

Application No: 14/0729M

Location: MOBBERLEY C OF E PRIMARY SCHOOL, CHURCH LANE,  
MOBBERLEY, KNUTSFORD, CHESHIRE, WA16 7RA

Proposal: Proposed 2 Classroom single storey modular building with wc's and storage areas. Kitchen extension built onto existing kitchen involving removal of existing wall. Widening of existing access onto Church Lane to form 8 staff car parking areas with tarmac finish. External tarmac play areas with metal fencing. Relocation of existing entrance canopy and relocation of existing play equipment.

Applicant: Head Teacher, Mobberley C of E Primary School

Expiry Date: 18-Apr-2014

**Date Report Prepared:** 27 March 2014

#### **SUMMARY RECOMMENDATION**

APPROVE subject to conditions

#### **MAIN ISSUES**

- Principle of Development on the Site
- Impact to the Green Belt
- Impact on Heritage Assets
- The Impact upon Landscape Character
- The Impact upon Trees of Amenity Value
- The Impact upon Highway Safety
- Design
- The impact upon the Amenity of Neighbouring Property

#### **REASON FOR REPORT**

The application involves the Council as applicant and whilst this is a minor development which accords with planning policy, objections have been made. Under the Council's Constitution, is required to be determined by the Northern Planning Committee.

#### **DESCRIPTION OF SITE AND CONTEXT**

The application site measures 4096 sq. m and comprises Mobberley C of E Primary School its grounds and the adjacent property known as Mode Cottage which is in residential use and comprises the house, outbuildings and its curtilage.

The site is located within the designated North Cheshire Green Belt, with the site of the existing school and cottage also being located within Mobberley Conservation Area.

## **DETAILS OF PROPOSAL**

The application relates to the construction of a new classroom building within the curtilage of Mode Cottage but which would be utilized in connection with Mobberley C of E Primary School, the construction of a single storey kitchen extension to the school involving removal of existing wall.

In addition the proposals also include the widening of existing access onto Church Lane to form 8 staff car parking areas with tarmac finish and the provision of external tarmac play areas with metal fencing. Relocation of existing entrance canopy and relocation of existing play equipment.

## **Planning History**

02/2592P New porch entrance Approved 29-Jan-2003 (school)

52685P Conversion of outbuilding to garage and new access Approved 06-Apr-1988 (mode cottage)

81651P Single-storey extension to form two classrooms Approved 31-Aug-1995 (school)

CY/5/96/0098P Conservation area consent for 2 classroom extension and to revert 2 classrooms to form a hall Approved 17-May-1996 (school)

96/0098P 2 Classroom extension and to revert 2 classrooms to form a hall Approved 17-May-1996 (school)

11/2694M Single storey side extension to form new entrance, admin area and head teachers office Approved 21-Sep-2011 (school)

## **POLICIES**

### **Macclesfield Borough Local Plan – Saved Policies**

NE11 Nature Conservation  
BE1 Design Guidance  
BE2 Preservation of Historic Fabric  
BE3 Conservation Areas  
BE4 Design Criteria in Conservation Areas  
GC1 New Buildings  
DC1 New Build  
DC2 Extensions and Alterations  
DC3 Amenity  
DC6 Circulation and Access  
DC9 Tree Protection

## **Cheshire East Local Plan Strategy – Submission Version**

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may 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 the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28<sup>th</sup> February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

The relevant policies are as follows:

MP1 – Presumption in Favour of Sustainable Development  
PG2 – Settlement Hierarchy  
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, Hedgerow and Woodland  
SE7 – The Historic Environment  
CO1 – Sustainable Travel and Transport

## **Other Material Considerations**

Ministerial Statement – Planning for Growth  
National Planning Policy Framework  
Planning Policy Practice Guidance  
The Mobberley Conservation Area Character Appraisal

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

Archaeology – recommends condition

Environmental Health – recommends conditions in respect of construction hours, floor floating, pile driving and the submission of a noise report

Strategic Highways Manager – No objections but recommends informative

Manchester Airport – No objections

## **VIEWS OF THE PARISH COUNCIL**

Object to the application on the following grounds:

- The design of the proposed building is out of character with the other buildings located within the conservation area.
- The proposal has still not adequately addressed the parking problems, including the access and egress arrangements for that additional traffic.
- Concerns over the safety of pupils given the additional traffic generated.

