

Application No: 15/4285M

Location: The Kings School, WESTMINSTER ROAD, MACCLESFIELD

Proposal: Demolition of existing buildings and structures, residential development up to 150 units, landscaping, supporting infrastructure and access.

Applicant: The Foundation of Sir Percyvale

Expiry Date: 24-Feb-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:

- Education contribution
- Affordable housing
- Implications of not finding a new site
- Cumberland Road site
- Update on public open space

**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.**

### **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 scheme 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 the Westminster site only, the breakdown is as follows:

$150 \times 0.19 = 28$  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:

$22 \text{ secondary children} \times £17,959 \times 0.91 = £359,539.18$

$2 \text{ SEN children} \times £50,000 \times 0.91 = £91,000$

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 site contribution would be £180,000.

### **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.*

Having revisited the affordable housing proposals, 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 140 any additional units - 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. These are envisaged to be located at the Westminster Road site and will be secured through a suitably worded planning condition.

### **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 applications proposals not be

supported. This was requested by the committee and to provide 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 officer's report it is clear that the housing development in this location of Westminster Road is acceptable in principle and that the delivery of housing on brownfield sites is a local and national planning policy goal. It is considered that the 'do nothing' scenario would prevent these strategic sustainably located sites from coming forward which is given 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 alter the fact that the development of the Westminster Road site is acceptable in principle subject to all other material considerations being acceptable in planning terms.

**Cumberland Road Site**

At the SPB meeting of 18<sup>th</sup> May, the committee questioned what the future proposals would be for the Cumberland Road site which adjoins the Westminster Road site to the south. This site does not form part of the planning application proposals, however it is an asset of the school and therefore the agents have given further detail on the proposals for this site in the future which are set out below for information:

*Whilst the Cumberland Street site does not form part of the current suite of applications, Members asked for some clarification on what the School is envisaging for the future of the site.*

*There are no definitive plans at the present time, other than that the School does intend to sell the land at some point, as the site would no longer be needed under the single site solution. Detailed proposals will therefore be subject to detailed applications further down the line.*

*A detailed application has not yet been made as there are some policy challenges with the site that do not apply to the other sites. Principally, these are:*

*1. **Heritage assets and legacy.** The site is sensitive in heritage and conservation terms. It is fully accepted that these are important considerations, but they will impose a constraint on the overall development potential for the site. It is also important to the School that any future use for the site leaves a positive legacy for the School in Macclesfield. Preserving the two listed buildings, the unlisted, yet locally significant main school clocktower building, along with views of it, are all important attributes that the School would expect any alternative development proposals to address. Detailed proposals formulated with a development partner would be more appropriate for the site, rather than an outline scheme.*

*2. **Uncertainty on Cheshire East Highways proposals for Cumberland Street.** We are aware that Cumberland Street is viewed as a critical part of the network where road widening is an option that is being considered already, but a clear preferred solution has yet to be decided.*

*Given the complexities above, on balance it was felt that there would be a high probability for planning delays, and so rather than delay the entire suite of applications, the chosen approach was to delay an application for the Cumberland Street land. This approach was agreed with planning officers at the pre-application stage.*

*Although important for funding purposes, the anticipated value from the land and its contribution to the overall cost of the new School is not expected to be significant in comparison to the Fence Avenue and Westminster Road sites, for which enabling planning permissions are absolutely critical to the delivery of the new school.*

*Nevertheless, as a further safeguard for the local planning authority, an overage clause relating to affordable housing is to be included in the proposed s106 for the current suite of applications.*

As indicated by the applicants, it is considered that the issue of any future development of the Cumberland Street site can be covered by an overage clause within a legal agreement to ensure that any significant uplift in value on is paid to the Planning Authority.

### **Open Space**

The area of land to the north of the main school buildings which comprises playing pitches for the school is designated as Existing Open Space in the Macclesfield Borough Local Plan. Whilst this site is open space, it is not publically accessible as confirmed by King's School, so does not make a current public open space contribution. Notwithstanding this, it is open space and makes a contribution in terms of the community who use the site for the various clubs that use the King's School facilities. Comments have been received from ANSA and these are set out below:

- The site is located in a busy town centre location but Public Open Space (POS) provision on site seems vague and disjointed*
- Open space should be provided at a rate of 40sqm per dwelling and any shortfall will require the payment of a commuted sum for offsite provision as per the SPG*
- I would wish to see a LEAP play area incorporated into the scheme, within a suitably located, central site that forms a focus for the new community*
- The detailed designs for on site open space will need to be submitted at reserved matters alongside phasing plans and landscape management and maintenance plans with detail of future management proposals*
- I am unconvinced how splitting POS provision across the site benefits the residents and ask what the purpose of the northern finger is?*
- The applicant was also advised of the longer term strategic aim to link the site with the Bollin Valley and would wish to see this considered as part of any scheme, the woodland fringe to the north could form an on site amenity and the source of potential links and further exploration of this is required*
- I would also like to see further strength given to the retained green strip along Westminster road but challenge the applicants status for this of Greenway. Currently it seems to be a verge for the new residents?*
- I am unsure of the accessibility of the green buffer and ask how will this be maintained?*
- I would wish to see a circular hard surfaced route around the site*
- It is acknowledged that Sport England have withdrawn their objection to loss of playing fields*
- There is however a requirement for POS arising from the new development and in the absence of on site provision, a commuted sum for offsite provision of £150,000 would normally be required based on 150 units*

*The future residents will live in a very busy town centre location and on site open space and amenity will be crucial in balancing this.*

In order to meet the requirements and to achieve a suitable layout which provides pockets of informal and formal open spaces for future residents, the provision of a LEAP and the maintenance of the open space will be secured through the Section 106 agreement.

### **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.

Prior to the previous planning committee meeting reason for refusal 3 was removed, as ecology issues on the site were resolved to the satisfaction of the Council's ecologist.

The remaining reasons for refusal were as follows:

1. The application requires the provision of affordable housing in order to represent sustainable development and to comply with the Council's Interim Planning Statement: Affordable Housing (IPS), no affordable housing is proposed to be delivered as part of the proposals contrary to saved policy H8 of the Macclesfield Borough Local Plan and paragraph 50 of the NPPF.
2. The application does not make provision for a necessary educational contribution to mitigate the harm to education services as a result of this development. The proposal will therefore put pressure on social infrastructure services locally contrary to saved policy H5 of the Macclesfield Borough Local Plan and paragraph 162 of the NPPF.

In light of the additional information concerning contributions to be provided which includes £180,000 towards education and the provision of an improved intermediate affordable housing package, it is considered that the proposed package of contributions makes the site 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 the application it is clear that housing within a sustainable location such as this, brings benefits that are outlined in the original report. Previously those benefits were considered to be outweighed by the lack of an education contribution and inadequate provision of affordable housing on site.

It is acknowledged that the affordable housing offer, at 10% is less than the normal policy requirement of 30%. However it is accepted that in order for the new school to be delivered, then the values that can be achieved from this site need to be maximised such that no more than 10% affordable housing can be offered. Whilst not policy compliant affordable housing at 10% is considered to be an acceptable compromise which ensures so far as is possible that the new school subject to planning application 15/4286M will be delivered as well as an acceptable level of affordable housing on this site. A similar conclusion is reached on the



education contribution which although less than now requested is considered to represent an acceptable compromise.

In the round therefore, in light of the enabling aspects this development brings to the development of the new school, in light of the benefits thereby achieved through that development and in light of the benefits of housing on this site, this proposal is considered to rank as sustainable development notwithstanding the reduced education affordable housing provision. Therefore in line with the requirements of the National Planning Policy Framework that proposals for sustainable development should be approved without delay, it is recommended that planning permission be granted.

### **Heads of Terms**

- **Public Open Space including a LEAP**
- **10 % Affordable Housing at 20% discount to market value**
- **An overage mechanism for any new homes delivered over 300 whereby 30% of additional units would be social rented housing**
- **Overage Clause from addition value generated from the Cumberland Street Site**
- **Education contribution**

### **CIL Compliance**

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.

