

## Guidance Note for Members

### A Suggested Approach to Determining Applications:

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

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

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

### Introduction

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

### Relationship Between the Applications

2. One of the asserted benefits of the Derby Fields proposal is that it makes the Westminster Road and Fence Avenue sites available for housing. This benefit (along with any others) must be balanced against any planning policy conflicts.

3. However, key aspects of both housing applications rely upon approval being given to Derby Fields. In respect of Westminster Road and Fence Avenue, the affordable housing and education contribution is less than required under planning policy due to viability concerns over the construction cost of the new school. Thus if Derby Fields were refused, that rationale for a reduced affordable housing provision falls away.

4. In addition, Fence Avenue is in the Green Belt, so there is also a requirement to demonstrate very special circumstances justifying planning permission. Part of those considerations relate to the delivery of the new school so if Derby Fields were refused then this element of the very special circumstances for Fence Avenue also falls away.

### Proposed Sequence of Decisions

5. In order to break the dilemma of which application should be considered first, and enable Members to consider each application on its merits without prejudging the outcome of the other applications, the following is proposed.

6. Derby Fields be taken first, and if Members are supportive then a “minded to approve” decision be made dependent upon the subsequent approval for the Fence Avenue and Westminster Road applications.

7. If either the Fence Avenue or Westminster Road applications were refused, the Derby Fields application would then also be refused – as the benefits associated with the release of either or both of those sites for housing could not be achieved, and without those benefits the balance no longer favoured granting permission for Derby Fields.

8. Members could then consider Fence Avenue next knowing what reliance they could place on the very special circumstances of permission having been granted at Derby Fields. Westminster Road could be considered in light of the resolution to approve Derby Fields and Fence Avenue.

## Each Application on its Own Merits

9. It is important for Members to be clear that whilst the proposal above presents a logical sequence of decisions, Members should still consider each on their merits.

Application No: 15/4286M

Location: Kings School Pavilion, ALDERLEY ROAD, PRESTBURY, SK10 4RH

Proposal: Construction of a new school comprising classrooms, libraries and supporting facilities together with additional playing fields and various associated outbuildings, infrastructure, car parking and access.

Applicant: The Foundation of Sir John Percyvale

Expiry Date: 16-Mar-2016

### **RELATED APPLICATIONS**

Members are reminded that this application is one of three applications made by the same applicant that are before the committee for decision today. The three applications are 15/4286M, 15/4287M and 15/4285M. The applicant puts forward these applications on an inter-linked basis, and in that regard Members' attention is drawn to the Guidance Note for Members that appears earlier in the agenda. That note sets out the relationship between the three applications and a suggested approach to determining the same. The note is intended to assist Members in determining each application in its own right, whilst nevertheless having due regard to the relationship between these three applications.

### **UPDATE REPORT**

Members will be aware that this application was first considered by the Strategic Planning Board on 18 May 2016. The application was deferred to enable officers to seek additional information relating to:

- Highways
- Education contribution
- Affordable housing
- Implications of not finding a new site
- Update on ecology

**This report therefore provides the updates since the previous committee meeting and a revised recommendation as detailed below. This update report should be read in conjunction with the original report (appended hereto as Appendix 1) which provides the full detail and assessment of the application.**

### **Highways**

Following the committee meeting, the Council has met with the agent and applicant regarding highways issues at the site. A solution has been achieved which as opposed to a traffic lights now proposes a double roundabout solution along Alderley Road, to mitigate the impact of the proposed development.

The finalised proposals are shown in the key plans, and the revised CEC highways comments on the proposals are as follows:

*Following submission of the previous highway comments on this proposal, the applicant has reconsidered the mitigation measures required to deal with the development traffic.*

*As highlighted in the previous comments, the main traffic impact was at the staggered junction at Prestbury Road/Priory Lane/ Macclesfield Road and it was proposed to introduce a new signal junction at this location to address the development impact. The revised proposal is to provide a double mini roundabout arrangement with associated formal pedestrian crossing points.*

*Capacity tests have been undertaken with the new mini roundabout in place, the junction has been assessed in 2020 with the school traffic and also with the Travel Plan in place. The applicant's results indicate that all arms of the junction/s work within capacity with the exception of the Prestbury Road approach that does produce a significant traffic queue. The CEC assessment of the model submitted is that is likely that the actual queues will be longer than the those presented by the applicant but are not of such significance that can be considered as severe.*

*The improvement scheme also needs to be considered against the 'Do Minimum' scenario in which traffic growth is added to the existing traffic up to 2020 and no improvements are made to the road network, in this situation there are long queues predicted on both Priory Lane and Macclesfield Road. These queues are longer than those predicted with the double mini roundabout scheme in place, the queue lengths on these arms are much reduced even with the school traffic added.*

*The new scheme does include two formal signal pedestrian crossings, one on Prestbury Road and the other on Macclesfield Road, these are located on the pedestrian desire lines and links to the footway connection to Kings School.*

*Therefore, considering the revised double mini roundabout scheme in comparison to the previous signal scheme, the queue lengths overall are much better and does address the current side road queueing problem in the morning peak. The revised scheme will not add delay to the road network outside the peak hours when traffic flows are much lighter, the traffic signal scheme would have operated on a full time basis throughout the day.*

## **Summary and Conclusions**

*The potential highway improvement at the Priory Lane/Prestbury Road/Macclesfield Road staggered junction has been carefully considered given the land constraints that exist in and around the junction. Having considered the potential options, I believe that the double mini roundabout scheme provides the most benefit in dealing with the additional traffic arising from the new school.*

*It must be noted that this scheme will not alleviate all the congestion problems that exist at the junction and there will be traffic queues forming, especially in the morning peak hours. However, outside the peak hours when traffic levels are much lighter, the double mini roundabout will not add delay to the network as is the case with the signal scheme.*

*Overall, it is considered that the double mini roundabout scheme provides benefit in dealing with current congestion issues and does not lead to congestion levels that can be considered severe as described in the NPPF.*

*With regard to accessibility issues, the provision of two formal pedestrian crossings is beneficial in terms of increasing accessibility and safety for pupils wanting to access the local schools. The provision of a dedicated internal footway/cycleway from the school linking with Macclesfield Road does provide a much better alternative to using existing footways on the B5087 Alderley Road.*

*Therefore, I would conclude that the applicant has addressed the highway concerns raised on this application and whilst not providing a comprehensive solution to the traffic impact issues, the measures proposed are acceptable in policy terms. No highway objections are raised subject to conditions.*

In light of the comments received and the revised roundabout design, it is considered subject to conditions that the proposal is acceptable in highways terms and no longer forms a reason for refusal.

### **Education Contribution**

At the Strategic Planning Board meeting of 18<sup>th</sup> May 2016, the agent for the site Savills spoke on the application, and confirmed that the school would be willing to make the full financial educational contribution of £383,000 - which was correct at the time of the meeting - in order to make the two housing schemes at Westminster Road and Fence Avenue policy compliant in terms of education. Following this confirmation, the school and officers of the Council have requested from Children's Services a breakdown of the figure as spread across the two residential sites and the applicant's agents have requested an updated figure to be calculated.

This figure has now been updated to June 2016 and has been broken down to reflect the individual position for both Fence Avenue and Westminster Road sites, the breakdown is as follows:

#### **15/4287M – 300 dwellings**

$300 \times 0.19 = 56$  primary children – 1 SEN child

$300 \times 0.15 = 44$  secondary children – 1 SEN child

$300 \times 0.51 \times 2.3\% = 4$  SEN children

The development is forecast to impact secondary school and SEN provision,

Therefore, Education contribution required:

$44 \text{ secondary children} \times £17,959 \times 0.91 = £719,078.36$

$4 \text{ SEN children} \times £50,000 \times 0.91 = £182,000$

Total = £901,078.36

#### **15/4285M – 150 dwellings**

$150 \times 0.19 = 28$  primary children – 1 SEN child

$150 \times 0.15 = 22$  secondary children – 1 SEN child

$150 \times 0.51 \times 2.3\% = 2$  SEN children

The development is forecast to impact secondary school and SEN provision,

Therefore, Education contribution required:

22 secondary children x £17,959 x 0.91 = £359,539.18  
2 SEN children x £50,000 x 0.91 = £91,000  
Total = £450,539.18

It is understood that the significant increase in the request is made because three other residential applications within the Macclesfield area have been approved (or have a resolution to approve) since the original consultation response was provided. These schemes effectively use up the surplus places that were previously available – particularly for secondary aged pupils.

The agents have addressed the issue by providing the following statement:

*In terms of an educational contribution, you will recall that the School previously proposed to deliver this by way of a bursary but, following a clear steer from the Strategic Planning Board, the funding package was revisited and a direct payment for the full amount was agreed, satisfying the stated position of the Education team.*

*It is therefore with understandable disappointment that a significantly higher educational contribution is now being sought by Cheshire East Council for the above applications, increasing the need at the time of the May Strategic Planning Board from £383k to £1,352k. We have requested further clarification of the methodology behind this increase and will be meeting with your Education team to discuss the matter further.*

*Notwithstanding the above, the position was considered by the School Governors at their meeting on the 15 July. As a result of this meeting, the School wish to submit a revised s106 Educational contribution of £550,000 towards the requirement. This position is being submitted at significant risk to the school, a not-for-profit charitable body.*

*This increase will bring the combined amount of s106 planning contribution for Affordable Housing and Education being provided by the School to £2.55m,. This is in addition to the community benefit of community facilities, highways improvements and on-site open space provision being delivered by the applications.*

The total offer of £550,000 across the two sites would be split such that the (Westminster Road £180,000 and Fence Avenue £370,000).

### **Affordable Housing**

The lack of affordable housing as put forward as part of the original application formed a reason for refusal on the original officer recommendation, therefore the applicants were required to improve the affordable housing offer in order for the proposals to be more policy compliant. The proposed affordable housing offer is improved and the market mix is improved. The agents have provided the following commentary and response on the matter:

#### ***Viability and Enabling Development***

*The proposals considered previously by officers and the Strategic Planning Board were for 5% of the potential maximum 450 units being delivered as starter homes, subject to a 20% discount from open market value.*

*The Viability Assessment submitted with the application (dated December 2015) shows a viability gap of broadly £24m. The work undertaken in relation to viability has been independently audited for the Council by Keppie Massie, who have agreed the conclusion that any affordable housing offer from the School will have a direct impact on the viability and*

*delivery of the new school. It is also crucial to note that the residential proposals are enabling development, required to deliver the proposed new school at Derby Fields. Enabling development is essentially development that is necessary to fund key elements of a scheme, without which the scheme is unviable and therefore undeliverable. The objective of delivering a site for a new school forms part of the Council's planning policy and is explicitly set out at paragraphs 15.159 of the emerging Local Plan Strategy, which states:*

*'The site (Fence Avenue) is one of two sites currently occupied by The King's School who are seeking to consolidate existing operations into one site. The Council intends to identify a new site for The King's School through its Site Allocations Development Plan Document. This has the benefits of releasing central, sustainably-located sites for development and will enable improved school and sporting facilities to be developed.' The consequences of a 30% affordable housing requirement on the King's School sites would render the development unviable and therefore undeliverable, undermining the emerging Local Plan Strategy to deliver new homes on allocated sites.*

*Notwithstanding the clear viability issues affecting the proposals, all options have been reviewed in an attempt to improve the overall affordable housing package offered to address members' concerns on this important matter.*

### **Policy Requirements**

*Policy SC 5 of the Local Plan Strategy relates to affordable homes. The policy seeks to deliver 30% of units to be affordable on new housing sites, subject to eight criteria. SC5 (7) allows for alternative affordable provision where scheme viability may be affected. Specific types of affordable housing are not prescribed, although SC5 (3) states that the affordable homes provided must be of a tenure, size and type to help meet identified housing needs and contribute to the creation of mixed, balanced and inclusive communities.*

*The Cheshire East Affordable Housing Interim Policy Statement (IPS) provides further details on how the Council's affordable housing policies are applied. It also seeks housing developments to provide 30% affordable housing. Section 2 of the IPS defines acceptable forms of affordable housing, including 'discounted for sale'. The IPS describes this as follows at paragraph 2.5: This refers to the provision of subsidised low-cost market accommodation through a re-sale covenant scheme. The principle is that the accommodation is available at a fixed discount below the open market value to households in need. The level of discount will be that which is required to achieve the maximum selling price determined by the Council for those in need locally who cannot afford to buy on the open market.*

### **Revised affordable housing proposal**

#### **Type of Affordable Housing**

*The type of affordable housing proposed is predominantly discounted for sale, at a 20% market discount, which accords with the acceptable forms of affordable housing defined in the IPS. In accordance with paragraph 2.6 of the IPS, the proposed legal agreement will ensure that the benefit of below market price housing is available in perpetuity to future occupants. In addition, above a specified threshold of units, additional affordable dwellings would be affordable social rented. Further details are set out below.*

*Housing Officers have provided additional details of local housing needs from Cheshire Homechoice, which identifies a requirement based on 1,227 applicants on the housing waiting list of 518 x 1 bed, 479 x 2 bed, 199 x 3 bed, 31 x 4 bed.*

*The indicative proposals include for a range of housing types including 1, 2, 3 and 4 bedroom properties. The type of units can therefore be aligned with the broad needs identified above. In*

*line with the IPS, we propose that the legal agreement includes provision for the mix of affordable dwelling types to be agreed. The mix of affordable units would be fixed at the reserved matters stage, in the light of the identified needs at that time. The viability work assumes that the majority of these would be 1 and 2 bed properties, which aligns with the greatest needs identified on the Cheshire Homechoice waiting list.*

### **Amount of Affordable Housing**

*Following discussions with officers the School is able to put forward a revised improved offer as follows.*

*1. 10% of the units to be intermediate affordable units, being houses for sale at 20% discount to open market value for the first 420 units, split across the two sites as follows:*

- a. Westminster Road – up to 140*
- b. Fence Avenue – up to 280*

*2. An overage mechanism for any new homes delivered above these thresholds of unit numbers that ensures that 30% of additional units would be social rented housing.*

### **Market Housing Mix - Bungalows**

*The overall housing mix at this stage is illustrative. However, discussions with Cheshire East Housing officers have identified a requirement for elderly persons' accommodation such as bungalows in Macclesfield. We therefore propose that the housing mix at reserved matters stage should include for ten bungalows. This can be secured through a planning condition.*

Whilst this scheme does not include housing, it is linked to the applications for the housing developments at Westminster Road and Fence Avenue, due to the context of the very special circumstances.

These proposals, whilst not meeting the full policy compliant position, provide a better package of proposals which is a genuine intermediate affordable housing product as set out in the Council's interim policy statement. The provision of 10% of units to be at an 20% market discount is more reasonable given the viability constraints of the proposed development. In addition to this an overage clause - should the developments eventually provide a number greater than currently indicated will be subject to 30% being social rented. It is considered that the revised affordable housing proposals do make a much more reasonable contribution to the social sustainability of the site and of the wider area. In addition to this the market mix will greater reflect the local needs of the area, by providing a total of 10 bungalows.

### **Implications of not finding a new site**

Following the meeting of 18<sup>th</sup> May, the agent has submitted additional information of what has been described as a 'do nothing scenario' should the proposals not align with the school's future plans, which was requested by the committee and was a reason for deferral for greater clarity. This has been prepared by the agent and is set out below:

*The Planning Statements that accompany the applications set out the positive case for the developments and the benefits to Macclesfield. The Headmaster's synopsis as set out in an Appendix to the Derby Fields Planning Statement, sets out the educational need for change. The benefits include new homes, jobs, investment in education, sports facilities and safeguarding the future of one of Macclesfield's oldest institutions.*

*There are also significant harms under a 'do nothing scenario', which is the inevitable consequence if the Council feels unable to support the proposals. The 'do nothing'*



consequences are also important material considerations to be weighed in the overall planning balance. First and foremost, there are the consequences for the School itself, and the risk to its long term future in Macclesfield, given the economics of the current two site model are unlikely to be sustainable over the long term.

