitches were used only for university rugby teams with no regular use by external clubs or other parties. Since moving to Crewe the University have entered into a partnership with Crewe and Nantwich Rugby Club based at

the Crewe Vagrants playing fields near Shavington. All of the university rugby provision has been based here since the 2012-13 academic year.

The University have also invested £75,000 in upgrading the pitch facilities at the club, this has included the installation of drainage and irrigation to the main playing areas to help support the greater number of games played on these pitches and improve the standards of the playing surfaces and ensure capacity was not impacted upon. The University also pay an annual maintenance fee to the club to support the additional upkeep of the pitches and supporting facilities (£1,500 per annum).

There is no pitch within Alsager (although there was formerly a pitch at Alsager School) and no evidence of unmet demand. Based upon demand within the Alsager area, there is no evidence of a requirement for the former pitches at the MMU site and on this basis the MMU pitches can be deemed surplus to requirements. The demand that was placed upon these pitches has now been added to the Crewe & Nantwich RUFC site (as MMU teams have transferred to play at this facility).

The SNA does demonstrate that at Crewe Vagrants, there is insufficient capacity to meet local need without the use of pitches at Malbank and Brine Leas, as well as the new pitch being provided at Reaseheath College. With these facilities there are however sufficient facilities for the club (Crewe & Nantwich RUFC). Added to this, improvement to the quality of pitches (to ensure that each pitch can sustain three games per week) would further add to the adequacy of provision and ensure that the current and future needs of the club can be met. As a result it is recommended that to compensate for the loss at MMU, funding is directed to Crewe Vagrants to ensure that both current and future needs can be met.

The RFU has identified a piece of machinery that would help to achieve the objective of increasing the capacity of the pitches at Crewe and Nantwich RUFC. The proportion of the MMU usage of the Crewe Vagrants site is 11.47%, and therefore the applicants have agreed to contribute this % of the total cost of the machinery required. This is a figure of £14,888 as being the sum required to enhance the (training and playing) capacity of the playing pitches at the Crewe Vagrants site. This will be secured as part of the s106 agreement.

Sports provision summary

The submitted sports needs assessment identifies those elements of the existing sports facilities at the MMU site that are surplus to requirements. Where there is a loss arising from the proposed development, the application proposals make provision for equivalent or better provision in terms of quantity or quality in a suitable location, either through the redevelopment of the site or financial contributions in lieu of on site provision. Accordingly, the proposal is considered to comply with paragraphs 73 and 74 of the Framework.

Management & Maintenance

A key part of the replacement sports facilities will be the requirement for ongoing management and maintenance of the site, to ensure that there is a sustainable facility that can benefit the local community for years to come. Indeed Sport England need to be satisfied that this can be provided before supporting the proposal, and withdrawing their holding objection. In this regard, it is proposed that ownership of the sports facilities is transferred to the Council, and Everybody Sport & Leisure has been asked to take on the day to day management of the facility. Everybody Sport & Leisure is considered to be the most

appropriate body to manage the site given their expertise and very local presence across the road at the Leisure Centre. Sport England require written confirmation from the Leisure Trust that they will take on the management, and written confirmation from the Council that it will take ownership of the site before removing their holding objection. Confirmation on these matters is awaited and will be reported as an update.

Open Space

Comments from ANSA are awaited and will be reported as an update.

Education

The development of 407 dwellings is expected to generate:

75 primary children (407×0.19) + 2 SEN

60 secondary children (408×0.15) + 1 SEN

5 SEN children ($407 \times 0.51 \times 0.023\%$)

The development is forecast to create a shortfall predicted for primary provision in the immediate locality. Negotiated contributions are factored into forecasts and an increase of capacity at a local primary school has been considered in the equations, however a shortfall still remains even when taking into account pupils resident in a different authority. The development is forecast to create a shortfall predicted for secondary provision in the immediate locality, either based on existing forecasts or as a result of pupils being pushed back to make way for pupils expected from the MMU development.

Special Education provision currently has an existing shortfall within the borough with over 47% of pupils currently being educated outside of Cheshire East. The Service acknowledges that this is an existing concern, however the 5 children expected from the Former MMU application will exacerbate the shortfall. The 3 SEN children who are thought to be of mainstream education age have been removed from the calculations above to avoid double counting. The remaining 2 SEN children are expected to be 1 EYFS child and 1 Sixth Form child. The Service does not claim for EYFS or Sixth Form at present therefore those children cannot be removed from the calculation above.

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

$75 \times £11,919 \times 0.91 = £813,471.75$ (primary)

$60 \times £17,959 \times 0.91 = £980,561.40$ (secondary)

$5 \times £50,000 \times 0.91 = £227,500$ (SEN)

Total education contribution: £2,021,533.15

Without a secured contribution of £2,021,533.15 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. Without the mitigation, 76 primary children, 60 secondary children and 5 SEN children would not have a school place in the locality.

The forecasts produced by the Education department provide a planning tool that helps them in its attempts to cope with the uncertainty around the future need for school places and taking into account approved new housing development, which may or may not yield pupils

during the forecasting period. These forecasts do include consideration of actual numbers on roll in October and admission patterns, which can change from year to year. The applicant disagrees with the conclusions of the education department due to the forecasts being based on figures that include out of County children. Due to the proximity of Alsager to the Stoke-on Trent and Staffordshire borders, there are many children attending the Alsager High School from these other authorities. The applicant maintains that an allowance should be made for these out of County children thereby reducing the number of school places required.

There is clear disagreement between the applicant and the education department on the correct approach to forecasting capacity in local schools. The applicant has submitted appeal decisions which they state supports their position, and where future pupil could be accommodated in other nearby schools rather than the school for which the contributions are being sought. At present it does appear that the pupils generated by the proposed development cannot be accommodated in local schools, and therefore it follows that contributions are required. But at the time of writing further information was still being submitted by the education department and further comments are expected from the applicant. This information will be reported as an update.

In any event, as is explained further below, for viability reasons no education contributions can be made.

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

New residential developments should generally achieve a distance of between 21m and 25m between principal windows and 13m to 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties.

The relationships of the proposed dwellings with existing properties all meet the distances above, or in some cases site circumstances (such as intervening vegetation) justify a marginally lesser distance. Within the site, there are some separation distances that fall marginally below the identified standards, as is the case with one or two of the approved Jones Homes plots to the west of the application site. However, any shortfall of distance standards is considered to be minimal and is not considered to have such a significantly adverse impact upon the living conditions of existing or future occupiers to justify a refusal of planning permission. The distances are also consistent with those approved on neighbouring sites. Overall, adequate standards of space, light and privacy will be provided. However, clarification is currently being sought from the applicant about the relationship with the Seddon Homes scheme to the north of the site and will be reported as an update.

Lighting

Some of the existing pitches to the south of the site are floodlit. The existing floodlighting comprises five masts of around 15m height orientated in a westerly direction.

The proposed hockey pitch and the 3G football pitch will be floodlit. The lighting equipment will be positioned on 15m high lighting masts. The total number of masts is twelve. The proposed hockey pitch and 3G football pitch share a long edge so the floodlighting masts are in three rows. Each mast has a minimum of two floodlights. However the central row of

masts between the two pitches has either four or five floodlights mounted on each mast. There will therefore be an increase in the amount of floodlighting compared to the existing situation.

The Institution of Lighting Professionals document *Guidance Notes for the Reduction of Obtrusive Light GN01:2011* notes that the given light intrusion levels for an area such as the application site are as follows:

- 5 lux (pre-curfew)
- 1 lux (post curfew)

A default curfew time of 2300 is suggested by GN01.

The Sport England Design Guidance Note *Artificial Sports Lighting (2012)* also refers to these standards.

In the case of the proposed application some properties with boundaries adjacent to Dunnocksfold Road will be most affected by the floodlights. However, given that the lights will not be operational post-curfew (after 2300hrs), the light spillage diagram indicates that whilst parts of the garden areas of these properties will exceed the 5 lux pre-curfew standard. The light levels at the buildings themselves will be below the 5 lux level. The impact of the lighting upon neighbouring properties is therefore considered to be acceptable.

Noise

An acoustic report has been submitted with the application to consider the potential for noise and disturbance. The difficulty with assessing and predicting potential noise impacts is the lack of adequate guidance for assessing such noise. In particular, the noise from shouting, whistles, balls hitting netting etc. There is also a potential for the use of the proposed car parking area to cause noise impact through vehicle arriving and leaving, doors slamming and people talking, etc.

All such noise sources are intrusive in character and without adequate mitigation likely to result in an unacceptable impact on health and quality of life. However, the acoustic report recommends mitigation in the form of acoustic fencing around the pitches to provide some protection to existing and new residents.

Even with the fencing in place, Environmental Health advises that allowing uncontrolled use of the facilities up to 22:00 would give rise to an unacceptable noise impact. However, the information submitted with the application notes that the peak use will be during the winter months (September to April) when people are less likely to have windows open, or be in garden areas enjoying external amenity.

As such, it is considered to be necessary to condition the hours that the pitches can be used, and it is proposed to have restrictions based on winter and summer hours. With the use of the pitches restricted to 21:00hrs in the winter and 20:00hrs in the summer. Additional conditions relating to the provision of the acoustic fencing and the submission of an Environmental Management Plan are also recommended.

Subject to the above, no significant amenity issues are raised, and the proposal is considered to comply with the requirements of policy GR6 of the local plan.

Air Quality

An Air Quality Impact Assessment (AQIA) has been submitted in support of the planning application. 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 report concludes that there will be a negligible increase in pollutant concentrations at all receptors modelled. Taking into account the uncertainties associated with air quality modelling, the impacts of the development could be significantly worse. As a result of a worsening of air quality, the report recommends the following mitigation measures be implemented:

- Minimise reliance upon motor vehicle use through a Framework Travel Plan
- Promote alternative transport options
- Implement a bus strategy to introduce new and enhanced services; and,
- Inclusion of pedestrian and cycle routes into the surrounding environments.

The mitigation measures described form the basis of a low emission strategy for the development. Appropriate conditions are therefore recommended.

Trees

Trees within the application site are protected by the Congleton Borough Council (Manchester Metropolitan University, Alsager Campus) Interim TPO 2008 (Area A1) and is a material planning consideration. The Order protects those trees of whatever species identified as an Area designation on the TPO map. An area designation only protects those trees that were present when the Order was made.

An Arboricultural Impact Assessment (AIA) has been submitted in support of the application, which identifies 24 individual trees, 67 groups of trees and 11 hedges within the application site.

In terms of the quality and value of those trees highlighted for removal there are 4 High (A) quality individual trees, and 8 individual moderate (B) quality trees and 19 moderate (B) quality groups proposed for removal. The remaining low (C) quality trees for removal comprise of 3 individuals and 19 groups.

Whilst it is evident that there are a number of high and moderate category trees proposed to be removed to accommodate development, a high proportion of trees and groups are internal to the site and present only a limited contribution to the wider amenity of the area or are located close to existing built infrastructure such that their successful retention would not be feasible due to requirements for adequate working space for demolition.

An updated Arboricultural Impact Assessment is awaited to take account of the revisions to the site layout that have been made during the course of the application. Further details will be provided as an update.

Landscape

The MMU campus site is bounded to the west by open countryside, to the north by a new housing development and to the east by Hassall Road, beyond which is a school, leisure centre and associated recreational land set within a predominantly residential area. To the south, beyond Dunnocksfold Road, is an area of residential properties.

The application site covers an area of approximately 22 hectares and is generally flat. There are a significant number of trees across the site which provide a mature landscape setting, along with a belt of mixed species of trees along the western side of Hassall Road, which forms a prominent landscape feature; mature hedgerows with hedgerow trees delineate several of the other boundaries. Whilst there are playing fields to the north, west and south, the built up parts of the site can be viewed from surrounding vantage points.

The Planning Statement identifies that the Landscape Masterplan identifies retained trees, and that the housing layout seeks to ensure that mature trees are located at an appropriate separation distance from houses, and that new planting is proposed throughout the site using appropriate streetscene trees, chosen for their impact in an urban setting.

The Planning Statement identifies that the landscape philosophy has been key to the design response for the site and that the high quality natural boundaries and features within the site have created significant landscape opportunities, this appears to rely on the existing mature vegetation across the site. The site offers opportunities to complement and enhance the existing mature vegetation, but to achieve this it will be important to ensure that any proposed tree and shrub planting is appropriate in terms of size, species and scale of planting, if the quality of the development and distinctive character areas are to be successful in the longer term. The applicant has submitted a planting strategy for the site, which outlines planting proposals for the site, and which the landscape officer is happy with subject to landscaping conditions.

Ecology

The nature conservation officer has provided the following comments on the application:

Designated Sites

The proposed development is located within 2km of Oakhanger Moss SSSI which forms part of the Midland Meres and Mosses Phase 2 Ramsar.

Natural England advise that the proposed development is not likely to have an adverse impact upon the features for which the site was designated and they advise that an Appropriate Assessment under the Habitat Regulations is not required. Under regulation 61 of the Habitat Regulations the Council is required to undertake an 'Assessment of Likely Significant effects'. This assessment has been undertaken, and concludes that the proposed development is not likely to have a significant impact upon the features for which the statutory site was designated. Consequently, a more detailed Appropriate Assessment is not required. Natural England have also advised that the proposals are unlikely to affect Oakhanger Moss SSSI.

Badgers

Evidence of badger activity was recorded throughout the site with two minor setts being present on the boundary of the application site. In order to avoid the risk of badgers being injured or disturbed by the construction activities on site the applicant's consultant has proposed that the setts be closed under the terms of a Natural England license prior to any construction works taking place within 30m of the setts or any pile driving taking place within 100m. The nature conservation officer advises that this approach is acceptable to reduce the potential risks posed to badgers by the proposed development. An appropriate condition is recommended.

Bats

A series of bat surveys have been undertaken of the buildings on site. A bat potentially emerged from one building during the earlier round of surveys, however follow up surveys did not record any conclusive evidence of roosting bats being present. None of the buildings on site are of High value for roosting bats, but the number of buildings present means that there is a slight risk of roosting by single or small number of bats being undetected. On balance however, the nature conservation officer advises that the demolition of the existing buildings on site is unlikely to affect roosting bats.

A number of trees and groups of trees have been identified as having potential to support roosting bats. Based on the submitted Phase One habitat plan and proposed layout plan it appears feasible for a number of these trees to be retained as part of the proposed development.

There are a number of trees on site with bat roosting potential that would be lost as a result of the proposed development. These trees are identified by the following target notes on the Phase One Habitat plan: 3, 14, 15, 19, 22, 23, 26, 27. A survey of these trees has recently been carried out and comments from the nature conservation officer on this matter are awaited, and will be reported as an update.

Natural England have also advised that the proposals are unlikely to affect Oakhanger Moss SSSI.

Badgers

Evidence of badger activity was recorded throughout the site with two minor setts being present on the boundary of the application site. In order to avoid the risk of badgers being injured or disturbed by the construction activities on site the applicant's consultant has proposed that the setts be closed under the terms of a Natural England license prior to any construction works taking place within 30m of the setts or any pile driving taking place within 100m. The nature conservation officer advises that this approach is acceptable to reduce the potential risks posed to badgers by the proposed development. An appropriate condition is recommended.

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Phase One Habitat plan: 3, 14, 15, 19, 22, 23, 26, 27. A survey of these trees has recently been carried out and comments from the nature conservation officer on this matter are awaited, and will be reported as an update.

Hedgerows

There will be some loss of hedgerow associated with the proposed development. Hedgerows are a priority habitat and hence a material consideration. If planning consent is granted suitable compensatory hedgerow planting should be incorporated into the landscape scheme for the site, which can be dealt with by condition.

Hedgehogs

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 and so the species may occur on the site of the proposed development. A condition is therefore recommended to require the incorporation of gaps for hedgehogs to be incorporated into any garden or boundary fencing.

Barn Owls

There was no evidence of barn owl presence identified during the bat surveys of the various buildings on site. However, the mature trees on site may potentially support barn owls and so should be subject to a detailed survey for this species. Further details will be provided as an update.

Nesting birds

If planning consent is granted a condition will be required to safeguard nesting birds.

Highways

The Strategic Infrastructure Manager (SIM) has made the following comments on the application:

Traffic Impact

The site has an existing use as an education and sports facility, and the applicant has submitted figures to indicate that these uses could generate up to 340 trips in the am peak hour. In addition, the applicant has provided a Transport Assessment that has assessed a number of junctions within Alsager and includes other committed residential schemes in this assessment. The SIM considers that the submitted traffic generation figures for the proposed new residential development (230 trips) are rather low in comparison with local trip rates determined by CEC. However, using CEC rates they would only increase the submitted 230 trips by another 40 trips overall and will not materially affect the capacity assessments undertaken.

As part of the traffic impact of the development, all of the site access points have been assessed in terms of capacity and none of the junctions have a capacity problem. There has been a wider assessment undertaken on the principal junctions on Crewe Road in Alsager and the applicant has submitted capacity results that indicate relatively low queues at the junctions. The assessments do include some of the mitigation measures already agreed as part of other developments such as traffic signals at Hassall Road/Crewe Road junction and changes to the signals at Crewe Road/Lawton Road junction.

Given the large number of residential applications submitted in Alsager, the Council has undertaken its own traffic study of all the major junctions in Alsager to understand the current position as regards the capacities of the Crewe Road junctions. The CEC results are somewhat different to those results submitted by the applicant, there are longer queues predicted at the principal junctions such as Crewe Rd / Sandbach Road / Lawton road and at Hassall Road / Crewe Road.

To summarise the traffic impact of the MMU proposal, there is a fallback position in regards to the level of traffic that an educational use on this site would generate but as a result of this application there is a net increase in traffic on the road network. Whilst there will be an increase it is not at a level, or increase congestion to such a degree, that would require mitigation to be provided.

Access Points

There are four separate access points proposed, there are two accesses from Hassall Road serving the main residential development and a separate access to the residential scheme of Dunnocksfold Road. A new access to the car park serving the sport pitches is proposed off Dunnocksfold Road. All of the accesses are 5.5m with footways with the exception of the southern access on Hassall Road which has a wider carriageway at 7.0m and 2.0m footways. All of the proposed access points are of a suitable highway standard to serve the level of development proposed and visibility is achievable.

Internal Layout and Parking

The internal road layout submitted is a suitable design that does promote lower traffic speeds and there are informal roads/areas that are in keeping with a Manual for Streets design. The residential parking provision is consistent across the site with CEC parking standards and as such the residential parking is acceptable. There are a number of sport pitches proposed as part of this application and to support these facilities there are 105 car parking spaces provided, plus two mini bus parking spaces. CEC standards recommend an individual assessment on multiple sport pitches. Clearly, there is potential for considerable parking demand from these pitches, however the 105 spaces and minibus parking is considered to be adequate in this case.

The SIM has highlighted that the Manor Farm access is only single track and is not suitable to serve as an access for the sport pitches. There is a new access junction created to serve the car park from Dunnocksfold Road but there also is a separate car park on the opposite side of the Manor Farm drive and it is likely that users of this car park would use the Manor Farm drive as an access route.

The applicants will need to either provide measures to ensure that the Manor Farm drive is not intensified by vehicle movements or increase the width of the Manor Farm drive to provide suitable access to the car parks.

In addition, the revised proposals indicate that a boundary fence is to be erected around the sport pitches, notably along Dunnocksfold Road and this may interfere with the visibility plays at the new car park access. The applicant has been asked for a plan to show the positioning of the fence to the rear of the visibility plays.

Accessibility

In terms of pedestrian accessibility, the residential site can be accessed from Hassall Road as both access points are connected to the footway network. However, there is no footway on the north side of Dunnocksfold Road and no pedestrian access exists to the sport pitches and the residential development on the development side of the road. The SIM has recommended that a footway is provided along the north side of Dunnocksfold Road. Discussions with the SIM and the applicant are ongoing in terms of if and how this will be provided.

In addition, to provide safe pedestrian access from the site to the nearby school, leisure centre and bus stops, a contribution of £70,000 for a formal pedestrian crossing to be provided on Hassall Road is recommended. A financial contribution will therefore be secured through the s106 agreement.

The MMU site has a range of facilities that are within a reasonable walking distance of the site and there are existing bus services that are available on Hassall Road. Overall, it is considered that the accessibility of the site is good but the pedestrian access needs to be improved.

Further details will be provided as an update.

Layout & Design

The former university site is relatively substantial in size and clearly makes a significant contribution to the character of the wider area. Other than the application site, and the neighbouring High School and Leisure Centre, the area is residential to the south and east and rural to the north and west. The residential areas are characterised by a variety of house types. The buildings within the application site are not of any significant architectural merit. Whilst the proposed buildings will extend into areas of the site not currently occupied by buildings, given the surrounding land uses, this expansion of the built form will not have an unduly harmful effect upon the local area.

The proposed changing room building will be a single-storey structure, with the residential development comprising a range of 2, 2.5 and a small number of 3-storey properties, all of which are considered to be acceptable having regard to the scale of existing buildings within the site and local character. A mix of detached, semi-detached and terraced properties is proposed across the site, which will form varied street scenes, and roads are designed to reduce traffic speeds.

Character areas will be used to provide legibility within the development and to create a more diverse and attractive environment. These include an Entrance Circus, the Green Core, the Woodland Frontage, Hassall Road Play and Mews Street / Open Frontage. The on site open space is centrally located to maximise its accessibility and prominence within the development.

Importantly the mature tree screening to Hassall Road is retained, which is a significant feature of the area. The tree belt along the north western boundaries is also retained, which will help to assimilate the development into the open countryside landscape beyond

Subject to appropriate landscaping and materials, the scheme has the potential to make a positive contribution to the local area, and the proposal is considered to comply with the objectives of policies GR2, GR3 and GR5 of the Congleton Borough Local Plan.

Contaminated land

A combined Phase I and Phase II report and a Remedial Strategy have been submitted in support of the application. The Contaminated Land team has no objection to the application but note that the site has former uses and there is an infilled pond on site which may pose localised contamination and ground gas issues and the application is for new residential properties which are a sensitive end use and could be affected by any contamination present or brought onto the site.

Further investigation works are required upon demolition of the buildings on site, further gas monitoring is required and further delineation of the backfilled pond and associated gas risks are required. Remedial works are also required on site, and the proposed additional investigation works may further inform the remedial strategy.

Accordingly, a condition is recommended requiring further phase II investigation works.

Archaeology

The Council's Archaeologist has noted that the surviving 1940s block that provided accommodation for workers at the nearby Radway Green Royal Ordnance Factory should be recorded prior to its demolition, in accordance with Historic England recording level 2 (as proposed in section 4.4.2 of the Archaeological Desk-Based Assessment, WSP August 2015). The Desk-Based Assessment also indicated that the former site of "Daisybank Farm" depicted on the 1840 Tithe Map lay in the very south-western corner of the site. The proposals indicate that this area will now be used for housing and the level of damage or destruction to any surviving below-ground remains is likely to be considerable. Although the site is of only local significance it is considered worthy of preservation by record, i.e. archaeological excavation and recording. Proposed mitigation in the form of the stripping of the footprint of the two buildings depicted on the Tithe and Ordnance Survey mapping of the site, and the subsequent appropriate level of excavation and recording of any surviving remains, is considered to be an appropriate means of dealing with the site. Such works would however be limited to the area of building plots 488-500 as shown on drawing number MMU/PL01, revision P6, date 06-07-15, 1:1000 Planning Layout.

Consequently should the Council be minded to grant planning permission to this, or any similar scheme, the Archaeology Planning Advisory Service would recommend that such works (building recording and below-ground archaeological investigation) be secured by means of a condition.

Flood Risk

The site is located in flood zone 1; however, there is also high surface water risk in an area in the eastern part of the proposed development from topographical low spots indicated on the Environmental Agency's mapping system. The risk of flooding from this source will need to be appropriately mitigated and assessed then shown in the appropriate submitted documents before development can commence on site.

Neither the Environment Agency nor the Flood Risk Manager raise any objections to the proposal subject to drainage conditions.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing and sports facilities as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

HEADS OF TERMS

If the application is approved a Section 106 Agreement will be required, and should include:

- Financial contribution of £70,000 towards a pedestrian crossing on Hassall Road.
- Financial contribution TBC towards provision of fitness stations and studio space at Alsager Leisure Centre.
- Financial contribution of £14,888 to enable capacity improvements to be made to Crewe Vagrants facilities.
- Provision and Management of on site open space
- Financial contribution TBC to Hassall Road play area
- Detailed specification and construction phasing programme of sports facilities.
- Phased transfer of land to CEC upon completion to be agreed, with the AGP's, changing facility and parking areas to be constructed and handed over first, in advance of the grassed pitches.
- Detailed management plan for the sports pitch area to be agreed with Management body (Everybody Sport & Leisure) prior to commencement of works.
- Land to be retained as sports area in perpetuity.

Community Infrastructure Levy (CIL) Regulations

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

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

The provision of public open space, sports pitches and management arrangements, financial contributions towards indoor sports facilities and towards increasing capacity at Crewe Vagrants, and a formal pedestrian crossing at Hassall Road is all necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of the development

PLANNING BALANCE

The replacement sports facilities to be provided by the development do come at a significant cost. The applicant has submitted a viability report to show what the development can afford in terms of the necessary sports provision and planning obligations. Officers have had the viability report independently appraised by an external consultant. The conclusions from that

appraisal are that the development, as proposed, cannot support any new affordable homes or further planning obligations than are already allowed for in the appraisal. The appraisal currently includes £4,822,082 for providing sports facilities on site, a contribution towards the cost of improvements to the local leisure centre as well as a Highway contribution and the provision of open space upgrades and play equipment. The site is a brownfield site and also has significant site specific abnormal costs of £10,083,000, of which £3,100,813 relates to demolition and site remediation and £4,955,500 for abnormal foundations and drainage.

The proposal is considered to be acceptable in principle; however, as noted above the development does require compromises to be made in certain policy areas.

The benefits in this case are:

- The proposal would provide almost £5m of brand new dedicated sports facilities, creating indoor and outdoor sports hubs at Alsager Leisure Centre and at the former MMU site respectively, with changing facilities, for local community use. The scheme has been formulated in consultation with local sports clubs, national sports governing bodies and Sport England, and therefore meets the needs of the local community.
- The proposal would help in the Councils delivery of 5 year housing land supply, which cannot currently be identified.
- The development would provide contributions towards enhancements to existing public open space facilities on Hassall Road for proposed and existing residents.
- The development would make effective use of a previously developed site.
- The development would improve the appearance of the site which has been vacant for many years, and has fallen into disrepair.

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

- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions.
- There is not considered to be any significant drainage implications raised by this development.
- The impact upon trees is considered to be neutral.
- The impact upon the residential amenity, noise, air quality and contaminated land could be mitigated through the imposition of planning conditions.
- Highway impact would be broadly neutral due to the scale of the development and the existing lawful use of the site.

The adverse impacts of the development would be:

- There would be an adverse impact upon education infrastructure as necessary financial contributions cannot be made to accommodate pupils generated by the development.
- The 36 affordable dwellings required by this proposal (taking into account vacant building credit) will not be provided.

In order to be deliverable, the proposal relies on a reduction in its policy compliant affordable housing provision of 8.8%, which is a level reduction that has been applied to many schemes across the Borough when viability is an issue. It has been clearly demonstrated in this case that the viability of the scheme is such that the necessary affordable housing cannot be provided. Furthermore, whilst the debate about the level of education contributions is

continuing, at the time of writing it does appear that the contributions requested by the education department are required. The inability of the development to provide this does weigh heavily against it. However, other than the significant contribution to housing land supply, the major benefit in this case is the provision of an outdoor sports hub for the local community. This cannot be underestimated and is a benefit that is unlikely to be provided on any other site in the Borough. The site will be a dedicated sports hub, with ongoing management and maintenance, which will be a unique benefit to the local community and the Borough as whole. For these reasons, it is considered that the provision of the sports facilities is of overriding public interest.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits.

Accordingly, subject to the outstanding updates, the application is recommended for approval.

RECOMMENDATION

Approve subject to conditions and a s106 agreement.

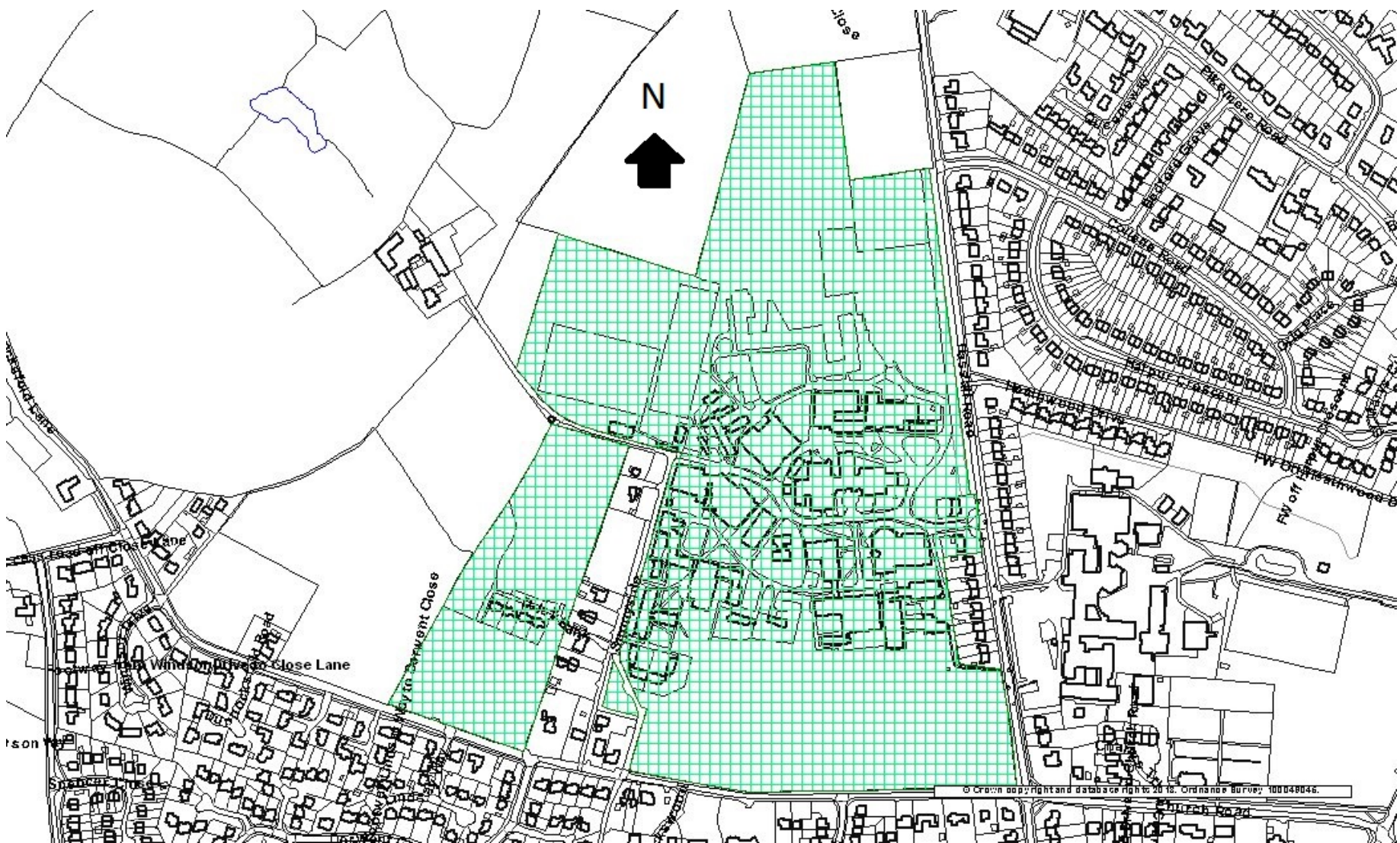
In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) delegated authority to do so in consultation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

Application for Full Planning

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials
4. A01LS - Landscaping - submission of details
5. A04LS - Landscaping (implementation)
6. A01TR - Tree retention
7. A02TR - Tree protection
8. A03TR - Construction specification/method statement
9. A04TR - Tree pruning / felling specification
10. A07TR - Service / drainage layout
11. A25GR - Obscure glazing requirement

12. Written scheme of archaeological investigation to be submitted and implemented as approved
13. Installation of acoustic fencing
14. Sports Pitches Hours of Use (Summer / Winter)
15. Environmental Management Plan to be submitted
16. Lighting details to be submitted
17. Low emission strategy to be submitted (air quality)
18. Travel plan to be submitted
19. Dust mitigation measures outlined in the submitted Air Quality Assessment to be implemented
20. Additional Phase II investigations to be carried out / submitted (contaminated land)
21. Development to be carried out in accordance with the approved Flood Risk Assessment
22. Surface water drainage details to be submitted
23. Foul and surface water shall be drained on separate systems
24. Development to proceed in accordance with the recommendations of the submitted Badger Survey
25. Incorporation of gaps for hedgehogs into any garden or boundary fencing proposed. Nesting bird survey to be submitted



Application No: 15/5222C

Location: Former Manchester Metropolitan University Alsager Campus, Hassall Road, Alsager, Cheshire, ST7 2HL

Proposal: Demolition of all buildings & erection of 407 dwellings with associated parking, laying out of new grass pitches, two artificial grass pitches with associated floodlighting and fencing, new changing rooms and ancillary parking and new accesses onto Hassall Road and Dunnocksfold Road

Applicant: Barratt/David Wilson Homes and Mancheste

Expiry Date: 19-Feb-2016

SUMMARY

The replacement sports facilities to be provided by the development do come at a significant cost. The applicant has submitted a viability report to show what the development can afford in terms of the necessary sports provision and planning obligations. Officers have had the viability report independently appraised by an external consultant. The conclusions from that appraisal are that the development, as proposed, cannot support any new affordable homes or further planning obligations than are already allowed for in the appraisal. The appraisal currently includes £4,822,082 for providing sports facilities on site, a contribution towards the cost of improvements to the local leisure centre as well as a Highway contribution and the provision of open space upgrades and play equipment. The site is a brownfield site and also has significant site specific abnormal costs of £10,083,000, of which £3,100,813 relates to demolition and site remediation and £4,955,500 for abnormal foundations and drainage.

The proposal is considered to be acceptable in principle; however, as noted above the development does require compromises to be made in certain policy areas.

The benefits in this case are:

- The proposal would provide almost £5m of brand new dedicated sports facilities, creating indoor and outdoor sports hubs at Alsager Leisure Centre and at the former MMU site respectively, with changing facilities, for local community use. The scheme has been formulated in consultation with local sports clubs, national sports governing bodies and Sport England, and therefore meets the needs of the local community.
- The proposal would help in the Councils delivery of 5 year housing land supply, which cannot currently be identified.
- The development would provide contributions towards enhancements to existing public open space facilities on Hassall Road for proposed and existing residents.
- The development would make effective use of a previously developed site.
- The development would improve the appearance of the site which has been vacant for many years, and has fallen into disrepair.

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

- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions.
- There is not considered to be any significant drainage implications raised by this development.
- The impact upon trees is considered to be neutral.
- The impact upon residential amenity, noise, air quality and contaminated land could be mitigated through the imposition of planning conditions.
- Highway impact would be broadly neutral due to the scale of the development and the existing lawful use of the site.

The adverse impacts of the development would be:

- There would be an adverse impact upon education infrastructure as necessary financial contributions cannot be made to accommodate pupils generated by the development.
- The 36 affordable dwellings required by this proposal (taking into account vacant building credit) will not be provided.

In order to be deliverable, the proposal relies on a reduction in its policy compliant affordable housing provision of 8.8%, which is a level reduction that has been applied to many schemes across the Borough when viability is an issue. It has been clearly demonstrated in this case that the viability of the scheme is such that the necessary affordable housing cannot be provided. Furthermore, whilst the debate about the level of education contributions is continuing, at the time of writing it does appear that the contributions requested by the education department are required. The inability of the development to provide this does weigh heavily against it. However, other than the significant contribution to housing land supply, the major benefit in this case is the provision of an outdoor sports hub for the local community. This cannot be underestimated and is a benefit that is unlikely to be provided on any other site in the Borough. The site will be a dedicated sports hub, with ongoing management and maintenance, which will be a unique benefit to the local community and the Borough as whole. For these reasons, it is considered that the provision of the sports facilities is of overriding public interest.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits.