### **RECOMMENDATION**

Approve subject to the completion of a section 106 legal agreement for

- **Public Open Space including a LEAP**
- **10 % Affordable Housing at 20% discount to market value**
- **An overage mechanism for any new homes delivered over 300 whereby 30% of additional units would be social rented housing**
- **Overage Clause from addition value generated from the Cumberland Street Site**
- **Education contribution of £180,000**

and the following conditions

1. **Standard Outline Time limit – 3 years**
2. **Submission of Reserved Matters to include landscaping, scale, appearance and layout**

3. **Accordance with Approved Plans access only**
4. **Grampian condition to ensure that new school is completed and occupied prior to commencement of this development to ensure mitigation with regard to loss of playing pitches is secured.**
5. **Foul and surface water shall be drained on separate systems.**
6. **Prior to commencement, details of surface water drainage scheme to be submitted.**
7. **Details of site levels to be submitted at reserved matters stage**
8. **Landscape masterplan to be submitted at reserved matters stage to include phasing**
9. **Landscape scheme to be submitted at reserved matters stage**
10. **Landscape implementation and 5 year replacement**
11. **Arboricultural Implication Study to include Arboricultural Method statement to be submitted at reserved matters stage**
12. **Submission of an Environmental Management plan including, noise, dust, construction routes, phased occupation details.**
13. **Implementation of operational mitigation measures set out in WYG Air Quality Impact Assessment including dust mitigation.**
14. **Electric Vehicle Infrastructure Overnight EVP for each dwelling with dedicated off road parking.**
15. **Low emission travel plan to be agreed with the Local Planning Authority**
16. **Prior to construction, post demolition Phase II ground investigation and remediation strategy if required**
17. **Importation of soil**
18. **Reporting to the Council of Unexpected contamination**
19. **Reserved matters application to include gaps for hedgehogs**
20. **Reserved matters to include an updated badger survey**
21. **Access to constructed in accordance with approved plan prior to first occupation**
22. **Detailed lighting scheme to be submitted in support any future reserved matters application.**
23. **Reserved matters application to be supported by a method statement for the eradication of Japanese Knotweed.**

**Environmental Health informative**  
**NPPF informative**

## APPENDIX 1 - ORIGINAL WESTMINSTER ROAD REPORT

### SUMMARY

The site is previously developed and taken in combination with the two other King's School planning applications would be in principle an acceptable form of development on a brownfield site. The principle of residential development of previously developed land is supported at all levels of planning policy where the Government's aims are clear. PDL and brownfield sites should be used to boost housing supply where appropriate, the housing and planning bill consultation paper sets out the Government's intention '*Our ambition is for 90% of brownfield land suitable for housing to have planning permission by 2020.*' Clearly these proposals align with the intention of the Government to encourage the use of brownfield land to boost housing supply. Cheshire East cannot demonstrate a 5 year supply of housing, therefore the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs should grant permission unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole; or specific policies in the Framework indicate development should be restricted.

It has been demonstrated through the application that additional information can overcome certain issues along with suggested planning conditions and obligations. However three issues remain outstanding at the time of writing this report. It is considered that the ecology issues may be able to be mitigated if the correct surveys are submitted with appropriate recommendations to the satisfaction of the Council's Ecologist in order for a recommendation to be made on this issue. However, the issue of the lack of affordable housing and the lack of a satisfactory education contribution will not result in sustainable development as the proposed development will place a burden on the local community through not providing sufficient community benefit, which cannot be overcome without a policy compliant scheme.

The lack of affordable housing provision is a balanced issue, however the viability assessment which has been verified independently shows that the proposed development cannot bear the additional cost of providing affordable housing if the project is to be viable, although starter homes can be provided on site which makes some social contribution. The proposals will put pressure on the state school education infrastructure which serves the catchment area of the site. The proposed secondary places at King's School would be means tested and would provide 4 places in total, however no SEN provision would be made as a result of the application. It is considered therefore that the proposals are not fully socially sustainable and should be refused on this basis.

The proposal is largely sustainable in terms of the environment, however the issue of ecology must be resolved to the satisfaction of the Strategic Planning Board.

The proposal and the wider proposals are economically sustainable as detailed in this report.

Through the assessment as to whether the scheme represents sustainable development, it is considered that it does not achieve this in terms of three strands: social, environmental and economic sustainability. Therefore the proposal as it stands does not align with the presumption in favour of sustainable development set out in the NPPF, and should be refused.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision 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, and benefits for local businesses.
- The proposal will not have an adverse landscape impact.
- There is no negative highways 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 is considered to be neutral as this can be addressed through mitigation.
- The impact upon the residential amenity/noise/air quality/landscape and contaminated land could be mitigated through the imposition of planning conditions.
- The loss of playing pitches over the Fence Avenue and Westminster Road has been justified through evidence to the satisfaction of Sport England subject to conditions.

The adverse impacts of the development would be:

- 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% starter homes (80% market value) are proposed.
- No financial educational contribution to Children's Services, bursaries are proposed.
- No SEN contribution.

On the basis of the above, it is considered that the proposal does not represent sustainable development due to the outstanding issues above 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 an outline application for the demolition of part of the King's School site located off Westminster Road in the centre of Macclesfield town. The site is currently occupied by the boys school, the girls school is located at another site off Fence Avenue within Macclesfield, and there is a sports ground owned and used by the school off Prestbury Road located between Macclesfield and Prestbury. The boys' school extends to buildings to the south which are the original school buildings, which is known for these purposes as the Cumberland Street site. This site does not form part of the application. However its consideration is required when establishing the context of the Westminster Road site.

The Cumberland Street site and the Westminster Road site are separated by Coare Street. Everything to the north of Coare Street is included in the site. The application proposes the demolition of all of the buildings located the site and the complete redevelopment with dwellings and associated open spaces and infrastructure. The application is in outline for

where only access is to be established at this stage. The application proposes around 150 dwellings of varying sizes. No affordable housing is proposed as part of the submission, however a discount market house-type is proposed which would be secured as part of a section 106 agreement if agreed.

## **SITE DESCRIPTION**

The application site extends to approximately 5.77 hectares and is split level. The southern portion of the site includes school buildings, including the gym, classrooms other facilities and the 6<sup>th</sup> form centre. There is also a large car parking area, the site then drops down a level to the northern portion of the site which includes some additional car parking and coach drop off points along with a number of sports pitches, including astroturf pitches, when finally to the far north of the site is the open playing pitches for rugby, football and other outdoor sport activities. The site has a thick tree belt along the northern boundary with the River Bollin beyond. The western boundary of the site running along Westminster Road is formally tree lined and has railings to form the main boundary line. The east of the site has residential development with the Cumberland Street school site to the south.

## **RELEVANT HISTORY**

55551P, All weather sports surface with floodlights for training purposes. Refused, 1988

13/1071M, Reorganisation of existing playing fields/ sports pitches including provision of floodlighting to Hockey pitch. Relocation and reorientation of sports Pavilion. Relocation of School parking and coach drop off, to include a new access and egress onto Westminster Road. Replacement of existing ground maintenance buildings and associated hardstanding. Approved, 2013

## **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 settlement boundary of Macclesfield, the far north of the site is Green Belt where no development is proposed.

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 DC40: Children's Play Provision and Amenity Space  
Policy DC41: Infill Housing Development  
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 NE18: Accessible areas of nature conservation from residential properties  
Policy H1: Phasing policy  
Policy H2: Environmental Quality in Housing Developments  
Policy H5: Windfall Housing  
Policy H8: Provision of Affordable Housing  
Policy H9: Occupation of Affordable Housing  
Policy H13: Protecting Residential Areas  
Policy RT1: Recreational land and open space  
Policy RT2: Open spaces/amenity areas in residential areas  
Policy RT5: Standards for open space provision  
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.

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  
SC4 Residential Mix  
SC5 Affordable Homes  
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.
- 49. Housing supply policies
- 50 and 54. Wide choice of quality homes
- 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

### **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**

- Cheshire East Strategic Market Housing Assessment (SHMA)
- Cheshire East Strategic Housing Land Availability Assessment (SHLAA)
- 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

### **CONSULTATIONS** (External to planning)

## **Housing** (received 30/03/2016)

The Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or larger than 0.4 hectares in size. The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 150 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 45 dwellings to be provided as affordable dwellings. 29 units should be provided as Affordable rent and 16 units as Intermediate tenure. This development includes zero affordable dwellings and therefore I

## **OBJECT.**

The SHMA 2013 shows that yearly demand between 2013/14 and 2017/18 in Macclesfield is for 103 x 2 bed, 116 x 3 bed and 80 x 1 bed older persons dwellings. Information from Cheshire Homechoice shows that there are currently 1227 on the housing waiting list who have selected Macclesfield as their first choice. Those applicants require 518 x 1 bed, 479 x 2 bed, 199 x 3 bed and 31 x 4 bed dwellings. Therefore a mixture of units on this site, to include 1 bed and older persons accommodation, would be acceptable.

The Affordable Housing IPS requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration and also that the affordable housing should be provided no later than occupation of 50% of the open market dwellings

The affordable housing should meet the HCA's housing quality indicator (HQI) standards.