If Cheshire East Council are mindful to refuse this application, Mobberley Parish Council would be happy to comment on a alternative application which might be that Mode Cottage is refurbished/extended/adapted to meet the needs of the school. We believe that this advice has already been given to the applicant in a pre advice meeting.

## **OTHER REPRESENTATIONS**

Letters of objection received from 3 properties raising the following issues:

- design not in keeping
- existing highway safety issues
- existing drainage issues
- school oversubscribed
- existing drop off problems need addressing

Letter of support also received supporting school expansion and indicating that the school is a community facility.

## **APPLICANT'S SUPPORTING INFORMATION**

The following documents have been submitted on behalf of the applicant:

### **Design & Access Statement/ Heritage Assessment**

This statement outlines that the site context, planning policy, design process and evolution, development proposals and details on access and movement. It also provides justification for the proposals are details of the pre-application discussions with the LPA.

### **Travel Plan**

The report sets out the schools commitments and what the Travel Plan is seeking to achieve. It provides details of survey work a list of objectives and an action plan for implementation. It also provides details of how this will be monitored and reviewed.

### **Bat Survey**

No evidence of Bats and therefore no mitigation required.

### **Arboricultural Report**

The report identifies the tree impacts including during construction and changing ground conditions and provides a method statement.

## **OFFICER APPRAISAL**

### **Principle of Development**

The proposals relate to the construction of an extension to the existing school building and the construction of new classrooms within the curtilage of a dwellinghouse and associated infrastructure and engineering operations. The entirety of the application site lies within the Green Belt.

Paras 89 and 90 of the NPPF set out the types of development appropriate within the Green Belt.

### Extension

Para 89 states that extensions to existing buildings may be appropriate provided that they are not 'disproportionate'. Policy GC12 defines disproportionate as extensions over 30% of the original floor area. However, this policy is applicable for residential properties only and therefore is not applicable, although it provides a useful benchmark.

The existing school premises have been extended in the past (as detailed in the planning history section) and these extensions are over a 30% increase in floor area. Given the modest footprint of the building shown in the 1970s any further extension, (no matter how modest) would constitute a disproportionate addition when taken with previous extensions.

The proposed extension is, therefore, inappropriate development in the Green Belt.

Given that the extension is small in scale and grouped with the existing building it would not represent encroachment or impact upon the openness of the Green Belt. The only harm identified is therefore harm by reason of inappropriateness which in itself attracts substantial weight.

### Temporary Classroom Building

Para 89 sets out the types of new buildings appropriate within the Green Belt – school buildings are not included and therefore this component of the scheme is inappropriate.

The siting of the temporary classroom would also impact upon the openness of the Green Belt by virtue of its size – however, this impact would not be significant given the building is

single storey, sited behind an existing outbuilding, and given the level of tree cover across the site.

### Engineering Operations

The widening of the access drive, formation of play areas and car parking constitutes an engineering operation which according to para 90 of the NPPF, this is not inappropriate development unless it maintains openness and does not conflict with the purposes of including land in the Green Belt.

The main issues are therefore whether or not the proposals maintain openness and do not conflict with the purposes of including land in the Green Belt.

Various appeal decision which relate to the consideration of 'other operations' in the Green Belt. In cases related to the laying of hardstanding, Inspectors have considered that the surfacing materials were critical to the assessment of whether or not the works represented inappropriate development. In such instances, gravel and stone were considered appropriate however tarmacadam and concrete were not. The proposals relate to the laying of tarmacadam and on that basis, the proposals are inappropriate as they would represent encroachment into the Green Belt. The playground areas would need to be tarmacadam for health and safety purposes however the additional car parking and widened access could be constructed of 'softer' materials. This would in all likelihood not be practicable for the widening of the access which is already hard surfaced, however the additional car parking provided could be constructed of stone or gravel which, if conditioned, would make this particular component, appropriate within the Green Belt.

### Gate, Gate Post, Fencing and Rebuilding of Walls

The gate, gate posts and rebuilding of walls are defined s new buildings in s.336 of the 1990 Town and Country Planning Act. The gates and gateposts do not fall within the categories of buildings or structures allowed for in the NPPF – this interpretation has been supported at appeal.

The gates and gate posts and rebuilding of the wall are therefore inappropriate development in the Green Belt.

