

APPLICATION NO: 15/4287M

LOCATION: The Kings School, Fence Avenue, Macclesfield

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

APPLICANTS SUBMISSION

A letter (dated: 13/05/2016) in respect of applications **15/4285M**, **15/4286M** and **15/4287M** received prepared by DAC Beechcroft LLP raises the following issues:

- The school has requested that the applications are deferred to a future meeting
- The reports have failed to take into account material considerations in particular 'enabling development' the letter references case law *Northumberland CC v Secretary of State for the Environment 1989* and *Wansdyke DC v Secretary of State for the Environment 1992* where an enabling development argument was successful which was unrelated to heritage assets.
- No reference in the reports of para 140 of the Framework or balancing the benefits of the school relocation against the policy discounts that are proposed.
- Green Belt test – the reports do not explain the Green Belt test to committee or analyse the Green Belt correctly and amounts to misdirection of the committee. Reports should recite paragraph 88 of the NPPF.
- Not all material considerations have been taken into account.
- The applicant has offered to provide more information in regard to the 'do nothing' approach, should the school remain as is.

CONSULTATIONS

Ecologist comments

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. I did however, discuss this issue with the applicants consultant at the pre-application stage and I advise 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 around the site. A follow up survey however found these setts to be inactive. The latest survey has again recorded a number of disused setts but also identified three badger holes that were active at the time of the survey. The latest survey was however constrained due to the surveyor not having permission to survey the land to the north outside the redline of the

application. The author of the report however suspects the presence of a main badger sett to the north of the proposed development site.

The active setts were located on the boundary of the application site and so could possibly be retained as part of the development. However, the illustrative layout plan shows houses in this locality and so even if the setts were retained a Natural England license is likely to be required to allow the development to proceed lawfully. The development of the site is likely to result in the localised loss of badger foraging habitat.

The status of badgers on this site appears to change frequently and so the precise impacts of the development would depend upon both the status of badgers at the time when the development was undertaken and the design of the development that comes forward at the reserved matters stage. **I therefore recommend that if outline consent is granted a condition should be attached requiring any future reserved matters application to be supported by an updated badger survey.** The submitted survey to include an impact assessment and also mitigation and compensation proposals to address any adverse impacts identified.

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. However if any works to the roof or loft area of this building are proposed then further bat surveys will be required.

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

I advise 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.

I advise that the submitted illustrative master plan should be amended to remove any development from the areas of priority woodland habitat.

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. I recommend 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 I recommend that the following condition be attached.

Any future reserved matters application to be supported by proposals for the incorporation of gaps for hedgehogs to be incorporated into any garden or boundary fencing proposed. The gaps to be 10cm by 15cm and located at least every 5m.

Reason to safeguard protected species in accordance with the NPPF.

Conditions

If outline planning consent is granted, once the recommended amendments have been made to the submitted master plan, the following conditions should be attached:

- Trees identified by the preliminary ecological appraisals as having the potential to support roosting bats are to be retained.
- Updated badger survey and mitigation strategy to be submitted with each reserved matters application.
- Condition to safeguard hedgehogs.
- Proposals for the erection of protective fencing around the retained woodland habitats to be supported with any future reserved matters application.

OFFICER COMMENT

In response to the applicant's letter, it is considered that the proposals for enabling development and the viability of the scheme have been considered. The balancing exercise has been carried out and is demonstrated in the reports. The requirement for very special circumstances in paragraph 88 has been made clear in the Green Belt reports.

With regard to the 'do nothing' approach, and the impact this would have on the school, the Council has not been provided with the full information to assess this aspect of the proposals to date, the applicant has stated that the timescale to provide this information would be around 2 months. Should the committee consider that this issue is fundamental in the determination of the applications and that decisions could

not be reached without it, then the committee may wish to defer the applications for a considerable time until additional information has been received.

The updated ecology comments are largely covered in the existing report but provide further updated information. Recommendation remains as in the main report.