The consequences of the 'do nothing scenario' in a wider planning sense would include the following harm to the delivery of the Cheshire East Local Plan objectives:

1. Harm to **meeting the full, objectively assessed needs for housing** for 36,000 new homes (Local Plan para 1.7).
2. Harm to **meeting the minimum target of 500 homes for Central Macclesfield** - the Westminster Road is the largest residential opportunity within this area, proposed to deliver 150 new homes.
3. Harm to **all of the policy principles underpinning the Local Plan vision** to deliver sustainable, job-led growth and sustainable, vibrant communities (Local Plan para 1.29):
  - a. **Developing brownfield sites** – the Westminster Road site and much of the Fence Avenue site are previously developed land
  - b. **Preserving green belt land** where possible - additional green belt land around Macclesfield would be required for housing to make up the additional housing requirement if these sites are not developed for housing as envisaged in the Plan
  - c. **Ensuring a town centre first policy to support main urban centres** - the proposals would accommodate around 1,000 people within walking distance of the town centre, with a combined retail and leisure spend of almost £9m per annum, which would be lost
  - d. **Delivering homes of the right quality in the right location at the right price** – the Local Plan Inspector's Interim views made it clear that the right location for additional housing development to meet the OAN was in the north of the Borough.
  - e. **Supporting development with the right new infrastructure** – the housing sites are already integrated to the local highway network, avoiding further need for miles of new roads.
  - f. **Focusing new housing development in strategic locations** such as urban extensions, rather than a dispersed growth model – Macclesfield is the principal town in the north of the Borough (Local Plan para 2.33) and the strategic location for further growth
4. Harm to the **delivery of an allocated site (Fence Avenue)** in Part 1 of the Local Plan Strategy
5. Harm to the objectives to **support the School to consolidate to a single site** and identify a new site (Local Plan para 15.159) of the Local Plan allocate a new site for the King's School
6. Harm to Local Plan objectives to make sure that **education provision is enhanced** and developed to meet the growing and changing needs of our communities (para 1.45)
7. Harm to objectives attract people of working age to the area by providing the right housing and facilities.

It is considered that the above outcomes of the 'do nothing' scenario will hinder the provision of housing development in the future, and two key sites within sustainable locations within Macclesfield will not be able to be delivered for housing. As explained in the main officer's report it is clear that the Fence Avenue site is a preferred housing allocation in the emerging Cheshire East Local Plan which is in advanced stages, therefore the weight which can be attributed to this increases the further along the plan preparation process it is. With regard to Westminster Road the principle of development is acceptable and the site is a sustainably located brownfield site. It is considered that the 'do nothing' scenario would prevent this strategic housing allocation from coming forward which is attributed weight in the overall planning balance.

The agent's information points out the economic benefits of the proposals, these are also outlined in the officer's report along with the historic connection the school has with Macclesfield. The additional information in respect of the 'do nothing scenario' does not influence the recommendation as the principle of development as this development remains inappropriate development by definition. However, the fact that to refuse the new school would impact on the deliverability of these sites in the future is attributed weight in the overall planning balance.

### **Update on Ecology**

Following the committee meeting, a number of ecology updates have now been forthcoming. The comments from the Councils' Ecologist are detailed below:

#### **Ancient Woodland**

*Big wood located immediately adjacent to the application site is a replanted ancient woodland. Ancient Woodlands receive specific protection under paragraph 118 of the NPPF. Paragraph 7.512 of the ES states that Big Wood would not be impacted by the proposals. I advise that in the absence of further mitigation the proposed development could have an impact on the woodland as a result of excessive lighting and changes in hydrology and water quality.*

#### **Impacts associated with lighting**

*I advise that to avoid any impacts on the woodland lighting should be avoided adjacent to it. The applicant has confirmed that the proposed hockey pitches would be flood light. However based on the submitted plan it appears that light spillage onto the adjacent woodland would be low and lighting would only be required up to 9.30pm meaning that there would be limited lighting used in the summer months.*

*I recommend that if planning consent is granted a condition should be attached requiring a lighting mitigation strategy to be submitted to the LPA prior to the commencement of development.*

#### **Impacts associated with changes in hydrology and water quality**

*The drainage scheme for the proposed development has the potential to have an adverse impact upon the hydrology of the adjacent ancient woodland. There are two areas of marshy grassland adjacent to ancient woodland and paragraph 7.4.21 of the ES states that these appear to drain into the woodland. These areas of marshy grassland would be lost to facilitate the SUDS scheme for the proposed development. I advise that a poorly designed SUDS scheme could potentially result in an adverse impact as a result of changes to the woodlands hydrology and also as a result of contaminated water entering the woodland. No details of the SUDS for the site have been finalised*

*The applicant has advised that a SUDS scheme could be developed for the site which discharged in the adjacent woodland at the existing greenfield rates. To assist with this the applicant's consultant advises that if possible the SUDS ponds should be unlined to assist natural infiltration.*

*I am not a drainage engineer so I don't feel qualified to advise on this matter in detail. However, if a SUDS scheme could be developed that replicates the existing run-off from the*

site and avoids the risk of any contamination of the woodland then that would be acceptable. However, I do not have the full details of what SUDS would be implemented at the site at present so cannot be completely confident that a satisfactory system could be developed that would address the impacts on the adjacent woodland.

Notwithstanding the above, if planning consent is granted please attach a condition requiring the submission of a detailed SUDS design for the scheme that is designed to mimic the existing hydrological regime and also to avoid any contamination of the woodland.

#### Ancient Woodland buffer zones

A 15m undeveloped buffer is proposed adjacent to the woodland. This is the minimum width of buffer than suggested by current best practice. The SUDS scheme however as it is located in the existing area marshy grassland and some works associated with its construction would possible fall within this buffer. I advise that the buffer zone must be fenced off during the construction phase and then be maintained as semi-natural/woodland edge habitat during the operational phase of the development. With the exception any works associated with the SUDS there must be no levels changes within this 15m buffer.

If planning consent is granted I recommend that a condition be attached requiring the submission of detailed proposals for the fencing off of the 15m buffer during the construction phase and to ensure that no development including levels changes, the movement of vehicles or the storage of materials takes place within this buffer except for that associated with the proposed SUDS.

#### Non-ancient woodland

Dumber wood is present within the site boundary. This woodland is not ancient but does appear on the UK priority habitats inventory and as a priority habitat is a material consideration. Paragraph 7.5.13 of the ES states that 70m square of Dumber wood would be lost as a result of the proposed development.

I advise that as a priority habitat this woodland should be retained as part of the proposals. However, if the loss of this small area of woodland is unavoidable I advise that there is sufficient replacement planting proposed as compensation. The submission of detailed proposals for compensatory planting must be secured by means of a condition in the event that planning permission is granted.

#### Great Crested Newts

No evidence of this protected species was recorded during the surveys undertaken to inform the ES. I advise that this species is unlikely to be present or affected by the proposed development.

#### Common toad

This priority species was recorded at two ponds during the great crested newt survey. I advise that the proposed development will result in the loss of some low quality habitat for this species. The new planting proposed as part of the development may once mature compensate for these losses.

#### Locally designated sites

*There appears to be some contradiction between the ES and the Preliminary Ecological Appraisal in respect of the location of non-statutory designated sites within 2km of the application site. Both reports fail to acknowledge the occurrence of locally designated sites with 550m of the application site. Despite the inaccuracy of the ES in this respect, I advise that no impacts are anticipated in respect of non-statutory designated sites.*

#### **Badgers**

*The badger survey report prepared to inform the ES states that a badger sett was recorded on site but that it was inactive at the time of the most recent survey. The applicant's consultant has confirmed that this is an accurate assessment of the level of badger activity on the site.*

*If consent is granted a condition requiring the submission of an updated badger survey prior to the commencement of development must be attached.*

#### **Hedgerows**

*Hedgerows are a priority habitat and hence a material consideration. Based upon the submitted plans there are likely to be some losses of hedgerow to facilitate the site entrance. I advise that there is sufficient scope for compensatory hedgerow planting to be provided as part of the development. I advise that this matter be dealt with by means of a landscaping condition if planning consent is granted.*

#### **Bats and trees**

*Three trees have been identified as having bat roost potential. The ES states that the trees will not be affected by the proposed development.*

*Further information has been received from the applicant and I confirm that I am now satisfied that the trees identified as having bat roost potential would be retained as part of the proposed development.*

#### **Barn owls**

*A barn owl survey of the trees on site was requested at the EIA scoping stage but this did not initially appear to have been completed. The revised supplementary ecological appraisal however confirms that none of the trees on site are considered suitable for nesting barn owls.*

*It is therefore considered that the additional information submitted now provides sufficient ecological information such that any remaining ecological matters can be suitably addressed through a number of planning conditions.*

### **OVERALL CONCLUSIONS AND THE PLANNING BALANCE**

*Following on from the May Strategic Planning Board meeting, discussions have taken place between officers of the Council and the applicant and agent for this application. The applicant has provided greater clarity on points required by the planning committee.*

*The reasons for refusal were as follows:*

- 1. The proposal is inappropriate development in the Green Belt by definition and the very special circumstances put forward do not amount to the very special circumstances required to outweigh the significant harm to the openness and permanence of the Green Belt, the scheme conflicts with the purposes for including*

land within the Green Belt. The application is therefore contrary to saved policy GC1 of the Macclesfield Borough Local Plan and paragraphs 80 and 89 of the NPPF.

2. The accessibility of the site for sustainable modes of transport is not sufficient to serve the development and the development would have a unacceptable impact on the local highway network therefore the proposals do not accord with the saved policy T6 of the Macclesfield Borough Local Plan and the NPPF and do not represent sustainable development in terms of accessibility.

3. Insufficient information has been provided in order to make a fully informed assessment of the potential impacts of the proposed development upon protected species in the absence of required bat surveys. Therefore the proposals are contrary to saved policy NE11 of the Macclesfield Borough Local Plan and paragraph 118 of the NPPF.

In light of the additional information and contributions to be provided which include an educational contribution of £550,000 across the two housing sites and the provision of an improved intermediate affordable housing package, it is considered that the proposed package of contributions makes the two housing sites more socially sustainable, and the proposals will provide a greater level of community benefit. This is a significant improvement in community benefit when compared to the original application.

When considering this application however, at the original application stage the two housing proposals which would have been located on the vacant sites following the relocation of the school were not socially sustainable and were therefore not acceptable. However in light of the additional information provided along with the proposed education contributions and an improved package of affordable housing provision, it is considered that the relocation of the school to this site is more acceptable, as the housing developments which are desperately needed in Macclesfield and in Cheshire East as a whole have a realistic prospect of delivering sustainable development.

The previous report outlined the benefits of this proposal and the disbenefits. Whilst the proposals remain finely balanced, in light of the additional information and community benefit to be provided by the housing developments it is considered that the benefits of the proposals in the round outweigh the automatic harm to the openness of the Green Belt by reason of inappropriateness, and very special circumstances exist to outweigh the harm. The proposal will allow for two key housing sites to be developed in line with the aims and objectives of the emerging Local Plan and the school will retain its historic ties with Macclesfield without having to relocate further afield. Therefore on balance it is considered that the previous shortfalls with regard to social sustainability and highways issues have been reduced for the reasons set out above and as a result the scheme is socially, environmentally and economically sustainable.

#### **RECOMMENDATION:**

**MINDED TO APPROVE** subject to the acceptability of the two other related applications 15/4287M and 14/4285M which follow this report.

**And subject to the following conditions**

1. **Standard Time limit – 3 years**
2. **Accordance with Approved Plans**
3. **Materials**
4. **Community Use Agreement**
5. **Management and Maintenance Scheme**
6. **Natural Turf Pitch Specifications**
7. **Design and Layout of the Artificial Grass Pitches**
8. **Full details of existing and proposed levels and contours, areas of cut and fill and proposed slab levels for all buildings**
9. **A landscape scheme with full hard and soft details including proposals for the two new accesses off Alderley Road**
10. **Implementation and 5 year replacement condition**
11. **Full details for all proposed boundary treatments, internal fencing and retaining walls**
12. **A 10 year landscape Management Plan particularly for the new boundary hedgerows, perimeter screen planting and woodland management in Dumber Wood**
13. **Details for the lighting of buildings, roads and floodlighting of pitches and courts**
14. **Details for any school signage on Alderley Road**
15. **Details for building materials which should be recessive and non-reflective**
16. **Low emission strategy to be submitted**
17. **The two new shuttle bus services shall as a minimum comply with Euro 4 emission standards, and shall move towards Euro 6 standards within four years of operation.**
18. **Two Fast (7Kv) electric vehicle charge points shall be provided on the car park. These shall be made publically available. The infrastructure shall be maintained and operational in perpetuity.**
19. **Implementation of operational mitigation measures set out in WYG Air Quality Impact Assessment including dust mitigation.**
20. **Prior to construction, post demolition Phase II ground investigation and remediation strategy if required**
21. **Importation of soil**
22. **Unexpected contamination**
23. **A Public Rights of Way scheme of management to be submitted**
24. **Public Rights of Way shall be marked out on the development site prior to the commencement of and during the development**
25. **Pre-commencement and post-completion condition surveys of the surface of the Public Rights of Way shall be undertaken by the developer**
26. **Foul and surface water shall be drained on separate systems.**
27. **Prior to commencement, details of surface water drainage scheme to be submitted.**
28. **Electric Vehicle Infrastructure Overnight EVP for each dwelling with dedicated off road parking.**
29. **Trees identified by the preliminary ecological appraisals as having the potential to support roosting bats are to be retained.**
30. **Proposals for the erection of protective fencing around the retained woodland habitats to be supported with any future reserved matters application.**

31. The double mini roundabout scheme at Priory Lane/Prestbury Road/Macclesfield Road/Alderley Road to be constructed prior to occupation of the development.
32. The ghost island right turn access schemes on Alderley Road to be constructed prior to occupation of the development.
33. The Travel Plan (to include low emission) to be submitted and approved by the LPA prior to occupation of the development.
34. Construction Management Statement to include Submission of an Environmental Management plan including, noise, dust, construction routes to be submitted.
35. Access to constructed in accordance with approved plan prior to first occupation
36. Prior to the commencement of development a detailed design for a SUDS scheme to mimic the existing greenfield discharge rates of the site and to avoid any contamination of the woodland to be submitted and agreed by the LPA.
37. Submission of a method statement for the safeguarding of a minimum 15m buffer between the proposed development and the adjacent ancient woodland. No development, including the movement of vehicles or storage of materials to take place within the buffer except for those connected with the construction of the required SUDS. The submitted method statement to include proposals for minimising any impacts associated with the required SUDS and also for the creation of semi natural woodland edge habitats with the buffer.
38. Prior to the commencement of development detailed proposals including a timetable of implementation, for the provision of native species woodland and hedgerow planting to compensate for any losses of these habitats are to be submitted to and agreed with the LPA.
39. Proposals for the incorporation of features for nesting birds and roosting bats including house sparrow to be submitted and agreed by the LPA.
40. Submission of an updated badger survey prior to the commencement of development

Environmental Health informative  
Environment Agency informative  
United Utilities informative  
NPPF informative

## **APPENDIX 1 – KINGS SCHOOL PAVILION ORIGINAL REPORT**

### **SUMMARY**

The application is to be considered alongside two applications for the development of King's School however, this application must be assessed on its individual merits.

The site is a greenfield Green Belt site where there is a presumption against inappropriate development. It is established that the proposals do represent inappropriate development within the Green Belt, and only if very special circumstances exist to outweigh the harm to the Green Belt policy should they be approved.

The applicant has put forward what it considers to be very special circumstances, however the onus is on the decision maker, the LPA, to determine what weight is attached to these in the planning balance and whether these circumstances amount to very special circumstances to justify the development, and outweigh the automatic harm the development would cause by way of inappropriateness.

In this case considerations 1, 2 and 3 of the applicant's case do attract some weight, which include the need to relocate, the need to combine the schools and the fact that there are no alternative sites. Consideration 4 also attracts weight in the balancing exercise, as the site will indeed release two potential housing sites, however, both sites are with the Council for consideration and neither provide affordable housing or an education contribution to the satisfaction of the education authority. Therefore the weight that can be attached to the release of these housing sites is significantly reduced due to the merits of the schemes put forward.

Nonetheless considerations 1-4 do attract weight, however, it is the amount of weight that these issues attract which determine whether combined they amount to the very special circumstances required to justify the inappropriate development proposed. Whilst some weight can be attached to the co-location and re-location of the school, can a development of this scale exceeding 20ha be justified in the Green Belt where the openness and permanence will be lost forever. The main case put forward by the school is that of a business case, that the school must do this in order to progress into the future and to continue to provide a high level of private education. However, the school has a large estate of two very adequate sites, which have been sustained for centuries.

Whilst it is considered that the argument put forward for the school to remain in Macclesfield is strong and the co-location and re-location is desired for the school. The national requirement to protect the Green Belt for its own sake is also strong and forms part of long established planning policy. Therefore after careful consideration, it is not considered that very special circumstances exist to justify the significant departure of local and national planning policy and the impact this proposal will have on the openness and permanence of the Green Belt. Therefore the proposals are recommended for refusal on Green Belt grounds and are contrary to the development plan and the Framework.

However, consideration 4 which would allow the release of one strategic housing site in Macclesfield (Fence Avenue) and one large brownfield site in Macclesfield (Westminster



Road) would follow the plan-led process by bringing forward an allocated site in the emerging CELPS and developing a large sustainably located brownfield site. Whilst this cannot be afforded significant weight at this time, should fully policy compliant housing schemes be proposed on these sites which provide full community benefit and provide much needed market and affordable housing, this as a very special circumstance could be afforded much greater weight in the planning balance.

With regard to sustainability, the location of the proposed school is considered to be unsustainable for walking and cycling, however it is acknowledged that the proposals can include mitigation which could improve this. There is an outstanding highways objection to the proposals on highway safety and traffic impact grounds. There are a number of ecological issues to be resolved along with the impact on the grade II listed building adjacent to the site.