Our preference is that the affordable housing is secured by way of a S106 agreement, which:

-

- requires them to transfer any rented affordable units to a Registered Provider
- provide details of when the affordable housing is required
- includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
- includes the requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site.

Details of Registered Providers of social housing can be obtained from the Development Officers in Strategic Housing

## **Education** (received 03/02/2016)

The development of 450 dwellings is expected to generate:

82 primary children (450 x 0.19 – 4 SEN)

65 secondary children (450 x 0.15 – 3 SEN)

7 SEN children (450 x 0.51 x 0.03%)



The development is forecast to create a shortfall predicted for secondary provision in the immediate locality and SEN provision.

To alleviate forecast pressures, the following contributions would be required:

$4 \times £17,959 \times 0.91 = £65,370.76$  (secondary)

$7 \times £50,000 \times 0.91 = £318,500$  (SEN)

Total education contribution: £383,870.76

Without a secured contribution of £383,870.76, Children's Services raise an objection to this application. This objection is on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development. The objection would be withdrawn if the financial mitigation measure is agreed.

Conclusion: Objection, subject to secured developer contribution.

Grounds: Detrimental impact upon local secondary education provision and SEN provision  
Highways (**received 01/02/2016**)

#### Traffic Impact Assessment

As this is an existing school there are a considerable number of traffic movements associated with it especially in the morning peak and these traffic movements needs to be considered against the likely traffic generation arising from the application.

Although not part of this application the applicant has provided an assessment of the traffic generation of the 50 units that is possible on the Cumberland Street site. The assessment of this actual application at 150 units has been made using the Trics database. A comparison of the peak hour traffic generations between the existing school traffic and the proposed residential development show that the flows are significantly lower for the residential scheme in the AM than the existing school operation and similar in the PM.

As there will be no external traffic impact on the road network due to the traffic flows not increasing, no wider junction testing is required. There is a requirement to assess the proposed site access junctions to ensure that no capacity problems will arise as a result of the development, the applicant has undertaken this assessment and the results show that no significant queuing will arise.

#### Access and Accessibility

All three access points are indicated as being 5.5m carriageway and two 2.0m footways, this is an acceptable standard of access to serve the development proposed although a lower standard of access may be preferable depending on the development layout at reserved matters stage.

The site is located not far the town centre and the site does have good pedestrian links and there are bus and rail services within a reasonable walking distance of the site. Overall, the site is considered to have good accessibility to sustainable modes of transport.

#### Summary and Conclusions

This is an application on the site of an existing school and there are a considerable number of traffic movements to and from the site that occurs on a daily basis. The proposal is for up to 150 dwellings although the applicants have tested 200 units to include the Cumberland Road site, the impact of the proposal produces less traffic generation than will occur as a result of the existing school and therefore there is no wider traffic impact on the road network other than the site access junctions

Although there is masterplan submitted this application is an outline application and the internal details would most likely change at reserved matters stage, as such no comments are made on the layout plan attached. There are three access points proposed, there are no objections to the access points proposed and the geometric standard of the accesses.

No highway objections are raised to the application.

**Environmental Protection** – (comments received 27/01/2016) No objections subject to conditions.

**Natural England** (received 16/12/2015 & 04/04/2016)

Natural England has no comments to make on this application.

**Environment Agency** (comments received 18/12/2015)

The Environment Agency has no objection in principle to the proposed development but wishes to make the following comments:

The River Bollin, which is designated "main river", flows adjacent to the northern boundary of the site. In accordance with the Water Resources Act 1991 and the Land Drainage Byelaws, our prior written consent will be required for any proposed works or structures in, under, over or within 8 metres of the top of the river bank.

Any proposed surface water outfall into the River Bollin will be subject to such consent. The outfall should be constructed wholly within the bank profile. The discharge exit velocity should not exceed 1.0 metre/second and be angled with the direction of flow in the river.

**United Utilities** (comments received 23/12/2015 & 04/04/2016)

With reference to the above planning application, United Utilities wishes to draw attention to the following as a means to facilitate sustainable development within the region.

#### 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.

With suggested conditions.

#### Water Comments

A water supply can be made available to the proposed development. Water pressure in this area is regulated to around 2 bar. This should be taken into account when designing the internal plumbing. There is a 6" SI main within the plan shown on Westminster Road

A water main/trunk main crosses the site. As we need access for operating and maintaining it, we will not permit development in close proximity to the main. You will need an access strip of no less than 5 metres, measuring at least 2.5 metres either side of the centre line of the pipe.

The applicant must comply with our standard conditions, a copy of which is enclosed, for work carried out on, or when crossing aqueducts and easements. This should be taken into account in the final site layout, or a diversion will be necessary, which will be at the applicant's expense. The level of cover to the water mains and sewers must not be compromised either during or after construction.

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.

The level of cover to the water mains and sewers must not be compromised either during or after construction.

**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.

### **Campaign to Protect Rural England** (comments received 20/01/2016)

The King's School, Macclesfield has made a major planning application with potential far-reaching impacts upon three sites - one within the urban part of Macclesfield and two in the surrounding Green Belt. The former involves a historic site near the town centre. Both of the latter involve the loss of productive agricultural land, mature trees and hedgerows.

The Campaign to Protect Rural England (CPRE) Cheshire Branch Macclesfield District wishes Cheshire East Council to be aware that it objects to the proposals for each site individually and it therefore it opposes the planning application in its entirety.

Further comments (separate document): Our reasons are as follows:

#### Over-arching comments

In summary, the proposal by King's School is to move away from the two sites on which it currently delivers education at Westminster Road/ Cumberland Street in Macclesfield and at Fence Avenue, Hurdsfield, selling both of these sites for housing and – with the proceeds – fund a move to an entirely new campus it wishes to build in the countryside to the north west of Macclesfield alongside its existing playing fields. This is spelt out within the documentation accompanying the planning application.

The school's reason for moving to a new site is its desire to consolidate its operations onto one site. The application is unconvincing that sufficient effort was put into finding a non-greenfield site or one already designated for development (no evidence is provided) and nowhere is justification provided for building on Green Belt. The only reason offered is that it suits the school's economic case. This does not constitute special or exceptional circumstances which need to be proved in order to build on Green Belt. There are any number of developers/would-be developers who 'want' to build on Green Belt and who would benefit economically from doing so, but that is not a satisfactory justification.

#### Westminster Road/ Cumberland Street Site, Macclesfield

It is our understanding that a large proportion of the play and open areas attached to the existing main school site were laid on the site of a waste tip – which would explain why the area is raised. If this is accurate, then it would be wholly inappropriate to place residential housing on this land. Putting that to one side, the open areas around the original historic listed building and other buildings on the main site, constitute an important green lung in an urban area and, because the original building is listed, its setting is of great importance.

CPRE is in favour of building on appropriate brownfield land in urban areas – and to a high density where suitable. We are members of the 'Smart Growth Coalition' which promotes such practices. But we contend that it would be entirely inappropriate to build on this site.

#### 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.

CPRE urges Cheshire East Council to refuse this application.

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

## **Macclesfield Town Council - Resolved response - 12/01/2016**

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 Westminster Road Planning Application 15/4285M

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 a detailed drainage and flooding 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.(below)

Public meeting 01/01/2016

Comment 1 – The planning documentation and traffic information do not mention the experimental closure of Coare Street to through traffic. This closure, causing all the 'rat runners' to drive through Sainsbury's roundabout and/or Hibel Road traffic on Westminster Road.

Comment 2 – In support. The proposed development is well situated in the town to access amenities such as shopping and the park adjacent to Sainsbury's. It will also answer to council in addressing the under provision of housing within the borough.

Comment 3 – Why did Cheshire East not inform us of this meeting by letter? Why did it start at 7.00pm and not 6.00pm as the letter informed us? Why when Cheshire East said that the outside inspector would speak at a hearing last year did it not happen, although a firm date was given on their website. Why was the original Cheshire East plan so obviously unlikely as consequent flooding would occur in Macclesfield homes. Are they trying to intimidate citizens to obtain exactly what they want?

Comment 4-I support the application

1. The development will improve the appearance of the buildings on Westminster Road.
2. The town centre needs more housing and this will provide that.
3. The school is currently disjointed on this site and the building of an attractive development will vastly improve the area.

Much has been said about the children who attend the school. A large percentage are from Macclesfield.

Comment 5 – Primary concerns centre around the traffic. Volume at key times, as all local residents know exceeds the road capacity. These key times also include times where King's School is not adding to the cause. 150 houses will compound this.