SUMMARY RECOMMENDATION

Approve subject to conditions and a s106 agreement

PROPOSAL

The application seeks full planning permission for the demolition of all buildings & erection of 407 dwellings with associated parking, the laying out of new grass sports pitches, two artificial grass pitches with associated floodlighting and fencing, new changing rooms and ancillary parking and new accesses onto Hassall Road and Dunnocksfold Road.

SITE DESCRIPTION

The application site comprises buildings, car parking and sports pitches associated with the former use of the site by Manchester Metropolitan University (MMU). The site is located within the Settlement Zone for Alsager and is allocated for mixed use development in the Congleton Borough Local Plan. A blanket tree preservation order covers the site.

RELEVANT HISTORY

10/3831M - Demolition of Existing Buildings, Site Clearance & Redevelopment of The Application Site For a Mixed-Use Development To Include Housing, Employment (B1) Small Scale Neighbourhood Retail, Community Uses & Formal & Informal Open Space – Not determined

There have also been a number of applications relating to the previous educational and sports uses of the site. None are particularly relevant to the current proposal.

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14 Presumption in favour of sustainable development.

50 Wide choice of quality homes

56-68 Requiring good design

69-78 Promoting healthy communities

Congleton Borough Local Plan

DP3 (Mixed Use Sites)

DP3A (Alsager Campus)

DP7 (Development Requirements)

DP8 (Supplementary Planning Guidance)

DP9 (Requirement for Transport Assessment)

GR1 (New Development)

GR2 (Design)

GR3 (Residential Development)

GR4 (Landscaping)

GR5 (Landscaping)

GR6 (Amenity and Health)

GR7 (Amenity and Health)

GR8 (Amenity and Health - pollution impact)

GR9 (Accessibility, servicing and provision of parking)

GR10 (Accessibility for proposals with significant travel needs)

GR11 (Development involving new roads and other transportation projects)

GR14 (Cycling Measures)

GR15 (Pedestrian Measures)

GR17 (Car parking)

GR18 (Traffic Generation)

GR19 (Infrastructure provision)
GR20 (Utilities infrastructure provision)
GR21 (Flood Prevention)
GR 22 (Open Space Provision)
NR1 (Trees and Woodland)
NR2 (Statutory Sites)
NR3 (Habitats)
NR4 (Non-statutory sites)
NR5 (Creation of habitats)
H1 (Provision of new housing development)
H13 (Affordable Housing and Low Cost Housing)
RC1 (New Recreation and Community Facilities)
RC10 (Outdoor Formal Recreational and Amenity Open Space Facilities)

Cheshire East Local Plan Strategy – Proposed Changes Version (CELP)

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
EG1 Economic Prosperity
SC1 Leisure and Recreation
SC2 Outdoor sports facilities
SC3 Health and Well-being
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
CO2 Enabling business growth through transport infrastructure
CO4 Travel plans and transport assessments
Strategic Site CS13 – Former Manchester Metropolitan University Campus

Other Material Considerations

National Planning Policy Framework (The Framework)
National Planning Practice Guidance (NPPG)

Supplementary Planning Document 16: Manchester Metropolitan University, Alsager Campus Development Brief (2008)

Public Open Space Provision for New Residential Development (SPG)

Interim Planning Statement: Affordable Housing

Strategic Housing Market Assessment (SHMA)

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994

CONSULTATIONS (External to Planning)

United Utilities – No objections subject to conditions relating to foul and surface water drainage.

Natural England – No objection

Sport England - Holding objection further information is required to assess the application.

Newcastle-under-Lyme Borough Council – No objection

Environment Agency – No objections

Public Rights of Way – No objections, improvements for pedestrians should be provided

Strategic Housing – Object on grounds of lack of affordable housing. If viability assessment is independently verified and it be proven that there is no ability for the site to deliver affordable housing then objection is withdrawn.

Strategic Infrastructure Manager – No objections subject to a condition requiring a footway along the northern boundary of the site on Dunnocksfold Road that links to Hassall Road, and a contribution of £70,000 towards a formal pedestrian crossing on Hassall Road.

Environmental Protection – No objections subject to conditions relating to contaminated land, noise mitigation, environmental management plan, hours of use of sports pitches, lighting details, a low emission strategy, travel plan, dust control, and electric vehicle infrastructure.

Flood Risk Manager – No objections subject to conditions relating to drainage

ANSA – Comments not received at time of report preparation

Corporate Commissioning Manager (Leisure) – Supports the application subject to acceptable replacement sports provision (indoor and outdoor) and adequate management and maintenance arrangements.

Education – No objections subject to financial contributions towards primary and secondary provision.

VIEWS OF THE PARISH / TOWN COUNCIL

Alsager Town Council - Welcomes the development on the former site of Manchester Metropolitan University now a brown field site and a major development site in Alsager. They have the following comments, concerns and requests for provision.

- Additional dwellings above local plan allocation adds to the cumulative effect of over capacity on the existing highway network.
- Requests the provision of an element of affordable housing on this site.
- Should be broader sports provision to include rugby pitch and athletes track.
- Design and use of floodlighting should seek to minimise nuisance to local residents.
- Proposed changing accommodation and associated parking provision is inadequate.
- Request provision of additional footpath to Dunnocksfold Road to the frontage of both the sports pitches and new residential properties.
- Supports the protection of the existing sports provision off Dunnocksfold Road as given “protected status” in the local plan and requests mitigation measures in the loss of amenity value to existing residents on Sunnyside.
- Concerns are raised regarding the capacity of local schools.
- Request additional contributions for the improvement of existing footpaths in Alsager including the provision and upgrading of cycle ways on the network.
- Scheme should be in compliance with adopted design and parking standards.
- Request a construction management plan for the development due to its size and duration of construction (8years) in the interest of public safety and minimization of nuisance to the local community.
- Impact of the phased development on the existing sewerage network.
- Request a wildlife management plan during the development of the site.
- Request postal facilities on the site and all dwellings to be provided with charging points for electric vehicles

OTHER REPRESENTATIONS

27 letters of representation were received during the original consultation period objecting to the proposal on the following grounds:

- Impact on schools, medical services, etc.
- Increased traffic – local roads cannot cope
- Trees along Hassall Road should remain
- Asbestos must be removed safely
- Only brownfield footprint of site should be developed
- Loss of Gymnasium, Sports Hall, Dance Studio and pool
- Field off Dunnocksfold Road(Daisybank) is protected in Cheshire East Local Plan
- No safety audit carried out for the Dunnocksfold site, or others
- Traffic survey was not done for any of the Hassall road sites.
- No bungalows / provision for elderly/disabled
- Impact on Alsager as a service centre from all the new housing – increased numbers not supported by services
- Access too close to another junction on Hassall Road
- Air pollution
- Fails to provide a mixed use
- More houses proposed than are allocated in local plan.
- Sports provision is the minimum required

- Service road to Daisybank sports pitches should not be used as a thoroughfare
- Retention strip to rear of property on Sunnyside
- Loss of sunlight / overshadowing / loss of outlook
- Loss of privacy
- Not very much informal play space
- Roads cannot cope with more than 150 dwellings on MMU site (as stated by Congleton Local Plan Inspector)
- Impact on wildlife
- What measures will be put in place to prevent balls damaging adjacent properties?
- Car parking appears to be inadequate
- Existing boundary to Dunnocksfold Road is a pleasant natural boundary.
- Dunnocksfold Road access is dangerous
- Not clear whether access road to manor farm will be blocked up.
- Landscape impact
- Sustainable travel needs to be enhanced
- More community consultation should be carried out.
- No clear programme for the delivery of the Sports Hub within the overall phasing plan
- Changing facilities are inadequate for the number of pitches and teams using them at peak times
- No provision within the club house design for secure kit storage which is badly needed
- Strongly object to the SNA's assertion that Alsager only needs one hockey pitch

Following the receipt of revised plans, further consultation has been undertaken. 17 letters have been received raising the following additional points:

- Ideal site for a technical college
- Light spillage onto neighbouring properties
- S106 obligations only providing sports facilities
- Hedgerows should be retained
- No affordable housing being provided
- There should be no parking on access road to Manor Farm & Cottages
- Too many houses being built in Alsager
- Residents of Sunnyside enjoy prescriptive right of way to and from Sunnyside onto Manor Farm (the road)
- Is Sunnyside acceptable as an access road (refuse vehicles etc.) due to Manor Farm (the road) being blocked up?
- Visual impact of acoustic fence
- Inadequate fencing close to hockey pitch and youth pitch
- Number of car journeys suggested by applicant is disputed

Two letters makes general observations in favour of the proposal, querying:

- Impact on house values
- Deed states land is for educational purposes only
- Consultation with local community should have been better

One letter supports the proposal noting that the sport facilities will be great for the town.

APPRAISAL

The key issues to be considered in the determination of the application will be:

- Whether the development of the sports pitches is acceptable
- The impact upon the character and appearance of the area
- The impact on residential amenity
- The impact upon highway safety
- The impact upon nature conservation interests

Housing Land Supply

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy (LPS), 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, and the public consultation expired on 15 April 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 14,617, 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.

National Planning Policy Guidance (NPPG) 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.

Further to this, the NPPF clearly states at paragraph 49 that:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- *specific policies in the Framework indicate development should be restricted.”*

Therefore, the key question is whether there are any significant adverse impacts arising from the proposal that would weigh against the presumption in favour of sustainable development, or whether specific policies in the Framework indicate the development should be restricted.

Principle of development

Policy DP3A of the Congleton Borough Local Plan First Review 2005 allocates the entire site for a mixed use development. The policy lists a number of criteria including limiting new built development to the footprint of the existing built development; the retention of the existing indoor and outdoor sports facilities and allowing for the residential use of the site (not exceeding 150 dwellings in the plan period).

A supplementary planning document (SPD) also applies to the site, *Supplementary Planning Document 16: Manchester Metropolitan University, Alsager Campus Development Brief* (October 2008). The SPD provides for 150 dwellings to be provided on the site up to 2011 (the plan period). Beyond 2011 there is scope for additional housing development up to a total of 300 dwellings for the site for the period 2009-2014. The residential development should consist of a range of housing types including an element of affordable housing. Other potential uses highlighted in the SPD for the mixed use of the site include employment, small scale retail and leisure, medical uses, extra care housing and formal and informal public open space.

The site is also allocated as Strategic Site CS13: Former Manchester Metropolitan University Campus, Alsager, within the Cheshire East Local Plan Strategy – Proposed Changes. This policy states the development of the Former Manchester Metropolitan University Campus over the Local Plan Strategy period will be achieved through:

1. The delivery 400 new homes (at approximately 30 dwellings per hectare);
2. Creation of a wider sports and leisure hub, linked to the adjacent Cheshire East Council leisure centre facilities;
3. Development of this site could also include:
 - i. An extra care development providing housing for the older population;
 - ii. Appropriate retail provision to meet local needs;
 - iii. Community facility / place of worship;
 - iv. Public house / take away / restaurant;
 - v. Commercial sport and health related facilities, potentially including small scale sports science and sports therapy related development;

4. The incorporation of Green Infrastructure and creation of strong boundaries around the site; and
5. Pedestrian and cycle links to new and existing residential areas, shops, schools and health facilities.

The policy includes the following site specific principles of development:

- a. Contributions to improvements to the town centre street scene.
- b. Retention of existing hedges and trees, particularly those shielding the sports pitches at the junction of Hassall Road and Dunnocksfold Road.
- c. Contributions towards or delivery of improvements to B5077 Crewe Road / Hassall Road junctions, and B5078 Sandbach Road North Junction Improvements, Hassall Road / Church Road / Dunnocksfoield Road Junctions Improvements.
- d. Contributions to education and health infrastructure.
- e. Recording of the surviving WWII buildings on site and the archaeological investigation of the former site of Daisybank Farm.
- f. Affordable housing in line with the policy requirements
- g. The retention and/or replacement of the indoor and outdoor sports facilities should be in accordance with the findings of an adopted, up to date and robust needs assessment.
- h. No adverse impact on the Midland Meres and Mosses Phase 2 Ramsar and Oakhanger Moss SSSI.
- i. A proposal needs to be put forward and agreed with Sport England that replaces the playing fields to an equivalent or better quantity and quality in a suitable location.
- j. A minimum of a Phase 1 Preliminary Risk Assessment for contaminated land should be carried out.
- k. The protected trees shall be retained and incorporated into any development.

Paragraph 111 of the Framework states that planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed. Each of the policy documents referred to above reflects this approach and confirms the acceptability of the redevelopment of the application site.

Each of the policy documents refers to a mix of uses, and all refer to residential uses and the provision of sports facilities. The Congleton Local Plan (policy DP3A) does not specify an appropriate mix of uses on the site; it simply lists those uses that would be considered appropriate. In this policy, the residential element should not exceed 150 dwellings during the plan period. The plan period ran until June 2011, we are now well past this date and therefore the policy is not considered to be up to date.

The SPD for site also does not specify an acceptable mix of uses, but does acknowledge that the site clearly has capacity for additional housing development whilst still providing a mixed use development. This Development Brief, therefore, provides for 150 dwellings to be provided on the site up to 2011. Beyond 2011 there is scope for additional housing development up to a total of 300 dwellings for the site for the period 2009-2014. We are now well past the dates referred to in the SPD, and this policy is also out of date as a housing land supply policy.

In terms of the site's allocation in the emerging local plan, and the site specific principles of development for the site, it is considered that this can be given only limited weight having

regard to the stage of the local plan process. A number of letters of representation have referred to the southern end of the site being allocated as protected open space in the emerging local plan. This is acknowledged, and the majority of the southern end of the site is retained for the sports facilities, and as such would be protected open space. The southern end of the separate parcel of land (known as Daisybank) is not retained as open space. As an existing playing field, the loss of this area must be assessed against paragraph 74 of the Framework. This is considered further below.

Overall, as the development is comprising a mix of dwellings and sports facilities, there is not considered to be any significant conflict with any up to date policies in the local plan or the SPD relating to the principle of the development.

SOCIAL SUSTAINABILITY

Affordable Housing

The site falls within the Alsager sub area within the Strategic Housing Market Assessment Update 2013, which identified a need for 54 affordable homes per annum over the period 2013/14 – 2017/18. Broken down this requirement equates to 38x 2bd, 15x 3bd, 2x 4/5bd general needs units and 5x 1bd older persons accommodation.

In addition, information from Cheshire Homechoice, identified 169 live applicants who have selected one of the Alsager lettings areas as their first choice. The breakdown of the size of housing needed for these applicants are 56 x 1 bed, 63 x 2 bed, 38 x 3 bed and 10 x 4 bed.

The Interim Planning Statement on Affordable Housing (IPS) and Policy SC5 in the Local Plan Strategy Proposed Changes Version outline that in this location the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all sites of 15 dwellings or more or than 0.4 hectare in size.

The IPS also states the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment.

However, the NPPG also provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.

In this case, the floorspace of the existing buildings is 30,147sqm and the proposed floorspace is 42,651sqm, an increase of 12,503sqm or 29.3% of the total proposed floorspace. To put that as numbers of dwellings - 29.3% of 407 dwellings is 119 dwellings. Therefore, the affordable housing contribution can therefore only be sought from 119 dwellings. 30% of 119 is 36 dwellings, which would be the requirement for this site. This equates to 8.8% of the total number of dwellings.

This application is for full planning permission for a development including 407 dwellings. There is therefore an affordable requirement, albeit much lower than the normal 30%, at 8.8%. However, in this case no affordable housing is provided as part of the proposal for viability reasons, which is explained further below.

Sports Provision

Prior to its closure, the former MMU site offered the following sports facilities:

- 6 senior grass football pitches (one floodlit for training purposes)
- 2 senior grass rugby pitches
- 1 full-size floodlit sand based Artificial Grass Pitch (AGP)
- Cricket square
- 8 tarmacadam tennis courts (5 netball courts)
- 4-court sports hall, plus 2 x performance studios, 18 station fitness suite, gym and ancillary provision
- Swimming pool

Paragraph 74 of the Framework sets out the policy approach for building on existing open space and sports pitches / facilities. It states:

Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*

In terms of identifying needs, paragraph 73 states:

Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.

The land is not a protected area of open space within the Congleton Borough Local Plan; therefore there are no local plan policies relevant to the loss of open space in addition to the paragraphs from the Framework above. Policy RC1 provides general requirements for new recreation and community facilities, and policy RC10 provides general requirements for outdoor playing facilities.

A Sports Needs Assessment (SNA) has been submitted by the applicants which outlines the current demand and summarises the adequacy of supply to meet demand, providing an overview of the facilities required. The assessment was completed in consultation with Council officers (leisure and planning), Sport England, National Governing Bodies of Sport (NGBs) and local sports clubs.

Indoor Sports Provision

The indoor facilities at MMU are now closed. The swimming pool closed in 2010 and the sports hall in 2012. Both facilities were provided as a facility for MMU students. MMU sports provision, as well as the students, has now moved from Alsager to Crewe as part of their rationalisation programme. In 2010 a new 8-court sports hall, 50 station fitness suite and three quarter size 3G artificial grass pitch (AGP) was developed at the Crewe campus, alongside new exercise and sports science provision. The Council has of course also developed a new 8-lane swimming pool, with 17m training pool in Crewe, at the Lifestyle Centre. All these developments will have significant and positive community sporting impact and help to offset the losses at Alsager.

The submitted Sports Needs Assessment (SNA) notes that when utilising the Sport England Sports Facility Calculator (SFC) there is evidence of need for 2.39 lanes of a pool in Alsager, rising to 2.88 when the implication of various population growth scenarios are built in. The Alsager Leisure Centre site is currently a 5-lane pool, which would therefore meet swimming pool needs. In terms of the standard in the CEC Local Infrastructure Plan of providing 13sqm of water per thousand population, this would equate to a need for 191.49sqm for the future population of Alsager. The Alsager Leisure Centre (ALC) pool provides significantly more water space than this.

In terms of the MMU sports hall, there is also over provision of sports halls in the Alsager and wider catchment area. The Sport England Sports Facility Calculator for the current Alsager population suggests the need for 3.28 courts, rising to 3.95 when the implication of population growth is built in. The Alsager Leisure Centre site is currently a 6 court sports hall which would therefore meet sports hall needs. There is therefore no need for two large sports halls, 10-courts in total (6 at ALC and 4 at MMU), in such close proximity to meet current and future sports hall needs in Alsager.

There is however scope to increase general health and fitness provision for the town based on the supply and demand analysis in the SNA, particularly owing to the loss of the health suite at MMU and the flexible studio spaces. It would appear sensible for this to form part of any redevelopment of ALC, to develop an indoor hub and help lift the quality of ALC. The replacement of a facility at this site would address the shortfall left by the loss of MMU (20 fitness stations) and studio space and would also increase the quality and attractiveness at ALC and limit the reliance on commercial centres to fulfil a community function.

Overall, Alsager does not need the duplication of indoor provision at both ALC and MMU, therefore the indoor provision at MMU is surplus to requirements in line with paragraph 74 of the Framework and does not need to be protected or re-provided, other than the fitness suite and studio space.

A financial contribution has therefore been agreed for the additional health and fitness stations and studio space to be provided at ALC. These works have been costed by the applicant and by the Council. Sport England are also currently independently costing these works, and the final figure will be secured within the s106 agreement. The final cost will be reported as an update and will be an accurate reflection of the amount required to cover the necessary works.

Outdoor Sports Provision

MMU Football, rugby and hockey teams have historically been based at the MMU site in Alsager. Reflecting the move of the university to Crewe, these teams have all relocated from this site, and the playing fields in Alsager are no longer required for university sport. University teams have been relocated as follows:

- Hockey – now play at the Crewe Vagrants Hockey Club. University teams play at the site outside of peak hockey times and there is no impact on the overall capacity of the facility.
- Rugby – the rugby teams have also relocated to the Crewe Vagrants site linking with Crewe and Nantwich RUFC. There are no residual rugby requirements in Alsager for the university.
- Football – the MMU football teams have moved to Sandbach United FC and have developed a partnership with the club. The university teams use facilities outside of peak time hours and therefore do not impact upon the ability of community teams to use facilities during peak hours although they do add weekly wear and tear. The university are also using in the Cumberland Arena in Crewe.

All university teams have therefore been successfully relocated through a combination of upgrades and new facility provision and there are no further requirements for university related teams to access outdoor sports facilities in Alsager. The remaining demand for sports facilities in Alsager is therefore from the community.

COMMUNITY FOOTBALL

The Council's own data collated as part of the preparation for its Playing Pitch Strategy (PPS) indicates that:

- There are a total of 30 teams based in the town
- There are six adult teams. Five of these currently require pitches in Alsager – this equates to 2.5 match equivalents per week. The remaining team (Scholar Green FC) travel outside to Clough Hall in Stoke.
- There are 10 youth teams (aged U13 – U16) based in Alsager and demand therefore equates to 5 match equivalents per week. Of these, 6 (3 match equivalents) currently travel outside of the town to play. Most of these teams are based at AFC Alsager and they travel outside the town due to a perceived lack of appropriate facilities within Alsager.
- There are 6 teams playing 9v9 football, all within the South Cheshire Youth League – three of these currently travel outside of the town to play. Demand therefore equates to a total of 3 match equivalents (1.5 of which are currently accommodated within the town)
- There are 5 teams playing 7v7 (2.5 match equivalents) and 3 playing 5v5 football (1.5 match equivalents). All of these teams play in the Crewe Alex Soccer Centre League which is a central venue league. These teams therefore travel outside of the town to play.

There are 18 football pitches in total in Alsager. Three of these pitches are currently situated at the MMU site and there is scope to mark out more pitches. Nine of the pitches are located at school sites and all but two are available to the community. With the exception of pitches at Alsager Academy (two), all others are at primary schools and are therefore 7v7 or 5v5 pitches.

The Sports Needs Assessment identifies that to meet current and future demand for competitive fixtures only, the following pitches are required at the MMU site as a minimum:

- **1 senior football pitch**
Meet demand for 1 current match equivalent (Sat PM / Sun AM) and meet additional demand generated from population growth 1 match equivalent
- **2 youth football pitches**
Linking with 3G Artificial Grass Pitch, which will also function as youth pitch
Meet current demand for 3.5 match equivalents per week (all at peak time, but matches played consecutively).
Linking with 3G, meet demand for additional 1.5 match equivalent arising from population growth
Capacity for additional 1 match equivalents from further club development (2 teams)
- **Two 9 v 9 pitches**
Meet existing demand for 3 match equivalents per week
Meet future demand for additional 1 match equivalent per week (2 teams)
- **3G AGP**
Meet current / future demand for 1.5 match equivalents (junior)
Offer Spare capacity for at least 0.5 match equivalents at peak time (Sun AM)
Offer spare capacity for adult football (Sat PM)
Offer spare capacity for junior / 9v9 girls football – Sun PM
Capacity to accommodate club growth
Additional capacity not required to meet current or projected future demand, but to future proof the site in case of further club growth.
The site should be future proofed by ensuring that there is scope for the development of an additional 3G AGP in future years (by ensuring that one of the pitches provided has sufficient space at the perimeter to be replaced by an AGP, linking with FA policy to increase the proportion of junior / youth play that takes place on AGPs.

All the above pitches are provided as part of the proposals.

COMMUNITY CRICKET

Alsager Cricket Club is the only cricket club in the local area. They have their own cricket ground and have historically used overspill facilities at Alsager School and the MMU campus as well as their own site.

The SNA concludes that the projected population increase alone would create additional teams which would create the need for additional strips. No further teams can play on a Saturday within the current pitch infrastructure at Alsager CC. However until the point that additional teams are created, it is likely that any additional pitch required would be used irregularly as an overspill facility only. No facilities are therefore required as part of the current proposal.

COMMUNITY HOCKEY

Triton Hockey Club are one of the leading hockey clubs in Cheshire the Club currently runs 6 senior teams playing on a Saturday afternoon, 4 men's teams and 2 Ladies' teams. The Club has an under 13s Beavers mixed and an under 15s Badgers boys' team plus a girls' junior team. Senior training takes place at Alsager Leisure Centre. Previously senior training was

at the former MMU campus but was switched to Alsager Leisure Centre as access could not be guaranteed for the whole season by the MMU.

There are currently two sand based pitches in Alsager. One at ALC and one at MMU, although access to the current MMU pitch is restricted and there is very little if any use, as a consequence all hockey use is now focussed at the ALC pitch. Both pitches have been identified as not 'fit for purpose' for hockey. A key part of any SNA is meeting the needs of sport, through consultation with clubs and NGBs, in the case of hockey this has been with Triton Hockey and England Hockey respectively.

Based on the SNA it is largely accepted that hockey does not require two-sand based pitches going forward but one high quality, full-size, floodlit sand dressed pitch focussing on hockey use with access to changing and ancillary provision on the same site to encourage development and growth. This pitch is the preferred surface for competitive hockey and is also suitable for football training (England Hockey are happy to see this to help sustainability) so also delivers some flexibility. Neither the existing MMU site nor the ALC site in Alsager currently has the future potential to deliver this for hockey.

The needs assessment, supply and demand analysis and consultation with clubs demonstrates that there is also a strong requirement for 3G training facilities for football, as well as space to accommodate match play and that training needs place significant demand and wear and tear on the grass pitches. Based on the Playing Pitch Strategy analysis and the need to accommodate training and match play and in-line with FA policy, in addition there is a need for a full-size floodlit long pile (55-60mm) 3G surface for football. This is less flexible and is not suitable for hockey, the FA do not permit other uses than football on sanctioned match pitches.

The two AGPs match the current provision in Alsager however where there are currently two sand based pitches the future need is for one new 3G pitch and one 'fit for purpose' sand dressed pitch for hockey.

Through analysis and consultation with the Council, the Leisure Trust, clubs and NGBs there would appear to be general agreement in terms of the above scale of provision and the desire, particularly from the sports clubs is to have both new AGP pitches located on the MMU site to form a multi-sport hub and support club development and sustainability.

In this context the future of the school pitch will have to be considered moving forward but it is likely that this will be focussed on purely school / curriculum use. The Sports Needs Assessment states that the school want to have a 40mm pile 3G pitch for curriculum use, and that it is not the intention to open it up for community use. Indeed the surface is not supported either by England Hockey or the Football Association. Therefore it will have no real value in meeting the needs for these sports in the community and therefore the pitch has little or no impact in terms of supply and demand.

COMMUNITY RUGBY

Prior to vacating the Alsager site in 2010, the rugby pitches were used only for university rugby teams with no regular use by external clubs or other parties. Since moving to Crewe the University have entered into a partnership with Crewe and Nantwich Rugby Club based at

the Crewe Vagrants playing fields near Shavington. All of the university rugby provision has been based here since the 2012-13 academic year.

The University have also invested £75,000 in upgrading the pitch facilities at the club, this has included the installation of drainage and irrigation to the main playing areas to help support the greater number of games played on these pitches and improve the standards of the playing surfaces and ensure capacity was not impacted upon. The University also pay an annual maintenance fee to the club to support the additional upkeep of the pitches and supporting facilities (£1,500 per annum).

There is no pitch within Alsager (although there was formerly a pitch at Alsager School) and no evidence of unmet demand. Based upon demand within the Alsager area, there is no evidence of a requirement for the former pitches at the MMU site and on this basis the MMU pitches can be deemed surplus to requirements. The demand that was placed upon these pitches has now been added to the Crewe & Nantwich RUFC site (as MMU teams have transferred to play at this facility).

The SNA does demonstrate that at Crewe Vagrants, there is insufficient capacity to meet local need without the use of pitches at Malbank and Brine Leas, as well as the new pitch being provided at Reaseheath College. With these facilities there are however sufficient facilities for the club (Crewe & Nantwich RUFC). Added to this, improvement to the quality of pitches (to ensure that each pitch can sustain three games per week) would further add to the adequacy of provision and ensure that the current and future needs of the club can be met. As a result it is recommended that to compensate for the loss at MMU, funding is directed to Crewe Vagrants to ensure that both current and future needs can be met.

The RFU has identified a piece of machinery that would help to achieve the objective of increasing the capacity of the pitches at Crewe and Nantwich RUFC. The proportion of the MMU usage of the Crewe Vagrants site is 11.47%, and therefore the applicants have agreed to contribute this % of the total cost of the machinery required. This is a figure of £14,888 as being the sum required to enhance the (training and playing) capacity of the playing pitches at the Crewe Vagrants site. This will be secured as part of the s106 agreement.

Sports provision summary

The submitted sports needs assessment identifies those elements of the existing sports facilities at the MMU site that are surplus to requirements. Where there is a loss arising from the proposed development, the application proposals make provision for equivalent or better provision in terms of quantity or quality in a suitable location, either through the redevelopment of the site or financial contributions in lieu of on site provision. Accordingly, the proposal is considered to comply with paragraphs 73 and 74 of the Framework.

Management & Maintenance

A key part of the replacement sports facilities will be the requirement for ongoing management and maintenance of the site, to ensure that there is a sustainable facility that can benefit the local community for years to come. Indeed Sport England need to be satisfied that this can be provided before supporting the proposal, and withdrawing their holding objection. In this regard, it is proposed that ownership of the sports facilities is transferred to the Council, and Everybody Sport & Leisure has been asked to take on the day to day management of the facility. Everybody Sport & Leisure is considered to be the most

appropriate body to manage the site given their expertise and very local presence across the road at the Leisure Centre. Sport England require written confirmation from the Leisure Trust that they will take on the management, and written confirmation from the Council that it will take ownership of the site before removing their holding objection. Confirmation on these matters is awaited and will be reported as an update.

Open Space

Comments from ANSA are awaited and will be reported as an update.

Education

The development of 407 dwellings is expected to generate:

75 primary children (407×0.19) + 2 SEN

60 secondary children (408×0.15) + 1 SEN

5 SEN children ($407 \times 0.51 \times 0.023\%$)

The development is forecast to create a shortfall predicted for primary provision in the immediate locality. Negotiated contributions are factored into forecasts and an increase of capacity at a local primary school has been considered in the equations, however a shortfall still remains even when taking into account pupils resident in a different authority. The development is forecast to create a shortfall predicted for secondary provision in the immediate locality, either based on existing forecasts or as a result of pupils being pushed back to make way for pupils expected from the MMU development.

Special Education provision currently has an existing shortfall within the borough with over 47% of pupils currently being educated outside of Cheshire East. The Service acknowledges that this is an existing concern, however the 5 children expected from the Former MMU application will exacerbate the shortfall. The 3 SEN children who are thought to be of mainstream education age have been removed from the calculations above to avoid double counting. The remaining 2 SEN children are expected to be 1 EYFS child and 1 Sixth Form child. The Service does not claim for EYFS or Sixth Form at present therefore those children cannot be removed from the calculation above.

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

$75 \times £11,919 \times 0.91 = £813,471.75$ (primary)

$60 \times £17,959 \times 0.91 = £980,561.40$ (secondary)

$5 \times £50,000 \times 0.91 = £227,500$ (SEN)

Total education contribution: £2,021,533.15

Without a secured contribution of £2,021,533.15 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. Without the mitigation, 76 primary children, 60 secondary children and 5 SEN children would not have a school place in the locality.

The forecasts produced by the Education department provide a planning tool that helps them in its attempts to cope with the uncertainty around the future need for school places and taking into account approved new housing development, which may or may not yield pupils

during the forecasting period. These forecasts do include consideration of actual numbers on roll in October and admission patterns, which can change from year to year. The applicant disagrees with the conclusions of the education department due to the forecasts being based on figures that include out of County children. Due to the proximity of Alsager to the Stoke-on Trent and Staffordshire borders, there are many children attending the Alsager High School from these other authorities. The applicant maintains that an allowance should be made for these out of County children thereby reducing the number of school places required.

There is clear disagreement between the applicant and the education department on the correct approach to forecasting capacity in local schools. The applicant has submitted appeal decisions which they state supports their position, and where future pupil could be accommodated in other nearby schools rather than the school for which the contributions are being sought. At present it does appear that the pupils generated by the proposed development cannot be accommodated in local schools, and therefore it follows that contributions are required. But at the time of writing further information was still being submitted by the education department and further comments are expected from the applicant. This information will be reported as an update.

In any event, as is explained further below, for viability reasons no education contributions can be made.

ENVIRONMENTAL SUSTAINABILITY

Residential Amenity

New residential developments should generally achieve a distance of between 21m and 25m between principal windows and 13m to 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties.

The relationships of the proposed dwellings with existing properties all meet the distances above, or in some cases site circumstances (such as intervening vegetation) justify a marginally lesser distance. Within the site, there are some separation distances that fall marginally below the identified standards, as is the case with one or two of the approved Jones Homes plots to the west of the application site. However, any shortfall of distance standards is considered to be minimal and is not considered to have such a significantly adverse impact upon the living conditions of existing or future occupiers to justify a refusal of planning permission. The distances are also consistent with those approved on neighbouring sites. Overall, adequate standards of space, light and privacy will be provided. However, clarification is currently being sought from the applicant about the relationship with the Seddon Homes scheme to the north of the site and will be reported as an update.

Lighting

Some of the existing pitches to the south of the site are floodlit. The existing floodlighting comprises five masts of around 15m height orientated in a westerly direction.

The proposed hockey pitch and the 3G football pitch will be floodlit. The lighting equipment will be positioned on 15m high lighting masts. The total number of masts is twelve. The proposed hockey pitch and 3G football pitch share a long edge so the floodlighting masts are in three rows. Each mast has a minimum of two floodlights. However the central row of

masts between the two pitches has either four or five floodlights mounted on each mast. There will therefore be an increase in the amount of floodlighting compared to the existing situation.

The Institution of Lighting Professionals document *Guidance Notes for the Reduction of Obtrusive Light GN01:2011* notes that the given light intrusion levels for an area such as the application site are as follows:

- 5 lux (pre-curfew)
- 1 lux (post curfew)

A default curfew time of 2300 is suggested by GN01.

The Sport England Design Guidance Note *Artificial Sports Lighting (2012)* also refers to these standards.

In the case of the proposed application some properties with boundaries adjacent to Dunnocksfold Road will be most affected by the floodlights. However, given that the lights will not be operational post-curfew (after 2300hrs), the light spillage diagram indicates that whilst parts of the garden areas of these properties will exceed the 5 lux pre-curfew standard. The light levels at the buildings themselves will be below the 5 lux level. The impact of the lighting upon neighbouring properties is therefore considered to be acceptable.

Noise

An acoustic report has been submitted with the application to consider the potential for noise and disturbance. The difficulty with assessing and predicting potential noise impacts is the lack of adequate guidance for assessing such noise. In particular, the noise from shouting, whistles, balls hitting netting etc. There is also a potential for the use of the proposed car parking area to cause noise impact through vehicle arriving and leaving, doors slamming and people talking, etc.

All such noise sources are intrusive in character and without adequate mitigation likely to result in an unacceptable impact on health and quality of life. However, the acoustic report recommends mitigation in the form of acoustic fencing around the pitches to provide some protection to existing and new residents.

Even with the fencing in place, Environmental Health advises that allowing uncontrolled use of the facilities up to 22:00 would give rise to an unacceptable noise impact. However, the information submitted with the application notes that the peak use will be during the winter months (September to April) when people are less likely to have windows open, or be in garden areas enjoying external amenity.

As such, it is considered to be necessary to condition the hours that the pitches can be used, and it is proposed to have restrictions based on winter and summer hours. With the use of the pitches restricted to 21:00hrs in the winter and 20:00hrs in the summer. Additional conditions relating to the provision of the acoustic fencing and the submission of an Environmental Management Plan are also recommended.