Through the assessment as to whether the scheme represents sustainable development, it is considered that it does not achieve this in terms of all three strands: social, environmental and economic sustainability. As the site is within the Green Belt under paragraph 14 there is not a presumption in favour of sustainable development where other policies in the framework state that development should be restricted which includes Green Belts at footnote 9. On balance therefore after careful consideration the application should be refused in principle.

The benefits in this case are:

- The proposals would provide a state of the art co-located school.
- The relocation of the school would make two potential housing sites available and would help in the Council's delivery of 5 year housing land supply.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes in respect of the housing sites, and benefits for local businesses.
- The proposal will not have an adverse landscape impact.

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

- There is not considered to be any significant drainage implications raised by this development.
- The impact upon trees neutral with adequate mitigation.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land could be mitigated through the imposition of planning conditions.
- The impact on the heritage asset is currently unknown therefore cannot be attributed weight for or against the development.

The adverse impacts of the development would be:

- The proposal is inappropriate development in the Green Belt, harmful by definition and no very special circumstances significant enough to outweigh the significant harm to the openness of the Green Belt and the purposes for including land within it.
- The impact upon protected species/ecology is considered to be unknown, therefore it cannot be assumed at this stage that mitigation would be possible at the site without additional information.
- No affordable housing provided by a Registered Social Landlord, however 5% start homes

(80% market value) are proposed.

-No financial educational contribution to Children's Services, bursaries are proposed.

-No SEN contribution.

- The highways impacts of the proposed development are not acceptable.

On the basis of the above, it is considered that the proposal does not represent sustainable development and represents inappropriate development within the Green Belt and it is not considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits.

## **SUMMARY RECOMMENDATION**

### **Refusal**

## **PROPOSAL**

The application is a full application for the relocation of King's School from its current two separate girls and boys campuses in Macclesfield town to one site to provide for both girls and boys. The proposals include the construction of a new school comprising classrooms, libraries and supporting facilities together with additional playing fields and various associated outbuildings, infrastructure, car parking and access. The King's School are proposed to vacate both Fence Avenue and Westminster Road sites which will be then redeveloped for housing. The income from the residential development of the sites will provide financial support to the development of the new school. The proposals are to relocate adjacent to the existing Derby Fields King's School site off Alderley Road in Prestbury, which is within close proximity to the Macclesfield Rugby Club.

The facilities from both campuses will be incorporated into one school, within this rural location. The site will have two main buildings, the main school building to the north of the site and the sports block to the east of the site, there will be a number of playing pitches and areas of hardstanding for car parking, areas of planting along with retained and managed planting, along with two vehicular access points, one to the east of the residential development and one to the west both off Alderley Road.

The application is an EIA development due to its scale and therefore is accompanied by an Environmental Statement and alternative sites proposals.

The site has been considered by Cheshire East Council to be an EIA development, therefore an EIA has been submitted with the proposals.

## **SITE DESCRIPTION**

The Alderley Road site covers an area of 21ha and is located adjacent to the existing Derby Fields pavilion site to the east. To the south of the site is Alderley Road and where there are a number of residential properties along the southern boundary of the site including Fleets Farm and Falibroome Farm. To the east of the site is the Derby Fields site and beyond this is Summerhill Road which is a small cul-de-sac of large detached dwellings. To the north of the site is the land forming part of Prestbury Golf Club. There is a public footpath which currently crosses and then runs along the northern boundary of the site, which is proposed to be diverted. There are two woodland areas on the site. Along the western boundary of the site is

Big Wood and to the east of the site is Dumber Wood, a small watercourse runs along the length of Dumber Wood. The site is currently used for grazing land and has a series of trees and hedgerows around and within it. The topography of the site is undulating, and is visible from Alderley Road.

The site is completely undeveloped and is within the Green Belt.

## **RELEVANT HISTORY**

None for this site.

## **NATIONAL & LOCAL POLICY**

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plan (January 2004).

### **Macclesfield Borough Local Plan Policy:**

The site is located within the Green Belt

Therefore the relevant Local Plan policies are considered to be: -

- Policy BE1: Design Guidance
- Policy DC1: New Build
- Policy DC3: Amenity
- Policy DC5: Natural Surveillance
- Policy DC6: Circulation and Access
- Policy DC8: Landscaping
- Policy DC9: Tree Protection
- Policy DC36: Road Layouts and Circulation
- Policy DC37: Landscaping
- Policy DC38: Space Light and Privacy
- Policy DC63: Contaminated Land
- Policy T1: Integrated transport policy
- Policy T2: Provision of public transport
- Policy T3: Improving conditions for pedestrians
- Policy T4: Provision for people with restricted mobility
- Policy T5: Development proposals making provision for cyclists
- Policy T6: Highway improvements and traffic management
- Policy NE2: Landscape character areas
- Policy NE14: Natural habitats
- Policy NE11: Protection and enhancement of nature conservation interests
- Policy NE17: Nature Conservation in Major Developments
- Policy GC1: Green Belt boundaries
- Policy IMP1: Development Sites
- Policy IMP2: Transport Measures

Cheshire East Local Plan Strategy – Proposed changes version public consultation ended 19<sup>th</sup> April 2016 where this site is proposed as an allocation for housing development.

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 Presumption in favour of sustainable development  
PG1 Overall Development Strategy  
PG2 Settlement hierarchy  
PG6 Spatial Distribution of Development  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
IN1 Infrastructure  
IN2 Developer contributions  
SE1 Design  
SE2 Efficient use of land  
SE3 Biodiversity and geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE6 Green Infrastructure  
SE9 Energy Efficient Development  
SE12 Pollution, Land contamination and land instability  
SE13 Flood risk and water management  
CO1 Sustainable Travel and Transport  
CO4 Travel plans and transport assessments

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

The National Planning Policy Framework came into effect on 27 March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

Since the NPPF was published, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.  
56-68. Requiring good design  
72-74 Promoting healthy communities  
80, 81 and 89 Protecting Green Belt Land  
109. Conserving and enhancing the natural environment  
186-187. Decision taking  
196-197 Determining applications  
203-206 Planning conditions and obligations  
216 Implementation

## **Supplementary Planning Documents:**

Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.

- SPG on Section 106 Agreements (Macclesfield Borough Council)

## **Other Material Considerations**

- Conservation of Habitats & Species Regulations 2010
- Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
- North West Sustainability Checklist
- Ministerial Statement – Planning for Growth (March 2011)
- Macclesfield Town Report (Part of Local Plan evidence base) March 2016
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## **CONSULTATIONS**

### **Public Rights of Way** (comments received 15/12/2015)

The development, if granted consent, would affect Public Footpath No. 24 and No.25 Prestbury, as recorded on the Definitive Map and Statement, the legal record of Public Rights of Way.

Please note the Definitive Map and Statement is a minimum record of Public Rights of Way and does not preclude the possibility that Public Rights of Way exist which have not been recorded, and of which we are not aware. There is also a possibility that higher rights than those recorded may exist over routes shown as Public Footpaths and Bridleways.

The developers have made contact with the Public Rights of Way team and have submitted an application for the diversion of Public Footpath No.24 Prestbury under section 257 of the Town and Country Planning Act 1990. Footpath no.25 Prestbury crosses the site but will not require a diversion.

The Public Rights of Way team are satisfied with the proposed diversion of footpath no.24 and would be content to progress the developers application, subject to planning approval, on the basis that it is required to enable the development to go ahead. However before we can proceed with the application the developer will be required to submit the written consent of the landowner(s), which they have yet to do.

Although the Public Rights of Way team are satisfied with the alignment of the proposed diversion, there is currently no proposal to enclose the footpath. We would wish to raise the point with the developer that they may wish to consider safety and security, as the footpath crosses the school grounds and will be required to be open and available to members of the public at all times. With this in mind they may want to anticipate any future problems that may arise as a result and consider any measures that may be appropriate to help ensure the safety of pupils and members of the public; and also allowing the site to be secured.

## **National Planning Policy Framework and Defra Guidance**

The National Planning Policy Framework states that *“planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails”* (para 75).

The proposed development would have a direct and significant effect on the Public Right of Way, which constitutes *“a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered”* (Defra Rights of Way Circular (1/09), Guidance for Local Authorities, Version 2, October 2009, para 7.2).

## **Environmental Health**

The proposed development of a new school and sports facilities has been considered by this service. There are concerns about the potential for noise and lighting associated with the development to create an adverse impact off site for existing residential receptors.

Construction impacts (noise, vibration and dust) will generally be mitigated by distance from nearby sensitive receptors, however there remains potential for a protracted construction programme to cause off site issues. In particular, dust, noise from HGV's arriving and leaving the site and noise from construction plant and machinery.

Operational impacts could arise from fixed plant and equipment (air conditioning condensers, ventilation systems etc), sporting activities (including into the evening period) and traffic generated off site as a result of the development. In addition, lighting associated with the sports pitches has the potential to cause an adverse impact on quality of life to neighbouring properties.

Construction noise has not been assessed as part of the application however a condition is suggested below to adequately control these impacts.

Operational noise has been assessed as part of the Environmental Statement (report Ref: ADT 2190/ENIA 14th September 2015 by Pick Everard). In terms of fixed plant and equipment noise limits are proposed to ensure there is no noticeable impact off site. In terms of sporting activities the report concludes there is unlikely to be an adverse off site impact. Road traffic noise increases off site (resulting from the development) are considered to be of no significant impact in all but one area, and overall of no noticeable effect.

In general the above conclusions are supported however it is considered necessary to apply conditions with respect to the noise and lighting to ensure that any offsite impact is controlled.

## **Air Quality**

An Air Quality Impact Assessment produced by WYG dated 14th September 2015 has been submitted in support of the planning application. It should be noted that this was not scoped and the methodology not agreed with this office.

The report considers whether the development will result in increased exposure to airborne pollutants, particularly as a result of additional traffic and changes to traffic flows.

The proposed development is considered significant in that it is highly likely to change traffic patterns and increase congestion in the area.

There is also concern that the cumulative impacts of development in the area will lead to successive increases in pollution levels and thereby increased exposure.

The assessment uses ADMS Roads to model NO<sub>2</sub> and PM<sub>10</sub> impacts from additional road traffic associated with this development.

There are a number of shortcomings with the report, which include:

- As part of air quality modelling, a number of parameters are required to be input. One of these inputs relates to the monin-obukov length which allows a measure of the stability of the atmosphere. The model has used a length of 30m which in modelling terminology is classed as a mixed urban/industrial area. Local knowledge suggests that the proposed site does not fall within this category. Using this length provides a greater dispersion of pollutants and suggests unstable air, thus not providing true representations of pollutant concentrations and can underestimate the impact.
- Model verification has not been undertaken as the report states there are no suitable sites. The report states that in the absence of model verification, road contributions of pollution have been multiplied by a factor of 3, which the report states has been a typical factor generated during verification in similar situations. This is not a robust or accepted approach, and places a level of uncertainty in the results presented. Verification could have been undertaken using data from diffusion tube CE12.
- It is unclear if sensitivity analysis has been undertaken whereby emission factors are kept at the base year for the future 'with and without' development scenarios. This provides a conservative assessment whilst there is uncertainty regarding the rate of reduction in emissions from road vehicles into the future.

As the report stands, it concludes that there will be a negligible increase in pollutant concentrations at receptors modelled.

Taking into consideration the uncertainties associated with modelling and the above raised matters, it is the professional opinion of this office that the impacts of the development will be worse than predicted.

Poor air quality is detrimental to the health and wellbeing of the public, and also has a negative impact on the quality of life for sensitive individuals. The report recommends the following mitigation measures be implemented to aid in the reduction of vehicle emissions:

- Minimise reliance upon the motor vehicle use through a Framework Travel Plan
- Promote alternative transport options
- Provide additional school buses serving Macclesfield and local train stations
- Inclusion of pedestrian walkways (new footpaths and road crossings) into surrounding environments.

The mitigation measures described form the basis of a low emission strategy for the development.

In addition, modern ultra low emission vehicle technology (such as electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such, it is considered appropriate to create infrastructure to allow charging of electric vehicles in new, modern, sustainable developments.

A development of this scale and duration would be expected to have an adequate dust control plan implemented to protect sensitive receptors from impacts during this stage of the proposal.

It is therefore recommended that conditions are attached to any planning permission.

#### Dust Control

There is potential for dust generated during the development to have an impact in the area. The air quality assessment highlights appropriate mitigation measures to reduce the impact of construction activities.

#### Contaminated Land

The Contaminated Land team has no objection to the above application subject to the following comments with regard to contaminated land:

- The application area has a history of agricultural use and therefore the land may be contaminated.
- The application is for a new school which is a sensitive end use and could be affected by any contamination present or brought onto the site.
- The report, RSK September 2015, submitted in support of the application recommends site investigation works be undertaken. The report also contains a review of an initial phase of site investigation (Pick Everard April 2015). It is recommended that this information be submitted.

As such, and in accordance with the NPPF, this section recommends conditions should planning permission be granted.

**Highways** – see main body of report.

**Environment Agency** – (comments received 01/12/2015 and 15/04/2015)

No objections to the proposals subject to recommendations to developers.

**Natural England** – (comments received 15/12/2016)

Statutory nature conservation sites – no objection

Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

#### Soil and Agricultural Land Quality

Soil is a finite resource that fulfils many important functions and services (ecosystem services) for society, for example as a growing medium for food, timber and other crops, as a



store for carbon and water, as a reservoir of biodiversity and as a buffer against pollution. It is therefore important that the soil resources are protected and used sustainably.

The applicant should consider the following issues as part of the planning application:

1. The degree to which soils are going to be disturbed/harmed as part of this development and whether 'best and most versatile' agricultural land is involved.

This may require a detailed survey if one is not already available. For further information on the availability of existing agricultural land classification (ALC) information see [www.magic.gov.uk](http://www.magic.gov.uk). Natural England Technical Information Note 049 - *Agricultural Land Classification: protecting the best and most versatile agricultural land* also contains useful background information.

2. If required, an agricultural land classification and soil survey of the land should be undertaken. This should normally be at a detailed level, e.g. one auger boring per hectare, (or more detailed for a small site) supported by pits dug in each main soil type to confirm the physical characteristics of the full depth of the soil resource, i.e. 1.2 metres.

3. Government policy is set out in Paragraph 112 of the National Planning Policy Framework which states that:

*'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.'*

4. The applicant should provide details on how any adverse impacts on soils can be minimised. Further guidance is contained in the *Defra Construction Code of Practice for the Sustainable Use of Soil on Development Sites*.

#### Ancient Woodland

Natural England advises that the proposals as presented have the potential to adversely affect woodland classified on the ancient Woodland Inventory. Natural England refers you to our Standing Advice on ancient woodland <https://www.gov.uk/ancient-woodland-and-veteran-trees-protection-surveys-licences>

#### Protected species

We have not assessed this application and associated documents for impacts on protected species.

#### **United Utilities** – (comments received 16/12/2015)

#### Drainage Comments

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

The culverted watercourse that crosses the site is not a United Utilities Asset and contact should be made with the riparian owner who is responsible for the watercourse.

#### Drainage Conditions

United Utilities will have no objection to the proposed development provided that suggested conditions are attached to any approval in relation to foul water and surface water.

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 Part 6, we have been asked to provide written justification for any pre-commencement condition we may have recommended to you in respect of surface water disposal.

The purpose of the planning system is to help achieve sustainable development. This includes securing the most sustainable approach to surface water disposal in accordance with the surface water hierarchy.

It is important to explain that the volume arising from surface water flows can be many times greater than the foul flows from the same development. As a result they have the potential to use up a significant volume of capacity in our infrastructure. If we can avoid and manage surface water flows entering the public sewer, we are able to significantly manage the impact of development on wastewater infrastructure and, in accordance with Paragraph 103 of the NPPF, minimise the risk of flooding. Managing the impact of surface water on wastewater infrastructure is also more sustainable as it reduces the pumping and treatment of unnecessary surface water and retains important capacity for foul flows.

As our powers under the Water Industry Act are limited, it is important to ensure explicit control over the approach to surface water disposal in any planning permission that you may grant.

Our reasoning for recommending this as a pre-commencement condition is further justifiable as drainage is an early activity in the construction process. It is in the interest of all stakeholders to ensure the approach is agreed before development commences.

#### Water Comments

A water supply can be made available to the proposed development.

The applicant must undertake a complete soil survey, as and when land proposals have progressed to a scheme design i.e. development, and results submitted along with an application for water. This will aid in our design of future pipework and materials to eliminate the risk of contamination to the local water supply.

United Utilities retained a small parcel of land next to the foot of Dumber Wood, close to the proposed footpath, and a right of way leads up to this area. At no time should the right of way be compromised or anything to occur that would affect United Utilities right to 24hr access.

