

Application No: 13/2288M

Location: FALLIBROOME HIGH SCHOOL, PRIORY LANE, MACCLESFIELD, CHESHIRE, SK10 4AF

Proposal: Erection of a new two storey block to provide Sixth Form, Dining, and Administration accommodation, with relocation of existing games courts and new site access road.

Applicant: Robert MacNeill, The Fallibroome Academy

Expiry Date: 23-Aug-2013

**Date Report Prepared:** 15 July 2013

**SUMMARY RECOMMENDATION:**

Approve, subject to conditions and referral to the Secretary of State.

**MAIN ISSUES:**

- The principle of the development (*Green Belt*);
- Very Special Circumstance (*Need*);
- Impact on Recreational Open Space;
- Highways access, service and parking issues;
- Ecology Implications;
- Design of the new build and impact on the character and appearance of the area;
- Visual impact of floodlighting;
- Landscaping and protection of existing trees; and
- Residential Amenity.

**REASON FOR REPORT**

This application proposes the creation of over 1,000 square metres of floorspace therefore under the Council's Constitution is required to be determined by the Northern Planning Committee.

Subject to the recommended conditions, the proposal is considered to be acceptable for the reasons set out in the appraisal section of this report.

Members need to be aware that this application will have to be referred to the Secretary of State if the Council is minded to approve as the scheme would provide over 1,000 square metres of floor space in the Green Belt.

**DESCRIPTION OF SITE AND CONTEXT**

The Fallibroome Academy is sited on land to the west of Priory Lane, Macclesfield within the designated greenbelt where it has been since its creation in the late 1970's.

## **DETAILS OF PROPOSAL**

Fallibroome now has approximately 1550 pupils on roll with a sixth form of 345. The number of teaching staff has risen to around 200. Originally designed and built for much smaller numbers (approx 700 pupils and 40 staff) the school's basic support facilities such as dining and administration cannot cope with the current demand.

School meals provision in particular is restricted due to the small dining room and kitchen with pupils having to be allowed to leave site at lunch time to seek refreshment elsewhere. This application seeks to resolve this.

The administration area and main reception cannot house the necessary support staff and allow them to function and support the teaching of the pupil numbers.

The applicant states that the current library is much smaller than the space required to meet relevant *Department for Education* (DFE) standards and this together with sixth form facilities that will not allow the sixth form to meet as a body, restricts the private study of sixth form pupils which makes up a significant part of their education.

In locating the proposed additional accommodation the applicant considered it necessary to develop this as a detached block due to the overall size and lack of any suitable location to attach to the existing buildings. Therefore the application seeks permission for a detached block comprising a new Sixth Form, Dining and Administration facilities.

Following due consideration of any alternatives the only area suitable for such a block was identified as the existing games courts to the north of the site adjacent to the boundary with the rugby club.

It should be emphasised that the proposed extension in area is not to facilitate an increase in numbers of pupils or staff above those currently using the site.

## **RELEVANT HISTORY**

Following a review of the Council's records the following planning history on the site is considered relevant:-

- This application follows the application ref **13/0399M** which was withdrawn after issues connected with the presence of Great Crested Newts on land intended for the relocation of hard games courts to facilitate the new building were unable to be resolved within the period for determination.
- It generally follows that previously considered by the planning authority with two significant changes. One relates to the location of the new games courts on to land not considered as Great Crested Newt habitat, the second to a reduction in the size of the proposed new development.

The site has been the subject of some other relevant planning permissions:-

- Planning Permission was granted in March 2012 for a New Pedestrian Access, under reference 12/0070M;
- Planning Permission was granted in September 2011 for a New Single Storey Classroom Block as Extension to Existing School, under reference 11/2951M;
- Planning Permission was also granted in September 2011 for the demolition of Existing Single Storey Classroom and Erection of New Two Storey Classroom Block as Extension to Existing School, under reference 11/2235M;
- Planning Permission was also granted in September 2006 for an extension to provide additional teaching accommodation together with associated car parking, under reference 06/1524P; and
- Planning permission was granted for various extensions and alterations to the school under application 04/2187P, dated November 2004.

Although the site has also been the subject of some minor historic planning applications/permissions, there is none that are relevant to this application.

## **POLICIES**

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 saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plan (January 2004).

### **North West of England Plan Regional Spatial Strategy to 2021:**

Please note that the Secretary of State for Communities and Local Government has revoked the North West Regional Strategy on the 20 May 2013. Therefore this document no longer forms part of the Development Plan.