Westminster Road is a long straight road that seems to attract 'Boy Racers'. The proposed exits have limited visibility, further compounded by a seeming lack of traffic calm methods.

## **OTHER REPRESENTATIONS**

**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 15/4285M for up to 150 dwellings at Westminster Road, Macclesfield.

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

Taken together it is clear that the proposals currently envisaged, together with the issue of after-use for the existing school complex at Cumberland Street and the Science Block at Pownall Street, represent a single, interlinked urban development project of major significance for the town and the outlying area of Prestbury Parish.

In this context I note that the composite proposals would constitute (even though they may be submitted as separate applications) EIA development for the purposes of the 2011 Environmental Impact Assessment Regulations. Given the implications for substantial areas of the town and having regard to the stage at which the emerging Local Plan has reached it is evident that the whole project should be subject to evaluation rather than just the individual components. I have had a look at the EC EIA directive; the 2011 EIA Regulations which give the directive effect in the UK and the guidance in Circular 02/99. Clearly the envisaged scheme constitutes an “urban development project” and, as such, could fall within the remit of category 10(b) of Schedule 2 of the 2011 EIA Regulations as an “Infrastructure Development”. In the regulations the sole criterion is whether the development would occupy, as an indicative threshold, a site greater than 0.5ha in extent – it clearly does either in whole or in its parts. This guidance is supplemented in Circular 02/99, as allowed for in the EC directive as giving a margin of appreciation to Member States, where the main test is that of “significance of impact”. Indicative criteria are set out in paragraph A18-19 of Annex A to the Circular. The indicative criteria in the annex are not final as paragraph 33 of Circular 02/99 states that EIA may be needed if the proposal is a major development of more than local importance or forms part of a larger “single development project” – further advice on the test of “significance” is given in paragraph 34 and 35.

The Society believes that EIA development is involved and the each and every component of the scheme should be subject to a comprehensive assessment from the standpoint of impact on the town and outlying areas in terms of strategic planning policies, landscape, traffic, ecological and cultural heritage impacts. This should (under the EIA Regulations) be included in a single accessible document and subject to the enhanced degree of publicity, as required.

It was therefore disappointing to see that an environmental statement was only sought in respect of two of the three current applications and the other elements of the project (the existing school sites at Cumberland Street and Pownall Street) excluded. It appears that this does not accord with either the letter or spirit of the EIA regulations which give effect to the EC Directive, intended to be “wide in scope and broad in purpose”. From what I can see it appears that the Westminster Road element of the scheme (application 15/4285M) has been excluded (wrongly in my view) on the basis of the indicative criteria in Circular 02/99. Yet 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. It is suggested that this matter be reconsidered to avoid later reference to the Secretary of State.

### Planning Policy issues

This is an extensive project close to the town centre and bordering on long established residential areas served from Coare Street and Westminster Road. The project includes a substantial residential redevelopment of educational buildings and playing fields/pitches. Although within an urban area and considered suitable for residential use there would be a displacement of important open space and playing fields from an area accessible for much of the town to a more remote location to the north west, within Prestbury Parish. It is for the local planning authority to assess whether such a displacement accords with national and local policies for retention of open space and playing fields and no doubt the views of Sport England will be given due weight.

### Local impacts

The scale of new buildings is an important consideration given the relationship to existing dwellings in Westminster Road, Coare Street, New Hall Street, Northgate Avenue and Brynton Road having regard to relative ground levels and prospective distances between existing and proposed dwellings. It is accepted that such matters may not be resolved at the outline application stage, given that a subsequent developer may have other ideas regarding the way in which the site would be laid out. However, some parameters may legitimately be set at the outline application stage and the local planning authority should give careful consideration to this aspect.

### Traffic and access

The applicants argue that the project would not introduce significant additional volumes of traffic into this locality having regard to the current educational use. Presumably this argument is based on the number of traffic movements to and from the school, at peak times (0730-0900 and 1500-1630) something that the Society struggles to accept. Similarly, the agreement between the applicants and Cheshire East to only examine traffic impacts at the points of access onto Westminster Road beggars belief. The project will have a wider network effect upon traffic patterns in Macclesfield Westminster Road/Bollinbrook Road/Prestbury Road and Coare Street/Cumberland Street. The nearby roundabout junction on Cumberland Street is prone to congestion at peak and other times when there is a conflict between volumes of through traffic and locally generated traffic. Instead of being concentrated at peak times as argued this conflict would be present 24/7. Yet the traffic assessment is conspicuously silent on this issue.

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. 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 the reluctance to assess network impacts is very worrying. 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.

## **REPRESENTATIONS**

232 Representations received from members of the public 08/12/2015 - 12/04/2016 raising the following issues

### In Support

- Economic benefit to Macclesfield – footfall to town centre, local jobs, town centre redevelopment, investment from construction, may attract larger companies into Macclesfield, quoted 150 million over 2 years, ex-pupils of the school running local businesses
- Increase in housing in Macclesfield – particularly in attractive and convenient town centre location
- Increase in number of affordable/starter homes available in Macclesfield
- New and improved facilities available for community use, including local clubs/groups
- Proposal would allow the King's Schools to continue to develop and improve on the standard of education it provides
- The King's Schools adds prestige to Macclesfield/ they contribute positively to Macclesfield's reputation
- Reduce school traffic around the current Westminster Road site
- Improve facilities for pupils/future pupils, current situation is detrimental to an educational environment
- Secure the future of the King's School in Macclesfield / the King's Schools have a long history in Macclesfield / ensure the establishment can continue in Macclesfield
- The historic/listed buildings on the site would be retained
- The new school would be a more environmentally friendly/efficient than the current sites
- New town centre housing would increase retention of young people in Macclesfield / attract families and professionals to the area
- Provision of zero carbon/environmentally friendly houses in Macclesfield
- Potential for economic loss if the King's School relocate outside of Macclesfield
- In keeping designs which are suited to / sympathetic to the local area
- The King's school is a good school rated as 'excellent' by ofsted / various endorsements that King's is a top performing school
- Makes financial sense for the business to be located on one site and not two
- Makes logistical sense for the two schools to be on one site
- Overall benefits to the town (not further specified)
- New school site is needed / school needs to expand
- Opinion that the King's school is a considerate and charitable neighbour and would continue to be
- The development would contribute to the 'Make it Macclesfield' campaign for local regeneration
- Increase sporting and cultural opportunities
- No existing brownfield site suitable for new development
- Kings registered as a charity and is required to comply with the charity commissions public benefit requirements.

### In Objection

- Overshadowing / loss of light from new development
- Overlooking / loss of privacy from new development, particularly in gardens
- Loss of outlook
- The development does meet the 30% affordable housing quota, objection to the reasoning given that 'every pound spent on affordable housing is a pound less available to deliver the new school'
- Many brownfield sites in Macclesfield that could be used instead
- Concern of contaminated ground as site is based on a Victorian tip, concern these contaminants will be released into the air and the River Bollin catchment
- Loss of view towards the peak fringe area from various points of reference in and around the Westminster Road site
- Lack of buffer / green buffer / tree barrier between existing houses and new development. On previous plans there was an access road which residents expressed a preference for.
- Housing is very high density / concern too many houses for the site
- Access concerns about the new development, particular focus on entrance on Coare Street. Points raised about safety in an area with small children and elderly people.
- Concern that the very heavy traffic and recent proposals to close Coare Street have not been factored into the plans
- Objection to proposed pedestrian access at Northgate Avenue / New Hall Street
- Concern over differences in ground height at new development and existing houses, existing houses are much lower than the existing sports pitches and new development (Bryton Road, Bryton Close)
- Loss of local / town centre playing fields and sports pitches, including the recently installed all weather pitches.
- Proposed development will increase traffic at the location and the wider area
- Potential spread of Japanese Knotweed which is currently managed by the ground workers at the King's School.
- Potential for economic loss / loss of parent spending power in local area and town centre
- Will remove the association of the King's schools with Macclesfield and the reputational benefits it brings
- Will leave listed buildings which are difficult / costly to maintain
- Loss of trees / woodland
- Concern that existing stone wall may be lost (New Hall Street / Westminster Road)
- Lack of and loss of parking in the area, concern that cars will park in the area to reach the town centre
- Change in look and feel of the area, change in ambience. Concern materials used will not be in keeping.
- Potential increase in crime in the area
- Loss of green space, particularly in an urban / town centre environment
- Increase in noise while site is in construction
- Increase in noise from new development
- Drainage concerns due to increase hard standings, reports of increased garden flooding following installation of AstroTurf and concern of this worsening with new development.
- Potential increase in flooding
- Educational establishment is not available to all, lack of local children in attendance therefore does not benefit many in Macclesfield
- New school can not be reached by public transport whereas the old schools can
- Increase in air pollution from increased traffic
- Loss of local wildlife / habitat loss

- Use of playing fields for development is against various policies
- Concern that school may not be a viable business and may not be able to use the site long term.
- Concern that the new development will have a negative effect on values of existing houses
- Concern that many of the letters of support are from those with a vested interest in the King's School (teachers, governors, parents) and many do not live in Macclesfield
- Concern that as King's is a private business it will be profiting from building on the greenbelt
- Negative effect on quality of life for those located next to the development
- Lack of detail in plans about the houses that will be developed
- Concern that there is a lack of landscaping / planting in the plans. Opinions that increased planting would increase levels of privacy between new development and existing houses
- Query about why the school cannot develop on one of the existing sites at either Fence Ave or Westminster Road
- New facilities will be of minimal benefit as they only duplicate what is already available at the current site.