**Sport England** (comments received 18/12/2015) Original holding objection based on loss of playing pitches. (comments received 09/05/2016) –

#### Assessment against Policy Exception E5 –Loss of Playing Field

The applicant has engaged an Agronomist to survey the site and provide a design that minimises the loss of playing field. The indicative pitch layout is for rugby union pitches and the Rugby Football Union (RFU) has been consulted. They are happy in principle with the layout but pointed out the Agronomy Report did not provide actual pitch specifications for the natural turf pitches. A condition will be required to ensure pitch specifications are submitted prior to commencement of the construction of the playing field. Only a basic layout and dimensions of the AGP's has been submitted, and whilst the overall dimensions has been approved by England Hockey the construction and drainage detail has not been provided. Plans showing the cross sections of the sub base, surface, materials, and drainage will be required along with scale drawings. Again this can be conditioned but will need to be a pre commencement condition (of the pitches not the entire development). Wording of the condition is set out in the section below.

#### Sports Needs Assessment

The loss of 1.4ha has to be justified against national and Sport England policy. The applicant proposed significant indoor sports facilities the benefit of which could outweigh the loss of playing field. However, to demonstrate the mix of sports facilities proposed meets a strategic need and can provide sporting benefits to outweigh the loss of playing field a Sport Needs Assessment was required.

The applicant has provided a Sports Needs Assessment and this clearly demonstrates the Kings School facilities will provide a different offer to the existing commercial and Council run facilities in Macclesfield. The focus at Kings School will be to support Sports Club Development which in turn will help increase participation in those sports. It is clear that the indoor sports facilities will be made available to pitch sports users for strength and conditioning and specific skills sessions, although there may also be the opportunity to address some overcapacity issues experienced by local residents at other venues in Macclesfield.

However, at the present time it is not clear how the timetabling and availability of the sports facilities will work. For that reason Sport England will require a Sports Development Plan to be prepared and appended to a Community Use Agreement (CUA). This can be conditioned on a prior to first use basis allowing the School time to liaise with both Sport England, the sports clubs and NGB's. Both Sport England and the NGB's are very familiar with preparing Sports Development Plans and Community Use Agreements and will assist and advise the School at the relevant time if required. I have reviewed a draft CUA provided by the applicant. The format follows Sport England's model CUA so from that perspective is acceptable. However, as there is currently no Sports Development Plan or information on facility availability and pricing, these elements will need to be included at a later stage and formally discharged as part of the CUA condition.

The maintenance and management of sports facilities to support both curriculum and community use is obviously different to providing maintenance and management just for curriculum use. For that reason Sport England need to ensure the management arrangements are consistent with the aims and objectives of the Sports Development Plan and Community Use Agreement, and that the maintenance regime is adequate to sustain the anticipated usage and to realise the sporting benefits in line with national and Sport England policy. Sport England will require a Management and Maintenance Plan which again can be conditioned on a prior to use first use basis. The management and maintenance of the pitch element should be informed by the recommendations set out in the Agronomy Report. The Sports Development Plan, Business Plan and CUA will help inform the indoor sports facility management and maintenance.

The design and layout of the indoor sports facilities and pavilion has been agreed with the NGB's and there is no need for a design condition for those.

The three applications are linked and therefore the response is for all 3 planning applications.

**Macclesfield Civic Society** (comments received\_22/01/2016)

Recent applications 15/4285M; 4286M and 4287M by The Kings School regarding proposals for development in Macclesfield and Prestbury – representations on application 15/4286M.

As you will know The Kings School recently submitted three planning applications in support of its project for the creation of a new educational facility in the environs of Macclesfield. However, before setting out our views on planning merits it is necessary to raise a procedural issue with regard to the scope and nature of the applications, as a follow up to my earlier letter of 21 July 2015.

Environmental Impact Assessment issues

The documents submitted in support of that scheme rely heavily upon the material in the environmental statement prepared for applications 15/4286 and 4287M – surely an indication that they are all part of the same project with effects that have to be evaluated comprehensively in accord with the Directive and the 2011 Regulations. I would suggest that this matter be reconsidered to avoid later reference to the Secretary of State.

Planning Policy issues

This is an extensive project which would result in the urbanisation of a significant area of open and agricultural land on the fringe of Prestbury and the Upton Priory area of Macclesfield. The project includes large scale buildings and transformation of open land into formal playing fields, access roads and parking facilities and would introduce significant additional traffic flow onto a rural road network.

The site is wholly within the Green Belt as defined in both previous and emerging Development Plans. School buildings of this scale are not one of the categories of development normally considered appropriate within the Green Belt and inappropriate development is, by definition, harmful to the Green Belt and its objectives quite apart from any amenity impacts resulting from the project's siting, materials and design. Accordingly "very special circumstances" must be demonstrated to justify such proposals. These are stated to be the benefits to the applicants from concentrating activity at one site, in a new purpose built

facility and funded by redevelopment or disposal of land and other assets elsewhere. It is for the local planning authority in the first instance to assess whether the very high threshold of justification has been met.

### Local impacts

The siting of the new school buildings aims to minimise visual and landscape impacts but these will still occur and their effect upon the character of the locality assessed. The Society does not consider that the design quality of the scheme in terms of mass, scale and elevational treatment reaches the “exceptional” threshold in terms of its effect upon the visual amenities of the Green Belt. Similarly, the disposition of roads and pitches must take into consideration the amenities of persons living nearby along Alderley Road; Macclesfield Road and Summerhill Road.

### Traffic and access

The project would introduce significant additional volumes of traffic into this locality and have a wider network effect upon traffic patterns in Macclesfield as well as along Alderley Road/Priory Lane and in Prestbury village centre. The nearby staggered cross roads junction does not currently operate satisfactorily and this is recognised in the traffic assessment. The Society is not convinced that the limited improvements through signalisation, as proposed, would be sufficient to assuage serious concerns about traffic impacts. Similarly the change in patterns of private car and bus traffic would also impact beyond the immediate locality and there is little indication that a comprehensive network assessment has been undertaken. There appears to be a reluctance to undertake any assessment of impacts upon the road network of the town beyond the access points to the Westminster Road and Fence Avenue sites yet traffic from the development of up to 450 dwellings would be significant given that the Cumberland Street/Hibel Road/Hurdsfield Road/Silk Road corridor is identified in the emerging Local Plan as a significant constraint on development possibilities. Whilst the wish of the applicants to avoid having to contribute towards necessary highway improvements is understandable from a narrow financial aspect the wider impacts of new developments should not be the sole responsibility of the tax payer or local government to resolve.

### **CPRE – (Comments received 20/01/2016)**

The proposal for this site is to build a substantial new school campus “in a parkland setting” on a particularly fragile area of Green Belt between Prestbury and Macclesfield on over 50 acres of land currently used for dairy farming and growing potatoes. In addition to the main school buildings there would be a sports centre containing a six-lane swimming pool, dance studio, six badminton courts and a gym. The average height of the buildings would be 40 ft. There would also be internal roads, car parks, five rugby pitches, two hockey pitches, six netball/tennis courts and five outdoor cricket net lanes. Footpaths would require re-routing.

Despite the scale of these proposals, this development is not shown in the Submitted Local Plan and it is unclear how it would be dealt with in the Local Plan if planning permission is granted. However, we strongly advise against it being approved for the following reasons:

This site alone would contravene all five of the Green Belt purposes. It was given the highest categorisation of making a ‘major contribution’ to Green Belt by Arup, as part of its Green Belt assessment for the Local Plan process (ref. ANX 12). And the existing King’s School playing fields (parcel PR 15), which this site would adjoin and sit to the west of, were also given the rating of ‘major contribution’. The playing fields were dealt with as part of the main

Green Belt Assessment Update in the Final Consolidated Report, Appendix C, on page C111 (ref. PSE 034 on the examination website). The site of the proposed new campus was dealt with as part a separate exercise that examined 12 more parcels (ref. PSE 034A on the examination website). (See extracts replicated on next page).

It is also worth noting that, immediately to the north of the proposed development site, sits Prestbury Golf Club, half of which was given the ranking of making a 'major contribution' to Green Belt (parcel PR 17) and half of which was rated as making a 'significant contribution' (PR 16). On the opposite side of the B5087, Alderley Road, from the proposed new school campus sits Macclesfield Rugby Club, again on Green Belt, (parcels MF 11 and MF 12). Both of these parcels which include and adjoin the Rugby Club were given the rating of making a 'significant contribution' to Green Belt. (N.B. The Rugby Club has submitted a pre-planning application to Cheshire East Council to build circa. 70 dwellings on their site. If this were also to happen in due course, Prestbury and Macclesfield would become one at this point).

The proposed development site is adjacent to a substandard staggered road junction known as Four Lane Ends which struggles to cope with existing school traffic generated by the two large schools immediately to the south of it, ie. Fallibroome High School (1,500 pupils) and Upton Priory (460 pupils). There is also a day nursery on the junction itself and another school is close by – St. Albans – with 310 pupils. Alderley Road is a winding rural road.

King's School itself says it would not be aiming to grow in size from its present 1,250 pupils but there is nothing to say it would not. The traffic calculations have been based on it not growing the pupil numbers, on there being 210 members of staff and on the assumption a significant percentage of new traffic movements would be outside of peak travel times due to pre-school and post-school activities. It is questionable as to how realistic this is and the resulting small difference predicted to the travel times seem very unrealistic. Proposals for highway improvements around the staggered junction appear to be very modest. There are none for beyond the immediate site area. There are no off-site measures proposed to enable safe cycling to school and the main feature of the travel plan is an offer to provide two extra mini buses to encourage more pupils to travel to school by sustainable means.

### Concluding Comments

This planning application presents a totally unsustainable proposition which has not been justified.

No special or exceptional circumstances have been put forward to make a case for building on either of the two Green Belt sites, both of which were given very high rankings in the recent Cheshire East Green Belt review. Part of the proposed housing site at Westminster Road/ Cumberland Street is thought to be on the site of a former waste tip – a totally unsuitable location for housing.

The figures on which the traffic data has been calculated for the Prestbury site are questionable and the mitigating measures proposed for potential traffic problems appear to be very modest and very localised.

This proposal would result in the loss of good quality farmland (3A in the case of the Prestbury site), trees and hedges and would require the re-routing of public footpaths. Open vistas would be affected at Fence Avenue and at Alderley Road and there is a strong likelihood that, if the new campus were built at Prestbury, the Green Belt between Prestbury

and Macclesfield would be lost entirely – particularly if the pending application by Macclesfield Rugby Club came into play as well.

CPRE urges Cheshire East Council to refuse this application.

**Prestbury Amenity Society** – (comments received 14/01/2016)

Impact on the Green Belt

This application is clearly in contravention of the Macclesfield Borough Local Plan Ref. GC1; development of new buildings within the Green Belt will not be given except in very special circumstances e.g. for agriculture or forestry.

We consider this planning application to be an inappropriate development in the Green Belt; by definition, where the development is harmful to the Green Belt it should not be approved except in very special circumstances, clearly, substantial weight must be given to any harm to the Green Belt. In this instance the degree of harm posed by the new school building and associated infrastructure will be exceedingly severe. This development will encroach upon and urbanise a large area of open countryside and thereby joining Macclesfield with Prestbury. The Green Belt around Prestbury is in place to protect this historic Cheshire rural village which we consider to be very important.

This application is not a very special circumstance nor does it demonstrate a need; the existing school on the main site could be extended and possibly funded by the sale of their Fence Avenue site whilst still retaining their existing sports ground facilities within the Green Belt, which is a little more acceptable.

Agricultural Land

Ref. GC13 states .... development of the best and most versatile agricultural land (grades 1, 2 & 3) will not be permitted unless opportunities have been assessed for accommodating the development on previously developed sites. Again, the proposal contravenes this condition.

Impact on Prestbury Golf Club

This sports club and facility is a premier amenity within our village and we are aware of the detailed objection they have submitted; whilst not wishing to repeat their detailed submission we wish to align the Amenity Society's support on all points expressed there in.

Traffic Congestion

This development, if approved, will seriously overload the roads around Prestbury. The village High Street has a 20 mph speed limit; it is very narrow such that the added traffic will obviously cause serious congestion at peak periods. Also, the proposal to run a bus service from Prestbury train station is quite impractical, there are no parking areas for buses and the location is again on a narrow road at a right angle road junction.

The crossroad junction at Macclesfield Road / Priory Lane is extremely busy because of the traffic flow to and from Fallibroome Academy plus the children's nursery on this corner; to add the traffic as would be generated by King's School being in such close proximity would be a gross overload and create a serious accident hazard.

Visual Amenity

GC3: the visual amenity should not be injured by proposals for development:-

We assess that this development would considerably injure the visual amenity towards Big Wood and beyond plus seriously damage the visual amenity currently enjoyed by Prestbury Golf Club. The 3 storey buildings are obtrusive and more akin to the design for warehouses as you would expect on an industrial site.

Within this context we also consider that the loss of trees and hedgerows to be of serious concern; they also help to drain the land and protect against flooding.

#### Impact on Prestbury Village

Prestbury is a historic village with medieval origins and located in a conservation area. This proposed development is totally out of character with the area which will be damaged forever if approved. Prestbury Amenity Society most strongly objects to this application because of the aforesaid reasons and urge that it should not be approved.

### **VIEWS OF THE TOWN AND PARISH COUNCILS**

#### **Macclesfield Town Council** – (comments received 20/01/2016)

At the meeting of Macclesfield Town Council's planning Committee on 7/1/16 the following was response was resolved in relation to Kings School Alderley Road Planning Application 15/4286M

#### **Resolved**

- i. That any planning consent granted should be subject to a detailed Highways impact assessment and all recommendations and mitigations from such a report must be implemented.
- ii. That any planning consent granted should be subject to an environmental assessment and any recommendations and mitigations from the appropriate agency must be implemented
- iii. That comments submitted at the public meeting of 6/1/16 be shared with the planning authority.

#### **Prestbury Parish Council** – (comments received 18/01/2016)

Prestbury Parish Council considered the full planning application by King's School (ref. 15/4286M) at its January meeting and voted by a majority to object to it.

The new school campus that is proposed would be entirely within Prestbury Parish and entirely on Green Belt land that adjoins an Area of Special County Value. The reasons for our objection are as follows:

- It is not apparent that sufficient effort was put into finding alternative (more sustainable) sites that satisfied the school's desire to have one campus
- The application is in contravention of the five Green Belt purposes. The school has explained its business case to us but the majority of Councillors were not convinced that this constituted special or exceptional circumstances



- Not only is this site Green Belt, but – according to the Green Belt Review carried out by Arup consultants for Cheshire East Council as part of the Local Plan process – it makes a ‘major contribution’ to Green Belt purposes (ref document PSE034A, Green Belt Assessment Update Further Annex Parcels, on the examination website)
- The land is all good quality farm land, i.e. ‘best and most versatile’
- The development would result in the loss of mature trees and hedgerows
- A significant proportion of the land would become hard surfacing either for buildings or internal roads, parking, assembly areas, hard surface playing areas or paved footpaths and this would be immediately above the Bollin Valley flood plain.
- Whilst the King’s School has proposed improvements to the Four Lane Ends junction, these appear insufficient in view of the present traffic issues around the Four Lane Ends junction. Several Councillors (and many members of the public) have expressed concern that these and traffic issues elsewhere would be exacerbated, despite the traffic assessment and the travel plan. Particular concern was expressed about the junction of New Road and Butley Lanes where it is proposed there would be a pick-up and drop-off point for a mini bus. (That said, the school has recognised it has more work to do on its travel plan and has offered to work with us if the plan is approved).
- The application is in contravention of the following Macclesfield Local Plan policies: GC1, GC3, GTC4 and GC13 and PRE 07, 08, 09 and 10.

Kindly note our objection and bring it to the attention of the Strategic Planning Board.

#### **Over Alderley Parish Council – (comments received 20/03/2016)**

OAPC have concerns that the relocation of Kings School to the proposed site will cause a significant increase in the volume of vehicles using the B5087 Alderley Road passing through Over Alderley.

The Travel Plan identifies that there are currently no coach routes which travel through Over Alderley, however, revised coach routes, designed to access the proposed site, identify two coach routes travelling along the B5087 to the school. The stretch of the B5087 which passes through Over Alderley has several narrow sections with bends for which regular use by coaches would be considered unsuitable.

Concern is raised regarding the amount of proposed onsite parking provision which does not appear to sufficiently correlate to the number of vehicles expected to drop off and collect pupils and to accommodate staff. It is noted that the B5087 is not currently designated as a highway with parking restrictions, therefore, could become abused by vehicles associated with the site that are unable to park onsite creating additional traffic disruption and hazard.

Whilst the Parish Council acknowledge the wish of the school to reduce the number of car journeys associated with the site, it is considered inappropriate to jeopardize highway safety on the assumption of realizing an uncertain aspiration. The Transport Assessment identifies that the potential traffic impact upon Alderley Road, due to the proposed development, will be an increase of 143.22%. This is not considered to be acceptable especially as no measures have been suggested to mitigate the impact of the traffic upon the Parish of Over Alderley. This stretch of highway has been the subject to many accidents and near miss incidents,

which, should the proposed increases in traffic be permitted without the implementation of appropriate amelioration measures is likely to lead to an increase in the frequency and severity of future accidents.