### **Local Plan Policy:**

This school is identified within an existing Open Space in the Green Belt in Knutsford, therefore, the relevant Macclesfield Local Plan Policies are considered to be: -

Policy GC1: Development in the Green Belt;

Policy RT1: Protection of recreation open space;

Policy BE1: Design principles for new developments;

Policy DC1: High quality design for new build;

Policy DC3: Protection of the amenities of nearby residential properties; and

Policy DC6: Circulation & access.

## **Other Material Considerations:**

### **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.

### **POLICY STATEMENT – PLANNING FOR SCHOOLS DEVELOPMENT:**

The Secretary of State for Communities and Local Government (Mr Eric Pickles) and the Secretary of State for Education (Mr Michael Gove) set out the Government’s commitment to support the development of state-funded schools and their delivery through the planning system in this policy statement dated August 2011. It states that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and that the following principles should apply with immediate effect:

- There should be a presumption in favour of the development of state-funded schools, as expressed in the National Planning Policy Framework;
- Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions;
- Local authorities should make full use of their planning powers to support state-funded schools applications;
- Local authorities should only impose conditions that clearly and demonstrably meet the tests set out in Circular 11/95;
- Local authorities should ensure that the process for submitting and determining state funded schools’ applications is as streamlined as possible;
- A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority;
- Appeals against any refusals of planning permission for state-funded schools should be treated as a priority; and
- Where a local planning authority refuses planning permission for a state-funded school, the Secretary of State will consider carefully whether to recover for his own determination appeals against the refusal of planning permission.

### **CONSULTATIONS (External to Planning)**

**Sport England:** No objections, as the sporting benefits of the provision of the games courts are considered significant enough to outweigh the loss of the playing field.

**Highways:** No objections.

**Environmental Health:** No objections, subject to conditions regarding hours of constructions, method statement if pile foundations and/or concrete floors are used in construction.

## **VIEWS OF THE PARISH / TOWN COUNCIL**

Not applicable.

## **REPRESENTATIONS**

The application has been duly advertised on site by the means of a site notice and neighbouring properties have been written to directly, notice was also published in the local press.

- One letter of objection has been received from a local resident and their objections can be summarised as follows: -
- Screening between our property and Fallibroome has been addressed in current application;
- Safety and noise concerns about traffic entering school via the new entrance which is adjacent to the drive of No. 70, Priory Lane; and
- Although this might be implied in the current application the description is currently ambiguous and neighbours would therefore like to see written clarification of its currently planned use and whether there would be restrictions on future changes to use of this entrance.

## **APPLICANT'S SUPPORTING INFORMATION**

The applicant has submitted a *Design & Access Statement*, details of which can be read on file.

## **OFFICER APPRAISAL**

### **The principle of the development (*Green Belt*):**

This school site is within defined Green Belt. National Planning Policy Framework and GC1 of the Macclesfield Local Plan limit the forms of new buildings permitted with the Green Belt. Within the Green Belt approval will not be given, except in very special circumstances, for the construction of new buildings unless it is for a number of purposes. Education facilities are not listed as one of those purposes.

Paragraph 89 of the NPPF states that the construction of new buildings as inappropriate in Green Belt. It goes on to list exceptions to this and one of these (*bullet point three*) is: -

*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;*

Originally the submission was for a phased construction programme with a second phase extending off the hard games court area through a tree screen towards Priory Lane. This was to be the administration offices and main visitor reception. The school have now decided, due to funding restrictions for the foreseeable future, to reduce the scope of the proposed building

to a single phase with the administration and new reception being accommodated within space previously allocated to a new Learning Resource Centre. This latter facility will now not proceed and the school will look to carry out internal remodelling of their existing library. Therefore the new proposal is smaller at **2,560sm** rather than the original 2,869sm.

The existing accommodation will be reused where its current function relocates to the new block. The school would intend to utilise the existing '6th Form' centre as a conference and training school facility. The existing kitchen and dining hall would be converted into science labs. Whilst, the existing Administration space would be converted into an additional staff room facility. Whilst these changes do not require Planning Permission and are not formally part of these proposals, they will meet the capacity shortfall, identified from the sufficiency review recently carried out by Cheshire East Council.

The new proposal has been reduced in size (**2,560sm**) and the school as a whole has a current floor area of **11,363sm**.

The original building of the school has been extended significantly in the past. As a substantial new building in the grounds of the school the development could either be considered as disproportionate extension or a new building not covered by the exemptions in Green Belt Policy. As such it is clear that the proposal should be acknowledged as being inappropriate development in the Green Belt. Members will be aware of the presumption against inappropriate development, which should only be allowed in very special circumstances. 'Very special Circumstances' will only exist where it can be demonstrated that other considerations clearly outweigh the harm by inappropriateness together with any additional harm.