### **APPLICANT'S SUPPORTING INFORMATION**

- Planning Statement
- Air Quality information (Updated March 16)
- Ground desk study parts 1-9
- Framework Travel Plan
- Transport Assessment
- Townscape Assessment
- Flood Risk Assessment
- Geo Environmental Reports
- Arboricultural Statement
- Archaeology Statement
- Design and Access Statement
- Playing Field Assessment
- Statement of Community Involvement
- Economic Statement
- Existing Sports Provision
- Illustrative Masterplan
- Green Infrastructure
- Preliminary Ecological Survey
- Section 106 agreement – April 2016

### Planning statement conclusions

This Statement considered at the outset, whether the proposed development at Westminster Road contributes to the national requirement to deliver a wide range of quality homes. The conclusion is that it can, and further, that the illustrative layout shows in detail how this can be achieved. A high quality development is also sustainable development. It follows that the presumption in favour of sustainable development applies in this case.

The proposal accords with the objectives to ensure that new residential development provides for a satisfactory level of open space. The illustrative layout shows that the number of units proposed can be delivered in a scheme that achieves a high quality environment with open spaces, play areas and other amenity features.

There are no adverse impacts on the amenity of local residents raised by the proposal.

Therefore, there are no day to day development management policies that provide a basis on which to refuse planning permission.

The proposal is meritorious in its own right. Any concerns that the development causes harm beyond that conclusion are offset by a wider appreciation of the merits of the proposal by King's School as a whole. Put together, the merits of the proposal with the benefits that this proposal brings as part of the relocation of The School to Derby Fields provides a compelling case. Planning permission should be granted.

## **APPRAISAL**

### **Key Issues**

- Principle of development
- Loss of King's School at the Westminster Road site
- Loss of playing pitches
- Housing Land Supply
- Sustainability
- Affordable Housing and Viability
- Loss of pitches and relocation of facilities
- Landscape Impact
- Trees
- Access and Public Rights of Way
- Ecology
- Amenity
- Flood Risk
- Employment
- Economy of wider area
- Design
- Highways
- Section 106 agreement
- CIL
- Representations
- Conclusions
- Planning Balance
- Recommendation

### **Principle of development**

The site is located within the town centre of Macclesfield, it is bounded to the north by Green Belt land, however the site predominantly sits within the settlement boundary of the town. Within the settlement there is a presumption in favour of sustainable development providing no material considerations exist to outweigh the benefits of approving the proposals. The application proposes the complete redevelopment of the Westminster Road school site for residential development and is, therefore, due to its location acceptable in principle.

The site is previously developed land, it contains a number of buildings, all of which are in use by King's School. The redevelopment of previously developed land for residential development is an acceptable form of development, and is encouraged through local and

national planning policy. The most recent planning reform consultation from DCLG sets out at paragraph 21.

*'We have already made clear our priority for ensuring as much as possible of brownfield land in driving up housing supply. The National Planning Policy Framework states that planning should encourage the effective use of land by reusing brownfield sites provided they are not of high environmental value, and that local councils can set locally appropriate targets for using brownfield land. In the Housing and Planning Bill, we have set out our intention to require local planning authorities to publish and maintain up-to-date registers of brownfield sites suitable for housing. It is our intention that brownfield registers will be a vehicle for granting permission in principle for new homes on suitable brownfield sites. Our ambition is for 90% of brownfield land suitable for housing to have planning permission by 2020.'*

It is clear therefore that the thrust of the national planning agenda is supportive of the use of brownfield sites, or previously developed land to be redeveloped to contribute to housing supply. The scheme accords with the aims of the development plan and national planning policy paragraph 17 to 'proactively drive and support sustainable economic development to deliver the homes *inter alia* that the country needs'.

-The north of the site is located within the Green Belt where there is a presumption against inappropriate development. However this will be retained as green space with tree planting along the southern edge of the river. Therefore the principle of development for this area of the site is acceptable within the Green Belt as it maintains openness and does not propose any development.

### **Loss of King's School at the Westminster Road site**

The loss of the Westminster Road King's School site is part of a wider proposal to relocate both girls and boys schools to one new site, which is to be located on the edge of Macclesfield within the Green Belt. The King's School is a private educational institution which is privately funded and sits outside of the education authority's remit. Therefore the decision to remove the school from this site and relocate elsewhere has been taken by the school and has been considered to be the most efficient option for the school moving forward. The loss of the educational facilities at the site will be compensated for on the new combined site, therefore the equivalent number of pupils will be accommodated at the new school and private school places will not be lost as a result of the proposals when taken as a whole.

This application sits alongside two further applications, without those applications the proposal would not work effectively and the scheme would essentially be the loss of the boys school element of the King's School as a whole. Therefore it is not considered to be a viable option by the school to lose the Westminster Road site and retain the Fence Avenue site, however this does not preclude future alternative plans by the school.

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

The Westminster Road site currently contains sports pitches and facilities which are used by the school and can be used by the wider community. These however are not publicly accessible at all times and do not comprise public open space.

The current facilities include:

- two senior rugby pitches
- one cricket pitch
- one hockey pitch
- one 7s hockey pitch
- one MUGA
- cricket nets
- rugby training grids
- one long jump pit
- one discus area

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.

## **Housing Land Supply**

The Council's current position with regard to 5 year housing supply is shown below:

Following the receipt of the Further Interim Views in December 2015, the Council has now prepared proposed changes to the Local Plan Strategy, alongside new and amended strategic site allocations, with all the necessary supporting evidence. The proposed changes have been approved at a Full Council meeting held on the 26 February 2016 for a period of 6 weeks public consultation which commenced on Friday 4 March 2016. The information presented to Full Council as part of the LPS proposed changes included the Council's 'Housing Supply and Delivery Topic Paper' of February 2016.

This topic paper sets out various methodologies and the preferred approach with regard to the calculation of the Council's five year housing land supply. From this document the Council's latest position indicates that during the plan period at least 36,000 homes are required. In order to account for the historic under-delivery of housing, the Council have applied a 20% buffer as recommended by the Local Plan Inspector. The topic paper explored two main methodologies in calculating supply and delivery of housing. These included the Liverpool and Sedgefield approaches.

The paper concludes that going forward the preferred methodology would be the 'Sedgepool' approach. This relies on an 8 year + 20% buffer approach which requires an annualised delivery rate of 2923 dwellings.

The 5 year supply requirement has been calculated at 14617, this total would exceed the total deliverable supply that the Council is currently able to identify. The Council currently has a total shortfall of 5,089 dwellings (as at 30 September 2015). Given the current supply set out

in the Housing Topic Paper as being at 11,189 dwellings (based on those commitments as at 30 September 2015) the Council remains unable to demonstrate a 5 year supply of housing land. However, the Council through the Housing Supply and Delivery Topic paper has proposed a mechanism to achieve a five year supply through the Development Plan process.

The PPG indicates at 3-031 that deliverable sites for housing can include those that are allocated for housing in the development plan (unless there is clear evidence that schemes will not be implemented within five years). Accordingly the Local Plan provides a means of delivering the 5 year supply with a spread of sites that better reflect the pattern of housing need however at the current time, the Council cannot demonstrate a 5 year supply of housing. Therefore it is important that new housing is delivered to reduce this shortfall.

## **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**

### **Affordable Housing and Viability**

A viability assessment was submitted as part of the application which has been independently assessed. The viability assessment stated that the three applications could not bear the costs of any financial or other contributions towards affordable housing or education. This proposal is an outline application for up to 150 dwellings. As part of this application a draft section 106 agreement (for the three applications as a whole) has been submitted which proposes an affordable housing package of 5% of the units to be starter homes, offered at 20% discount on open market value.