Over Alderley Parish Council has already raised concerns regarding highway safety of the B5087 through the Parish with both Cheshire East Council and the Police. A highway review of this route has been prepared, however, confirmation is sought that the impact of the proposed development, including potential changes to traffic patterns, will be taken into consideration when drawing conclusions regarding appropriate measures to be implemented to improve highway safety to all user groups including pedestrians, cyclists and horse riders.

## **OTHER REPRESENTATIONS**

### **Prestbury Golf Club** (comments received 08/02/2016)

#### Conclusions

Having considered the applicant's revised plans and additional supporting information I remain of the firm view that the planning application should be REFUSED on the following grounds:

- 1) The site lies in an area of open countryside within the designated Green Belt where there is a general presumption against new development, as set out in the adopted Macclesfield Local Plan and the National Planning Policy Framework (NPPF). The development would constitute inappropriate development within the Green Belt which is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. Such very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The development would cause serious harm to the openness and purposes of including land within the Green Belt. No very special circumstances have been demonstrated that clearly outweigh the harm to the Green Belt. The proposed development would therefore be contrary to the adopted Macclesfield Local Plan and the NPPF.
- 2) The proposed development would constitute a major visual and noise intrusion into the open countryside which will have a seriously detrimental impact on the amenity of countryside users, including Prestbury Golf Club.
- 3) The proposed development, including the consequent realignment of public footpaths, would pose a serious health and safety risk to school children and the general public due to the likely prospect of golf balls landing within the school grounds.
- 4) The proposed development would harm the setting of Fallibroome Farm (Grade II listed) without adequate countervailing benefits, contrary to paragraph 133 of the NPPF.
- 5) The proposed development would have an unacceptable impact on local highway and road safety conditions due to the high levels of peak am and pm traffic it will generate in the vicinity of the site.

430 Comments from the public between 08/12/2015 - 22/04/2016 and a petition raised the following issues

#### In Support

- The school is involved in voluntary initiatives, music and theatre productions
- Sports and recreation facilities will be available for booking by the community out of school hours.
- sporting and education “corridor” by proximity of facilities generates potential for future synergies and share use of facilities (Fallibroome, Macc Rugby Club, Prestbury Golf Club, Derby Fields)
- “Beautiful” building proposed
- although comments that most pupils come from outside the town, a survey last year reportedly indicates that 90% of pupils are from SK10 or SK11 postcodes
- Consolidation on one site secures the future of the school (and associated benefits to local economy)
- Provides good choice for school for Cheshire East residents
- The School has examined the possibility of consolidating on its existing sites, but neither is able to deliver the calibre of School that the new site will deliver
- Consideration of site close to other education and leisure facilities and similar scales of development
- Keeping the School in the Macclesfield area is vitally important to the town as a whole
- Comparison to Astra Zeneca( and other offices, houses, factories) that it is a positive thing that someone had the foresight to develop an industrial park in what was once the countryside.
- Investment during construction phase.
- Employment generation
- Attracting staff and families who contribute to the local economy, spend in local shops
- estimated £150million economic benefit to Macclesfield and the region over 10 years
- Annual turnover of Kings in the Town is £8 million: 250 people directly employed at the School and a further 450 indirectly.
- Concern that the town may lose the school if the proposals do not go ahead, with associated loss of business and historic connections, that there are no realistic alternative sites nearby and that the school needs to expand.
- 5% of the site as built footprint, predominantly open
- Along with Fallibroome, creation of “buffer zone” of educational/sporting land use between Prestbury and Macclesfield, preventing further development to merge the settlements.
- questions over whether the rugby club, leisure centre and fallibroome were built on greenbelt land, and if so, Kings proposal are not setting a precedent.
- Respected school – beneficial to the area,
- Well respected outside of Macclesfield
- The school has been part of Macclesfield for over 500 years, historic significance to the town
- School has demonstrated good stewardship of existing land and facilities
- Enables school to remain competitive in independent school market
- Release of land for housing closer to town centre
- Proximity of housing sites to railway and bus stations and town centre access on foot
- Opportunity for construction of Starter Homes and affordable housing
- Acknowledging increased traffic at peak times, however, school bus and other initiatives to be developed by the school, reduction of school traffic at existing town centre sites

### In Objection

- The benefits do not constitute special circumstances to justify loss of green belt based on NPPF criteria (i.e. not for agriculture or forestry, limited infilling etc)
- Green Belt Assessment Report 2013 considers PRE07 parcel of land at east of the site as a

'major contribution' to the Green Belt. Appendix A to the report also highlights the need to prevent urban sprawl to the west, states importance of the land in preventing ribbon development extending further out from Prestbury along Macclesfield Road.... ( Frost Planning on behalf of Prestbury Golf Club .)

- Assessment by ARUP states the site makes a significant contribution to the Green Belt – application fails to acknowledge this.
- Application states "the site is already developed and not wholly open", Council assessment states "there is still a significant degree of openness"
- Application states "Its setting and historic role are not matters that need to be preserved by the Green Belt" However the omission of consideration of preservation of historic setting was one reason the Planning Inspector required reassessment of greenbelt. The Arup statement says "the parcel makes a SIGNIFICANT contribution to protecting historic assets".
- Falls foul of the 'permanence' aspect to not building on the Green Belt.
- Proposes a significant encroachment into the countryside (as paragraph 80 of the national planning guidance emphasises local planning authorities should guard against) by proposing a large building (unrivalled in size for an educational establishment in the area) on the outskirts of Macclesfield.
- Results in the 'urban sprawl' effect by allowing further housing building to displace the school's usual locations and thus increasing the size of Macclesfield town.
- Fails to identify beneficial factors in favour of development that outweigh the harm caused to the Green Belt.
- Does not fall within paragraph 89 of the guidance (i.e. facilities for recreation may be circumstances where buildings are not to be regarded as "inappropriate"). The primary purpose of the development is the construction of a huge building in order to provide housing within Macclesfield. This is effectively building on the green belt by displacement. Sports facilities already exist at the location.
- to support commercial growth of Kings school in detriment of community
- Loss of over 70 acres prime agricultural land, appropriation of land saved for decades for benefit of community
- Questioning why housing can't be built on brownfield sites
- Noise concerns- there is already noise from sports at Derby fields site without "ill effect" on the golf club and residents
- Impact on adjacent registered ancient woodland. Concern for development changing the water table with potential flooding of the woods and damaging balance of ecosystem.
- Loss of fields, wildlife, open countryside.
- Loss of agricultural land and associated loss of resources to grow food
- Visual and noise impact in the open countryside
- Realignment of public footpaths – safety concerns for school children and general public.
- Impact on land of special county value
- Adjacent to land marked as being of special county value.
- In relevant planning policy terms it is noted that "In areas of special County value the Borough Council will seek to conserve and enhance the quality of the landscape and to protect it from development which is likely to have an adverse effect on its character and appearance."
- It is inconceivable that the planned development will not detrimentally impact upon the quality of the landscape, its character and appearance (see representations on the environment at section 3 below). At present the views from the area of special county value are of countryside and agricultural land. These will now be replaced, in several areas, by a view of a modern school, outbuildings and floodlights.

- Impact of noise, light, presence of more people and traffic on two non-statutory designated areas of special conservation importance – Sandy Lane.
- 40ft height of one building,
- visually dominating impact of tall buildings
- lower exit/entrance – why not one big entrance and exit so sports field end can be behind raised banks from the levelling process/screened by trees to reduce visual impact and noise from school games and matches.
- inappropriate scale of development for the area
- perceived poor design quality of the building
- site has two distinct parts, the flat playing fields and the contoured agricultural land. Even though both owned by Kings their distinct differences mean it should not be considered as one uniform site. (I am not sure whether this refers to the Derby fields site or Fence Avenue).
- Fallibroome believed to have had height restrictions when built
- the 5% built footprint proposal is misleading – buildings closer to 8% and where carparks, pitches, courts included covers 31.9% (see Fleets Farm response)
- Questions whether development will produce increase in long term employment
- A belief that the financial benefit in buying low priced farm land and selling existing sites is behind the proposal
- The school is essentially a business, and in its relocation loses its association of heritage with Macclesfield.
- Potentially 64 full time job losses as result of the proposal (?)
- Working dairy farm at Fallibroome farm, loss of livelihoods – “forced to finish” (?)
- Location away from town centre makes access to the school even more difficult to pupils from less-well off backgrounds.
- Negative effect on nearby house prices, one respondent reports a buyer pulling out on hearing about proposal
- Floodlighting disturbance of wildlife and neighbours
- Currently Prestbury has no streetlighting other than on the main street, this proposal will have 24 hour lighting
- Lighting in an elevation position
- Impact of lighting changing the rural nature of the area
- Merging Prestbury and Macclesfield
- Concern of loss of character of areas surrounding Over Alderley, Prestbury and Fallibroome
- Suburban sprawl concerns
- Concern for increased traffic congestion
- Concern for safety of pedestrians and cyclists, students, residents and commuter safety
- Concern that the “four ways” junction is already dangerous
- Already “gridlock” experienced at peak times of the day on Priory Lane
- A number of respondents who use the four lane ends junction currently have expressed concern about the impact of traffic on this junction if the proposal goes ahead.
- Already fallibroome – 1300 pupils, St Albans (400), Upton Priory (400 pupils, the proposal would add 1500 pupils to the area, total of 3600 pupils daily.
- Already an issue some weekends with parking of around 50 cars for rugby matches, making it difficult for residents already
- Prestbury Day Nursery traffic in addition to schools, on the “four ways” junction, plus safety of nursery children
- Several respondents have a number of traffic accidents on nearby roads.
- Concern that Alderley Road is frequented by bikers in the evenings, already unsafe

- Concern of change of character of Alderley Road from “winding country road to a built up urban highway”
- Concern that traffic previously using silk road A523 or Manchester Road A538 will redirect through Prestbury village causing congestion
- Ripple effect of traffic for surrounding areas
- Insufficient space at junctions to create adequate improvements to cater for the increase in traffic
- Traffic lights needed
- Unrealistic for students to arrive at school by cycle or bus
- Concern that the traffic survey took place during school summer holidays when traffic flow is significantly reduced
- “impacts on accidents and safety moderate significant”
- following highway improvements - low beneficial impact on driver delay along Alderley Road ... moderately significant effect”
- Concern that Environmental statement designed to mislead, implying net effect on traffic is minimal or neutral by offsetting any reduction of traffic to Fence Avenue & Westminster Road against the additional traffic at the Four Ways intersection.
- Application uses generalised assumptions about walking/cycling modes of transport without taking into account specifics of the site.
- a regular review of effectiveness of the travel plan will need to be conditioned, and proposals for improving it as necessary, to mitigate issues if travel plan proves inadequate where demands and numbers of pupils etc changes.
- More suitable for this size school development closer to central location to offer the right access, transportation and construction.
- Planning statement fails to adequately consider alternative sites. (p.33, 40,41)
- Suggestions for cycling from prestbury or macc stations unrealistic
- Loss of vibrancy from town centre, concern that this could lead to further closures with detriment to town centre.
- The King’s School proposals identify that there will be an overall reduction in the total area of playing field. For the East of Macclesfield this represents a major loss with no plans for any replacement of mitigation. The increased housing proposed in Fence Road and Westminster Avenue cause a further deterioration in the playing field area per capita.
- The latest Urban Potential Study undertaken by CEC indicates that Macclesfield ranks as having significant brown field potential. As a consequence of this the parallel Greenbelt assessment states: Macclesfield has 4.0% brownfield urban capacity for potential development, therefore the parcel makes a significant degree of contribution to the purpose.. Thus King’s assessment is counter to that of the Council.
- Tytherington – due to mix of high-end residential property office and other uses. Good access via Silk Road (A523) and close to established bus routes.
- Alderley park considered as an option
- Sites to the south of Macclesfield
- Barracks mill site
- Concern for loss of peaceful and green surroundings
- Impact on visual amenity
- Increased noise pollution (both during construction phase and when in use as a school).
- Increased light pollution
- Concern that air quality report in support of the application is unclear as some of the Cheshire East air quality recorders are not functioning (AQMA report Nov 14).
- Question over whether Kings with 1300 pupils needs a site as proposed, 3 times the size of

Fallibroomes for 1500 pupils

- Too many schools in the area
- Listed buildings
- Harm to the setting of listed Fallibroome Farm, Trugs Barn and Prestbury Golf Club
- School" leaving its heritage" - consideration of local people in the relocation.
- No strategic need in Council's evidence base for Local plan suggesting a need to relocate Kings school and to release green belt land in order to facilitate this. Approval would question the soundness of the emerging Local Plan
- Air pollution, smells.
- Floodrisk – elsewhere there is need for modification of existing floodrisk assessments due to changes to climate and weather extremes, concern that the downstream effects need to be more stringently modelled to ensure safety with increase in surface run-off.
- Concern about CIL levy to pay for transport and environmental works
- Development serves only a small number of local residents
- The educational benefits to Macclesfield people are exaggerated, as approx. 97% of Macclesfield children are educated in State Schools.

Issues to be resolved (where no objection in principle)

- Staggered junction – priory lane/Prestbury/Macclesfield (Four Lane Ends) unsuitable, requires remodelling for increased traffic with Fallibroome school already close by.
- Cycle ways needed from both schools to Prestbury and Macclesfield
- Speed cameras/engineered chicanes to slow traffic required for Macclesfield Road and Prestbury Road in particular
- Increased heavy traffic during 5 year construction period – will need set route to avoid Prestbury village.
- Proper site carpark required to avoid contractors vehicle parked on road verges.
- Wheel wash to avoid mud spreading from site onto local roads
- 7am-6pm Monday to Friday limitations to work on site.
- Impact to views, and of noise to houses at the end of Summerhill Road. Potential for relocation of sports hall away from residential area.

**APPLICANT'S SUPPORTING INFORMATION**

- Planning Statement-
- Environmental Statement
  - o Scoping
  - o Archaeology
  - o Site selection and alternatives
  - o Socio economic effects
  - o Transport and highways
  - o Landscape and visual
  - o Heritage
  - o Ecology
  - o Flood risk, hydrology and drainage
  - o Ground conditions and hydrogeology
  - o Air quality

- Noise
- Summary of mitigation and residual effects
- Air Quality information
- Visual Impact Assessment
- Noise Impact Assessment
- Primary Ecological Appraisal
- Ground level bat survey
- Viability Assessment
- Economic Report
- Statement of Community Involvement
- Sustainable design assessment
- Framework Travel Plan
- Transport Assessment
- Flood Risk Assessment
- Geo Environmental Reports
- Heritage Impact Assessment (29/03/16)
- Arboricultural Statement
- Tree Survey
- Archaeology Statement
- Design and Access Statement
- Playing Field Assessment
- Statement of Community Involvement
- Economic Statement
- Existing Sports Provision
- Illustrative Masterplan (Amended Feb 2016)
- Green Infrastructure
- Preliminary Ecological Survey
- Section 106 agreement – April 2016

### **Planning statement conclusions**

This Statement sets out the arguments to assess whether the proposal should be granted planning permission. The starting point is the Green Belt. Part A examines the question of development in the Green Belt. Part B addresses the site specific issues that arise from developing Derby Fields.

The conclusions reached are:

**1.** There is harm to the Green Belt by reason of encroachment on the open countryside.

**2.** That harm is mitigated by:

a. The landscape setting repeating the form of landscape already present in the surrounding countryside at this part of the Green Belt. The established landscape setting is created by the existence of:

i. The playing fields, car parking and sports pavilion building at Derby Fields.

ii. The designed and laid out area of recreational grounds with associated infrastructure and buildings at Prestbury Golf Club, Macclesfield Rugby Union Football Club, The Fallibroome Academy and Macclesfield Leisure Centre.



b. The landscape proposals to reduce or remove views of the buildings from public vantage points.

c. The location of the building to reduce visual impact.

**3.** That harm is outweighed by this consideration of very special circumstances, namely:

**Consideration 1:** The need of The School to consolidate onto one site.

**Consideration 2:** The need for The School to remain in Macclesfield.

**Consideration 3:** That there are no alternate sites that meet the needs of The School outside of the Green Belt.

**Consideration 4:** Benefits arising to Macclesfield from developing The School's existing sites.

**Consideration 5:** The harm to Macclesfield of The School locating in the countryside beyond the Green Belt.

**Consideration 6:** That there is no harm to four of the five purposes of including land within the Green Belt, and the harm to the fifth is mitigated by the landscape changes providing a landscape that reflects the dominant characteristics of this part of the Green Belt; and the identified visual impact brought about by careful design and landscaping.