In terms of any other harm to the Green Belt, due to the scale, construction materials and detailing, the harm to the Green Belt would be limited given that these are appropriate to their context. In addition, the harm to the openness of the Green Belt would be negligible given that similar gates could be constructed under permitted development rights id proposed in connection with the residential use of Mode Cottage rather than as part of the redevelopment of the site for the expansion of Mobberley C of E Primary School.

The proposed fencing at 1.4m high could be constructed under permitted development rights however it is considered appropriate to condition that it be finished in green to minimise its impact upon the Green Belt.

### Change of Use

The works involved do, by association, also constitute a change of use from C3 dwellinghouse use to D1 non- residential institution would also be inappropriate development within the Green Belt as strictly speaking, it is not one of the other operations set out in para 90 of the NPPF. This approach has also been supported at appeal. It is not considered that the change of use would result in any other harm to the Green Belt.

### Conclusion of Green Belt Harm

The extension to the school is inappropriate, the classroom building is inappropriate, selected components of the engineering operations are inappropriate, the gates et al are inappropriate and the change of use of the site from residential to a Di non- residential institution would also be inappropriate.

In addition to this, the classroom building would impact upon the openness of the Green Belt and the hardstanding would result in encroachment. All of the harm identified above attracts substantial weight.

Very special circumstances will not exist unless the potential harm is clearly outweighed by other considerations.

### Case for Very Special Circumstances

In a nutshell, the expansion of the school premises is required in connection with increased demand for school spaces.

The evidence base for this was submitted in a report to the Portfolio Holder on 12 September 2013 a copy of which has been submitted as part of this application. In addition to this, a copy of a public consultation document in respect of the expansion of the primary school.

The school is already oversubscribed and therefore all local children within the immediate area cannot attend and are forced to travel further afield to schools in Knutsford and the surrounding rural areas which put additional pressure on these schools and the surrounding road network. It is therefore more sustainable to increase school spaces at local schools to meet demand.

In addition to the existing demand, this is set to increase due to population forecasts and would be further exacerbated if major housing developments in and around Mobberley were to come forward over the plan period.

It is stressed within the submission that the expansion is required to meet existing need and not future projections at this stage.

Para 72 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.

On that basis, substantial weight is attached to the benefits of providing additional school places at the site.

Turning to the engineering operations, the provision of the play equipment would improve open space provision at the site as overall there would be a net increase in play areas (despite some being lost to provide the kitchen extension) which would support the creation of healthy and sustainable communities.

In this regard, para 73 of the NPPF 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. 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.

On that basis, substantial weight is attached to the benefits of providing additional open space and play equipment at the site.

It should also be noted that expansion is necessary for the longevity of the village – whilst school expansion plans should normally come forward as part of the Local Plan process, this application needs to be judged on its merits. In any event, as there is a robust evidence base for the proposals, this does provide clear and convincing justification.

The pre-application discussions and the submission also indicate that consideration has been given to other options; however, these would have a greater impact upon the Green Belt and therefore given that expansion is inevitable, the construction of classrooms and an extension would be the most sustainable option.

The sustainability credentials in terms of this site being the most appropriate option out there and the sustainability benefits of providing additional school places so children can go to a local school are also a benefit of the proposals attracting substantial weight.

It is noted that there are a number of components which are inappropriate and these individually attract substantial weight as does the impact on openness associated with the classroom building and the encroachment associated with the car parking expansion.

Given the substantial weight attached to the benefits and given that expansion is inevitable and would have to be in a Green Belt location, this application represents the best options in terms of impact upon the Green Belt.

It is considered that the combination of these factors would amount to very special circumstances which would clearly outweigh the harm to the Green Belt.

## **Heritage Assets**



The main issue is the impact of the proposals on the significance of heritage assets – in this regard, the issues relate to the impact upon Mode Cottage which is an *undesigned* heritage asset, and the impact upon designated heritage assets including nearby listed buildings and Mobberley Conservation Area.

#### Impact on Mobberley Conservation Area – Designated Heritage Assets

There are a number of issues that contribute to the overall impact upon the Conservation Area - the scale and design of the proposed new development and the impact upon trees and landscaping of the site.

Both para 132 of the NPPF states that when considering the impact to designated heritage assets, 'great weight should be given to the assets conservation' and that 'any harm or loss would require clear and convincing justification'. The key issue is therefore whether the loss of the building, the impact on trees and the impact of the new building components would either individually or cumulatively constitute 'substantial harm' and if so, can it be demonstrated that this harm is necessary to achieve substantial public benefits or the following criteria apply:

- The nature of the heritage asset prevents all reasonable uses of the site; and
- No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- The harm or loss is outweighed by the benefit of bringing the site back into use.