In addition to harm by appropriateness the proposal will erode the openness of the green belt on this part of the site, which carries weight against the proposal.

Located on an area of existing hardstanding and within the existing school complex, it is not considered that the proposal would lead to encroachment in the countryside or conflict with the other purposes of including land in the Green Belt.

The impact on visual amenity is acceptable as the new building is entirely located on the existing games courts behind existing trees which screen the building from Priory Lane, allowing filtered views of the development. This will reduce the visual impact of the new development within the designated Green Belt.

#### **Very Special Circumstance (Need):**

It is considered that a 'Very Special Circumstance' can be demonstrated to clearly outweigh any harm caused by this inappropriateness and loss of openness, especially as paragraph 72 of the NPPF advises that great weight be given by planning authorities to the need to create, expand or alter schools.

The Government is firmly committed to ensuring there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state funded education and raising educational standards. State funded schools (which include Academies) educate the vast majority of children in England. The Government wants to

enable new schools to open, good schools to expand and all schools to adapt and improve their facilities. This will allow for more provision and greater diversity in the state-funded school sector to meet both demographic needs and the drive for increased choice and higher standards.

It is the Government's view that the creation and development of state-funded schools is strongly in the national interest and that planning decision-makers can and should support that objective, in a manner consistent with their statutory obligations. We expect all parties to work together proactively from an early stage to help plan for state-school development and to shape strong planning applications. This collaborative working would help to ensure that the answer to proposals for the development of state-funded schools should be, wherever possible, "yes".

It is considered that the need for the school to provide the proposed additional facilities has been fully established above.

### **Impact on Recreational Open Space:**

As the school site is also allocated as Open Space, one of the key policies is policy RT1, which seeks to protect recreational open space from development. Policy RT1 does allow for development if the proposed is to provide an additional educational building and the integrity of the open space is not harmed.

The proposal is to construct a new school building on the existing games courts. The games courts will be relocated onto the playing field to the north of the existing Artificial Grass Pitch. The sporting benefits of the new games courts need to be significant enough to outweigh the loss of playing field.

The relocated courts will provide five floodlit tennis courts to meet Lawn Tennis Association standards. The school has discussed establishing school/club links with nearby Prestbury Tennis Club to develop tennis within the school. The provision of the floodlit facility alone will not provide sufficient sporting benefits and the benefits arising from increased participation, matches and tennis coaching from Prestbury Tennis Club will require a Community Use Agreement (CUA) to be put in place prior to first use of the tennis courts. Therefore, a condition is required to be imposed on any decision.

As the existing games courts will be lost to the development, a Grampian style condition is required to ensure the new replacement facility is secured prior to commencement of the development. This is to ensure continuity of use and no temporary loss of facility.

### **Highways access, service and parking issues:**

The proposal includes the formation of a second vehicle access to Priory Lane located at the north end of the site frontage. This will allow a one way system to be put in place reducing congestion at the current entrance and greatly improving safety for pedestrians. The new site road will incorporate some additional parking for visitors adjacent to the new reception entrance. A separate foot path will be provided as part of this new access road.

The Council's Strategic Highways & Transportation Manager has confirmed that the new access connecting to Priory Lane is a priority junction with adequate visibility provided in both directions. That being said, there is no highway requirement for the new access arrangements to be conditioned to be 'one way' as requested by the Local resident.

Overall, as there is no practical increase in the school capacity proposed in the application, there are no highway issues raised by the proposed development and no objections are raised.

### **Ecology Implications:**

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places.

In the UK, the Habitats Directive is transposed as The Conservation of Habitats and Species Regulations 2010. This requires the Local Planning Authority (LPA) to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the Local Planning Authority must consider the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative, (ii) maintenance of the favourable conservation status of the species and (iii) that the development is of overriding public interest. Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license.

Current case law instructs that if it is considered clear, or very likely, that the requirements of the Directive cannot be met because there is a satisfactory alternative or because there are no conceivable "other imperative reasons of overriding public interest" then planning permission should be refused. Conversely if it seems that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

The ponds at Fallibroome High school have a well recorded history of supporting great crested newts. The proposed development is located on habitats which offer limited terrestrial habitat for this protected species. Without mitigation any proposed development on this site has the potential to have a Low impact on great crested newts. The potential impacts relate mainly to the risk posed to individual animals that may venture onto site during the construction phase. To mitigate this risk the School has provided an outline mitigation method statement. This proposes the careful supervision of the works to minimise the chances of newts being encountered on site.