**7.2** Given that the harm is outweighed, very special circumstances exist.

**7.3** It therefore follows that planning permission should be granted for the development proposed.

## **APPRAISAL**

### Key Issues

- Principle of development
- The Green Belt
- Loss of King's School at the Fence Avenue site
- Loss of playing pitches
- Sustainability
- Affordable Housing and Viability
- Loss of pitches and relocation of facilities
- Landscape Impact
- Trees
- Access and Public Rights of Way
- Best and most versatile agricultural land
- Ecology
- Amenity
- Flood Risk
- Employment
- Economy of wider area
- Conservation and Design
- Highways
- Section 106 agreement
- CIL
- Representations
- Conclusions
- Planning Balance
- Recommendation

## Principle of development

The site is located within an isolated rural location, the site lies approximately 713m to the northwest of the northernmost point of Macclesfield and approximately 450m to the nearest point to the south of Prestbury. The site is located within the Green Belt where the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open indeed the essential characteristics of Green Belts are their openness and their permanence. The whole site is washed over by Green Belt and is has not been developed. The site is currently used for the grazing of cows by the nearby farm. The site has an open character.

Within the Green Belt only certain types of development are not inappropriate, these are set out at paragraph 89 of the NPPF, and include:

- *buildings for agriculture and forestry;*
- *provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;*
- *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- *the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*
- *limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or*
- *limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

In terms of this application, there are no buildings on site at the present time, the application proposes a series of sports pitches along with play areas for the school, along with the school buildings themselves, one of which is the sports hall. It is considered that the proposed playing pitches are appropriate facilities for outdoor sport and recreation, the facilities building for the maintenance of these pitches is considered to be an appropriate supporting facility for the outdoor sport and recreational use, along with the specific car parking area which serves the outdoor sporting facilities. The proposed pavilion, could be an acceptable form of development, providing the size of the building is appropriate to serve the sporting facilities. Therefore these elements of the proposals are not inappropriate by definition, however careful justification for them would need to be given if they were in isolation, due to the adjacent sporting facilities within very close proximity to the site. Therefore an assessment would need to take place on the individual merits of the outdoor sporting facilities given their location.

However, the remainder of the proposals relate directly to the development of the new school, which comprises two main buildings, the main school building, and the indoor sports building. There is no question that the proposed facilities would be state of the art, given the vision for the project. However, the development of new schools is not considered to be an acceptable form of development within the Green Belt therefore are inappropriate development and harmful by definition. Unless very special circumstances exist to clearly outweigh the harm by

other considerations. The NPPF at paragraph 88 urges Local Planning Authorities to ensure that substantial weight is given to any harm to the Green Belt.

The proposed development is therefore harmful by definition and very special circumstances must exist to justify the departure from established Green Belt policy. A case made up of a series of considerations has been put forward. The applicant stresses in the planning statement that these considerations amount to the very special circumstances required to overcome the automatic harm by inappropriateness and to the purposes for including land within the Green Belt.

The following considerations have been put forward:

***Consideration 1: The need of The School to consolidate onto one site***

***Consideration 2: The need for The School to remain in Macclesfield***

***Consideration 3: That there are no alternate sites that meet the needs of The School outside of the Green Belt***

***Consideration 4: Benefits arising to Macclesfield from developing The School's existing sites***

***Consideration 5: The harm to Macclesfield of The School locating in the countryside beyond the Green Belt***

***6. Consideration 6: That there is no harm to four of the five purposes of the Green Belt, and harm to the fifth purpose is outweighed by other considerations.***

Consideration 1 – the case has been put forward for the school to consolidate onto one site. This has been demonstrated in the planning statement to improve efficiency, co-educate pupils and students and accommodate ages from 3-18 on one site. Clearly the benefits of this are that it would save money for the school by only having to run one site. The site would be new, therefore the maintenance would be low, the buildings themselves would be more efficient, and the environment for the children and young adults would be positive clean and spacious, which would foster a positive learning environment.

However, having visited both existing sites, the current situation benefits from a historic town setting, a sustainable location where pupils can walk to school and into the town. The existing school buildings some of which have been in situ for many years are of a high architectural value and are listed. This brings benefits as the school is well established in these locations and are statement buildings within the town.

The efficiency of consolidating onto one site is beneficial especially in financial terms. However the existing facilities at both schools attract the families of pupils and students from far and wide, and the historic significance of the existing sites and their links with the town will undoubtedly play a part in the popularity of the school.

Therefore it is considered that whilst the consolidation may be beneficial to the school it is not essential in planning terms for the school to relocate onto a Green Belt site.

Consideration 2 – The need for the school to remain in Macclesfield. It is acknowledged that the school is an important institution in the town and has historic links in the town. However as part of the planning considerations, the scenario of the closure or complete relocation of the school must be considered. If this were to occur, would the Macclesfield community suffer as a consequence? It is clear that private schools play an important role in the education system,

however should the school be relocated, the provision of state education would remain the same, however existing pupils and students would either relocate to an alternative state school in Macclesfield or the surrounding area or travel to an alternative private or public school, which may put pressure on these alternative institutions. This would have an economic impact on the local area, as the pupils and students who relocated altogether would no longer use the facilities in Macclesfield.

In addition to this the school employs a large number of people, who are likely to live in relatively close proximity to the school, these people may currently walk to their place of work and may only live in the area because of their work. Therefore the consequence of the loss of the school as a professional employer to the area would have a significant impact on the local community and the vibrancy of the area. In addition to this, local clubs and organisations use the facilities provided by the school at both sites, therefore these facilities would no longer be available, and these clubs and organisations could be at risk should they not be able to find alternative accommodation.

It is therefore considered that the need for the school to stay in the Macclesfield area is an important one, and the benefits this brings are important to the local community as a whole, not just to the immediate pupil and student population.

Consideration 3 – There are no alternative sites that meet the needs outside of the Green Belt. As part of the submission for the application an alternative sites document was produced which formed part of the environmental statement documents, this exercise must be completed to ensure a robust environmental impact assessment has been carried out. The applicant was requested to complete further work on this aspect following discussions as part of the application process which were submitted in March 2016 and a full reconsultation on the additional information has taken place.

The alternative sites work concludes that no sites that are not within the Green Belt are suitable in size of type to accommodate the school site which according to the school requires in excess of 20ha in order to meet the requirements of the school.

The alternative sites have been assessed as follows:

1. Alternative Sites in the Urban Area of Macclesfield
2. Alternative Sites in Other Settlements
3. Alternative Sites Beyond the Green Belt
4. Alternative Sites in the Green Belt

The alternative sites document sets out the process of elimination carried out by the school. It is clear from the information provided that a great deal of thought was given to the relocation of the whole school onto the Fence Avenue site, however the information details why this would not be financially viable or sustainable if the school were to continue the same number of students. In addition to this it is agreed that alternative sites in the urban area of Macclesfield or within other towns could not accommodate the school and keep it in the local area. Alternative sites beyond the Green Belt again are demonstrated to not be a viable option if the school is to remain in Macclesfield. Finally a detailed alternative sites within the Green Belt around Macclesfield has taken place. The Derby Fields site was assessed with 17 other Green Belt sites and scored the highest.

From the evidence provided in the alternative sites document, it is considered that a robust exercise and process of elimination has taken place to the satisfaction of the Council for the purposes of assessing this application on its merits.

Consideration 4 – The benefits to Macclesfield by the development of the school's existing sites. It is clear that the delivery of 450 dwellings will provide benefits to the Macclesfield community, in addition to this the local shops and services will benefit by the increase in population and investment in the local area, as 450 dwellings will create significant boosts to footfall in the town over an above what the existing school does. Especially as this benefit will be all year round whereas during school holidays the use of shops by pupils, students and employees would be significantly lower, especially if they do not reside in the town.

However, the proposals to develop the existing sites are not entirely positive, and both proposals have been individually assessed on their merits and at the time of writing this report are not acceptable in planning terms as neither provides the community benefit required to make the sites socially sustainable. Therefore the weight that can be attached to this point is reduced as the schemes are not policy compliant, apart from the economic benefit. Therefore this circumstance cannot be considered to be a very special circumstance that carries significant weight to outweigh the harm of the proposed development. Notwithstanding this, the development must be assessed on its individual merits also.

Consideration 5 – The harm to Macclesfield locating beyond the Green Belt. This point closely relates to consideration 2 where the benefits of the school remaining in Macclesfield have been demonstrated.

Consideration 6 – There is no harm to 4 of the 5 purposes for including land within the Green Belt. This point refers to the contribution the site makes to purposes for including land within the Green Belt. Five purposes for including land within the Green Belt are set out in paragraph 80 of the NPPF and are shown below:

- *to check the unrestricted sprawl of large built-up areas;*
- *to prevent neighbouring towns merging into one another;*
- *to assist in safeguarding the countryside from encroachment;*
- *to preserve the setting and special character of historic towns; and*
- *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

The planning statement considers that the proposed development will not conflict with any of the purposes for including land within the Green Belt except for encroachment.

Having assessed the site it is not considered that the proposal will contribute to unrestricted sprawl of large built up areas. Whilst the site is approximately 700m to the north of Macclesfield, it does not cause Macclesfield to sprawl further, instead this is a more isolated site which is located in an area which is open and rural in character, it is therefore agreed that it will not see unrestricted sprawl.

With regard to neighbouring towns merging into one another, the site sits within the context of both Macclesfield and Prestbury. The site stretches to the north to the Prestbury Golf club and Summerhill Road both of which are part of Prestbury. Whilst this site itself does not join Macclesfield and Prestbury it certainly erodes the gap between the two. It is considered that the site is in a sensitive location in relation to this function.

The planning statement concurs that the site would cause encroachment into the countryside, the site covers an area in excess of 20ha, which will go from open pasture land with rural characteristics to a formal school scenario with very formal outdoor areas such as the play areas and large areas of car parking, formal landscaping and two very large buildings. Whilst the site will be contained within the perimeters, this is not to say that would always be the case. The Derby Fields site forms part of the school, and this could come under pressure for development in the future, so it cannot be guaranteed that boundaries to curtail development will remain indefinitely. The site will cause a significant encroachment into the countryside and conflicts with this purpose for including land within the Green Belt.

It is not considered that this site will harm the historic setting of towns as it is in an isolated location. The planning statement has assessed this in relation to the other school sites. However, this proposal when assessed in isolation will not conflict with this purpose.

The proposals will in the round assist in urban regeneration by releasing two sites. However this proposal alone will not do this as this is a green field pasture site.

Whilst it is acknowledged that the applicant does not consider the proposal to conflict with all of the purposes for including land within the Green Belt, this is not the test to determine whether development is acceptable in the Green Belt or not. A proposal can conflict with any number of the purposes to be contrary to paragraph 80 of the Framework. Therefore consideration 6 is not considered to be a very special circumstance, as the proposal clearly conflicts with the purposes for including land within the Green Belt.

The planning statement gives examples of other school developments which have been approved or allowed on appeal in other instances. Some relate to Green Belt scenarios others do not. When comparing the examples given, a number did not relate to Green Belt sites, therefore it is not fair to compare these as equivalent scenarios. The vast majority of the examples included extensions to schools, or the redevelopment of existing school sites. One example of a new site for an educational facility was given which related to a large facility for Cambridge University, whilst this is an example of a new facility in connection with an educational facility, it was considered that this would have significant benefits for the University and for the city of Cambridge, and this was assessed on its individual merits. It is considered that whilst the examples put forward do show that educational facilities can expand or be redeveloped in the Green Belt, this does not set a precedent for new schools within the Green Belt, and each case should be assessed on its individual merits.

No further very special circumstances (or considerations) have been put forward by the applicants. It is considered that the points 1, 2 and 3 do carry some weight in the planning balance and similarly point 4 allowing the release of two large housing sites is a material consideration, however the schemes put forward are not policy compliant and would not deliver the minimum community benefits required to make them acceptable and achieve sustainable development therefore the weight to be attributed to this circumstance is significantly reduced. Therefore it is considered that circumstances 1-4 combined, do not amount to the very special circumstances required to outweigh the significant harm to the openness and permanence of the Green Belt in this case and therefore the application should be refused on Green Belt grounds.

### **The Loss of Playing Pitches**

The Fence Avenue and Westminster Road sites currently contain a large number of sports pitches which are used by the school and can be used by the wider community. These however are not publically accessible at all times and do not comprise public open space.

The proposal for the new school includes a wide range of sports facilities, however as part of the plans for the new school, the amalgamation of the two sites onto one site will inevitably see the loss of some facilities as duplicates will not be required. This is not to say that a substantial quantum of sports facilities including play pitches will not be required in order for a school with the whole student population on one site to function effectively. Due to the size of the proposed school and the number of students it will accommodate, enough playing pitch and sport facility space is required.

Sport England, originally had a holding objection to the proposals, however following the submission to Sport England by the applicants of an agronomist report and a Sports Needs Assessment. The holding objection has been removed subject to suitably worded conditions. Therefore the proposals subject to conditions accord with paragraph 74 of the NPPF.

## **Sustainability**

Sustainability is the golden thread running through the National Planning Policy Framework, and proposals for sustainable development should be approved without delay. There are three strands to sustainability, social, economic and environmental.

### **SOCIAL SUSTAINABILITY**

#### **Loss of Sports Pitches and relocation of facilities**

As explained earlier in this report, the proposals will see a loss in playing pitch provision which have now been justified to the satisfaction of Sport England. However, in addition to this, the relocation of the existing sports facilities to an out-of-town site will see the loss of the facilities which are currently utilised by the community for various activities and sports clubs is an important consideration, the current sites are both in sustainable locations with easy access for the residents of Macclesfield and the wider community with good public transport links to Macclesfield. Whereas the new facilities, although they will be new and of a high quality, will be located in a less sustainable location.

The applicants have demonstrated in their supporting statements that the facilities are used by a number of groups and organisations, and that the school are dedicated to allowing this to continue. It is considered that through effective communications, and a travel plan, that the location of the new sports facilities as part of the new school, which is adjacent to the existing Derby Fields sports site and Macclesfield Rugby Club, this move would not be an unreasonable upheaval, and would not have a negative impact on the existing users of the facilities as they would still be available. The availability of the facilities for interested parties will be secured through the Section 106 agreement.

## **Education**

This application proposes to provide a new school, with state of the art facilities. The provision of a new school and a more efficiently run site is supported. The relocation of the school does release two large sites for residential development. It is acknowledged that schools are inefficient in their consumption of land compared to other land uses, however they are necessary in a thriving vibrant community. This new school will be a private establishment and will accommodate the same number of pupils as the existing two schools combined, at

this point is not proposed to provide additional school places. Whilst private schools require significant financial contributions, they contribute significantly to the education system and play an important role in society. They provide a good standard of education for pupils and employment for staff. The role of schools is an important one, no matter what type, and this is reflected in paragraph 72 of the NPPF which states that:

*The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*

*-give great weight to the need to create, expand or alter schools; and  
-work with schools promoters to identify and resolve key planning issues before applications are submitted.*

The proposals therefore are supported by paragraph 72 by relocating, improving and securing the future of King's School.

### Social Sustainability Conclusion

The relocation of the school will release two large potential housing sites for development, however, at the time of writing this report, these schemes are not acceptable at the current time. However the release of land could make a contribution in terms of starter homes and general market housing, both of which are in demand within Cheshire East where new dwellings are desperately needed, especially with a lack of 5 year supply of housing land and where housing developments must be approved without delay unless policies in the Framework state otherwise which does include Green Belt policy. The proposal does provide a Secondary education contribution by providing 4 bursaries at the King's School however does not provide a SEN contribution. The proposals would provide community and educational benefit by allowing existing sports clubs and other organisations to use the new facilities that the school will provide which will continue.

The contributions set out in the draft Section 106 agreement do provide community benefit, and it is unfortunate that the overall is unable to provide a policy compliant affordable housing and a full educational contribution towards state school education, however this must be weighed against the benefits that much needed housing and a new school will provide for the community, and the facilities which will continue to serve other community clubs and organisations.

It is concluded that this residential development will provide much needed housing, however whether the community will be able to bear the impact on the infrastructure is concerning when this site is considered in the round with the Fence Avenue and Westminster Road proposals. However, all applications must be assessed on their individual merits, the proposal for the new school alone not have a detrimental an impact on existing infrastructure unlike the housing schemes, as the school would provide its own infrastructure. The three schemes in the round however are of a significant scale and will have an impact on education services and should provide an element of social housing and as a standalone application the proposals are not policy compliant.