Historically, the buildings have sat quietly within the plot set back substantially from the road and hidden behind a high level of tree cover.

The loss of some low amenity value tree specimens would not have an adverse impact upon the character of the site given that the substantial trees and overall level of tree cover and appearance of tree cover would remain largely the same.

Additionally, the site already comprises areas of hardstanding so the expansion of this would also not have a harmful impact upon the character of the site. Similarly play equipment would have a comparable impact to domestic paraphernalia which, if constructed in association with the lawful residential use of Mode Cottage, would not require planning permission. On that basis, the installation of play equipment would not be harmful.

There would be no impact whatsoever associated with the extension of the school due to scale and location which means it is not associated with the Mode Cottage site.

The most harmful elements of the proposals include the construction of the fencing and the classroom building. The classroom building has a large floorplate – far larger than the existing dwelling or the outbuilding. The introduction of this building and its associated use would also not be consistent with the history of the site. However, it is a low lying building which would sit behind the existing outbuilding – this together with the level of tree cover on the site would reduce the visibility of this from public vantage points.

Turning to the fencing, being finished in Green and containing an open mesh would reduce its visual impact comparatively. However, it would still carve up the site and would also be visible from public vantage points by virtue of its height and given that it would sit forward of the existing garage. It is considered that not all of this fencing is necessary and that this would apply more to those elements which are the most harmful i.e. the fencing forward of the garage than that around the classroom building. Amended plans have been requested and it is anticipated that these will be received in advance of the committee meeting.

Provided that amended plans are secured, it is considered that the impact of the proposals and the loss of the trees would not either individually and cumulatively result in substantial harm to the heritage asset. The proposals would accord with policy BE3 within the MBLP 2004, policy SE7 within the emerging Local Plan and chapter 12 of the NPPF.

#### Historic Building – Undesignated Heritage Asset

The building appears on the tithe maps in 1875 and given its age is an undesignated heritage asset.

Para 135 suggests that harm/ loss to an undesignated heritage asset should be taken into consideration and that a balanced judgement will be required. Policy SE7 within the emerging Local Plan suggests that harm to undesignated heritage assets would need to be outweighed by the benefits of the development.

As Mode Cottage and its outbuilding will be retained as part of the proposals. the impact associated with the development would be limited.

#### Archaeology

The site of the proposed development lies within the historic core of Mobberley, close to the parish church. The land does not appear to have been seriously disturbed in the recent past, which will have ensured the survival of any archaeological evidence that is present. Work in the immediate vicinity of parish churches elsewhere in Cheshire East has revealed evidence for archaeological remains. It is entirely possible that evidence of this kind may be present on this site and could be damaged by the proposed development, particularly where the new building and hardstanding are proposed.

The Council's archaeologist recommends that trenching work and any subsequent mitigation (excavation, watching brief, etc) that proves necessary is secured by condition.

#### **Design**

##### School Extension

The extension to the school is small scale, relates to the existing building would be constructed of matching materials and would reflect the existing fenestration. It would therefore reinforce local distinctiveness.

##### Classroom Building

The building would be timber clad which whilst not being locally distinctive, is appropriate to its context given the level of tree cover and the need to soften the impact of the building.

Whilst it has a large floorplate, it would have a flat roof which reduces its bulk and massing and it would be situated behind a two storey outbuilding which would also reduce its visual impact.

#### Fencing

The mesh weave of the fencing and its green finish would reduce its visual impact despite being a tall structure. In addition, provided that acceptable amended plans are received, this fencing would be set back substantially into the plot which would reduce its prominence to the streetscene.

#### Gates, Gate Posts, Rebuilding of the Wall

Detailed plans of these components have not been received however the detail can be controlled via condition to ensure it does not have an adverse impact upon the character of the area.

#### Hardstanding

As the plot already has areas of hardstanding this in itself would not be harmful to the character of the area. Choice of materials can be conditioned, and given the concern regarding impact to the Green Belt, it is considered that this approach is justified.

#### Play Equipment

Given the location of the playground which would be shielded by buildings and enclosed by fencing the impact of this would be limited.