Following consultations with the Council's Ecologist, It is considered that the proposed mitigation is proportionate to the low level impact of the scheme and that the proposed development is unlikely to have an impact on the favourable conservation status of the



species concerned. The proposed mitigation is also appropriate for other amphibian species which may occur on site including Common Toad which is a Biodiversity Action Plan priority species and a material consideration. Conditions have been suggested to be imposed on any decision to control the above.

### **Design of the new build and impact on the character and appearance of the area:**

Whilst a large mass in total, the building is broken down with different heights, roof slopes and external treatments in order to minimise its overall scale. The building is sufficiently detached from the rest of the school to not dominate the smaller scale of some of the teaching blocks. It is proposed to retain the same palette of materials (facing brickwork, metal roofing, and curtain walling) to visually link the new building into context.

By orientating the building west / east a south facing roof slope is available for a large photovoltaic array to reduce net energy consumption, whilst north facing glazing can provide natural light to the large spaces. Two large light shafts provide further natural light and ventilation into the core of the building. The internal layout of the upper floor locates small offices and group rooms around sources of natural light and ventilation either the external walls or the internal light shafts. The location of the kitchen with access off the service road is self explanatory and this serves a long side of the dining space with link to the internet café.

Overall, it is considered that the proposal to extend this school with the addition of new two storey block will be acceptable with the character and appearance of the existing buildings on this site.

### **Visual impact of floodlighting:**

The courts are intended primarily for tennis and netball, and have been designed to meet the standards set by Sport England and the national bodies for those sports. This includes size, finishes, orientation and artificial lighting. The floodlighting scheme proposed (*12 x 10 metre masts*) has been designed to meet the criteria and recommendations of Sport England and to minimise light pollution by concentrating the lighting within the court area with minimal overspill. The new courts are set adjacent to an established floodlight Astroturf pitch and as such will have minimal impact on the surrounding areas as the court will be seen as a small increase in existing provisions rather than a separate island of light at night. It is worthy of note that the lights is not as high at the adjacent rugby club and the recent approvals at Kings School and at All Hallows.

### **Landscaping and protection of existing trees:**

The majority of mature trees around the site of the new block are to be retained. A condition is suggested to protection during the construction process in accordance with the submitted method statement. Replacement trees will be planted on the Priory Lane frontage and elsewhere. There will be no large amount of additional new landscape planting around the new block as it will sit within a retained margin of hard surface for maintenance access to its perimeter, and existing adjacent planting will be retained. Tree protection and landscaping conditions are suggested to be imposed on any decision.

### **Residential Amenity:**

The main school site is located to the south and west of the site. The nearest residential property is to the north of the site. Whilst the new building is in close proximity to the boundary (circa 12 metres) of the adjacent dwelling, the dwelling itself is over approximately 50 metres away and at an oblique angle. Concerns by the residents of this adjacent property on Priory Lane of overlooking of their rear garden have been addressed by the inclusion of some evergreen tree planting to infill the only significant gap in the existing tree belt on that boundary.

It is considered that the building will not have any other adverse impacts on the residential amenity of properties on Priory's Hill to the East. This is due to the significant distance involved (over 60 metres) and due to the existing landscaping on the site.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

Extensions to schools are not listed in the exception categories to inappropriate development in the Green Belt set out in the NPPF or Local plan policy GC1. Buildings in the Green Belt may be extended so long as the extensions are not disproportionate to the original building. In this case the original school building has/would be extended by more than a "proportionate" amount. The proposal is therefore inappropriate development in the Green Belt.

It is considered that as the new building is entirely located on the existing games courts behind existing trees this will screen the building from Priory Lane. This will reduce the impact of the new development within the designated green belt. However, an extension of this size does have an impact on openness of the Green Belt which adds to the harm to the green belt. To justify a grant of planning permission, other consideration must exist which *clearly outweigh* the identified harm to the Green Belt.

In this case a 'Very Special Circumstance' can be demonstrated to clearly outweigh any harm caused by this inappropriateness and loss of openness, especially as paragraph 72 of the NPPF advises that great weight be given by planning authorities to the need to create, expand or alter schools. The applicant has demonstrated a clear need for the accommodation to improve the functioning of the school in a way that minimises the visual impact on the Green Belt. Objections to the scheme have been fully considered. However, subject to conditions, the proposal complies with all other relevant policies of the Development Plan and the Framework.

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Application for Full Planning

**RECOMMENDATION:** Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application

4. A02TR - Tree protection
5. A01TR - Tree retention
6. A22GR - Protection from noise during construction (hours of construction)
7. A23GR - Pile Driving
8. A01LS - Landscaping - submission of details
9. A02LS - Submission of landscaping scheme
10. No development until tennis courts made available for use
11. Community Use Scheme
12. in accordance with Great Crested Newt Appraisal

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