Subject to the above, no significant amenity issues are raised, and the proposal is considered to comply with the requirements of policy GR6 of the local plan.

Air Quality

An Air Quality Impact Assessment (AQIA) has been submitted in support of the planning application. 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 report concludes that there will be a negligible increase in pollutant concentrations at all receptors modelled. Taking into account the uncertainties associated with air quality modelling, the impacts of the development could be significantly worse. As a result of a worsening of air quality, the report recommends the following mitigation measures be implemented:

- Minimise reliance upon motor vehicle use through a Framework Travel Plan
- Promote alternative transport options
- Implement a bus strategy to introduce new and enhanced services; and,
- Inclusion of pedestrian and cycle routes into the surrounding environments.

The mitigation measures described form the basis of a low emission strategy for the development. Appropriate conditions are therefore recommended.

Trees

Trees within the application site are protected by the Congleton Borough Council (Manchester Metropolitan University, Alsager Campus) Interim TPO 2008 (Area A1) and is a material planning consideration. The Order protects those trees of whatever species identified as an Area designation on the TPO map. An area designation only protects those trees that were present when the Order was made.

An Arboricultural Impact Assessment (AIA) has been submitted in support of the application, which identifies 24 individual trees, 67 groups of trees and 11 hedges within the application site.

In terms of the quality and value of those trees highlighted for removal there are 4 High (A) quality individual trees, and 8 individual moderate (B) quality trees and 19 moderate (B) quality groups proposed for removal. The remaining low (C) quality trees for removal comprise of 3 individuals and 19 groups.

Whilst it is evident that there are a number of high and moderate category trees proposed to be removed to accommodate development, a high proportion of trees and groups are internal to the site and present only a limited contribution to the wider amenity of the area or are located close to existing built infrastructure such that their successful retention would not be feasible due to requirements for adequate working space for demolition.

An updated Arboricultural Impact Assessment is awaited to take account of the revisions to the site layout that have been made during the course of the application. Further details will be provided as an update.

Landscape

The MMU campus site is bounded to the west by open countryside, to the north by a new housing development and to the east by Hassall Road, beyond which is a school, leisure centre and associated recreational land set within a predominantly residential area. To the south, beyond Dunnockfold Road, is an area of residential properties.

The application site covers an area of approximately 22 hectares and is generally flat. There are a significant number of trees across the site which provide a mature landscape setting, along with a belt of mixed species of trees along the western side of Hassall Road, which forms a prominent landscape feature; mature hedgerows with hedgerow trees delineate several of the other boundaries. Whilst there are playing fields to the north, west and south, the built up parts of the site can be viewed from surrounding vantage points.

The Planning Statement identifies that the Landscape Masterplan identifies retained trees, and that the housing layout seeks to ensure that mature trees are located at an appropriate separation distance from houses, and that new planting is proposed throughout the site using appropriate streetscene trees, chosen for their impact in an urban setting.

The Planning Statement identifies that the landscape philosophy has been key to the design response for the site and that the high quality natural boundaries and features within the site have created significant landscape opportunities, this appears to rely on the existing mature vegetation across the site. The site offers opportunities to complement and enhance the existing mature vegetation, but to achieve this it will be important to ensure that any proposed tree and shrub planting is appropriate in terms of size, species and scale of planting, if the quality of the development and distinctive character areas are to be successful in the longer term. The applicant has submitted a planting strategy for the site, which outlines planting proposals for the site, and which the landscape officer is happy with subject to landscaping conditions.

Ecology

The nature conservation officer has provided the following comments on the application:

Designated Sites

The proposed development is located within 2km of Oakhanger Moss SSSI which forms part of the Midland Meres and Mosses Phase 2 Ramsar.

Natural England advise that the proposed development is not likely to have an adverse impact upon the features for which the site was designated and they advise that an Appropriate Assessment under the Habitat Regulations is not required. Under regulation 61 of the Habitat Regulations the Council is required to undertake an 'Assessment of Likely Significant effects'. This assessment has been undertaken, and concludes that the proposed development is not likely to have a significant impact upon the features for which the statutory site was designated. Consequently, a more detailed Appropriate Assessment is not required. Natural England have also advised that the proposals are unlikely to affect Oakhanger Moss SSSI.

Badgers

Evidence of badger activity was recorded throughout the site with two minor setts being present on the boundary of the application site. In order to avoid the risk of badgers being injured or disturbed by the construction activities on site the applicant's consultant has proposed that the setts be closed under the terms of a Natural England license prior to any construction works taking place within 30m of the setts or any pile driving taking place within 100m. The nature conservation officer advises that this approach is acceptable to reduce the potential risks posed to badgers by the proposed development. An appropriate condition is recommended.

Bats

A series of bat surveys have been undertaken of the buildings on site. A bat potentially emerged from one building during the earlier round of surveys, however follow up surveys did not record any conclusive evidence of roosting bats being present. None of the buildings on site are of High value for roosting bats, but the number of buildings present means that there is a slight risk of roosting by single or small number of bats being undetected. On balance however, the nature conservation officer advises that the demolition of the existing buildings on site is unlikely to affect roosting bats.

A number of trees and groups of trees have been identified as having potential to support roosting bats. Based on the submitted Phase One habitat plan and proposed layout plan it appears feasible for a number of these trees to be retained as part of the proposed development.

There are a number of trees on site with bat roosting potential that would be lost as a result of the proposed development. These trees are identified by the following target notes on the Phase One Habitat plan: 3, 14, 15, 19, 22, 23, 26, 27. A survey of these trees has recently been carried out and comments from the nature conservation officer on this matter are awaited, and will be reported as an update.

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Phase One Habitat plan: 3, 14, 15, 19, 22, 23, 26, 27. A survey of these trees has recently been carried out and comments from the nature conservation officer on this matter are awaited, and will be reported as an update.

Hedgerows

There will be some loss of hedgerow associated with the proposed development. Hedgerows are a priority habitat and hence a material consideration. If planning consent is granted suitable compensatory hedgerow planting should be incorporated into the landscape scheme for the site, which can be dealt with by condition.

Hedgehogs

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 and so the species may occur on the site of the proposed development. A condition is therefore recommended to require the incorporation of gaps for hedgehogs to be incorporated into any garden or boundary fencing.

Barn Owls

There was no evidence of barn owl presence identified during the bat surveys of the various buildings on site. However, the mature trees on site may potentially support barn owls and so should be subject to a detailed survey for this species. Further details will be provided as an update.

Nesting birds

If planning consent is granted a condition will be required to safeguard nesting birds.

Highways

The Strategic Infrastructure Manager (SIM) has made the following comments on the application:

Traffic Impact

The site has an existing use as an education and sports facility, and the applicant has submitted figures to indicate that these uses could generate up to 340 trips in the am peak hour. In addition, the applicant has provided a Transport Assessment that has assessed a number of junctions within Alsager and includes other committed residential schemes in this assessment. The SIM considers that the submitted traffic generation figures for the proposed new residential development (230 trips) are rather low in comparison with local trip rates determined by CEC. However, using CEC rates they would only increase the submitted 230 trips by another 40 trips overall and will not materially affect the capacity assessments undertaken.

As part of the traffic impact of the development, all of the site access points have been assessed in terms of capacity and none of the junctions have a capacity problem. There has been a wider assessment undertaken on the principal junctions on Crewe Road in Alsager and the applicant has submitted capacity results that indicate relatively low queues at the junctions. The assessments do include some of the mitigation measures already agreed as part of other developments such as traffic signals at Hassall Road/Crewe Road junction and changes to the signals at Crewe Road/Lawton Road junction.

Given the large number of residential applications submitted in Alsager, the Council has undertaken its own traffic study of all the major junctions in Alsager to understand the current position as regards the capacities of the Crewe Road junctions. The CEC results are somewhat different to those results submitted by the applicant, there are longer queues predicted at the principal junctions such as Crewe Rd / Sandbach Road / Lawton road and at Hassall Road / Crewe Road.

To summarise the traffic impact of the MMU proposal, there is a fallback position in regards to the level of traffic that an educational use on this site would generate but as a result of this application there is a net increase in traffic on the road network. Whilst there will be an increase it is not at a level, or increase congestion to such a degree, that would require mitigation to be provided.

Access Points

There are four separate access points proposed, there are two accesses from Hassall Road serving the main residential development and a separate access to the residential scheme of Dunnocksfold Road. A new access to the car park serving the sport pitches is proposed off Dunnocksfold Road. All of the accesses are 5.5m with footways with the exception of the southern access on Hassall Road which has a wider carriageway at 7.0m and 2.0m footways. All of the proposed access points are of a suitable highway standard to serve the level of development proposed and visibility is achievable.

Internal Layout and Parking

The internal road layout submitted is a suitable design that does promote lower traffic speeds and there are informal roads/areas that are in keeping with a Manual for Streets design. The residential parking provision is consistent across the site with CEC parking standards and as such the residential parking is acceptable. There are a number of sport pitches proposed as part of this application and to support these facilities there are 105 car parking spaces provided, plus two mini bus parking spaces. CEC standards recommend an individual assessment on multiple sport pitches. Clearly, there is potential for considerable parking demand from these pitches, however the 105 spaces and minibus parking is considered to be adequate in this case.

The SIM has highlighted that the Manor Farm access is only single track and is not suitable to serve as an access for the sport pitches. There is a new access junction created to serve the car park from Dunnocksfold Road but there also is a separate car park on the opposite side of the Manor Farm drive and it is likely that users of this car park would use the Manor Farm drive as an access route.

The applicants will need to either provide measures to ensure that the Manor Farm drive is not intensified by vehicle movements or increase the width of the Manor Farm drive to provide suitable access to the car parks.

In addition, the revised proposals indicate that a boundary fence is to be erected around the sport pitches, notably along Dunnocksfold Road and this may interfere with the visibility plays at the new car park access. The applicant has been asked for a plan to show the positioning of the fence to the rear of the visibility plays.

Accessibility

In terms of pedestrian accessibility, the residential site can be accessed from Hassall Road as both access points are connected to the footway network. However, there is no footway on the north side of Dunnocksfold Road and no pedestrian access exists to the sport pitches and the residential development on the development side of the road. The SIM has recommended that a footway is provided along the north side of Dunnocksfold Road. Discussions with the SIM and the applicant are ongoing in terms of if and how this will be provided.

In addition, to provide safe pedestrian access from the site to the nearby school, leisure centre and bus stops, a contribution of £70,000 for a formal pedestrian crossing to be provided on Hassall Road is recommended. A financial contribution will therefore be secured through the s106 agreement.

The MMU site has a range of facilities that are within a reasonable walking distance of the site and there are existing bus services that are available on Hassall Road. Overall, it is considered that the accessibility of the site is good but the pedestrian access needs to be improved.

Further details will be provided as an update.

Layout & Design

The former university site is relatively substantial in size and clearly makes a significant contribution to the character of the wider area. Other than the application site, and the neighbouring High School and Leisure Centre, the area is residential to the south and east and rural to the north and west. The residential areas are characterised by a variety of house types. The buildings within the application site are not of any significant architectural merit. Whilst the proposed buildings will extend into areas of the site not currently occupied by buildings, given the surrounding land uses, this expansion of the built form will not have an unduly harmful effect upon the local area.

The proposed changing room building will be a single-storey structure, with the residential development comprising a range of 2, 2.5 and a small number of 3-storey properties, all of which are considered to be acceptable having regard to the scale of existing buildings within the site and local character. A mix of detached, semi-detached and terraced properties is proposed across the site, which will form varied street scenes, and roads are designed to reduce traffic speeds.

Character areas will be used to provide legibility within the development and to create a more diverse and attractive environment. These include an Entrance Circus, the Green Core, the Woodland Frontage, Hassall Road Play and Mews Street / Open Frontage. The on site open space is centrally located to maximise its accessibility and prominence within the development.

Importantly the mature tree screening to Hassall Road is retained, which is a significant feature of the area. The tree belt along the north western boundaries is also retained, which will help to assimilate the development into the open countryside landscape beyond

Subject to appropriate landscaping and materials, the scheme has the potential to make a positive contribution to the local area, and the proposal is considered to comply with the objectives of policies GR2, GR3 and GR5 of the Congleton Borough Local Plan.

Contaminated land

A combined Phase I and Phase II report and a Remedial Strategy have been submitted in support of the application. The Contaminated Land team has no objection to the application but note that the site has former uses and there is an infilled pond on site which may pose localised contamination and ground gas issues and the application is for new residential properties which are a sensitive end use and could be affected by any contamination present or brought onto the site.

Further investigation works are required upon demolition of the buildings on site, further gas monitoring is required and further delineation of the backfilled pond and associated gas risks are required. Remedial works are also required on site, and the proposed additional investigation works may further inform the remedial strategy.

Accordingly, a condition is recommended requiring further phase II investigation works.

Archaeology

The Council's Archaeologist has noted that the surviving 1940s block that provided accommodation for workers at the nearby Radway Green Royal Ordnance Factory should be recorded prior to its demolition, in accordance with Historic England recording level 2 (as proposed in section 4.4.2 of the Archaeological Desk-Based Assessment, WSP August 2015). The Desk-Based Assessment also indicated that the former site of "Daisybank Farm" depicted on the 1840 Tithe Map lay in the very south-western corner of the site. The proposals indicate that this area will now be used for housing and the level of damage or destruction to any surviving below-ground remains is likely to be considerable. Although the site is of only local significance it is considered worthy of preservation by record, i.e. archaeological excavation and recording. Proposed mitigation in the form of the stripping of the footprint of the two buildings depicted on the Tithe and Ordnance Survey mapping of the site, and the subsequent appropriate level of excavation and recording of any surviving remains, is considered to be an appropriate means of dealing with the site. Such works would however be limited to the area of building plots 488-500 as shown on drawing number MMU/PL01, revision P6, date 06-07-15, 1:1000 Planning Layout.

Consequently should the Council be minded to grant planning permission to this, or any similar scheme, the Archaeology Planning Advisory Service would recommend that such works (building recording and below-ground archaeological investigation) be secured by means of a condition.

Flood Risk

The site is located in flood zone 1; however, there is also high surface water risk in an area in the eastern part of the proposed development from topographical low spots indicated on the Environmental Agency's mapping system. The risk of flooding from this source will need to be appropriately mitigated and assessed then shown in the appropriate submitted documents before development can commence on site.

Neither the Environment Agency nor the Flood Risk Manager raise any objections to the proposal subject to drainage conditions.

ECONOMIC SUSTAINABILITY

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing and sports facilities as well as bringing direct and indirect economic benefits to the town including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

HEADS OF TERMS

If the application is approved a Section 106 Agreement will be required, and should include:

- Financial contribution of £70,000 towards a pedestrian crossing on Hassall Road.
- Financial contribution TBC towards provision of fitness stations and studio space at Alsager Leisure Centre.
- Financial contribution of £14,888 to enable capacity improvements to be made to Crewe Vagrants facilities.
- Provision and Management of on site open space
- Financial contribution TBC to Hassall Road play area
- Detailed specification and construction phasing programme of sports facilities.
- Phased transfer of land to CEC upon completion to be agreed, with the AGP's, changing facility and parking areas to be constructed and handed over first, in advance of the grassed pitches.
- Detailed management plan for the sports pitch area to be agreed with Management body (Everybody Sport & Leisure) prior to commencement of works.
- Land to be retained as sports area in perpetuity.

Community Infrastructure Levy (CIL) Regulations

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

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

The provision of public open space, sports pitches and management arrangements, financial contributions towards indoor sports facilities and towards increasing capacity at Crewe Vagrants, and a formal pedestrian crossing at Hassall Road is all necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of the development

PLANNING BALANCE

The replacement sports facilities to be provided by the development do come at a significant cost. The applicant has submitted a viability report to show what the development can afford in terms of the necessary sports provision and planning obligations. Officers have had the viability report independently appraised by an external consultant. The conclusions from that

appraisal are that the development, as proposed, cannot support any new affordable homes or further planning obligations than are already allowed for in the appraisal. The appraisal currently includes £4,822,082 for providing sports facilities on site, a contribution towards the cost of improvements to the local leisure centre as well as a Highway contribution and the provision of open space upgrades and play equipment. The site is a brownfield site and also has significant site specific abnormal costs of £10,083,000, of which £3,100,813 relates to demolition and site remediation and £4,955,500 for abnormal foundations and drainage.

The proposal is considered to be acceptable in principle; however, as noted above the development does require compromises to be made in certain policy areas.

The benefits in this case are:

- The proposal would provide almost £5m of brand new dedicated sports facilities, creating indoor and outdoor sports hubs at Alsager Leisure Centre and at the former MMU site respectively, with changing facilities, for local community use. The scheme has been formulated in consultation with local sports clubs, national sports governing bodies and Sport England, and therefore meets the needs of the local community.
- The proposal would help in the Councils delivery of 5 year housing land supply, which cannot currently be identified.
- The development would provide contributions towards enhancements to existing public open space facilities on Hassall Road for proposed and existing residents.
- The development would make effective use of a previously developed site.
- The development would improve the appearance of the site which has been vacant for many years, and has fallen into disrepair.

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

- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions.
- There is not considered to be any significant drainage implications raised by this development.
- The impact upon trees is considered to be neutral.
- The impact upon the residential amenity, noise, air quality and contaminated land could be mitigated through the imposition of planning conditions.
- Highway impact would be broadly neutral due to the scale of the development and the existing lawful use of the site.

The adverse impacts of the development would be:

- There would be an adverse impact upon education infrastructure as necessary financial contributions cannot be made to accommodate pupils generated by the development.
- The 36 affordable dwellings required by this proposal (taking into account vacant building credit) will not be provided.

In order to be deliverable, the proposal relies on a reduction in its policy compliant affordable housing provision of 8.8%, which is a level reduction that has been applied to many schemes across the Borough when viability is an issue. It has been clearly demonstrated in this case that the viability of the scheme is such that the necessary affordable housing cannot be provided. Furthermore, whilst the debate about the level of education contributions is

continuing, at the time of writing it does appear that the contributions requested by the education department are required. The inability of the development to provide this does weigh heavily against it. However, other than the significant contribution to housing land supply, the major benefit in this case is the provision of an outdoor sports hub for the local community. This cannot be underestimated and is a benefit that is unlikely to be provided on any other site in the Borough. The site will be a dedicated sports hub, with ongoing management and maintenance, which will be a unique benefit to the local community and the Borough as whole. For these reasons, it is considered that the provision of the sports facilities is of overriding public interest.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits.

Accordingly, subject to the outstanding updates, the application is recommended for approval.

RECOMMENDATION

Approve subject to conditions and a s106 agreement.

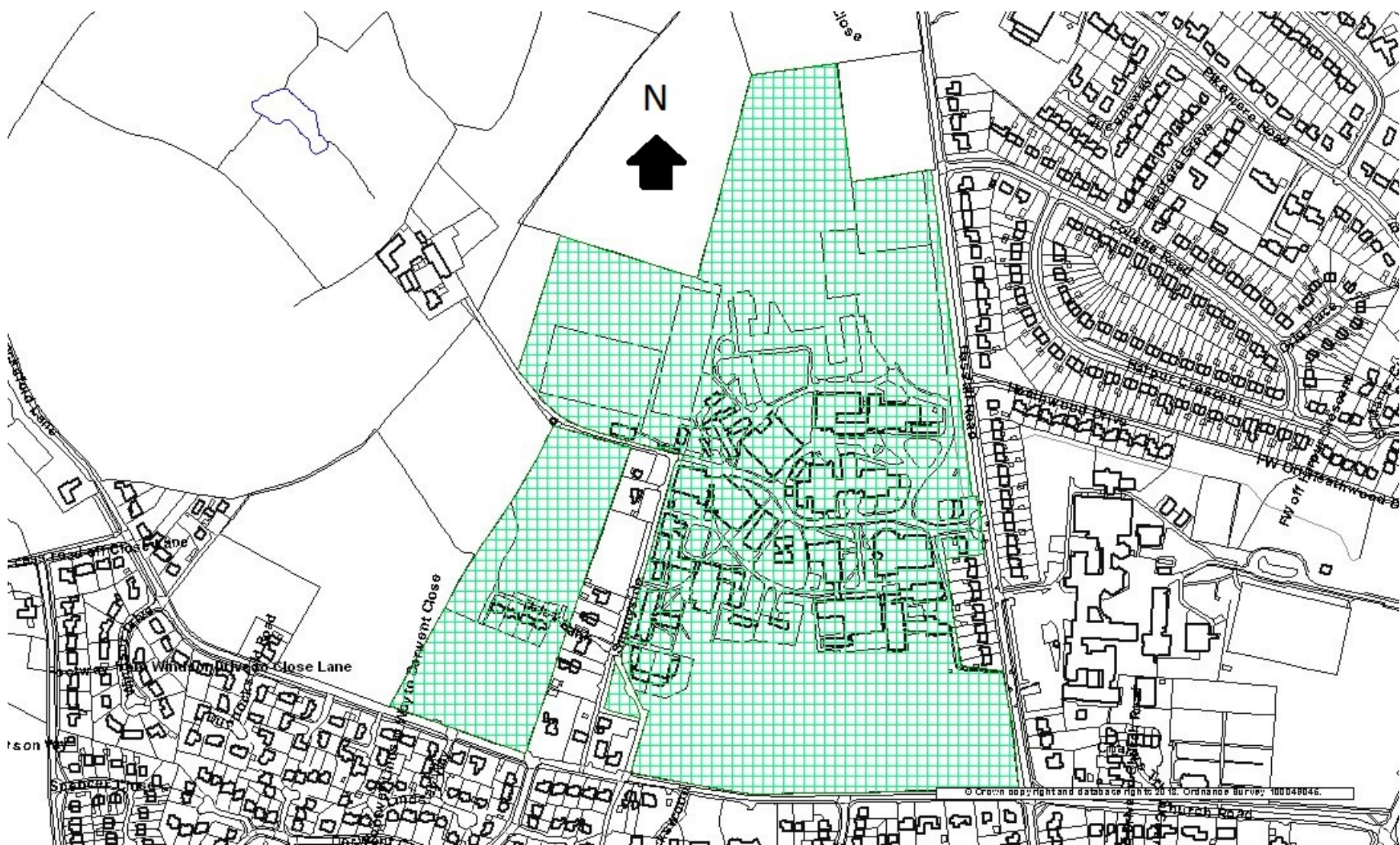
In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) delegated authority to do so in consultation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

Application for Full Planning

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials
4. A01LS - Landscaping - submission of details
5. A04LS - Landscaping (implementation)
6. A01TR - Tree retention
7. A02TR - Tree protection
8. A03TR - Construction specification/method statement
9. A04TR - Tree pruning / felling specification
10. A07TR - Service / drainage layout
11. A25GR - Obscure glazing requirement

12. Written scheme of archaeological investigation to be submitted and implemented as approved
13. Installation of acoustic fencing
14. Sports Pitches Hours of Use (Summer / Winter)
15. Environmental Management Plan to be submitted
16. Lighting details to be submitted
17. Low emission strategy to be submitted (air quality)
18. Travel plan to be submitted
19. Dust mitigation measures outlined in the submitted Air Quality Assessment to be implemented
20. Additional Phase II investigations to be carried out / submitted (contaminated land)
21. Development to be carried out in accordance with the approved Flood Risk Assessment
22. Surface water drainage details to be submitted
23. Foul and surface water shall be drained on separate systems
24. Development to proceed in accordance with the recommendations of the submitted Badger Survey
25. Incorporation of gaps for hedgehogs into any garden or boundary fencing proposed. Nesting bird survey to be submitted



Application No: 15/5676M

Location: BARRACKS MILL, BLACK LANE, MACCLESFIELD, CHESHIRE

Proposal: Outline planning application with all matters reserved except for access for the demolition of existing buildings and the erection of three units with mezzanine floors for Class A1 retail use (c12,000 square metres GIA) plus external sales area; one food retail unit (Class A1) including mezzanine (c1,200 square metres GIA); two units for Class A1/A3/A5 uses (c450 square metres GIA); and works to create new access from The Silk Road, pedestrian/cycle bridge, car parking, servicing facilities and associated works

Applicant: Cedar Invest Limited

Expiry Date: 15-Mar-2016

SUMMARY:

This proposal would bring economic benefits through the delivery of new jobs, investment in the area and by bringing a vacant brownfield site into viable use on one of the key gateways to Macclesfield, which is one of the principal growth areas of the Borough where national, local and emerging plan policies supports sustainable development.

The proposal to redevelop the site for uses other than industrial or conventional employment uses is contrary to policy. However, it has been accepted that this site is unlikely to contribute towards existing employment land in the borough. The Council's own evidence weighs against any argument for retention of this site for employment land and this is supported by the fact that the site is assessed as being a suitable brownfield site for housing within the urban potential study and therefore the principle of losing this site for employment purposes has already been factored in.

The applicant has demonstrated that there are no sequentially preferable sites for this out of centre retail proposal. It is concluded that the impact of the proposal on the vitality and viability of Macclesfield town centre will be adverse but not significant adverse even in the worst case cumulative impact scenario given that the town centre remains vital and viable. Given that the likely occupiers of the three largest units are known, the Council has a better understanding of the proposal and its likely impact on the town centre. Subject to conditions limiting the goods for sale form 3 of the largest units, the adverse impact has to be balanced against the benefits of the proposal such as regeneration of a derelict site and considered with all other material considerations such as compliance with the development plan in a planning balance exercise.

Taking into account the site abnormal costs, which comprise of; demolition and site clearance; remediation; provision of suitable access; the value of developing the site for potential alternatives would make the scheme less attractive to the developer / landowner and would potentially risk the regeneration of the site. The proposed retail scheme would be able to generate a positive value that is attractive to the developer / landowner and would enable the redevelopment of this gateway brownfield site. In light of the submitted viability appraisal and in addition to the earlier considerations regarding employment land, it is not considered that a refusal could be sustained on the loss of employment land in this case.

In terms of landscaping and trees, the treatment of boundaries will require careful attention at the detailed reserved matters stage when scale, landscaping, layout and appearance are detailed. Some of the trees on the site will require removal to facilitate the development; however, they are relatively poor condition. In this regard their removal will not have a significant impact upon the wider amenity of the area. It is considered that these losses can be satisfactorily be mitigated by new landscaping within the site.

Vehicle and pedestrian access will be taken from The Silk Road. The current access to the site is from Black Lane which then links to Hurdsfield Road at an existing traffic signal junction. The proposed main access to the site is from the Silk Road, as this section of the A523 is a dual carriageway the access will be a left in and left out arrangement only. There are traffic impacts associated with this development proposal but having regard of the mitigation measures proposed, the Council's Head of Strategic Infrastructure (HSI – Highways) does not consider that a severe impact refusal can be supported and does not raise objections to the application. The scheme is found to be acceptable in terms of its impacts on the local highway network (subject to the mitigation proposed) and the parking and pedestrian facilities would be sufficient to accommodate the proposed development subject to further discussions regarding the provision of a shuttle bus arrangement, which would be a benefit of the scheme.

The proposal is compatible with the surrounding development and the indicative design, scale and form of the buildings would not appear incongruous within its context subject to the submission of appropriate reserved matters.. The impact of the proposal on environmental considerations relating to flooding, drainage, land contamination (subject to further investigations) and ecology (subject to receipt of an updated report) would be acceptable.

The impact on neighbouring residential amenity would be acceptable owing to the present lawful use of the site, separation distances and having regard to the context of the area where there are retail, commercial and industrial uses.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits..

The proposal is therefore considered to be acceptable in the context of the relevant policies of the adopted Macclesfield Borough 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 outline planning permission with details of access for the demolition of the existing buildings and the erection of three units with mezzanine floors for Class A1 retail use (c12,000 square metres gross internal floor area) plus external sales area; one food retail unit (Class A1) including mezzanine (c1200 square metres gross internal floor area); two units for Class A1/A3/A5 uses (c450 square metres GIA); and works to create new access from The Silk Road, pedestrian/cycle bridge, car parking, servicing facilities and associated works, Matters relating to appearance, landscaping, layout and scale are reserved for approval at a later stage.

The proposed units would be distributed as follows:

Unit 1 - 3,252 Sq.m Bulky goods
Unit 2 - 1,858 Sq.m Bulky goods
Unit 3 – 931 Sq.m Bulky goods
Unit 4 – 585 Sq.m A1 including food
A3 Coffee Pod – 167 Sq.m
Fast Food Drive through – 279 Sq.m

SITE DESCRIPTION:

This application relates to the site known as 'Barracks Mill', located to the east of The Silk Road (A523) directly to the north of the existing Tesco Store and car park which lies on the opposite side of the River Bollin and Middlewood Way, Macclesfield.

The site covers an area of 2.74 hectares in size and is located outside of the boundary of Macclesfield Town Centre which is located to the west. The site falls within an Existing Employment Area as defined in the Macclesfield Borough Local Plan.

With reference to the Framework, and guidance which supports it, the status of the site is defined as 'out of centre' being approximately 650 metres walking distance from the town centre's Prime Shopping area. It is also separated off from it by the topography of the land, major highway and other environmental barriers.

The site consists of a former factory, which was damaged by a fire in 2004. There as still a number of buildings and structures in a derelict state. The site occupies a prominent position and is an important gateway location to the town (from the north). The site is presently accessed via Black Lane and Withyfold Drive. There are some residential properties on Black Lane and Withyfold Drive, to the east of the site. Alongside the River Bollin runs the Middlewood Way, which is used by walkers, cyclists and horse riders.

RELEVANT HISTORY:

08/0409P - DEMOLITION OF EXISTING FACTORIES AND ERECTION OF A RETAIL DEVELOPMENT – Finally Disposed of 02-Jun-2011

79925P - CHANGE OF USE OF PART OF FACTORY TO RETAIL SHOP – Approved 18-Jan-1995

97/1157P - DEMOLITION OF VACANT BUILDINGS & ERECTION OF CLASS A1 RETAIL PARK DEVELOPMENT & ASSOCIATED ALTERATIONS TO BLACK LANE – Note determined

12/0112M - Part detailed/part outline application for a replacement Tesco superstore and the erection of retail warehouse units. Detailed permission is sought for the demolition of buildings on the former Barracks Mill site to facilitate the development of a Tesco superstore of 14,325 sq. m gross internal area and a roundabout on the Silk Road, vehicles and pedestrian bridges over the River Bollin, a petrol filling station and associated internal road, car parking areas, servicing and landscaping. Outline permission is sought for a retail warehouse building and associated parking and servicing on the site of the existing Tesco store. Approval of details is sought for means of access, with all other matters reserved – Withdrawn 05-Dec-2013

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, 26, 27, 28, 56, 61, 65, 109, 111 and 118.

Development Plan:

The Development Plan for this area is the adopted Macclesfield Borough Local Plan. The relevant Saved Policies are:-

Macclesfield Borough Local Plan Policy

Environment

NE9 Protection of River Corridors

NE10 Conservation of River Bollin

NE11 Nature Conservation

NE15 Create or enhance habitats in reclamation schemes, public open spaces, education land and other land held by LPA's

BE1 Design Guidance

BE21-BE24 Archaeology

Recreation & Tourism

RT5 Minimum standards for open space

RT7 Cycleways, bridleways and footpaths

Housing

H13 Protecting Residential Areas

Employment

E1 Retention of Employment Land

E2 Retail Development on Employment Land

E4 Mixed use areas

Transport

- T1 General transportation policy
- T2 Public transport
- T3 Improve conditions for pedestrians
- T4 Provision for people with restricted mobility
- T5 Provision for cyclists

Shopping

- S1 Town centre shopping development
- S2 New shopping, Leisure and Entertainment Developments
- S3 Congleton Road Development Site
- S4 Local Shopping Centres
- S5 Class A1 Shops
- S7 New Local Shops

Implementation

- IMP1 Development sites
- IMP2 Transport Measures

Development Control

- DC1 Design – New Build
- DC3 Amenity
- DC5 Measures to improve natural surveillance and reduce crime
- DC6 Circulation & Access
- DC8 Landscaping
- DC9 Tree Protection
- DC13-DC14 Noise
- DC15-DC16 Provision of facilities
- DC17 Water resources
- DC18 Sustainable urban drainage systems
- DC20 Contamination
- DC50 Shop Canopies, Awnings etc
- DC54 Restaurants, Cafes and Hot Food Takeaways
- DC63 Contamination

Cheshire East Local Plan Strategy Submission Version:

- Policy MP 1 Presumption in Favour of Sustainable Development
- 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 IN 1 Infrastructure
- Policy IN 2 Developer Contributions
- Policy EG 1 Economic Prosperity
- Policy EG 3 Existing and Allocated Employment Sites
- Policy EG 5 Promoting a Town Centre First Approach to Retail and Commerce

Policy SE 1 Design
Policy SE 2 Efficient Use of Land
Policy SE 3 Biodiversity and Geodiversity
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
Strategic Location SL 4 Central Macclesfield

Other Material Considerations:

- 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
- Cheshire Retail Study Update 2011
- Macclesfield Town Centre Economic Masterplan 2010
- Macclesfield Town Vision 2012
- WYG update 2016
- The Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- Ministerial Statement of 23 March 2011 on "Planning for Growth"
- Relevant legislation also includes the EC Habitats Directive and the
- Conservation (Natural Habitats etc.) Regulations 2010.

CONSULTATIONS:

Cheshire Archaeology Planning Advisory Service Cheshire Shared Services: No objection subject to a condition securing a programme of archaeological work in accordance with a written scheme of investigation.

Highways: No objection subject to Grampian condition to provide the site access works and also the road improvement works on the Silk Road.

Environmental Protection: No objection, subject to conditions / informatives requiring submission of a Construction Environmental Management Plan, a restriction on hours of use, submission of details of external lighting, submission of details of noise mitigation for fixed plant etc, submission of a travel plan, submission of a low emission strategy, travel plan, dust control strategy, electric vehicle charging points 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.

National Grid: No objection but note there is a pylon apparatus within the site.

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.

MACCLESFIELD TOWN COUNCIL:

Object on the following grounds:

That this committee objects to the application on the due to the expected negative economic and social impact on the town centre, its vitality and viability, serious highways concerns and the potential negative impact on the amenity of residents based on the following grounds:

- i. Macclesfield Borough Local Plan Policy S2 1 – need for development away from the town centre is unproven
- ii. Macclesfield Borough Local Plan Policy S2 2 – there are available units within the town centre for the suggested business types as well as existing representation of the proposed businesses.
- iii. Macclesfield Borough Local Plan Policy S2 2(i) – there is deep concern relating to the potential damage, identified in the application, such a development will have on the vitality and vitality of the town centre.
- iv. Macclesfield Borough Local Plan Policy S2 2(ii) – the proposal will effectively be only accessible by car
- v. Macclesfield Borough Local Plan Policy S2 2(iii) – Existing properties' amenity will be adversely impacted in the form of additional heavy goods vehicles on small back road access (Black Lane), which was deemed unfit for busses; and the screening of residential properties.
- vi. Macclesfield Borough Local Plan Policy S2 3(i) – inadequate studies carried out to provide appropriate information on which to base a decision.
- vii. Macclesfield Borough Local Plan Policy S2 3(ii) – inadequate studies carried out to provide appropriate information on which to base a decision.
- viii. Macclesfield Borough Local Plan Policy S2 4 – the proposals do not restrict the range of goods to be sold, such that the anticipated occupancy will have a direct negative impact on existing businesses and town centre vitality and viability.
- ix. Macclesfield Borough Local Plan Policy DC1 – the proposal is not sympathetic to the character of the surrounding street scene

- x. Macclesfield Borough Local Plan Policy DC3 – the proposals will significantly injure the amenity of the nearby residential properties in terms of delivery access by heavy goods vehicles via Black Lane, which is unsuitable for such an access.
- xi. Macclesfield Borough Local Plan Policy DC3 4 and 5 – the proposals will significantly injure the amenity of the nearby residential properties in terms of additional pollution, noise, vibration and fumes from cars and delivery vehicles.
- xii. Macclesfield Borough Local Plan Policy DC5 – the proposals will result in anti-social behaviour on the car park
- xiii. Macclesfield Borough Local Plan Policy DC6 1, 2, 3, 4 and 5 – the proposals do not appropriately account for safe access, particularly on Black Lane and the potential impact on the A523 with slowing and emerging traffic. Buses stopped using Black Lane due to access and safety concerns. Black Lane is too small for two way traffic involving heavy goods vehicles for the delivery access as proposed (this would result in HGV's reversing). Access via Black Lane could result in the hindrance of emergency vehicle access.
- xiv. Macclesfield Borough Local Plan Policy DC8 – the proposals do not adequately address the landscaping policies of the local plan.
- xv. That such a development is likely to negatively impact on the ability for the town centre to attract inward investment, thereby adversely affecting the vitality and viability of the town centre.

