

Application No: 13/1071M

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

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

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

Expiry Date: 05-Jun-2013

**Date Report Prepared: 12<sup>th</sup> September 2013**

#### **SUMMARY RECOMMENDATION Approve subject to conditions**

##### **MAIN ISSUES**

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

##### **REASON FOR REPORT**

As Westminster Road has considerable on-street parking, the applicant originally offered to fund the extension of waiting restrictions in the vicinity of the proposed exit to the car park, as some existing yellow lines were required to be removed. This was agreed by the Strategic Highways Manager. However subsequently, the Traffic and Road Safety Team did not agree to the provision of any double yellow lining in this location.

As an alternative, it has now been agreed by all parties that the existing yellow lines traversing the car park exit can be removed, with the provision of 'School Keep Clear' markings as an acceptable alternative to these double yellow lines and also the provision of these markings at the proposed car park entrance. It has been established that the provision of 'School Keep Clear' markings does not require the removal of any existing Traffic

Regulation Orders (TROs), or the delivery of a new TRO. Therefore an s106 Agreement is not now required. Furthermore, it has been agreed that the proposed markings can be delivered by the applicant's contractor.

**The proposed development is therefore completely unchanged since Members resolved to grant planning permission. Members are being requested to amend the resolution to remove the requirement for the completion of the s106 agreement to enable this development to proceed without delay.**

## **DESCRIPTION OF SITE AND CONTEXT**

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

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

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

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

## **DETAILS OF PROPOSAL**

The proposals are for:

- Reorganisation of existing pitches including tarmac surfacing to form area for 4no tennis courts, 3no netball courts and 6no cricket nets, with low level lighting.
- Formation of 101.4 x 63m hockey pitch including 3m wide spectator's zone, with floodlighting in the form of 8 x 15m high columns to the perimeter on existing area of open space.
- Formation of 51m x 63m hockey practice and five-a-side football pitch on an existing area of open space.

- Formation of 99m x 63m rugby union pitch, incorporating cricket pitch and 400m running track on existing area of open space.
- Formation of shot putt, high jump, long and triple jump areas on an existing area of open space.
- Demolition of existing maintenance shed buildings and erection of 1no replacement shed, on a new area of hardstanding (to be demolished as last phase of the works so that it can be used for storage during the construction process).
- Relocation and reorientation of existing Pavilion building.
- Formation of 26 space car parking (including 2no disabled spaces) and 6 space coach parking area, incorporating new vehicular access/ egress onto Westminster Road, the removal of 2no trees (contrary to some of the submitted documentation which denotes only 1no tree to be removed) and the formation of a 3m wide pedestrian and maintenance vehicle path along the boundary with Westminster Road.
- Landscaping of the site including mitigation works, where appropriate.

## **RELEVANT HISTORY**

97/1739P

PROPOSED FLOODLIGHTING TO EXISTING ALL-WEATHER PITCH  
WITHDRAWN

20/11/97

APPEAL ALLOWED

19/02/98

## **POLICIES**

### **Local Plan Policy**

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

### **Regional Spatial Strategy**

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

### **Other Material Considerations**

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

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

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

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

Highways and Transportation Manager- No Objection subject to conditions

Sport England- No Objection subject to conditions

Manchester Airport Safeguarding- No Objection

United Utilities- No Objection

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

N/A.

### **OTHER REPRESENTATIONS**

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

Westminster Road  
Westbrook Drive  
Brynton Road  
Northgate Avenue

The objections have been received regarding the following issues:

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

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

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

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

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

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

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

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

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

## **APPLICANT'S SUPPORTING INFORMATION**

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

## **OFFICER APPRAISAL**

### **Principle of Development**

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

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

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

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

### **Design / Character and Appearance**

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

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

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

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

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

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

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

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

### **Green Belt/ Area of Special County Value**

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

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

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

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

In this case a maintenance building and associated hardstanding of the size proposed on the submitted site plan are considered to be appropriate for the existing and proposed facilities on the site. The height, bulk and massing of the building would not have more of an impact on the character, appearance and openness of the Green Belt than the existing buildings and hardstanding to be demolished/removed. It is also not deemed to have more of an adverse impact on the character and appearance of this Area of Special County Value.

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

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

## **Amenity**

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

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

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

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

## **Floodlights**

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

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

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

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

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

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

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

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

## **Noise**



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

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

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

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

## **Highways**

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

They have the following comments:

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

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

The new exit to the car park does provide adequate visibility splays of 2.4m x 43m in both directions subject to the removal of existing trees. As Westminster Road has considerable on-street parking, the applicant originally offered to fund the extension of waiting restrictions in the vicinity of the exit to the car park, which was agreed by the Strategic Highways Manager. However the Traffic and Road Safety Team did not agree to the provision of any double yellow lining in this location.

As an alternative, it has now been agreed by all parties that the existing yellow lines traversing the car park exit can be removed, with the provision of 'School Keep Clear' markings as an acceptable alternative to these double yellow lines and also to be provided at the proposed car park entrance. It has been established that the provision of 'School Keep Clear' markings does not require the removal of any existing Traffic Regulation Orders (TROs), or the delivery of a new TRO. Furthermore, it has been agreed that the proposed markings can be delivered by the applicant's contractor.

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

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

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

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

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

### **Leisure Services/ Open Space**

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

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

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

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

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

- The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use.

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

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

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

### **Future Use of Site**

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

### **Trees/ Landscaping**

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

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

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

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

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

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

### **Nature Conservation**

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

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

The loss of trees on this site may have the potential to disturb foraging/commuting bats however, considering the location of the proposed development I advise that this impact is unlikely to be significant. Therefore a bat survey is not required in this instance and the EU Habitat Regulations would not be breached. It is however recommend that replacement native tree planting is incorporated into a landscaping scheme for the site to compensate for this loss.

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

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

### **Environmental Health- Land Contamination**

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

### **United Utilities**

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

### **Manchester Airport Safeguarding**

Manchester Airport Safeguarding have no concerns and raise no objections.

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

**The proposed development is unchanged since Members resolved to grant planning permission in May 2013. Members are being requested to amend the resolution to remove the requirement for the completion of the s106 agreement to enable this development to proceed without delay.**

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

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

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

Overall, therefore a recommendation of approval is made, subject to conditions.

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A02AP - Detail on plan overridden by condition
3. A05EX - Details of materials to be submitted
4. A03TR - Construction specification/method statement
5. A01LS - Landscaping - submission of details
6. A04LS - Landscaping (implementation)
7. Lighting Report/ Details
8. Hockey Backboards
9. Use of facilities
10. Floodlights
11. Birds
12. Pitch Details
13. Community Use
14. Trees
15. Hours of Construction
16. Pile Foundations
17. Land Contamination
18. Visibility Splays
19. Drainage
20. Construction method and Phasing Statement
21. Badgers
22. Low Level Lighting

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