The construction of the new school and the dwellings at the two other sites will provide employment and a new school, which will provide employment through its construction and



the provision of facilities for not only the pupils but for the staff and wider community. It has been demonstrated through a viability assessment, which has been independently verified, that it would not be viable to provide the necessary contributions in order to make the scheme policy compliant, as this development would only be achieved when combined with the two remaining schemes. The whole package of proposals including the housing sites are balanced in terms of social sustainability, the social contribution the new school alone will make is considered to be socially sustainable which concurs with the conclusions of the applicants ES on socio-economic residual effects of the school at an operational level shown below:

#### *Housing and Population*

*The provision of housing in an area of need is predicted to be a **Moderate Beneficial** impact and this remains the same as the residual impact. This applies at local and district level.*

#### *Health and Healthcare*

*The effects on health and local healthcare provision overall are predicted to be a **Minor Beneficial** impact at local level, and this remains the same as the residual impact. The residual impact at district level will remain as **Neutral**.*

#### *Education*

*The residual effects in relation to education at local and district level are predicted to be **Minor Beneficial**, due to the existing capacity to accommodate the children occupying the sites in local primary and secondary schools, and the proposed improvements to The King's School.*

#### *Economy and Employment*

*The effects on the economy and employment on Cheshire East and the Macclesfield wards are considered to be **Moderate Beneficial** at operational stages.*

## **ENVIRONMENTAL SUSTAINABILITY**

### **Accessibility**

When assessing sustainability, the accessibility of a site is of great importance, as this has a knock on effect with the use of vehicles, carbon reduction and energy efficiency. As well as promoting healthy lifestyles by encouraging exercise. These are particularly important factors when assessing the suitability of a location for a new school, it is important that pupils and students can walk or cycle to school, this has a positive impact on children and their wellbeing, as well as reducing the need for the private car and other polluting modes of transport. This proposal seeks to build a new school in an isolated rural location, where there are poor public transport and footpath connections. There is not a continuous footpath to the site from Macclesfield, and the site is on a point at Alderley Road which is national speed limit. The site lies approximately 1.5km walking distance from the nearest shop in Macclesfield located on Kennedy Avenue.

As part of the proposals the EIA includes a highways and traffic assessment which assesses the impact and outlines improvements which would be made as part of the accessibility proposals to make this site more sustainable as a school site.

These measures will undoubtedly improve the accessibility to the site, however it remains that the existing sites are in more accessible locations for pupils and students of the school and staff, both sites are in the town centre where good pedestrian, cycle and public transport links exist in addition to the close proximity of shops and services for staff and pupils and students.

## **Highways**

A large amount of objections have been received by local residents in relation to increased traffic and highways issues. The introduction of a new school must be safe and acceptable in highways terms, schools generate large levels of traffic especially at peak times, and it is very important that there are no adverse highways impacts as a result of the proposed development. CEC Highways have commented on the application.

### Traffic Impact Assessment

In order to assess the traffic impact of the school, the applicant has undertaken a number of surveys on the local road network to ascertain the existing traffic flows on links and junctions that are likely to be impacted by the proposal. The redirected school traffic to the site has been added to the base flows and assessed, a further test has been undertaken with a travel plan in place. The impact in both the AM and PM peak have been considered and expressed in terms of percentage impact on the local road links and it is clear that the greatest impact is on Alderley Road and also that Prestbury Road will see a sizeable increase in flows. A number of capacity assessments have also been undertaken on junctions that will experience increase in flows, both the site access junctions work well within capacity in 2020 and the other junctions at Broken Cross/Chelford Rd and Cumberland St/Westminster Road at capacity limits in 2020 but can accommodate the school traffic.

The main capacity concern is the staggered junction at Alderley Road/Macclesfield Road/Prestbury Rd/ Priory Lane this will operate well over capacity in 2020 with the school development in place, this continues to be the case with Travel Plan trip reductions.

A traffic signal improvement scheme has been proposed to replace the staggered junction, in capacity terms it does provide an improvement over the base situation but with the school in place the queues even with the signals are considered excessive. In addition, there are no pedestrian stages included in scheme and given that a school is proposed this would be a requirement for any improvement. Clearly the implication of a push button demand pedestrian stage would be to increase cycle time and therefore increase the level of queuing at the junction.

### Highways summary and conclusions

One of the key highway issues on this application is the proposed location of the site that is in a semi rural location. The walking and cycling infrastructure links to the site are poor and this affects the accessibility of the site to sustainable modes and therefore increases the likelihood of car trips to school.

The impact of the new school has been assessed on the road network and the relocation of the school to the proposed site will see significant flow increases on Alderley Road and Prestbury Road. The main traffic impact of the proposed new school is at the existing staggered junction Priory Lane/Macclesfield Road where there are long queues and congestion forecast in 2020. An improvement scheme at this junction has been submitted to signalise each of the arms of the junction, this improvement does improve capacity when

compared to the existing layout with the school traffic added to the flows but will still have extensive queues on some arms. One of the major omissions from the improvement scheme is the lack of push button pedestrian facilities as this junction has to be crossed to provide pedestrian access to the school.

It is clear that there is no identified improvement scheme that can resolve the capacity problems at the junction and also provide safe access for pedestrians/cyclists.

In summary, the accessibility of the site for sustainable modes of transport is of concern and the development would have a unacceptable impact on the local highway network and CEC highways recommend refusal. The proposals do not accord with the Development Plan and the NPPF and do not represent sustainable development in terms of accessibility.

## **Access**

The main access to the site can be accessed by foot although the standard of footway is poor and there is no segregated road cycle provision to the site. The site lies some distance away from the central area of Macclesfield and Prestbury and children would have a substantial walk to school from these areas. The site could be accessed on foot from residential areas situated locally but in general the pedestrian accessibility is poor. In regard to cycling, the site can be accessed on carriageway although the use Prestbury Road that is unlit and has a poor alignment as a safe cycle route to school for children is a concern. There are dedicated school buses that will access the site and pick up pupils at various locations and there are a number of local bus services that could be used as transport modes to the school.

Overall, the pedestrian and cycle infrastructure is poor at the proposed site location and this adds additional pressure to make car journey's to and from school.

## **Public Rights of Way**

The development, if granted consent, would affect Public Footpath No. 24 and No.25 Prestbury, as recorded on the Definitive Map and Statement, the legal record of Public Rights of Way.

The developers have made contact with the Public Rights of Way team and have submitted an application for the diversion of Public Footpath No.24 Prestbury under section 257 of the Town and Country Planning Act 1990. Footpath no.25 Prestbury crosses the site but will not require a diversion. The Public Rights of Way team are satisfied with the proposed diversion of footpath no.24 and would be content to progress the developers application, subject to planning approval. Although the Public Rights of Way team are satisfied with the alignment of the proposed diversion, there is currently no proposal to enclose the footpath. The PROW team have raised the point that the developer that they may wish to consider safety and security, as the footpath crosses the school grounds and will be required to be open and available to members of the public at all times. With this in mind they may want to anticipate any future problems that may arise as a result and consider any measures that may be appropriate to help ensure the safety of pupils and members of the public; and also allowing the site to be secured.

The National Planning Policy Framework states that *“planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails”* (para 75).

The proposed development would have a direct and significant effect on the Public Right of Way, which constitutes “*a material consideration in the determination of applications for planning permission and local planning authorities should ensure that the potential consequences are taken into account whenever such applications are considered*” (Defra Rights of Way Circular (1/09), Guidance for Local Authorities, Version 2, October 2009, para 7.2). The PROW team raise no objections subject to conditions and informatives.

It is considered therefore that the proposal is not contrary to paragraph 75 of the NPPF.

## **Conservation and Design**

The design of the new school is contemporary and will be constructed to a high standard of energy efficiency, which will ensure that the buildings are sustainable into the future. The proposed design sits to the rear of the site which will allow it to be integrated into the landscape effectively. The use of materials however is particularly important with a building of this scale. The sports hall and pavilion buildings are also contemporary and functional in nature with some design details which break up the elevations effectively. It is not considered that the design of the buildings is unacceptable in this area where it is isolated and there are only dwellings nearby to take design inspiration from. The development of a new school of this scale is a good opportunity to design something different that will respect its surroundings. It is considered that with good materials and effective hard and soft landscaping, the proposed school can create a positive learning environment for pupils and staff, it is therefore considered that the proposals accord with the design objectives of the development plan and of the Framework.

The proposed layout of the site is considered to be acceptable subject to conditions in relation to landscaping.

With regard to conservation, Falibroome Farm is a Grade II listed building, the conservation officer has requested additional information in relation to this in order to effectively assess the impact of the access on this building. The information has been provided, however an updated consultation response has not yet been provided. Therefore an update on this will be provided to Members of SPB at the committee meeting.

## **Landscape Impact**

The Landscape Officer has assessed the application, and has assessed the findings of the LVIA and the landscape documents within the EIA. The Landscape Officer broadly agrees with the landscape and visual appraisal.

The impact on landscape character and resources at the national scale would be slight adverse and at the regional scale would be moderately adverse. On the local scale, the physical changes to the site are highlighted in the LVIA and described in more detail below. In addition to these physical changes, the site and the locality, which currently has a quiet rural character, would change to a busier, more urban fringe character with far higher levels of activity, traffic and noise.

With regard to visual impacts, the development would not be prominent in the wider landscape due screening by the topography, vegetation and buildings in the area.

The properties that front on to Alderley Road are located between 230 to 270 metres from the proposed school and over 200 metres from the pavilion. Any initial views would be screened

or filtered in the medium to longer term by the proposed tree belts around the southern site boundaries.

Two properties on Summerhill Road would have views of the sports hall. The bungalow at Number 14 is located approximately 110 metres north west of the proposed building and would have oblique views above an existing beech hedge. The large white house at number 9 is located 145 metres east on higher ground. A tall evergreen hedge would probably screen views from the ground floor rooms but the sports building would be visible from first floor windows. A narrow tree belt (about 6 metres in width) is proposed along the eastern site boundary which would filter views in the medium to longer term.

There would be long-term adverse visual impacts on walkers using the public footpaths across the site. Three computer generated visuals were submitted with the application to illustrate the development from viewpoints on the public footpaths within or close to the site boundaries (viewpoints 2B, 4A & 4B). These show the development approximately 15 years after completion with the new trees having reached semi-maturity. These are shown at Figure 12. Additional visuals from these three viewpoints were requested without the new trees to illustrate the visual impacts of the development at completion.

The potential visual impact on road users approaching the site along Alderley Road from the west was initially of concern because this road and the surrounding landscape has an attractive rural character and appearance and there are views across the site. During the course of the application additional photomontages from viewpoint 8 at Whirley Grove of existing and proposed views were therefore requested.

Detailed levels and contours information and further cross sections were also requested during the course of the application to establish the visual impact of the engineering works on views from the road. This information was submitted very recently for information purposes only and does not form part of the application. It shows that the development would require extensive cut and fill operations in order to form a series of plateaux for sports pitches and courts, car parks, building footprints and playgrounds. Retaining walls up to 4 metres in height (plus safety fencing) would also be required to form the junior rugby pitches, the tennis/netball courts and part of the hockey pitch area. The proposed landform would therefore have an unnatural engineered appearance.

The changes in the landform in the western part of the site would, in the short term, be visible from Alderley Road but the retaining walls would be some distance from the road and would probably not be visible. The upper parts of the new pavilion and the school building would be noticeable and rugby posts (and potentially ball-stop fencing) would also be visible during the rugby season. However in the medium to long term, once the new boundary hedgerows and proposed tree belts around the southern and western boundaries had matured, views from Alderley Road of the playing fields and the new buildings would be screened or filtered.

The character of Alderley Road would change in the vicinity of the new site accesses, particularly the western access where the road would be widened to accommodate a new turning lane, hedgerows would be removed and earth works would be required to form visibility splays. If the application is approved, I recommend that further details for both new site accesses should be submitted for approval. These accesses should be as low-key as possible in keeping with the rural approach to the town. High security fencing and gates and

prominent school signage would not be appropriate. The Landscape Officer has raised concerns however does not object to the application subject to the significant levels of mitigation required and recommends approval subject to a series of conditions.

## **Trees**

There are a number of designations on the site in relation to trees and the woodland on the site, therefore the Arboricultural Officer has made representations on the application and raised no objections to the proposals subject to mitigation to include replacement planting which has not been proposed in the current plans. The relevant designations on the site area are as follows:

- Tree Preservation Order - MBC (Prestbury - Former Lane Ends/Backlane Farms, Alderley Road/Priory Lane) TPO 1978
- Ancient Woodland – Big Wood
- Ancient Replanted Woodland – Priority Habitat Inventory (Lowland mixed deciduous woodland) JNCC 2011 Included on FC National Inventory of Woodland
- Other Woodland – Dumber Wood
- Priority Habitat Inventory (Lowland mixed deciduous woodland) JNCC 2011 Included on FC National Inventory of Woodland

The impact of the proposed junction improvements (Paragraph 7.2 of the Arboricultural Statement) will result in the direct loss of a group of two High (A) category mature Lime trees (G52 of the AS) and a group of semi mature Lime and Beech trees (G53 of AS) on Macclesfield Road which are scheduled within group G15 of the TPO. Whilst the loss of the semi mature group of Lime and Beech (G53) was accepted in principle as part of pre-application discussions on the basis of poor quality, the loss of the two protected mature Limes located on the highway verge will have a significant impact upon the sylvan character of Macclesfield Road. The Statement suggests that one tree exhibits signs of internal decay, and the other shows signs of reduced vitality, however the statement has not indicated that this would be sufficient justification for removal based on their condition. The submitted EIA (Vol 1) Chapter 6 does not indicate any provision for substantial mitigation for the loss of these trees within the immediate vicinity of their removal referring only to parkland style planting throughout the site to maintain the sense of openness. There may be opportunities for replacement planting within the applicant's ownership (site edged blue) adjacent to the existing football pitches, but this does not appear to have been considered as part of the submissions. Should permission be granted the Council would need to be satisfied that any replacement planting by condition in mitigation in this area is achievable in the long term given the current use of the land.

## **Alderley Road Access**

The eastern access (adjacent to Willow Trees) will require the removal of a section of Hawthorn hedge, and an offsite early mature Sycamore (T87), Holly (T104). A group of three young Sycamore (G3) located opposite will require removal to accommodate requirements for forward visibility. None of the trees are formally protected by a TPO; Sycamore (T87) is a prominent specimen, but is partially compromised by the presence of existing overhead powerlines. Sufficient available space for the loss of these trees appears to be available to adequately compensate for the loss of these trees and included as part of a detailed LMP.

The western access will result in the removal of a section of hedgerow (H32) and a group of young Oak and Crab apple (G50) within the highway verge. A semi mature (T70) to the west of the access will also require removal to accommodate proposed visibility splays. The trees are not protected by the TPO and the Ash has extensive internal decay. Sufficient available space for the loss of these trees appears to be available to adequately compensate for the loss of these trees and included as part of a detailed LMP.

### Internal Layout

The design of the internal layout will not result in the loss of any protected trees. It is noted that over the years a number of protected individual trees and groups are no longer present on the site for various reasons ( TPO trees T7,T8,T9,T10,G16,G17,G18,G20,G21,and G22). None of these trees appear to have been replaced (apart from possibly T10 where a replacement Lime is situated close by).

Eight individual trees and part of one Group (G55) will require removal for arboricultural reasons, by virtue of their poor condition or limited life expectancy. The Statement further identifies a number of trees not protected by the TPO which will require removal to accommodate the development (Grounds Maintenance Building and internal access arrangement) within the High (A) and Moderate (B) category, namely three groups within the high category, and 10 individual trees and selective removal of trees within 11 groups within the moderate category. A further 2 individual trees and part or all of four groups within the low (C) category will also require removal. The loss of some of these trees will have a moderate to high when viewed by users using the public right of way (PROW) Prestbury FP24 and FP25, although it is recognised that such losses will not be significant in terms of the impact upon the wider amenity. I can advise that there appears to be sufficient available space within the site to adequately offset the loss of these trees.

It is advised that there is sufficient scope for compensatory hedgerow planting to be provided as part of the development which can be dealt with by condition.

### Big Wood

Big Wood (identified as W2 in the AS), is a mixed broadleaved woodland located off site to the northwest of the application site and outside the control of the applicant. This is a replanted Ancient Woodland which is protected under paragraph 118 of the NPPF and a priority habitat on the UK priority habitats inventory (Lowland Mixed Deciduous Woodland). A minimum 15 metre buffer has been established between the edge of the woodland and propose changes in land form within the site and proposed facilities which is sufficient.

### Dumber Wood

Dumber Wood (W1 of the AS) is a non ancient woodland located in a shallow clough comprising of mixed broadleaves (mainly Sycamore, Oak and Birch) and non native conifers (Douglas Fir). The woodland is a priority habitat on the UK priority habitats inventory (Lowland mixed deciduous woodland) and included on FC National Inventory of Woodland. A proposed footbridge linking the wood from east to west will require the removal of an Oak tree and further woodland management is proposed which will include the removal of non-native species, suppressed and poor quality specimens and replanting of native planting to improve structural diversity.

A group of young Alder (G36) and a group of young naturally colonised Sycamore (G35) to the southern end of the wood are proposed to be removed to accommodate the internal access arrangement to the west of the proposed car park. The loss of these trees represents a low to slightly moderate impact upon the amenity within the immediate locale and in this regard I am satisfied that there is sufficient scope within the site to adequately offset the loss.

The AS proposes that the woodland be subject to a management plan which can be dealt with by condition.

### Hedgerows

The AS identifies a section of hedgerow (H25) will be required for removal for construction of the proposed access and car parking and two removal of two sections of hedgerow (H32 and H42) to be removed to accommodate the access points off Alderley Road. As hedgerows are a priority habitat they are a material consideration, however the loss of hedgerows is considered to be relatively minor and I can advise that there is sufficient scope within the site to offset their loss by replacement planting as part of the overall landscaping of the site.