REPRESENTATIONS:

Representations have been received from over 24 addresses objecting to this application. This includes submissions made by Macclesfield Civic Society, Cheshire East Council's Regeneration Section, Cllr Dooley and Savills acting on behalf of the Eskmuir Securities Limited who operate the Grosvenor Shopping Centre. The grounds for objection are summarised as follows:

- Impact on the vitality and viability of Macclesfield Town Centre#
- Breaches the 'Town Centre First' approach
- There is no quantitative or qualitative retail need
- Inadequacies in submitted retail information
- Diversion of trade from the town centre
- Proposal will provide uncertainty amongst existing traders
- Loss of employment land
- Size and scale of retail park too large
- Contrary to national, local and emerging policies
- Council confirmed development was not EIA
- Cumulative impact of this proposal with other out of centre retail proposals
- Impact on the local highway network and highway safety concerns
- Site should be developed for residential
- Impact on the Middlewood Way

- Contamination
- Will impact on town centre investment
- Account needs to be given to SMDA proposals
- Retail study is out of date
- Opportunities to enhance the landscape should be made
- Needs to be an archaeological assessment
- Viability case is not robust
- Design fails to respect the Town
- Outlook from neighbouring properties will be poor
- Anti social behaviour
- There is no clarity on type of retail being sought
- Pollution

A letter of support has been received from a neighbouring business on the grounds that it would bring a derelict sit into re-use with better access.

OFFICER APPRAISAL:

ECONOMIC SUSTAINABILITY

Principle of Development

This is an outline application for the demolition of a number existing buildings and the construction of four new retail units, all within a single building mass, plus the erection of a fast food outlet and coffee outlet. The application also includes the provision of a new access from the Silk Road and the provision of 324 car parking spaces.

Macclesfield is identified as a principal town in Cheshire East, a main shopping centre and an important employment centre. The Council has previously granted consent for a planning application (ref; 12/1212M), which seeks to improve the shopping and leisure provision via a seamless extension of the town centre. The scheme also includes a cinema and various leisure based facilities. Such town centre redevelopment is an important strategic development site and is considered key to achieving the sustained regeneration of Macclesfield town centre by providing a mix of retail, housing and leisure facilities and a new high quality public realm.

With regard to decision making, planning applications still have to be determined in accordance with the development plan. The Framework (Annex 1) makes it clear that development plan policies drafted before the Framework was published that are consistent with the guidance are a material consideration. Therefore, Local Plan saved policies S1 to S7 (excluding S6) are a material consideration as they are consistent with the Framework

The NPPF indicates that there is a presumption in favour of sustainable development which means that LPAs should grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies within the Framework taken as a whole.

The proposals subject of this application relate to a major retail scheme of some 12,881

square metres floor space in an out of centre location which is allocated as part of a wider employment use. As such, the key issues to consider in relation to principle of the proposed development are:

- 1) loss of an allocated employment site
- 2) suitability of site for retail development and impact on retail function of the town centre

Loss of Employment

The Barracks Mill site is identified on the Local Plan Proposals Map as being within an 'Existing Employment Area', where policies E1 and E2 indicate that proposals for retail development will not be permitted. The site is vacant, but with a previous industrial use. It is also covered by Policy E4 in the Macclesfield Local Plan as an existing employment area. The site has no designation as yet in the emerging Local Plan – it may well do in the second stage site allocations - but it does not feature in the current evidence base. Policy EG3 within the emerging local plan strategy also makes it explicit that sites will be protected for employment use and that alternatives uses would need to be justified.

Policies E1, E2 and EG3 seek to retain both existing and proposed employment areas for employment purposes to provide a choice of employment land in the Borough. As such, there is a presumption that the site will be retained for employment purposes. This proposal therefore constitutes a departure from the Development Plan.

However, when the Council looked at a previous application for retail development on the site in 2012 (planning ref; 12/0112M), there was an oversupply of employment land in the borough, particularly in the Tytherington area, and the amount of vacant office floorspace meant that it was unlikely that office development on the site would come forward. The findings of the Macclesfield Economic Plan and Masterplan and the Annual Monitoring Report 2009 together with marketing exercises undertaken at other employment sites all supported this view.

Further, in 2012 the Council had instructed that an Employment Land Review which was carried out in November 2012 by Arup & Partners and identified the nature and scale of employment land needed in Cheshire East to meet its sub-regional policy requirement and local business needs. This concluded that there was adequate Employment Land available across the District. This site was assessed as part of the review and forms part of the underpinnings for the allocation of employment land in the local plan. Within the Employment Land Review it was concluded that the site should be considered for non-employment uses in view of its various constraints. Consequently the site was not factored into the existing supply of employment land in Macclesfield.

In terms of the current position with regards to employment land, it is clear from the recent work undertaken as part the emerging local plan that the general position is that the Council needs additional employment land across the Borough (380ha additional). However, it has been accepted that this site is unlikely to contribute towards it. Hence, the Council's own evidence weighs against any argument for retention of this site for employment land. This is further emphasised by the fact that the site is assessed as being a suitable brownfield site for

housing within the urban potential study and therefore the principle of losing this site for employment purposes has already been factored in.

Viability

Added to above employment considerations, the application has been supported by a financial viability appraisal which includes an assessment of the potential land uses for the site comprising of employment uses (B1, B2 and B8) and redevelopment of the site for residential use. The appraisal considered the planning policy context, the constraints of the site, access issues and remediation of the site.

It is accepted that the site is a derelict industrial site and that comprehensive clearance and remediation of the land will be required prior to the commencement of any regenerative scheme. The estimated costs for such works are calculated to be in the order of £2.2 million to £2.4 million which would translate to £545,000 per acre to £606,000 per acre.

With respect to the access, the current access arrangement is poor and not particularly suited to industrial employment uses. In order to facilitate the redevelopment of the site, a new access is proposed directly from the Silk Road and it is argued by the applicant that this is a *“prerequisite of attracting new commercial occupiers to the site, or the purchases of new residential dwellings”*. The financial cost of providing the proposed new access is between £1 million to £1.2 million, equating to a sum of £250,000 per acre to £300,000 per acre.

The submitted appraisal shows that the potential options of a) redeveloping the site for employment re-use and / or b) redeveloping the site for residential use, would create a negative site value. There is the real prospect that if the developer does not yield a reasonable return from the site, then the development will not be capable of being delivered. The accepted industry standard that a developer should expect to achieve on a site is a 20% increase in Gross Development Value (GDV).

Taking into account the site abnormal costs, which comprise of; demolition and site clearance; remediation; provision of suitable access; the GDV of developing the site for potential alternatives would fall below the 17.5-20% that would make the scheme less attractive to the developer / landowner and would potentially risk the regeneration of the site. The proposed retail scheme would be able to generate a positive GDV that is attractive to the developer / landowner and would enable the redevelopment of this gateway brownfield site. In light of the submitted viability appraisal and in addition to the earlier considerations regarding employment land, it is not considered that a refusal could be sustained on the loss of employment land in this case. This has been confirmed by the Head of Planning Strategy.

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. Taking into account the employment benefits and investment to the area that this scheme would bring, and that it would bring a redundant brownfield site into viable use, the scheme is found to be acceptable in this regard and material considerations therefore outweigh the conflict with the employment policies of the development plan.

Retail Development

The applicant has advised that the scheme has been designed and configured in anticipation of the units being occupied by the following retailers:

- Unit 1 The Range
- Unit 2 Dunelm
- Unit 3 Sports Direct
- Unit 4 Convenience Store (without the mezzanine) or open A1 use

These named operators aid the understanding of the proposal and its likely impact upon Macclesfield Town Centre. The nearest Range Warehouses are to be found in Stoke and Rochdale whilst the nearest Dunelm store is located in Stockport. Sports Direct are the only retailer already located in Macclesfield occupying a unit on the edge of the town centre. The applicant has indicated that they no longer expect Netto or any other discount food operator to occupy unit 4 therefore this remains a speculative element of the proposal. The applicant also advises that Sports Direct have indicated that they will continue to trade from their town centre store in Macclesfield. However, it is important to note that there is no guarantee that Sports Directs presence in the town centre will continue and this must be factored in.

Town centres comprise of individual shops and in numerous appeal decisions inspectors have raised the concern of store closures, increased vacancies and diminished diversity in arriving at their conclusions. No development is going to compete with an entire shopping centre just elements of it and this approach helps our understanding of the impacts and can inform (or test) assumptions the trade diversions are based upon as NPPG advises *“As a guiding principle impact should be assessed on a like-for-like basis in respect of that particular sector... Retail uses tend to compete with their most comparable competitive facilities.”*

The council has expressed concern regarding the scale of the proposal in relation to the town centre. In response, the applicant has stated that

“The proposed development represents less than 15% of total floorspace... The scale of the proposal is smaller than Lyme Green Retail Park.”

However, in terms of the comparison goods floorspace in the town centre with which the proposal will compete directly the 12,881 sq m represents 30% of the town centre comparison goods floorspace in the town centre recorded in the 2016 WYG study. It is a significant development. In response, the applicant's retail consultant (ANA) has pointed out that much of the floorspace proposed is at mezzanine level which doesn't trade / turnover quite so well. In addition, the target occupiers are discount orientated.

ANA further advise it is because *“the application makes provision for the installation of mezzanine floors that increases the quantum of floorspace to the level proposed. End users may not require mezzanine space and therefore there is a prospect that mezzanine space throughout the whole development will not be provided.”* ANA therefore consider that the implementation of the mezzanine element is a 'worst case' scenario and the impact assessment has been undertaken on this basis. In addition they advise *“Sales areas at mezzanine level generally trade at a level below the average sales density typical of the*

retailer. However, within the Retail Assessment we have assumed that the sales densities apply to all floorspace and it does not distinguish between the ground floor sales area and mezzanine sales area."

The Council's Retail Consultant agrees with this approach as it assesses impact on a worst case scenario.

The Sequential Approach to Site Selection

During previous discussions, the Council questioned whether there were any alternative out-of-centre sites that had superior accessibility to the application site and were therefore sequentially superior. Drawing upon the Council's Urban Capacity Study (UCS) that forms part of the evidence base for the emerging Local Plan, ANA conclude "the application site is the only site of significant scale recognised to have the potential for development close to the town centre within the plan period". The applicant looked at three other large sites (over 1 hectare) in the UCS including the King's School (site ref 4302), BAS House (site ref 3115) and the Clowes Street (Gradus) site (ref 3090) but none of these sites are available for development of this type. It therefore appears that the sequential test is satisfied by the applicant.

Impact Methodology

In the 2016 Retail Study Update, WYG identify a much lower turnover for the town centre (£166.9m excluding inflow) than ANA (£237.87excluding inflow). Conversely WYG identify a much higher turnover for Lyme Green RP (£51.8m excluding inflow) than ANA (£11.93m excluding inflow). WYG have asked respondents where 'they last shopped' for the various goods in their household survey which they consider more accurate than the approach now adopted by ANA. ANA suggest that it doesn't matter *"If expenditure in a specific centre such as Macclesfield Town Centre is lower (for whatever reason), it must follow, in our methodology that trade diversion from that centre will be lower."*

Whilst ANA's household survey has a bigger sample in the study area (zones 1 and 2 of WYG's study area), the Council's Retail Consultant agrees with WYG's approach. The council also disagree with ANA's suggestion that trade diversion is proportional to market share. Whilst the market share is a factor to be taken into consideration in trade draw / diversion calculations there are other considerations such as the proximity of the nearest competing facilities to the proposal and the NPPG 'like affects like' principle. In addition, the turnover of the proposal is fixed and trade draw / diversions to it should be fairly rigid and not necessarily adjusted proportionally to any adjustments in market share. There are therefore two concerns with ANA's revised impact assessment:

1. That it continues to overstate the turnover of the town centre and understate the turnover of Lyme Green RP; and,
2. That trade diversions to the proposal can't simply be adjusted proportionally to adjustments in market shares.

Owing to this, the Councils Retail Consultant has undertaken some simple sensitivity testing of ANA's impact assessment to take the above into account and this is described later.

In addition to the Castle Street proposals ANA have now taken account of the SMDA Asda commitment, The Tesco Hibel Road mezzanine and the Handforth Dean Next proposals in their supplementary impact assessment. The 2011 WYG Study identifies two commitments at Silk Retail Park for mezzanine floorspace. ANA have made a greater allowance for turnover in the Tesco mezzanine than WYG and this offsets the omission of the two aforementioned commitments and this has been taken into account in the sensitivity described later.

The Council's retail consultant considers that the other commitments divert too little comparison goods trade from Macclesfield town centre (if this was proportional to market shares it should be around 32.6% for the two supermarket proposals). It is also noted that ANA base the trade draw for the Handforth Dean Next proposals on a number of sources including the 2011 WYG Study and assume 65% of trade is drawn from outside their study area. However, in the 2016 WYG Study, it is assumed that c. 65% of trade will be drawn from their (wider) study area. The Council's retail consultant has therefore adjusted the trade diversion from Macclesfield town centre to Handforth Dean to 10% in the council's sensitivity assessment. Whilst there is no Next store in the town centre to divert trade from, the Handforth Dean proposal is a Next Home Store Format with a considerable amount of floorspace given over to soft furnishings and non-bulky household goods (homewares) which will compete directly with nearby shopping centres including Macclesfield.

NPPG Health Check

The 2016 WYG Study also contains a health check against which to assess the impact (including cumulative) of the proposal in the absence of a health check carried out by the applicant. The Study finds a worrying decrease in market share within the study area for the town centre which is partially accounted for by a significant increase in market share for Lyme Green RP. WYG don't identify any current capacity to support new comparison goods floorspace in Macclesfield although they consider that with a small increase in market share there will be future capacity. Conversely, WYG do find considerable current and future capacity for convenience goods floorspace arising mainly from overtrading in existing foodstores in the town.

In the health check, it is concluded that for Macclesfield Town Centre, *"The vacancy rate is well above the national average"* (contrary to ANA's observations) and *"rent levels remain low in the town centre and yields increasing suggesting a lack of confidence in the town."* WYG note the new retail and leisure schemes planned for the town centre and their concluding summary is that *"Overall, whilst there are some positive signs of health, the centre does need intervention to address its existing deficiencies if it is to continue to remain a vital and viable centre."* The Executive Summary goes on to state that:

"The health of Macclesfield town centre has also declined in recent years. The centre has a number of weaknesses, including a high vacancy rate and a lack of modern format units. Accordingly, we consider further retail and leisure development in a town centre location could assist in strengthening the position of the town centre."

The Council's retail consultant has tested three impact scenarios and in the worst case scenario the proposal had a solus impact of between 8.9% and 12.5% on the comparison goods turnover of the town centre and a cumulative impact of between 12.6% and 17.6%. In a weak centre these impact levels would probably be 'significant adverse' but the most recent

retail study carried out by WYG has not concluded that Macclesfield is a weak centre. Given scenario 3 is unlikely to happen, it is considered that the adverse cumulative impacts of the other scenarios on the vitality and viability of the town centre are unlikely to be significant adverse.

Impact Assessment

Whilst there are some reservations about the convenience goods element of the proposal diverting too little trade from 'other shops' in Macclesfield town centre (if unit 4 is occupied by a foodstore), WYG do find considerable current and future capacity for convenience goods floorspace in the town in their 2016 Study. The remaining concern is therefore the comparison goods element and as we now have named occupiers for all but unit 4 this gives the council a better understanding of the potential impacts on the town centre. As stated earlier, because of concerns about some of the assumptions in the ANA impact assessment, the Councils Retail Consultant has undertaken a sensitivity impact assessment and this is outlined in the following section.

Sensitivity Impact Assessment

The sensitivity impact assessment has three scenarios and in each scenario, the solus and cumulative impact of the proposal is tested on the turnover of the town centre in 2020 as identified by ANA (c. £300m post Castle St development) and also a lower town centre turnover extracted from the 2016 WYG Study (c. £215m). As previously indicated the WYG approach is preferred to identifying market share based on a question that asks respondents which centre they last visited to purchase seven separate types of comparison goods. However, the ANA household survey had a bigger sample in the immediate Macclesfield catchment therefore should be more statistically reliable. The future turnover of Macclesfield town centre is therefore likely to be somewhere between the WYG (£215m) and ANA (£300m) assessments which can perhaps be regarded as a worst and best case scenario.

The first scenario is based upon ANA's £14.5m trade diversion from the town centre that results in a solus impact of between 4.8% and 6.8% on the town centre depending upon the overall turnover of the town centre that is used (ANA or WYG's). When the cumulative impact of the commitments is included the impact on the town centre increases to 7.9% (ANA) or 11.0% (WYG).

In the second scenario the trade diversion from the town centre to the proposal is increased to 70% to reflect the market share of the town centre in the most populated of ANA's zones South Macclesfield (zone 2). This increases the solus impact to between 6.1% (ANA) and 8.5% (WYG) on the town centre. When the cumulative impact of the commitments is included the impact on the town centre increases to 9.7% (ANA) or 13.6% (WYG).

Finally, in the third scenario the turnover of the proposal using ANA's worst case scenario of a sales density of £3,500 per sq m in all the comparison goods floorspace in the proposal is increased. Again, assuming trade diversion from the town centre is 70% this increases the solus impact to between 8.9% (ANA) and 12.5% (WYG) on the town centre. When the cumulative impact of the commitments is included the impact on the town centre increases to 12.6% (ANA) or 17.6% (WYG).

The third scenario is a worst case scenario as, given the conditions now offered, the proposal is unlikely to turnover at this level or divert 70% of its turnover from the town centre and not all the commitments are likely to be implemented. What this shows is that even in this worst case scenario the cumulative impact on the comparison goods turnover of the town centre is below 20% which has been regarded by PINS in recent appeals as the level of impact which vital and viable town centres such as Macclesfield can withstand before it is likely to be significant adverse.

Impact on the Vitality and Viability of Macclesfield Town Centre

The 2016 WYG Retail Study contains a health check against which to assess the impact (including cumulative) of the proposal. As indicated earlier, the WYG Study finds a worrying decrease in market share within the study area for the town centre which is partially accounted for by a significant increase in market share for Lyme Green RP. WYG also found the vacancy rate is well above the national average contrary to ANA's observations. WYG's conclusion summary is that *"Overall, whilst there are some positive signs of health, the centre does need intervention to address its existing deficiencies if it is to continue to remain a vital and viable centre"*.

The proposal will result in an adverse impact on the trade and turnover of Macclesfield town centre but as this is still a 'vital and viable' centre according to the latest Retail Study, it will not be significant adverse even in the worst case cumulative impact scenario. Now that we know the likely occupiers of the three largest units the Council has a better understanding of the proposal and its likely impact upon Macclesfield town centre. There is unlikely to be an impact on investment in the town centre in terms of competition for the same occupiers as the Range and Dunelm operators do not have town centre formats. Sports Direct are the only retailer already located in Macclesfield occupying a unit on the edge of the town centre and ANA suggest they will continue to trade from their town centre store in Macclesfield although there is no guarantee so this is likely to be the main impact on investment.

In terms of the impact on choice and competition, based on the advice of agents Cheetham & Mortimer, ANA consider that the proposed development is likely to add to the attractiveness of Macclesfield as a retail destination by introducing retailers that are not presently represented in the town. The Council disagrees with ANA's interpretation of the Todmorden and Saffron Walden decisions where the Inspector was concerned about the overall choice and competition in those town centres post development and not the impact on individual town centre stores / proposals. However, in the case of Macclesfield, now that we have named operators, it is considered that at least two of them will add to the overall shopping offer in the town and shouldn't impact too adversely on the choice and competition within the town centre itself.

It is noted that WYG identify a degree of comparison goods capacity for the town centre with increased market share. It is possible that the proposal will take up some of this capacity, however, as the trade diversion shows trade to be 'clawed back' from leakage as well as diverted from the town centre the proposal will also draw upon capacity from elsewhere in the study area and beyond. WYG's household survey found considerable leakage from zone 1 to Handforth Dean / Stanley Green / Stockport / Manchester CC / Trafford Centre for several goods categories e.g. clothing or footwear goods; Small household goods inc. home furnishings; and, Furniture, carpets and floor coverings. In addition, WYG's survey found

considerable expenditure spent at Lyme Green Retail Park (although ANA's survey undertaken by the same survey company NEMS failed to record this) therefore it is expected that the proposal to divert considerable expenditure from this destination (e.g. Matalan, Next, Poundland, etc.).

Overall Retail Impact

The applicant has demonstrated that there are no sequentially preferable sites for the proposal. Overall, it is concluded that the impact of the proposal on the vitality and viability of Macclesfield town centre will be adverse but not significant adverse even in the worst case cumulative impact scenario given that the town centre remains vital and viable. This adverse impact has to be balanced against the benefits of the proposal such as regeneration of a derelict site and considered with all other material considerations such as compliance with the development plan in a planning balance exercise.

The Councils Retail Consultant has advised that the proposal should be suitably conditioned to restrict the sale of goods as offered by the applicant. Subject to this, it is considered that it would be very difficult to defend a refusal on retail grounds at appeal. It is accepted that the town centre has declining vitality and viability but as the WYG study advises this can be addressed by the proposed retail and leisure investments in the centre which the proposal should not impact upon. The original 2011 WYG study identified out-of-centre retail developments as a key threat to the future vitality and viability of Macclesfield town centre (and especially clothing stores and household goods stores) but the 2016 study does not retain this advice which probably reflects the increasing diversification of the retail warehouse sector which is another reason why it would be difficult to defend a refusal at appeal on retail grounds. Owing to this, it is considered that the proposal is acceptable in this regard.

ENVIRONMENTAL AND SOCIAL SUSTAINABILITY

Design

The NPPF and local plan policies BE1 and SE1 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.”

Whilst the application is in outline form, the application is supported by indicative plans which show how the development could be accommodated on the site. The maximum floorspace of 12,881 square metres would be distributed across 4 units which would be of typical portal construction with metal cladding to the facing elevations and glazed features denoting the main entrances to the units facing a car park.

There is a clear precedent for large industrial buildings on the adjacent Hurdsfield Industrial Estate and the site would also be read in the context of the existing Tesco store located to the southwest. Whilst there are smaller residential properties to the east on Withyfold Drive, the

proposal would lower ground than the houses on Withyfold Drive which are positioned on higher ground.

The retail units, if constructed to the maximum scale allowed within the parameters set out in the application, would be higher than the two storey residential properties on Black Lane to the east. However, having regard to the scale of the adjacent industrial buildings to the north, and the separation between the proposed retail units and adjacent properties, it is considered that the scale, mass and height of the proposed buildings would be relatively sympathetic to the surrounding buildings in this area which has a mixture of residential and commercial properties of varying styles, scales and designs.

Subject to further considerations relating to landscape and the use of high quality materials, the proposal complies with policies BE1 and SE1 (Design).

Landscaping and Trees

The application includes a Proposed Landscape Plan (Drawing No. 2273 AA(40)10 P2), however the Design and Access Statement indicates that any planting will be dependant on contamination tests and the lime stabilisation process.

It is clear from the application that the proposed floor level of the retail units and finished levels of the car parking area and service yard are yet to be formulated. This will have an impact on the height of the eastern boundary wall which is also the boundary of the private gardens along Withyfold Road. This proposed boundary feature is described as varying from gabion wall alongside unit 1 to either a sheet piled wall, or a criblock configuration along the more northerly part of the eastern boundary. The application also notes that there would be a substantial 2 metre high timber fence at the rear of the gardens. The changes in level will also have an impact on the western boundary alongside the River Bollin. It is considered these boundaries will require careful attention at the detailed reserved matters stage when scale, landscaping, layout and appearance are detailed.

Whilst the majority of the site is given over the built form and hard landscaping, there are a number of tree specimens located towards the north of the site and close to the boundaries. Some of the trees that will require removal to facilitate the development are multi-stemmed specimens with weak included forms, or are in relatively poor condition. In this regard their removal will not have a significant impact upon the wider amenity of the area. It is considered that these losses can be satisfactorily be mitigated by new landscaping within the site.

Land Contamination

The application area has a history of use as a textile mill and general industrial use and therefore there is the potential for contamination of the site. The reports submitted in support of the application recommend that a further post demolition investigation is carried out to determine the presence and extent of any contamination on site. As such, and in accordance with the NPPF, the Council's Environmental Protection Unit recommends that such 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 taken from The Silk Road. The current access to the site is from Black Lane which then links to Hurdsfield Road at an existing traffic signal junction. The proposed main access to the site is from the Silk Road, as this section of the A523 is a dual carriageway the access will be a left in and left out arrangement only.

The primary servicing of the site by HGV vehicles will take place from Black Lane. Information presented in the Transport Assessment indicates that the frequency of delivery to the retail units is one HGV per day. Given the location of the fast food unit and coffee pod, it would be expected that deliveries to these units would be made via the main site access off the Silk Road. Overall the parking provision on the site is 324 spaces.

The Council's Head of Strategic Infrastructure (HSI – Highways) has confirmed that a new access is preferred from the A523 given the size of development proposed and likely levels of trip generation. In regards to the design of the access to the site, the detail is acceptable and there are no capacity problems with the left in/left out arrangement.

Impact on Local Highway Network

Although the site is currently served from Black Lane, the Council's Head of Strategic Infrastructure (HSI – Highways) has stated that the reuse of this access would be unacceptable as primary access to the proposal. Black Lane already serves as the exit to the nearby Tesco Extra store and capacity problems would arise should the traffic from this proposal be added to this road.

The main access being a left in/ left out on the Silk Road does not raise and capacity problems at the site access itself. The applicant has submitted a drawing showing the proposed access arrangements with an deceleration lane and merge lane onto the Silk Road.

The traffic generated by the proposal has been predicted using the TRICS database for the various use classes included in the scheme, adjustments have been made to the overall number of trips to take account of linked trips and pass-by trips. The assessment of the road network has been undertaken when the flows from the development are likely to be at their highest and coincide with peak traffic on the existing road network. The weekday evening peak has been tested along with a Saturday peak. The capacity assessments undertaken are in 2015 and 2020 with and without the development added to the network.

Although the applicant has undertaken a number of junction assessments the TA the main concern is the operation of the Hibel Road/A523 Silk Road roundabout as this would see not only increases in traffic but more right turning traffic as a result of the development. As part of the assessment of this junction, existing queue length surveys were undertaken to allow a comparison to be undertaken with the potential impact the development traffic would have on the queue lengths. Following this, the applicant has proposed some improvements to this junction as part of the application. These improvements would have some effect in reducing the predicted queue lengths but are not capable of bringing the junction back to within capacity levels. With the development in place there will be residual queues, primarily on the Silk Road on the north and south approach to the roundabout.

The proposed development access arrangements will increase the traffic levels and turning movements at the nearby Hibel Road/Silk Road roundabout and the level of impact that the

scheme has at this junction is an important consideration. The applicant has proposed an improvement scheme for this junction that will reduce the level of impact that the development will have, although residual queues will remain on the Silk Road approaches. Clearly, an assessment has to be made whether the length of queues and delay represents a 'severe' impact as described in the NPPF and warrants a refusal. If the existing situation is considered at the roundabout, the queue lengths will extend in the future through general traffic growth without the introduction of the development. The addition of the further development traffic and improvement scheme will extend the queues but not to such an extent that could be construed as having a 'severe' impact at the junction.

In summary, there are traffic impacts associated with this development proposal but having regard of the mitigation measures proposed, the Council's Head of Strategic Infrastructure (HSI – Highways) does not consider that a severe impact refusal can be supported and does not raise objections to the application. A Grampian condition is required to provide the site access works and also the road improvement works on the Silk Road.

Pedestrian Access

Given the site location, the predominate transport mode to the site will be by car. The site is capable of being accessed by foot using the existing pedestrian facilities on Black Lane and at Hurdsfield Road. There are no pedestrian facilities proposed on the Silk Road as part of the application.

In regards to accessibility to cycle and public transport, there are cycle tracks available in the vicinity of the site and bus services are available on Hurdsfield Road. Overall, whilst there are opportunities to use non car modes to access the site, by far the most dominate mode of travel to retail parks is by car.

To improve the sustainability credentials of the proposal, and connectivity with the town centre to make it more accessible to the proposed development, it is recommended that the applicant be required to facilitate the provision of a shuttle bus / park and ride arrangement to the town centre which would contribute towards assisting the planned investment and regeneration of the town centre and offsetting some of the impacts to the retail function of the town centre. It is recommended that the authority be delegated down to officers to secure the provision of such with the applicant.

Car Parking

Adequate car parking is provided for within the proposed car park.

Taking the above into account, the scheme is found to be acceptable in terms of its impacts on the local highway network (subject to the mitigation proposed) and the parking and pedestrian facilities would be sufficient to accommodate the proposed development subject to further discussions regarding the provision of a shuttle bus arrangement. The proposal therefore accords with Policy BE.3.

Ecology

Local Plan Policy NE11 seeks to protect nature conservation interests and indicates that where development would adversely affect such interests, permission should be refused.

The NPPF advises LPA's to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this case, the application is supported by a protected species survey undertaken by a suitably qualified and experienced ecologist and deals with the following species.

Reptiles

A single common lizard was recorded on site during ecological surveys undertaken at this site a few years ago. The submitted ecological assessment notes that there are also anecdotal records of this species being present on site. It is advised that a population of this species would be considered to be of County importance due to small number of known populations in Cheshire. Two subsequent rounds of reptile surveys have however failed to record any evidence of this species at the application site.

Whilst it is possible that this species may have been lost from the site, it is also a reasonable possibility that the species remains on site in low numbers, but was not detected during the survey, possibly as a result of the large number of existing refuges present on site. The proposed development would result in the loss of an area of habitat suitable for this species. The indicative layout does however retain a core of habitat under an existing pylon and links with the Silk Road verge and the offsite area of woodland both of which may also be suitable for this species. However, at present, reptiles also have an opportunity to access habitat associated with the Beech Lane playing fields by passing under the Silk Road through the pedestrian tunnel adjacent to the River Bollin. The proposed access road would sever this potential habitat connection. The Councils Nature Conservation Officer (NCO) recommends that a tunnel be provided under the proposed access road to facilitate the movement of animals under it. This is considered reasonable and necessary and therefore should be included in the detailed layout. Layout and supported by a reptile mitigation method statement with any future reserved matters application.

Common Toad

Small numbers of this priority species were recorded on site during the reptile surveys. It is unknown where this species may be breeding as no ponds are known in the vicinity. Similarly to common lizard, it is advised that the proposed development will have a localised adverse impact upon this species as a result of the loss of terrestrial habitat. A core of habitat and some site connectivity would however be retained. This species would however also benefit from a wildlife tunnel under the proposed access road.

Natural Grassland Habitats

A small area of natural grassland is present on site. Based on the submitted survey information this habitat may support sufficient species to meet Local Wildlife Selection Criteria for 'restorable grassland'. This being grassland that with positive management could reach Priority Habitat quality. The submitted ecological assessment states that 10% of this habitat would be lost as a result of the proposed development. The Council's NCO advises that if planning consent is granted it must be ensured that the remainder of this habitat is safeguarded during the construction phase and enhanced through appropriate management.

Bats

A minor bat roost was recorded during the previous ecological surveys of this site. Whilst bats are active on the site no evidence of roosting bats was recorded during the latest survey. The buildings have been identified as having potential to support roosts of small numbers of bats but are unlikely to support a significant roost. It is recommended that if outline planning consent is granted a condition should be attached requiring any future reserved matters application to be supported by an updated bat survey. To avoid and adverse impacts resulting from excessive lighting, it is also recommended that a condition should be attached requiring any future reserved matters application to be supported by a lighting mitigation scheme.

Badgers

No evidence of badger activity was recorded during the latest survey. However, as this survey was undertaken in January 2015 it should now be considered out of date. As evidence of badgers has previously been recorded on this site, officers have requested updated surveys which are presently being carried out. The findings of such surveys will be reported to Members by way of an update.

Nesting Birds

The application site offers opportunities for nesting birds. The bird surveys undertaken of the site recorded evidence of breeding by a number of species including single breeding pairs of three species considered to be Priority species. It is advised that the proposed development will have a localised adverse impact on nesting birds. Accordingly, any future reserved matters application must be supported by proposals for the incorporation of features for roosting bats, house sparrow and kingfisher.

The submitted ecological assessment proposes the production of a Construction Method Statement and Ecological management plan. The Council's NCO advises that any future reserved matters application must be supported by a Construction Method Statement informed by the recommendations made in paragraph 5.2 of the Ecological Assessment submitted in support of the outline planning application (Tyler Grange 14th December 2015) and also an Ecological Management plan informed by the recommendations of paragraph 5.3 of the same submitted report. Subject to this, the proposal is acceptable in terms of its impact on nesting birds at this stage.

Flooding and Drainage

The site is located in flood zone 1, with some parts of the site located within flood zone 2 due to the close proximity of a main River Bollin that runs close to part of the south eastern boundary. This watercourse flows in a north westerly direction. The risk of flooding from this source will need to be appropriately mitigated.

Owing to the size of the proposals and proximity to the River Bollin, a Flood Risk Assessment (FRA) has 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 and conditions, the proposal would not give rise to flooding or drainage issues.

Residential Amenity

The nearest residential properties are located on Black Lane and Withyfold Drive and it is considered that the development will be compatible with appropriate conditions attached to protect the residents amenity. The Council's Environmental Protection Unit (EPU) has assessed the application together with the submitted noise assessment and is satisfied that subject to conditions, the scheme would not prejudice the amenity of future occupiers or the occupiers of adjacent properties by reason of noise or odours.

Although precise details of the layout and appearance are not for consideration as part of this application, the indicative scale parameters and separation distance (in excess of 40 metres) with the nearest neighbouring properties would ensure that no material harm by reason of loss of light, direct overlooking, visual intrusion or noise would be incurred. It is also important to note that the lawful use of the site and presence of existing built form across the site has the potential to harm neighbouring amenity to a greater degree than the proposed operations which can be further mitigated. This would be a benefit of the scheme. As such, the proposal complies with local plan policy DC3.

In the round, subject to further submission relating to trees, landscaping and ecology, 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, investment in the area and by bringing a vacant brownfield site into viable use on one of the key gateways to Macclesfield, which is one of the principal growth areas of the Borough where national, local and emerging plan policies supports sustainable development.

The proposal to redevelop the site for uses other than industrial or conventional employment uses is contrary to policy. However, it has been accepted that this site is unlikely to contribute towards existing employment land in the borough. The Council's own evidence weighs against any argument for retention of this site for employment land and this is supported by the fact that the site is assessed as being a suitable brownfield site for housing within the urban potential study and therefore the principle of losing this site for employment purposes has already been factored in.

The applicant has demonstrated that there are no sequentially preferable sites for this out of centre retail proposal. It is concluded that the impact of the proposal on the vitality and viability of Macclesfield town centre will be adverse but not significant adverse even in the

worst case cumulative impact scenario given that the town centre remains vital and viable. Given that the likely occupiers of the three largest units are known, the Council has a better understanding of the proposal and its likely impact on the town centre. There is unlikely to be an impact on investment in the town centre in terms of competition for the same occupiers as 2 of the operators (Range and Dunelm) do not have town centre formats. Sports Direct are the third known operator and already occupy a unit in Macclesfield on the edge of the town centre. Subject to conditions limiting the goods for sale from 3 of the largest units, the adverse impact has to be balanced against the benefits of the proposal such as regeneration of a derelict site and considered with all other material considerations such as compliance with the development plan in a planning balance exercise.