The policy compliant requirement on this site will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 150 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 45 dwellings to be provided as affordable dwellings. 29 units should be provided as Affordable rent and 16 units as Intermediate tenure. This development includes zero affordable dwellings and therefore Strategic Housing objects to the proposals.

The SHMA 2013 shows that yearly demand between 2013/14 and 2017/18 in Macclesfield is for 103 x 2 bed, 116 x 3 bed and 80 x 1 bed older persons dwellings. Information from Cheshire Homechoice shows that there are currently 1227 on the housing waiting list who have selected Macclesfield as their first choice. Those applicants require 518 x 1 bed, 479 x 2 bed, 199 x 3 bed and 31 x 4 bed dwellings. Therefore a mixture of units on this site, to include 1 bed and older persons accommodation, would be acceptable.

The viability argument for this site is not straightforward, as it is not a traditional housing scheme where a reasonable level of profit for the developer is required. In this case the

applicant is the school, and the proposals are to fund the development of the new school and to put the profit generated from the sale of the land and the development of housing into the new school project – which is estimated to cost around £50m. The mechanism to ensure that a reasonable amount of profit from the site goes into funding the new school will be secured through a Section 106 agreement which will cover all three sites, which is yet to be agreed.

Based on this model, the applicant argues through their viability assessment that to provide a policy compliant scheme with regard to affordable housing is not possible as it will reduce the amount of money available to develop the school. The Council has had the viability independently assessed and it does demonstrate that there are insufficient funds from the housing developments to fund the new school.

An alternative of 5% of units to be sold at a 20% discount of market value is proposed. This proposal is not policy compliant and is therefore contrary to the Council's Interim Affordable Housing Statement. This proposed redevelopment of the site alongside the proposal at Fence Avenue totals circa 450 dwellings, which is a significant amount for Macclesfield. For two major sites within Macclesfield to have not one traditional affordable unit, making no significant contribution to social housing does not make a positive contribution to the social sustainability of the Macclesfield community. Therefore the proposal conflicts with the social strand of sustainability, contrary to the aims of the National and Local policy to deliver true sustainable development which weighs against the proposal in the overall planning balance.

### **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.

Comments in respect of general open space on this site itself remain outstanding however given the outline nature of the proposal a policy complaint position should be achievable.

### **Education**

A proposal of a total of 450 dwellings within Macclesfield will undoubtedly put additional pressure on local schools. Therefore the proposal in order to be acceptable to offset this harm requires an education contribution. This has been calculated as follows and runs alongside the application for the redevelopment of the Fence Avenue site which proposes a further 300 units. The mechanism for the section 106 agreement will still need to be refined but at present across the two housing sites the development of 450 dwellings is expected to generate:



82 primary children ( $450 \times 0.19 = 4$  SEN)  
65 secondary children ( $450 \times 0.15 = 3$  SEN)  
7 SEN children ( $450 \times 0.51 \times 0.03\%$ )

The development is forecast to create a shortfall predicted for secondary provision in the immediate locality and SEN provision.

To alleviate forecast pressures, the following contributions would be required:

$4 \times £17,959 \times 0.91 = £65,370.76$  (secondary)  
 $7 \times £50,000 \times 0.91 = £318,500$  (SEN)

Total education contribution: £383,870.76.

Without a secured contribution of £383,870.76 (pro-rata across the two sites), Children's Services raise an objection to the application on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development.

The applicant does not propose to pay Children's Services the sum required in order to offset the need for school places however as an alternative the Macclesfield Bursary Fund is proposed to the sum of £383,000 secured through the section 106 agreement, the definitions are set out below:

*Macclesfield Bursaries: means-tested bursaries awarded to pupils living within either the town of Macclesfield or otherwise within the Council's administrative area. The purpose of the award is to meet in full or in part the school fees of the recipient incurred in attending the School. The total value of the combined Macclesfield Bursaries offered in accordance with the provisions of Schedule [2] in any academic year shall not be required to exceed £170,000 (being the amount which it is estimated will be sufficient to fully fund two pupils through their complete secondary education at the School) and "Macclesfield Bursary" shall be construed accordingly.*

*Macclesfield Bursary Fund: A sum of £383,000 (three hundred and eighty three thousand pounds) paid by the School into an interest bearing account pursuant to Paragraph [9] of Schedule [2]*

This method of providing education to the equivalent value of what is required by the Council's Children's Services team has been tabled by the applicant's and will provide bursaries towards private education for up to 4 children to complete their secondary education at King's School. The bursaries will be means tested and will be offered in the first instance to children within the postcodes SK10 and SK11 which cover the Macclesfield area. Details of the bursaries will be reported back to the Council as set out in the proposed Section 106 agreement.

Providing education of any kind is beneficial, however, the proposal of providing 4 bursaries in lieu of a substantial contribution of £383,000 does not equate to the level of education provision Children's Services could secure through the contribution. Whilst the number of secondary school places is equivalent which is noted, the contribution to Children's Services

would also provide for 7 SEN (Special Education Needs) places. It is noted therefore that whilst the number of Secondary School places would be equivalent, the proposals would not provide the 7 SEN places which are expected to be generated by the proposed development. Therefore to not contribute would directly impact on SEN provision in the Macclesfield area.

Therefore in terms of social sustainability, whilst a partial contribution is provided SEN would not be provided for, therefore the proposals would not fully be sustainable in terms of meeting the educational needs of the locality.

This application is part of the wider package of proposals 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.*

This application forms part of the wider proposals to create the new King's School which accords with paragraph 72 of the NPPF which provides a private school to meet the needs of part of the local community, which according to the planning statement is required to secure the future of the school.

### **Social Sustainability Conclusion**

The proposals for the residential development will not make an affordable housing contribution it will however 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. 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 open space on the site will be agreed through the reserved matters application which will ensure that adequate circulation space and connectivity to the surrounding area is sufficient for future residents through adopting established urban design principles. The management of open space will be agreed through the Section 106 agreement and is set out in the draft agreement. These contributions do provide community benefit, and it is unfortunate that the scheme 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 the residential development of a brownfield site 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 proposals. However, all applications must be assessed on their individual merits, and in the case of this site for 150 dwellings, the proposals are still 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 dwellings 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 proposals are balanced in terms of social sustainability, the social contribution the scheme makes must be taken into account, however the lack of affordable housing and lack of a full education contribution are significant issues and without these benefits the proposals will have a detrimental impact on local infrastructure and the community will ultimately bear the cost of these shortcomings. As a result the development will be unsustainable and should be refused on this basis.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Landscape Impact**

The site is within a sensitive location on the edge of the Green Belt, therefore it is important that the proposals do not have a greater landscape or visual impact than the current situation.

The site is located in an urban area, it is 5Ha in area and is currently occupied by Kings School. It includes school buildings, playing fields and sports courts. There's a narrow band of woodland along the northern edge of the site which lies within the Bollin Valley and Parklands Local Landscape Designation Area (ASCV). There's an avenue of mature sycamore trees along the Westminster Road boundary and stone walls along the Westminster Road and the Coare Street boundaries. The application is supported by a Landscape, Townscape and Visual Appraisal

### **Landscape & Townscape effects**

The Council's Landscape Officer has concluded that the development would have a minor beneficial effect on the landform as at the northern end of the site re-grading would be required to provide vehicular access from Coare Street and steps or ramps would be provided to allow pedestrian access to Newhall street and Northgate street.

The replacement of school buildings with housing would have a moderate beneficial effect and the change from open courts and pitches to housing development would have a neutral effect.

Retention of the avenue of trees along Westminster Road and new tree planting would have a minor beneficial effect.

### Visual Effects

The assessment identified that the site is not visible from the wider area as it is screened by surrounding buildings. Residents and users of the streets immediately surrounding the site form the main visual receptors.

The proposals would result in no significant adverse effects. The users of Macclesfield Riverside Park may glimpse the new houses during the winter months but this would have a negligible effect.

Around the northern part of the site the change from playing fields to new housing would have a neutral effect – ‘not necessarily harmful, just different’.

At the southern end of the site the replacement of old school buildings with new housing would have slight beneficial effects on King’s School, the users of the eastern entrance to West Park and the residents/users of Coare Street and Newhall Street. It would also have a neutral effect on users of Sainsbury’s car park and of the southern end of Westminster Road.