### **Trees / Landscaping**

There are 34 trees/ groups of trees across the site which are protected by virtue of their location within the Conservation Area.

The submitted Arboricultural Report indicates that several trees are scheduled for removal but this does not include trees which have a high amenity value.

The Council's forestry officer has raised concerns in respect of the impact of new hardstanding on existing trees and has requested details of levels and construction details. This information has been requested and ought to have been received and the issue resolved by the committee meeting. However, the Council's forestry officer is of the opinion that this issue can be resolved and therefore should these details not be received by the committee meeting, officers would suggest that these details be conditioned.

The proposals as conditioned would accord with policies DC9, BE3 within the MBLP 2004 and SE5 and SE7 within the emerging Local Plan and guidance within the NPPF.

### **Ecology**

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places, if there is

- no satisfactory alternative

- no detriment to the maintenance of the species population at favourable conservation status in their natural range
- a specified reason such as imperative, overriding public interest.

The UK implements the EC Directive in The Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

- a licensing system administered by Natural England which repeats the above tests
- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements.

Circular 6/2005 advises LPAs to give due weight to the presence of a European protected species on a development site to reflect.. [EC] ...requirements ... and this may potentially justify a refusal of planning permission."

In the NPPF the Government explains that LPAs "should adhere to the following key principles to ensure that the potential impacts of planning decisions on biodiversity are fully considered..... In taking decisions, [LPAs] should ensure that appropriate weight is attached to .... protected species... ... Where granting planning permission would result in significant harm .... [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm..... If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."

With particular regard to protected species, the NPPF encourages the use of planning conditions or obligations where appropriate and advises, "[LPAs] should refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm."

The converse of this advice is that if issues of species detriment, development alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

A protected species survey was carried out by a qualified ecologist on behalf of the applicant and this failed to identify any species being present. The ecologist has recommended conditions in respect of breeding birds and reptiles.

## **Amenity**

Given the proximity of Mode Cottage to the playground and classrooms, it is considered necessary to remove residential use of this building or restrict it to a person employed by the school.

Environmental Health has recommended conditions in respect of the construction phase and has requested the submission of a noise assessment (via condition) due to the proximity of the site to Manchester Airport's flight path.

For the reasons noted above the proposals would accord with policy DC3 within the MBLP 2004.

## **Highways**

The applicant undertook pre-application advice and extensive discussions took place with the highways engineer who has been involved at the outset. The level of car parking is appropriate to the operational requirements of the school and the amendments to the point of access would be suitable for the level of use proposed.

The highways engineer has no objections to the proposals.

The comments from neighbours are duly noted however this application cannot resolve the existing highway safety problems associated with pick up/ drop off at the school which inevitably occur at all schools and in particular where they are in rural areas where pupils may not be able to access the site by any other means.

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

The development constitutes inappropriate development in the Green Belt however there are very special circumstances which would clearly outweigh the harm to the Green Belt. In addition the proposals as conditioned would not have an adverse impact upon heritage assets, highway safety, amenity, nature conservation or in any other way. The proposals therefore accord with policies BE3, DC3, DC9, NE11, BE1, BE2, GC1, DC1, DC2 and DC6 of the MBLP 2004 and policies MP1, PG2, SD1, SD2, SE1, SE2, SE3, SE4, SE5, SE7 and CO1 within the emerging Local Plan. Accordingly, a recommendation of approval subject to conditions is made.

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 Planning and Place Shaping Manager has 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 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- mode cottage site

4. A03EX - Materials to match existing - school extension
5. A04NC - Details of drainage
6. A23MC - Details of ground levels to be submitted
7. A02TR - Tree protection
8. A04LS - Landscaping (implementation)
9. A22GR - Protection from noise during construction (hours of construction)
10. details of play equipment
11. submission of noise assessment
12. residential use of mode cottage in connection with school only
13. details of visibility splays
14. car parking to be provided
15. details of floor floating
16. details of pile driving operations

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land currently owned  
(Area 471.0m<sup>2</sup> / 0.41 hectare)



SITE LOCATION PLAN  
1:1000  
0 10 20  
m

Project Name	Halliday Meenah
Client	Midberley Primary School
Location	Midberley, Walsley, Walsley, Walsley
Scale	1:1000
Author	10/10/20
Check	10/10/20
Drawn	10/10/20
Printed	10/10/20
Sheet	1 of 1