Taking into account the site abnormal costs, which comprise of; demolition and site clearance; remediation; provision of suitable access; the GDV of developing the site for potential alternatives would fall below the 17.5-20% that would make the scheme less attractive to the developer / landowner and would potentially risk the regeneration of the site. The proposed retail scheme would be able to generate a positive GDV that is attractive to the developer / landowner and would enable the redevelopment of this gateway brownfield site. In light of the submitted viability appraisal and in addition to the earlier considerations regarding employment land, it is not considered that a refusal could be sustained on the loss of employment land in this case.

In terms of landscaping and trees, the treatment of boundaries will require careful attention at the detailed reserved matters stage when scale, landscaping, layout and appearance are detailed. Some of the trees on the site will require removal to facilitate the development; however, they are in relatively poor condition. In this regard their removal will not have a significant impact upon the wider amenity of the area. It is considered that these losses can be satisfactorily be mitigated by new landscaping within the site.

Vehicle and pedestrian access will be taken from The Silk Road. The current access to the site is from Black Lane which then links to Hurdsfield Road at an existing traffic signal junction. The proposed main access to the site is from the Silk Road, as this section of the A523 is a dual carriageway the access will be a left in and left out arrangement only. There are traffic impacts associated with this development proposal but having regard of the mitigation measures proposed, the Council's Head of Strategic Infrastructure (HSI – Highways) does not consider that a severe impact refusal can be supported and does not raise objections to the application. The scheme is found to be acceptable in terms of its impacts on the local highway network (subject to the mitigation proposed) and the parking and pedestrian facilities would be sufficient to accommodate the proposed development subject to further discussions regarding the provision of a shuttle bus arrangement, which would be a benefit of the scheme.

The proposal is compatible with the surrounding development and the indicative design, scale and form of the buildings would not appear incongruous within its context subject to the submission of appropriate reserved matters.. The impact of the proposal on environmental considerations relating to flooding, drainage, land contamination (subject to further investigations) and ecology (subject to receipt of an updated report) would be acceptable.

The impact on neighbouring residential amenity would be acceptable owing to the present lawful use of the site, separation distances and having regard to the context of the area where there are retail, commercial and industrial uses.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits.

The proposal constitutes a “departure” from the 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 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 be acceptable in the context of the relevant policies of the adopted Macclesfield Borough Local Plan and advice contained within the NPPF and emerging local policy. The application is therefore recommended for approval subject to the following:

RECOMMENDATION:

Delegate to the Head of Planning (Regulation), in consultation with the Chair (or in his absence the Vice Chair) of the Strategic Planning Board to approve subject to further update protected species surveys and discussions regarding a shuttle bus / park and ride and the following conditions:

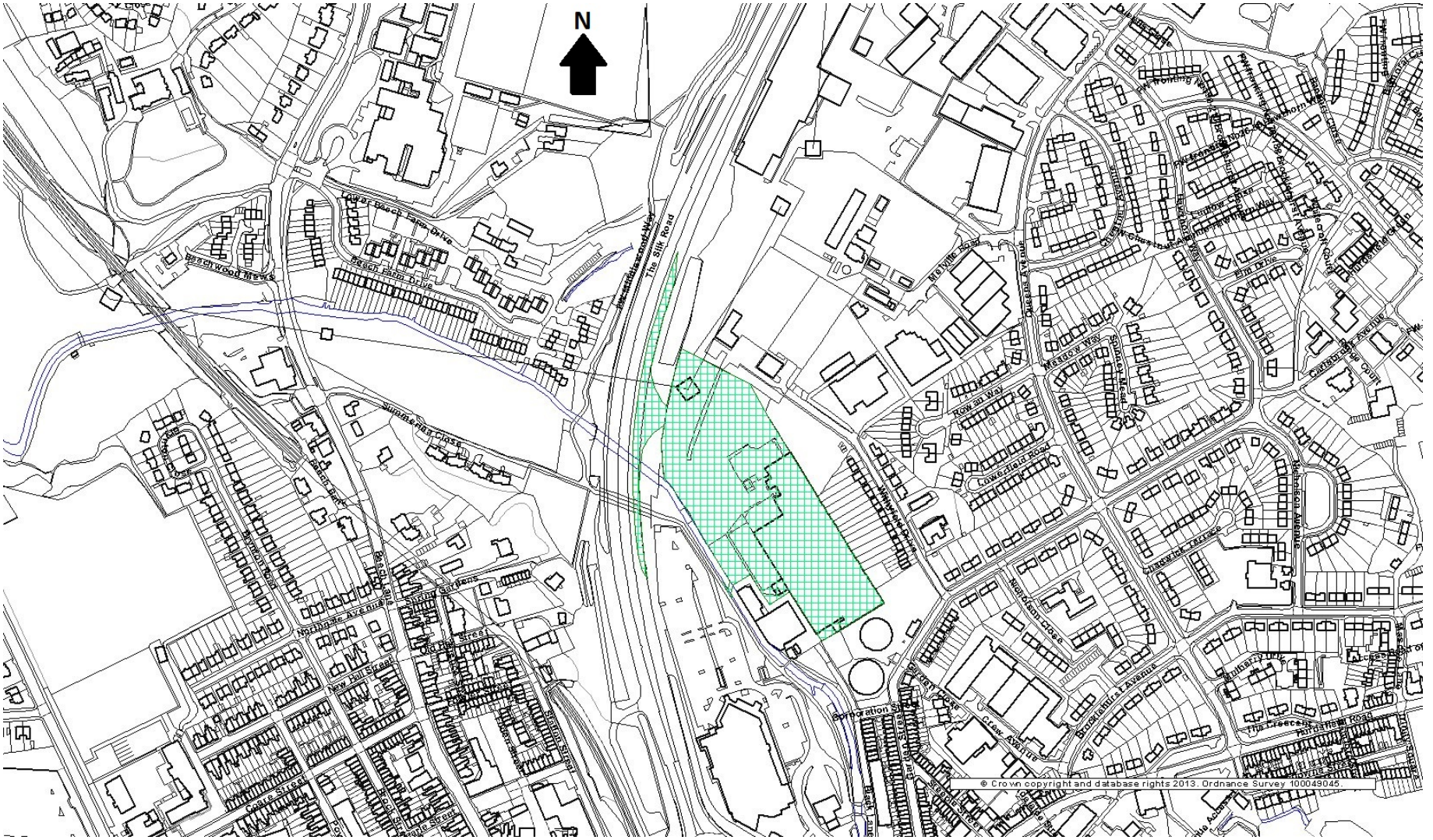
- 1. Standard outline time limit**
- 2. Submission of reserved matters**
- 3. Accordance with approved plans**
- 4. Development to be carried out in accordance with submitted noise impact assessment**
- 5. Sales of goods from retail units 1, 2 and 3 restricted to non bulky goods**
- 6. No subdivision of units or additional mezzanine floorspace**
- 7. Further details of any fixed plant / noise generative equipment to be submitted and approved**
- 8. Submission of an Environmental Management Plan**
- 9. Submission of a low emission strategy**
- 10. Provision of electric vehicle charging points**
- 11. Submission of dust control strategy**
- 12. Additional contamination investigations and assessments to be submitted and approved**
- 13. Accesses constructed in accordance with submitted details prior to first use**
- 14. Development to be carried out in accordance with submitted ecological survey**
- 15. Survey for nesting birds if works carried out during nesting season**
- 16. Scheme to incorporate features suitable for breeding birds**
- 17. Development to be carried out in accordance with submitted Flood Risk Assessment**

18. Submission of a sustainable drainage management and maintenance plan scheme
19. Details of foul water drainage to be submitted
20. Surface water drainage strategy to be submitted
21. Landscape scheme to be submitted with reserved matters
22. Updated protected species to be submitted with reserved matters
23. Submission of updated arboricultural report with reserved matters
24. Hours of use restricted
25. Travel plan to be submitted including shuttlebus arrangement
26. Reserved matters to include access for animals to be retained
27. Details of external lighting to be submitted and approved
28. Details of cycle parking to be submitted and approved

Informative to include s184 agreement to include 'shuttle running' arrangement and works to the Silk Road.

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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Application No: 16/1353M

Location: Former Mere Farm Quarry, Chelford Road/Alderley Road, Nether Alderley, Cheshire

Proposal: Delivery of watersports and outdoor activity centre on the North and South Lakes of the former Mere Farm Quarry, including new vehicular access, car parking and multi use building.

Applicant: Cheshire Lakes CIC

Expiry Date: 20-Jun-2016

SUMMARY

The site is a greenfield Green Belt site, and has a previous use as a quarry. A detailed comprehensive restoration plan is in progress at the site for an area of nature conservation, and the lakes are slowly filling. The proposed development is considered to be acceptable in terms of the Green Belt, the use of the lakes maintains openness, and the proposed buildings and structures are not considered to be inappropriate development within the Green Belt as they are appropriate for the proposed use.

The proposal is considered to be socially sustainable, the development would provide an opportunity for local residents to participate in sport particularly kayaking and swimming at the site along with utilising the enhanced public footpath network.

It is considered that the proposed development would be very positive in terms of contributing to the local rural economy and supporting local businesses. The proposed development will attract visitors from the local area and from further afield to use the facility. Therefore makes a positive economic contribution.

In terms of environmental sustainability, the proposal would have a landscape impact, however this must be weighed in the balance, as it inevitably would introduce built development where there is none at the current time.

With regard to flood risk, noise, air quality, highways and design these matters are considered to be acceptable. However, the site has a rich biodiversity, which is proposed to be enhanced further through the continued development of the restoration scheme. The biodiversity would suffer as a result of the proposals and in particular the birdlife at the site. It is considered that even with mitigation, the levels of disturbance would be detrimental to the biodiversity at the site.

When weighed in the planning balance, it is clear that there are a number of positives to the scheme, however the harm to biodiversity, in particular bird populations cannot be overcome in order to achieve a scheme that would see the proposed use and the biodiversity exist together.

Therefore, it is considered that on balance, the proposal is unacceptable and contrary to policy NE11 of the Macclesfield Borough Local Plan and the National Planning Policy Framework which aims to achieve sustainable development.

The development would not be sustainable as environmentally, but the proposal is considered to be sustainable in terms of social and economic sustainability.

The benefits in this case are:

- The proposal will provide a unique sporting and recreational facility for the local community and wider community to enjoy.
- It will encourage sport participation to contribute to the health and wellbeing of the local and wider community
- The development would provide significant economic benefits through the provision of employment during the construction phase, job creation during the operation of the facility and benefits for local businesses.
- The proposal is not considered to have a detrimental impact on the highway network.

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

- There is not considered to be any significant drainage or flood risk 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 can be mitigated through the imposition of planning conditions.

The adverse impacts of the development would be:

- Significant detrimental impact on biodiversity, which could not be mitigated effectively.
- Landscape impact through the introduction of new buildings and structures.

On balance, it is considered that the proposal does not represent sustainable development when assessing the three strands of sustainability therefore does not fully accords with the development plan and national planning policy and guidance. Therefore for the reasons mentioned above the application is recommended for refusal.

SUMMARY RECOMMENDATION

Refusal

PROPOSAL

The application is a full planning application for the redevelopment of the former Chelford Quarry. The quarry was mined for sand and gravel for many years by Hanson, the activity has ceased at the site and a full restoration and remediation plan is in place, which will provide opportunities for nature conservation with extensive swathes of planting and regrading of the lakes which are now starting to fill with water.

The redevelopment proposes the reuse of the two southern lakes for recreational purposes. The northern lake will be used as a wakeboarding park and aerial ropes course, where pylons and ropes will be erected to create the infrastructure for the wakeboarding. The southern lake

will be used for kayaking and swimming. The southern lake will have no motorised vehicles using it. The northern lake will only have the power to operate the ropes.

The proposal also includes a building to provide changing facilities, server, reception, small retail area, WC facilities and equipment storage, there will also be an outdoor seating area for spectators. There are a series of boardwalks leading from the building to the lake.

The site will have a car parking area to accommodate cars and coaches, as the proposal is likely to attract groups including school groups.

The proposed use of the site would generally operate during the following times. The submitted application form confirms proposed opening hours of 0600 to 2200 daily. However, it should be clarified that the overall scale of activity of the site is likely to be less, depending heavily on the season.

In the summer, the South Lake may be made available from 0600 for use by Open Water Swimmers only, who seek to access such facilities before work. Wakeboarding and other activities would not start until 0900 and would cease at a time when natural light begins to fade (dusk). As no floodlighting is sought all activities on the lakes would cease at dusk. Thereafter the applicant states that the building may remain open for a short time longer to enable users to change etc.

The applicant has stated that the site would be clear of customers by 2200. During the summer months, the activity is likely to occur 7 days per week, in winter however, when temperatures are colder and days are shorter, activity will be much less and will be heavily influenced by day-light and usage. Generally, 3-5 days of trading would be expected per week in the winter, but this will vary depending on demand.

The site area is tightly drawn around the lakes and the proposed area for car parking and the proposed building. The proposed development would include the planned restoration of the remainder of the site to be carried out, including the large area of tree planting to the east of the site. The planning statement states that the proposed development will create around 30 jobs.

SITE DESCRIPTION

The application site extends to approximately 21.6ha and comprises two lakes and land to the west. The site is accessed off Alderley Road which runs north south along western boundary of the site with Chelford Road along the southern boundary of the site. To the east is the main largest lake of the site, which is well established and appears to be restored. Quarrying ceased on this prior to the activity ceasing on the north and south lakes. The large lake to the east does not form part of this application, and will remain unaffected by the development, the tree buffer between the lake to the east and the north and south lakes will be planted as planned as part of the restoration scheme. The site is bounded by hedgerows with some trees around the site. The lakes are partially filled with water and currently have steep banks, as they are not restored.

Public Right of Way 'Chelford FP2' and 'Nether Alderley FP50' cross the central part of the site and connects with Stubby Lane (a byway) and Alderley Road. This links to the wider public rights of way network surrounding the site.

RELEVANT HISTORY

5/99/0235P – extension to area of sand extraction and continuation of existing sand quarrying operations – granted April 2000 subject to s106 legal agreement concerning hydrological matters. Required cessation of mineral working by April 2014;

5/06/2940 – revision to restoration scheme of planning permission 5/99/0235P. Granted June 2008 subject to deed of variation to s106 legal agreement. Requires cessation of mineral working by April 2014.

Planning permission was granted in December 2011 (ref: 09/2806W) for a 6ha extension to the north west of the site. A small section of the main quarry site was included in this permission boundary to allow for revisions to the lake profile shown on the restoration plan which would be necessary following the continued extraction to the north west. The permission is subject to a s106 legal agreement concerning hydrological matters and long term management of the two western waterbodies, part of which overlaps with the boundary of permission 5/06/2940 (and thus the boundary of this application). The permission required cessation of mineral working by April 2014.

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: -

Built Environment Policies:

Policy BE1: Design Guidance

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 DC13: Noise

Policy DC33: Outdoor Commercial Recreation

Policy DC36: Road Layouts and Circulation

Policy DC63: Contaminated Land

Policy DC64: Floodlighting

Policy GC1: Green Belt
Policy E1: Employment Land Policies
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 protection and enhancement
Policy NE11: Nature conservation
Policy NE14: Natural habitats
Policy NE17: Nature Conservation in Major Developments
Policy H13: Protecting Residential Areas

Cheshire East Local Plan Strategy – Proposed changes version public consultation ended 19th 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
PG3 Green Belt
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
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
SE10 Minerals
SE12 Pollution, Land Contamination and Land Instability
SE13 Flood Risk and Water Management
EG2 Rural Economy
EG4 Tourism
SC1 Leisure and Recreation
SC2 Indoor and Outdoor Sports Facilities
SC3 Health and Well-being
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

73, 74, 75 Promoting healthy communities

79, 80, 81, 89, 90 Green Belts

109. Conserving and enhancing the natural environment

186-187. Decision taking

196-197 Determining applications

203-206 Planning conditions and obligations

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
- Ministerial Statement – Planning for Growth (March 2011)

CONSULTATIONS (External to planning)

United Utilities (received 19-April-2016)

No objections subject to conditions

Natural England (received 08-April-2016)

No comment

PROW (received 25-April-2016)

No objections subject to conditions

Environmental Health (comments received 28/04/2016)

Noise Impact Assessment

The proposed development seeks to secure planning permission for a Watersports and Outdoor Activity Centre on the North and South Lakes at the site. Planning Statement, March 2016, section 3 details the Proposed Development.

North Lake:

- a system of wires and pulleys on the North Lake to provide a Cable Wakeboarding course
- an Aerial Rope Course

Wakeboarding and other activities would not start until 0900 and would cease at a time when natural light began to fade (dusk).

The sound output from the motors and the location of the proposal is sufficiently distanced from noise sensitive residential receptors, so that noise should not give rise to a materially negative impact.

South Lake:

- activities to include Open Water Swimming, Kayaking and Paddle Boarding

Hours of Operation: available from 0600 for use by Open Water Swimmers

Neither lake will accommodate uses requiring motor boats, other than Boats required for safety purposes.

Multi-use Building (located to the west of the Lakes):

- changing rooms,
- café,
- reception,
- toilets and
- equipment hire

Floodlighting/ Artificial Light Impact Assessment

No floodlighting is proposed, section 3.13 states that all activities on the lakes would cease at dusk.

Hours of Operation

The applicant proposes operations 06:00 – 22:00: 7 days a week.

Planning Statement, March 2016:

- s. 3.13 *The site would then be clear of customers by 2200.*
- s. 3.14 *In the summer months operation is expected to occur as above 7 days a week.*

No objections on noise grounds subject to conditions.

Air Quality

An application of this nature would usually consider its air quality impacts to determine whether the development itself, or increased road traffic as a result of the development will have a negative impact upon local air quality.

Whilst not close to any existing Air Quality Management Areas, there is a need to ensure that the cumulative impact of a number of developments in an area do not cause a negative impact on air quality.

Notwithstanding the lack of information on which to base an assessment, it is noted within the Transport Statement there is an ambition for the development to be as sustainable as possible. As such, it is felt that a pragmatic approach can be taken, and we would adopt a “mitigation first” approach based on guidance and best practice.

Modern Ultra Low Emission Vehicle technology (such as all 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.

No objections on air quality subject to conditions.

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 is for new outdoor leisure facility which is a sensitive end use and could be affected by any contamination present or brought onto the site.

Therefore conditions in relation to contaminated land are recommended.

Cheshire Wildlife Trust (received 29-June-2016)

Register holding objection for the following reasons:

1. The application is not supported either by a breeding bird survey or a wintering bird survey. Due to the nature of the site and its proposed end use these surveys will need to be submitted in order to assess the likely impacts of the development. **The surveys need to be completed prior to determination.** The earliest the surveys could be completed is summer 2017 if they have not already been instigated.

2. The habitat survey was undertaken outside the recommended survey window and consequently the site may have been undervalued. The survey will need to be repeated during the period June-September in order to fully assess the habitats present. Botanical species lists and an approximation of NVC will be required.

3. All notable biological records obtained via the data-search, or consultation with groups such as CAWOS should be submitted with the application. The current ecological assessment (Cheshire Lakes community interest company) does not detail this information. Determination of this planning application without due consideration of the ecological impacts would contravene local and national planning guidance, specifically:

- Policy SE3 of the forthcoming Local Core Strategy which states that 'all development must aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively impact biodiversity or geodiversity'.

- The NPPF paragraph 9 states that the achievement of sustainable development includes 'moving from a net loss of biodiversity to achieving net gains for nature'.

- The NPPF paragraph 109, which states that the planning system should contribute to and enhance the natural and local environment by 'protecting and enhancing valued landscapes' and 'minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.'

- The NPPF paragraph 118 which states 'When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'.

- EU Biodiversity Strategy 2020 which states:

- "Target 2: Maintain and restore ecosystems and their services...ensuring no net loss of biodiversity. This will be achieved ...by ensuring that any unavoidable residual impacts are compensated for or offset".

- Section 40 of the *Natural Environment and Rural Communities Act (2006)* which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

RSPB (comments received 17/06/2016)

The RSPB will object to any applications which we believe will result in an unacceptable environmental impact. We would like to register an **OBJECTION** for the following reason: **Inadequate ecological survey.**

The Ecological Assessment states that "*the impacts are considered to be minor and negative, affecting a resource of local value. These minor negative impacts are outweighed by the requirements of the airport, and the need to comply with the Section 106 agreement for the area*" 1. Based on the survey data provided by the CAWOS, and the current WeBS2 survey data for the site, the RSPB does not agree with the findings of the Ecological Assessment that the impacts of the proposed development will be minor. The available information shows that the former Mere Farm Quarry would meet the current site selection criteria for selection as a Local Wildlife Site; we therefore assert that the application site must be considered to be of nature conservation value at the scale of the Cheshire Region.

Furthermore we consider that the timing of the survey visit, January 2016 provided insufficient information to allow the LPA (and ourselves) to accurately assess the value of the site for both wintering and breeding birds, as such we consider that the application cannot be determined at this time.

We would like to also make the following comments -

The RSPB agrees with the response from Cheshire and Wirral Ornithological Society (CAWOS), and does not consider that the proposal will "*enhance and complete the site's rejuvenation*" of the site, as suggested in the Planning Statement³. The proposed development will have a detrimental impact on the biodiversity of the area and will discourage the wildlife that the approved restoration plan⁴ is proposing to encourage.

The disturbance of birds associated with the proposed development, is being promoted by the applicant as a benefit and a contribution towards the safeguarding of Manchester Airport.

Bird-strike risk is rightly considered a serious matter and must be properly considered. The existing restoration proposals would constitute a *Bird Attractant Habitat* as identified with the Civil Aviation Publication (CAP) 772.7.

Manchester Airport has confirmed that it is satisfied with the current Restoration Masterplan M103/222 rev C. Its response is included within the Non-Technical Summary⁸ of planning application 14/1944W - Variation of conditions 4 and 59 of permission 5/06/2940 to allow to extend the date in condition 4 from 28th April 2014 to 30th September 2016, and amend the approved restoration scheme to that shown on plan M103/222 rev C. the Airport confirmed that it had no safeguarding concerns with regard to an extension of time, but that detailed aerodrome safeguarding assessments would need to be completed should any modifications to the approved restoration scheme, or any other works likely to impact upon bird activity on the site, be proposed. So far as we are aware no such modifications are proposed which would increase the attractiveness of the area for birds, therefore we contend that there is no requirement to enhance the existing Section 106 requirements.

The current application for a Watersports & Outdoor Activity Centre would cause unacceptable disturbance all the year round to the species already using the site. The construction and operation of this facility with the presence of substantial numbers of people, the associated vehicle use and activities on the water would all significantly lessen the value of the site for wildlife.

Highways (received 28/06/2016)

The proposed Watersports and Outdoor activity centre is a leisure use that will typically be off peak traffic based. The likely traffic generation from the use has the potential to vary wildly and in assessing the application it is necessary to consider a range of factors such as location, proposed uses within the site and also the level of car parking provision. In regards, to the traffic generation figures submitted even if these figures are doubled this level of generation can be accommodated on the local road network during the off peak periods. Therefore, I would conclude that the application would not result in a severe impact to warrant refusal on traffic grounds.

In regards to accessibility, the site has poor connectivity to sustainable modes although the location of the site is not conducive to providing good accessibility. Sustainability incorporates a range of factors and accessibility is only one of these factors, these issues will be considered in planning assessment of the application.

Therefore, in regard to highways no objections are raised.

CPRE (comments received 16/05/2016) Objection on Green Belt grounds no special circumstances.

Mid Cheshire Footpath Society (no comments received consultation expired)

Local Plans (no comments received consultation expired)

ANSA (no comments received consultation expired)

Environment Agency (no comments received consultation expired)

VIEWS OF THE PARISH COUNCIL

Chelford Parish Council – (comments 27/04/2016) - Conclusion

The Parish Council fully understands the importance of tourism and visitors in Cheshire East. Cheshire East has some of the best scenery, landscape and facilities in the country and it is these aspects which bring visitors in to the area, to enjoy and be active. The argument that this development will somehow allow more people to experience the local countryside of Cheshire East is a spurious one. Similarly, the argument that this is some sort of brownfield site is simply not true.

On balance, councillors believe that the Lakes proposal is not appropriate for our local environment and will do much to detract from our rural setting. It is felt that the development will do little to enhance the amenity of our area and in fact may have a negative effect on the desire of people to move into the area. The Council has previously demonstrated its support for bringing new families into the parish by welcoming two housing developments. These will

be significant for the village and will reshape the local environment. However, the Parish Council believes that Chelford does not need another development of the type proposed, to satisfy, in the main, the interests of non-residents.

Nether Alderley Parish Council (comments received 18/05/2016)

The Parish Council considers that:

1. The application is an inappropriate development on Green Belt land and within the Green Belt.
2. It can identify no special circumstances to substantiate this type of commercial development within the Green Belt.
3. There are no areas of brown field or previously developed land on the site.
4. The large building and open surfaced car park will have a detrimental impact upon the openness of the Green Belt.
5. The Parish Council understands that the proposal is contrary to the conditions imposed upon the original quarrying permission regarding restoration of the area further to quarrying, whereby it understands that the requirement is for conversion of the area to a nature reserve.
6. Whilst the Parish Council appreciates the applicant's comments that there is little wildlife to be disturbed at the present time, the Parish Council is minded that the quarry restoration is in its early stages and wildlife inhabitation is likely to evolve, now, over time.
7. Local concerns have been raised with the Parish Council regarding the potential detrimental impact of noise and light pollution on Nether Alderley in the day to day operation of the business.

REPRESENTATIONS

Total of 66 letters from the public received

29 letters of objection raising the following issues:

- Green Belt
- Disturbance, light and noise
- Harm to the local ecosystem and wildlife
- Increased traffic
- Sewerage issues
- Security issues
- Would not allow the approved restoration scheme to take place
- Already adequate facilities locally
- Out of character
- No demonstrated need
- Loss of business to similar facilities
- Dangerous precedent
- Cost of using the facilities would be high

37 letters of support raising the following issues:

- Suitable leisure facilities for teenagers are vital to support the village
- Facility for younger generations
- Fantastic inland resource for kayaking
- Advantage for local groups
- No harmful landscape impact
- Will bring jobs

- Attract visitors to the area
- Good end use for a former quarry
- Bring additional business to an area that feels isolated and gets overlooked by investment
- Positive change – not a sterile landscape with limited community use
- Exciting opportunity
- Drive sport participation
- Good for health and wellbeing of young people

APPLICANT'S SUPPORTING INFORMATION

- Planning Statement
- Design and Access Statement
- Arboricultural Assessment
- Flood Risk Assessment
- Framework Travel Plan
- LVIA
- Ecology Assessment
- Statement of Community Involvement
- Transport Statement

Planning Statement Conclusions

The application proposals will complete the restoration of this former mining site by delivering a viable, beneficial and much needed leisure use into the area.

This use, being for sport and recreation, is permissible in this Green Belt location, as national and local planning policies confirm. The Green Belt compatibility with the site is further enhanced with reference to the use only requiring a small area of built development to enable its operation.

The proposals will deliver around 30 new jobs into the local rural economy and will deliver various spin-off benefits in terms of boosting the local economy in a variety of ways.

The proposals will have minimal highway impacts and the site is accessible by a variety of means.

By virtue of the lakes and surrounding area being recently created, via the Quarry Restoration Plan, the site has very limited ecology or landscape value. The application proposals enhance the site's ecology and landscape value by delivering a managed use, which will assist in preventing bird accumulation, as is a stipulation of the approved Restoration Plan.

In overall terms, this privately funded leisure proposal delivers varied and far-reaching benefits which will be an asset to the area for many years to come. The proposals accord directly with all strands of planning policy, both national and local, and should, accordingly, be expediently granted planning permission.

APPRAISAL

Key Issues

- Principle of development

- Sustainability
- Design
- Landscape Impact
- Trees
- Access
- Highways
- Ecology
- Amenity
- Flood Risk
- Employment
- Economy of wider area
- Section 106
- Representations
- Conclusions
- Planning Balance
- Recommendation

Principle of development

Green Belt

The site is located within the Green Belt and was used as a former quarry. The site has a full comprehensive restoration and remediation plan in place, and therefore under the definitions contained within the National Planning Policy Framework is not Previously Developed Land. Therefore in policy terms the site is greenfield Green Belt land.

Within the Green Belt, development is restricted in order to maintain its openness and permanence and prevent urban sprawl. Certain types of development are acceptable within the Green Belt and the NPPF states that the construction of new buildings is inappropriate development and exceptions to this include – ‘provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt’. This proposal however requires consent for the *use* of the land for outdoor sport and recreation, and therefore is not an exception under paragraph 89. Therefore in order to justify this, Very Special Circumstances must exist to justify the departure from Green Belt policy.

The use of existing lakes for recreation purposes would itself maintain openness and is encouraged under paragraph 81 which states that

‘local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscape, visual amenity and biodiversity; or to improve damaged and derelict land.’

It is therefore considered that the use of the lakes for swimming, kayaking and wakeboarding would be an acceptable use as this largely maintains openness and makes use of the existing lakes. The wakeboarding facility however will introduce pylons and wires within the lake, which are structures, however these are appropriate facilities to support this use and are not considered to be inappropriate development in their own right in accordance with paragraph 89 of the NPPF.

In terms of Green Belt policy only, it is considered that the proposed use is an acceptable form of development it maintains openness and allows access to the countryside to provide facilities for outdoor sport and recreation, therefore the Very Special Circumstances for the use exist. The clubhouse building provides space to store equipment, seating area and changing facilities which are associated with the proposed use and the proposed use could not function effectively without these facilities, and therefore are not inappropriate development and are in accordance with paragraph 89 of the NPPF.

Land use

The site is a former quarry and as such has a comprehensive restoration and remediation scheme in place, which is active and is being carried out by Hanson the former quarry operator. The final use for the site is currently predominantly for nature conservation purposes. Which includes various habitat creation and woodland planting, the site will also improve access across the site. However access around the main lake (which does not form part of this application site) has been restricted in order to allow for wildlife, particularly birds to live largely undisturbed.

The restoration however, is a gradual process over the medium to long term, which gives time to allow the lakes to fill, grading to take place, habitat creation to take place and for the large areas of tree planting to be carried out. This gradual process will allow certain species who currently reside at the site to gradually move off as the site becomes less suitable, and for new species to arrive over time.

The restoration scheme although established, does not mean that other uses could not utilise the site. The NPPF at paragraph 143 states that Local Plans should put in place policies to ensure worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place, including for agriculture (safeguarding the long term potential of best and most versatile agricultural land and conserving soil resources), geodiversity, biodiversity, native woodland, the historic environment and recreation.

Policy SE10 of the emerging Cheshire East Local Plan states that for mineral sites the Council will: *'Secure at the earliest opportunity the high standard restoration and aftercare of sites following mineral working, recognising the diversity of appropriate restoration schemes to deliver the potential for beneficial afteruses.'*

This therefore does not preclude a recreational use coming forward at a site such as this, providing all other material considerations are acceptable.

Policy DC33 of the Macclesfield Borough Local Plan sets out criteria for outdoor recreation sites. It is considered that the proposed development broadly accords with this criteria based policy however points 3 and 4 are set out below:

3 – The site should not lie within an area designated as a site of nature conservation importance.

Whilst this is not designated as such at the current time, it does meet the selection criteria to be designated as a Local Wildlife Site so it is considered to be of conservation importance.

4 – The design, siting, scale and materials of any necessary buildings or structures should harmonise with the existing landscape setting of the site and should not significantly harm or detract from the visual character of the site and its surroundings. Wherever possible new buildings should be sited in close proximity to existing non-residential buildings to minimise visual impact.

It is not considered that the structures particularly the pylons will harmonise with the existing landscape setting, however over time the impact will be less, in terms of landscape character detailed comments are out in the report.

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

Sport and Recreation

The application proposes a wakeboarding park and kayaking and swimming lake. The application proposes an end use of outdoor sport and recreation, which will be available as a leisure facility for the local and wider population, it will offer facilities for groups and individuals which will encourage participation in sport and outdoor activities.

One of the core planning principles in the NPPF is to promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production).

Policy SC1 of the emerging Local Plan, encourages leisure and recreation facilities and states that the Council will:

Support proposals for facilities that would not be appropriate to be located in or adjacent to centres, provided they are highly accessible by a choice of transport, do not harm the character, amenity, or biodiversity value of the area, and satisfy the following criteria:

i. The proposal is a facility that:

a. supports a business use;

b. is appropriate in an employment area; or

c. supports an outdoor sports facility, education or related community / visitor facility; or

d. supports the visitor economy and is based on local cultural or existing visitor attractions.

Therefore under criterion c and d there is support through the emerging local plan for this type of development, it is considered that facilities such as this provide a social function in providing recreation opportunities for the local and wider population.

Policy SC 2 of the emerging CELPS states that new facilities for sport will be supported, however this does state that the need must be identified within an accompanying Playing Pitch or Open Space Strategy. This site is a unique opportunity, therefore is not specifically listed, however nonetheless is an opportunity for a sporting facility.

The proposed development will allow greater participation in outdoor swimming and kayaking, along with wakeboarding, which brings social benefits to the area.

Policy SC 3 (Health and Wellbeing) of the emerging CELPS states that the Council will ensure new developments provide opportunities for healthy living and improve health and well-being through the encouragement of walking and cycling, good housing design (including the minimisation of social isolation and creation of inclusive communities), access to services, sufficient open space and other green infrastructure, and sports facilities and opportunity for recreation and sound safety standards.

Whilst this proposal does not relate to housing development, it is clear that it will give access to sports facilities and the associated green infrastructure including the public footpath network, although this network is likely to be accessed in the first instance by the private car.

Public Rights of Way

Comments have been received from the PROW team, which state that the proposals affect Public Footpath No. 2 in the Parish of Chelford, as recorded on the Definitive Map and Statement, the legal record of Public Rights of Way.

This would be upgraded in line with the restoration proposals which will improve the route through the site, providing better opportunities for walkers in particular in line with the following guidance set out in the NPPF.

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”.*

Pedestrian and cyclist access to the site

The Transport Assessment states:

“4.4.1 The main pedestrian/cycle access to the facility will utilise the existing Public Right of Way (PROW) footpath. This existing PROW is due to be resurfaced as part of Hanson Aggregates reinstatement works and the pedestrian access will follow this route towards the southwestern corner of the north lake”

The Public Footpath runs from the Alderley Road through an agricultural field before reaching the proposed site boundary. The PROW team are aware of proposals to fence/hedge the Public Right of Way, with specific details, including any surfacing specifications, and timeframes to be agreed. Certainly, the Public Footpath offers a right of way for the public *on foot*, not by bicycle, and as such the route cannot be promoted as such without the landowner's permission.

Improvement opportunities

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".*

Social Sustainability Conclusion

The proposals for the facility will make a contribution to outdoor sport and recreation locally, the proposals will provide an additional and unique facility locally to encourage and facilitate participation in outdoor sport through swimming, kayaking and wakeboarding. This will allow for local groups to use the facilities. The benefits outdoor sport bring, has direct links with health and wellbeing which is set out in the emerging Cheshire East Local Plan Strategy.

The proposal will continue to provide the public footpath links to allow for walking around the site, which were agreed as part of the original restoration plan for the site.

Therefore it is considered that the proposed development will make a social contribution to the local area and is therefore socially sustainable.

ENVIRONMENTAL SUSTAINABILITY

Landscape Impact

The site covers an area of approximately 53.5 acres and forms part of a former sand quarry that is currently undergoing environmental restoration. It predominantly consists of two new lakes, the North Lake and the South Lake, which are slowly filling to their natural level of 73.5m AOD. They are set in soft-landscaping comprising grass, trees and new, wet woodland planting. The site is bounded to the west by the B5359 (Alderley Road), to the north and south by fields and to the east by a third, larger lake.