### Landscape Conclusions

The Landscape Officer agrees with the appraisal apart from the change from open courts and playing pitches to housing development at the northern end of the site which would probably have minor adverse rather than neutral landscape and visual effects. However, these adverse effects would not be significant. The Landscape Officer raises no objections to the application subject to conditions. The Landscape Officer has also stressed the importance of retaining the avenue of trees along Westminster Road and their root protection areas retained as public open space and the stone walls along Westminster Road and Coare Street must also be retained. Further consideration should also be given to the northern edge of the site within the ASCV to provide an appropriate margin of open space between the development and the woodland which can be negotiated through the future reserved matters scheme.

Overall the proposals do not have a more detrimental impact on the landscape than the current situation, therefore the proposals accord with policies DC8 and NE2 of the MBLP.

### **Trees**

The application is supported by an Arboricultural Statement (Cheshire Woodlands Arboricultural Consultancy CW/7699-AS1 dated September 2015) which includes a Tree Survey Schedule (Ref CW/7699-SS1) and Tree Constraints Plan (CW/7699-P-TC-1).

Trees within and immediately adjacent to the site are currently not formally protected by a Tree Preservation Order. The site is not located within a Conservation Area where trees would be pre-emptively protected.

The Statement has identified 12 individual trees, and 12 groups within the application site which have been categorised in accordance with *BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations*.

The majority of trees within the site are located along the western boundary of the application site behind a stone wall as a prominent linear group adjacent to Westminster Road and to the north of the site forming a visually prominent linear woodland/group adjacent to the River Bollin connecting to Macclesfield Riverside Park Nature Reserve. Other trees identified include a mature High (A) category Lime located to the western boundary of the site adjacent to the rear of properties on Brynton Road and two mature moderate (B) category Sycamore located on the frontage of Coare Street which provide some contribution to the street scene and wider amenity of the area.

The statement identifies three mature trees within Group G1 and one mature tree within Group G2 located on the Westminster Road frontage will require removal due to safety considerations. These trees have evidence of internal decay and/or have been identified with the decay fungi. Their removal is considered reasonable and appropriate arboricultural management in the context of existing and future management of the site.

The outline development proposals will require the direct loss of two young moderate (B) category Rowan trees (T10 and T11) and a young Norway Maple (T12). These trees are located close to and associated with existing school buildings and are not significantly visible as public amenity features. In this regard their removal will not have any measurable impact.

A group of recently planted low category trees (G5) comprising of various species including Silver Birch, Alder, Beech, Apple, Hawthorn, Oak, and Holly, located to the north east boundary of the site adjacent to the end of Northgate Avenue have been identified for removal to accommodate a new pedestrian access and construction of a retaining structure. Whilst these trees provide some screening to the two end properties from adjacent outdoor school activities, their value and contribution to the wider amenity is considered to be negligible.

In addition to the loss of a poor quality tree within Group G2, two further high (A) quality trees within Group G2 will require removal to accommodate the proposed access into the site off Westminster Road (note the Arboricultural Statement at 7.6 refers to Group G1 not G2).

The issue of access provision off Westminster Road was considered and assessed as part of the pre-application process. The principle of maintaining the tree lined character of Westminster Road and the separation of development from this visually important feature was discussed in detail. In accordance with the pre-application discussions, an internal road (running parallel with Westminster Road) provides for separation between existing trees and residential development and scope for compensatory planting and landscape enhancement.

In terms of the southern access off Westminster Road, tree losses will be restricted to those identified in the statement as being required for removal due to their condition (within G1).

With regard to the northern access two high (A) quality trees (within G2) will require removal. Subject to highway engineer's requirements for access design and forward visibility splays, anticipated tree losses ought be restricted to these two trees. In this regard the arboricultural officer is satisfied that the submitted design provides for the integration of additional large canopy trees both along the Westminster Road frontage and internally within the site which providing adequate compensation for these losses.

The illustrative Master Plan shows an access road between the woodland edge along the River Bollin corridor to the north of the site and residential development, which is to be welcomed. Within this area there is evidence of landfill which is identified within the statement and its removal/restoration of levels shall be included within a Arboricultural Method Statement as part of any future reserved matters application which should ensure that the design and final layout shall ensure any residential gardens do not back onto the woodland and that separation from residential development is maintained.

Any future reserved matters application is to be supported by and Arboricultural Implication Study in accordance with BS5837:2012 which shall include an Arboricultural Method Statement referred to above and proposals for a plan of woodland management to ensure the long term continuity of the woodland at the northern end of the site.

It is considered that the tree losses explained above are acceptable and are not significant to have a detrimental impact on the amenity of the area and the reserved matters application can secure adequate planting and management of woodland, the proposal is considered to be acceptable and be in accordance with the development plan.

## **Access**

The proposed development does not appear to affect a public right of way. 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). NPPF continues to state (para. 35) that *“Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to.....*

*-give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;*

*-create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians”.*

Proposed developments should present an opportunity to deliver and improve walking, cycling and equestrian facilities for transport and leisure purposes, both within the proposed development site and in providing access to local facilities for education, employment, health etc. These aims are stated within the policies and initiatives of the Council’s statutory Local Transport Plan and Rights of Way Improvement Plan and also within the Local Plan Strategic Priority 2: *“Creating sustainable communities, where all members are able to contribute and where all the infrastructure required to support the community is provided. This will be delivered by:*

- 2. Ensuring that development provides the opportunity for healthier lifestyles through provision of high quality green infrastructure and cultural, recreational, leisure and sports opportunities*
- 4. Improving links between existing and new neighbourhoods by giving priority to walking, cycling and public transport and providing a genuine choice of transport modes and supporting community integration”.*

In the case of this application, it is considered that adequate connections are able to be made in order to ensure that walking and cycling routes to and from and around the site are sufficient. This can be established through the reserved matters stage, through using urban design principles set out in the Council's design guide. The Rights of Way team have made recommendations for the reserved matters stage. The location of the site is sustainable with good existing connections to services and facilities within the town centre and public transport routes, therefore accords with the aims of the NPPF for development to be located within sustainable locations.

## **Ecology**

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

### Bats

The submitted Preliminary Ecological Appraisal identifies three buildings that would be lost as a result of the proposed development that have potential to support roosting bats. The submitted report recommends that these buildings be subject to an internal inspection and bat activity survey to determine the presence/absence of roosting bats. The design and access report states that this survey will be available in August 2015 however a copy does not appear to have been submitted with this application.

In order to make a fully informed assessment of the potential impacts of the proposed development upon protected species the report including the required bat surveys must be submitted to the Council prior to the determination of the application.

### Hedgehog

Hedgehogs are a biodiversity action plan priority species and hence a material consideration. There are records of hedgehogs in the broad locality of the proposed development so the species may occur on the site of the proposed development, a condition is recommended in respect of hedgehogs.

### Woodland

A woodland is located towards the north of the application line boundary. Habitats of this type are a material consideration. It must be ensured that no development takes place within the woodland. This can be mitigated through the layout at the reserved matters stage.

### Badgers

Badgers are active to the north of the red line of the application but no evidence of any setts was recorded. The submitted preliminary ecological appraisal recommends a detailed badger survey be undertaken. The design and access report states that this survey will be available in August 2015 however a copy does not appear to have been submitted with this application.

It is advised by the Ecologist that the outstanding information is submitted prior to the determination of the application, which was requested in January 2015.

## Japanese Knotweed

The applicant should be aware that Japanese Knotweed is present on the proposed development site. Under the terms of the Wildlife and Countryside act 1981 it is an offence to cause Japanese Knotweed to grow in the wild. Japanese knotweed may be spread simply by means of disturbance of its rhizome system, which extends for several meters around the visible parts of the plant and new growth can arise from even the smallest fragment of rhizome left in the soil as well as from cutting taken from the plant.

Disturbance of soil on the site may result in increased growth of Japanese Knotweed on the site. Therefore if the applicant intends to move any soil or waste off site this must be removed under the terms of the Environmental Protection Act 1990.

Without the information requested, it is not possible for the Council's Ecologist make a recommendation in respect of ecology, at the time of writing the report this information is not available, however Members will be updated at the committee meeting in respect of ecology issues.

## **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. Environmental Health has raised no objections in respect of noise, vibration and dust, subject to the submission of a construction phase environmental management plan.

With regard to air quality an Air Quality Impact Assessment produced by WYG dated September 2015 has been submitted in support of the planning application, however the scope and methodology were not agreed prior to submission with the Council.

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> from additional road traffic associated with this development.

It is unclear within the report 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.

The report concludes that there will be a negligible increase in pollutant concentrations at receptors modelled.



Taking into account the uncertainties associated with modelling, the impacts of the development could be significantly worse. Therefore Environmental Health has recommended conditions in line with the recommendations in the WYG report in order to help mitigate this. Therefore with these mitigation measures in place the proposed development would not cause harm through air pollution to future or existing residents in the locality.