### **Best and Most Versatile Agricultural Land**

The NPPF places great importance on best and most versatile agricultural land, it stresses how soil is a finite resource and the importance of agricultural land for food production. As part of the consultation process Natural England has commented on the proposals along with a number of representations received from the public in relation to BMV land. Having used the Magic GIS facility, it is clear that the proposed development is not within an agricultural designation according to the Government's database, and therefore the proposals do not fall into the BMV category and the proposals are not contrary to paragraph 112 of the Framework as land is not of the best agricultural quality.

### **Ecology**

As part of any development proposals it is important that proposals do not endanger European protected species of species of conservation importance. The Council's ecologist has commented on the proposals.

### Ancient Woodland

Big wood located immediately adjacent to the application site is a replanted ancient woodland. Ancient Woodlands receive specific protection under paragraph 118 of the NPPF. Paragraph 7.512 of the ES states that Big Wood would not be impacted by the proposals but no consideration seems to have been given to effects of light pollution of hydrological changes on the ancient woodland.

The Council's ecologist has advised that lighting should also be avoided adjacent to the ancient woodland. In addition to this confirmation be sought from the applicant as to whether any lighting of the junior rugby, hockey pitches or tennis courts is proposed.

The drainage scheme for the scheme also has the potential to have an adverse impact upon the hydrology of the adjacent ancient woodland. There are two areas of marshy grassland adjacent to ancient woodland and paragraph 7.4.21 of the ES states that these appear to drain into the woodland. These areas of marshy grassland would be lost to the proposed development. I note that a SUDS is proposed for the development but no details of this have



been finalised. It is recommended by the Council's ecologist that an indicative SUDS scheme is produced and an assessment undertaken of the potential hydrological impacts of the scheme on the ancient woodland be completed.

In order to assess the impact on the woodland a levels plan was required by the Ecologist to demonstrate that the proposed development can be achieved without any levels works being undertaken in this part of the site adjacent to the ancient woodland.

#### Great Crested Newts

No evidence of this protected species was recorded during the surveys undertaken to inform the ES. It is advised by the Council's ecologist that this species is unlikely to be present or affected by the proposed development.

#### Common toad

This priority species was recorded at two ponds during the great crested newt survey. It is advised by the Council's ecologist that the proposed development will result in the loss of some low quality habitat for this species. The new planting proposed as part of the development may once mature compensate for these losses.

#### Locally designated sites

There appears to be some contradiction between the ES and the Preliminary Ecological Appraisal in respect of the location of non-statutory designated sites within 2km of the application site. Both reports fail to acknowledge the occurrence of locally designated sites with 550m of the application site. Despite the inaccuracy of the ES in this respect, it is advised that no impacts are anticipated in respect of non-statutory designated sites.

#### Badgers

The badger survey report prepared to inform the ES states that a badger sett was recorded on site but that it was inactive at the time of the most recent survey. Paragraph 7.5.16 of the ES also states that the sett is inactive. Table 7.6 of the ES however refers to two setts on site, one of which with two active entrances. This may be an error. Additional information in respect of Badger was requested which has been submitted.

#### Hedgerows

Hedgerows are a priority habitat and hence a material consideration. Based upon the submitted plans there are likely to be some losses of hedgerow to facilitate the site entrance. It is advised by the ecologist that there is sufficient scope for compensatory hedgerow planting to be provided as part of the development.

#### Bats and trees

Three trees have been identified as having bat roost potential. The ES states that the trees will not be affected by the proposed development. Unfortunately it is not clear if Figure 1 of the bat survey report that has three highlighted target notes is meant to show the location of these trees, as the text of the report refers to the trees being shown on a figure 2 which is not included with the report. Therefore clarification in respect of this issue was requested by the Council's ecologist.

#### Barn owls

A barn owl survey of the trees on site was requested at the EIA scoping stage but this does not seem to have been completed. This survey is therefore outstanding and should be submitted prior to the determination of the application.

Additional information in relation to ecology has been received on 29/03/16. No revised comments received at the time of writing this report. Members will be updated on ecology prior to the SPB meeting.

Due to the outstanding issues the ecological implications of the development cannot be fully assessed, therefore the impact on protected species is unknown at this stage.

## **Amenity**

In order for the proposals to be acceptable, it is important that they do not have a detrimental impact on the amenities of existing residents and that the development is not located within an area which would harm the amenities of future residents. Environmental Health has commented on the application in respect of noise vibrations and dust, air quality and land contamination. There are no objections to the proposal on the ground of noise / vibration and dust subject to the following conditions being applied to any approval.

Environmental Health has raised concerns about the potential for noise and lighting associated with the development to create an adverse impact off site for existing residential receptors, therefore conditions are requested in respect of noise and lighting issues. With appropriate mitigation, it is considered that the proposed development will not have a detrimental impact on neighbour amenity, harmful enough to warrant refusal of the application.

With regard to Air Quality Environmental Health has commented that the report produced in respect of the proposals had some significant shortcomings which may have underestimated the impact on air quality. Therefore taking into consideration the uncertainties associated with modelling and the above raised matters, it is the opinion of Environmental Health Officers that the impacts of the development will be worse than predicted. Therefore a number of mitigation measures are required in order for the development to be acceptable in planning terms. Which have been recommended by Environmental Health. With these mitigation measures in place, there will be an impact on air quality, however it will not be significant enough to harm the amenity of neighbouring residents or adversely affect their quality of life.

With regard to land contamination, detailed reports were submitted as part of the planning application process, Environmental Health has raised no objections to the proposals subject to conditions.

No objections are raised to the application with regard to the above matters, and the proposals will have no detrimental impact on residents as a result of pollution providing effective mitigation is in place which will be secured by a series of conditions. Therefore the proposals accord with policies DC3 and DC63 of MBLP and the NPPF.

## **Flood Risk**

It is important that new developments are not at risk from flooding, or that the development itself would not exacerbate flooding in an area. The site is a greenfield site, and therefore in order to ensure that flooding is not caused by the development run-off rates must not exceed

the current greenfield levels. Therefore it is important that adequate mitigation through effective drainage solutions is carried out on site. A Flood Risk Assessment was submitted with the application, which concludes the following:

*The site is located within Flood Zone 1 according to the latest EA flood zone maps, indicating that the site is not at risk from fluvial or tidal sources. Suitable mitigation can be incorporated to ensure that flood risk to the proposed development remains low and meets the requirements of NPPF.*

*Data obtained from the Strategic Flood Risk Assessment (SFRA) also places the site at low risk of flooding from other sources. In accordance with NPPF and local policy, this FRA has considered the impact on the surface water regime in the area should development occur.*

*Development of the site should be possible with careful consideration of the surface water and foul drainage, as well as other possible flooding issues. The proposals should balance the flood storage volumes and should not impede overland flows. Infiltration, if suitable, will be the preferred method of discharge of surface water, with all flows in excess of the infiltration rate being attenuated on site. The exact method and volume of attenuation will be subject to further investigation. The Design and Access Statement by Pick Everard describes the proposed foul and surface water drainage solutions to address these requirements.*

*Based on the information available the flood risk to the proposed development is low and development should not be precluded on flood risk grounds.*

It is considered therefore that the development will remain safe during its lifetime and will not increase flood risk elsewhere and is, therefore, considered to be acceptable in flood risk terms. The Environment Agency and United Utilities have commented on the application, and have not raised objections to the proposals. United Utilities have recommended conditions in order to ensure that the proposed development does not create or exacerbate flooding through surface water run-off and to ensure that the drainage of the site is adequate. It is concluded therefore that the proposals accord with policy DC17 of the MBLP and the NPPF.

## **EIA**

The development is an EIA development and as such the various components have been submitted as part of the Environmental Statement (ES). Whilst the development does is significant for the area, it is not considered that the proposals will have a detrimental environmental impact of a wider than local level. Any effects from the development can be mitigated through the use of conditions and the ongoing management of the site.

As part of the EIA process, the applicant must demonstrate that there are no alternative more suitable sites for this development. This exercise has been carried out and is detailed in the principle of development section of this report.

## **Environmental sustainability conclusions**

It is considered that the proposed development is generally environmentally sustainable. However this is subject to the Ecologist's further comments which may raise objections or conversely may raise no objections but may require mitigation and these must be resolved to the satisfaction of the Council. It is considered that the location is not particularly sustainable

in terms of accessibility however this could be improved in terms of providing pedestrian links, but does not resolve the issue of the unsustainable location. Any harmful effects of the development with regard to pollution can be adequately mitigated. The landscape impact of the proposed development is adverse, however there are degrees of adversity and this is not considered to be significant enough of an impact on the landscape to warrant refusal, and with suitable mitigation is considered to be acceptable. There is an outstanding highways objection on both sustainability and traffic impact grounds, therefore on balance the proposals are not environmentally sustainable with these outstanding issues.

## **ECONOMIC SUSTAINABILITY**

### **Employment**

The proposed development for the redevelopment and relocation of the school will retain the majority of staff, as the number of pupils will be equivalent to the existing two schools combined. In relation to the redevelopment of the school the proposals will create employment in the short term through the demolition and construction process. It is considered therefore that in terms of employment numbers these will increase as a result of the proposals.

### **Economy of the wider area**

The existing shops which benefit from the school would not suffer as a consequence of the proposals as the school relocation will depend on the other two applications and vice versa. The addition of 450 dwellings into the area where the schools are currently located is likely to boost the local economy with the increase in population in the area, which will provide all year round custom, where the school only has this effect during term time. The increased use of shops and services makes them more sustainable, which is especially important in Macclesfield Town Centre to be sustainable into the future. Additional population can create more demand for local services, increasing the likelihood that they will be retained into the future and improvements and investment made.

### **Economic sustainability conclusions**

The proposals will result in additional employment in the sort term through the construction of the site along with an economic boost locally through the increase in population to this area of the town. It is considered that the proposals will make efficient use of the land by providing market housing in a town centre location and are therefore economically sustainable.

### **Section 106 agreement**

The terms of the Section 106 agreement are not formally agreed however the applicant proposes to include a overarching agreement. The details of this are still to be agreed and refined as to the most appropriate mechanism. However, in common with the other residential schemes the potential requirements include:

- Education contribution of bursaries for Kings School to the value of 383,000
- Open Space Provision
- Open Space and Landscape Management (to include Public Open Space)
- Provision of starter homes

- Trigger for the new school to be completed prior to the development of the Fence Avenue and Westminster Road sites.
- Phasing Plan
- Travel Plan
- Sports and Music Facilities Community Use Scheme

## **CIL Regulations**

Community Infrastructure Levy (CIL) Regulations LEVY (CIL) REGULATIONS In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010, it is necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following: a) Necessary to make the development acceptable in planning terms; a) Directly related to the development; and b) Fair and reasonably related in scale and kind to the development. It is considered that the contributions required as part of the application are justified and only go part of the way to meeting the Council's requirement for policy compliance. All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development. The non-financial requirements ensure that the development will be delivered in full. On this basis the S106 the scheme is compliant with the CIL Regulations 2010.

## **Representations**

A large number of representations have been received in relation to the application, with many representations both in objection and in support of the proposals, many of the representations relate to the three schemes as a whole. However those relating to this scheme and its merits have been addressed in the main body of the report. Having taken into account all of the representations received including internal and external consultation responses, the material considerations raised have been addressed within the main body of the report. There are outstanding issues that have not yet been resolved to the satisfaction of internal and external consultees, namely the ecological, highways issues and the concerns of Sport England due to the loss of the playing pitches. DCLG have contacted the Council regarding the applications and would like all three applications to be referred to the Secretary of State should they be recommended for approval by the Strategic Planning Board.

Paragraph 14 of the NPPF states that should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in this Framework indicate development should be restricted.

## **PLANNING BALANCE**

The site is a greenfield Green Belt site where there is a presumption against inappropriate development. It is established that the proposals do represent inappropriate development within the Green Belt, and only if very special circumstances exist to outweigh the harm to the Green Belt policy should they be approved.

The applicant has put forward what it considers to be very special circumstances, however the onus is on the decision maker, the LPA, to determine what weight is attached to these in the planning balance and whether these circumstances amount to very special circumstances

to justify the development, and outweigh the automatic harm the development would cause by way of inappropriateness.

In this case considerations 1, 2 and 3 of the applicant's case do attract some weight, which include the need to relocate, the need to combine the schools and the fact that there are no alternative sites. Consideration 4 also attracts weight in the balancing exercise, as the site will indeed release two potential housing sites, however, both sites are with the Council for consideration and neither provide affordable housing or an education contribution to the satisfaction of the education authority. Therefore the weight that can be attached to the release of these housing sites is reduced due to the merits of the schemes put forward.

Nonetheless considerations 1-4 do attract weight, however, it is the amount of weight that these issues attract which determine whether combined they amount to the very special circumstances required to justify the inappropriate development proposed. Whilst some weight can be attached to the co-location and re-location of the school, can a development of this scale exceeding 20ha be justified in the Green Belt where the openness and permanence will be lost forever. The main case put forward by the school is that of a business case, that the school must do this in order to progress into the future and to continue to provide a high level of private education. However, the school has a large estate of two very adequate sites, which have been sustained for a considerable time.

Whilst it is considered that the argument put forward for the school to remain in Macclesfield is strong and the co-location and re-location is desired for the school. The national requirement to protect the Green Belt for its own sake is also strong and forms part of long established planning policy. Therefore after careful consideration, it is not considered that sufficient very special circumstances exist to justify the significant departure of local and national planning policy and the impact this proposal will have on the openness and permanence of the Green Belt. Therefore the proposals are recommended for refusal on Green Belt grounds and are contrary to the development plan and the Framework.

However, consideration 4 which would allow the release of one strategic housing site in Macclesfield (Fence Avenue) and one large brownfield site in Macclesfield (Westminster Road) would follow the plan-led process by bringing forward an allocated site in the emerging CELPS and developing a large sustainably located brownfield site. Whilst this cannot be afforded significant weight at this time, should fully policy compliant housing schemes be proposed on these sites which provide full community benefit and provide much needed market and affordable housing, this as a very special circumstance could be afforded much greater weight in the planning balance.

With regard to sustainability, the location of the proposed school is considered to be unsustainable for walking and cycling, however it is acknowledged that the proposals can include mitigation which could improve this. There is an outstanding highways objection to the proposals on highway safety and traffic impact grounds. There are a number of ecological issues to be resolved along with the impact on the grade II listed building adjacent to the site.

Through the assessment as to whether the scheme represents sustainable development, it is considered that it does not achieve this in terms of all three strands: social, environmental and economic sustainability. As the site is within the Green Belt under paragraph 14 there is not a presumption in favour of sustainable development where other policies in the framework state that development should be restricted which includes Green Belts at footnote 9. On balance therefore after careful consideration the application should be refused in principle.

The benefits in this case are:

- The proposals would provide a state of the art co-located school.
- The relocation of the school would make two potential housing sites available and would help in the Council's delivery of 5 year housing land supply.
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes in respect of the housing sites, and benefits for local businesses.
- The proposal will not have an adverse landscape impact.

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

- There is not considered to be any significant drainage implications raised by this development.
- The impact upon trees neutral with adequate mitigation.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land could be mitigated through the imposition of planning conditions.
- The impact on the heritage asset is currently unknown therefore cannot be attributed weight for or against the development.

The adverse impacts of the development would be:

- The proposal is inappropriate development in the Green Belt, harmful by definition and no very special circumstances significant enough to outweigh the significant harm to the openness of the Green Belt and the purposes for including land within it.
- The impact upon protected species/ecology is considered to be unknown, therefore it cannot be assumed at this stage that mitigation would be possible at the site without additional information.
- The highways impacts of the proposed development are not acceptable.

Therefore, as detailed whilst there is potential for the school to be justified, on the basis of the above, it is considered that the proposal does not represent sustainable development and represents inappropriate development within the Green Belt without the required very special circumstances to outweigh the harm to the Green Belt, and it is not considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits.

## **RECOMMENDATION**

### **Refuse**

1. The proposal for residential development is inappropriate development in the Green Belt by definition and the very special circumstances put forward do not amount to the very special circumstances required to outweigh the significant harm to the openness and permanence of the Green Belt, the scheme conflicts with the purposes for including land within the Green Belt. The application is therefore contrary to saved policy GC1 of the Macclesfield Borough Local Plan and paragraphs 80 and 89 of the NPPF.

2. The accessibility of the site for sustainable modes of transport is not sufficient to serve the development and the development would have a unacceptable impact on the local highway network therefore the proposals do not accord with the saved policy T6 of the Macclesfield Borough Local Plan and the NPPF and do not represent sustainable development in terms of accessibility.
3. Insufficient information has been provided in order to make a fully informed assessment of the potential impacts of the proposed development upon protected species in the absence of required bat surveys. Therefore the proposals are contrary to saved policy NE11 of the Macclesfield Borough Local Plan and paragraph 118 of the NPPF.