As part of the application a Landscape and Visual Appraisal has been submitted, this indicates that it has been undertaken using the Guidelines for Landscape and Visual Impact Assessment, Third Edition (GLVIA 3). As part of the Landscape and Visual Impact Appraisal 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 within two areas identified in the Cheshire Landscape Character Assessment (2009). The majority of the site is located within the Landscape Character Type 1: Sandy Woods, Woodland, Heath, Meres and Mosses, and within the Landscape Character Area SW3: Withington. The western boundary of the site is located within the Landscape Character Type 10: Lower Farms and Woods, and within

Landscape Character Area LFW1: Marthall Character Area. The assessment also includes comments on the local landscape character.

The appraisal indicates that the site is in poor condition, of poor quality, but of moderate quality on the perimeter, that in terms of the landscape character, that the landscape sensitivity is low medium, that the magnitude of effects caused by the development would be low and that the effect would be slight. For Landscape Features and vegetation the appraisal identifies that sensitivity is low, that the magnitude of effect would be low and that the resulting effects would be slight. For landscape and heritage designations the appraisal indicates high sensitivity, a low magnitude of effect and a moderate effect. The overall conclusion is that there will be a slight landscape effect for landscape character, landscape features and landscape and heritage.

In terms of visual effects the appraisal identifies that for residential receptors sensitivity varies from high to medium, that the magnitude of effect would be minor and the overall effect would be moderate in close proximity, reducing to slight to minimal at greater distances. In terms of heritage the appraisal identifies that sensitivity is high, the magnitude of effect would be negligible and that the significance of effect would be moderate. For public rights of way the appraisal identifies that sensitivity is high, with a medium magnitude of effect and that the overall significance of effect on the nearest footpath FP2 Chelford, would be major /moderate. The appraisal identifies that the overall the proposals would result in Major/moderate and moderate visual effects.

The landscape officer broadly agrees with the visual appraisal. However, the landscape appraisal indicates in Para 4.1.17 that 'the assessment is based on the current state of the site, rather than on the basis of the proposed restoration proposals'. This is a misinterpretation of the NPPF. Annex 2 of the NPPF defines previously developed (i.e. 'brownfield') land and specifically excludes 'land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures. Any landscape appraisal should therefore be based on the permitted restoration proposals as the baseline, rather than the quarry in its current condition. As a consequence it is considered that the landscape effects will therefore be greater than the submitted appraisal identifies.

There will clearly be a visual impact from the proposed development which is acknowledged in the LVIA submitted, no specific mitigation has been proposed, the visual impact of the proposed development will be weighed in the overall planning balance.

Trees

There are a number of trees around the site. The development proposals require the removal of a single mature Sycamore identified as T13 within the Arboricultural submission to facilitate the access off Chelford Road. The tree clearly presents advanced signs of reduced vigour and vitality, and has been categorised as a low value category C specimen. I would concur with this categorisation and raise no objection to its removal. A limited amount of additional tree pruning is detailed within the report; this accords with current best practice BS3998:2010, and good Arboricultural practice.

The Arboricultural Report contains tree protection details which accord with the requirements of BS5837:2012, allowing the retained tree aspect of the project to be protected for the duration of the construction phase.

In order to facilitate access into the site as well as removing the low value Sycamore T13 a short section of field boundary hedgerow also requires removal. In order to comply with the 1997 Hedgerow Regulations a detailed assessment of the hedge will be required in order to determine if it's considered to be 'important'; both an historic and horticultural assessment will be required.

Subject to the findings of the hedgerow assessment, the impact of the development from an Arboricultural perspective is extremely limited, the loss of the single tree (T13) which is in decline can be easily mitigated as part of a specimen landscape scheme.

It is therefore considered that the proposals are acceptable in relation to trees subject to an appropriately worded condition.

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 with regard to bats, badgers, breeding birds the retention of woodland and hedgerows, which are set out below.

The restoration scheme for the site is primarily for nature conservation. As a result of the existing restoration scheme being for this purpose, whilst some access to the site is proposed, this will be restricted in places to allow wildlife to flourish.

Ornithological interest of the north and south lakes

A significant number of birds, included those considered to be a priority for nature conservation, have been recorded as being associated with Mere Farm Quarry and the two lakes associated with this application in particular.

Based on the survey data provided by the Cheshire and Wirral Ornithological Society the application site would readily meet the site selection criteria for selection as a Local Wildlife Site. The application site must therefore be considered to be of nature conservation value at the scale of the Cheshire Region.

The usage of the site by birds would have been likely to change as quarrying and restoration has progressed. Species for which the quarry meets the Local Wildlife Site Selection criteria have however been present throughout the extraction and restoration stages of the quarry to date. The ecologist visited the site this month (June 2016), when restoration of the lakes was part complete, and it is evident that a number of bird species remain including those considered to be a priority for nature conservation.

It is difficult to fully predict precisely which of the existing species of bird would remain once restoration of the lakes is complete and which new species would arrive to take advantage of the maturing habitats. The completely restored quarry however is in the ecologist's opinion likely to continue to be of significant value for birds.

The submitted ecological assessment was based on a single visit in January. This is considered to be an insufficient survey effort to inform an accurate assessment of the value of the site for wintering and breeding birds.

The submitted assessment concludes that the site may be of local value for birds. It is advised that this is an under evaluation of value of the site for birds.

This application for activities on both the north and south lake is likely to have a significant adverse impact upon the nature conservation value of the lakes as a result of the increase in disturbance and the potential risk posed to birds posed by the network of wires associated with the wakeboarding infrastructure. These impacts will be for the duration of the operational life of the centre.

Following discussions the applicant is proposing to restrict the activities in the south lake. Notwithstanding this it is advised that the impacts of the proposed development on birds are difficult to mitigate or compensate for and the proposed restriction on activity in the south lake would only result in a slight reduction in the severity of the impacts.

LPAs have a duty to consider impacts on wild birds under paragraph 3 of the Habitat Regulations 2012. This regulation requires local authorities to take such steps they consider appropriate to secure the preservation, maintenance and re-establishment of sufficient diversity and area of habitat for wild birds.

The disturbance of birds associated with the proposed development is being promoted by the applicant as a benefit from the scheme as a contribution towards the safeguarding of Manchester Airport. It is advised that an airport safeguarding condition is attached to the mineral extraction permission for the quarry and so appropriate bird control measures would be implemented under this condition.

Hedgerows

Hedgerows are a priority habitat and a material consideration. The proposed development is likely to result in the loss of a section of species poor hedgerow to facilitate the site access.

Great Crested Newts

Only limited survey effort has been undertaken to assess the potential impacts of the proposed development on great crested newts. The submitted assessment concludes that the implementation of Reasonable Avoidance Measures during the construction phase of the proposed development would be appropriate to address the potential impacts of the development upon great crested newts.

Great Crested Newt surveys were however undertaken to inform the quarry application and the restoration of the site and several hundred great crested newts were recently translocated to allow restoration works to proceed lawfully. I therefore advise that the ecological assessment submitted in respect of this application should make use of the available great crested newt data to enable a confident and informed assessment of the potential impacts of the development to be made.

Bats

Three trees with bat roost potential have been identified during the submitted ecological assessment. The submitted ecological assessment states that these trees would not be affected by the proposed development. The submitted phase one plan and the submitted masterplan are however not detailed enough to clearly show the retention of these trees, therefore additional information is required on this matter. The submitted assessment states that the site is of County level value for foraging bats. The ecologist has recommended that the applicant's consultant be requested to provide further information as to why the site is considered to be of this level of importance.

Badgers

Two minor badger setts have been recorded on site. The setts are located sufficiently faraway that it is unlikely that they would be directly affected by the proposed development. The setts could however be affected if materials were stored in close vicinity to them or if the movement of construction vehicles was not managed appropriately. The impacts on badgers could be mitigated by condition.

The proposed development will have a clear and detrimental impact on biodiversity, and in particular birds, the site has a great amount of ornithological interest, and CAWOS and the RSPB have objected to the application on this basis. With regard to bats and Great Crested Newts, further information is required in order for the ecologist to be in a position to fully assess the impact.

It is not considered that the proposed use and the existing level of biodiversity at the site could exist in harmony, even with the suggested mitigation proposed for a set-aside area. The level of disturbance would be significant and the bird population would suffer at the site as a result. Therefore it is considered that the proposed development is likely to result in a significant loss of biodiversity, therefore the proposals are contrary to policy NE11 of the MBLP and guidance set out in the NPPF.

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 proposals would not cause harm by overlooking, loss of light or loss of privacy, noise, nuisance or disturbance to future or existing residents.

Noise

Due to the nature of the proposals, large visitor numbers are anticipated, therefore some noise will occur as a result of the proposals. The area does not have a large amount of residential development nearby. The nearest property is around 100m from the main area of activity of the site, and other properties are around 290-300 and 500m respectively from the site. This is considered to be a sufficient distance for the proposals not to have a harmful impact on neighbouring properties.

The Council's Environmental Health officer has assessed the application in terms of noise, and has raised no objections. The proposal does not include traditional diesel powered motors, and any planning permission would be conditioned to ensure this, the Environmental Health, are satisfied with the hours of opening and that this would not have a detrimental impact on the amenity of surrounding residents.

Air Quality and Contaminated Land

Environmental Health has commented on the application in terms of air quality and contaminated land and have raised no objections on the basis of either air quality or contaminated land, subject to suitably worded conditions and mitigation measures. The area is not in an air quality management area, and no traditional diesel motors are proposed, instead the site will be operated by electricity. An air quality appraisal was not submitted with the application, however the travel plan does promote measures which reduce the impact of traffic on the air quality of the area.

It is considered that the proposed development will not have a detrimental or unacceptable impact on neighbour amenity therefore the proposal are in accordance with saved policy DC3 of the Macclesfield Borough Local Plan.

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 application is accompanied by a Flood Risk Assessment which concludes that the site is in flood zone 1, and that the site is a low risk of flooding from fluvial, surface water, overland, artificial drainage systems and infrastructure failure. A preliminary drainage strategy demonstrates that run-off from the site can be managed sustainably to not exceed greenfield run-off rates. The assessment concludes that the use would not exacerbate flooding and would be a compatible use for the site.

United Utilities have commented on the application and have raised no objections subject to conditions. In the representations received sewerage has been mentioned, however this matter has since been confirmed to be dealt with by foul water package treatment plant on site. United Utilities have raised no objections in respect of foul water disposal.

It is concluded therefore that the proposals accord with policy DC17 of the MBLP and the NPPF.

Design

The building development on the site comprises the boardwalks, the main club building and the pylons and the aerial ropes. The pylons and aerial ropes are functional for their proposed use therefore the design is standard. With regards to the main building, this has been designed to reflect the rural character of the area, the design is of a low agricultural building, and will be clad in timber. It is considered that the simplicity of the design will not have a detrimentally impact on the character of the area. The layout of the site with the parking arrangement to the west makes the most efficient use of the site. The proposed materials would be conditioned to ensure that they are suitable for this sensitive location.

It is considered that the proposals accord with policy DC1 of the MBLP.

Highways

A number of objections have been received in relation to the proposals and many of these relate to traffic. The site is a main road which has high levels of traffic. A tourist attraction

such as this is likely to increase traffic levels, however activity would take place across the whole day so would not be restricted to peak hours.

CEC Highways have commented on the application, the comments are incorporated below.

The methodology used by the applicant to estimate the likely number of trips generated by the proposal is the Trics database. The traffic generation figures presented indicate that the busiest day is a Sunday and the site would generate some 51 AM trips and 49 PM trips. Clearly, this data is based upon only one survey of another site and it is expected that the actual traffic generation from this type of use could vary considerably above or below the numbers presented by the applicant.

In regards to the proposed development, it is accepted that it is likely that the peak traffic generation will occur at weekends/bank holidays and also during summer school breaks. In addition, the proposed use is an off peak use, when the majority of movements would not be on the road network during the AM and PM weekday peaks.

Given the location of the site on the road network and currently levels of flows outside the peak hours, even if the traffic generation was to double this would not result in severe congestion.

Access

The design of the proposed access is acceptable and it does provide adequate visibility in both directions from the proposed access point. Refuse and delivery vehicles are able to enter the site and turning space is available internally.

Sustainability

The location of the site a rural location will not provide the connectivity to non car modes that an urban location will have. The accessibility of this site is poor, there is a very minimal footway on the development side of Alderley Road and there are no dedicated cycleways. There are bus services that run on Chelford Road between Macclesfield and Knutsford although the stops are a considerable walking distance from the site. Overall, in regards to accessibility to non car modes the site poor and it has to be accepted that the predominate mode of travel to this venue would be by car.

Highways Summary and Conclusions

The proposed Watersports and Outdoor activity centre is a leisure use that will typically be off peak traffic based. The likely traffic generation from the use has the potential to vary wildly and in assessing the application it is necessary to consider a range of factors such as location, proposed uses within the site and also the level of car parking provision. In regards, to the traffic generation figures submitted even if these figures are doubled this level of generation can be accommodated on the local road network during the off peak periods. Therefore, it is concluded that the application would not result in a severe impact to warrant refusal on traffic grounds.

In regards to accessibility, the site has poor connectivity to sustainable modes although the location of the site is not conducive to providing good accessibility, however sustainability incorporates a range of factors and accessibility is only one element of sustainability.

CEC Highways have not objected to the application on highways grounds, therefore the proposal is considered to be acceptable on highways grounds.

Environmental Impact Assessment

An EIA Screening Opinion was submitted prior to the submission of the application, due to the scale of the proposed development and the fact that it would not have a greater than local impact on the environment it is not considered that a full Environmental Statement was required to be submitted with the application. Therefore this is not considered to be an EIA development when assessed against the 2011 EIA regulations.

Environmental sustainability conclusions

It is considered that the proposed development is not environmentally sustainable. The accessibility to the site is poor, however this is not the only factor when assessing sustainability. The proposed use of the site will have a significant and detrimental impact on biodiversity. It is not accepted at this stage that the proposed development would assist Manchester Airport in reducing bird numbers, as this relates only to certain types of birds, and no consultation comments have confirmed the airport's position on the matter to date.

With regard to biodiversity, it is not considered that even with mitigation, the issues relating to birds in particular can be overcome. It is considered that the two uses as a habitat and sanctuary for biodiversity and the proposed recreational development could not co-exist in harmony, and inevitably the level of disturbance would impact on the bird populations at the site.

The proposed design of the site is acceptable, however there would be a landscape impact of the proposals, the proposals would not have a detrimental impact on trees.

Therefore it is considered that the site is not environmentally sustainable. The impact on biodiversity would be great, therefore the proposals are contrary to policy NE11 of the Macclesfield Borough Local Plan and guidance set out in the NPPF.

ECONOMIC SUSTAINABILITY

Employment

Although there are no specific details, the proposed development will provide employment of up to 30 jobs.

Economy of the wider area

The addition of a tourist and recreation attraction within Cheshire East such as this will bring benefits locally, as the facility is unique and the closest facility of this nature is in Liverpool. Therefore it is considered that it will attract visitors from not only Cheshire East but further afield. This is likely to create a boost in day trips to the area and linked trips to other facilities locally such as shops and restaurants increasing their sustainability particularly in the summer months. In addition to this, the site can accommodate groups and events, therefore many people may visit and stay overnight, which could provide a boost to accommodation providers locally.

It is considered therefore that it would enhance the local rural economy, which key Council, local and national objectives as set out in the emerging CELPS and the NPPF.

Economic sustainability conclusions

The proposals will result in additional employment which is a social and an economic benefit, in the short term employment will be greater through the construction of the site along with an economic boost locally through the increase in visitor numbers to the area. It is considered that the proposals will make a meaningful contribution to the local area by providing a unique sporting and recreation facility.

Section 106 agreement

Should the application be recommended for approval, the current section 106 agreement for the restoration of the site will need to be varied to allow for this development to take place.

Representations

A moderate number of representations have been received in relation to the application, some in support of the application and others objecting to the application. There have been objections from statutory consultees and non-statutory consultees in relation to ecology and particularly the contribution this site makes to the area's biodiversity, particularly for birds. 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.

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 site is a greenfield Green Belt site, and has a previous use as a quarry. A detailed comprehensive restoration plan is in progress at the site for an area of nature conservation, and the lakes are slowly filling. The proposed development is considered to be acceptable in terms of the Green Belt, the use of the lakes maintains openness, and the proposed buildings and structures are not considered to be inappropriate development within the Green Belt as they are appropriate for the proposed use.

The proposal is considered to be socially sustainable. The development would provide an opportunity for local residents to participate in sport particularly kayaking and swimming at the site along with utilising the enhanced public footpath network.

It is considered that the proposed development would be very positive in terms of contributing to the local rural economy and supporting local businesses. The proposed development will attract visitors from the local area and from further afield to use the facility. This therefore makes a positive economic contribution.

In terms of environmental sustainability, the proposal would have a landscape impact, however this must be weighed in the balance, as it inevitably would introduce built development where there is none at the current time. Matters of flood risk, noise, air quality, highways and design are considered to be acceptable.

However, the site has a rich biodiversity, which is proposed to be enhanced further through the continued development with the restoration scheme. The biodiversity would suffer as a result of the proposals and in particular the birdlife at the site. It is considered that even with mitigation, the levels of disturbance would be detrimental to the biodiversity at the site.

When weighed in the planning balance, it is clear that there are a number of positives to the scheme, however the harm to biodiversity in particular bird populations cannot be overcome in order to achieve a scheme that would see the proposed use and the biodiversity exist together.

Therefore, it is considered that on balance, the proposal is unacceptable and contrary to policy NE11 of the Macclesfield Borough Local Plan and the National Planning Policy Framework which aims to achieve sustainable development. The development would not be sustainable as environmentally it would not ensure the following:

an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

The proposal is however considered to be sustainable in terms of social and economic sustainability.

The benefits in this case are:

- The proposal will provide a unique sporting and recreational facility for the local community and wider community to enjoy.
- It will encourage sport participation to contribute to the health and wellbeing of the local and wider community
- The development would provide significant economic benefits through the provision of employment during the construction phase, job creation during the operation of the facility and benefits for local businesses.
- The proposal is not considered to have a detrimental impact on the highway network.

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

- There is not considered to be any significant drainage or flood risk 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 can be mitigated through the imposition of planning conditions.

The adverse impacts of the development would be:

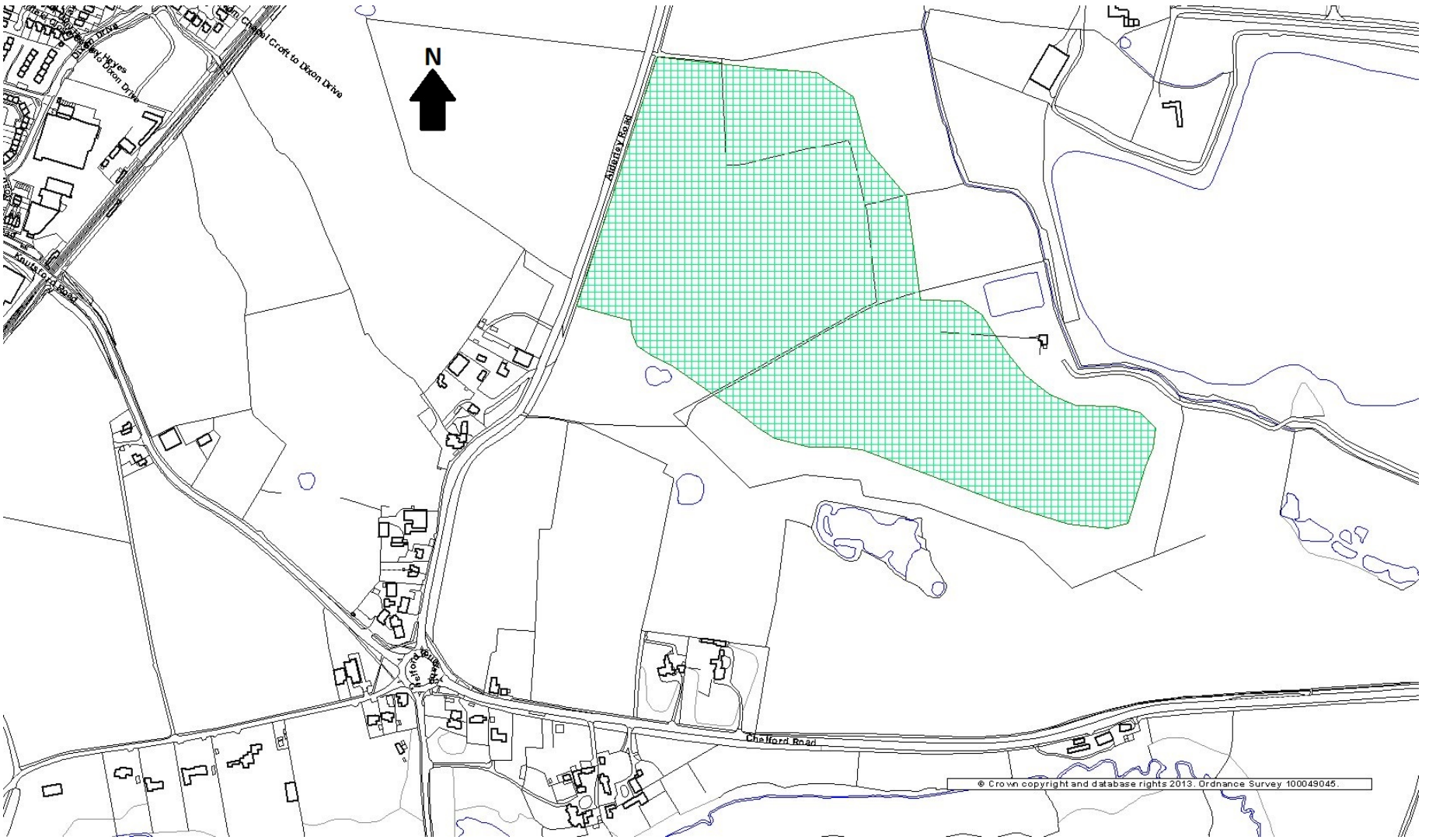
- Significant detrimental impact on biodiversity, which could not be mitigated effectively.
- Landscape impact through the introduction of new buildings and structures.

On balance, it is considered that the proposal does not represent sustainable development when assessing the three strands of sustainability therefore does not fully accord with the development plan and national planning policy and guidance. Therefore for the reasons mentioned above the application is recommended for refusal.

RECOMMENDATION

Refuse

1. The proposed development will have a detrimental impact on biodiversity at the site by proposing activities on both the north and south lakes, which is likely to have a significant adverse impact upon the nature conservation value of the lakes as a result of the increase in disturbance and the potential risk posed to birds posed by the network of wires associated with the wakeboarding infrastructure. These impacts will be for the duration of the operational life of the centre. Therefore the proposals are not environmentally sustainable contrary to policy NE11 of the Macclesfield Borough Local Plan and the NPPF.



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Guidance Note for Members

A Suggested Approach to Determining Applications:

15/4285M – Up to 150 dwellings on land at Westminster Road, Macclesfield

15/4287M – Up to 300 dwellings on land at Fence Avenue, Macclesfield

15/4286M – New school, Kings Pavilion (Derby Fields), Prestbury

Introduction

1. This note explains the relationship between these applications and suggests how to determine each one, whilst having due regard to that relationship.

Relationship Between the Applications

2. One of the asserted benefits of the Derby Fields proposal is that it makes the Westminster Road and Fence Avenue sites available for housing. This benefit (along with any others) must be balanced against any planning policy conflicts.

3. However, key aspects of both housing applications rely upon approval being given to Derby Fields. In respect of Westminster Road and Fence Avenue, the affordable housing and education contribution is less than required under planning policy due to viability concerns over the construction cost of the new school. Thus if Derby Fields were refused, that rationale for a reduced affordable housing provision falls away.

4. In addition, Fence Avenue is in the Green Belt, so there is also a requirement to demonstrate very special circumstances justifying planning permission. Part of those considerations relate to the delivery of the new school so if Derby Fields were refused then this element of the very special circumstances for Fence Avenue also falls away.

Proposed Sequence of Decisions

5. In order to break the dilemma of which application should be considered first, and enable Members to consider each application on its merits without prejudging the outcome of the other applications, the following is proposed.

6. Derby Fields be taken first, and if Members are supportive then a “minded to approve” decision be made dependent upon the subsequent approval for the Fence Avenue and Westminster Road applications.

7. If either the Fence Avenue or Westminster Road applications were refused, the Derby Fields application would then also be refused – as the benefits associated with the release of either or both of those sites for housing could not be achieved, and without those benefits the balance no longer favoured granting permission for Derby Fields.

8. Members could then consider Fence Avenue next knowing what reliance they could place on the very special circumstances of permission having been granted at Derby Fields. Westminster Road could be considered in light of the resolution to approve Derby Fields and Fence Avenue.

Each Application on its Own Merits

9. It is important for Members to be clear that whilst the proposal above presents a logical sequence of decisions, Members should still consider each on their merits.

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

Expiry Date: 16-Mar-2016

RELATED APPLICATIONS

Members are reminded that this application is one of three applications made by the same applicant that are before the committee for decision today. The three applications are 15/4286M, 15/4287M and 15/4285M. The applicant puts forward these applications on an inter-linked basis, and in that regard Members' attention is drawn to the Guidance Note for Members that appears earlier in the agenda. That note sets out the relationship between the three applications and a suggested approach to determining the same. The note is intended to assist Members in determining each application in its own right, whilst nevertheless having due regard to the relationship between these three applications.

UPDATE REPORT

Members will be aware that this application was first considered by the Strategic Planning Board on 18 May 2016. The application was deferred to enable officers to seek additional information relating to:

- Highways
- Education contribution
- Affordable housing
- Implications of not finding a new site
- Update on ecology

This report therefore provides the updates since the previous committee meeting and a revised recommendation as detailed below. This update report should be read in conjunction with the original report (appended hereto as Appendix 1) which provides the full detail and assessment of the application.

Highways

Following the committee meeting, the Council has met with the agent and applicant regarding highways issues at the site. A solution has been achieved which as opposed to a traffic lights now proposes a double roundabout solution along Alderley Road, to mitigate the impact of the proposed development.

The finalised proposals are shown in the key plans, and the revised CEC highways comments on the proposals are as follows:

Following submission of the previous highway comments on this proposal, the applicant has reconsidered the mitigation measures required to deal with the development traffic.

As highlighted in the previous comments, the main traffic impact was at the staggered junction at Prestbury Road/Priory Lane/ Macclesfield Road and it was proposed to introduce a new signal junction at this location to address the development impact. The revised proposal is to provide a double mini roundabout arrangement with associated formal pedestrian crossing points.

Capacity tests have been undertaken with the new mini roundabout in place, the junction has been assessed in 2020 with the school traffic and also with the Travel Plan in place. The applicant's results indicate that all arms of the junction/s work within capacity with the exception of the Prestbury Road approach that does produce a significant traffic queue. The CEC assessment of the model submitted is that is likely that the actual queues will be longer than the those presented by the applicant but are not of such significance that can be considered as severe.

The improvement scheme also needs to be considered against the 'Do Minimum' scenario in which traffic growth is added to the existing traffic up to 2020 and no improvements are made to the road network, in this situation there are long queues predicted on both Priory Lane and Macclesfield Road. These queues are longer than those predicted with the double mini roundabout scheme in place, the queue lengths on these arms are much reduced even with the school traffic added.

The new scheme does include two formal signal pedestrian crossings, one on Prestbury Road and the other on Macclesfield Road, these are located on the pedestrian desire lines and links to the footway connection to Kings School.

Therefore, considering the revised double mini roundabout scheme in comparison to the previous signal scheme, the queue lengths overall are much better and does address the current side road queueing problem in the morning peak. The revised scheme will not add delay to the road network outside the peak hours when traffic flows are much lighter, the traffic signal scheme would have operated on a full time basis throughout the day.

Summary and Conclusions

The potential highway improvement at the Priory Lane/Prestbury Road/Macclesfield Road staggered junction has been carefully considered given the land constraints that exist in and around the junction. Having considered the potential options, I believe that the double mini roundabout scheme provides the most benefit in dealing with the additional traffic arising from the new school.

It must be noted that this scheme will not alleviate all the congestion problems that exist at the junction and there will be traffic queues forming, especially in the morning peak hours. However, outside the peak hours when traffic levels are much lighter, the double mini roundabout will not add delay to the network as is the case with the signal scheme.

Overall, it is considered that the double mini roundabout scheme provides benefit in dealing with current congestion issues and does not lead to congestion levels that can be considered severe as described in the NPPF.

With regard to accessibility issues, the provision of two formal pedestrian crossings is beneficial in terms of increasing accessibility and safety for pupils wanting to access the local schools. The provision of a dedicated internal footway/cycleway from the school linking with Macclesfield Road does provide a much better alternative to using existing footways on the B5087 Alderley Road.

Therefore, I would conclude that the applicant has addressed the highway concerns raised on this application and whilst not providing a comprehensive solution to the traffic impact issues, the measures proposed are acceptable in policy terms. No highway objections are raised subject to conditions.

In light of the comments received and the revised roundabout design, it is considered subject to conditions that the proposal is acceptable in highways terms and no longer forms a reason for refusal.

Education Contribution

At the Strategic Planning Board meeting of 18th May 2016, the agent for the site Savills spoke on the application, and confirmed that the school would be willing to make the full financial educational contribution of £383,000 - which was correct at the time of the meeting - in order to make the two housing schemes at Westminster Road and Fence Avenue policy compliant in terms of education. Following this confirmation, the school and officers of the Council have requested from Children's Services a breakdown of the figure as spread across the two residential sites and the applicant's agents have requested an updated figure to be calculated.

This figure has now been updated to June 2016 and has been broken down to reflect the individual position for both Fence Avenue and Westminster Road sites, the breakdown is as follows:

15/4287M – 300 dwellings

$300 \times 0.19 = 56$ primary children – 1 SEN child

$300 \times 0.15 = 44$ secondary children – 1 SEN child

$300 \times 0.51 \times 2.3\% = 4$ SEN children

The development is forecast to impact secondary school and SEN provision,

Therefore, Education contribution required:

$44 \text{ secondary children} \times £17,959 \times 0.91 = £719,078.36$

$4 \text{ SEN children} \times £50,000 \times 0.91 = £182,000$

Total = £901,078.36

15/4285M – 150 dwellings

$150 \times 0.19 = 28$ primary children – 1 SEN child

$150 \times 0.15 = 22$ secondary children – 1 SEN child

$150 \times 0.51 \times 2.3\% = 2$ SEN children

The development is forecast to impact secondary school and SEN provision,

Therefore, Education contribution required:

22 secondary children x £17,959 x 0.91 = £359,539.18
2 SEN children x £50,000 x 0.91 = £91,000
Total = £450,539.18

It is understood that the significant increase in the request is made because three other residential applications within the Macclesfield area have been approved (or have a resolution to approve) since the original consultation response was provided. These schemes effectively use up the surplus places that were previously available – particularly for secondary aged pupils.

The agents have addressed the issue by providing the following statement:

In terms of an educational contribution, you will recall that the School previously proposed to deliver this by way of a bursary but, following a clear steer from the Strategic Planning Board, the funding package was revisited and a direct payment for the full amount was agreed, satisfying the stated position of the Education team.

It is therefore with understandable disappointment that a significantly higher educational contribution is now being sought by Cheshire East Council for the above applications, increasing the need at the time of the May Strategic Planning Board from £383k to £1,352k. We have requested further clarification of the methodology behind this increase and will be meeting with your Education team to discuss the matter further.

Notwithstanding the above, the position was considered by the School Governors at their meeting on the 15 July. As a result of this meeting, the School wish to submit a revised s106 Educational contribution of £550,000 towards the requirement. This position is being submitted at significant risk to the school, a not-for-profit charitable body.

This increase will bring the combined amount of s106 planning contribution for Affordable Housing and Education being provided by the School to £2.55m,. This is in addition to the community benefit of community facilities, highways improvements and on-site open space provision being delivered by the applications.

The total offer of £550,000 across the two sites would be split such that the (Westminster Road £180,000 and Fence Avenue £370,000).

Affordable Housing

The lack of affordable housing as put forward as part of the original application formed a reason for refusal on the original officer recommendation, therefore the applicants were required to improve the affordable housing offer in order for the proposals to be more policy compliant. The proposed affordable housing offer is improved and the market mix is improved. The agents have provided the following commentary and response on the matter:

Viability and Enabling Development

The proposals considered previously by officers and the Strategic Planning Board were for 5% of the potential maximum 450 units being delivered as starter homes, subject to a 20% discount from open market value.

The Viability Assessment submitted with the application (dated December 2015) shows a viability gap of broadly £24m. The work undertaken in relation to viability has been independently audited for the Council by Keppie Massie, who have agreed the conclusion that any affordable housing offer from the School will have a direct impact on the viability and

delivery of the new school. It is also crucial to note that the residential proposals are enabling development, required to deliver the proposed new school at Derby Fields. Enabling development is essentially development that is necessary to fund key elements of a scheme, without which the scheme is unviable and therefore undeliverable. The objective of delivering a site for a new school forms part of the Council's planning policy and is explicitly set out at paragraphs 15.159 of the emerging Local Plan Strategy, which states:

'The site (Fence Avenue) 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 consequences of a 30% affordable housing requirement on the King's School sites would render the development unviable and therefore undeliverable, undermining the emerging Local Plan Strategy to deliver new homes on allocated sites.

Notwithstanding the clear viability issues affecting the proposals, all options have been reviewed in an attempt to improve the overall affordable housing package offered to address members' concerns on this important matter.

Policy Requirements

Policy SC 5 of the Local Plan Strategy relates to affordable homes. The policy seeks to deliver 30% of units to be affordable on new housing sites, subject to eight criteria. SC5 (7) allows for alternative affordable provision where scheme viability may be affected. Specific types of affordable housing are not prescribed, although SC5 (3) states that the affordable homes provided must be of a tenure, size and type to help meet identified housing needs and contribute to the creation of mixed, balanced and inclusive communities.

The Cheshire East Affordable Housing Interim Policy Statement (IPS) provides further details on how the Council's affordable housing policies are applied. It also seeks housing developments to provide 30% affordable housing. Section 2 of the IPS defines acceptable forms of affordable housing, including 'discounted for sale'. The IPS describes this as follows at paragraph 2.5: This refers to the provision of subsidised low-cost market accommodation through a re-sale covenant scheme. The principle is that the accommodation is available at a fixed discount below the open market value to households in need. The level of discount will be that which is required to achieve the maximum selling price determined by the Council for those in need locally who cannot afford to buy on the open market.

Revised affordable housing proposal

Type of Affordable Housing

The type of affordable housing proposed is predominantly discounted for sale, at a 20% market discount, which accords with the acceptable forms of affordable housing defined in the IPS. In accordance with paragraph 2.6 of the IPS, the proposed legal agreement will ensure that the benefit of below market price housing is available in perpetuity to future occupants. In addition, above a specified threshold of units, additional affordable dwellings would be affordable social rented. Further details are set out below.

Housing Officers have provided additional details of local housing needs from Cheshire Homechoice, which identifies a requirement based on 1,227 applicants on the housing waiting list of 518 x 1 bed, 479 x 2 bed, 199 x 3 bed, 31 x 4 bed.

The indicative proposals include for a range of housing types including 1, 2, 3 and 4 bedroom properties. The type of units can therefore be aligned with the broad needs identified above. In

line with the IPS, we propose that the legal agreement includes provision for the mix of affordable dwelling types to be agreed. The mix of affordable units would be fixed at the reserved matters stage, in the light of the identified needs at that time. The viability work assumes that the majority of these would be 1 and 2 bed properties, which aligns with the greatest needs identified on the Cheshire Homechoice waiting list.

Amount of Affordable Housing

Following discussions with officers the School is able to put forward a revised improved offer as follows.