Dust will be generated by the demolition and construction processes on the site, therefore the WYG report includes mitigation measures for this, and detailed information has been submitted with the application with regard to contaminated land which is to the satisfaction of the Environmental Health officer, as a result 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. 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. This site is adjacent to the River Bollin which is located at a lower level than the majority of the site. A Flood Risk Assessment was submitted with the application, which concludes 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. Both the Environment Agency and United Utilities have commented on the application, and neither have 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.

## **Design**

The proposed development is at outline stage, the hard and soft landscaping and materials will be agreed by condition to ensure that the proposal does not have a detrimental impact on the character of the area and can make a positive contribution to the site. The remainder of the site is at outline stage where no detail is agreed save for access. Therefore detailed design will be agreed at the reserved matters stage. At the reserved matters stage the proposed design and layout can ensure that separation distances are adequate to ensure no detrimental impact on existing or future residents, by virtue of overlooking, loss of privacy or loss of light.

## **Highways**

A large amount of objections have been received by local residents in relation to increased traffic and highways issues. The application is in outline form with access and the principle of development to be agreed at this stage.

The site lies off Westminster Road in a predominately residential area of Macclesfield and will have two access points off Westminster Road and one access from Coare Street. The remainder of the school site that fronts onto Cumberland Street is separated by Coare Street and is not included in this application. The further development may come forward for in the future.

## Traffic Impact Assessment

As this is an existing school there are a considerable number of traffic movements associated with it especially in the morning peak and these traffic movements needs to be considered against the likely traffic generation arising from the application.

The assessment of this actual application at 150 units has been made using the Trics database. A comparison of the peak hour traffic generations between the existing school traffic and the proposed residential development show that the flows are significantly lower for the residential scheme in the AM than the existing school operation and similar in the PM.

As there will be no external traffic impact on the road network due to the traffic flows not increasing, no wider junction testing is required. There is a requirement to assess the proposed site access junctions to ensure that no capacity problems will arise as a result of the development, the applicant has undertaken this assessment and the results show that no significant queuing will arise. (Although not part of this application the applicant has provided an assessment of the traffic generation of the 50 units that is possible on the Cumberland Street site).

## Access and accessibility

All three access points are indicated as being 5.5m carriageway and two 2.0m footways, this is an acceptable standard of access to serve the development proposed although a lower standard of access may be preferable depending on the development layout at reserved matters stage.

The site is located not far the town centre and the site does have good pedestrian links and there are bus and rail services within a reasonable walking distance of the site. Overall, the site is considered to have good accessibility to sustainable modes of transport.

## Highways summary and conclusions

This is an application on the site of an existing school and there are a considerable number of traffic movements to and from the site that occurs on a daily basis. The proposal is for up to 150 dwellings (although the applicants have tested 200 units to include the Cumberland Road site) the impact of the proposal produces less traffic generation than will occur as a result of the existing school and therefore there is no wider traffic impact on the road network other than the site access junctions.

Although there is masterplan submitted this application is an outline application and the internal details would most likely change at reserved matters stage, as such no comments are made on the layout plan attached. There are three access points proposed, there are no objections to the access points proposed and the geometric standard of the accesses.

A number of representations have been made with relation to highways issues and also concerning the proposed closure of streets surrounding the existing school site for the benefit of existing residents along the traditional terraced streets to the south of the site. However the proposed route has not been implemented by Cheshire East Highways and therefore the application must be assessed against the current situation. It is considered that the proposals will not have a detrimental impact on the highway network and that the proposed access points are suitable to serve the proposed development, the proposals therefore accord with the Development Plan and the NPPF.

### **Environmental sustainability conclusions**

It is considered that the proposed development is generally environmentally sustainable. However this is subject to the Ecological issues being resolved to the satisfaction of the Council. It is considered that the location is sustainable and any harmful effects of the development with regard to pollution can be adequately mitigated. The landscape impact of the proposed development is not harmful to the amenity of the area, and the loss of certain trees is acceptable. The highway impact is not considered to be significant. On balance, subject to a positive ecological recommendation it is considered that through appropriate and effective mitigation, levels of harm would be acceptable and would not warrant refusal of the application.

## **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 Westminster Road site's development, 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 addition of 150 units will undoubtedly boost the economy in the local area through the increased use of shops and services making 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 a brownfield site by providing market housing in a town centre location.

### **Section 106 agreement**

The terms of the Section 106 agreement are not formally agreed and if approved the leag agreement(s) would need to be refined however the applicant proposes the following:

- Education contribution of bursaries for Kings School to the value of £383,000 (for two sites)
- Open Space Provision
- Open Space and Landscape Management (to include Public Open Space)
- Provision of starter homes (5% at 20% discount)
- 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
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## **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 been addressed to the satisfaction of the Council these include Ecological concerns. 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.

Questions have been raised in the representations whether this application is an EIA development. Generally a residential development of this size of up to 150 dwellings within a sustainable town location would not be an EIA development as it would not have a greater than local impact on the environment. Therefore in this case the Council does not consider this to be an EIA development in terms of the 2011 EIA regulations.

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.

## **PLANNING BALANCE**

The principle of residential development of previously developed land is supported at all levels of planning policy where the Government's aims are clear. PDL and brownfield sites should be used to boost housing supply where appropriate, the housing and planning bill consultation paper sets out the Government's intention '*Our ambition is for 90% of brownfield land suitable for housing to have planning permission by 2020.*' Clearly these proposals align with the intention of the Government to encourage the use of brownfield land to boost housing supply. Cheshire East cannot demonstrate a 5 year supply of housing, therefore the presumption in favour of sustainable development at paragraph 14 of the Framework applies where it states that LPAs should grant permission unless any adverse impact of doing so

would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework when taken as a whole; or specific policies in the Framework indicate development should be restricted.

It has been demonstrated through the application that additional information can overcome certain issues along with suggested planning conditions and obligations. However three issues remain outstanding at the time of writing this report. It is considered that the ecology issues may be able to be mitigated if the correct surveys are submitted with appropriate recommendations to the satisfaction of the Council's Ecologist in order for a recommendation to be made on this issue. However, the issue of the lack of affordable housing and the lack of a satisfactory education contribution will not result in sustainable development as the proposed development will place a burden on the local community through not providing sufficient community benefit, which cannot be overcome without a policy compliant scheme.

The lack of affordable housing provision is a balanced issue, however, the viability assessment which has been verified independently shows that the proposed development cannot bear the additional cost of providing affordable housing if the project is to be viable, although starter homes can be provided on site which makes some social contribution. The proposals will put pressure on the state school education infrastructure which serves the catchment area of the site. The proposed secondary places at King's School would be means tested and would provide 4 places in total, however no SEN provision would be made as a result of the application. It is considered therefore that the proposals are not fully socially sustainable and should be refused on this basis.

The proposal is largely sustainable in terms of the environment, however the issue of ecology must be resolved to the satisfaction of the Strategic Planning Board.

The proposal and the wider proposals are economically sustainable as detailed in this report.

Through the assessment as to whether the scheme represents sustainable development, it is considered that it does not achieve this in terms of three strands: social, environmental and economic sustainability. Therefore the proposal as it stands does not align with the presumption in favour of sustainable development set out in the NPPF, and should be refused.

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision 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, and benefits for local businesses.
- The proposal will not have an adverse landscape impact.
- There is no negative highways 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 is considered to be neutral as this can be addressed through mitigation.

- The impact upon the residential amenity/noise/air quality/landscape and contaminated land could be mitigated through the imposition of planning conditions.
- The loss of playing pitches over the Fence Avenue and Westminster Road has been justified through evidence to the satisfaction of Sport England subject to conditions.

The adverse impacts of the development would be:

- 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% starter homes (80% market value) are proposed.
- No financial educational contribution to Children's Services, bursaries are proposed.
- No SEN contribution.

On the basis of the above, it is considered that the proposal does not represent sustainable development due to the outstanding issues above it is not considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits.

## **RECOMMENDATION**

### **Refuse**

1. The application requires the provision of affordable housing in order to represent sustainable development and to comply with the Council's Interim Planning Statement: Affordable Housing (IPS), no affordable housing is proposed to be delivered as part of the proposals contrary to saved policy H8 of the Macclesfield Borough Local Plan and paragraph 50 of the NPPF.
2. The application does not make provision for a necessary educational contribution to mitigate the harm to education services as a result of this development. The proposal will therefore put pressure on social infrastructure services locally contrary to saved policy H5 of the Macclesfield Borough Local Plan and paragraph 162 of the NPPF.
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.