1. 10% of the units to be intermediate affordable units, being houses for sale at 20% discount to open market value for the first 420 units, split across the two sites as follows:

- a. Westminster Road – up to 140*
- b. Fence Avenue – up to 280*

2. An overage mechanism for any new homes delivered above these thresholds of unit numbers that ensures that 30% of additional units would be social rented housing.

Market Housing Mix - Bungalows

The overall housing mix at this stage is illustrative. However, discussions with Cheshire East Housing officers have identified a requirement for elderly persons' accommodation such as bungalows in Macclesfield. We therefore propose that the housing mix at reserved matters stage should include for ten bungalows. This can be secured through a planning condition.

Whilst this scheme does not include housing, it is linked to the applications for the housing developments at Westminster Road and Fence Avenue, due to the context of the very special circumstances.

These proposals, whilst not meeting the full policy compliant position, provide a better package of proposals which is a genuine intermediate affordable housing product as set out in the Council's interim policy statement. The provision of 10% of units to be at an 20% market discount is more reasonable given the viability constraints of the proposed development. In addition to this an overage clause - should the developments eventually provide a number greater than currently indicated will be subject to 30% being social rented. It is considered that the revised affordable housing proposals do make a much more reasonable contribution to the social sustainability of the site and of the wider area. In addition to this the market mix will greater reflect the local needs of the area, by providing a total of 10 bungalows.

Implications of not finding a new site

Following the meeting of 18th May, the agent has submitted additional information of what has been described as a 'do nothing scenario' should the proposals not align with the school's future plans, which was requested by the committee and was a reason for deferral for greater clarity. This has been prepared by the agent and is set out below:

The Planning Statements that accompany the applications set out the positive case for the developments and the benefits to Macclesfield. The Headmaster's synopsis as set out in an Appendix to the Derby Fields Planning Statement, sets out the educational need for change. The benefits include new homes, jobs, investment in education, sports facilities and safeguarding the future of one of Macclesfield's oldest institutions.

There are also significant harms under a 'do nothing scenario', which is the inevitable consequence if the Council feels unable to support the proposals. The 'do nothing'

consequences are also important material considerations to be weighed in the overall planning balance. First and foremost, there are the consequences for the School itself, and the risk to its long term future in Macclesfield, given the economics of the current two site model are unlikely to be sustainable over the long term.

The consequences of the 'do nothing scenario' in a wider planning sense would include the following harm to the delivery of the Cheshire East Local Plan objectives:

1. Harm to **meeting the full, objectively assessed needs for housing** for 36,000 new homes (Local Plan para 1.7).
2. Harm to **meeting the minimum target of 500 homes for Central Macclesfield** - the Westminster Road is the largest residential opportunity within this area, proposed to deliver 150 new homes.
3. Harm to **all of the policy principles underpinning the Local Plan vision** to deliver sustainable, job-led growth and sustainable, vibrant communities (Local Plan para 1.29):
 - a. **Developing brownfield sites** – the Westminster Road site and much of the Fence Avenue site are previously developed land
 - b. **Preserving green belt land** where possible - additional green belt land around Macclesfield would be required for housing to make up the additional housing requirement if these sites are not developed for housing as envisaged in the Plan
 - c. **Ensuring a town centre first policy to support main urban centres** - the proposals would accommodate around 1,000 people within walking distance of the town centre, with a combined retail and leisure spend of almost £9m per annum, which would be lost
 - d. **Delivering homes of the right quality in the right location at the right price** – the Local Plan Inspector's Interim views made it clear that the right location for additional housing development to meet the OAN was in the north of the Borough.
 - e. **Supporting development with the right new infrastructure** – the housing sites are already integrated to the local highway network, avoiding further need for miles of new roads.
 - f. **Focusing new housing development in strategic locations** such as urban extensions, rather than a dispersed growth model – Macclesfield is the principal town in the north of the Borough (Local Plan para 2.33) and the strategic location for further growth
4. Harm to the **delivery of an allocated site (Fence Avenue)** in Part 1 of the Local Plan Strategy
5. Harm to the objectives to **support the School to consolidate to a single site** and identify a new site (Local Plan para 15.159) of the Local Plan allocate a new site for the King's School
6. Harm to Local Plan objectives to make sure that **education provision is enhanced** and developed to meet the growing and changing needs of our communities (para 1.45)
7. Harm to objectives attract people of working age to the area by providing the right housing and facilities.

It is considered that the above outcomes of the 'do nothing' scenario will hinder the provision of housing development in the future, and two key sites within sustainable locations within Macclesfield will not be able to be delivered for housing. As explained in the main officer's report it is clear that the Fence Avenue site is a preferred housing allocation in the emerging Cheshire East Local Plan which is in advanced stages, therefore the weight which can be attributed to this increases the further along the plan preparation process it is. With regard to Westminster Road the principle of development is acceptable and the site is a sustainably located brownfield site. It is considered that the 'do nothing' scenario would prevent this strategic housing allocation from coming forward which is attributed weight in the overall planning balance.

The agent's information points out the economic benefits of the proposals, these are also outlined in the officer's report along with the historic connection the school has with Macclesfield. The additional information in respect of the 'do nothing scenario' does not influence the recommendation as the principle of development as this development remains inappropriate development by definition. However, the fact that to refuse the new school would impact on the deliverability of these sites in the future is attributed weight in the overall planning balance.

Update on Ecology

Following the committee meeting, a number of ecology updates have now been forthcoming. The comments from the Councils' Ecologist are detailed below:

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. I advise that in the absence of further mitigation the proposed development could have an impact on the woodland as a result of excessive lighting and changes in hydrology and water quality.

Impacts associated with lighting

I advise that to avoid any impacts on the woodland lighting should be avoided adjacent to it. The applicant has confirmed that the proposed hockey pitches would be flood light. However based on the submitted plan it appears that light spillage onto the adjacent woodland would be low and lighting would only be required up to 9.30pm meaning that there would be limited lighting used in the summer months.

I recommend that if planning consent is granted a condition should be attached requiring a lighting mitigation strategy to be submitted to the LPA prior to the commencement of development.

Impacts associated with changes in hydrology and water quality

The drainage scheme for the proposed development 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 facilitate the SUDS scheme for the proposed development. I advise that a poorly designed SUDS scheme could potentially result in an adverse impact as a result of changes to the woodlands hydrology and also as a result of contaminated water entering the woodland. No details of the SUDS for the site have been finalised

The applicant has advised that a SUDS scheme could be developed for the site which discharged in the adjacent woodland at the existing greenfield rates. To assist with this the applicant's consultant advises that if possible the SUDS ponds should be unlined to assist natural infiltration.

I am not a drainage engineer so I don't feel qualified to advise on this matter in detail. However, if a SUDS scheme could be developed that replicates the existing run-off from the

site and avoids the risk of any contamination of the woodland then that would be acceptable. However, I do not have the full details of what SUDS would be implemented at the site at present so cannot be completely confident that a satisfactory system could be developed that would address the impacts on the adjacent woodland.

Notwithstanding the above, if planning consent is granted please attach a condition requiring the submission of a detailed SUDS design for the scheme that is designed to mimic the existing hydrological regime and also to avoid any contamination of the woodland.

Ancient Woodland buffer zones

A 15m undeveloped buffer is proposed adjacent to the woodland. This is the minimum width of buffer than suggested by current best practice. The SUDS scheme however as it is located in the existing area marshy grassland and some works associated with its construction would possible fall within this buffer. I advise that the buffer zone must be fenced off during the construction phase and then be maintained as semi-natural/woodland edge habitat during the operational phase of the development. With the exception any works associated with the SUDS there must be no levels changes within this 15m buffer.

If planning consent is granted I recommend that a condition be attached requiring the submission of detailed proposals for the fencing off of the 15m buffer during the construction phase and to ensure that no development including levels changes, the movement of vehicles or the storage of materials takes place within this buffer except for that associated with the proposed SUDS.

Non-ancient woodland

Dumber wood is present within the site boundary. This woodland is not ancient but does appear on the UK priority habitats inventory and as a priority habitat is a material consideration. Paragraph 7.5.13 of the ES states that 70m square of Dumber wood would be lost as a result of the proposed development.

I advise that as a priority habitat this woodland should be retained as part of the proposals. However, if the loss of this small area of woodland is unavoidable I advise that there is sufficient replacement planting proposed as compensation. The submission of detailed proposals for compensatory planting must be secured by means of a condition in the event that planning permission is granted.

Great Crested Newts

No evidence of this protected species was recorded during the surveys undertaken to inform the ES. I advise 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. I advise 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, I advise 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. The applicant's consultant has confirmed that this is an accurate assessment of the level of badger activity on the site.

If consent is granted a condition requiring the submission of an updated badger survey prior to the commencement of development must be attached.

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. I advise that there is sufficient scope for compensatory hedgerow planting to be provided as part of the development. I advise that this matter be dealt with by means of a landscaping condition if planning consent is granted.

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.

Further information has been received from the applicant and I confirm that I am now satisfied that the trees identified as having bat roost potential would be retained as part of the proposed development.

Barn owls

A barn owl survey of the trees on site was requested at the EIA scoping stage but this did not initially appear to have been completed. The revised supplementary ecological appraisal however confirms that none of the trees on site are considered suitable for nesting barn owls.

It is therefore considered that the additional information submitted now provides sufficient ecological information such that any remaining ecological matters can be suitably addressed through a number of planning conditions.

OVERALL CONCLUSIONS AND THE PLANNING BALANCE

Following on from the May Strategic Planning Board meeting, discussions have taken place between officers of the Council and the applicant and agent for this application. The applicant has provided greater clarity on points required by the planning committee.

The reasons for refusal were as follows:

- 1. The proposal 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.

In light of the additional information and contributions to be provided which include an educational contribution of £550,000 across the two housing sites and the provision of an improved intermediate affordable housing package, it is considered that the proposed package of contributions makes the two housing sites more socially sustainable, and the proposals will provide a greater level of community benefit. This is a significant improvement in community benefit when compared to the original application.

When considering this application however, at the original application stage the two housing proposals which would have been located on the vacant sites following the relocation of the school were not socially sustainable and were therefore not acceptable. However in light of the additional information provided along with the proposed education contributions and an improved package of affordable housing provision, it is considered that the relocation of the school to this site is more acceptable, as the housing developments which are desperately needed in Macclesfield and in Cheshire East as a whole have a realistic prospect of delivering sustainable development.

The previous report outlined the benefits of this proposal and the disbenefits. Whilst the proposals remain finely balanced, in light of the additional information and community benefit to be provided by the housing developments it is considered that the benefits of the proposals in the round outweigh the automatic harm to the openness of the Green Belt by reason of inappropriateness, and very special circumstances exist to outweigh the harm. The proposal will allow for two key housing sites to be developed in line with the aims and objectives of the emerging Local Plan and the school will retain its historic ties with Macclesfield without having to relocate further afield. Therefore on balance it is considered that the previous shortfalls with regard to social sustainability and highways issues have been reduced for the reasons set out above and as a result the scheme is socially, environmentally and economically sustainable.

RECOMMENDATION:

MINDED TO APPROVE subject to the acceptability of the two other related applications 15/4287M and 14/4285M which follow this report.

And subject to the following conditions

1. **Standard Time limit – 3 years**
2. **Accordance with Approved Plans**
3. **Materials**
4. **Community Use Agreement**
5. **Management and Maintenance Scheme**
6. **Natural Turf Pitch Specifications**
7. **Design and Layout of the Artificial Grass Pitches**
8. **Full details of existing and proposed levels and contours, areas of cut and fill and proposed slab levels for all buildings**
9. **A landscape scheme with full hard and soft details including proposals for the two new accesses off Alderley Road**
10. **Implementation and 5 year replacement condition**
11. **Full details for all proposed boundary treatments, internal fencing and retaining walls**
12. **A 10 year landscape Management Plan particularly for the new boundary hedgerows, perimeter screen planting and woodland management in Dumber Wood**
13. **Details for the lighting of buildings, roads and floodlighting of pitches and courts**
14. **Details for any school signage on Alderley Road**
15. **Details for building materials which should be recessive and non-reflective**
16. **Low emission strategy to be submitted**
17. **The two new shuttle bus services shall as a minimum comply with Euro 4 emission standards, and shall move towards Euro 6 standards within four years of operation.**
18. **Two Fast (7Kv) electric vehicle charge points shall be provided on the car park. These shall be made publically available. The infrastructure shall be maintained and operational in perpetuity.**
19. **Implementation of operational mitigation measures set out in WYG Air Quality Impact Assessment including dust mitigation.**
20. **Prior to construction, post demolition Phase II ground investigation and remediation strategy if required**
21. **Importation of soil**
22. **Unexpected contamination**
23. **A Public Rights of Way scheme of management to be submitted**
24. **Public Rights of Way shall be marked out on the development site prior to the commencement of and during the development**
25. **Pre-commencement and post-completion condition surveys of the surface of the Public Rights of Way shall be undertaken by the developer**
26. **Foul and surface water shall be drained on separate systems.**
27. **Prior to commencement, details of surface water drainage scheme to be submitted.**
28. **Electric Vehicle Infrastructure Overnight EVP for each dwelling with dedicated off road parking.**
29. **Trees identified by the preliminary ecological appraisals as having the potential to support roosting bats are to be retained.**
30. **Proposals for the erection of protective fencing around the retained woodland habitats to be supported with any future reserved matters application.**

31. The double mini roundabout scheme at Priory Lane/Prestbury Road/Macclesfield Road/Alderley Road to be constructed prior to occupation of the development.
32. The ghost island right turn access schemes on Alderley Road to be constructed prior to occupation of the development.
33. The Travel Plan (to include low emission) to be submitted and approved by the LPA prior to occupation of the development.
34. Construction Management Statement to include Submission of an Environmental Management plan including, noise, dust, construction routes to be submitted.
35. Access to constructed in accordance with approved plan prior to first occupation
36. Prior to the commencement of development a detailed design for a SUDS scheme to mimic the existing greenfield discharge rates of the site and to avoid any contamination of the woodland to be submitted and agreed by the LPA.
37. Submission of a method statement for the safeguarding of a minimum 15m buffer between the proposed development and the adjacent ancient woodland. No development, including the movement of vehicles or storage of materials to take place within the buffer except for those connected with the construction of the required SUDS. The submitted method statement to include proposals for minimising any impacts associated with the required SUDS and also for the creation of semi natural woodland edge habitats with the buffer.
38. Prior to the commencement of development detailed proposals including a timetable of implementation, for the provision of native species woodland and hedgerow planting to compensate for any losses of these habitats are to be submitted to and agreed with the LPA.
39. Proposals for the incorporation of features for nesting birds and roosting bats including house sparrow to be submitted and agreed by the LPA.
40. Submission of an updated badger survey prior to the commencement of development

Environmental Health informative
Environment Agency informative
United Utilities informative
NPPF informative

APPENDIX 1 – KINGS SCHOOL PAVILION ORIGINAL REPORT

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 Dumbar Wood, a small watercourse runs along the length of Dumbar 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 19th 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 NO₂ and PM₁₀ 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. 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 carparks, 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
 - o Scoping
 - o Archaeology
 - o Site selection and alternatives
 - o Socio economic effects
 - o Transport and highways
 - o Landscape and visual
 - o Heritage
 - o Ecology
 - o Flood risk, hydrology and drainage
 - o Ground conditions and hydrogeology
 - o 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 an 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 is 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 been proposed in the current plans. The relevant designations on the site area are 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 be 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 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.
- The highways impacts of the proposed development are not acceptable.

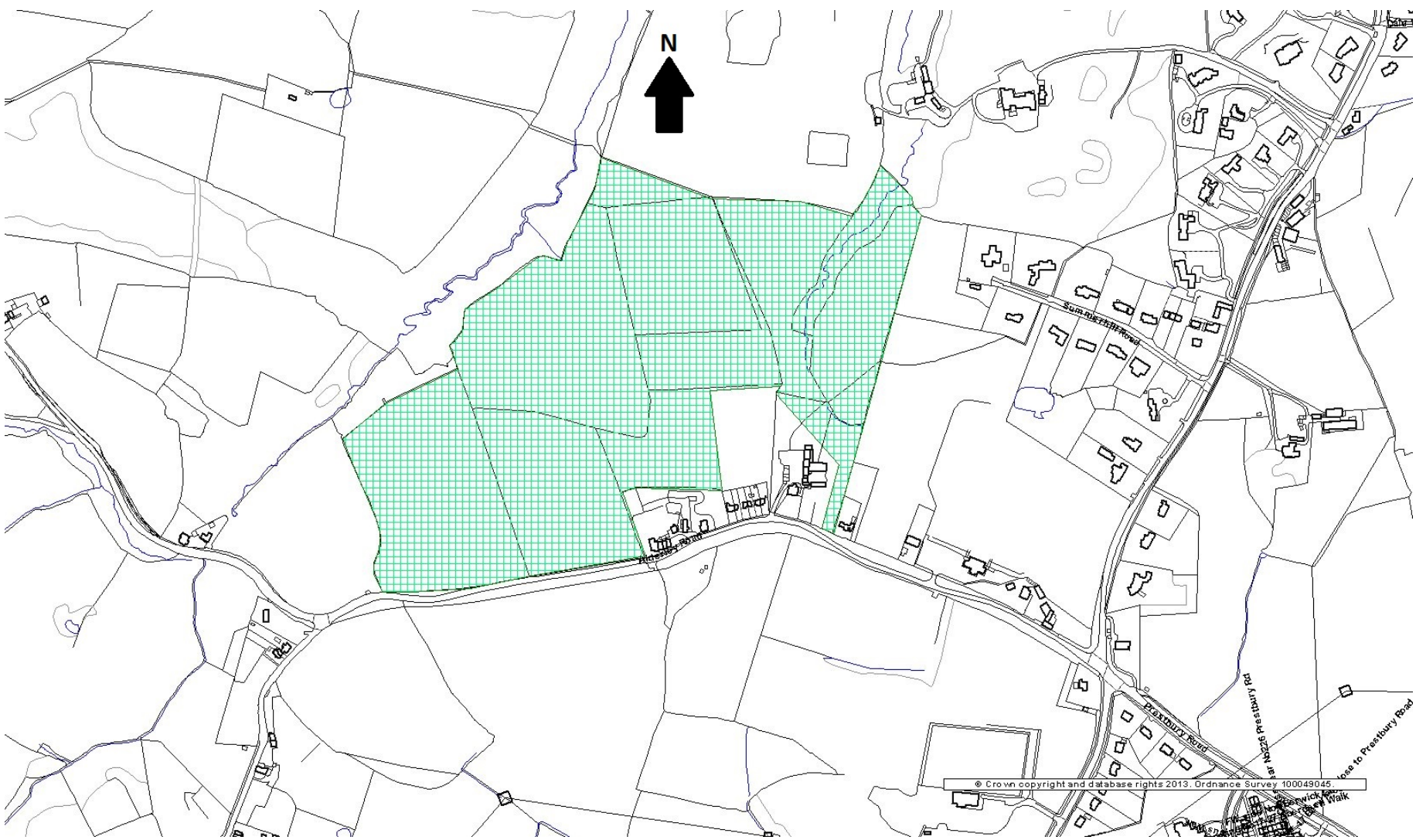
Therefore, as detailed whilst there is potential for the school to be justified, on the basis of the above, it is considered that the proposal does not represent sustainable development and represents inappropriate development within the Green Belt without the required very special circumstances to outweigh 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.



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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

RELATED APPLICATIONS

Members are reminded that this application is one of three applications made by the same applicant that are before the committee for decision today. The three applications are 15/4286M, 15/4287M and 15/4285M. The applicant puts forward these applications on an inter-linked basis, and in that regard Members' attention is drawn to the Guidance Note for Members that appears earlier in the agenda. That note sets out the relationship between the three applications and a suggested approach to determining the same. The note is intended to assist Members in determining each application in its own right, whilst nevertheless having due regard to the relationship between these three applications.

UPDATE REPORT

Members will be aware that this application was first considered by the Strategic Planning Board on 18 May 2016. The application was deferred to enable officers to seek additional information relating to:

- Education contribution
- Affordable housing
- Implications of not finding a new site
- Clarification of the green belt boundary and air quality
- Cumberland Road site

This report therefore provides the updates since the previous committee meeting and a revised recommendation as detailed below. This update report should be read in conjunction with the original report (appended hereto as Appendix 1) which provides the full detail and assessment of the application.

Education Contribution

At the Strategic Planning Board meeting of 18th May 2016, the agent for the site Savills spoke on the application, and confirmed that the school would be willing to make the full financial educational contribution of £383,000 - which was correct at the time of the meeting - in order to make the scheme policy compliant in terms of education. Following this confirmation, the

school and officers of the Council have requested from Children's Services a breakdown of the figure as spread across the two residential sites and the applicant's agents have requested an updated figure to be calculated.

This figure has now been updated to June 2016 and has been broken down to reflect the individual position for the Fence Avenue site only, the breakdown is as follows:

$300 \times 0.19 = 56$ primary children – 1 SEN child

$300 \times 0.15 = 44$ secondary children – 1 SEN child

$300 \times 0.51 \times 2.3\% = 4$ SEN children

The development is forecast to impact secondary school and SEN provision.

Therefore, Education contribution required:

$44 \text{ secondary children} \times £17,959 \times 0.91 = £719,078.36$

$4 \text{ SEN children} \times £50,000 \times 0.91 = £182,000$

Total = £901,078.36

It is understood that the significant increase in the request is made because three other residential applications within the Macclesfield area have been approved (or have a resolution to approve) since the original consultation response was provided. These schemes effectively use up the surplus places that were previously available – particularly for secondary aged pupils.

The agents have addressed the issue by providing the following statement:

In terms of an educational contribution, you will recall that the School previously proposed to deliver this by way of a bursary but, following a clear steer from the Strategic Planning Board, the funding package was revisited and a direct payment for the full amount was agreed, satisfying the stated position of the Education team.

It is therefore with understandable disappointment that a significantly higher educational contribution is now being sought by Cheshire East Council for the above applications, increasing the need at the time of the May Strategic Planning Board from £383k to £1,352k. We have requested further clarification of the methodology behind this increase and will be meeting with your Education team to discuss the matter further.

Notwithstanding the above, the position was considered by the School Governors at their meeting on the 15 July. As a result of this meeting, the School wish to submit a revised s106 Educational contribution of £550,000 towards the requirement. This position is being submitted at significant risk to the school, a not-for-profit charitable body.

This increase will bring the combined amount of s106 planning contribution for Affordable Housing and Education being provided by the School to £2.55m,. This is in addition to the community benefit of community facilities, highways improvements and on-site open space provision being delivered by the applications.

The total offer of £550,000 across the two sites would be split such that the Fence Avenue site contribution would be £370,000.

Affordable Housing

The lack of affordable housing as put forward as part of the original application formed a reason for refusal on the original officer recommendation, therefore the applicants were

required to improve the affordable housing offer in order for the proposals to be more policy compliant. The proposed affordable housing offer is improved and the market mix is improved. The agents have provided the following commentary and response on the matter:

Viability and Enabling Development

The proposals considered previously by officers and the Strategic Planning Board were for 5% of the potential maximum 450 units being delivered as starter homes, subject to a 20% discount from open market value.

The Viability Assessment submitted with the application (dated December 2015) shows a viability gap of broadly £24m. The work undertaken in relation to viability has been independently audited for the Council by Keppie Massie, who have agreed the conclusion that any affordable housing offer from the School will have a direct impact on the viability and delivery of the new school. It is also crucial to note that the residential proposals are enabling development, required to deliver the proposed new school at Derby Fields. Enabling development is essentially development that is necessary to fund key elements of a scheme, without which the scheme is unviable and therefore undeliverable. The objective of delivering a site for a new school forms part of the Council's planning policy and is explicitly set out at paragraphs 15.159 of the emerging Local Plan Strategy, which states:

'The site (Fence Avenue) 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 consequences of a 30% affordable housing requirement on the King's School sites would render the development unviable and therefore undeliverable, undermining the emerging Local Plan Strategy to deliver new homes on allocated sites.

Notwithstanding the clear viability issues affecting the proposals, all options have been reviewed in an attempt to improve the overall affordable housing package offered to address members' concerns on this important matter.

Policy Requirements

Policy SC 5 of the Local Plan Strategy relates to affordable homes. The policy seeks to deliver 30% of units to be affordable on new housing sites, subject to eight criteria. SC5 (7) allows for alternative affordable provision where scheme viability may be affected. Specific types of affordable housing are not prescribed, although SC5 (3) states that the affordable homes provided must be of a tenure, size and type to help meet identified housing needs and contribute to the creation of mixed, balanced and inclusive communities.

The Cheshire East Affordable Housing Interim Policy Statement (IPS) provides further details on how the Council's affordable housing policies are applied. It also seeks housing developments to provide 30% affordable housing. Section 2 of the IPS defines acceptable forms of affordable housing, including 'discounted for sale'. The IPS describes this as follows at paragraph 2.5:

This refers to the provision of subsidised low-cost market accommodation through a re-sale covenant scheme. The principle is that the accommodation is available at a fixed discount below the open market value to households in need. The level of discount will be that which is required to achieve the maximum selling price determined by the Council for those in need locally who cannot afford to buy on the open market.

Revised affordable housing proposal

Type of Affordable Housing

The type of affordable housing proposed is predominantly discounted for sale, at a 20% market discount, which accords with the acceptable forms of affordable housing defined in the IPS. In accordance with paragraph 2.6 of the IPS, the proposed legal agreement will ensure that the benefit of below market price housing is available in perpetuity to future occupants. In addition, above a specified threshold of units, additional affordable dwellings would be affordable social rented. Further details are set out below.

Housing Officers have provided additional details of local housing needs from Cheshire Homechoice, which identifies a requirement based on 1,227 applicants on the housing waiting list of 518 x 1 bed, 479 x 2 bed, 199 x 3 bed, 31 x 4 bed.

The indicative proposals include for a range of housing types including 1, 2, 3 and 4 bedroom properties. The type of units can therefore be aligned with the broad needs identified above. In line with the IPS, we propose that the legal agreement includes provision for the mix of affordable dwelling types to be agreed. The mix of affordable units would be fixed at the reserved matters stage, in the light of the identified needs at that time. The viability work assumes that the majority of these would be 1 and 2 bed properties, which aligns with the greatest needs identified on the Cheshire Homechoice waiting list.

Amount of Affordable Housing

Following discussions with officers the School is able to put forward a revised improved offer as follows.

- 1. 10% of the units to be intermediate affordable units, being houses for sale at 20% discount to open market value for the first 420 units, split across the two sites as follows:
 - a. Westminster Road – up to 140*
 - b. Fence Avenue – up to 280**
- 2. An overage mechanism for any new homes delivered above these thresholds of unit numbers that ensures that 30% of additional units would be social rented housing.*

The revised proposal seeks to strike a balance between achieving a viable scheme and the Council's objectives to deliver affordable homes to meet locally identified needs.

Market Housing Mix - Bungalows

The overall housing mix at this stage is illustrative. However, discussions with Cheshire East Housing officers have identified a requirement for elderly persons accommodation such as bungalows in Macclesfield. We therefore propose that the housing mix at reserved matters stage should include for ten bungalows. This can be secured through a planning condition.

Having revisited the affordable housing proposals, these proposals, whilst not meeting the full policy compliant position, provide a better package of proposals which is a genuine intermediate affordable housing product as set out in the Council's interim policy statement. The provision of 10% of units to be at an 20% market discount is more reasonable given the viability constraints of the proposed development. In addition to this an overage clause - should the developments eventually provide a number greater than 280 any additional units - will be subject to 30% being social rented. It is considered that the revised affordable housing proposals do make a much more reasonable contribution to the social sustainability of the site and of the wider area. In addition to this the market mix will greater reflect the local needs of the area.

Implications of not finding a new site

Following the meeting of 18th May, the agent has submitted additional information of what has been described as a 'do nothing scenario' should the proposals not align with the School's future plans, which was requested by the committee and was a reason for deferral for greater clarity. This has been prepared by the agent and is set out below:

The Planning Statements that accompany the applications set out the positive case for the developments and the benefits to Macclesfield. The Headmaster's synopsis as set out in an Appendix to the Derby Fields Planning Statement, sets out the educational need for change. The benefits include new homes, jobs, investment in education, sports facilities and safeguarding the future of one of Macclesfield's oldest institutions.

There are also significant harms under a 'do nothing scenario', which is the inevitable consequence if the Council feels unable to support the proposals. The 'do nothing' consequences are also important material considerations to be weighed in the overall planning balance.

First and foremost, there are the consequences for the School itself, and the risk to its long term future in Macclesfield, given the economics of the current two site model are unlikely to be sustainable over the long term.

The consequences of the 'do nothing scenario' in a wider planning sense would include the following harm to the delivery of the Cheshire East Local Plan objectives:

1. Harm to **meeting the full, objectively assessed needs for housing** for 36,000 new homes (Local Plan para 1.7).
2. Harm to **meeting the minimum target of 500 homes for Central Macclesfield** - the Westminster Road is the largest residential opportunity within this area, proposed to deliver 150 new homes.
3. Harm to **all of the policy principles underpinning the Local Plan vision** to deliver sustainable, job-led growth and sustainable, vibrant communities (Local Plan para 1.29):
 - a. **Developing brownfield sites** – the Westminster Road site and much of the Fence Avenue site are previously developed land
 - b. **Preserving green belt land** where possible - additional green belt land around Macclesfield would be required for housing to make up the additional housing requirement if these sites are not developed for housing as envisaged in the Plan
 - c. **Ensuring a town centre first policy to support main urban centres** - the proposals would accommodate around 1,000 people within walking distance of the town centre, with a combined retail and leisure spend of almost £9m per annum, which would be lost
 - d. **Delivering homes of the right quality in the right location at the right price** – the Local Plan Inspector's Interim views made it clear that the right location for additional housing development to meet the OAN was in the north of the Borough.
 - e. **Supporting development with the right new infrastructure** – the housing sites are already integrated to the local highway network, avoiding further need for miles of new roads.
 - f. **Focusing new housing development in strategic locations** such as urban extensions, rather than a dispersed growth model – Macclesfield is the principal town in the north of the Borough (Local Plan para 2.33) and the strategic location for further growth
4. Harm to the **delivery of an allocated site (Fence Avenue)** in Part 1 of the Local Plan Strategy

5. Harm to the objectives to **support the School to consolidate to a single site** and identify a new site (Local Plan para 15.159) of the Local Plan allocate a new site for the King's School
6. Harm to Local Plan objectives to make sure that **education provision is enhanced** and developed to meet the growing and changing needs of our communities (para 1.45)
7. Harm to objectives attract people of working age to the area by providing the right housing and facilities.

It is considered that the above outcomes of the 'do nothing' scenario will hinder the provision of housing development in the future, and two key sites within sustainable locations within Macclesfield will not be able to be delivered for housing. As explained in the officer's report it is clear that the Fence Avenue site is a preferred housing allocation in the emerging Cheshire East Local Plan which is in its advanced stages, therefore the weight which can be attributed to this increases the further along the plan preparation process is. Therefore the principle could be acceptable providing the very special circumstances exist to outweigh the automatic harm by inappropriateness to the Green Belt. It is considered that the 'do nothing' scenario would prevent this strategic housing allocation from coming forward which is attributed weight in the overall planning balance. The agent's information points out the economic benefits of the proposals, these are also outlined in the officer's report along with the historic connection the school has with Macclesfield. The additional information in respect of the 'do nothing scenario' does not influence the recommendation as the principle of development does not change as a result.

Clarification of the Green Belt boundary and air quality

Green Belt boundary

As explained in the officer's report the site in its entirety is washed over by Green Belt this includes the built area of the site. This has been illustrated on a Key Plan.

Air Quality

Environmental Health Officers do not raise objection to the scheme on air quality grounds. The following section is an extract from the original Officer's report which discussed air quality:

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 (NO₂). There are a number of other areas within the town where monitoring has shown exposure to levels of NO₂ 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.

Cumberland Street Site

At the SPB meeting of 18th May, the committee questioned what the future proposals would be for the Cumberland Street site which adjoins the Westminster Road site to the south. This site does not form part of the planning application proposals, however it is an asset of the school and therefore the agents have given further detail on the proposals for this site in the future which are set out below for information:

Whilst the Cumberland Street site does not form part of the current suite of applications, Members asked for some clarification on what the School is envisaging for the future of the site.

There are no definitive plans at the present time, other than that the School does intend to sell the land at some point, as the site would no longer be needed under the single site solution. Detailed proposals will therefore be subject to detailed applications further down the line.

A detailed application has not yet been made as there are some policy challenges with the site that do not apply to the other sites. Principally, these are:

- 1. Heritage assets and legacy.** *The site is sensitive in heritage and conservation terms. It is fully accepted that these are important considerations, but they will impose a constraint on the overall development potential for the site. It is also important to the School that any future use for the site leaves a positive legacy for the School in Macclesfield. Preserving the two listed buildings, the unlisted, yet locally significant main school clocktower building, along with views of it, are all important attributes that*

the School would expect any alternative development proposals to address. Detailed proposals formulated with a development partner would be more appropriate for the site, rather than an outline scheme.

- 2. Uncertainty on Cheshire East Highways proposals for Cumberland Street.** *We are aware that Cumberland Street is viewed as a critical part of the network where road widening is an option that is being considered already, but a clear preferred solution has yet to be decided.*

Given the complexities above, on balance it was felt that there would be a high probability for planning delays, and so rather than delay the entire suite of applications, the chosen approach was to delay an application for the Cumberland Street land. This approach was agreed with planning officers at the pre-application stage.

Although important for funding purposes, the anticipated value from the land and its contribution to the overall cost of the new School is not expected to be significant in comparison to the Fence Avenue and Westminster Road sites, for which enabling planning permissions are absolutely critical to the delivery of the new school.

Nevertheless, as a further safeguard for the local planning authority, an overage clause relating to affordable housing is to be included in the proposed s106 for the current suite of applications.

As indicated by the applicants, it is considered that the issue of any future development of the Cumberland Street site can be covered by an overage clause within a legal agreement to ensure that any significant uplift in value on is paid to the Planning Authority.

Additional consultation received following deferral of the application

ANSA comments received 30/06/2016 in respect of Public Open Space

Layout generally

- I am pleased to see the applicant has submitted an amended scheme which removes the housing block previously proposed on the eastern boundary with the canal*
- This reflects the feedback and advice given to the applicant in the early stages and, subject to detailed design, will retain a much valued area of 'green' next to the canal for the benefit of the future residents and local community*
- I welcome the other open space provision and look forward to the detailed schemes*
- HOWEVER the proposed location of the play area is in the worst possible place and will need to be relocated*
- It is acknowledged that Sport England have withdrawn their objection to loss of playing fields*
- There is however a requirement for ROS arising from the new development and in the absence of on site provision, a com sum for offsite provision of £300,000 would normally be required based on 300 units*

Detailed comments

- The detailed designs for all open spaces and footpath cycleway links proposed will need to be submitted at reserved matters*

- *Open space should be provided at a rate of 40sqm per dwelling and any shortfall will require the payment of a com sum for offsite provision as per the SPG*
- *The LEAP play area will be located more centrally, with good surveillance from all sides, good visual and pedestrian linkages and be in a more formal setting, with space for amenity activities. This space should act as a focal point for the new community, aside from the informal opportunities offered on the periphery and outside the site*
- *Clarification is sought over access to the canal via the bridge and works / access agreements etc required to establish this*
- *As previously discussed with the applicant, the large portion of proposed open space adjacent to the canal is envisaged as having a countryside fringe design, use and management. The design for this space will need to incorporate the elements necessary for such a use / management*
- *I would want to see the incorporation of SUDS into any open space scheme handled sensitively as water management can restrict public use of open space and present maintenance issues*
- *I would wish to see the open space schemes for the site as a whole work strongly to enhance the sites unique history and position on the urban fringe. I will be looking to see imaginative and place driven design with clarity and a strong vision for the site as a whole. These should incorporate bespoke elements and have a focus on quality materials and finish*
- *Pedestrian access around the site will need to provide all year, all weather opportunities and will need to be hard surfaced as such*
- *Future ownership and management of the open space on site needs to be discussed prior to reserved matters submissions. This will include the potential for the open space to be transferred to the council with commuted sums for maintenance, including countryside management of parts of the site*

Additional Representation following deferral of the application

One representation was received on 30/06/2016 which raised the following issues.

- Area of special county value
- Protocol and procedures
- Questioning the weight to be attached to the emerging local plan and precedent.
- The weight to be attached to Brockworth case is not correct.
- Policy compliance is not a VSC

Updates following additional comments

With regard to the comments from ANSA, many of the requirements will be incorporated into the design at the reserved matters stage when the layout will be agreed, however certain requirements such as a LEAP and ongoing management of the open space will form part of the Section 106 agreement.

With regard to the comments made following the May Strategic Planning Board meeting, the officers are satisfied that the correct protocol and procedures were followed. The comments refer the area of Special County Value which is covered in policy NE1. In the officer's report reference was made to the Peak Fringe ASCV which was as follows:

*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.*

It is therefore considered that reference to the ASCV was made in the report. The conclusion was that the impact would not be significant enough to warrant refusal of the application and mitigation would reduce the effects of the development on the ASCV, the proposal is therefore not contrary to policy NE1 of the MBLP.

With regard to the Brockworth decision, the weight to be attached to this is considered to be reasonable. Local Plans comments are set out below which reinforce the level of preparation of the Local Plan at this stage:

Due consideration must be given to Paragraph 216 of the NPPF and the three criteria listed below:

“ 216. From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- 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).”*

CEC is consulting on it's Local Plan Strategy – Proposed Changes Version (Formal Representation Period - 4th March to 5pm on 19th April 2016)

Cheshire East Council has published its 'Local Plan Strategy – Proposed Changes Version' and accompanying documents for formal public consultation. This follows Inspector Stephen J Pratt issuing his Further Interim Views in December 2015, following the second set of examination hearings on the Local Plan Strategy (LPS) held between 21 and 30 October 2015. These address the additional evidence produced by the Council during the previous suspension of the examination and its implications for the submitted LPS.

Following the Further Interim Views, the Council has finalised the proposed changes to the LPS, with the necessary changes to the policies and accompanying text, including new and amended strategic site allocations, with all the supporting evidence.

The Kings School site is put forward as a possible strategic site (Policy CS9) in the Local Plan Strategy - Proposed Changes Version document. The rationale for putting the site forward is presented in Examination Library document – Macclesfield Town Report [RE F010f] pages 18 -23. All the Local Plan Strategy Sites have yet to be discussed at Examination Hearings.

OVERALL CONCLUSIONS AND THE PLANNING BALANCE

Following on from the May Strategic Planning Board meeting, discussions have taken place between officers of the Council and the applicant and agent for this application. The applicant has provided greater clarity on points required by the planning committee.

The reasons for refusal were as follows:

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.

In light of the additional information and contributions to be provided which now include a contribution of £370,000 towards education and the provision of an improved intermediate affordable housing package, it is considered that the proposed package of contributions makes the site more socially sustainable, and the proposals will provide a greater level of community benefit. This is a significant improvement in community benefit when compared to the original application.

When considering the application it is clear that housing within a sustainable location such as this does bring benefits which are outlined in the original report. Previously those benefits were considered to be outweighed by the lack of an education contribution and inadequate provision of affordable housing on site.

It is acknowledged that the affordable housing offer, at 10% is less than the normal policy requirement of 30%. However it is accepted that in order for the new school to be delivered, then the values that can be achieved from this site need to be maximised such that no more than 10% affordable housing can be offered. Whilst not policy compliant affordable housing at 10% is considered to be an acceptable compromise which ensures so far as is possible that the new school subject to planning application 15/4286M will be delivered as well as an acceptable level of affordable housing on this site. A similar conclusion is reached on the education contribution which although less than now requested it is considered that an acceptable compromise is reached.

In the round therefore, in light of the enabling aspects this development brings to the development of the new school, in light of the benefits thereby achieved through that

development and in light of the benefits of housing on this site, this proposal is considered to rank as sustainable development notwithstanding the reduced education and affordable housing provision. Therefore in line with the requirements of the National Planning Policy Framework that proposals for sustainable development should be approved without delay, it is recommended that planning permission be granted.

Heads of Terms

- **Public Open Space including a LEAP**
- **10 % Affordable Housing at 20% discount to market value**
- **An overage mechanism for any new homes delivered over 300 whereby 30% of additional units would be social rented housing**
- **Overage Clause from addition value generated from the Cumberland Street Site**
- **Education contribution**

CIL Compliance

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.

RECOMMENDATION

Approve subject to the completion of a section 106 legal agreement for

- **Public Open Space including a LEAP**
- **10 % Affordable Housing at 20% discount to market value**
- **Overage Clause from addition value generated from the Cumberland Street Site**
- **Education contribution of £370,000**

and the following conditions

1. **Standard Outline Time limit – 3 years**
2. **Submission of Reserved Matters to include landscaping, scale, appearance and layout**
3. **Accordance with Approved Plans access only**
4. **Grampian condition to ensure that new school is completed and occupied prior to commencement of this development to ensure mitigation with regard to loss of playing pitches is secured.**
5. **Foul and surface water shall be drained on separate systems.**
6. **Prior to commencement, details of surface water drainage scheme to be submitted.**
7. **Details of site levels to be submitted at reserved matters stage**

8. Landscape masterplan to be submitted at reserved matters stage to include phasing
9. Landscape scheme to be submitted at reserved matters stage
10. Landscape implementation and 5 year replacement
11. The submission of a detailed Arboricultural Impact Assessment
12. Submission of an Environmental Management plan including, noise, dust, construction routes, phased occupation details.
13. Implementation of operational mitigation measures set out in WYG Air Quality Impact Assessment including dust mitigation.
14. Electric Vehicle Infrastructure Overnight EVP for each dwelling with dedicated off road parking.
15. Low emission travel plan to be agreed with the Local Planning Authority
16. Prior to construction, post demolition Phase II ground investigation and remediation strategy if required
17. Importation of soil
18. Unexpected contamination
19. Reserved matters to include an updated badger survey
20. Trees identified by the preliminary ecological appraisals as having the potential to support roosting bats are to be retained.
21. Updated badger survey and mitigation strategy to be submitted with each reserved matters application.
22. Reserved matters application to include gaps to safeguard hedgehogs.
23. Proposals for the erection of protective fencing around the retained woodland habitats to be supported with any future reserved matters application.
24. Access to constructed in accordance with approved plan prior to first occupation
25. Details of Ghost Right Turn for the main access to be submitted
26. Detailed lighting scheme to be submitted in support any future reserved matters application.

Environmental Health informative
NPPF informative

APPENDIX 1 – FENCE AVENUE ORIGINAL REPORT

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 19th 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 300 units 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 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

Strategic Housing

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:

- 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 – footfall 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 31st 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 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.

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 ($450 \times 0.19 = 85.5$ – 4 SEN)
65 secondary children ($450 \times 0.15 = 67.5$ – 3 SEN)
7 SEN children ($450 \times 0.015 = 6.75$ – 7 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 3rd 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 (NO₂). There are a number of other areas within the town where monitoring has shown exposure to levels of NO₂ 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)
- 10 % Affordable Housing at 20% discount to market value
- 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.

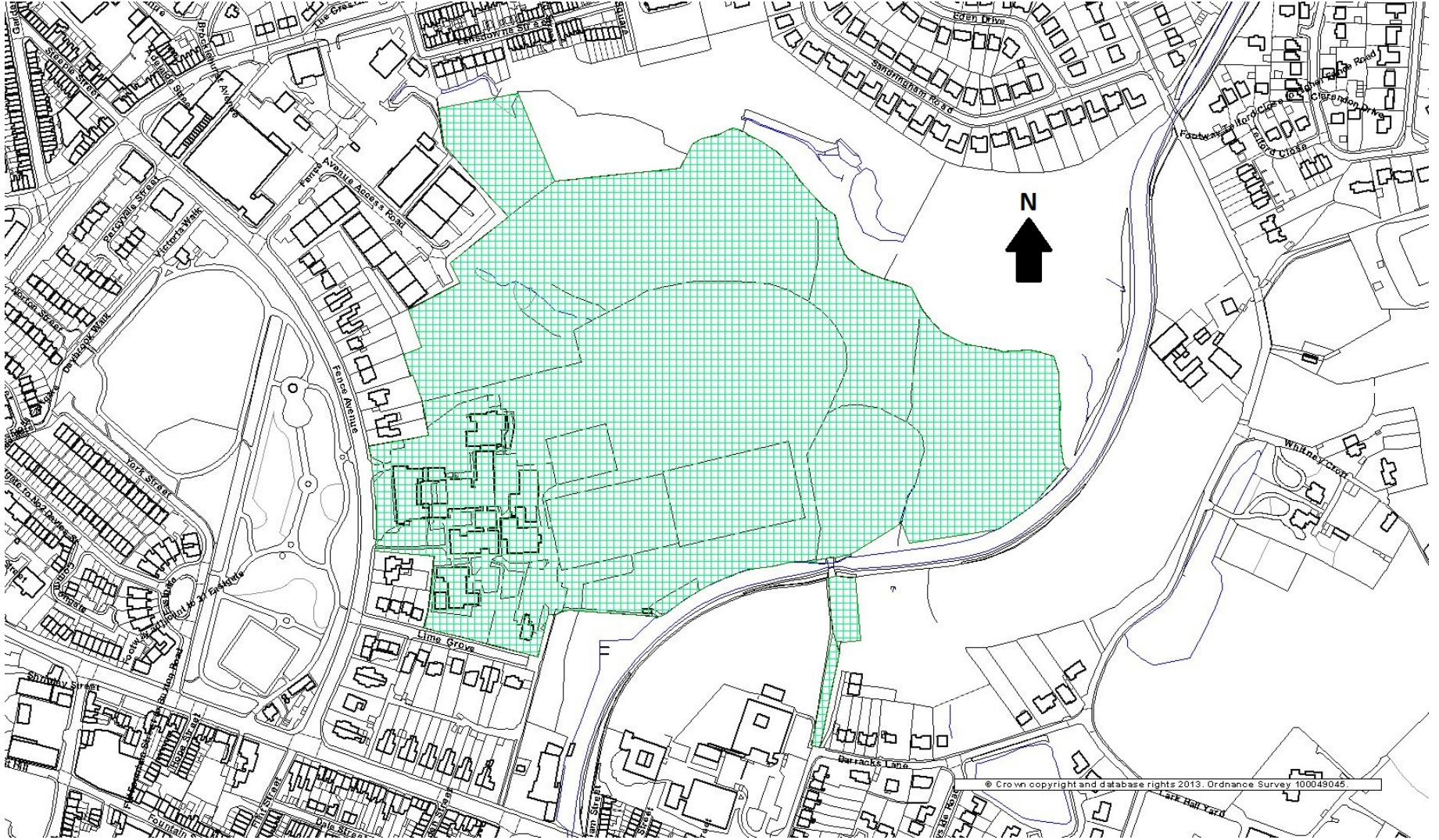
- The impact upon protected species/ecology is considered to be unknown, therefore it cannot be assumed at this stage that mitigation would be possible at the site without additional information.
- No affordable housing provided by a Registered Social Landlord, however 5% start homes (80% market value) 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.



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

Expiry Date: 24-Feb-2016

RELATED APPLICATIONS

Members are reminded that this application is one of three applications made by the same applicant that are before the committee for decision today. The three applications are 15/4286M, 15/4287M and 15/4285M. The applicant puts forward these applications on an inter-linked basis, and in that regard Members' attention is drawn to the Guidance Note for Members that appears earlier in the agenda. That note sets out the relationship between the three applications and a suggested approach to determining the same. The note is intended to assist Members in determining each application in its own right, whilst nevertheless having due regard to the relationship between these three applications.

UPDATE REPORT

Members will be aware that this application was first considered by the Strategic Planning Board on 18 May 2016. The application was deferred to enable officers to seek additional information relating to:

- Education contribution
- Affordable housing
- Implications of not finding a new site
- Cumberland Road site
- Update on public open space

This report therefore provides the updates since the previous committee meeting and a revised recommendation as detailed below. This update report should be read in conjunction with the original report (appended hereto as Appendix 1) which provides the full detail and assessment of the application.

Education Contribution

At the Strategic Planning Board meeting of 18th May 2016, the agent for the site Savills spoke on the application, and confirmed that the school would be willing to make the full financial educational contribution of £383,000 - which was correct at the time of the meeting - in order to make the scheme policy compliant in terms of education. Following this confirmation, the school and officers of the Council have requested from Children's Services a breakdown of

the figure as spread across the two residential sites and the applicant's agents have requested an updated figure to be calculated.

This figure has now been updated to June 2016 and has been broken down to reflect the individual position for the Westminster site only, the breakdown is as follows:

$150 \times 0.19 = 28$ primary children – 1 SEN child

$150 \times 0.15 = 22$ secondary children – 1 SEN child

$150 \times 0.51 \times 2.3\% = 2$ SEN children

The development is forecast to impact secondary school and SEN provision, Therefore, Education contribution required:

$22 \text{ secondary children} \times £17,959 \times 0.91 = £359,539.18$

$2 \text{ SEN children} \times £50,000 \times 0.91 = £91,000$

Total = £450,539.18

It is understood that the significant increase in the request is made because three other residential applications within the Macclesfield area have been approved (or have a resolution to approve) since the original consultation response was provided. These schemes effectively use up the surplus places that were previously available – particularly for secondary aged pupils.

The agents have addressed the issue by providing the following statement:

In terms of an educational contribution, you will recall that the School previously proposed to deliver this by way of a bursary but, following a clear steer from the Strategic Planning Board, the funding package was revisited and a direct payment for the full amount was agreed, satisfying the stated position of the Education team.

It is therefore with understandable disappointment that a significantly higher educational contribution is now being sought by Cheshire East Council for the above applications, increasing the need at the time of the May Strategic Planning Board from £383k to £1,352k. We have requested further clarification of the methodology behind this increase and will be meeting with your Education team to discuss the matter further.

Notwithstanding the above, the position was considered by the School Governors at their meeting on the 15 July. As a result of this meeting, the School wish to submit a revised s106 Educational contribution of £550,000 towards the requirement. This position is being submitted at significant risk to the school, a not-for-profit charitable body.

This increase will bring the combined amount of s106 planning contribution for Affordable Housing and Education being provided by the School to £2.55m,. This is in addition to the community benefit of community facilities, highways improvements and on-site open space provision being delivered by the applications.

The total offer of £550,000 across the two sites would be split such that the Westminster Road site contribution would be £180,000.

Affordable Housing

The lack of affordable housing as put forward as part of the original application formed a reason for refusal on the original officer recommendation, therefore the applicants were required to improve the affordable housing offer in order for the proposals to be more policy

compliant. The proposed affordable housing offer is improved and the market mix is improved. The agents have provided the following commentary and response on the matter:

Viability and Enabling Development

The proposals considered previously by officers and the Strategic Planning Board were for 5% of the potential maximum 450 units being delivered as starter homes, subject to a 20% discount from open market value.

The Viability Assessment submitted with the application (dated December 2015) shows a viability gap of broadly £24m. The work undertaken in relation to viability has been independently audited for the Council by Keppie Massie, who have agreed the conclusion that any affordable housing offer from the School will have a direct impact on the viability and delivery of the new school. It is also crucial to note that the residential proposals are enabling development, required to deliver the proposed new school at Derby Fields. Enabling development is essentially development that is necessary to fund key elements of a scheme, without which the scheme is unviable and therefore undeliverable. The objective of delivering a site for a new school forms part of the Council's planning policy and is explicitly set out at paragraphs 15.159 of the emerging Local Plan Strategy, which states:

'The site (Fence Avenue) 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 consequences of a 30% affordable housing requirement on the King's School sites would render the development unviable and therefore undeliverable, undermining the emerging Local Plan Strategy to deliver new homes on allocated sites.

Notwithstanding the clear viability issues affecting the proposals, all options have been reviewed in an attempt to improve the overall affordable housing package offered to address members' concerns on this important matter.

Policy Requirements

Policy SC 5 of the Local Plan Strategy relates to affordable homes. The policy seeks to deliver 30% of units to be affordable on new housing sites, subject to eight criteria. SC5 (7) allows for alternative affordable provision where scheme viability may be affected. Specific types of affordable housing are not prescribed, although SC5 (3) states that the affordable homes provided must be of a tenure, size and type to help meet identified housing needs and contribute to the creation of mixed, balanced and inclusive communities.

The Cheshire East Affordable Housing Interim Policy Statement (IPS) provides further details on how the Council's affordable housing policies are applied. It also seeks housing developments to provide 30% affordable housing. Section 2 of the IPS defines acceptable forms of affordable housing, including 'discounted for sale'. The IPS describes this as follows at paragraph 2.5: This refers to the provision of subsidised low-cost market accommodation through a re-sale covenant scheme. The principle is that the accommodation is available at a fixed discount below the open market value to households in need. The level of discount will be that which is required to achieve the maximum selling price determined by the Council for those in need locally who cannot afford to buy on the open market.

Revised affordable housing proposal

Type of Affordable Housing

The type of affordable housing proposed is predominantly discounted for sale, at a 20% market discount, which accords with the acceptable forms of affordable housing defined in the IPS. In accordance with paragraph 2.6 of the IPS, the proposed legal agreement will ensure that the benefit of below market price housing is available in perpetuity to future occupants. In addition, above a specified threshold of units, additional affordable dwellings would be affordable social rented. Further details are set out below.

Housing Officers have provided additional details of local housing needs from Cheshire Homechoice, which identifies a requirement based on 1,227 applicants on the housing waiting list of 518 x 1 bed, 479 x 2 bed, 199 x 3 bed, 31 x 4 bed.

The indicative proposals include for a range of housing types including 1, 2, 3 and 4 bedroom properties. The type of units can therefore be aligned with the broad needs identified above. In line with the IPS, we propose that the legal agreement includes provision for the mix of affordable dwelling types to be agreed. The mix of affordable units would be fixed at the reserved matters stage, in the light of the identified needs at that time. The viability work assumes that the majority of these would be 1 and 2 bed properties, which aligns with the greatest needs identified on the Cheshire Homechoice waiting list.

Amount of Affordable Housing

Following discussions with officers the School is able to put forward a revised improved offer as follows.

1. 10% of the units to be intermediate affordable units, being houses for sale at 20% discount to open market value for the first 420 units, split across the two sites as follows:

- a. Westminster Road – up to 140*
- b. Fence Avenue – up to 280*

2. An overage mechanism for any new homes delivered above these thresholds of unit numbers that ensures that 30% of additional units would be social rented housing.

Market Housing Mix - Bungalows

The overall housing mix at this stage is illustrative. However, discussions with Cheshire East Housing officers have identified a requirement for elderly persons accommodation such as bungalows in Macclesfield. We therefore propose that the housing mix at reserved matters stage should include for ten bungalows. This can be secured through a planning condition.

Having revisited the affordable housing proposals, these proposals, whilst not meeting the full policy compliant position, provide a better package of proposals which is a genuine intermediate affordable housing product as set out in the Council's interim policy statement. The provision of 10% of units to be at an 20% market discount is more reasonable given the viability constraints of the proposed development. In addition to this an overage clause - should the developments eventually provide a number greater than 140 any additional units - will be subject to 30% being social rented. It is considered that the revised affordable housing proposals do make a much more reasonable contribution to the social sustainability of the site and of the wider area. In addition to this the market mix will greater reflect the local needs of the area, by providing a total of 10 bungalows. These are envisaged to be located at the Westminster Road site and will be secured through a suitably worded planning condition.

Implications of not finding a new site

Following the meeting of 18th May, the agent has submitted additional information of what has been described as a 'do nothing scenario' should the applications proposals not be

supported. This was requested by the committee and to provide greater clarity. This has been prepared by the agent and is set out below:

The Planning Statements that accompany the applications set out the positive case for the developments and the benefits to Macclesfield. The Headmaster's synopsis as set out in an Appendix to the Derby Fields Planning Statement, sets out the educational need for change. The benefits include new homes, jobs, investment in education, sports facilities and safeguarding the future of one of Macclesfield's oldest institutions.

There are also significant harms under a 'do nothing scenario', which is the inevitable consequence if the Council feels unable to support the proposals. The 'do nothing' consequences are also important material considerations to be weighed in the overall planning balance.

First and foremost, there are the consequences for the School itself, and the risk to its long term future in Macclesfield, given the economics of the current two site model are unlikely to be sustainable over the long term.

The consequences of the 'do nothing scenario' in a wider planning sense would include the following harm to the delivery of the Cheshire East Local Plan objectives:

1. Harm to **meeting the full, objectively assessed needs for housing** for 36,000 new homes (Local Plan para 1.7).
2. Harm to **meeting the minimum target of 500 homes for Central Macclesfield** - the Westminster Road is the largest residential opportunity within this area, proposed to deliver 150 new homes.
3. Harm to **all of the policy principles underpinning the Local Plan vision** to deliver sustainable, job-led growth and sustainable, vibrant communities (Local Plan para 1.29):
 - a. **Developing brownfield sites** – the Westminster Road site and much of the Fence Avenue site are previously developed land
 - b. **Preserving green belt land** where possible - additional green belt land around Macclesfield would be required for housing to make up the additional housing requirement if these sites are not developed for housing as envisaged in the Plan
 - c. Ensuring a town centre first policy to **support main urban centres** - the proposals would accommodate around 1,000 people within walking distance of the town centre, with a combined retail and leisure spend of almost £9m per annum, which would be lost
 - d. **Delivering homes of the right quality in the right location at the right price** – the Local Plan Inspector's Interim views made it clear that the right location for additional housing development to meet the OAN was in the north of the Borough.
 - e. **Supporting development with the right new infrastructure** – the housing sites are already integrated to the local highway network, avoiding further need for miles of new roads.
 - f. **Focusing new housing development in strategic locations** such as urban extensions, rather than a dispersed growth model – Macclesfield is the principal town in the north of the Borough (Local Plan para 2.33) and the strategic location for further growth
4. Harm to the **delivery of an allocated site (Fence Avenue)** in Part 1 of the Local Plan Strategy
5. Harm to the objectives to **support the School to consolidate to a single site** and identify a new site (Local Plan para 15.159) of the Local Plan allocate a new site for the King's School
6. Harm to Local Plan objectives to make sure that **education provision is enhanced** and developed to meet the growing and changing needs of our communities (para 1.45)

7. Harm to objectives attract people of working age to the area by providing the right housing and facilities.

It is considered that the above outcomes of the 'do nothing' scenario will hinder the provision of housing development in the future, and two key sites within sustainable locations within Macclesfield will not be able to be delivered for housing. As explained in the officer's report it is clear that the housing development in this location of Westminster Road is acceptable in principle and that the delivery of housing on brownfield sites is a local and national planning policy goal. It is considered that the 'do nothing' scenario would prevent these strategic sustainably located sites from coming forward which is given weight in the overall planning balance. The agent's information points out the economic benefits of the proposals, these are also outlined in the officer's report along with the historic connection the school has with Macclesfield. The additional information in respect of the 'do nothing scenario' does not alter the fact that the development of the Westminster Road site is acceptable in principle subject to all other material considerations being acceptable in planning terms.

Cumberland Road Site

At the SPB meeting of 18th May, the committee questioned what the future proposals would be for the Cumberland Road site which adjoins the Westminster Road site to the south. This site does not form part of the planning application proposals, however it is an asset of the school and therefore the agents have given further detail on the proposals for this site in the future which are set out below for information:

Whilst the Cumberland Street site does not form part of the current suite of applications, Members asked for some clarification on what the School is envisaging for the future of the site.

There are no definitive plans at the present time, other than that the School does intend to sell the land at some point, as the site would no longer be needed under the single site solution. Detailed proposals will therefore be subject to detailed applications further down the line.

A detailed application has not yet been made as there are some policy challenges with the site that do not apply to the other sites. Principally, these are:

*1. **Heritage assets and legacy.** The site is sensitive in heritage and conservation terms. It is fully accepted that these are important considerations, but they will impose a constraint on the overall development potential for the site. It is also important to the School that any future use for the site leaves a positive legacy for the School in Macclesfield. Preserving the two listed buildings, the unlisted, yet locally significant main school clocktower building, along with views of it, are all important attributes that the School would expect any alternative development proposals to address. Detailed proposals formulated with a development partner would be more appropriate for the site, rather than an outline scheme.*

*2. **Uncertainty on Cheshire East Highways proposals for Cumberland Street.** We are aware that Cumberland Street is viewed as a critical part of the network where road widening is an option that is being considered already, but a clear preferred solution has yet to be decided.*

Given the complexities above, on balance it was felt that there would be a high probability for planning delays, and so rather than delay the entire suite of applications, the chosen approach was to delay an application for the Cumberland Street land. This approach was agreed with planning officers at the pre-application stage.

Although important for funding purposes, the anticipated value from the land and its contribution to the overall cost of the new School is not expected to be significant in comparison to the Fence Avenue and Westminster Road sites, for which enabling planning permissions are absolutely critical to the delivery of the new school.

Nevertheless, as a further safeguard for the local planning authority, an overage clause relating to affordable housing is to be included in the proposed s106 for the current suite of applications.

As indicated by the applicants, it is considered that the issue of any future development of the Cumberland Street site can be covered by an overage clause within a legal agreement to ensure that any significant uplift in value on is paid to the Planning Authority.

Open Space

The area of land to the north of the main school buildings which comprises playing pitches for the school is designated as Existing Open Space in the Macclesfield Borough Local Plan. Whilst this site is open space, it is not publically accessible as confirmed by King's School, so does not make a current public open space contribution. Notwithstanding this, it is open space and makes a contribution in terms of the community who use the site for the various clubs that use the King's School facilities. Comments have been received from ANSA and these are set out below:

- The site is located in a busy town centre location but Public Open Space (POS) provision on site seems vague and disjointed*
- Open space should be provided at a rate of 40sqm per dwelling and any shortfall will require the payment of a commuted sum for offsite provision as per the SPG*
- I would wish to see a LEAP play area incorporated into the scheme, within a suitably located, central site that forms a focus for the new community*
- The detailed designs for on site open space will need to be submitted at reserved matters alongside phasing plans and landscape management and maintenance plans with detail of future management proposals*
- I am unconvinced how splitting POS provision across the site benefits the residents and ask what the purpose of the northern finger is?*
- The applicant was also advised of the longer term strategic aim to link the site with the Bollin Valley and would wish to see this considered as part of any scheme, the woodland fringe to the north could form an on site amenity and the source of potential links and further exploration of this is required*
- I would also like to see further strength given to the retained green strip along Westminster road but challenge the applicants status for this of Greenway. Currently it seems to be a verge for the new residents?*
- I am unsure of the accessibility of the green buffer and ask how will this be maintained?*
- I would wish to see a circular hard surfaced route around the site*
- It is acknowledged that Sport England have withdrawn their objection to loss of playing fields*
- There is however a requirement for POS arising from the new development and in the absence of on site provision, a commuted sum for offsite provision of £150,000 would normally be required based on 150 units*

The future residents will live in a very busy town centre location and on site open space and amenity will be crucial in balancing this.

In order to meet the requirements and to achieve a suitable layout which provides pockets of informal and formal open spaces for future residents, the provision of a LEAP and the maintenance of the open space will be secured through the Section 106 agreement.

OVERALL CONCLUSIONS AND THE PLANNING BALANCE

Following on from the May Strategic Planning Board meeting, discussions have taken place between officers of the Council and the applicant and agent for this application. The applicant has provided greater clarity on points required by the planning committee.

Prior to the previous planning committee meeting reason for refusal 3 was removed, as ecology issues on the site were resolved to the satisfaction of the Council's ecologist.

The remaining reasons for refusal were as follows:

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.

In light of the additional information concerning contributions to be provided which includes £180,000 towards education and the provision of an improved intermediate affordable housing package, it is considered that the proposed package of contributions makes the site more socially sustainable, and the proposals will provide a greater level of community benefit. This is a significant improvement in community benefit when compared to the original application.

When considering the application it is clear that housing within a sustainable location such as this, brings benefits that are outlined in the original report. Previously those benefits were considered to be outweighed by the lack of an education contribution and inadequate provision of affordable housing on site.

It is acknowledged that the affordable housing offer, at 10% is less than the normal policy requirement of 30%. However it is accepted that in order for the new school to be delivered, then the values that can be achieved from this site need to be maximised such that no more than 10% affordable housing can be offered. Whilst not policy compliant affordable housing at 10% is considered to be an acceptable compromise which ensures so far as is possible that the new school subject to planning application 15/4286M will be delivered as well as an acceptable level of affordable housing on this site. A similar conclusion is reached on the

education contribution which although less than now requested is considered to represent an acceptable compromise.

In the round therefore, in light of the enabling aspects this development brings to the development of the new school, in light of the benefits thereby achieved through that development and in light of the benefits of housing on this site, this proposal is considered to rank as sustainable development notwithstanding the reduced education affordable housing provision. Therefore in line with the requirements of the National Planning Policy Framework that proposals for sustainable development should be approved without delay, it is recommended that planning permission be granted.

Heads of Terms

- **Public Open Space including a LEAP**
- **10 % Affordable Housing at 20% discount to market value**
- **An overage mechanism for any new homes delivered over 300 whereby 30% of additional units would be social rented housing**
- **Overage Clause from addition value generated from the Cumberland Street Site**
- **Education contribution**

CIL Compliance

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.

RECOMMENDATION

Approve subject to the completion of a section 106 legal agreement for

- **Public Open Space including a LEAP**
- **10 % Affordable Housing at 20% discount to market value**
- **An overage mechanism for any new homes delivered over 300 whereby 30% of additional units would be social rented housing**
- **Overage Clause from addition value generated from the Cumberland Street Site**
- **Education contribution of £180,000**

and the following conditions

1. **Standard Outline Time limit – 3 years**
2. **Submission of Reserved Matters to include landscaping, scale, appearance and layout**

3. **Accordance with Approved Plans access only**
4. **Grampian condition to ensure that new school is completed and occupied prior to commencement of this development to ensure mitigation with regard to loss of playing pitches is secured.**
5. **Foul and surface water shall be drained on separate systems.**
6. **Prior to commencement, details of surface water drainage scheme to be submitted.**
7. **Details of site levels to be submitted at reserved matters stage**
8. **Landscape masterplan to be submitted at reserved matters stage to include phasing**
9. **Landscape scheme to be submitted at reserved matters stage**
10. **Landscape implementation and 5 year replacement**
11. **Arboricultural Implication Study to include Arboricultural Method statement to be submitted at reserved matters stage**
12. **Submission of an Environmental Management plan including, noise, dust, construction routes, phased occupation details.**
13. **Implementation of operational mitigation measures set out in WYG Air Quality Impact Assessment including dust mitigation.**
14. **Electric Vehicle Infrastructure Overnight EVP for each dwelling with dedicated off road parking.**
15. **Low emission travel plan to be agreed with the Local Planning Authority**
16. **Prior to construction, post demolition Phase II ground investigation and remediation strategy if required**
17. **Importation of soil**
18. **Reporting to the Council of Unexpected contamination**
19. **Reserved matters application to include gaps for hedgehogs**
20. **Reserved matters to include an updated badger survey**
21. **Access to constructed in accordance with approved plan prior to first occupation**
22. **Detailed lighting scheme to be submitted in support any future reserved matters application.**
23. **Reserved matters application to be supported by a method statement for the eradication of Japanese Knotweed.**

Environmental Health informative
NPPF informative

APPENDIX 1 - ORIGINAL WESTMINSTER ROAD REPORT

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 6th 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 19th 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:

-

- 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:

$4 \times £17,959 \times 0.91 = £65,370.76$ (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 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 is 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 contaminants 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 NO₂ and PM₁₀ 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:

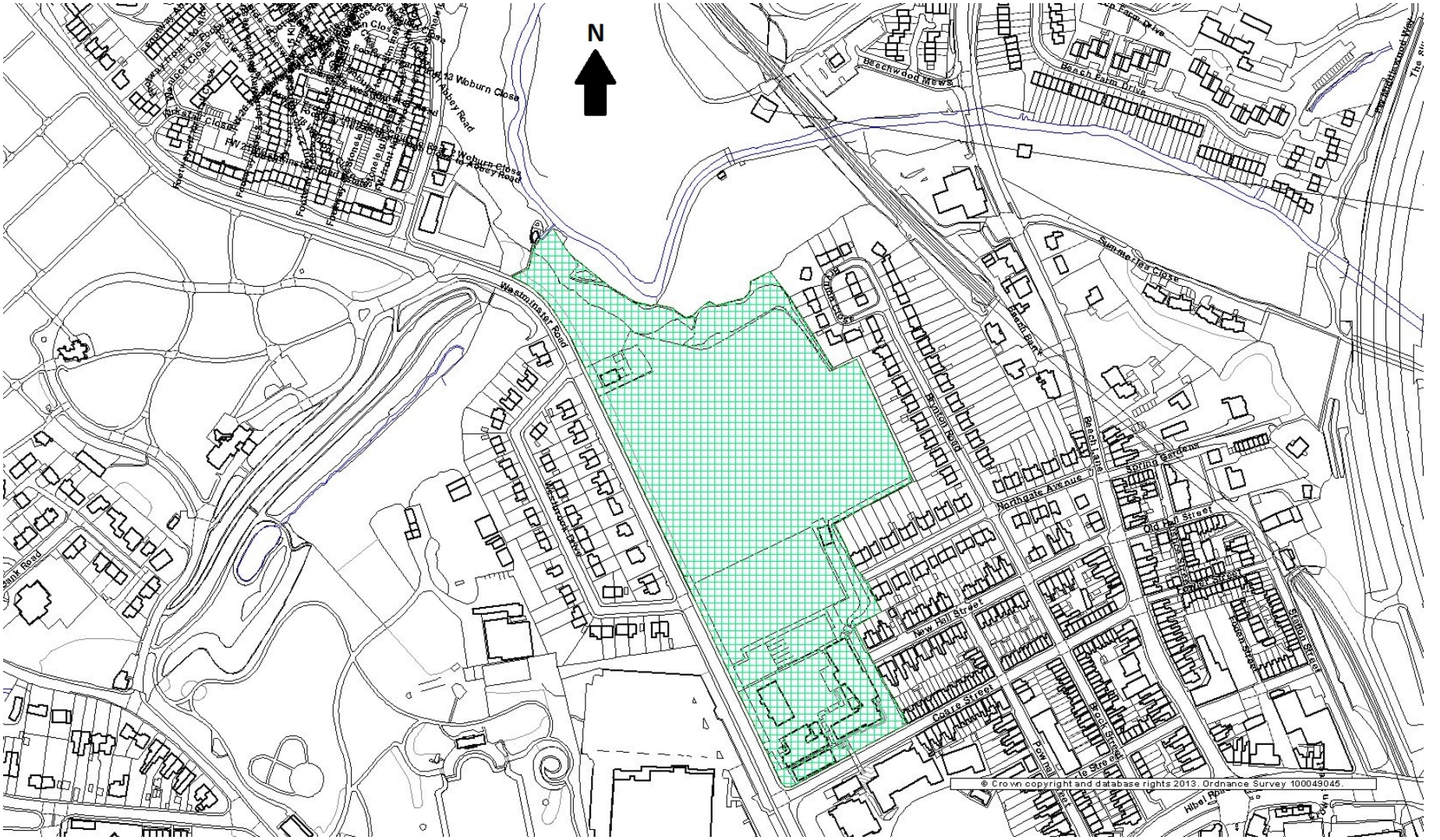
- The impact upon protected species/ecology is considered to be unknown, therefore it cannot be assumed at this stage that mitigation would be possible at the site without additional information.
- No affordable housing provided by a Registered Social Landlord, however 5% starter homes (80% market value)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



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